

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES

TO: WEST CRAVEN COMMITTEE

DATE: 7th January 2020

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE ON 07 JANUARY 2020

Application Ref: 19/0289/FUL

Proposal: Full: Major: Erection of Holiday Park comprising 26 lodges with associated on-site facilities buildings, car parking, landscaping and new vehicular access.

At: Land to the west of Former Whitemoor Pumping Station, High Lane, Salterforth

On behalf of: Dalfour Ltd

Date Registered: 10/07/2019

Expiry Date: 09/10/2019

Case Officer: Alex Cameron

This application was deferred from Committee in December to enable the submission of amended plans.

Site Description and Proposal

The application site is a former covered reservoir and adjacent agricultural land to the agricultural land to the west of a former quarry accessed from High Lane. To the north, south and west is open agricultural land and to the east of the quarry are dwellings fronting High Lane.

The proposed development is the erection a holiday park, the original proposal was for 27 1-2 storey lodges. Amended plans have been submitted reducing this to 26 smaller lodges, an amended reception building, facilities building, formation of a new access road, internal roads and car parking areas, hardstanding, drainage pond and alterations to the covered reservoir building are also proposed.

The application was deferred from Committee in December and further amended plans have been submitted. The amended alter the layout to move lodges 1-10 away from the quarry edge, which will allow for landscaping along the top edge of the quarry. The proposed reception building has also been redesigned, the amended design similar to that of the lodges.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objection subject to a visibility splay condition.

Lead Local Flood Authority – No objection subject to drainage conditions.

Earby and Salterforth Internal Drainage Board

Yorkshire Water - no comments to make regarding planning matters. I understand that the developer has previously contacted our New Supplies team and that there are technical issues associated with providing an adequate supply of water to the development.

The developer should continue their dialogue with our New Supplies team with regard to the above. Pumps or storage tanks will be required and installed to Yorkshire Water's specification (with all costs to be borne by the developer). There are also 8" and 10" abandoned clean water mains in area which if they are to be excavated should be capped off.

Natural England – No comments.

Lancashire Constabulary Architectural Liaison

Salterforth Parish Council - object due to flooding on the road below the site - since the houses have been renovated there has been an increased issue with flooding in front of the properties. Increase in traffic on a busy road. It is noted that the highways have no objection, this is questionable. At what times was the survey carried out? The report did not mention ecology or light pollution.

Public Response

Press and site notices posted and nearest neighbours notified. Responses received objecting on the following grounds:

- The site is not a sustainable location. The development would not be a sustainable form of tourism contrary to paragraph 83 of the National Planning Policy Framework and Pendle's Development Plan Policies.
- There is no access to public transport available within easy reach and the site is not within walking distance of nearby settlements. High Lane is not conducive to safe walking and cycling.
- The approved Park Close Quarry development is materially different to this in terms of it being a wholly brownfield site that is not as isolated.
- Increase in traffic using High Lane which is narrow and dangerous.
- Inadequate visibility at the access.
- The proposed level of car parking provision is excessive.
- The traffic survey is misleading as it was carried out over Sunday to Sunday, which would reduce the average level of traffic and in July, a quiet time of year.
- Vehicles traveling faster than the 85th percentile speed should be taken into account in the necessary visibility splays.
- A detailed traffic assessment should have been carried out.
- High Lane is not suitable to safely accommodate large service vehicles.
- The access through the site would also be used by agricultural vehicles which the applicant has no control over. This may create additional problems for the residents of existing adjacent properties and safety issues for the residents of the site. Residents of the site may also use the unsuitable farm access track and potentially cut across the gardens of existing residences.

- The potential that the development would be expanded in future.
- Kestrels have been seen in the area surrounding the quarry and it is likely that they could have used it as a nesting site.
- The ecological survey map in that it refers to the value of quarry and gardens in terms of potential habitat as "high". The quarry has been extensively and radically altered in the past 12 months.
- A Grade A tree adjacent to the access should not be removed.
- Lighting and security systems will have a negative impact on wildlife.
- Risk of flooding and pollution from additional surface water runoff from the site. The land drain proposed to be used for surface water drainage is in poor condition and already frequently floods after heavy rainfall.
- Concerns about the provision on foul water sewage disposal and potential for pollution.
- Safety concerns relating to cantilevered balconies over the quarry edge.
- Adverse residential amenity impacts.
- Light and noise pollution.
- Moor Laithe Farmhouse is the property referenced as a 'vacant farmhouse' in the Planning, Design and Access Statement. It should be pointed out however that it is fully habitable. The only vehicular access to Moor Laithe Farm is through the proposed development site.
- Whitemoor Estate is adjacent to the site. The proposed development would be very intrusive to the estate and would have significant adverse impacts on residential amenity. The estate is used for shooting and there would be significant disturbance to nesting wild and game birds.
- The proposed development is in open land and would fundamentally alter the landscape characteristics of the site at a local level.
- The design of the development is entirely alien to the area.
- The development will result in the loss of green land and be visible for miles around.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG. The impact of new developments on the natural environment (biodiversity and geodiversity) should be kept to a minimum.

ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Policy ENV7 (Water Management) states that the design of all new developments (Policy ENV2) must consider:

1. The potential flood risk to the proposed development site.
2. The risk the proposed development may pose to areas downslope / downstream.
3. The integrated, or off-site, use of Sustainable Drainage Systems (SuDS) to help reduce surface water run-off from the development.
4. The availability of an adequate water supply and disposal infrastructure.

Policy WRK5 (Tourism, Leisure and Culture) states that Proposals associated with the provision of new or improved facilities for tourism, leisure and cultural activities, including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.
2. Help to improve the quality and diversity of the existing tourism offer, and extend the tourist season.
3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards in terms of design and accessibility.

National Planning Policy Framework (The Framework)

Paragraph 83 states that decision should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

Paragraph 79 states that Planning policies and decisions should avoid the development of isolated homes in the countryside unless specific circumstances apply. This application is for tourist accommodation and therefore paragraph 79 does not apply in this case. The use as tourist accommodation could be ensured by condition.

Paragraph 130 states that emissions should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Visual Amenity and Landscape Impact

The Landscape and Visual Impact assessment submitted with the application identifies potential views of the development from Footpath 58 joining Kelbrook Road, Footpaths 18 and 65 joining the A56 Colne Road, Footpath 1, Footpath 20 and Standing Stone Lane.

