



**REPORT FROM:** ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL  
AND REGULATORY SERVICES

**TO:** WEST CRAVEN COMMITTEE

**DATE:** 6<sup>th</sup> JUNE 2023

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning application.

## REPORT TO WEST CRAVEN COMMITTEE ON 06 JUNE 2023

**Application Ref:** 22/0577/FUL

**Proposal:** Full: Major: Erection of 47 dwellings with associated access and landscaping, change of use of Brook Shed engine house to a community use (Use Class F2(b)), demolition of the chimney stack and north elevation of the former weaving shed, boiler house reelevation, partial sections of the north elevation of the former weaving shed and water tank.

**At:** Site Of Former Brook Shed, New Road, Earby

**On behalf of:** Gleeson

**Date Registered:** 24/08/2022

**Expiry Date:** 13/02/2023

**Case Officer:** Alex Cameron

This application was deferred from Committee in May for further discussions with the applicant.

### **Site Description and Proposal**

The application site is a former mill site now demolished but for the engine house, chimney and walls fronting New Road. The site is located within Earby Conservation Area, New Cut flows to the west with terraced housing opposite, there are commercial properties and terraced houses across New Road to the north, terraced houses to the east and a domestic garden and cricket ground to the south.

The proposed development was originally for the erection of 48 dwellings with the partial retention of the chimney and wall fronting New Road. To resolve issues with dwellings being located in flood zone 3b the plans have been amended to 47 dwellings with the full demolition of the chimney and boundary wall. The engine house would be retained and changed to community use.

The proposed housing consists of 8 four bedroom detached houses, 7 three bedroom detached houses, 30 three bedroom semi-detached houses and 2 two bedroom semi-detached houses. The proposed materials are buff and red brick, concrete tile roofs and uPVC windows and doors.

### **Relevant Planning History**

None

### **Consultee Response**

**PBC Environmental Health** – Request conditions for contaminated land and a construction method statement

**Environment Agency** – Satisfied that the layout has been amended so that the built development is outside of flood zone 3b, however, object as the Flood Risk Assessment does not adequately demonstrate that the development would not increase off site flood risk.

**Lead Local Flood Authority** – No objection subject to conditions for accordance with the Flood Risk Assessment, drainage strategy, construction surface water management, drainage operation and maintenance, verification report.

**Yorkshire Water** – A water supply can be provided, request conditions be attached for separate foul and surface water drainage, surface water drainage details, protection of sewers.

**LCC Education** – An education contribution is not required.

**East Lancashire NHS Trust** – Request a contribution to meet the needs of the population which arises from the development, for the first three years of the occupation of the development.

### **Public Response**

Site and press notices posted and nearest neighbours notified. Responses received objecting on the following grounds:

- Pendle is over subscribed for new houses.
- Inadequate services and infrastructure to support new houses.
- Inadequate employment in the area.
- There are bats living within the site and a full bat survey should be carried out.
- The site is a wildlife haven.
- Badgers may access the site during the construction phase and mitigation should be put in place.
- The number of houses should be reduced to allow for more green areas.
- Risk from contamination on the site.
- Highway safety impacts of additional traffic using the junction of New Road and Skipton Road.
- Impact on the Conservation Area.
- The chimney and boiler house should be kept as they are.

### **Officer Comments**

#### **Policy**

##### **Local Plan Part 1: Core Strategy**

The following Local Plan policies are relevant to this application:

Policy SDP2 identifies Earby as a 'Local Service Centre' which play a supporting role to the Key Service centres and accommodate levels of development to serve a localised catchment.

Policy SDP3 indicates that new housing provision and distribution will be guided by the settlement hierarchy within the policy. Rural Pendle (inc. Kelbrook) is expected to account for 12% of the Borough's supply over the plan period. It should be noted that this figure is not a fixed limit, it is a representation of the projected housing distribution.

