

REPORT OF:	ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL AND REGULATORY SERVICES
TO:	DEVELOPMENT MANAGEMENT COMMITTEE
DATES:	29TH FEBRUARY 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 20 FEBRUARY 2024

Application Ref: 22/0722/FUL

Proposal: Full: Erection of 128 dwellings, creation of new vehicular access from Long Ing Lane and all associated works.

At: Site Of Former Barnsay Shed, Long Ing Lane, Barnoldswick

On behalf of: Seddon Homes Limited

Date Registered: 25/10/2022

Expiry Date: 22/02/2024

Case Officer: Alex Cameron

As this application has been brought before Development Management Committee as it is for over 60 dwellings.

Site Description and Proposal

The application site is located to the east of the settlement Barnoldswick and to the south of Long Ing Lane. The west/southwest boundary of the site is formed by the Leeds Liverpool canal with the Silentnight factory beyond, then open land to the south and east of the site with to the north west the land rising up to both isolated farm properties and a residential area. Approximately half of the site, to the north east west side falls within the settlement boundary and is designated as protected employment land. This was the former site of Barnsay Mill.

Outline planning permission (access only) for up to 148 dwellings was approved in 2016, a subsequent Reserved Matters application was refused and dismissed at appeal.

This application is for full Planning Permission for the erection of 128 dwellings. The proposed dwellings would be mixture of detached, semi-detached and blocks of three houses comprising 101 three bedroom and 27 four bedroom houses. The houses would be finished in artificial stone and concrete tile roofs.

Relevant Planning History

13/81/0987P - Change of use of weaving shed to warehouse, construction of new vehicular access and vehicle park and construction of two overhead conveyor bridges at Barnsay Mill. Approved.

13/90/0619P - Outline: use of land for Business (B1), general industry (B2) and storage distribution, Barnsay Mill site. Refused.

13/93/0175P - Outline: industrial building of approximately 250,000 sq ft on the site of the former Barnsay Mill. Approved.

13/93/0381P - Reserved matters of 13/93/0175P. Approved.

13/00/0411P - Outline: Use of land for B1 (Business), B2 (General Industrial) & B8 (Storage or Distribution) development. Approved.

13/07/0242P - Reserved Matters: Major: Erection of 2000sqm B1, 9300sqm B2 and 1100sqm B8 of industrial floorspace and formation of access road, parking and landscaping. Approved.

13/16/0054P - Outline: Major: Residential development (5.07Ha) of upto 148 dwelling houses with access from Long Ing Lane and new access via footpath 10 (Access only) (Re-Submission). Approved.

20/0035/REM - Reserved Matters: Major: Erection of 129 dwellings and associated roads, infrastructure and parking (appearance, landscaping, layout and scale) of Outline Planning Permission 13/16/0054. Refused, Appeal Dismissed.

Consultee Response

LCC Lead Local Flood Authority – Withdraws its objection following the provision of sufficient information to demonstrate how surface water from the development area, post development will be managed. Request conditions for accordance with the floor risk assessment, drainage strategy, construction surface water management, drainage operation and maintenance and verification report.

Earby and Salterforth Internal Drainage Board – No objection subject to the conditions recommended by the LLFA.

LCC Highways – No objection subject to a travel plan contribution and conditions for off site highway works, construction management plan, travel plan implementation, estate street phasing and completion, visibility splays, access construction, management and maintenance of estate roads, estate road construction, survey of culvert under estate road, car parking, cycle storage and electric vehicle charging.

LCC Schools Planning – An education contribution is not required.

Lancashire Fire and Rescue – Comments relating to Building Regulations.

Environment Agency - No objection subject to a contaminated land condition.

United Utilities – Request the submission of a drainage plan or if planning permission is granted conditions for foul and surface water drainage and maintenance.

Yorkshire Water – A water supply can be made available, notes relating to the provision of water supply.

PBC Environmental Health – Please attach conditions for compliance with the noise assessment, construction management and a contaminated land note.

PBC Public Rights of Way – An additional access point onto the canal towpath at the front of plot 90 would add considerably to the convenience of residents at this end of the proposed housing estate for access to the towpath. (Amended plans have been received adding the requested canal access).

Please attach a note relating to public right of way running through the site.

Coal Authority – No comments.

Canal and River Trust – Satisfied with the revised landscaping scheme. Request conditions relating to the structural integrity of the canal, further investigation of the culverts under the site, the design of the proposed access to the canal towpath and a contribution towards improvement of the towpath.

