



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

TO: WEST CRAVEN COMMITTEE

DATE: 5TH SEPTEMBER 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE 5TH SEPTEMBER 2023

Application Ref: 23/0291/OUT

Proposal: Outline (Major): Erection of 4 no. industrial units (Access, Layout, Scale).

At: Sough Bridge Mill, Colne Road, Kelbrook

On behalf of: AB Investments NW Ltd

Date Registered: 19/06/2023

Expiry Date: 18/09/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site is an irregular shaped piece of land to the rear of Sough Bridge Mill. There are two existing buildings which are both single storey in height, one has a flat roof whilst the other has a dual pitched roof. Both of the existing buildings are to be demolished as part of the proposed development. The application site is wholly within the settlement boundary. Part of the proposed development is adjacent to New Cut, which is Flood Zone 3. However, there is no part of the proposed development site within the flood zone.

The application seeks planning permission for the demolition of existing buildings on the site and erection of four light industrial and storage units. The Use Class would be B2 and B8. The buildings are to be arranged in a court yard arrangement with unit 4 being positioned to the centre of the site. The application is for outline permission and seeks approval for access, layout and scale at this stage.

Relevant Planning History

13/94/0127P: Retain emergency exit door
Approved with conditions

2022/0363/FUL: - Change of use of general industrial / storage (use class B2/8) to indoor sports/fitness (use class E(D)).
Approved with conditions

Consultee Response

LCC Highways

Comments received on 11th July 2023

The submitted documents and plans, including AMNI Transport Statement 335-22-1 dated 9th June 2023 and Lumitekton 'Proposed site plan' LU266-P03 have been reviewed and the following comments are made.

History

2022/0363 approved – Unit 11 Sough Bridge Mill, Colne Road, Sough - Change of use of general industrial / storage (use class B2/8) to indoor sports/fitness (use class E(D)).

Proposal

The site has a current industrial use with outbuildings and storage containers of

approximately 1217 sqm and associated parking and an existing access road. The existing two buildings in the yard area would be demolished and the storage containers would be removed.

There is 906sqm of B8 use, 845sqm of B2 use and 240sqm or 480sqm E(c)(iii), totalling 1,991sqm or 2,231sqm. This equates to a net increase in floor area of 774sqm or 1014sqm.

There are references to 480sqm of office space and the Transport Statement includes 480sqm of office space in the trip generation. The amount of office space being applied for needs to be clarified and the traffic generations adjusted down if the office floor area is 240sqm.

The proposed units have no end users and the units would be advertised 'for let' once planning permission is secured.

Sustainability

The site location provides a medium level of accessibility with commercial bus services running along Colne Road past the site.

The nearest bus stops require upgrading to quality bus stop standard to support sustainable travel.

There is a bridleway connecting to Earby Road, Salterforth which carries cycle route 10. This offers some opportunity to cycle although the bridleway is across a field therefore it is unlikely to provide a suitable surface during wetter months.

Traffic Impact

A TRICS analysis has been undertaken to estimate the traffic generated by the proposed development, there are 29, 2-way trips in the AM peak 8-9am and 26, 2-way trips in the PM peak 5-6pm.

As mentioned above this may need adjusting to reflect the correct amount of floor area. There is no data provided on the amount of traffic currently using Sough Lane from the Mill therefore the cumulative impact of the traffic is not known.

There are 2 collisions recorded on Colne Road in the vicinity of the site. Colne Road is a site of community concern for speed compliance and is a mobile safety camera site.

Access

The site can be accessed from Sough Lane, also via Holme Close and Arthur Street, all unclassified roads, maintained at public expense subject to a 30mph speed limit.

The carriageway of Sough Lane is a single vehicle width, unlit and with no separate footways. There are no active frontages to Sough Lane, there are parking restrictions on both sides. Visibility splays at the Sough Lane junction Colne Road A56 have been drawn for X 2.4m by Y 70m in both directions on Colne Road. Drawing is shown in Appendix E of the Transport Statement.

Holme Close and Arthur Street have residential frontages. Arthur Street has terraced properties on both sides with heavy on-street car parking.

The proposed level of intensification of development traffic causes the Highway Authority a serious concern and measures to mitigate the impact to highway safety are not feasible within the extents of the highway.

Due to the width restrictions on Sough Lane, vehicles turning into Sough Lane from the A56 will need to dwell in the carriageway whilst opposing vehicles clear the junction, or drivers committed to the turn will need to reverse into the carriageway of the A56. The A56 carries a significant volume of traffic during the peak periods which conflicts with the development traffic and this will result in a highway safety concern.

Some vehicles are likely to divert onto Arthur Street which is residential and would be unsuitable to accommodate commercial traffic.

The proposal is likely to generate pedestrian movements on Sough Lane to/from the southbound bus stop and due to the lack of footway and lighting and intensification of vehicle use, this causes a highway safety concern.

Layout and servicing

A swept path analysis for a 9.07m long refuse wagon and a rigid 8.01m long goods vehicle have been provided in Appendix F of the Transport Statement.

The refuse vehicle overruns parking space 18 therefore this space should be removed from the scheme.

There are no end users known therefore the servicing requirements cannot be known. The largest vehicle which could access the site is a 9m rigid vehicle. This limits the opportunities for future users and a planning condition would be required to restrict the size of vehicles accessing the site. Alternatively the layout should be amended to provide additional service space for a 12m rigid vehicle which would be less restrictive to future business needs.

Parking

Based upon a medium accessibility score, the Pendle Borough Council parking standards require a ratio of 1:210 for B8 (845sqm) – 4 spaces, 1:47 for B2 (240sqm) – 18 spaces and 1:31 for B1 (240sqm) – 8 spaces or B1 (480sqm) – 16 spaces, totalling 30 spaces or 38 spaces depending on the correct floor areas.

There are 4 spaces for B8, 18 for B2, 16 for office and 6 for existing Mill uses, totalling 44 spaces.

There are 5 motorcycle bays and 10 cycle spaces proposed. The cycle parking must be covered and secure to provide suitable provision for staff.

Electric vehicle charging points should be included at a ratio of 10% of the overall provision.

