

## **Development Management Committee Update 29<sup>th</sup> March 2024**

22/0722/FUL Site Of Former Barnsay Shed Long Ing Lane Barnoldswick

The applicant has submitted a briefing document to aid Committee members and provide an overview of the scheme with a particular focus on drainage matters.

The legal opinion of a barrister instructed by the applicant has also been submitted. This concludes that the planning inspector's concerns that led to dismissal of the previous appeal have been overcome.

There is an error in the reason condition 31, which incorrectly refers to secondary school provision, no contribution has been sought by LCC Schools Planning, the only section 106 contribution required is the contribution sought by LCC Highways to support the Travel Plan.

The recommendation remains to Approve

### **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 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.