

West Craven Committee Update Report 5th September 2023

23/0291/OUT - Sough Bridge Mill, Colne Road, Kelbrook

The planning application has been withdrawn at the applicant's request.

22/0577/FUL – Site of former Brook Shed, New Road, Earby

Additional public comments have been received in response to the amended plans, objecting on the following grounds:

Loss of heritage value from the site.

Elements such as the doorway arch and chimney bricks should be incorporated into the development's landscape as evidence of the site's former use.

The engine shed should be retained and converted into housing.

Loss of habitat for protected species.

Increase in the likelihood of flooding due to hard surfacing.

Concerns regarding increase in traffic and on-street parking as a result of the development.

Lead Local Flood Authority – Withdraws its objection subject to conditions

LCC Highways – No objection. The proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Conditions and an informative should be attached.

Officer Comments

Suggestion has been made that the engine house should be converted to dwellings rather than demolished. Discussions took place between the Council and the developer to seek an alternative use for the engine house, it was established that the originally proposed community use would not be viable as no community groups that could viably use the building have been identified. In relation to conversion to housing development, this has been assessed by the developer and is not viable due to the technical constraints of converting the building and the limited financial viability of the development that has been demonstrated. Therefore, it is recommended that the demolition of the building is acceptable when taking into account the public benefits of the development as detailed in the Committee report.

The LLFA and LCC Highways have confirmed they have no objections to the revised development and provided revised recommended conditions to reflect the amended plans and details which have been incorporated below. Therefore, the recommendation is changed from delegated approval to approval.

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: Approve

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 (August 2023 / 30581/FRA/SRG – revision B / 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.

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 (August 2023 / 30581/FRA/SRG – revision B / 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 6 & 44
- reinstatement of the footway on New Road, including full height kerbs where there is no vehicle crossing, between Plots 6 & 44 (approx 84m)

- 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 & 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.