

**REPORT FROM:** **PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER**

**TO:** **BARROWFORD & WESTERN PARISHES COMMITTEE**

**DATE:** **6<sup>th</sup> February 2020**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## **REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 06<sup>TH</sup> FEBRUARY, 2020**

**Application Ref:** 19/0912/FUL

**Proposal:** Full: Erection of No. 4 three bedroom detached dwellings.

**At:** Garage Site, Back Gisburn Road, Blacko

**On Behalf of:** Mr Mark Sugden

**Date Registered:** 09 December, 2019

**Expiry Date:** 03 February, 2020

**Case Officer:** Christian Barton

This application has been brought before committee given the number of public objections received.

### **Site Description and Proposal**

The application site is an area of undeveloped land located immediately adjacent to the settlement of Blacko. The site formerly housed a number of glasshouses and outbuildings with a row of derelict garages found in the eastern part. It is surrounded by terraced dwellings and a Public House to the west, fields to the south and a row of garages and allotments to the north. A detached dwelling is found to the southeast with a barn with an extant Class Q conversion permission to the northeast.

The application involves the erection of 4 three bedroom detached dwellings of the same design alongside associated works. They would have lengths of 12m, widths of 11.4m and dual-pitched roofs 6.8m in height. They would have natural stone elevations, blue slate roofs and grey uPVC doors and windows. Each dwelling would have its own dedicated parking and garden area. They would have integral garages and canopies to the front with pitch roof dormers to the rear.

### **Relevant Planning History**

13/15/0578P – Full: Demolition of garage block and erection of three dwellinghouses in one row with parking and cycle stores – Approved with Conditions – March 2016.

19/0809/AGD – Prior Approval Notification: (Agricultural Building to Dwelling) Change of Use of building to dwelling with external alterations (Class QA and B) – Prior Approval Approved – December 2019.

## Consultee Response

LCC Highways – This applicant seeks to erect new 4 x 3 bedroom dwellings on land which has been previously occupied by Springfield Nurseries, to the north of back Gisburn Road, and a garage colony, to the south).

Part of the site to the south of Back Gisburn Road has an approval for 3 x 3 bedroom dwellings under application reference 1315/0578P. The Highway Authority raised no objection to this proposal subject to a number of planning conditions relating to the visibility splay on Back Gisburn Road (2m back from the give way and 11m in both directions along Back Gisburn Road) and the required car parking and turning provision. Additional conditions were placed on this permission in relation to the road surface.

The applicant owns the majority of the land beneath Back Gisburn Road apart from the short section from the junction of Gisburn Road for approx. 17m which is unregistered. The road itself is laid in tarmacadam which has deteriorated on certain sections, the maintenance of the road does not lie with the Highway Authority or any other authority and is a private matter. There is no street lighting or piped surface water drainage system apparent.

**Traffic Impact** – Any new vehicle trips are a concern to the Highway Authority due to the poor visibility at the junction of Gisburn Road and Back Gisburn Road. However there is an extant commercial use at the site which will be replaced with the proposed residential use, which is essentially one additional dwelling over and above that approved on the garage colony site.

In addition the recent introduction of the average speed cameras on Gisburn Road has made a noticeable reduction in vehicle speeds and will make it easier for drivers to emerge from Back Gisburn Road onto Gisburn Road.

The Highway Authority will not support the introduction of parking restrictions at the junction of Back Gisburn Road / Gisburn Road as there is not an adequate place for resident's cars to be displaced to. In addition the implementation of parking restrictions cannot be guaranteed under the planning process because it is subject to a separate statutory process under the Road Traffic Regulation Act.

Following this application, the Highway Authority would raise an objection to any future increase in traffic movements at this junction due to the poor visibility.

**Site access on Back Gisburn Road and internal layout** – There are two matters that require an amendment to the layout;

1. The radius on the south side of the junction of the site access and Back Gisburn Road needs increasing to allow a refuse vehicle, and other service/emergency vehicles, to make a reverse turn to allow the vehicle to exit onto Gisburn Road in forward gear. I would recommend at least a 6m radius.
2. The visibility splay at the junction of the site access and Back Gisburn Road needs increasing to provide an X distance of 2m (distance set back from give way line) and Y distance of 11m in both directions on Back Gisburn Road. This

mirrors the requirement of the previous application and this can be achieved within the land edged red and blue and should be shown on the site layout.