Footpath No.1 runs approximately 300m to the north of the site, due to intervening topography and vegetation the amended development would not be prominently visible from the right of way.

The lodges are again unlikely to be prominently visible due to intervening topography and vegetation from High Lane, Footpath 6 to the east and Footpath 20 to the south.

The amended plans move Lodges 1-10 to the west which would allow the retention of existing vegetation and additional landscaping on the eastern boundary to screen / soften that part of the development from across the valley. Together with the retention of trees within the site and landscaping to the northern and southern boundaries, the proposed lodges would not result in any unacceptable landscape or visual impact.

However, the amended reception building and access road would be visible from High Lane and Footpath 6, as an adjacent single storey detached outbuilding is now. The design of the building would be similar to the lodges but split-level

Whilst the standing seam roof with overhanging eaves is acceptable in the upper part of the site, which would be well screened and softened by landscaping and is distinctly separate from the development along High Lane, this feature would be incongruous in the reception building's context.

The eastern gable end of the building would be prominent sitting 8.6m tall. The design of the windows in that elevation is incoherent with a three pane window above and a two pane window immediately below, which appear visually incongruous.

The design is not in keeping with the general character of the area and this would exacerbate the building's prominence. The siting, scale and design of the building would result in a prominent and incongruous development not in keeping with the open, rural character of the area.

The building would be set against existing trees and this would screen it from the south and partially from the east. New landscaping is proposed which could potentially partially screen the new access road and building from those viewpoints identified above, however, this would be likely to take a number of years to establish to that point.

Furthermore, this part of the site is prominently visible in the landscape from the opposite side of the valley from Colne Road, Old Stone Trough Lane and Cob Lane and the intersecting public footpath network. Due to the sloping nature of the site landscaping would not be likely to effectively screen the development in those views.

The proposed reception building would be sited above and to the north of the existing line of buildings, it would appear separate from that group and significantly increase the extent of built development in that area.

The new access road is necessary to ensure safe access to the development and its landscape and visual impacts have been as minimised as far as possible, taking that into account its impacts are outweighed by its benefits. However, it is likely that a more modest reception building could be accommodated elsewhere within the site to address its landscape and visual impacts.

The design of the reception therefore fails to take the opportunities available to preserve the character and quality of the area, it represents poor design which the Framework states should be refused.

The design and resulting landscape and visual impacts of the development are therefore contrary to policies ENV1, ENV2 and WRK5 and paragraph 130 of the Framework.

Residential Amenity

The proposed development would be a sufficient distance from adjacent properties to ensure that it would not result in unacceptable residential amenity impacts.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

Parking and Highway Safety

Concerns have been raised regarding the highway safety impacts of the development and the level of car parking proposed. An appropriate level of car parking is proposed to serve the development and the details submitted with the application demonstrate that the new access and additional traffic from the development would not result in any unacceptable highway safety impacts.

Concerns have been raised regarding access through the site to and from adjacent properties. This is predominantly a civil matter that it is not within the remit of this planning application to control. With a condition to ensure adequate signposting of the exit vehicles from the site would not use the alternative access routes frequently enough to result in an unacceptable highway safety impact. The traffic through the site would also not result in unacceptable safety impacts.

The proposed development is acceptable in terms of highway safety.

Accessibility

The site is in an isolated rural location that would not in principle be an acceptable location for new unrestricted dwellings what assessed against paragraph 79 of the Framework. This application is for a tourist accommodation use, there is an identified need within the borough for the provision of tourist accommodation such as this and the nature of tourist accommodation is that it is located in attractive countryside locations with easy access to outdoor activities such as walking and cycling. Therefore, it is accepted that tourist accommodation can, where necessary, be located in locations that would not be acceptable for an unrestricted dwelling.

Policy WRK5 states that applications for tourist accommodation will be supported were they do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport.

Paragraphs 83 of the Framework states that decision should enable sustainable rural tourism and leisure developments.

The application would have no access to public transport and is not within acceptable walking distance of any settlement. Foulridge, Salterforth and Barnoldswick would be accessible by bicycle but that would involve riding along narrow and busy rural roads or unsurfaced public footpaths and steep hills. The location of the development is not in accordance with policy WRK5 in this regard.

The applicant's justification centres on the economic benefits of the development, making the case that they weigh heavily in favour of the development.

To assess this the overall benefits of the development must be weighed against its overall disbenefits. The development is located in an unsustainable location with no access to public transport and no acceptable means of pedestrian access to settlements with services and facilities, it would result in a significant increase in car usage and would not be readily accessible by public transport, and sustainable modes of transport contrary to policy ENV4 and WRK5 and paragraph

83 of the Framework. This weighs heavily against the development. The overall planning balance is addressed in the planning balance section below.

Ecology

A revised ecological appraisal has been submitted fully addressing the proposed removal of trees within the site. The report raises no significant concern in respect of their removal, in so much as the larger woodland blocks are retained and protected in the scheme. Subject the mitigation recommendations of the report being conditioned the proposed development is acceptable in terms of its impact upon ecology and protected species in accordance with policy ENV1.

Drainage

Concerns have been raised regarding flooding and pollution. A Flood Risk Assessment and Drainage Strategy have been submitted for the application and these adequately demonstrate that the development would not result in an unacceptable increase in the risk of flooding. The Lead Local Flood Authority have raised no objection subject to conditions.

Concerns have been raised regarding the condition of a culvert the site would drain into. However, the maintenance of such watercourses is the responsibility of the landowner of the land they flow through. The details submitted adequately demonstrate that the development would not unacceptably increase the risk of flooding.

With conditions to control the details of the foul and surface water drainage, its maintenance and the remediation of contamination the proposed development is acceptable in terms of drainage and flood risk in accordance with policy ENV7.

Other Issues

Concerns have been raised regarding the impact on the operation of Whitemoor Estate. The development would have a significant impact on the estate and the concerns raised do not constitute grounds to refuse this planning application.

The Planning Balance

The statement submitted with the application sets out the economic benefits of the development. It is accepted that this development would result in economic benefits and contribute towards the provision of tourist accommodation. This statement concludes that this weighs heavily in favour of the development.