The development, in isolation, accords with the parking standards. However, there is no evidence submitted regarding the potential demands for servicing and parking at the Mill itself.

A significant shortfall in car parking and service area is anticipated as a result of this proposed development which may result on overspill car parking onto the surrounding highway network which would be detrimental to highway safety.

Conclusion

Lancashire County Council acting as the Highway Authority raises an objection regarding the proposed development and are of the opinion that the proposed development will have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

The highway network serving the site cannot accommodate the intensification of use without causing a highway safety concern. There is no evidence presented that the existing Mill can be adequately serviced and provided with adequate levels of car parking.

Comments received on 18th August 2023

Further to my previous comments dated the 11th July 2023 the following comments are made to the additional information and amended plans dated 2nd August 2023, AMNI Transport Statement addendum and 'Proposed site plan' LU266-P03 Rev D, 'Existing Mill Layout' LU266-P09 and 'Unit 1-4 plans' LU266-P05A – P08A (4 drawings).

History

2022/0363 approved – Unit 11 Sough Bridge Mill, Colne Road, Sough - Change of use of general industrial / storage (use class B2/8) to indoor sports/fitness (use class E(D)).

Proposal

The site has a current industrial use with outbuildings and storage containers of approximately 1217 sqm and associated parking and an existing access road. The existing two buildings in the yard area would be demolished and the storage containers would be removed.

The scheme is amended to comprise of Unit 1 B8 856sqm, Unit 2 B2 330sqm, Unit 3 B2 200sqm and Unit 4 B2 155sqm totalling 1541sqm. The proposed office space has been removed from the scheme.

This equates to a net increase in floor area of 324sqm and a more intensive use of part of the floor area from B8 to B2.

The proposed units have no end users and the units would be advertised 'for let' once planning permission is secured.

Traffic Impact

A TRICS analysis has been amended to estimate the traffic generated by the proposed amended scheme floor areas, there are 4, 2-way trips in the AM peak 8-9am (reduced from 29) and 3, 2-way trips in the PM peak 5-6pm (reduced from 26).

There is no data provided on the amount of traffic currently using Sough Lane from the Mill therefore the cumulative impact of the traffic is not known.

When visiting the site at 11am, over a short period of 5 minutes, 3 commercial vehicles were observed exiting the site and 1 residential vehicle from Arthur Street onto Colne Road via Sough Lane.

Additional traffic movements on Sough Lane from the proposed development would be in addition to existing commercial vehicle movements existing at the Mill. This is a highway safety concern.

Access and off-site highway works

The proposed traffic generation from the development has been reduced for the amended scheme and mitigation measures on the A56 are offered to mitigate the impact to highway safety.

A road marking scheme on the A56 Colne Road to include a right turn ghost island is proposed to mitigate the impact of vehicles dwelling on A56 whilst opposing vehicles clear Sough Lane.

Upon visiting site, it is noted that regular on-street parking occurs on Colne Road outside the terraced properties directly adjacent to Sough Lane. This, together with the overall carriageway width and bend in the road, results in an insufficient carriageway width to provide a right turn lane whilst providing sufficient lane width for the HGV and bus movements which are high in frequency on Colne Road due to the strategic nature of the road which is carrying cross boundary traffic.

The provision of a right turn lane would not fully mitigate the matter and is still likely to result in vehicles needing to undertake reversing manoeuvres on the highway and/or using Arthur Street to avoid opposing vehicles.

A signage scheme is proposed to deter the use of Arthur Street by commercial vehicle traffic however this will be advisory and is unlikely to deter vehicles if they are avoiding opposing vehicles.

A signage scheme is proposed to warn drivers of pedestrians in the road on Sough Lane to mitigate the impact of the lack of footway on Sough Lane.

This proposal has some benefits and is supported if the application is approved however it does not fully mitigate the lack of footway provision.

Layout and servicing

A swept path analysis for a 9.07m long refuse wagon and a rigid 8.01m long goods vehicle have been provided in Appendix F of the Transport Statement addendum.

There are no end users known therefore the servicing requirements cannot be known. The largest vehicle which could access the site is a 9m rigid vehicle. This limits the opportunities for future users and a planning condition would be required to restrict the size of vehicles accessing the site. This is acknowledged in the Transport Statement addendum.

Parking

Based upon a medium accessibility score, the Pendle Borough Council parking standards require a ratio of 1:210 for B8 (856sqm) – 4 spaces, 1:47 for B2 (685sqm) – 15 spaces, totalling 19 spaces.

There are 4 spaces for B8, 15 for B2 and 6 for existing Mill uses, totalling 25 spaces.

There are 5 motorcycle bays and 12 cycle spaces proposed. The cycle parking must be covered and secure to provide suitable provision for staff.

Electric vehicle charging points should be included at a ratio of 10% of the overall provision.

A parking accumulation is submitted based upon the trip rates and this demonstrates that the peak accumulation is between 1-2pm with 7 vehicles. This provides a theoretical amount of spare capacity of 12 spaces at the peak time.

A drawing is submitted to show the access arrangements for the Mill with units located in Groups A – C accessed from Colne Road and 5 units in Group D accessed via the development site. There are 6 parking spaces allocated for these units.

A swept path analysis is requested for the service door at Group D door for the largest vehicle that they use to demonstrate that the proposed development does not restrict movements for these units.

During my site visit the existing level of car parking at the Mill could not be observed from Sough Lane and the rear yard is gated. Evidence should be provided to demonstrate that 6 parking spaces for the 5 units in the group D area is sufficient based upon the floor area and/or the existing demand, whichever is higher.

The development, in isolation, accords with the parking standards. However, there is no evidence submitted regarding the potential demands for servicing and parking at the Group D units in the Mill itself.

Conclusion

Lancashire County Council acting as the Highway Authority raises an objection regarding the proposed development and are of the opinion that the proposed development will have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Whilst the amended scheme does reduce the amount of additional traffic on the highway network, it still presents an intensification of use which raises highway safety concerns due to the constrained carriageway and footway width of Sough Lane.

This is likely to result in conflict with turning vehicles on A56 Colne Road which carries a high volume of traffic and will result in a highway safety concern which cannot be mitigated.