Back Gisburn Road is privately maintained and it will be necessary to agree who is responsible for the future maintenance of the road, and the new section of private drive serving the 3 new dwellings, to inform and protect future residents of the new dwellings.

A surface water drainage scheme should be submitted to ensure that no water from the development site is deposited onto the public highway Gisburn Road.

Each 3 bedroom dwelling has a double garage with driveway parking for at least 2 cars. The garages will count as a secure cycle store. In addition an external electric vehicle charging point should be provided at each dwelling.

**Conclusion** – To conclude the Highway Authority would raise no objection to the proposal subject to the amendments described above and a number of planning conditions to secure the matters described above.

PBC Rights of Way – The additional housing will increase the volume of private residential traffic using 13-9 FP92 but this would continue to be at relatively low levels and would not cause any significant inconvenience to pedestrians. The effects of the development on the footpath are likely to be of more concern during the development because of the impact of construction vehicles and other plant and machinery using the footpath. As a result of this likely impact we would request that a note is added to any planning permission to draw the developer's attention to the presence of the right of way.

Public footpath 13-9 FP41 is an unmade public footpath. The plans submitted show that a post and wire fence would be installed on the western edge of the footpath leaving a width 2.0m for the footpath. The corner of the nearest proposed building would be just over 2.5 metres from the fence line and footpath, but there is no indication of the extent to which any excavations will be required so that the house sits level in the land. Therefore, the developer will need to take great care not to encroach onto the site of the footpath during construction, and will need to ensure that there is no lasting impact on the footpath by the way in which site is levelled and landscaped. Again, a note added to the planning permission would be very helpful.

United Utilities – It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development. A condition should be attached to any approval to ensure the development is drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way achievable.

Blacko Parish Council – The parish council object to this application on the grounds of the access to Gisburn Road, this would be a single track road, the sight lines onto Gisburn road we feel would be inadequate without yellow lines on Gisburn Road, which would then displace cars parked outside the houses. The area has already got

parking problems with cars on both sides of Gisburn Road, more vehicles using the single track road would lead to traffic problems.

PBC Environment Officer – Comments to follow.

National Grid (Cadent) – Comments to follow.

### **Public Response**

The nearest neighbours have been notified by letter and a Site Notice was posted. Public comments have been received objecting on the following grounds;

- Vehicle access to the site is not suitable for the proposed development;
- The A682 road is very busy and is regularly used by heavy goods vehicles as well as cars coaches etc.
- I do not believe that the former garage site has enough space to accommodate the construction of a four bedroom house and the provision of car parking for eight vehicles without causing chaos.
- Access and egress to the proposed development appears very limited for vehicles generally, construction vehicles, emergency vehicles and refuse wagons.
- Local children are encouraged to walk to the local primary school, safety issues, and houses on the same side of the road as proposed development. Width of footpath on this side of the road is minimal, usually congested with parked vehicles, therefore creating danger to pedestrians;
- Opposite the proposed exit / entry is a bus stop, also used by school children / residents/tourists walkers exploring rural area of Pendle;
- Can pedestrians walk through safely while passing through;
- The development will exasperate existing parking issues along Gisburn Road;
- The red edge of the application site includes unregistered land;
- Vehicles speed along Gisburn Road;
- The development may affect the footpath network;
- A previous development on adjacent land took several years to complete;
- The height of the dwellings will appear overbearing in relation to the adjacent cottages;
- Privacy will be compromised, the bedrooms in the rear of the cottages will no longer be private;
- The former Springwood Nurseries was utilised for horticultural use, no permission for vehicular access to the public. Would this not require application for change of use?
- The address allocated for the application site is misleading;
- What consideration will be given for external vents etc.?
- What will the boundary look like;
- Are there going to be any restrictions on construction working hours?
- What are the materials proposed for the construction of the properties, are they in keeping with the area? The architect's drawings don't appear to define this.
- Should this development be approved, would the reduce my community band, as I would no longer be living in a rural area.

