

FURTHER UPDATE REPORT 21 JULY 2020

FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 21 JULY 2020

Item B1 2020/0039 Johnny Barn

Since the publication of the Update Report on 17 July, Members should be aware of the following further updates:

- Condition 6 (construction method statement) – RBC’s Environmental Health Officer has required that construction hours and deliveries must accord with condition 27 on the outline. This has been undertaken and a revised CMS (Rev C) submitted.
- Condition 11 and 12 (contamination) – the amended Remediation Strategy and accompanying Addendum are approved and an additional condition is recommended (see below).
- Condition 14d – the LLFA has confirmed this is now satisfied.
- Condition 17 – the LLFA has confirmed by email today that the condition, which relates to maintenance and management of the interception swale is not yet capable of being discharged but that this condition need not be satisfied prior to commencement of development, rather, it is appropriate for it to be satisfied before any dwelling is occupied:

“I have no issues with you changing Condition 17 to pre-occupation rather than pre-construction.

However I do have genuine concerns regarding the maintenance of the interception swale, a critical surface water flood prevention feature, that it can be maintained effectively over the lifetime of the development basically by hand over a distance of 150m, and by a specialist vehicle parked off site that can jet and vac successfully from over 100m away. As per the latest LLFA response, detailed evidence will be required to satisfy that point of the condition, as well as information for the other points, before the condition can be recommended for discharge.

On that basis Officers recommend an additional condition (see conditions below) which replaces Condition 17 on the outline approval.

Officers have today received a detailed response from United Utilities, which confirms that there is no objection to the discharge of the relevant conditions,

and no additional conditions are required. In terms of discharge of surface water they state:

“As you know there is already provision within the original outline approval to control any discharge of surface water to the public surface water sewer so that the rate of discharge does not exceed 15 l/s. This was determined by the detailed modelling undertaken at the outline stage by Peter Brett Associates. The current proposals of the applicant as outlined in the now updated submission by REFA are confirmed to attenuate all flows to a lower figure than that approved by the outline permission. This approach is welcomed by United Utilities.”

- Members should be aware that the list of approved drawings and documents from Condition 2 of the committee report has been updated to the following:

Drawing / Document	Drawing Number / Date
Addendum Design & Access Statement	
Revised Remediation Strategy	Issue 1.4 16 July 2020
Addendum to Remediation Strategy	20 July 2020
Construction Method Statement	Rev C
Boundary Treatment Plan	HH/JBC/BTP/01 G
Boundary Treatment Details	HH/JBC/BTD/01 A
Colour Site Layout	HH/JBC/CSL/0 E
Detailed Site Layout	HH/JBC/SL/01 N
Garages	HH/JBC/HT/GAR B
Door & Window Reveal Details	HH/JBC/WD/01 A
House Type D	HH/JBC/HT/D C
House Type H	HH/JBC/HT/H D
House Type J	HH/JBC/HT/J C
House Type N	HH/JBC/HT/N C
House Type Q	HH/JBC/HT/Q C
House Type T	HH/JBC/HT/T D
House Type V	HH/JBC/HT/V C
House Type W	HH/JBC/HT/W D
Materials Plan	HH/JBC/MLP/01 G
Site Sections	HH/JBC/SS/10 A
Storey Heights Plan	HH/JBC/SHP/01 G
Waste Management Plan	HH/JBC/WMP/01 G
Arboricultural Impact Assessment	
Pre-development Badger Survey to discharge Planning Condition 21	23 June 2020
Landscape Proposals	5793.01 Rev F
Biodiversity Statement	Rev C
Stock Proof Fencing Detail	Detail TBA 3
Plans relating to Condition 7	
Proposed bus stop general arrangement plan	49359-STN-GEN-000-DR-D-0002 P03
Proposed access general arrangement plan	49359-STN-GEN-000-DR-D-0001 P03