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere. The proposal's compliance with this policy is addressed in the drainage and flood risk section.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

### **Principle of the Development**

The site is a sustainable location for new housing development within the settlement of Earby, with essential services facilities and public transport within walking distance. The principle of the development is therefore acceptable in accordance with policies SDP2 and LIV1. The proposed development also involves changing the use of the boiler house to a community use withing Use Class F2b a hall or meeting place for the principal use of the local community. This is an acceptable accessible location for such use.

### **Design and Heritage Impact**

The site is located within Earby Conservation Area and although the vacant nature of the overall site is of some detriment to the character and appearance of the Conservation Area the engine house, chimney and remaining walls do contribute to its significance. The loss of the chimney and remaining walls would cause harm to the significance of the Conservation Area and result in the loss of a non-designated heritage asset. The harm to the significance of the Conservation Area would be less than substantial and therefore must be weighed against the public benefits of the development. The development would result in economic and social benefits from the provision of housing, it is also proposed to convert the engine house to community use, which would have public benefits and heritage benefits in terms of securing the future of that heritage asset. Furthermore, the development of this vacant site as a whole would be beneficial to the character and appearance of the area.

The applicant has demonstrated that the financial viability of the development is limited and the developable area has been limited from what was originally proposed due to the restrictions of part of the site being in flood zone 3b. This has resulted in it becoming unviable to retain the chimney within the development.

Taking the above factors into account the harm to the significance of the Conservation Area and loss of the non-designated heritage asset would be outweighed by the benefits of the development.

The proposed dwellings would be of a design similar to other new dwellings in the area, the layout would front the canal and New Road

the dwellings are proposed to be finished in a mixture of buff and red brick with upvc fenestration, whilst this is acceptable in the centre of the site the materials of the frontage along New Road should be finished in natural stone, timber fenestration, slate roofs and roof verges without upvc caps.

Amended plans have been received showing revised proposed materials and window designs for the plots facing New Road. The proposed materials for those plots are reconstituted stone walls, concrete tile roofs, with white uPVC fascias and soffits. The materials of the windows and doors are not specified, colours are given as brown and black respectively. The proposed elevations continue to show uPVC verge caps. As detailed in the report those plots should use natural materials, which can be controlled by the recommended conditions.

With conditions in place to ensure the above the development is acceptable in terms of design and heritage impact in accordance with policies ENV1 and ENV2.

### **Residential Amenity**

There is a ground floor habitable room window in the side of No.31 Mostyn Avenue which is faced by the front elevations of plots 23 & 24, the layout has been amended to relocate those plots 15m from the side of No.31. Although this is below the 21m distance recommended by the Design Principles SPD, taking into account that such relationships are characteristic of the area the separation distance is acceptable.

There are ground and second floor habitable room windows in the side elevation of No.34 Green End Avenue which are faced by plots 44 & 45 separated by approximately 14m, taking into account that the ground floor is across the highway, the higher position of the second floor window and that such relationships are characteristic of the area the separation distance is acceptable.

The separation distances between windows of other surrounding properties and within the site are over 21m.

Windows in the rear elevations of plots 11, 16 and 22 face blank two storey elevations of adjacent plots separated by less than the 12m recommended by the Design principles SPD. However, taking into account that the ground floor rooms are served by other windows in the front elevations this would not result in unacceptable levels of natural light and overbearing impacts.

The proposed development would provide an acceptable level of privacy for all adjacent residents and the residents of the site and would not result in any unacceptable loss of light or overbearing impacts. The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

### **Landscaping**

A proposed landscaping scheme has been submitted with the application and is acceptable.

### **Ecology**

Concerns have been raised that the site may be used by badgers, an ecology survey has been submitted with the application and found no evidence of use by badgers for foraging commuting or occupation and so no mitigation is proposed. Irrespective of whether specific mitigation is proposed the developer would have responsibilities under the Wildlife and Countryside Act in relation to such protected species if badgers were to begin using the site.

The ecology survey identified that the site has potential for use by bats as a roosting a foraging habitat and a bat activity survey has been undertaken, this identified a common pipistrelle day roost in the northern boundary wall of the site, this is proposed to be demolished, destroying the roost and as such will require a licence from Natural England separate to this planning application.