- Blacko is a small village where development proposals, infilling would ruin the character of this village.
- Boundary wall behind my property is dry stone wall, which with the excavation at the rear would cause damage or collapse. Would this be the responsibility of the applicant to rebuild and re stock small but mature shrubs and plants? I would require this in writing from the applicant;
- Proposed road for the development is far too close to the boundary of rear of my property, vehicles using the proposed road would create noise, lighting.
- Is the off road parking realistic for a 3 bedroom dwelling? If not then it will cause further pressure on parking along Gisburn Rd;
- Are there any sustainable construction methods and materials being used? Current information doesn't appear to state any;
- Is the developer going to adopt the unadopted access road to ensure appropriate maintenance of the access road?
- Drainage and water runoff from the site onto Back Gisburn Rd & the cottages is a concern. Are measures going to be put in place to prevent this?
- Surface water already runs between exit and entry proposed site. During winter months freezes on Gisburn Road.
- Where are construction vehicles going to park whilst waiting to be off-loaded and where are general contractors going to park?
- Will the developer be responsible for ensuring the road is kept clean daily? Generally developments of this nature cause a lot of mud to end up on the adjacent road which would be hazardous?
- What are the temporary safety and security proposals for the perimeter of the construction site?
- Where will the welfare facilities for construction workers be located?
- We have concerns that the developer will not be able to keep the surrounding areas tidy and free from mud, debris etc. spoiling the upkeep of the area.
- Has any impact assessment been made of the stress on the local environment, local schooling and transport infrastructure?

### **Officer Comments**

The main considerations for this application are the principle of the development, design, residential amenity, highways, drainage and environmental impacts.

The Pendle Local Plan Part 1: Core Strategy (2011 – 2030) is the starting point for considering planning applications. Policies that conform to the Framework and are up to date must be given full weight when planning applications are considered. Other relevant material considerations are then set against the Policies of the Local Plan and contribute to the decision making process.

#### **1. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:**

- CS Policy SDP2 (Spatial Development Principles) states that proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the

Framework, or policies in a document that is part of the development plan for Pendle;

- CS Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) seeks to ensure a high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum;
- CS Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with the wider locality;
- CS 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;
- CS Policy ENV5 (Pollution and Unstable Land) states that new development is required to address the risks arising from contaminated land or unstable land, including that arising from mining legacy, through remediation work that makes the site suitable for the proposed end use;
- CS Policy LIV1 (Housing Provision and Delivery) sets out the Councils requirement to deliver new housing at a rate of 298 dwellings per annum. Proposals for housing outside of but close to the settlement boundary are supported in sustainable locations;
- CS Policy LIV5 (Design Better Places to Live) states that the layout and design of new housing should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Other policies and guidance's are also relevant:

- Saved Policy 31 of the Replacement Local Plan (Parking) sets out appropriate parking standards for new housing developments;
- The adopted Design Principles Supplementary Planning Document (SPD) sets out the aspects required for good design in relation to residential amenity;
- The Development in the Open Countryside Supplementary Planning Guidance (SPG) provides guidance on the appropriate positions of new buildings alongside the materials which would be acceptable for rural buildings.

## National Planning Policy Framework (The Framework)

- Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
  - c) Approving development proposals that accord with an up-to-date development plan without delay; or
  - d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where a local planning authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:
    - I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to designated heritage assets); or
    - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

There is a presumption in favour of sustainable development as set out in Paragraph 11. Applications that conform to the development plan should be approved. Where policies are out-of-date development should be approved unless the policies in the Framework provide a clear reason for refusing (the policies which apply are set out in footnote 6) or any adverse impacts of approving would significantly and demonstrably outweigh the benefits. This is commonly referred to as ‘the tilted balance’.