However, the development also has adverse impacts, as detailed in the accessibility section above the site is of low accessibility and would result in a significant increase in car usage. This weighs heavily against the development. Although my view is that the overall benefits of the development marginally outweigh this harm when it is considered alone, that is a very finely balanced conclusion.

The harm to the landscape and visual amenity of the area must also be taken into account in the balancing exercise. This harm resulting from the reception building would be moderate in the context of the landscape and localised views. When considered in the overall balance together with the low accessibility of the site the overall harm the development would cause clearly outweighs the overall benefits of the development.

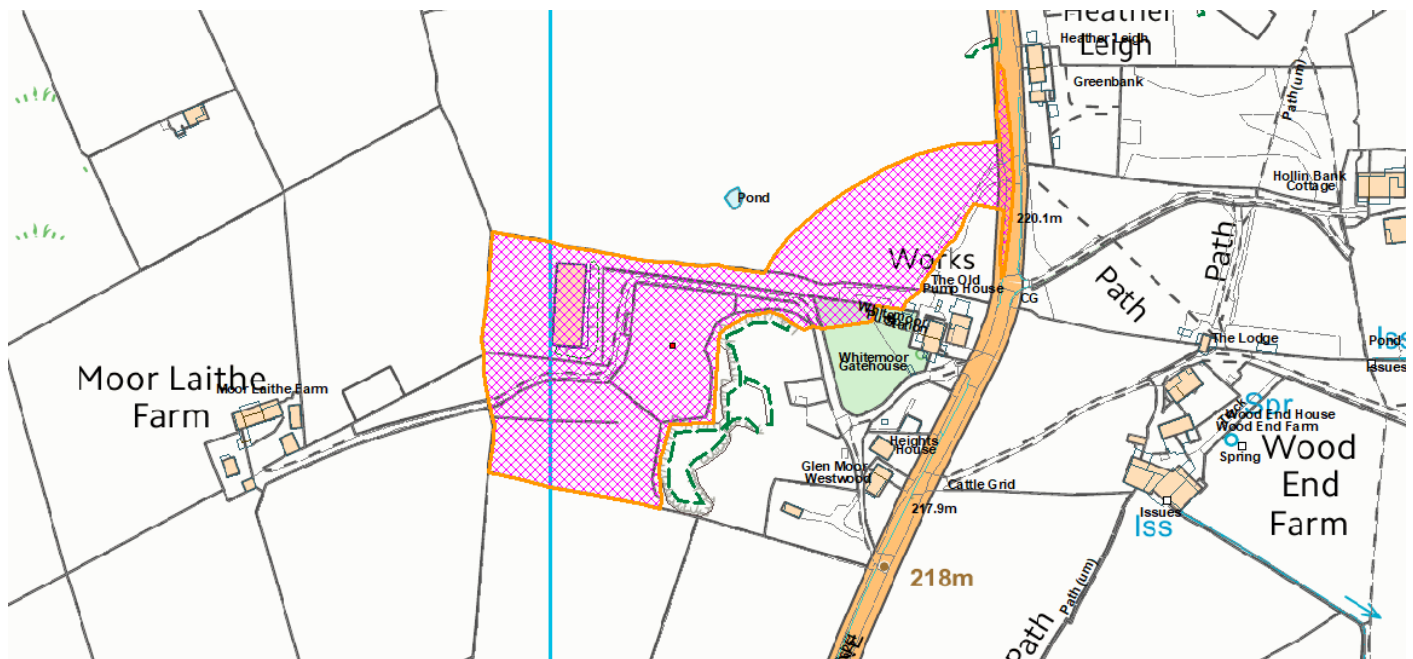
Summary

The proposed development would be in a location with poor accessibility and would result in a significant increase in car usage, the siting, scale and design of the reception building would result in unacceptable visual and landscape impacts. The overall benefits of the proposed development would not outweigh the overall harm it would cause and therefore the application is therefore recommended for refusal.

RECOMMENDATION: Refuse

1: The site is in a location with low accessibility that would not be readily accessible by public transport, and sustainable modes of transport and the proposed development would result in a significant increase in car usage and contrary to policy ENV4 and WRK5 of the Local Plan Part 1: Core Strategy and paragraphs 83 of the National Planning Policy Framework.

2: The proposed development result in unacceptable harm to the landscape character and visual amenity of the area, the design of the development fails to take opportunities to mitigate those impacts and therefore represents poor design contrary to policies ENV1, ENV2, WRK5 of the Local Plan Part 1: Core Strategy and paragraphs 83 and 130 of the National Planning Policy Framework.



Application Ref: 19/0289/FUL

Proposal: Full: Major: Erection of Holiday Park comprising 26 lodges with associated on-site facilities buildings, car parking, landscaping and new vehicular access.

At: Land To The West Of Former Whitemoor Pumping Station, High Lane, Salterforth

On behalf of: Dalfour Ltd

REPORT TO WEST CRAVEN COMMITTEE 7TH JANUARY 2020

Application Ref: 19/0620/FUL

Proposal: Full: Major: Erection of 12 No. semi-detached dwellings and associated hardstanding and landscaping.

At: Land to the west of the Playing Fields, Bailey Street, Earby

On behalf of: PEARL Together Ltd.

Date Registered: 23.08.2019

Expiry Date: 27.01.2020

Case Officer: Charlotte Pinch

Site Description and Proposal

The application is to be decided at committee as it is a major development.

The application seeks permission for the erection of 12no. semi-detached dwellinghouses, with on plot parking and landscaping.

The application site is a greenfield site, designated as amenity greenspace, within the settlement boundary of Earby. It is bounded by housing to the rear on Wentcliffe Drive and to the south on Aspen Grove. Access to the site would be directly off Bailey Street, onto individual parking bays.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

Having considered the information provided, together with site observations on 20 September 2019, the Highway Development Support Section does not have any objections in principle regarding the proposed development at the above location, subject to the following comments being noted, further information being received satisfactorily, and conditions and note being applied to any formal planning approval granted.

New vehicular crossings

The formation of the new vehicle crossings from Bailey Street to the proposed dwellings would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the vehicular crossings to an appropriate standard, re-location of any highway gullies affected and a street lighting assessment.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process.