The proposal is likely to result in commercial traffic using Arthur Street which is a heavily parked residential street and this is likely to be detrimental to residents.

There is no evidence presented that the existing Mill can be adequately serviced and provided with adequate levels of car parking.

Environmental Health

Noise assessment requested – to consider noise during construction and operational phase.

Investigation of contaminated land required – this can be dealt with by condition.

Kelbrook & Sough Parish Council

We resolved to approve the application as it will enhance the appearance of an area of the Village that has been quite an eyesore for a number of years.

We do however have a couple of concerns that we feel should be addressed in the documentation, the main ones referring to traffic access along what is quite a small access road.

We would like to see a better plan for the types of vehicles that would be allowed to access the site and potentially restrictions on times the site can be accessed.

We would also like to see a plan that protects the access for locals who live nearby from any sort of disruption during the construction process.

Hopefully everyone can work together to keep any sort of disruption and inconvenience to a minimum and the Mill can offer something positive back to the local community.

Lancashire Fire & Rescue Service

The application must confirm to Part B5 Building Regulations for access & facilities for the Fire Service.

Cadent Gas

No objection, informative note required

Lead Local Flood Authority

The Lead Local Flood Authority has no objection to the above application subject to conditions relating to the final surface water sustainable drainage strategy, construction surface water management plan, sustainable drainage system operation and maintenance manual, and a verification report of constructed sustainable drainage system.

Lancashire Constabulary

We would strongly advocate Commercial Developments in Lancashire be designed and constructed to Secured By Design security standards, using the Secured By Design 'Commercial 2015' Design Guide specifications. Further details about Secured By Design, including application forms and security specifications can be found at

Public Response

Nearest neighbours notified, a site & press notice have been displayed. Two letters of objection have been received raising the following issues:

- There are already suitable industrial units in Sough, no more are required
- Parking situation
- Narrow access

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 (Spatial Development Principles) sets out a hierarchy of settlements in order of preference for future growth.

Policy SDP4 (Employment Distribution) sets out the direction for growth of employment land, the M65 corridor is at the top of the hierarchy in order of preference for this.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) 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.

Policy ENV4 (Promoting Sustainable Travel) sets out the Council's intentions for supporting sustainable transport.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and to address the risks from contaminated land.

Policy ENV7 (Water Management) follows the sequential assessment set out in National Policy, it also sets out requirements for surface water runoff and water quality.

Policy WRK1 (Strengthening the Local Economy) states that new opportunities for economic development should help to strengthen and diversify the local economy.

Policy WRK2 (Employment Land Supply) sets out that new employment should seek to develop the role of Nelson as the core location for employment.

Policy WRK6 (Designing Better Places to Work) encourages the provision of well-designed workplaces that meet the needs of businesses and their employees.

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

The Design Principles Supplementary Planning Document (SPD) applies to new buildings and sets out the aspects required for good design.

Kelbrook & Sough Neighbourhood Plan

The application site is located within the area designated for the Kelbrook & Sough Neighbourhood Plan.

Policy KSDEV1 (Protecting and Enhancing the Character of Kelbrook and Sough) sets out that all proposals will be considered against the Character Assessment.

Policy KSHER1 (Non-designated Heritage Assets) sets out a list of assets, including Sough Mill. The policy states that proposals affecting one of the assets on the list should conserve, and where practicable enhance aspects of the asset which contribute to its significance.

Principle of Development

During the course of determining the application, the applicant has submitted amended plans which remove the office element of the proposed development and increase the number of industrial units from 3 to 4. As such, the description of development no longer reflects the development which is proposed.

The application site is located within the settlement boundary. It seeks planning permission for the use of the land as industrial and office units (Use Class B2 & B8). Policy SDP2 and SPD 4 identify Sough as a Rural Village. Policy SDP2 sets out that proposals for new development should be located within the settlement boundary. It also sets out that the reuse of previously developed land will be encouraged.

The proposed development would encourage economic growth through the creation of jobs, in accordance with Policies WRK1 and WRK2 which seek to boost the local economy. Whilst WRK2 directs growth firstly to Protected Employment Areas, outside these areas, existing employment sites and premises in accessible locations are next most preferable. It is located in an accessible area which has access to public transport and is on a site which has a former industrial use (mill building).

The proposed use of the buildings are Use Class B2 and B8. The storage element of the proposed development is Use Class B8. Use Class B8 are generally compatible with residential areas, subject to controlling some environmental impacts such as noise pollution in relation to neighbouring amenity. However, Use Class B2 tends to result in more intensive operation and this is not necessarily compatible with residential areas. For this reason, Use Class B2 is generally directed to Protected Employment Areas, where the principle of industrial development is acceptable. In this particular case, the proposed development is on a site which has previously been operational as a mill, which would be within Use Class B2. As such the B2 use has become established in this location.

Design

The applicant has submitted a layout plan which indicates that the buildings are to be arranged in a courtyard arrangement with a unit (unit 4). Car parking spaces are to be laid out around the proposed units, within the yard.

Unit 1 is the largest of the proposed units, at 856sqm. This is to be used for storage (Use Class B8) and the floor plan indicates there would be seven storage areas within the building, each with an external access door (pedestrian and vehicular) opening onto the central yard. The dimensions for Unit 1 are to be 63.5m x 15m with a height of 8m to ridge. The building is to have artificial stone lower walls, with the upper walls to be finished in grey metal cladding and a grey metal roof.

Unit 2 is to be in Use B2, this is an irregular shaped building which is to have three units within it. Again, each of the units is to have a vehicular access door which opens onto the central yard area. As with unit 1, unit 2 is to be constructed with artificial stone lower walls, with a grey metal cladding to the upper walls. The roof is to be clad in grey metal. The Design & Access Statement sets out that the units within this building are to be used for storage and distribution and light industrial work by HBC supplies Ltd, a Heating and Bathroom Company.

Unit 3 is also an irregular shaped building which is to be in Use Class B2. The proposed floor plans indicate that there are to be two units within this building. It is to have two vehicular access doors serving each of the units, accessing the central yard area. The building is to be constructed to match units 1 & 2, with an artificial low wall and metal clad upper walls, with a grey metal roof.