In broad terms a five year supply of housing is calculated by assessing how many units are required per annum, adding or subtracting houses delivered or under delivery, adding in the appropriate buffer for under delivery and then assessing how many houses can be brought forward within 5 years on sites. Pendle currently has a 4.6 years supply of housing land and the tilted balance is therefore applicable to housing schemes. Paragraphs 54 – 57 consider viability and contributions from developments. Paragraph 57 states:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”



- Section 9 looks at national policies on transport. The emphasis is to promote sustainable methods of transport and manage patterns of growth accordingly.
- Paragraph 108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
  - a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) Safe and suitable access to the site can be achieved for all users; and
  - c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Paragraph 109 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Section 12 seeks to achieve well-designed places with developments functioning well and add to the quality of the area and be visually attractive.

## **2. Principle of Housing**

The application site is located directly adjacent to the settlement boundary. Residential properties are positioned to two sides and services, facilities and regular public transport links are all within walking distance. The development would be within a sustainable location for housing and is acceptable in principle thereby according with Policies SDP2 and LIV1.

## **3. Design and Visual Amenity**

This proposal would constitute as back land development with the site being located on the transitional cusp between urban form and open land beyond to the east. When viewed from public vantage points to the south and east the proposed dwellings would be predominantly taken in the context of the terraced cottages along Gisburn Road though a large detached house and agricultural building with an extant permission for a residential conversion also contribute to the setting of the immediate location. The proposed dwellings would be contained within that existing cluster of buildings.

The overall configuration and position of the site means that the dwellings would not contribute to or impact on the wider street scene in general. Therefore, the main design considerations should be how the proposal sits within its immediate surroundings and potentially affects the character of the wider area. Concerns have been raised about layout of the development along with how it would integrate with the urban grain of the village. Amended plans have been submitted showing a cul-de-sac with a staggered and organic housing layout. It is acknowledged that the majority of the dwellings in Blacko stagger main roads though a number of cul-de-sacs with more modern dwellings branch off those highways and this proposal would align with those existing developments. Moreover, the relief of the land which slopes

upwards to the east towards the open countryside, alongside interspersed vegetation, would provide natural screening from far reaching views.

Concerns have been raised regarding the construction materials. Although more modern in design the stone elevations and slate roofs of the proposed dwellings would harmonise with the appearance of the surrounding buildings and subject to the imposition of a condition to control the quality and finish of the external materials they raise no undue design concerns. The dwellings would each be afforded parking areas to the front and rear gardens. The rear gardens of Plots 1 – 3 would be limited in size yet for the reasons outlined above the overall layout of the dwellings would be acceptable in visual design terms. Concerns have been raised regarding the appearance boundary treatments though such aspects can be effectively controlled through the imposition of a landscaping condition. Subject to appropriate conditions, the proposal complies with Policies ENV2 and LIV5 and the guidance of the Open Countryside SPG.

#### **4. Residential Amenity**

A number of neighbour comments have been raised which cite concerns that the dwellings would appear overbearing and would cause unacceptable privacy impacts for existing residents. The levels of the site are circa 2m higher than the cottages along Gisburn Road however Plot 4 would be the closest proposed dwelling at 14m and the distances involved are sufficient to prevent any overbearing impacts for those residents. No overbearing impacts would be created for the residents of Springfield House to the southwest with 12.5m provided between that dwelling and Plot 3.

The agricultural building with an extant residential conversion permission would have a kitchen/diner window abutting the site boundary. Amended plans have been submitted showing Plot 1 in a rotated position. The amendments applied would prevent any unacceptable losses of light for the future occupants of that property owing to ample separation. A condition is necessary however to ensure a tall fence is erected on the northeast boundary in order maintain the privacy of that dwelling in relation to the rear garden of Plot 1.

A 2m fence would be required to ensure that which would block off the kitchen/diner room window almost entirely though the fall-back position of what could be erected under permitted development must be taken into account. In this instance the landowner could erect a 2m high fence immediately in front of that window. Furthermore, another window in the northeast elevation serves the same room and when those factors are taken into account the proposal would not cause any unacceptable losses of light for its future occupants. The amended plans submitted would also prevent the overlooking of the cottages adjacent to Plot 1 as the windows in the front and rear would now face the estate road and allotments. A glazed door would now face those cottages within 21m though appropriate fencing on the west boundary would adequately safeguard domestic privacy.