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.

Barnoldswick Town Council –

West Craven Committee – Resolved that Development Management Committee be recommended to refuse the application based on the current scheme, objections from the LLFA and paragraph 32 of the Inspector's appeal decision APP/E2340/3264685 regarding the absence of conclusive evidence to demonstrate that the proposed drainage regime for the site would not cause elevated flood risk elsewhere, and that the position had not changed since that decision.

Public Response

Press and site notices have been posted and nearest neighbours notified. The following responses objecting the proposed development have been received:

- Residents may be impacted by noise and vibration from the adjacent Silentnight factory and this will impact on the ability of the business to operate efficiently and its future prosperity
- Parking issues
- Increase in off-site flood risk
- What kind of rubble/waste would be used to increase the level of the site?
- Loss of protected species habitats

- Concern about foul water sewer capacity
- Highway safety concerns from increase in traffic using the canal bridge
- Noise impacts from increase traffic resulting from the development

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the roles each settlement category will play in future growth. Barnoldswick is a key service centre which provide the focus for future growth and will accommodate the majority of new development.

Policy SDP3 identifies housing distribution in West Craven Towns as 18%. The total housing requirement for Pendle at the present time is 5662. The amount of development proposed here is not disproportionate to the amount Barnoldswick could expect to accommodate over the 15 year plan period.

Policy ENV1 of the Replacement Pendle Local Plan 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 of the Pendle Local Plan Part 1 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 ENV5 seeks to minimise air, water, noise, odour and light pollution.

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.

Policy LIV1 sets out the housing requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies.

Policy LIV4 sets targets and thresholds for affordable housing provision. For 15 or more dwellings in West Craven towns this is 5%.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

Policy 22 This policy states that it is concerned with re-using employment premises in an attempt to reduce the amount of greenfield land required for employment.

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

Principle of the Development

The site is a sustainable location adjacent to the settlement. The principle of the development of the protected employment land for non-employment use has been established by the previous permission on the site, the land was allocated for specific employment development that has not come forward, it is unlikely that other employment development will come forward on the site and taking that into account the proposed housing development is acceptable in principle.

Visual Amenity

The design, materials and scale of the proposed housing would be in keeping with the character of the surrounding area, similar to other modern housing development in the vicinity and with features that reflect the character of the area such as window surrounds and feature gable vents. It would front onto the canal providing an attractive and active canal frontage.

The Design and Access Statement demonstrates that the development has been designed in accordance with Building For Life 12 principles and would be sympathetic to the surrounding area in accordance with policies ENV2 and LIV5.

Residential Amenity

Subject to a condition to require obscure glazing of non-habitable side windows on some plots the proposed development would provide an adequate level of privacy and living environment for the proposed dwellings in relation to spacing between the buildings and windows and would not result in an unacceptable loss of privacy, light or overbearing impact to any adjacent property.

The Silentnight factory to the west has the potential to cause noise that could affect the amenity of residents of the proposed development, that in turn could affect the operation of the factory. A noise assessment has been submitted with the application addressing this potential impact and proposing mitigation measures.

In relation to other potential impacts the industrial use at Sitentnight is not one that by its nature would typically be expected to result in a large volume of dust, taking this into account it would be unreasonable to resist or impose restrictions on this application to account for the potential of nuisance dust from the operations at Sitentnight.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV5 and LIV5.

Affordable Housing Provision

Policy LIV4 sets a target of 5% affordable housing for developments of this scale in West Craven. Six affordable housing units are proposed in accordance with the policy LIV4.

The proposed affordable housing provision is acceptable, a condition requiring the provision of affordable housing is attached to the outline permission and no further controls are required.

Ecology

The ecology survey identifies an elm tree at the southern end of the north east boundary of the site as a potential bat roosting site, the site is also used by foraging and commuting bats. The elm tree is proposed to be retained in the proposed layout of the development and the report recommends mitigation measures relating to lighting and enhancements by the provision of bat boxes to ensure that there are no unacceptable impacts upon bats.

The survey concludes that the grassland habitats to be lost are of limited value to birds. It recommends a pre-development nesting bird check if within breeding season and bird boxes are installed around the site to mitigate for the loss of immature woodland habitats.

Hedgehogs are likely to be present within the site and the report makes recommendations for mitigation to protect and enhance the sites habitat value.

The report concludes that the proposed development has the potential to provide significantly higher value habitats for wildlife than are currently present.

