

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

TO: WEST CRAVEN COMMITTEE

DATE: 6TH AUGUST 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO WEST CRAVEN COMMITTEE ON 06 AUGUST 2024

Application Ref: 23/0460/CND

Proposal: Approval of Details Reserved by Condition: Discharge Condition 3 (Materials), Condition 5 (Levels/sections of site), Condition 9 (Protective Fencing), Condition 12 (Drainage Strategy), Condition 13 (Construction Management Plan), Condition 16 (Construction Method Statement), Condition 17 (Site access and off-site highway works) and Condition 23 (Affordable Housing) of Planning Permission 22/0633/FUL.

At: Land Off Cob Lane And Old Stone Trough Lane, Kelbrook

On behalf of: Mr A Cockburn

Date Registered: 12/07/2023

Expiry Date: 06/09/2023

Case Officer: Alex Cameron

This application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions of Planning Permission 23/0460/CND.

- 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 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 adjacent Listed Building.

- 5 Prior to the commencement of the development plans of existing and proposed levels and/or sections of the site and immediately adjoining land shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure the continuation of a satisfactory appearance to the development.

- 9 Unless and until approved in writing by the local planning authority 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. No work shall be carried out on the site until the written approval of the local planning authority has been issued confirming that the protective fencing is erected in accordance with this condition. 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 ensure that trees to be preserved are not damaged during construction.

- 12 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 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 creepCalculations must be provided for the whole site, including all 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 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 of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.

e) 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.

- 13 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 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 into 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.

- 16 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:

- 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) A scheme for recycling/disposing of waste resulting from demolition and construction works

- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

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

- 17 No development shall commence unless and until a scheme for the site access and off-site highway works has been submitted to and approved in writing by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.

- a) New site access on Cob Lane
- b) New footway at the site access on Cob Lane with dropped kerb crossing points on the south and north side of Cob Lane to tie the new footway into the existing footway network.

Reason: In the interest of highway safety.

- 23 No part of the development 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. The said obligation shall provide for two affordable houses.

Reason: To contribute towards the identified need for affordable housing provision in the area.

Relevant Planning History

22/0633/FUL - Full: Major: Erection of 10 Dwellings with associated landscaping and infrastructure works. Approved

23/0182/NMA - Non-Material Amendment- Minor changes to elevations and layout of house types B & C to incorporate usable loft space of Planning Permission 22/0633/FUL. Approved

Consultee Comments

LCC Highways – No objection to the discharge of condition 16.

Object to the discharge of condition 17: The new footway at the site access needs to provide dropped kerb crossing points with tactile paving and in addition must provide dropped kerb crossing with tactile paving to the opposite side of Cob Lane to allow pedestrians to access the footway on the opposite side of Cob lane to continue their route. The dropped kerb crossing points should be protected by H bar markings due to the on-street car parking.

The approved visibility splay requirements are 2.4m x 23m in both directions along Cob Lane demonstrated by an automatic 7-day vehicle speed count which recorded 85th percentile speeds of 16mph for north-west bound traffic and 17mph for south-eastbound traffic. Longer splays are shown on the submitted drawing of 2.4m by 43m

Lead Local Flood Authority (LLFA) – Recommends the discharge of condition 12 in response additional clarification received 11/08/2023. Recommends the discharge of condition 13 in response to details received 12/07/2024.

Public Comments

Responses received objecting to the discharge of conditions on the following grounds:

Concerns relating to the site draining into the watercourse running adjacent to the site and increasing the risk of flooding and responsibility for maintenance of the crash screen where the watercourse runs through an adjacent property.

Concerns regarding inspection and maintenance of the surface water attenuation tank and structural stability of the road above it.

Officer Comments

Condition 3 (Materials) The proposed materials of the windows and doors are acceptable. The proposed use of reconstituted stone walling and artificial slate roofing is not acceptable, this represents a material change to the approved development, which proposed natural stone and the condition requiring natural slate, and would have a harmful impact on the setting of the adjacent Listed Building and character of the area contrary to policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and KS DEV 1 and KS HOU 2 of the Kelbrook and Sough Neighbourhood Plan.

Condition 5 (Levels/sections of site) The submitted details of proposed levels are acceptable.

Condition 9 (Protective Fencing) The submitted tree protection plan is acceptable, the protective fencing has been partially erected in accordance with the plan, however, it should be fully erected prior to the recommencement of work on site.

Condition 12 (Drainage Strategy) The submitted details and additional clarification received 11/08/2023 are acceptable.

Condition 13 (Construction Surface Water Management Plan) The details initially submitted did not demonstrate that the construction site drainage and pollution control measures were adequate, further details have now been submitted and the LLFA have advised that these are now acceptable.

Condition 16 (Construction Method Statement) The submitted construction method statement is acceptable subject to revised hours of operation of 8am to 5:30pm Monday to Saturday.

Condition 17 (Site access and off-site highway works) The submitted details of site access and off-site highway works are not acceptable. The new footway at the site access needs to provide dropped kerb crossing points with tactile paving and in addition must provide dropped kerb crossing with tactile paving to the opposite side of Cob Lane to allow pedestrians to access the footway on the opposite side of Cob Lane to continue their route. The dropped kerb crossing points should be protected by H bar markings due to the on-street car parking.

Condition 23 (Affordable Housing) A Section 106 agreement for a contribution for the provision of two off-site affordable dwellings has been signed in accordance with the condition.

**RECOMMENDATION: Discharge Conditions 5, 12, 13, 16 & 23 Partially
Discharge Conditions 3 & 9 and Refuse Discharge of Condition 17**

Condition 3 (Materials) The proposed materials of the windows and doors are acceptable. The proposed use of reconstituted stone walling and artificial slate roofing is not acceptable, this represents a material change to the approved development, which proposed natural stone and the condition requiring natural slate, and would have a harmful impact on the setting of the adjacent Listed Building and character of the area contrary to policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and KS DEV 1 and KS HOU 2 of the Kelbrook and Sough Neighbourhood Plan. The condition is partially discharged in relation to the window and door materials only subject to implementation.