Unit 4 is to be a 7.1m high building, with a rectangular shaped footprint. It is to accommodate B2 or B8. The building is to be finished in a metal cladding with a grey metal roof. The building is to be located centrally within the site and would be surrounded by two storey buildings which would be greater in height.

The buildings would be of typical warehouse style construction with stone facing to the lower wall and profile sheeting above, the roofing would be profile sheeting. This matter would be for determination at the detailed Reserved Matters stage of the application. However in general terms the indicative type of development would not be unacceptable in this location.

Impact upon Residential Amenity

The applicant has prepared a layout plan showing the proposed locations of the industrial units and a noise assessment. Given the proximity to nearby residential dwellings, the proposed Use Class B2 would have to be subject to controls on the operating hours to ensure there is no working at unsocial hours. The noise assessment recommends that a noise barrier is installed along the northern boundary with 1 Sough Lane. This should be a minimum of 2m in height and should have a mass per unit area of 15 kg/sqm. The noise assessment is based upon the vehicular doors to each of the units being open. The noise assessment recommends mitigation including controlling

the operating hours at the site, in order to limit the amount of disturbance to daytime hours. It also recommends that an acoustic barrier is placed along the northern boundary of the site.

No comments have been received from the Council's Environmental Health Department. However, subject to controlling the operating hours and the erection of the acoustic barrier, the noise generated from the site would be compatible with residential properties nearby, in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

In terms of the impact upon residential amenity such as an overbearing effect from the height of the buildings, the proposed building would be viewed in the context of the existing mill building which dominates the site. As such, the proposed buildings would not result in an unacceptable impact upon neighbouring amenity.

In terms of the proximity to neighbouring dwellings, the layout plan shows that the proposed units are no closer to the boundary of the site than the existing buildings. The proposed buildings would be read in the context of the existing mill building which is to the front of the site, closest to the main road.

Heritage

The Kelbrook and Sough Neighbourhood Plan identifies the mill as a non-designated heritage asset. The policy within the Neighbourhood Plan relating to non-designated heritage assets seeks to ensure that the buildings identified are conserved and where possible enhanced. In this particular case, there is no proposal to alter the main part of the mill. Although there is to be some demolition of the outbuildings to the rear of the mill, these buildings do not hold a heritage value and have been constructed as ancillary buildings. As such, they do not hold the same level of significance as the mill itself. Therefore, the proposed development would result in a neutral effect upon the non-designated heritage asset. The proposal accords with Policy KSHER1 of the Neighbourhood Plan and Policy ENV1 of the Local Plan: Part 1 Core Strategy.

Ecology

A preliminary Ecological Appraisal has been carried out as part of the planning application submission. This concludes that the site has a moderate potential for crevice dwelling bats. It is recommended that two dusk emergency surveys are undertaken. These surveys need to be carried out between May – August. The Preliminary Ecological Survey identifies that bat and bird boxes could be erected to mitigate any potential loss of habitat as a result of the demolition of the buildings. However, they recommend putting the bat and bird boxes in the trees off site. This would not be possible because any mitigation would need to be within an area which the applicant has control over. Should the application be approved, the additional bat surveys could be the subject of a suitably worded planning condition.

There are no trees within the site boundary and the majority of the area is made up of hard surfacing. As such, there would be no requirement for an arboricultural assessment.

Contaminated Land

The planning application is not accompanied by any information pertaining to potential contamination. Given that this is an existing industrial site and currently has building on it which store vehicles, there is potential for contamination. Applications of this nature would usually be accompanied by a preliminary ground investigation report which may require a subsequent intrusive site investigation to confirm the presence or absence of contamination. A lack of

information in this regard means that the application is contrary to Policy ENV5 of the Local Plan: Part 1 Core Strategy.

Drainage

The proposed development site is immediately adjacent to Flood Zone 3, New Cut. However, no part of the proposed development is within the flood zone. The Lead Local Flood Authority have been consulted and have not raised any objection in this regard. The proposed development would not result in an unacceptable increase in flood risk elsewhere. Subject to conditions relating to a drainage strategy, the proposed development is acceptable in this regard and accords with policy.

Highways

The proposed development is an outline application with access being a matter for consideration at this stage. The Highways Authority have reviewed the information and provided comments on the proposals. There are concerns regarding the proposed development in relation to the site access and conflict with existing vehicles. The access road is narrow and heavily parked with cars serving the residential dwellings nearby, as there is no off-street parking for dwellings on Arthur Street and Sough Lane. The applicant has not provided any evidence that the existing Mill can be adequately serviced and provided with adequate levels of car parking.

At the time of the site visit, vans and cars were observed coming and going from the site along Sough Lane and having difficulty turning out onto the A56 which is a major route through the area. The Highways Authority are of the view that this application would result in a significant impact upon highway safety, capacity or amenity in the immediate vicinity of the site. I concur with this view. As such, the proposed development is contrary to paragraph 111 of the Framework. The Framework instructs that applications which would result in a serious highway safety danger should be refused. The proposed development is in conflict with the Framework and Policy ENV4 of the Local Plan: Part 1 Core Strategy in this regard.

RECOMMENDATION: Refuse

For the following reasons:

1. A lack of information has been provided in relation to the potential contamination of the site. The applicant has failed to demonstrate that the site is suitable for the proposed development through the production of a pre-liminary ground investigation. As such, it is not possible to say whether the proposed development would be acceptable in this regard. The proposed development conflicts with Policy ENV5 of the Local Plan: Part 1 Core Strategy in this regard.
2. The proposed development would result in an unacceptable impact upon highway safety, due to the access. It is likely to result in conflict with turning vehicles on the A56 Colne Road which carried a high volume of traffic and would result in a highway safety concern which could not be mitigated. The proposed development is contrary to paragraph 111 of the Framework and Policy ENV4 of the Local Plan: Part 1 Core Strategy.

Application Ref: 23/0291/OUT

Proposal: Outline (Major): Erection of 4 no. industrial units (Access, Layout, Scale).