The report identifies the possibility that the adjacent canal is used by otters and water voles and a further survey has been undertaken which found that there is potential otter habitat along the canal near to the site, albeit limited. It recommends suitable mitigation measures that will ensure that otters are not unacceptably impacted.

Subject to conditions to require that the recommendations of the reports are implemented the development would not result in any unacceptable ecology impacts.

Open Space and Landscaping

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The proposed layout includes areas of green space around the site and a green corridor running through the centre of the site to the canal, this would provide green infrastructure which the ecology report concludes, together with other mitigation, would result in a significant enhancement in the ecological value of the site.

Policy LIV5 also allows for green infrastructure to be taken into account and the need for open space must be set against the existing provision in the area. Furthermore, green corridors are defined as an open space typology in Pendle's Open Space Audit.

The development existing children's play facilities directly opposite and an area of defined as natural greenspace immediately to the north east. The development makes provision for a green corridor through the heart of the site, and extensive green infrastructure throughout the site. The proposed open space / green infrastructure provision is therefore acceptable in accordance with LIV5 subject to a condition to ensure appropriate long term maintenance.

The Council Environment Officer has made comments on the proposed landscaping scheme requesting some minor alterations in the mix and size of trees proposed and some windflower planting. The applicant has agreed to those changes and asked that they be controlled by the addition of a landscaping scheme condition. Subject to that condition the proposed landscaping of the site is acceptable.

Drainage and Flood Risk

A previous reserved matters application on this site was refused and an appeal dismissed due to an absence of conclusive evidence to demonstrate that the proposed drainage regime for the site would not cause elevated flood risk elsewhere.

This specifically related to a proposed filter/cut-off drain which it was proposed would intercept overland flows from the north-east and specifically lack of detail of the method to delay and control the water discharged from the filter/cut-off drain, the rate of discharge from that drain and the capacity of the receiving drain to accommodate that off-site, and lack of evidence of to conclude that a blockage exists within the exiting culvert that as was given as a reason for on-site flooding in the FRA.

This application instead proposes to create an infiltration basin of at least equal storage capacity to the depression that currently collects water on the site. This would capture and attenuate the surface water flows from the north of the site and it has been acceptably demonstrated that this would ensure that the development does not increase the risk of off-site flooding.

It has also been adequately demonstrated that the development would not be at unacceptable risk of off-site flooding and that surface water from the development itself, which would be discharged at an attenuated rate to the canal, would also not increase in the risk of off-site flooding.

The Environment Agency, Earby and Salterforth Internal Drainage Board and Lead Local Flood Authority have no objection to the development in terms of flood risk, subject to conditions.

Therefore, subject to the recommended conditions, the proposed development would not be at unacceptable risk of flooding or unacceptably increase the risk of flooding off-site and is therefore acceptable in terms of drainage and flood risk.

Highways

LCC Highways requested an assessment of the operation of the signals at the junction of Essex Street and Rainhall Road, which distributes all the development traffic through the junction, concludes that the junction will operate within its theoretical capacity, with development, in future years with minimal increases in the delay and queuing. LCC Highways have advised the assessment is robust and acceptably demonstrated that further mitigation is not necessary.

Acceptable refuse collection and pedestrian access has also been added in the amended plans.

A Travel Plan contribution is necessary to support the development and implementation of the plan, that has been agreed by the applicant and can be ensured by a condition for a Section 106 agreement.

The development would provide an acceptable level of on-site car parking and, subject to conditions, would not result in an unacceptable impact upon the capacity of the surrounding highway network or highway safety.

Contributions

Transport Plan

LCC have requested a contribution to support the development and implantation of the Travel Plan, this is necessary and directly and reasonably related to the impacts of the development in terms of travel and sustainability and therefore meets the CIL Regulations tests.

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 develop[per] 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

The proposed development fully resolves the drainage issues that led to the dismissal of the previous Reserved Matters appeal, is it acceptable in all regards and is therefore recommended for 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 details submitted accord with Local Planning Policy and the guidance set out in the Framework, subject to compliance with planning conditions. 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: 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: 19-03-P02 Rev H, 19-03-P03 Rev H, 19-03-P04 Rev H, 19-03-P05 Rev H, 19-03-P06 Rev H, 19-03-P07 Rev H, 6196.03 Rev E Sheet 1-3, 6196.06 Rev E, 6196.07 Rev A, House Type Pack, 19-03-SS01.