Mitigation is proposed in the form of bat boxes which will be installed prior to the works taking place and if necessary, bats captured by a suitably qualified ecologist and relocated to the boxes. Taking into account the low conservation significance of the roost the proposed mitigation is acceptable there is no reason to consider that a licence would not be granted.

In addition to the bat boxes to mitigate the loss of the day roost additional boxes are recommended throughout the development to provide mitigation for the loss of foraging area and enhancement.

Subject to conditions to ensure that the recommendations of the ecology survey and bat survey are complied with the proposed development is acceptable in terms of its ecology impact.

## **Open Space**

The proposed development would include green infrastructure in the form of the retention of buffer to the river which would be maintained as a wildflower meadow, and public space with bench adjacent to New Road. Taking into account the limited viability of the site this is an acceptable open space / green infrastructure provision.

## **Highways**

The proposed access would provide adequate visibility and the development would not result in unacceptable impacts upon the surrounding highway network in terms of vehicular access.

LCC Highways have advised that off-site highway works are necessary to support pedestrian and cycle access to and from the site by reducing traffic speeds with the introduction of physical traffic calming on New Road and pedestrian enhancements on the upper section of New Road leading to Green End Road.

A Traffic Regulation Order is also necessary for the east side of the new access to ensure acceptable visibility.

Some minor revisions are required to the layout of plots 14, 21, 22 and 23 to provide adequate car parking. All other plots would have adequate off-street car parking in accordance with the parking standards set out in the Replacement Pendle Local Plan.

Subject to conditions and amended plans addressing the above the development is acceptable in highway terms.

## **Drainage**

The Environment Agency have advised that they are satisfied that the layout has been amended so that the built development is outside of flood zone 3b, however, they have maintained their objection as the Flood Risk Assessment does not adequately demonstrate that the development would not increase off site flood risk.

The EA have requested further information to address this and it is being prepared by the applicant.

## **Contributions**

### Affordable Housing

Policy LIV4 requires affordable housing be provided for new development of 15 or more dwelling in West Craven Towns at a rate of 5%. However, such planning obligations cannot be required where they would result in a development not being viable. The applicant has demonstrated that an affordable housing obligation would unacceptably impact upon the viability of the development. Therefore, no affordable housing is required to be provided by the development.

### Healthcare

A request has been made from East Lancashire Hospitals NHS Trust for a contribution towards the cost of healthcare interventions it calculates will be generated by the residents of the dwellings in the first three years of their occupation, for which there is a funding gap.

In terms of health service contributions there are a number of concerns about the request and justification for those requests. Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:

Section 106 of the 1990 Act provides as follows:

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106C as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—

- (a) restricting the development or use of the land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way; or
- (d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.

(2) A planning obligation may—

- (a) be unconditional or subject to conditions;
- (b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and
- (c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

The relevant parts of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”) are as follows:

(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Section 216(1) of the Planning Act 2008 together with Regulation 59 of the CIL Regulations requires charging authorities to apply CIL payments to “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”.

Section 216(2) defines “infrastructure” as follows:

“infrastructure” includes—

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces”

The request for contributions for health care services does in my view overall fit into a category of infrastructure that could, if necessary to make the development acceptable, fall within a category of infrastructure that can be funded through a section 106 agreement. However that does not mean to say that the contribution being requested meets the tests set out in the CIL Regulations detailed above.

Case law is clear that planning permissions cannot be bought or sold hence any sum to be paid to a planning authority must be for a planning purpose which should in some way be connected with the land in which the developer is interested.

The issue for Committee is whether the funding has a direct connection to the development and whether this would be fairly and reasonably related in scale and kind to the development.

Robust evidence is required to support a request for a contribution. In London for example a model has been produced which attempts to provide robust and up to date evidence on the need for a contribution. The model is referred to as the HUDU model. This looks at the specific circumstances of each development in its own location reflecting the population characteristics of the area.

The evidence supplied with this request does not in my view go far enough to support the view that the impacts of the individual development is directly related to healthcare deficiencies. A flat rate is applied to all developments which will inevitably result in some developers over providing and some underproviding. The model does not factor in demographic modelling of the area and does not for example look at any percentage of the population that may move into the developments and that they are already resident in the area thus not increasing the demand on services.

