

Barrowford and Western Parishes Committee – Planning Update Report – 9th October 2024

24/0366/FUL: Sandy Lane, Barrowford

Following the publication of the committee report, the Council has received a set of amended plans which remove the three storey flat roof element from the front of the building. Instead, the amended plans indicate that there would be a single storey porch area which would house the cycle storage, with a balcony above, to the first floor.

Given that the scale of the front projection has been reduced significantly, this element of the design no longer dominates the building. Overall, when viewed from Sandy Lane or Garnett Street, which are the two most prominent views of the building from public vantage points within the Conservation Area, the proposed building would be read as a similar sized building to that which it is to replace, having a dual pitched roof and being constructed of natural materials. Therefore, the design issues which had previously been raised in the committee report have been overcome and the recommendation can change to approval.

In terms of residential amenity, although a balcony is proposed to the roof of the forward projection, accessed from the first floor, this would not result in a neighbouring amenity issue. The reason being that the balcony would overlook the public highway and the river beyond. There are no properties within a directly line of sight within 21m of the proposed balcony and the angle at which the properties are on Garnett Street and Sandy Lane would mean direct intervisibility between the properties would not be possible.

The highways authority has put forward some conditions which they have recommended, in the event the application is approved. The first of these conditions is no longer necessary as the stopping up order would not be required, given that the development no longer encroaches onto the public highway. In any event, if the developer chose to enter into a stopping up agreement, this could be run completely separately to the planning application. The third of the suggested conditions relates to a condition survey being undertaken to assess the footways alongside Garnett Street. This condition would not meet the six tests required in the Framework and cannot be applied. However, a condition to control hard landscaping could be added to any decision notice. Finally, a condition requiring dropped kerbs and tactile paving on Garnett Street would not be necessary because it may lead to a situation which encourages the parking of vehicles on the footway, which would be an unacceptable highway safety issue.

The recommendation has changed from refusal to approval.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the

Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

Reason: 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: Location Plan PL01 Rev A, Proposed Block Plan PL05 Rev B, Proposed Floor Plan PL06 Rev E, Proposed Elevations PL07 Rev E, Proposed Roof Plan PL08 Rev B.

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

3. Samples of materials including descriptions, name of source/quarry shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. No development shall take place, including any works of demolition, until a construction method statement including site plan 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 and mechanical road sweeping 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
 - x) Timing of deliveries
 - xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

5. Prior to first occupation of any residential unit the cycle storage facilities shall be provided in accordance with a scheme to be approved by the Local Planning Authority.

Reason: To ensure that the development supports sustainable forms of transport.

6. No development approved by this planning permission shall commence 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.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the adjacent water course.

7. 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.

8. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

9. The development hereby approved shall be carried out in strict accordance with the details of the noise assessment prepared by Martin Environmental Solutions Ltd, dated July 2024.

Reason: In the interests of neighbouring amenity.

10. The development hereby approved shall be carried out in strict accordance with the Flood Risk Assessment prepared by UNDA version v1.0 180424.

Reason: In order to ensure the site does not result in flooding elsewhere.

11. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the

Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a) an outline specification for ground preparation;
- b) all proposed boundary treatments with supporting elevations and construction details;
- c) all proposed hard landscape elements and pavings, including layout, materials and colours;

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings, particularly in respect of the area immediately up to the back of the pavement.

Informative Notes

The proposed development may require changes to the existing street lighting, including the re-location of lighting column No 1, which would be at the developer's expense.

24/0545/FUL: Ing Ends Farm, Barley Lane, Barley

Amended conditions are required for the wording of Condition 6 (Landscaping Scheme) and Condition 14 (Bat Survey), the wording shall be as follows:

6. Prior to occupancy the development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
 - a. the exact location and species of all existing trees and other planting to be retained; and the trees removed to be replaced;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas;

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

14. Prior to the commencement of development, the scheme for the protection and enhancement of the bat and barn owl habitat shall be implemented in

accordance with the submitted Bat Survey Report and Method Statement (5th August 2024). The scheme shall be implemented in its entirety prior to any works commencing on site.

Reason: To ensure protection of the habitat of bats and barn owls which are protected under the Wildlife & Countryside Act, 1981.