Car and Cycle Parking

Two off-road parking spaces per dwelling have been provided, in line with recommendations in the borough council's 'Car & Cycle Parking Standards'. However it would appear from the Proposed Site Layout Plan (Plan 90-001 Rev C) that the off-road parking spaces proposed for Plot 5 would be accessed where there are currently traffic calming measures within the carriageway on Bailey Street. With this vertical deflection it may not be possible to enter and leave the parking spaces safely. The applicant should provide a further, larger scaled plan, showing the position of the traffic cushion in relation to the vehicular access for Plot 5, including differences in levels.

General

Due to the site's location within a residential estate, and close to Earby Springfield Primary School, also accessed from Bailey Street, the developer should provide a Construction Method Statement. This should include timing of deliveries, which should be restricted to between 9.30am and 2.30pm, to ensure there is no conflict with traffic, both vehicular and pedestrian, on the surrounding highway network at peak times.

We note comments made by the borough council's Countryside Access Officer regarding a section of Public Footpath 16 (Earby) and an unrecorded footpath, both crossing the development site. We support his comments and recommendation that both of these should be extinguished through the appropriate processes, prior to any works taking place on site.

Earby Town Council

Council would like to object to the above planning application based on the following observations:

1. There is a shortfall of green space in Earby, any previous calculations have included grass verges as part of the total green space, which is unsuitable. There are numerous brownfield sites which should be used before green space is considered. The proposal of building on green space is contrary to planning guidelines.
2. Earby is identified as an area with a high risk of flooding, with a requirement for costly flood relief measures in the future. The development of this land will push flood water from this area to others and will create further problems for residents. In addition to this, the existing utilities and sewerage system in the area is already at capacity and will be put under additional stress with the proposed development. The land identified in the planning application on Bailey Street is part of the Springfield area, which is within 20 metres of a water course and therefore a flood risk assessment should be included as part of the planning application.
3. Any additional traffic from this development will add to the current issues of congestion and parking in Earby. The proposed development is opposite a school and would cause issues for residents as the road would become very busy. It also must be considered that any building work will have serious safety issues for people getting to and from the school. There is currently a public footpath that runs through the proposed development area which is frequently used by children to gain access to the school without having to access busy roads, building on this site would mean the destruction of this footpath. The Council object to the closure of this footpath.
4. The drainage scheme proposed does not give sufficient detail. The surface water and foul drainage connections have not been confirmed. These should not be connected to the existing services at Bailey Street as these were put in as a specific sub-system for the development at Aspen Grove. The location of the suds tank is not given in the proposal.

LCC Schools

The education contribution is directly linked to the development and would be used in order to provide education places within a reasonable distance of the development for the children

expected to live on the development. If the education contribution assessment identifies the need for a contribution to be provided Lancashire County Council is, in effect, objecting to the application. A developer contribution will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's request on its behalf, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed. (Please see page 10 of the Education Contribution Methodology).

An education contribution is not required at this stage in regards to this development.

This response is based on the latest information available at the time of writing.

Lancashire Fire and Rescue

No objections.

PBC Countryside Officer

Unrecorded footpath

The proposed development would affect a stone-surfaced footpath across the site leading between the top of Bawhead Road (point A) and a point on Bailey Street (point B). The footpath would become obstructed by plots 1, 2, 3 and 4, and therefore it would be necessary for the footpath to be diverted or extinguished for the development to be carried out. The footpath is extensively used for local journeys on foot, such as walking to the nearby primary school. The footpath is more convenient than the nearest alternative route on the existing footways of Aspen Grove and Bailey Street which add 25 metres to the trip between points A and B on foot.

The footpath running across the site is not recorded on the definitive map and statement as a public right of way, however the Council indicated its intention to dedicate the footpath as a public right of way in a decision taken by West Craven Committee on 3rd July 2007. My advice is that this footpath should be considered as if it were a public right of way because it is likely that deemed dedication has already taken place at common law and by virtue of Section 31 of the Highways Act 1980 (i.e. where a right of way can come into existence after 20 years of use by the public).

I had preliminary discussions with the applicant about a proposal to divert the footpath to run within the site boundary running adjacent to the existing culvert at the side of 57 Bailey Street. This proposal would have resulted in an increase in pedestrian journey times between points A and B by lengthening the path such that it would only be 10m shorter than the existing alternative route between the same points via the footway on Aspen Grove. In addition the diverted footpath would be more hidden from view with a dog-leg in the middle, and people could feel less safe in using it. It appears to me that a footpath with such minimal benefits and some disadvantages, compared to a slightly longer route via Aspden Grove, would serve little purpose for the convenience and enjoyment of pedestrians.

My preference would be that plots 1 – 4 are left undeveloped because the existing footpath passing through an area of open space is widely enjoyed. It is for the Council in its capacity as the planning authority to consider on planning grounds whether the existing stone-surfaced footpath should be retained because of the amenity value of the land and the convenience of the path, if it's view is that these should be retained then it should refuse the planning application. Presumably the applicant could submit a new application which avoided the need to divert or extinguish the footpath. However, I see no purpose in diverting the footpath to a new line at the edge of the

development site because the advantages of a diverted path compared to the existing alternative route on the footways would be so limited.

The grant of planning permission would not have the automatic effect of extinguishing the footpath, but it would make it likely to satisfy the criteria contained in Section 257 of the Town and Country Planning Act for an extinguishment order to be confirmed.

Public Footpath 16

The proposed development also affects part of public footpath 16 running from the top of Bawhead Road (point A) along the western edge of the development site to a point level with the rear garden of 57 Wentcliffe Drive (point C). The footpath is recorded on the Definitive Map but the point where the footpath ends within the development site is not connected to another highway such as a road or another footpath. The planning application provides for the rear gardens to extend all the way to the existing boundary wall at the rear of Wentcliffe Drive and therefore it would be necessary for the footpath to be extinguished for the development to be carried out. The existing footpath does not appear to serve any purpose because it is a dead-end path. Therefore I have no objection to this aspect of the planning application which would facilitate the extinguishment of this section of footpath 16.

Informatives

No work which affects either of these footpaths may commence until a separate extinguishment order has been made and confirmed.