Concerns have been raised about the impacts of noise from traffic and glare from headlights. No details of boundary treatments are shown on the submitted plans. Treatments between Plots 1 – 3 and the adjacent cottages on Gisburn Road would

need to be a sufficient height to avoid glare from headlights and minimise noise from traffic. Therefore, subject to the imposition of a condition to finalise the height of the boundary treatments, the proposed development would be acceptable in relation to residential amenity impacts in compliance with Policies ENV2 and ENV5 and the guidance of the Design Principles SPD.

## **5. Highways, Parking and Footpaths**

A number of concerns have been raised on highways grounds regarding parking provision, the constrained nature of the site access and the impacts the development would have on the highway network including the safety of the adjacent bus stop. It is acknowledged that the site access is constrained and there is a high demand for on-street parking along Gisburn Road.

However, with this site there is a clear fall-back position to consider regarding its previous use as an 8 unit garage site and horticultural nursery. The level of traffic generated by the proposed dwellings would ultimately not exceed the levels of the former uses to a level which would justify refusing the application. That position also underpinned the decision making process of the expired permission for three houses (which also attracted a number of objections on highways grounds).

Each dwelling would be afforded at least three parking spaces and cycle storage areas which is acceptable and in accordance with the Parking Standards of Saved Policy 31. Concerns have been raised about where guests would park yet the policy base of Saved Policy 31 is clear and parking provision is only required to service the dwelling which is based on bedroom numbers. In relation to the concerns raised regarding the construction phase including the position of welfare facilities, site staff parking, wheel washing facilities, unloading areas and also working hours and site security, those activities can be adequately controlled through condition. The position of the proposed dwellings would not obstruct any of the footpaths which run through the site and an informative has been added advising the developer to maintain access during the construction phase.

Comments have made regarding adoption of the estate road and a condition has been added to ensure it is built to an adoptable standard though the adoption process ultimately falls outside of the planning system and it is subject to a number of wider assessments by LCC Highways. Comments have also been made regarding motorists speeding along Gisburn Road though such activities cannot be controlled with this application and they do not affect its outcome.

LCC Highways have raised no principle objections and I concur with their findings. Modifications to the estate road have been advised and these have been raised with the Agent. Any updated comments and layout plans will be added as part of an update report. Subject to appropriate conditions, including one to ensure adequate visibility splays are provided, the proposed development would have no unacceptable impacts on highway safety in accordance with Policy ENV4.

## **6. Drainage**

A number of comments have been made which cite concerns about surface water flooding. Adequate foul and surface water drainage could be required through condition and it is likely a well implemented surface water drainage scheme would provide a betterment on site and a reduction in flooding around the site access. Therefore, the proposed development is acceptable in terms of drainage.

## **7. Trees and Ecology**

Concerns have been raised regarding environmental impacts. The Arboricultural Impact Assessment provides an overview of the existing trees on site and outlines the main issues for removal or retention. There are no TPO's existing on the site and the trees found on the site boundaries provide negligible landscape value. A Preliminary Ecological Assessment has also been submitted which concludes 'no evidence was recorded to suggest use of the site by protected species. Any supporting comments made from the PBC Environment Officer will be added as part of an update report. The proposed development would be acceptable in relation to trees and ecology in compliance with Policy ENV1.

## **8. Contamination**

The previous uses of the site have the potential to cause terrestrial soil contamination. Therefore, a condition has been added requesting a Contamination Report in order to minimise any risks of contamination and comply with the requirements of Policy ENV5.

## **9. Wider Considerations**

Comments have been made regarding inclusion of unregistered land within the application site boundary. The relevant procedures have been followed by the Agent prior to validation and the correct certificates were served which take account of land ownership. The address allocated for the application site was an existing address on our internal system and neighbours are advised through the consultation process to view the plans if they are unsure about any aspects.