At: Sough Bridge Mill, Colne Road, Kelbrook

On behalf of: AB Investments NW Ltd

REPORT TO WEST CRAVEN COMMITTEE 5TH SEPTEMBER 2023

Application Ref: 23/0320/TDC

Proposal: Technical details application: Erection of one dwelling and detached garage and the removal of existing garages and stables of Planning Permission 22/0697/PIP.

At: Land in Field 7366, Manchester Road, Barnoldswick

On behalf of: Mr G. Ellison

Date Registered: 20/06/2023

Expiry Date: 25/07/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site is located off Manchester Road and is to be accessed off a lane leading to Letcliffe Park. It is located beyond the settlement boundary, within the Open Countryside. The site is partly within the Conservation Area, with the Conservation Area Boundary running right through the site splitting it in half between north and south.

This is an application for the erection of one detached dwelling with a detached garage.

The principle of residential development on this site has been established under application 22/0697/PIP.

Relevant Planning History

22/0697/PIP: Permission in Principle: Erection of one dwelling and detached garage and removal of existing garages and stables.

21/0792/FUL: Full: (Major) Construction of a new treated water storage tank and temporary construction access track, temporary widening of the junction between Manchester Road and Letcliffe Lane, demolition of the existing treated water storage tank and associated works including reprofiling of land surrounding the existing and proposed treated water storage tank.
Approved with conditions

Consultee Response

LCC Highways

Having reviewed the documents submitted, the Highways Development Control Section makes the following initial comments.

Proposal

The proposal is for the removal of existing garages and stables and the erection of one x four bed detached dwelling and a detached garage, with access via the privately maintained lane leading

off Manchester Road to Letcliffe Country Park – referred to as Letcliffe Lane in the submitted documents. This name will be used throughout this response for consistency and ease of reference.

Planning history

22/0697/PIP - Permission in Principle: Erection of one dwelling and detached garage and removal of existing garages and stables. Approved.

Existing site access

The existing site access onto Manchester Road should be physically and permanently closed off prior to any development commencing on site. This is to ensure that no construction vehicles use this access as it has already been established that there is inadequate visibility onto Manchester Road. There is also the potential for conflict between construction vehicles entering and leaving the site and vehicles entering and leaving Letcliffe Lane given the proximity of both accesses.

Proposed site access

The proposed site access via an existing field gate onto Letcliffe Lane should be constructed prior to any other development taking place on site. The access should be stoned up for at least 10m into the site to prevent mud and debris from being carried onto Letcliffe Lane, where these could pose a hazard to other users, including pedestrians on Public Footpath ref FP1301030 (Barnoldswick), which passes along the lane. The access should either remain ungated or the gate should be set back at least 8m into the site to allow vehicles to wait off the Letcliffe Lane when opening or closing the gate.

(Note later comments about the internal layout.) A revised plan should be submitted.

Visibility splays

At junction with Manchester Road

The submitted visibility splay Plan (TS409-4 dated 20.6.23) has been noted. However, the applicant's attention is drawn to the highway authority's responses (7.11.22 and 18.11.22) to the Permission in Principle application. These stated that nothing over 0.9m in height should be permitted within the site forward of a line measured back 2.4m from the junction of the lane and Manchester Road to improve and protect visibility. A revised plan should be submitted.

It is noted that T1 and 3 shown on the Landscaping Plan (Drawing TS409-3) would be within this visibility splay. However these should be crown raised to 2m above the carriageway level of Manchester Road.

At site access/Letcliffe Lane

Due to the intensification in use of the access together with the gradient of the site and Letcliffe Lane a visibility splay plan should be provided. As previously stated there should be nothing over 0.9m in height above the road level of Letcliffe Lane within the visibility splay. The telegraph pole to the North of the access would be within the splay. However the stone boundary wall could be reduced in height to improve visibility to the right when existing.

Internal layout

The grass verge proposed within the access (Landscape drawing TS409-3) should be removed so that a vehicle can wait to exit at 90° and sit wholly within the entrance without projecting into Letcliffe Lane. A revised plan should be submitted.

A refuse vehicle would not be able to enter and leave the site to collect bins. These would therefore need to be taken to a collection point adjacent to Letcliffe Lane. The removal of the grass verge would allow bins to be placed for collection within the site and not left on Letcliffe Lane where they could pose a hazard.

Car & cycle parking

Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, maximum parking standards should be applied to this site. Three car parking spaces should be provided for a four bed dwelling. The applicant should also provide secure, covered storage for at least two cycles, in line with the council's Parking Standards, together with an electric vehicle charging point, to improve the site's sustainability.

To count as two parking spaces a double garage should have minimum internal dimensions of 6 x 6m. The double garage proposed is considered sub-standard and cannot count towards the parking provision. It could, however, provide secure cycle storage. If the applicant wants the double garage to be counted as parking, then a revised plan showing minimum internal dimensions of 6 x 6m should be provided. Three parking spaces could be accommodated elsewhere on the hardstanding within the site.

An electric vehicle charging point should be included within the development to promote sustainable forms of transport. This shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

Consent to connect to watercourse

Section 4 of the Planning Statement says that 'surface water produced by the development will be directed into an existing land drainage system and directed to a watercourse'.

Planning approval relates only to the powers under the Town and Country Planning Act including the recommendations of the Lead Local Flood Authority. It does not provide any consent or approval under other act, enactment, bylaw, order or regulation including the Land Drainage Consent to discharge water into a water course under the Land Drainage Act 1991 etc.

The applicant would need to apply to Lancashire County Council, as the Lead Local Flood Authority, for consent to discharge water into a water course. Any planning permission granted does not provide consent or approval under any other legislation as noted above.

The Flood Risk team can be contacted on SUDS@lancashire.gov.uk and all correspondence should include the planning application reference.

Site construction

Given the development site's proximity to the junction of Manchester Road and the use of Letcliffe Lane to access to residential properties and the country park, including by vulnerable users a Construction Method Statement is necessary. This should include details of, but not be exclusive to, wheel washing and the restriction of delivery by HGVs to between 9.00am and 2.30pm to avoid peak traffic on the surrounding highway network.

Subject to the satisfactory receipt of the amended plans as requested a number of a number of highway related conditions and informative note would need to be applied to any planning approval granted, which the highway-authority will provide.