Plans relating to Condition 9	
Typical Road Construction detail.	07 TYPICAL ROAD CONSTRUCTION DETAILS 07-1 (1)
Road and Main Drainage Layout 1	02 DETAILED DESIGN DRG 02-1B(1)
Road and Main Drainage Layout 2	02 DETAILED DESIGN DRG 02-2B(1)
Longitudinal Sections	02 ROAD AND SEWER DESIGN LONG SECTIONS 02-3A (1)
Road Levels and Contours	02 ROAD AND SEWER DESIGN ROAD LEVELS 02-4B (1)
Surface Water Manhole Schedule	02 ROAD AND SEWER DESIGN SW MH SCHEDULES 02-6A (1)
Foul Water Manhole Schedule	02 ROAD AND SEWER DESIGN FW MH SCHEDULES 02-7A (1)
External Works Drawing No 1	12 EXTERNAL WORKS 12-01B (1)
External Works Drawing No 2	12 EXTERNAL WORKS WIP 12-02B(1)
Street Lighting Design by Harttron.	21530-D-01A (S38 lighting design)
Documents relating to Condition 14b	
Excavation and Pre-Construction Method Statement	Excavation and Pre-Construction Method Statement
Documents relating to Condition 15	
Road and Main Drainage Layout 1	02 ROAD AND SEWER DESIGN LAYOUT 02-1B (1)
Road and Main Drainage Layout 2	02 ROAD AND SEWER DESIGN LAYOUT 02-2B (1)
Surface Water Areas Plan	02 ROAD AND SEWER DESIGN SWIMP 02-5B (1)
Surface Water Manhole Schedule	02 ROAD AND SEWER DESIGN SW MH SCHEDULES 02-6A (1)
Foul Water Manhole Schedule	02 ROAD AND SEWER DESIGN FW MH SCHEDULES 02-7A (1)
Flood Routing Plan	09 FLOOD ROUTING PLAN-09-1B (1)
Interception Swale Detail	10 INTERCEPTION SWALE DETAILS 10-1D (1)
Means of access and maintenance interception swale	11 MEANS OF ACCESS AND MAINTENANCE INTERCEPTION SWALE-11-1A
External works Drawing No 1	12 EXTERNAL WORKS 12-01B (1)
External works Drawing No 2	12 EXTERNAL WORKS WIP 12-02B (1)
Drainage Statement	Revision B dated 21 July 2020
Johnny Barn Programme of works.	JBF Programme - Planning Condition 15 Rev A

Additional conditions and informatives

10. No works to the construction of the foundations and floor slabs shall take place unless and until the independent gas protection verifier's details and final verification methodology have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict accordance with the approved details thereafter.

Reason: To manage the risk of land contamination.

11. No dwelling hereby approved shall be occupied until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reasons: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development. To reduce the flood risk to the development as a result of inadequate maintenance. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

Informatives

4. The applicant must obtain Land Drainage Consent from Lancashire County Council before starting any repair/maintenance works of any open/culverted watercourses discovered during development, as per the Land Drainage Act 1991. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-awatercourse.aspx>

5. Where the clean imported soil source is Greenfield then suitable evidence shall be provided to demonstrate that the source is actually Greenfield (e.g. grid reference or boundary location of original source together with information about the environmental checks undertaken to show it is Greenfield). If soils are not Greenfield then the applicant shall agree their sampling and analytical strategy with the LPA prior to undertaking the work. Testing and validation should be undertaken fully in accordance with the YALPAG guidance and guidance listed within. Analysis must include asbestos. If other materials will be used as a component of the cover system in the top 600mm then they should be afforded the same sampling and analytical strategy as the soils in order to provide the confidence that they are suitable for use.

6. All parties involved with waste and soil movement at the site should be aware that materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defence

against joint liability. Illegal deposits can include moving waste soil material on sites, or between sites, without the appropriate permits, exemptions or duty of care.

7. The developer should have due regard to The Definition of Waste Code of Practice where materials are to be re-used on site or re-used elsewhere. A management plan will help demonstrate that materials have been utilised correctly and in accordance with proposals. Failure to comply may result in materials being considered waste.