PBC Drainage

Regarding the above planning application I have the following comments to make:

- The current site has suffered from waterlogging in a number of areas close to the boundary with the existing properties on Wentcliffe Drive. This has been due to issues with historic culverts running through the land and ineffective land drainage. I would suggest that the developer needs to replace this land drain (as a minimum requirement) and ensure that the discharge route is clear through to outfall to avoid waterlogging in the proposed rear gardens of the new development and also to protect the existing properties on Wentcliffe Drive.
- CCTV survey of the outfall from the ditch to the south of the site has shown that there is possible collapse/blockage 4.5m downstream – this would need investigating further prior to any use of this ditch for surface water discharge.
- Whilst Yorkshire Water service drawings do show a surface water sewer present under Bailey Street they do not show the presence of either a foul or combined sewer – the developer would need to investigate the site to determine whether a connection was available at the proposed location.
- Further works are due to take place opposite the site to the east to resolve flooding on the public footpath adjacent to Bailey Street due to a failed land drain.

Given the above issues, it is not possible in my opinion to fully evaluate the land drainage impacts of this development from what has currently been submitted and that the developer be asked to submit a fully detailed and evaluated drainage scheme before any further decision is made.

Yorkshire Water

Thank you for consulting Yorkshire Water regarding the above proposed development. We have the following comments:

Waste Water

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

The site shall be developed with separate systems of drainage for foul and surface water on and off site. (In the interest of satisfactory and sustainable drainage).

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) Evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) The means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.
- (To ensure that no surface water discharges take place until proper provision has been made for its disposal)

The Drainage Strategy prepared by Paul Waite Associates (Report dated April 2019) is not acceptable.

In summary, the report states that; Surface water will discharge to public sewer via storage with restricted discharge of three litres/second. No consideration is given to the ditch within the site or 300 mm culverted watercourse also within the site.

LCC Lead Local Flood Authority

No formal comments can be provided on the drainage scheme, as the following information is still outstanding:

Confirmation of how surface water is currently drained within the application site – *we need this information before we can assess the suitability of the applicant's surface water drainage proposals.*

Information regarding the risk of ordinary watercourse flooding within the application site – *we are specifically looking for an assessment into the risks associated with the watercourse that is located along the southern boundary of the site. This is to ensure that none of the dwellings are being placed at an unacceptable risk of flooding from the watercourse.*

Details of any measures required to keep the development safe from flooding over its lifetime; taking into account the vulnerability of its users – *this is particularly important as the finished floor levels of the dwellings look to be set lower than the driveways and external highway (Bailey Street). If overlooked, there is potential for the dwellings to be placed at an increased risk of flooding from surface water runoff. To ensure that will not happen, we need to know how that risk will be managed through the re-development of the site. Should any of the dwellings be at risk of flooding from the adjacent watercourse, then we will need to know how those risks will also be managed through the re-development of the site.*

A site plan that shows all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network – *we need this information before we can assess the suitability of the applicant's surface water drainage proposals. If a plan can't be provided at this stage, then*

we will accept confirmation of the total impermeable area within the site, though a catchment plan will need to be provided at some point before the commencement of the development (this can be secured through an appropriately worded planning condition).

Surface water flow calculations for the proposed surface water drainage network. The calculations should show the network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return periods, plus an appropriate allowance for climate change and urban creep where applicable - we need this before we can assess the suitability of the applicant's surface water drainage proposals. Without this information, it is unclear whether sufficient storage is available within the site to ensure that surface water can be safely managed up to and including the 100 year return period (plus an allowance for climate change and urban creep).

In the absence of the above information, I am still unable to provide you with a substantive response at this time. Please can you bring this to the attention of the applicant and ask for further information to be provided in this regard.

I have noted from the latest surface water drainage layout plan that a pump may need to be provided to allow surface water to be discharged to the adjacent watercourse. In accordance with standard 12 of the non-statutory technical standards for sustainable drainage systems, pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity. I assume the applicant is still intending to proceed with a maximum surface water discharge rate of 3l/s as suggested in earlier plans. Any deviation from that rate would need to be fully justified through the submission of a greenfield runoff assessment for the existing site.

PBC Environment Officer

The ecology report is adequate. The landscaping shown at this stage is sufficient, with some planting at the rear. Some trees to the front would be beneficial and further landscaping of the culvert area would be required. A condition requiring a detailed landscaping scheme would be required.

Earby and Salterforth Drainage Board

The application is not near any of our waterways and there is no plan to discharge into a waterway, therefore no objections are raised.

An application for consent would be required if it was decided to discharge into one of our waterways and there should be no obstruction within 7 metres of the edge of the watercourse.

NHS East Lancashire

This proposed development comprises of 12 dwellings and based on the 2011 Census average household size per dwelling, we have calculated that this development will accommodate a population of 29 residents. This means that this residential development will generate 66 interventions for the Trust based on the average calculation above. The consequences of that number of interventions and the costs of them are set out in Appendix 4. The contribution requested is based on this calculation and by that means ensures that the request for the relevant landowner or developer to contribute towards the cost of health care provision is directly related to the development proposals and is fairly and reasonably related in scale and kind. Without the contribution being paid the development would not be acceptable in planning terms because the consequence would be that there would be inadequate healthcare services available to support it and it would adversely impact on the delivery of healthcare for others in the Trust's area.

As a consequence of the above and due to the payment mechanisms the Trust is subject to, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling. The Trust will receive no commissioner funding to meet each dwelling's healthcare demand in the first year of occupation due to the preceding year's outturn activity volume based contract and there is no mechanism for the Trust to recover these costs in subsequent years. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area.

Therefore, the contribution requested for this proposed development is £16,840.00. This contribution will be used directly to provide additional services to meet patient demand

Having considered the cost projections, and phasing of capacity delivery we require for this development it is necessary that the Trust receive 100% of the above figure on the implementation of the planning permission. This will help us to ensure that the healthcare services are delivered in a timely manner.