Further response, dated 12/07/2023

The alternative access as shown on the attached plan would be acceptable. Details of the boundary height should be submitted and the visibility splay at the site access, as outlined in my response. The first 5m of the access should also be surfaced in a bound porous material.

PBC Environment Officer (Trees)

The arboricultural report is of a good quality and grades the (mostly Ash) trees correctly. I am content with the need to remove a tree, to facilitate the development and others due to poor quality, there is a proposed landscaping scheme that mitigates the loss on site.

The only outstanding issue is the need for a Tree Protection Plan that shows how the trees to be retained are to be protected.

Environmental Health

Requested a Construction Phase Nuisance Condition & contaminated land informative.

Yorkshire Water

Thank you for consultation however, for any drainage related issues, please refer to United Utilities as this location is within their operational boundary.

United Utilities

No response received

Public Response

A site & press notice have been posted and nearest neighbours have been notified by letter. No response has been received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy LIV1 (Housing Provision and Delivery) sets out the Council requirement to deliver new housing.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

Policy ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Replacement Pendle Local Plan

Policy 16 'Landscaping in New Development' requires all development proposals to include a scheme of landscaping sympathetic to the site's character and vicinity.

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Principle of Development

The principle of residential development on this site was established as part of the permission in principle application 22/0697/PIP. It was concluded the proposed site would be in a sustainable location and the principle of housing acceptable, which accords with Policy LIV1 and the NPPF.

Residential Amenity

In accordance with the Design Principles SPD it is advised that a minimum separation distance of 12 metres should be maintained between a principal window in one property and a blank wall of another. In addition, a 21 metre separation distance should be retained between habitable room windows in properties that are directly facing each other.

The proposed dwelling would be located in excess of 21m to the south of the existing dwelling on the opposite side of Letcliffe Lane. Other dwellings on Manchester Road & Letcliffe Lane are also in excess of 21m from the proposed dwelling. These are acceptable separation distances in accordance with the SPD.

Design & Heritage

The proposed scheme comprise one detached dwelling, with a private garden area and allocated parking spaces, along with a detached garage. The proposed dwelling is set within a suitably sized plot.

The proposed dwelling is of similar scale and design to the neighbouring dwellings which have been recently constructed, towards the Letcliffe Park end of Letcliffe Lane.

Internally, the accommodation is to comprise a large open plan kitchen / dining / lounge area, with an office and utility room to the Ground Floor. To the First Floor, the proposed dwelling is to have four bedrooms (one with ensuite) and a family bathroom.

The roof ridge of the proposed dwelling is to measure 7.7m in height, which is not unusual for a two storey dwelling. Indeed, this is in keeping with other dwellings on Manchester Road and Letcliffe Lane.

It is acknowledged that the proposed dwelling would be readily visible from public vantage points within the Conservation Area. However, the design and scale has been carefully considered to reflect the individual character of its surroundings. The use of natural materials and slim profile aluminium windows would be wholly in keeping with the requirements of the Conservation Area.

The detached garage is to measure 5m in height (to ridge) and is subordinate to the main dwelling. Again, natural materials are proposed so that the garage would be in keeping with the adjacent dwelling.

The dwelling and detached garage are to be constructed of natural local stone, random coursed, with new cut stone heads, cills and mullions to windows. The roof is to be greys artstone natural weathered, whilst the windows and doors are to be aluminium framed and coloured in dark grey. All rainwater goods are to be aluminium and coloured black.

On balance, this proposal is acceptable in scale, siting and design in accordance with Policy ENV2.

Highways and Access

The proposed dwelling comprises of four bedrooms. In accordance with Policy 31, dwellings should provide three on plot parking spaces. The proposed garage is to have internal dimensions measuring 8.2m x 5.3m. This is sufficient for two vehicles to park. In addition, there is a long driveway which is sufficient in length to park a third vehicle.

Conditions will be applied to ensure the garages are retained for parking and that electric vehicle charging points are provided as part of the development.

It is noted that the existing access off Manchester Road is to be blocked up and an alternative driveway access is to be provided off Letcliffe Lane. This has been reviewed by the Highways Authority as being an acceptable access solution. The applicant has also provided a plan indicating the visibility splay which would be incorporated into the proposed development access. This would allow the Council control over the area of land within the visibility splay, in terms of the height of any object within it. This could be controlled by condition. Given that the applicant has offered this as part of the proposals and it would result in an improved visibility splay and is a betterment.

Concern has been raised regarding the potential for conflict with an application which has previously been approved (reference: 21/0792/FUL) for improvements to the covered reservoir and

the need for a temporary widening of the access lane (Letcliffe Lane), for larger vehicles to access the development site. The previously approved scheme relies on land which is the subject of this application for the temporary widening of the access lane for construction traffic access. However, this is private land and is the subject of a voluntary agreement between the parties involved. If the proposed development were to affect whether the planning permission for the reservoir can be implemented as approved, that would be a private matter between those parties.

Ecology, Landscaping & Trees

As part of this application a Preliminary Ecological Assessment has been submitted, which concluded that subject to suitable mitigation and recommendations being implemented, the proposed development would not result in unacceptable impacts on the ecological value of the land.

Therefore, a condition can be applied to this permission to ensure that the recommendations contained within the Phase 1 survey are adhered to throughout the construction period.

With regard to landscaping, additional planting has been shown on the side boundaries of the site to obscure views of the site from Letcliffe Lane and the adjacent properties. This is indicated on the landscaping plan as natural hedge and this can be secured by appropriately worded condition. Although the proposed development would result in the loss of a small area of improved grassland and self sown immature common Ash trees, this loss is to be mitigated with the planting of a native hedge and replacement trees. The species, number and age / standard can be established through the use of a suitably worded planning condition. Similarly, the protection of the trees to be retained can be secured through a condition requiring a plan of tree protection methods.

The majority of the site will be grassed, with a natural stone SUDS compliant driveway leading to the detached garage and stone paving to provide a patio / path area around the dwelling. The proposed landscaping is acceptable.