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 samples of external materials / finishes of the walls, roofs, windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

Reason: To ensure that the materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. 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.

5. The first floor south side window in plots 32 & 86, first floor north side window in plot 51 and first floor west side windows of plots 84 & 125 shall at all times be glazed with obscure glazing to a minimum obscurity level of Pilkington Level 4 (or equivalent). The windows shall at all times be hung in such a way that prevents the effect of the obscure glazing being negated by opening.

Reason: To ensure an adequate level of privacy to adjacent plots in the interest of residential amenity.

6. A scheme for the management (including maintenance) of the public open space areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The management arrangements shall be implemented in accordance with approved scheme before the first dwelling is occupied and the public open spaces shall thereafter be managed in accordance with the approved scheme.

Reason: To ensure the site is properly maintained and managed in the interests of visual amenity.

7. The development shall only be carried out in strict accordance with the recommendations of the Preliminary Ecological Appraisal ref: 80-217-r2-1. Prior to the commencement of the development a scheme of ecological mitigation measures in accordance with the recommendations of the recommendations of the Ecological Appraisal shall have been submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented prior to the occupation of the first dwelling, or in accordance with phasing to be agreed as part of the scheme, and maintained thereafter.

Reason: To ensure protection and enhancement of ecology.

8. Should a surface water outfall be proposed to the adjacent canal as part of the drainage scheme the outfall/s shall not be implemented unless and until Otter and Water Vole surveys of the section of the canal adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. Any mitigation measures recommended by the surveys reports shall be fully implemented prior to the implementation of the fallouts and maintained thereafter.

Reason: To ensure protection of the habitats of Otters and Water Voles.

9. The development shall be carried out in strict accordance with the Noise Mitigation Scheme ref: P19-681-R03v1 July 2020. The noise mitigation measures for each dwelling identified in the scheme shall be fully installed prior to the occupation of that dwelling and thereafter maintained in accordance with the Noise Mitigation Scheme.

Reason: To ensure that the adjacent industrial use does not unacceptably impact upon the residential amenity of occupants

10. The landscaping scheme (Drawing Nos. 6196.03 Rev E Sheet 1-3, 6196.06 Rev E, 6196.07 Rev A), or an alternative landscaping scheme that 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.

11. No ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, in accordance with drawing No. 6196.07 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 the Tree Protection Plan. 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. All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in

accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

12. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (5 th July 2023 / 22213-PWA-00-XX-RP-C-1000 P06 / Paul Waite Associates).

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 in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

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

The detailed surface water sustainable drainage strategy shall be based upon the sitespecific flood risk assessment and indicative surface water sustainable drainage strategy submitted (5 th July 2023 / 22213-PWA-00-XX-RP-C-1000 P06 / Paul Waite Associates) 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.

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 + 40% climate change allowance, with an allowance for urban creep
- iii. 1% (1 in 100-year) annual exceedance probability event + 45% 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 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. 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.

14. 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.

15. 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.

16. 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.

17. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

18. No development shall commence unless and until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by contamination.

19. 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) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) Measures to control noise and vibration during construction
 - viii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - ix) Details of working hours
 - x) Routing of delivery vehicles to/from site

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

20. The submitted framework Travel Plan shall be implemented, monitored and

reviewed in accordance with the agreed Travel Plan Targets.

Reason: To ensure that sustainable travel is supported.

21. No development shall take place until an estate street phasing and completion plan has been submitted to and approved in writing by the Local Planning Authority. The estate street phasing and completion plan shall set out the development phases and completion sequence that estate streets serving each phase of the development will be completed. The development shall then be carried out in accordance with the approved estate street phasing and completion plan.

Reason: To ensure the phasing and completion of estate streets serving the development are completed.

22. No dwelling hereby approved shall be occupied unless and until visibility splays 2.4 metres back from the centre line of the access and extending 25m in both directions to the carriageway edge provided at all accesses/junctions, as shown on the approved plans. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety.

23. The development hereby approved shall not commence unless and until a scheme for the site access has been submitted to and approved by the Local Planning Authority and constructed to base course prior to any large delivery vehicle movements being commenced.

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.