Public Response

The nearest neighbours were notified by letter, in addition to a site and press notice being posted. 34 letters of objection were received from neighbouring occupiers, in addition to a petition which included 342 signatures, their comments can be summarised as follows:

- The site has a natural spring which works to prevent flooding and is home to variety of wildlife.
- Disturbing the site would lead to flooding and surface water runoff elsewhere.
- Earby has a deficit in amenity green space, more will be lost as a result of this development.
- Danger to school children who pass the site daily, due to construction traffic and increase in the number of cars.
- Existing brownfield sites and empty homes within Earby that should be considered first.
- Additional investment is needed in Earby's infrastructure to support further development.
- Loss of an existing off road footpath, which is commonly used by school children.
- Concerns regarding the drainage and sewerage on the site, whether the existing systems can cope.
- Disturbance to wildlife, including birds, bats, frogs and toads.
- Lack of additional planting and trees to make up for the loss of green space.
- Would result in tensions between neighbours, walkers and those using the sports pitches nearby.
- The proposed houses do not assist in the diversity of housing stock for a range of occupants, nor does it indicate that any will be affordable.
- Lack of parking provision in the area.
- The proposed 12 houses is overdevelopment for a site of this size.
- Privacy issues from the proposed dwellings overlooking existing properties to the rear.

Officer Comments

Policy

Section 38A of the Planning and Compulsory Purchase Act 2004 requires that when determining planning applications regard has to be had to the development plan the application must be determined in accordance with the Plan unless material considerations indicate otherwise.

Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) the decision maker will take a positive approach to development, working proactively with the applicants to jointly find salutation, to secure development that improves the economic, social and environment conditions in the area.

Policy SDP2 (Spatial Development Principles) seeks to prioritise new development within settlement boundaries, particularly to serve a localised catchment in local service centres such as Earby.

Policy SDP3 (Housing Distribution) details where the location of new housing should be focused, which should follow a settlement hierarchy.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets. The proposals compliance with this policy is addressed in the design and amenity sections.

Policy LIV1 (Housing Provision and Delivery) sets out the housing requirements for 2011 to 2030 and how this will be delivered. It allows for sustainable development outside of settlements to come forward until the part 2 plan has been approved.

Policy LIV3 (Housing Needs) provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 (Affordable Housing) sets out the targets and thresholds required to contribute towards the provision of affordable housing.

Policy LIV5 (Designing Better Places to Live) requires that layout and types of development reflect the site and the surroundings, to meet borough-wide requirements for housing stock.

Replacement Pendle Local Plan

Policy 16 (Landscaping in New Development) requires that developments provide a scheme of planting which is sympathetic to the area.

Policy 31 (Parking) which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Policy 33 (Existing Open Space) advises that the loss of open space will only be permitted where it involves poor quality space in areas where there is surplus provision in the particular ward area.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 97 of the Framework highlights that where a development would result in the loss of open space, applicants must demonstrate that the open space is surplus to requirements or would be replaced with equivalent at a suitable location.

Paragraph 98 details that planning policies and decision should protect and enhance public rights of way and access. Taking opportunities to provide better facilities for users.

Section 12 of the Framework relates to design and makes it clear that design is a key aspect of sustainable development. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 59 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA was updated in support of the publication of the Core Strategy.

The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 year supply.

Principle of the Development

The application site is identified within the Pendle Open Space Audit 2019 as Amenity Greenspace.

Open space is defined in the NPPF as being all open space of public value which offer important opportunities for sport and recreation and can act as a visual amenity. This land formed part of the Open Space assessment examined as part of the EIP into the Local Plan, which was found to be sound.

The application site is 0.265 hectares with a quality score of medium (31/49). Overall the Earby ward has a surplus of amenity greenspace of 0.13ha. Therefore, the loss of this site would result in a deficit of -0.13ha.

The Council seeks to protect those areas of designated open space. Policy 33 of the Replacement Pendle Local Plan states that the loss of open space will only be permitted where; there is the loss of poor quality amenity open space in areas where there is a surplus provision, or replacement open space provision is provided as compensation.

Similarly in accordance with the National Planning Policy Framework, the applicant must meet one of the defined exceptions, in Paragraph 97 of the NPPF, as follows:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The application site is one of 27 amenity greenspace sites within the Earby ward. There are two alternative amenity greenspace sites, AG063 and AG075, which is close to the application site and more easily accessible to existing properties.

The site is significantly constrained by its proximity to a residential road, surrounded by dense residential development and lack of fencing. This makes in unsuitable for balls games or walking of dogs off a lead. The majority of the site is underused, apart from the footpath which runs diagonally across the site.

The 2019 OSA places a low priority on increasing the provision of amenity green space within Earby and the societal benefits of 12no. residential dwellings would outweigh the loss of the existing amenity greenspace.

Moreover, the application site lies within the settlement boundary of Earby, amongst existing residential development. Therefore, development within the settlement boundary is sustainable.

In this instance the proposed site would be sustainable and the principle of housing acceptable, which accords with Policy LIV1.

Design

The proposed scheme comprises of 12no. semi-detached properties, all with private garden areas to the rear and double driveways to the front. All are set within a reasonable size plot, with side access and reasonable planting.

Concerns were raised that 12no. dwellings is overdevelopment of the site. This has been considered in the design of the scheme. Each dwelling has sufficient space about it not to appear cramped, with a reasonable front and rear garden. The dwellings are of suitable design and allow for good separation distances so as to create a terracing effect. This proposal would not be deemed overdevelopment of the site.

Two house types are proposed, which are distributed evenly throughout the development, all comprising of two storey dwellings with 3no. bedrooms. House type A consists of one large rendered front gable feature, and a central shared porch with the adjoining property. House type B has a small eaves pitched roof feature to the front, with a separate porch on the outer edge of the front elevation. Both house types have similar rear elevations, which are simple in design.

House type A is to be predominantly constructed of off white colour render to the front and rear, with a small portion on reconstituted stone on the front elevation. House type B comprises of reconstituted stone on the front elevation and off white colour render on the side and rear elevations. All the dwellings will use slate effect concrete roof tiles on the roof.

The style, design and materials for the properties aim to reflect that of dwellings in Aspen Grove, which are the most recent development in the area and are readily visible from the application site. The proposed dwellings would be sited adjacent to Bailey Street and visible from the school and sports pitches to the east. Nevertheless, the properties simplistic design and use of sympathetic materials to the locality, would not appear obtrusive within the street scene.

Therefore, the design, materials and layout of the proposed development would be acceptable in accordance with Policy ENV2 and the NPPF.

Residential Amenity

The application site is located within the settlement boundary of Earby, amongst a predominantly residential area. To the east is a primary school sports pitch, to the west the rear of properties on Wentcliffe Drive. To the south is the Aspen Grove residential development and to the north a large car park serving a local business.