Drainage

Some details of foul and surface water drainage methods were submitted as part of the application. Whilst no objections were raised, confirmation is required with regards to the use of a package treatment plant for foul water, instead of the main system, and the suitability of the site to deal with surface water through an existing land drainage system, then directed into a watercourse.

Insufficient information was submitted during the course of the application to adequately assess foul & surface water drainage, therefore a condition will be applied for further drainage details to be submitted, prior to the commencement of development.

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 accords with the Local Plan and National Planning Policy Framework. 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: Approve

Subject to the following conditions:

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

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan TS409-1, Proposed Elevation and Floor Plans wbw 500:2, Proposed Landscaping Plan (including Site Layout) TS109-1, Visibility Splay Plan TS409-5.

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

3. Prior to the commencement of development samples of all the external facing materials, boundary treatment and all hard surfacing, including parking areas and paving of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

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

4. Notwithstanding any indication on the approved plans and application form, prior to any external works commencing, samples of the external materials for the stone to match the existing stone wall along Manchester Road 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.

5. Prior to the commencement of development, a scheme of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

7. The recommendations detailed in the Preliminary Ecological Appraisal shall be carried out prior to any above ground works at the site. Any further necessary mitigation measures identified should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any further development.

The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the

mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To protect natural species and their habitats.

8. Prior to the commencement of development a scheme for the construction of the site access shall be submitted to and approved in writing by the Local Planning Authority. All works shall be implemented in accordance with the approved scheme.

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.

9. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway.

The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the highway to the detriment of road safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 0.9m above the road level, within the visibility splays on Letcliffe Lane.

Reason: To ensure adequate visibility at each site access.

11. No development shall take place, including any works of demolition, 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:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Measures to control the emission of dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works
- vii) Details of working hours

Reason: To minimise the impact and disruption to highway users

12. The garage hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the dwellings and shall not be used for any purpose that would preclude the ability of their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: To ensure that adequate parking provision is retained on site.

13. Prior to first occupation the dwelling shall have an electric vehicle charging point.

Reason: To encourage sustainable travel.

14. The car parking shown on the approved plans shall be constructed, laid out and surfaced in a bound porous material and made available prior to the first occupation of the dwelling. The spaces shall thereafter at all times be retained for the parking of cars associated with the occupants of the dwelling.

Reason: In order to ensure the site is provided with adequate off street parking in the interests of highway safety.

15. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D and E of Part 1 and Classes A, B & C of Part 2 of Schedule 2 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 significance of the heritage assets.

16. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form 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.

17. The development hereby approved shall be carried out in strict accordance with the arboricultural impact assessment, prepared by Tree Plan Arboricultural Consultants, dated 25 April 2023.

Reason: To protect the trees in the interest of the amenity of the area.

18. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

Reason: To prevent trees from being damaged during building works.

INFORMATIVE

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

Application Ref: 23/0320/TDC

Proposal: Technical details application: Erection of one dwelling and detached garage and the removal of existing garages and stables of Planning Permission 22/0697/PIP.

At: Land in Field 7366, Manchester Road, Barnoldswick

On behalf of: Mr G. Ellison

REPORT TO WEST CRAVEN COMMITTEE ON 05 SEPTEMBER 2023

Application Ref: 22/0577/FUL

Proposal: Full: Major: Erection of 50 dwellings with associated access and landscaping, demolition of Brook Shed engine house, chimney stack, and remaining sections of north elevation of the former weaving shed, boiler house 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 June for further discussions with the applicant regarding the boiler house and possibility of improvements to the junction of New Road

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 and retention of the boiler house as a community building.

To resolve issues with dwellings being located in flood zone 3b and the viability of retaining the chimney, boundary wall and engine house the development has been amended to include their demolition and the number of dwelling increased to 50.

Relevant Planning History

None

Consultee Response

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

Environment Agency – We note that the site layout has been amended so that the built development is situated outside of Flood Zone 3b, as per the 2020 SFRA. We note that since the SFRA was written, PPG has been updated and Flood Zone 3b will normally comprise of “land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively”. The LPA should satisfy themselves that they are comfortable with the proposed location of the development and its proximity to the current Flood Zone 3b, on the understanding that, when the SFRA is updated, the new Flood Zone 3b may be bigger. We also note that the Hydrock flood modelling report states that for the 1% AEP plus 23% climate

change “There is a very small area of increased flood depths just downstream of New Road but this is only an average of 12mm.”. We note this is an area that is currently inundated during flood events. We therefore do not object on flood risk grounds, however, we request that any subsequent approval is conditioned.

The previous use of the proposed development site as a mill site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located adjacent to a surface watercourse, and located upon a secondary A aquifer. In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy.

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 Highways – Off-site highway works are necessary, including:

- 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.
- 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.

The proposed visibility splays are adequate subject to the off-site highway works.

A retaining wall with a vehicle restraint barrier fixed on top is proposed along the western boundary of the site, adjacent to New Cut watercourse. The vehicle restraint barrier and retaining structures adjacent to the internal estate road (North-West of Plot 10 and South of Plot 22) would need to be assessed as part of the Section 38 process if the internal estate road is to be considered for adoption. The proposed bin collection point at the entrance to the private shared drive serving Plots 7 - 10 appears to be behind the vehicle restraint barrier.

Requests revision to plots 14, 21, 22 and 23 to provide acceptable car parking.

No objection subject to the above revisions and conditions for construction management, access construction, road and footway engineering details, management and maintenance, road construction, visibility splays, car parking, cycle storage, electric vehicle charging.

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 engine house, chimney and remaining walls would cause harm to the significance of the Conservation Area and result in the loss of non-designated heritage assets. 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, 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.

No potential community user has been found and it is accepted that there is no viable alternative use for the engine house.

Taking the above factors into account the harm to the significance of the Conservation Area and loss of the non-designated heritage assets 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 and form an active street / canal frontage with resulting visual amenity and natural surveillance benefits.

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 relocation 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.

The amended plans include revision to address LCC Highway's comments in relation to the car parking layout of some plots and LCC Highways have been reconsulted.