24. Within 3 months of commencement a scheme for the off-site highway works shall be submitted for approval to the Local Planning Authority. The works shall be completed prior to occupation of the first dwelling unless an alternative timescale has been approved in writing by the Local Planning Authority. The works shall include:

- a) 2 quality bus stops on Long Ing Lane at bus stops 2500LAA16278 and 2500LAA16279 to include bus shelters) and
- b) New pedestrian build out with dropped crossing/tactile paving on Long Ing Lane to east side of site access and footway widened to 3m along frontage of development

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable.

25. Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads 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: To ensure that the internal estate road is acceptably constructed in the interest of highway safety.

26. Within 3 months of commencement a CCTV survey of the culvert which passes beneath the new estate road shall be undertaken and submitted for approval including details of any works which are considered necessary to bring the culvert to adoptable standards.

Reason: to ensure that the culvert does not undermine the estate road in the interest of highway safety.

27. Prior to the occupation of each dwelling the driveway / parking area detailed on the approved plans for that dwelling shall be constructed in a bound porous material and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: To ensure that adequate parking provision is made and retained and that surface water does not flow into the estate road.

28. Prior to first occupation each dwelling shall have a secure cycle store for at a ratio of 1 cycle space per bedroom.

Reason: To ensure that adequate provision is made for sustainable transport.

29. 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 that adequate provision is made for sustainable transport.

30. No development shall commence unless and until a Risk Assessment and Method Statement outlining construction of foundations and landscaping works in proximity to the Leeds & Liverpool Canal have been submitted to and approved in writing by the Local Planning Authority. The details shall:

- Include the design, depth and means of construction of the foundations of plot 90 and the new access road (including cross sections in relation to the canal bank), together with and other proposed earth moving and excavation works required in connection with the development;
- Include details of the means of levelling/infilling land in proximity to the canal
- Include details of any protective fencing to be erected to safeguard the waterway during construction.

The development shall thereafter be carried out in strict accordance with the agreed Risk Assessment and Method Statement.

Reason: In the interests of safeguarding the land stability of land adjacent to the canal.

31. No part of the development shall commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the said obligation shall provide a contribution to support the development and implementation of the Travel Plan.

Reason: To provide for the impact of the development on local secondary school provision and to support the implementation of the Travel Plan.

32. Six of the dwellings hereby approved, as detailed in the approved plans unless otherwise approved in writing by the Local Planning Authority, shall be affordable housing. The affordable housing to be provided shall meet the definition of affordable housing in Annex 2 of The National Planning Policy Framework or any future guidance that replaces it. No dwelling hereby approved shall be occupied unless and until an affordable housing scheme has been submitted to and approved in writing by the Local Planning Authority. The affordable housing scheme shall include:

- i) the type, tenure and location on the site of the affordable housing provision to be made;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: in order for the development to contribute to the supply of affordable housing in accordance with the identified need.

Notes:

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number. 2. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system. 3. Where road construction will take place over a watercourse the applicant need be aware that under the Land Drainage Act 1991 consent is required from the Lead Local Flood Authority for work within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not. Consent must be obtained before works are started on site as it cannot be issued retrospectively. For those private streets that are intended to be offered for highway adoption it should be noted that the Highway Authority will not adopt streets that have been subject to unconsented water course works.

Informative 01 – Ordinary Watercourse (Land Drainage) Consent

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act

2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of

water, regardless of whether the watercourse is culverted or not.

- Consent must be obtained before starting any works on site. It cannot be issued retrospectively.
- Sites may be inspected prior to the issuing of consent.
- Unconsented works within the Highway or Sustainable Drainage System may prevent adoption.
- Applications to culvert an existing open ordinary watercourse will generally be refused.
- Enforcement action may be taken against unconsented work.

Ordinary watercourse consent is subject to the asset owner's permission to connect. For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays.

You should contact the Lead Local Flood Authority to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here:

<https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>
Informative 02 – Appropriate Legal Agreement

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

Informative 03 – Permeable Paving

Where permeable paving is included in the hydrological calculations of a development proposal the Local Planning Authority is advised to consider the removal of permitted development rights for permeable paving. Should the Local Planning Authority not remove the permitted development rights for permeable paving on privately owned land, the Lead Local Flood Authority will consider the need to designate such areas under Schedule 1 of the Flood and Water Management Act 2010. The District Council, as a flood risk management authority in its own right, also has these powers to designate

Application Ref: **22/0722/FUL**

Proposal: Full: Erection of 128 dwellings, creation of new vehicular access from Long Ing Lane and all associated works.

At: Site Of Former Barnsay Shed, Long Ing Lane, Barnoldswick

On behalf of: Seddon Homes Limited