The proposed dwellings would be sited in a slightly staggered form, however all retain a minimum of 9.5m separation distance from the rear garden boundary and 22m from the rear elevation of properties on Wentcliffe Drive. The Design Principles SPD requires that a minimum distance of 21 metres must be maintained between habitable room windows in properties that are directly facing each other. The proposed development will exceed these distances with existing dwellings on

Wentcliffe Drive and therefore would not result in significant detrimental overlooking or overbearing impacts on neighbouring occupiers.

Moreover, all Type A proposed dwellings do not have any side facing windows. Type B proposed dwellings have one first floor side facing window which serves a landing. Although this will be facing onto a blank elevation, to future proof the development, a condition will be applied to ensure that this is obscure glazed.

The front and rear elevations of the proposed dwellings are to be broadly in line with each other, therefore ensuring no intervisibility between the properties. The properties would be located over 23m from the school sports pitch to the east of Bailey Street. Taking into account this is a residential area and the sports pitch is readily visible from a number of public vantage points, this development would not result in detrimental overlooking impacts.

Drainage

Sufficient drainage information has not yet been submitted to the LPA, nor have substantive comments on such a scheme been provided by the Lead Local Flood Authority or PBC Drainage Engineers.

The applicant is working with a drainage consultancy to obtain the required information, for which updates will be provided to the committee.

Highways and Access

No significant concerns have been raised by LCC Highways in relation to highway safety and access to the site. New vehicle crossings will need to be agreed with the Highway Authority and a construction method statement submitted prior to the commencement of development to minimise highway disturbance during the construction period. These aspects can be secured by condition and do not warrant refusal of the application.

The application proposes two on plot parking spaces per dwelling, sited to the front of the properties directly off Bailey Street. In accordance with Policy 31 this would be adequate parking provision for the 3no. bedroom properties proposed.

Ecology and Landscaping

A preliminary ecological appraisal has been submitted as part of the application, it concluded that the site comprised of hedgerows of little value, marshy grassland and scattered trees. A low number of pipistrelle bats were recorded and a number of priority and protected bird species. However, given the small size of the site and disturbed nature of the habitats, it is not considered that the site is of high value. Some recommendations and mitigation measures are provided, which will be secured by condition.

The proposed landscaping details are adequate, with some planting areas to the front and private rear gardens. A landscaping condition will be applied requiring further details of planting and species to be submitted, prior to development.

Public Rights of Way

The application site comprises of two established footpaths, one a public footpath and the other an unrecorded footpath.

Public footpath 16 runs along the western edge of the development site and would interfere with the proposed rear gardens of the development. Due to previous residential developments in the

area the footpath now leads to a dead end and therefore does not serve an important purpose. As a result no objections are raised to the loss of this footpath to allow for the proposed residential development.

Moreover, the unrecorded footpath runs diagonally across the site from Bailey Street to Bawhead Road. This would interfere directly with plots 1-4 of the proposed development. This route is used frequently by pedestrians accessing the local primary school from surrounding properties. There is an existing alternative route along pavement through Aspen Grove and Bailey Street, which is 25m longer.

Re-routing the existing footpath around the edge of the site, to avoid the proposed dwellings, would only be 10m shorter than the existing pavement alternative route and would result in a footpath which is hidden from view and therefore raises some safety concerns.

As a result, diverting the footpath around the edge of the site would have limited benefits over and above the existing pavement option. Moreover, the pavement route is insignificantly longer than the existing unrecorded footpath, therefore would not cause significant inconvenience to pedestrians. The benefits of new residential development on this site far outweighs the harm due to loss of the unrecorded footpath, especially when there is an existing adequate alternative route.

Affordable Housing

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing. The application site is located within the settlement boundary of Earby.

As a result, the development would be associated with Earby, as a West Craven Town, therefore as only 12 dwellings have been proposed on the site, a 0% affordable housing contribution would be required, in accordance with Policy LIV4.

NHS Contribution Request

Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:

Section 106 of the 1990 Act provides as follows:

- (1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106C as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—
- (a) restricting the development or use of the land in any specified way;
 - (b) requiring specified operations or activities to be carried out in, on, under or over the land;
 - (c) requiring the land to be used in any specified way; or
 - (d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.
- (2) A planning obligation may—
- (a) be unconditional or subject to conditions;
 - (b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and
 - (c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

The relevant parts of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”) are as follows:

- (1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Section 216(1) of the Planning Act 2008 together with Regulation 59 of the CIL Regulations requires charging authorities to apply CIL payments to “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”.

Section 216(2) defines “infrastructure” as follows:

“infrastructure” includes—

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces”

The request for contributions for health care services does in my view overall fit into a category of infrastructure that could, if necessary to make the development acceptable, fall within a category of infrastructure that can be funded through a section 106 agreement. However that does not mean to say that the contribution being requested meets the tests set out in the CIL Regulations detailed above.

Case law is clear that planning permissions cannot be bought or sold hence any sum to be paid to a planning authority must be for a planning purpose which should in some way be connected with the land in which the developer is interested.

The issue for Committee is whether the funding has a direct connection to the development and whether this would be fairly and reasonably related in scale and kind to the development.

Robust evidence is required to support a request for a contribution. In London for example a model has been produced which attempts to provide robust and up to date evidence on the need for a contribution. The model is referred to as the HUDU model. This looks at the specific circumstances of each development in its own location reflecting the population characteristics of the area.

The evidence supplied with this request does not in my view go far enough to support the view that the impacts of the individual development is directly related to healthcare deficiencies. A flat rate is applied to all developments which will inevitably result in some developers over providing and some underproviding. The model does not factor in demographic modelling of the area and does not for example look at any percentage of the population that may move into the developments and that they are already resident in the area thus not increasing the demand on services.

Whilst more accurate evidence could be provided were the model to be finessed as it stands it is not sufficiently robust to prove the level of contribution fairly reflects the impact the development would have on acute services.

This is an important issue that will arise in other developments in the Borough. In order to get an independent view on this we have obtained Counsel’s opinion on this. That advice is legally privileged but supports the view that the evidence is not sufficiently robust to be able to support a requirement for the contribution requested.

Committee are therefore recommended not to require a contribution as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development.