We have also raised a concern about the timing of funding and that developments can take several years in order to come to fruition. From the information supplied to us it appears that once a development is known about then financing is included in the next budgetary year. The issue therefore is that if developments take several years to come forward and they are included in financial planning after year 1 then the developer would be paying for services already funded in the standard funding formulae.



Whilst more accurate evidence could be provided were the model to be finessed as it stands it is not sufficiently robust to prove the level of contribution fairly reflects the impact the development would have on services.

This is an important issue that will arise in other developments in the Borough. In order to get an independent view on this we have obtained Counsel's opinion on this. That advice is legally privileged but supports the view that the evidence is not sufficiently robust to be able to support a requirement for the contribution requested.

Committee are therefore recommended not to require a contribution to the NHS as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development.

## **Conclusion**

It is recommended that the approval of the application, including any conditions necessary, be delegated to the Planning, Economic Development and Regulatory Services Manager subject to the withdrawal of the Environment Agency's objection and revised plans to address LCC Highways' comments.

## **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in all relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Delegate Grant Consent**

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: TBC

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development, and notwithstanding any indication on the approved plans or forms, samples of external materials / finishes of the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority, notwithstanding any indication on the approved plans, forms and documentation the materials of the roof shall be natural slate. The development shall thereafter be carried out in strict accordance with the approved materials.

Reason: To allow the Local Planning Authority to control the external appearance of the development to protect the significance of the Conservation Area.

4. Notwithstanding any indication on the approved plans or forms, the windows and doors in the front elevations of the plots fronting New Road shall be of timber construction, details of the windows and doors including paint colours shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter the windows and doors shall be maintained in accordance with the approved details and any replacement windows or doors shall be in accordance with the approved details.

Reason: To allow the Local Planning Authority to control the external appearance of the development to protect the significance of the Conservation Area.

5. Notwithstanding any indication on the approved plans or forms, the roof verges of the plots fronting New Road shall not use uPVC verge caps, prior to their installation details of the verge, soffit and fascia materials and finishes of those plots shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter they shall be maintained in accordance with the approved details and any replacement shall be in accordance with the approved details.

Reason: To allow the Local Planning Authority to control the external appearance of the development to protect the significance of the Conservation Area.

Prior to their installation details of any new windows and doors to be installed in the boiler house building shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the windows and doors shall be maintained in accordance with the approved details and any replacement windows or doors shall be in accordance with the approved details.

Reason: To allow the Local Planning Authority to control the external appearance of the development to protect the significance of the Conservation Area.

6. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority the depth of reveal shall be at least 70mm.

Reason: To ensure the continuation of a satisfactory appearance to the development.

7. The landscaping scheme hereby approved shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

8. Prior to the occupation of the first dwelling details of the long term management and maintenance of the areas of landscaped areas shall have been submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall thereafter at all times be managed and maintained as such in accordance with the approved details.

Reason: To ensure the landscaped areas are adequately managed and maintained in the interest of the visual amenity of the area and to protect the significance of the Conservation Area.

9. No development shall commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
- a) The parking of vehicles of site operatives and visitors
  - b) The loading and unloading of plant and materials
  - c) The storage of plant and materials used in constructing the development
  - d) The erection and maintenance of security hoarding
  - e) Wheel washing facilities
  - f) Measures to control the emission of dust and dirt during construction
  - g) Measures to control noise and vibration
  - h) A scheme for recycling/disposing of waste resulting from demolition and construction works
  - i) Details of working hours
  - j) Routing of delivery vehicles to/from site
  - k) Timing of deliveries
  - l) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
  - m) Control of burning onsite

Reason: In the interest of highway safety and residential amenity.

10. The boiler house shall be used for uses falling within Use Class F2(b) only and for no other use including other uses within Use Class F2.

Reason: In order to protect the vitality and viability of the town centre.

11. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed

details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of the new development and prevent contamination of the controlled waters.

12. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (February 2023 / 30581/FRA/SRG / Gleeson).

The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

Notes:

- 13: No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment and indicative surface water sustainable drainage strategy submitted (February 2023 / 30581/FRA/SRG / Gleeson) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly and shall be limited to a maximum peak flow rate of 12l/s.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
- i. 100% (1 in 1-year) annual exceedance probability event;
  - ii. 3.3% (1 in 30-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep;
  - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change

allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
  - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary
  - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
  - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
  - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
  - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
  - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
  - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.
- e) Evidence of the final drainage layout with the flood levels and depths overlaid. The sustainable drainage strategy shall be implemented in accordance with the approved details

Reason To ensure satisfactory sustainable drainage facilities are provided to serve the site.

No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase.

14. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

15. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

16. Within 3 months of commencement a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local

Planning Authority. Works shall include, but not be exclusive to the following and shall be constructed prior to the first occupation of any dwelling:

- the construction of the access to New Road to an appropriate standard, including a minimum width of 5.5m and radius kerbs
- buff coloured tactile paved dropped pedestrian crossings both sides of the access,
- construction of 2m wide footways both sides of the access to tie in with the existing footway network
- re-location of the highway gully out of the access
- a street lighting assessment
- the introduction of a Traffic Regulation Order for No Waiting At Any Time (double yellow lines) to the East of access for a distance of 48m from the centre line of the access
- construction of a dropped pedestrian crossing with buff coloured tactile paving on the North side of New Road opposite the new access to aid pedestrian movements to/from local facilities and amenities
- construction of vehicular crossings on New Road to Plots 5 & 6
- reinstatement of footway on New Road, including full height kerbs, to the East of Plot 1 (approx 48m)
- construction and provision of physical traffic calming features on New Road
- pedestrian enhancements on the upper section of New Road leading to Green End Road
- reinstatement of footway, including full height kerbs, outside 21a New Road (approx 8m)
- upgrade existing pedestrian crossings on the corner of Brook Street with New Road to include buff coloured tactile paving
- upgrades to the existing bus stop outside 25-29 Colne Road (Jade Palace) to include raised bus borders and a new bus shelter.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in the interests of highway safety and pedestrian and cycle accessibility.

17. Within 3 months of commencement full engineering, drainage, street lighting and constructional details of the road and footways have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

18. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the proposed estate road and footways within the development have been submitted to and approved by the local planning authority.

The estate road and footways shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.

19. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

20. Prior to occupation of the first dwelling visibility splays measuring 2.4m back from the centre line of the access and extending 48.8m Eastbound and 47.9m Westbound on the nearside carriageway edge shall be provided at the new access onto New Road, as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

21. Prior to first occupation of the dwellings on Plots 1 to 6 the highway boundary wall fronting onto New Road shall be reduced and permanently maintained at a height not greater than 0.9m above the nearside carriageway level.

Reason: To ensure adequate visibility for the drivers of vehicles entering and leaving Plots 5 and 6.

22. Prior to first occupation of any dwelling the driveways shall be constructed in a porous bound material and the garages constructed and shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Reason: In order to ensure satisfactory levels of off-road parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

23. Prior to first occupation of each dwelling secure, covered cycle storage shall be provided at a ratio of two cycle spaces per dwelling in accordance with the approved plans and maintained thereafter.

Reason: To ensure adequate provision for sustainable transport.

24. Prior to the first occupation each dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure adequate provision for sustainable transport

Note:

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to the works outlined in Condition 2. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk), in the first instance to ascertain the details of such an



agreement and the information to be provided, quoting the relevant planning application reference number.

**Application Ref:** 22/0577/FUL

**Proposal:** Full: Major: Erection of 47 dwellings with associated access and landscaping, change of use of Brook Shed engine house to a community use (Use Class F2(b)), demolition of the chimney stack and north elevation of the former weaving shed, boiler house reelevation, partial sections of the north elevation of the former weaving shed and water tank.

**At:** Site Of Former Brook Shed, New Road, Earby

**On behalf of:** Gleeson

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date:** 11th May 2023