Reserved matters

Landscaping

The applicant has submitted an amended Landscape Proposals drawing (Rev F), a Stock Proof Fence drawing and a revised Biodiversity Statement (Rev C) which have been reviewed by and approved by the Council's Tree Officer. In the event that Members resolve to grant permission, these drawings need to be added to the list of approved drawings and documents.

All reserved matters are now addressed and recommended for approval.

Discharge of planning conditions

Members will be aware the applicant has taken the opportunity to discharge a number of the planning conditions attached to the outline consent as part of this reserved matters application (as opposed to submitting separate discharge of condition applications). Members will also note that at the time of report writing, the case officer highlighted a number of conditions that were not ready to be discharged, but where the agent was liaising with officers and consultees to address outstanding matters. The update in relation to these is as follows:

- Condition 6 – the Highway Engineer has confirmed that the Construction Method Statement is acceptable. Comments are awaited from the Council's Environmental Health Officer.
- Condition 7 – the Highway Engineer has confirmed that the submitted plans relating to the site access and bus shelter are acceptable and approved.
- Condition 9 – The Highway Engineer has confirmed that the submitted plans relating to engineering details of proposed streets (and amended lighting design) are acceptable.
- Condition 11 – the Council's Contaminated Land Officer has provided further comments which are with the applicant to address. The applicant provided an updated Remediation Strategy on 16 July 2020 and comments are awaited from the Contaminated Land Officer. If comments are received prior to Committee, they will be reported in a Further Update.
- Condition 14d - The applicant has submitted a Condition 14(d) – Excavation and Pre-Construction Method Statement which has been sent to the LLFA for comment. Comments from the LLFA are awaited and will be reported in a Further Update if received prior to Committee.

- Condition 17 – as above. Further information provided to the LLFA and a response is awaited.

Other matters

United Utilities are due to issue a full response to the application on Monday in order to add detail to their confirmation email that they have no objection to the proposed drainage strategy. This will be summarised within the Further Update.

Conclusion

The officer's recommendation to committee to grant planning permission for the reserved matters as set out in the report remains. The list of final approved drawings and documents will change to reflect amendments that have taken place since the report was published, and will be set out in a Further Update on Tuesday morning.

Item B2 2019/0596 Wavell House, Helmshore

Members will note that at the time of report writing, the Lead Local Flood Authority (LLFA) had not provided a consultation response. On 13 July 2020 the LLFA released a response confirming they have no objection to the proposed development, subject to a planning condition requiring the submission of a full surface water drainage scheme as follows:

“No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

a) Final sustainable drainage layout plan appropriately labelled to include:

- *Pipe/structure references*
- *Dimensions*
- *Design levels*
- *Finished Floor Levels (FFL) at a minimum of 173.26m AOD or 150mm above surrounding ground levels, whichever is highest (as per the Recommendations in the submitted Flood Risk Assessment – 12564-FRA & Drainage Strategy-01 15/11/2019) with adjacent ground levels for all sides of each plot to confirm minimum difference for FFL.*

b) The drainage scheme should demonstrate that the surface water run-off and volume shall not exceed the pre-development runoff rate (which has been calculated at 1in1yr rate of 5.8l/s litres per second for the site as per the submitted Flood Risk Assessment – 12564-FRA & Drainage Strategy-01 15/11/2019). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change (pre & post development), volume of attenuation required (post development)) with allowance for urban creep, to include summary of

permeable/impermeable areas of site used within calculations, and return period summary of critical results by maximum levels.

d) Evidence of agreement with relevant authority responsible for the point of discharge for the proposed surface water sustainable drainage scheme that permission has been granted to discharge there.

e) Plan identifying areas contributing to the drainage network.

f) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.

g) A plan to show overland flow routes and flood water exceedance routes and flood extents.

h) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.

i) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable.

j) Construction phase surface water management plan to include how surface water and pollution prevention will be managed during each phase of construction. The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons

1. To ensure that the final drainage designs are appropriate following detailed design investigation. 2. To ensure that the proposed development can be adequately drained. 3. To ensure that there is no flood risk on or off the site resulting from the proposed development 4. To reduce the flood risk to the development as a result of inadequate maintenance. 5. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system. 6. To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere. 7. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

Subject to this additional condition, Officers' recommendation of approval is unchanged.