Education Provision

Thorough assessment of the proposal by Lancashire County Council Education Authority deemed there is sufficient capacity in the area to accommodate additional school pupils, without the requirement for an education contribution. Therefore, no objections are raised.

Other Issues

Concerns have been raised regarding the utilisation of brownfield sites and empty homes within Earby, as opposed to new development on a green field site. The LPA cannot require brownfield sites or privately owned properties to come forward for development. Equally, valid submitted applications must be assessed and determined on their own merits in accordance with planning policies. In addition, the types and sizes of the proposed dwellings are not something that can be stipulated by the LPA, unless those proposed have wider design or residential amenity impacts. In this case, semi-detached two storey properties are appropriate for this site.

As a result of this development, concerns have been raised regarding the capacity of infrastructure and services within the area. As part of this application drainage and highways infrastructure has been addressed and relevant consultees have not raised any objections. Moreover, the capacity of hospitals and schools have been satisfactorily considered and addressed in this report.

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 accords with the Local Plan and National Planning Policy 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: That the application is delegated to the Planning, Economic Development and Regulatory Services Manager to approve subject to satisfactory drainage details being received.

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: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: A1828-LIB-AL-90-004, A1828-LIB-AL-90-002 RevA, A1828-LIB-AL-90-001 RevD, A1828-LIB-B1-AE-20-002 RevC Type A, A1828-LIB-B1-AE-20-002 RevC Type B, A1828-LIB-B1-AL-20-001 RevA Type B, A1828-LIB-B1-AL-20-001 RevA Type A and A1828-LIB-AL-90-003 RevD.

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

3. Prior to the commencement of development samples of the materials to be used in the construction of the dwellings hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. Prior to the commencement of development samples of all the boundary and retaining walls and all hard surfacing of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

5. Prior to any above ground works, a detailed landscaping scheme must be 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;
- 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 appropriate landscape design and in the interests of the visual amenities of the area.

6. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- 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 clearance and construction works
- viii) Details of working hours
- ix) Timing of deliveries
- x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

7. Prior to first occupation each dwelling shall have a secure cycle storage facility.

Reason: For the promotion of sustainable forms of transport.

8. Prior to first occupation each dwelling shall have an electric vehicle charging point.

Reason: To encourage sustainable travel.

9. No development shall commence unless and until a scheme for the construction of the vehicular accesses and off-site works of highway improvement have been submitted to and approved in writing by the Local Planning Authority. All works must be implemented in accordance with the approved details prior to first occupation of the development.

Reason: In order to satisfy that the final details of the highway scheme/works are acceptable before works commence on site.

10. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D and E of Part 1 and Class C of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

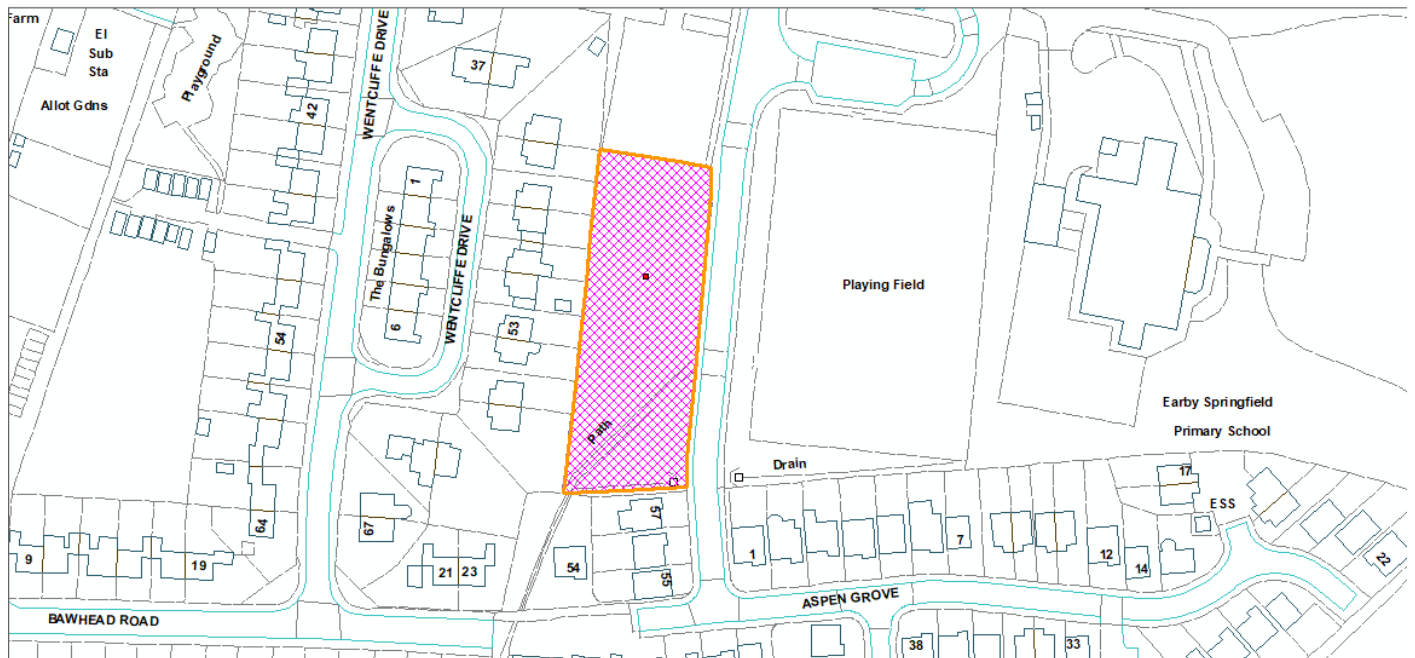
Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character of the area.

11. The recommendations detailed in the Preliminary Ecological Appraisal undertaken by Appletons dated April 2019, shall be carried out prior to any above ground works at the site. Any further necessary mitigation measures identified should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any further development. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To protect natural species and their habitats.

INFORMATIVE

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the vehicle crossings to an appropriate standard, re-location of highway gullies affected and a street lighting assessment. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.



Application Ref: 19/0620/FUL

Proposal: Full: Major: Erection of 12 No. semi-detached dwellings and associated hardstanding and landscaping.

At: Land To The West of The Playing Fields, Bailey Street, Earby

On behalf of: PEARL Together Ltd.

Date Registered: 23.08.2019

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 16th December 2019