

West Craven Committee – Update Report 1st August 2023

23/0067/REM: Land to the NE of Meadow Way, Barnoldswick

Following the publication of the committee report, the plan references have been updated. This requires a change to condition 2. As such the list of conditions is copied below for reference.

Additional comments have also been received from a member of the public who was hoping to attend the meeting to speak this evening. Unfortunately, they are not able to attend but their comments are summarised below. They wish to strongly object to the application for the following reasons:

- Impact upon Grade II listed Greenberfield Locks. Lost tranquillity.
- On greenfield land.
- Contrary to policies in the Pendle's Core Strategy
- Pressure on local services
- Surface water drainage issues
- Foul drainage issues, with a connection point on Coates Lane leading into existing drains on Meadow Way. The applicant has not made contact with the third party land owner to check this is a viable option. United Utilities are aware of an existing problem with drainage here which will be exacerbated by 30 new dwellings
- Disruption to traffic
- Drainage
- Proximity of dwellings to existing property – overlooking issues
- Loss of privacy as a result of the proposed footpath link on Coates Lane
- Right to light issues
- Stability of the land
- Impact on private water supply.
- Right to light.

The majority of the objection in this case relates to the principle of development, which is not for debate here.

The stability of the land has been questioned. There are however no known underlying issues in the area such as mine shafts and the stability of the houses will be dealt with via the building regulations.

The officer's report addresses the relevant policies as well as addressing all the material planning considerations. This includes the drainage, light impacts and heritage issues raised.

If there is a right for private water supplies to be on third party land a planning application will not impact on that. If there is no agreement to have a private supply on a third party land the planning system is not the mechanism to safeguard that. It is a private matter.

In relation to the footpath and the proximity of this to the nearest dwelling, the footpath is in excess of 10m from the nearest dwelling. Moreover, the footpath would

result in no greater overlooking from the public highway than currently exists from Coates Lane. Therefore, the proposed footpath link from Coates Lane would not result in an unacceptable neighbouring amenity issue.

The Human Rights Act has been put forward as a consideration including Article 87 and Article 1 of the First Protocol.

Article 8 gives everyone a right to respect to their private and family life, his home and correspondence. This can be interfered with except in accordance with the law and in the interests, amongst other things, with the economic well-being of a country. The planning system has within it a set of policies and criteria against which development is assessed. These establish whether there would be any interference set out in the Article. The application has been assessed against local and national planning policy and there would not be any interference with the private and family life or the home of the neighbours.

Article 1 of the First Protocol states that every natural or legal person shall be entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions. No one will be deprived of their possession as a result of the application so there is no effect on Article 1 of the First Protocol.

Turning to the proximity of the proposed dwellings to the property known as Fairways, this issue has already been addressed in the officer's report.

As such, the recommendation remains to approve the application, subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 and 2 of Planning Permission 19/0815/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission 19/0815/OUT.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan HH.SRB.SLP.01 Rev A, Proposed Site Layout HH.SRB.CSL.02 Rev M, Proposed Boundary Treatment Plan HH.SRB.BTP.01 Rev G, Adoptable Highways Plan HH.SRB.AHP.01 Rev B, Illustrative Landscaping Elevations LS 01 P3, Landscaping Plan HH.SRB.LP.01 Rev B, Materials Plan HH.SRB.MP.01 Rev B, Storey Height Plan HH.SRB.SHP.01 Rev B, Waste Management Plan HH.SRB.WMP.01 Rev B, Street Scenes / Sections HH.SRB.SS.01 Rev D, House Type D HH.SRB.HT.D, House Type J HH.SRB.HT.J, House Type N HH.SRB.HT.N, House Type Q HH.SRB.HT.Q, House Type TA HH.SRB.HT.TA Rev A, House Type T HH.SRB.HT.T, House Type V HH.SRB.HT.V, Proposed Floor Plans House Type X HH.SRB.HT.X.01, Proposed Elevation Plans House Type X HH.SRB.HT.X.02

Reason: In the interests of clarity and proper planning

3. Notwithstanding any indication on the approved plans and application form, prior to the commencement of above ground works involved in the erection of the external walls of the development, samples of the external materials to be used in the construction of the walls, roof verges, fascias and soffits, rain water goods, pipes and flues, windows and door materials and finishes, window reveals and drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. 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, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

5. Within 3 months of the start of development details of the proposed arrangements for the future management and maintenance of the public open spaces and pedestrian/cycle link between the estate and Coates Lane shall be submitted to and approved by the local planning authority. These should include the establishment of a private management and maintenance company. The open spaces and pedestrian/cycle link shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: To ensure that the open spaces and pedestrian/cycle link are completed and thereafter maintained to an acceptable standard in the interest of residential amenity and highway safety.

6. Notwithstanding the plans submitted, prior to occupation of the first dwelling the internal pedestrian and cycle link between the estate and Coates Lane shall be constructed in accordance with a scheme to be approved by the local planning authority to include details of construction, surfacing, drainage and barriers at its junction with Coates Lane and shall be maintained in perpetuity.

Reason: In the interests of highway safety.

7. Prior to first occupation of Plots 28, 29 and 30 secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

8. Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:

- i) the parking of vehicles of site-operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoardings including decorative displays, where appropriate
 - v) wheel-washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for re-cycling/disposing of waste resulting from demolition and construction works
- the development shall proceed strictly in accordance with that method statement.

The development shall be carried out in accordance with the method statement.

Reason: In the interest of the amenity of the area during construction work.

9. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), for Plots 8, 9, 23, 24 and 25 no development as specified in Class A, B, C & D of Part 1 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the residential amenity.

10. Prior to commencement of the development hereby approved, details of infiltration testing shall be submitted and approved in writing by the Local Planning Authority. These details shall include justification in accordance with the surface water drainage hierarchy set out in the Framework. Works shall thereafter be implemented in accordance with the approved details.

Reason: To comply with the drainage hierarchy in the Framework and to control surface water run-off.

Informatives

Connection to Public Sewer

The applicant will require an agreement with the appropriate Water and Sewerage

Undertaker to connect to the public sewerage system, alongside any Section 104 agreements for the adoption of the proposed surface water sustainable drainage system.

Appropriate Legal Agreement

The proposed outfall may require a legal agreement with a third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities. Evidence of an in-principal agreement(s) should be submitted to the Local Planning Authority.

This does not alter the recommendation, which is to approve the application, subject to conditions.