

## **DEVELOPMENT CONTROL COMMITTEE**

**Thursday 22<sup>nd</sup> September 2016**

**Late Correspondence/Verbal Reports**

### **APP/2016/0342 – Prairie Sports Village, Windermere Avenue, Burnley**

**(Pages 1 – 6)**

#### **Amended condition:**

9. The pavilion building hereby approved shall not be open for business outside the hours of 0700 to 2230 hours on Monday to Thursday; 0700 to 2400 hours on Friday and Saturday; and 0700 to 2200 hours on Sundays and Bank Holidays.

### **APP/2016/0289 – Proposed construction of a new four storey apartment building and associated car parking and landscaping**

**(Pages 17-45)**

#### **Late Correspondence:**

##### **LCC Flood Risk Management Team**

The Lead Local Flood Authority (LLFA) has responded with a holding objection to the development proposed on the basis of there being inadequate information to assess the principle of surface water drainage associated with the proposed development, surface water run off rates and destinations, and acceptable details of an end management scheme.

[Discussions have been held with the LLFA in respect to their response and they responded further]

The Lead Local Flood Authority is unable to withdraw its objection to the above application as the concerns outlined in our consultation response have not yet been addressed by the applicant. We do however recognise the Council's position on this and we note the Local Planning Authority's intention to recommend for planning permission to be granted against the advice of the Lead Local Flood Authority. For clarity, the recommendations provided by the Lead Local Flood Authority are advisory and it is the decision of the Local Planning Authority (LPA) whether any such recommendations are acted upon. It is ultimately the responsibility of the Local Planning Authority to approve, or otherwise, any drainage strategy for the associated development proposal.

[Having discussed the comments made by the FRM Team Officer, it is considered that on this occasion, due to the brownfield nature of the site and the desire to move the development of this blight site forward without undue delay, the required technical information can be sought via condition and these are outlined below]

**Additional Conditions:**

8. No development shall commence until 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, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development runoff rate for the same rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

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.

9. Prior to the commencement of built development, 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, and
    - 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

- 8. To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, and to ensure that water quality is not detrimentally impacted by the development proposal; and because full details of these matters were not included in the application. This condition is imposed in light of policies within the NPPF and NPPG.
- 9. 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, and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system; and because full details of these matters were not included in the application.

**APP/2016/0229 - Demolition of The Mitre public house and the erection of purpose built support accommodation for homeless and vulnerable people comprising 30 self contained bedroom units, with supporting facilities; communal spaces, training/enterprise rooms, staff/administration offices and facilities, parking and private external recreation spaces**

**(Pages 17-45)**

**Late Correspondence:**

Historic England

Within our letter dated the 20th June (ref P00512817) we raised concerns regarding the loss of the former Mitre Public House, which falls within the Leeds and Liverpool Canal Conservation Area. We concluded that the loss of The Mitre is found to cause a considerable level of harm to the character of the conservation area (NPPF 138), furthermore, this harm is unjustified (NPPF 132). In response, an addendum to the

Heritage Statement has been produced by the applicant as a means to address our stated concerns. We have considered the additional information and are of the view that it is not sufficient to remove our reservations. At present we do not believe the submitted addendum to the Heritage Statement is sufficient to address our concerns, as the harm to the conservation area through the loss of a building which contributes positively to the area (NPPF 138) remains unjustified (NPPF 132) and as such we sustain our previous reservations with regard to the proposal.

**Amended condition:**

14. The external terrace area accessed from the lower 1st floor (as shown on plan drawing 1563 113 Rev. A) shall only be accessible by staff for formal workshops, training and general maintenance, and shall not be used as an informal garden/amenity area at any time.

**Additional condition:**

17. Prior to the development progressing above slab level, plan and elevational details of the verbally agreed increase in height of the parapet surrounding the lower 1<sup>st</sup> floor roof terrace area shall be submitted to the Local Planning Authority for agreement in writing. Once approved in writing, the development shall be implemented and thereafter retained in accordance with the approved plans.

Reason - To ensure that the proposed development will have an acceptable impact on the amenity of nearby residents and the surrounding area.