The application was deferred in part for it to be considered whether improvements could be made to the junction of New Road and Skipton Road. A report assessing this and the possibility of a mini roundabout has been submitted, this concludes that the dimensions and layout of the roads would not allow for a mini roundabout, there are no other improvements that could viably be made to the junction and furthermore it has been demonstrated that development would not result in the

necessity for improvements to the junction as it has adequate capacity to accommodate the additional traffic resulting from the development.

Subject the conditions recommended by LCC Highways and confirmation that their comments have been satisfactorily addressed the development is acceptable in highway terms.

Drainage and Flood Risk

The site falls within flood zones 2 and 3 and partially within flood zone 3b, which is functional floodplain.

The development has been amended so that there is no development with flood zone 3b, and the developed parts of the site that fall within flood zones 2 and 3 are proposed to be raised with finished floor levels at a height that would be at low risk from flooding. The Flood Risk Assessment also proposes compensatory storage to ensure that the development does not increase the risk of off-site flooding.

The Environment Agency have now withdrawn their objection and advised that they are satisfied that the layout has been amended so that the built development is outside of flood zone 3b and that it has been adequately demonstrated that the development would not increase off site flood risk. They have noted that the guidance for flood zone 3b has been updated since the publication of the Council's Strategic Flood Risk Assessment in 2020, which could expand that zone further into the site when the assessment is next updated. However, this application can only be determined on the basis of the current circumstances, it has been acceptably demonstrated that the development would not result in an unacceptable increase in off-site flooding and flood risk on site would be acceptably mitigated.

The redevelopment of this previously developed site would have wider sustainability benefits to the community that would outweigh the flood risk and it has been demonstrated that it would not result in unacceptable flood risk to its occupiers and will not result in increase risk of flooding elsewhere, it therefore meets the sequential and exception tests.

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 no objection to the amended plans and details from the LLFA and LCC Highways and any additional or revised conditions recommended.

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: 01 Rev J, 02 Rev C, 05 Rev E, 06 Rev C, Materials Schedule Rev C, P22-1812_01E, P22-1812_02E, P22-1812_03E, P22-1812_04E, 21-301-S-0001 Rev C04, 21-301-S-0301 Rev C03, 21-304-S-0001 Rev C02, 21-304-S-0301 Rev C03, 21-311-S-0001 Rev C03, 21-311-S-0301 Rev C03, 21-401-S-0001 Rev C04, 21-401-S-0301 C04, 21-201-U-0001 Rev C03, 21-201-U-0301 Rev C06, 21-301-U-0001 Rev C04, 21-301-U-0301 Rev C07, 21-304-U-0001 Rev C03, 21-304-U-0301 Rev C06, 21-311-U-0001 Rev C04, 21-311-U-0301 Rev C07, 21-313-U-0001 Rev C03, 21-313-U-0301 Rev C06, 21-314-U-0001 Rev C03, 21-314-U-0301 Rev C06, 21-337-U-0001 Rev C05, 21-337-U-0301 Rev C07, 21-401-U-0001 Rev C04, 21-401-U-0301 Rev C07, 21-403-U-0001 Rev C02, 21-403-U-0301 RevC05, BT_01, NSD251 Rev B, SD103 Rev 3, SD-125 Rev P01, SD1700 Rev C, SD1701 Rev C,

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 induction 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.

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 (P22-1812_01E, P22-1812_02E, P22-1812_03E, P22-1812_04E), or an alternative scheme which has been submitted to and approved in writing by the Local Planning Authority, 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 development shall be carried out in strict accordance with the recommendations of the Preliminary Ecological Appraisal May 2022 and Bat Activity Survey Results Report June 2022, a scheme of ecological mitigation, including implementation timescales, shall have been submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling and thereafter implemented in accordance with the approved timescale.

Reason: To ensure that the development acceptably preserves or enhances the ecology of the site and does not result in unacceptable harm to protected species.

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 shall be carried out in accordance with the submitted flood risk assessment ("Flood Risk and Drainage Assessment – New Road, Earby" ref "30581/FRA/SRG" Rev B, dated August 2023, compiled by Gleeson) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 133.90 metres above Ordnance Datum (AOD)
- Compensatory storage shall be provided as per the latest drawings of Proposed Flood Mitigation (drawing number: 30581/102 – Rev C) and Flood Mitigation Detailed Section (drawing number: 30581/104 – Rev B)- dated Aug 2023, and shall be implemented prior to any other development or land raising on site.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided

13. The development hereby permitted must not be commenced until such time as a maintenance scheme to ensure the functioning of the compensatory storage for the lifetime of the development has been submitted to, and approved in writing by, the local planning authority.

Reason To prevent flooding elsewhere by ensuring that compensatory storage of flood water is maintained.

14. 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 ("Flood Risk and Drainage Assessment – New Road, Earby" ref "30581/FRA/SRG" Rev B, dated August 2023, compiled by 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.

15: 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 ("Flood Risk and Drainage Assessment – New Road, Earby" ref "30581/FRA/SRG" Rev B, dated August 2023, compiled by 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.

16. 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.

17. 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.

18. 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.

19. No dwelling hereby approved shall be occupied unless and until a scheme for flood resilience measures has been submitted to and approved in writing by the Local Planning Authority and the scheme has been implemented.

Reason: To ensure that adequate flood resilience measures are in place to mitigate the risk of flooding to occupants of the development.

20. Within 3 months of commencement of the development 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.

21. Within 3 months of commencement of the development 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.

22. Within 3 months of commencement of the development 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. Prior to demolition commencing a scheme for archaeological recording of the chimney and engine house shall be undertaken by a professional qualified person and submitted to and approved in writing by the Local Planning Department. The recording shall then be undertaken in strict accordance with the agreed details.

Reason: In order to provide an appropriate record of the chimney and engine house.

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 , 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.

The use of flood resistance and resilience measures is recommended.

Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact the building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

- Government guidance on flood resilient construction
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>
- CIRIA Code of Practice for property flood resilience
https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx
- British Standard 85500 – Flood resistant and resilient construction
<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506

506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Application Ref: 22/0577/FUL

Proposal: Full: Major: Erection of 50 dwellings with associated access and landscaping, demolition of Brook Shed engine house, chimney stack, and remaining sections of north elevation of the former weaving shed, boiler house 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: 23rd August 2023