Condition 5 (Levels/sections of site) The submitted details of proposed levels are acceptable. The condition is discharged subject to implementation.

Condition 9 (Protective Fencing) The submitted tree protection plan is acceptable, the protective fencing has been partially erected in accordance with the plan, however, it should be fully erected prior to the recommencement of work on site. The condition is partially discharged subject to implementation.

Condition 12 (Drainage Strategy) The submitted details and additional clarification received 11/08/2023 are acceptable. The condition is discharged subject to implementation.

Condition 13 (Construction Surface Water Management Plan) the revised details received 12/07/2024 are acceptable. The condition is discharged subject to implementation.

Condition 16 (Construction Method Statement) The submitted construction method statement is acceptable subject to revised hours of operation of 8am to 5:30pm Monday to Saturday. The condition is discharged subject to implementation.

Condition 17 (Site access and off-site highway works) The submitted details of site access and off-site highway works are not acceptable. The new footway at the site access needs to provide dropped kerb crossing points with tactile paving and in addition must provide dropped kerb crossing with tactile paving to the opposite side of Cob Lane to allow pedestrians to access the footway on the opposite side of Cob Lane to continue their route. The dropped kerb crossing points should be protected by H bar markings due to the on-street car parking. The discharge of the condition is refused.

Condition 23 (Affordable Housing) A Section 106 agreement for a contribution for the provision of two off-site affordable dwellings has been signed in accordance with the condition. The condition is fully discharged.

Application Ref: 23/0460/CND

Proposal: Approval of Details Reserved by Condition: Discharge Condition 3 (Materials), Condition 5 (Levels/sections of site), Condition 9 (Protective Fencing), Condition 12 (Drainage Strategy), Condition 13 (Construction Management Plan), Condition 16 (Construction Method Statement), Condition 17 (Site access and off-site highway works) and Condition 23 (Affordable Housing) of Planning Permission 22/0633/FUL.

At: Land Off Cob Lane And Old Stone Trough Lane, Kelbrook
On behalf of: Mr A Cockburn

REPORT TO WEST CRAVEN COMMITTEE ON 06 AUGUST 2024

Application Ref: 22/0540/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 4 (Site Levels), Condition 9 (Drainage Details), Condition 13 (Highway Improvements) of Planning Permission 21/0111/FUL (Appeal APP/E2340/W/21/3288078).

At: Land To The West Of Brogden View, Brogden Lane, Barnoldswick

On behalf of: Applethwaite Limited

Date Registered: 12/07/2022

Expiry Date: 19/09/2022

Case Officer: Alex Cameron

This application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions of Planning Permission 21/0111/FUL.

This application requests the discharge of condition numbers 4, 9 and 13 of the Planning Permission.

Condition 4 - No part of the development hereby permitted shall be commenced until details of the proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

Condition 9 - No development shall commence until a final, detailed surface water sustainable drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed sustainable drainage scheme shall be based upon the site-specific flood risk assessment submitted and the sustainable drainage principles 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), either directly or indirectly. The detailed sustainable drainage scheme shall include, as a minimum:

- a) Final sustainable drainage plans appropriately labelled to include:
 - i. A final surface water drainage layout plan showing all pipe and structure references, dimensions and design levels;

- ii. A plan identifying the areas contributing to the surface water drainage network, including surface water flows from outside the curtilage as necessary;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. 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;
 - 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 deliver suitably clean water to sustainable drainage components.
- b) A full set of sustainable drainage flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100-year return period, plus an additional 40% allowance for climate change and a 10% allowance for urban creep. Surface water run-off must not exceed a maximum rate of 10.6l/s

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings.

Condition 13 - Prior to the commencement of development, a scheme for the site access and off-site highway works shall be submitted to and approved in writing by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.

- a) New footway on Brodgen Lane and new pedestrian build out on Gisburn Road to link to Greenberfield Road
- b) Scheme of street lighting on Brodgen Lane between Gisburn Road and the site access.
- c) Upgrade of bus stop on Greenberfield Road

Relevant Planning History

21/0111/FUL - Full: Major: Erection of 19 No. bungalows (Over 55) with associated landscaping, car parking and access from Brodgen Lane. Appeal Allowed

Consultee Comments

LCC Highways – No objection to the discharge of condition 13

Lead Local Flood Authority – No objection to the discharge of condition 9.

Officer Comments

Condition 4 (Site Levels) The submitted details of site levels are acceptable. Whilst they do not show sections including the adjacent gardens it is clear that the land levels at the boundaries with those gardens will remain as existing and therefore this is not necessary.

Condition 9 (Drainage Details) The submitted drainage details and are acceptable.

Condition 13 (Highway Improvements) the submitted details are acceptable.

RECOMMENDATION: Discharge Conditions 4, 9 and 13

Condition 4 (Site Levels) The submitted details of site levels are acceptable. The condition is discharged subject to implementation.

Condition 9 (Drainage Details) The submitted drainage details and are acceptable. The condition is discharged subject to implementation.

Condition 13 (Highway Improvements) the submitted details are acceptable. The condition is discharged subject to implementation.

Application Ref: 22/0540/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 4 (Site Levels), Condition 9 (Drainage Details), Condition 13 (Highway Improvements) of Planning Permission 21/0111/FUL (Appeal APP/E2340/W/21/3288078).

At: Land To The West Of Brogden View, Brogden Lane, Barnoldswick

On behalf of: Applethwaite Limited

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 03rd July 2024