Item B8 2020/0198 Land South of Holme Cottages, Cowpe

Since publication of the Committee report, officers have liaised with the applicant to secure an amendment to the proposed hard landscaping of the development. Amended plans have now been received showing that the proposed block paving and tarmac driveways will be replaced with 600mm x 600mm natural stone flag paving around the houses, and porous Tobermore Hydropave Tegula block paving to the driveways.

Officers consider that the above amendments will improve the appearance of the development, making it more sympathetic to the context of the site within the countryside.

Officers' recommendation on the application is unchanged, but it is proposed that conditions 2 and 12 are updated to read as follows:

2. The development shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

- *Application Form*
- *Site Location Plan (2751-01-D01)*
- *Hydraulic Report and Flood Risk Assessment (2018-200-02 REV B)*
- *Housetype Plot 01 Plans & Elevations (1948BEB/CVC/HT01 REV. C)*
- *Housetype Plots 2 & 3 Plans (1948BEB/CVC/HT02 REV. C)*
- *Housetype Plots 2 & 3 Elevations (1948BEB/CVC/HT03 REV. C)*
- *Housetype Plot 4 Plans & Elevations (1948BEB/CVC/HT04 REV. C)*
- *Highways and Drainage Layout (30436_1A)*
- *Landscape and Planting Plan (LP01 Rev. A)*
- *Proposed Site Layout and Location Plan (1948BEB/CVC/PL01 REV. A)*
- *Site Layout and Streetscene (1948BEB/CVC/PL02 REV. A)*

Reason: To ensure the development complies with the approved plans and submitted details.

12. No development shall take place until full details (including a 1m x 1m sample panel of stone and other physical samples all to be displayed on site) of the proposed facing and roofing materials for the dwellings, and the proposed block paving and flagging, have been submitted to and approved in writing by the Local Planning Authority.

The stone used in the elevations of the dwellings shall be natural coursed stone, and the roofs shall be constructed of natural blue slate.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and securing a high-quality appearance for the development.

Item B9 : 2020/0169 - Woodland View, Back Lane, Rising Bridge

The Agent in respect of this application, for erection of an agricultural livestock building, has commented on objections from residents of Belgrave Street as follows :

1. The application is not for a turkey farm but for one shed for turkeys, measuring 8.5m by 4.9m. It is very modest in size and would be located on an existing agricultural site.
2. It is at some considerable distance from the complainants and is small in scale, such that I foresee no issues of noise, smell or vermin infestation affecting them.

3. The highways authority has raised no objection. Any extra traffic associated with the proposed turkey shed is likely to be minimal in the extreme.
4. The applicant's site is not the only site with access from Belgrave Street. The applicant denies that his activities have led to, or will lead to, speeding traffic along Belgrave Street or that his journeys take place regularly at unsocial hours. If such things do occur then it is not down to him.

The Agent has also indicated that he does not agree to the landscaping and boundary treatment condition - he considers it to be unreasonably excessive in relation to the proposal for a very small building and the existing fencing having been in situ now for several years.

When the Council granted permission to Application 2018/0512, for erection of a stable block, it was subject to a condition that sought to address the matter of the inappropriate fencing which had been erected in a manner that did not require the applicant to submit a further application for approval of details of hard-landscaping and boundary treatment. This Condition was the subject of an Appeal and the Inspector concluded :

"...having regard to the site's prominent location within the Green Belt/countryside, I consider that a varied landscape and boundary treatment condition would be necessary and relevant to planning and to the development being permitted, to safeguard the essentially open and rural character of the area."

The agricultural building for which permission is now sought will be appreciably nearer to Back Lane than the stable building, making it all the more important that the issue of inappropriate fencing is addressed if this building proceeds and the Condition imposed in respect of Application 2018/0512 by the Inspector does not kick-in as the partially-built stables are not completed.

Mike Atherton
Planning Manager
17/07/2020

Updated 21/07/2020