Concerns have been raised about the position of external vents and the dwellings potentially compromising the structure of adjacent dwellings and retaining walls. However, such considerations are applied at the Building Regulations stage. Comments have also been raised regarding further strains on services and infrastructure. The occupants of the dwellings would likely utilise local services and infrastructure though there is no requirement for developers to make financial contributions for minor proposals such as this one.

## **10. Five Year Housing Supply**

Pendle currently does not have a five year supply of housing. As such consideration needs to be given to Paragraph 11 of the Framework. This is quoted above but is commonly referred to as the application of the tilted balance. As with all applications the development needs to be assessed against the Development Plan and then the

tilted balance needs to be taken into consideration. The tilted balance indicates that where policies most relevant for the determination of the application are out of date approving the application unless the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

For this application the development would conform to the development plan and the recommendation is to approve it. The tilted balance would add weight to this as the benefits of housing provision would outweigh any disbenefits.

## **11. Summary**

The proposal involves the erection of 9 cottages together with associated works. Subject to appropriate conditions, the development would be acceptable in terms of the principle, design, heritage assets, residential amenity, highways, drainage, trees and ecology and environmental impacts in compliance with Policies SDP2, ENV1, ENV2, ENV4, ENV5, LIV1, and LIV5, Saved Policy 31 and the guidance of the Design Principles SPD and Open Countryside SPG.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in terms of principle, design, residential amenity, highways, drainage and environmental impacts. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Approve**

Subject to the following conditions:

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

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans: 2018/14/4B (Submitted 28<sup>th</sup> January 2020) 2018/14/2E (Submitted 28<sup>th</sup> January 2020) (further plans to follow).

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

3. No above ground works shall commence on site unless and until, representative samples of all the external materials to be used in the construction of the roofs and walls, together with samples showing the colour and finish of the

windows, doors and cladding materials of the dormers and design details of the surfacing material to be applied to the driveways to be installed as part of the development hereby approved, have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

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

4. Improvements to the junction of the site with Back Gisburn Road as shown on approved plan '2018/14/2E (Submitted 28<sup>th</sup> January 2020)' and the new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads, to at least base course level, prior to the commencement of any other development on the site.

**Reason:** To ensure adequate access for construction vehicles and in the interests of highway and pedestrian safety.

5. The estate road shall be surfaced, sealed and completed in its entirety prior to occupation of the first unit.

**Reason:** To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

6. Prior to the occupation of any dwelling hereby approved, the driveways, parking areas and turning head as shown on approved plan '2018/14/2E (Submitted 28<sup>th</sup> January 2020)' shall be laid out and made available for use thereafter for the parking of vehicles associated with the occupants of the dwellings.

**Reason:** In the interest of highway safety.

7. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out concurrently with the rest of the development and in any event shall be finished before any dwelling is occupied.

**Reason:** In order that the Local Planning Authority may be satisfied with the drainage details of the proposal.

8. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a) All proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- b) All proposed boundary treatments with supporting elevations and construction details;

- c) An outline specification for ground preparation;
- d) All proposed hard landscape elements and pavings, including layout, materials and colours;
- e) The proposed arrangements and specifications for initial establishment;
- f) Maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

9. The access shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and 11 metres distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

**Reason:** In order to ensure satisfactory visibility splays are provided in the interests of highway safety.

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 (Extensions and other alterations), B (Additions to the roof), C (Alterations to the roof), E (Curtilage buildings) and F (Hard Surfaces) of Part 1 of Schedule 2 Class A (Means of enclosure) and Class C (Exterior painting) 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 and amenity of the conservation area and impacts on neighbouring properties.

11. Before a dwelling unit is occupied waste containers shall be provided for each plot.

**Reason:** To ensure adequate storage facilities for domestic refuse, in the interest of residential amenity.

12. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and

subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
- b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority. All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

#### Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request;
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority;
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

**Reason:** In order to protect the health of the occupants of the new development and/or in order to prevent contamination of adjacent water courses.

**13.** Prior to the commencement of development on site a Construction Method Statement shall be submitted to the Local Planning Authority for written approval which shall include the following;

- a) The parking of vehicles of site-operatives and visitors;
- b) Working hours;



- c) Loading and unloading of plant and materials;
- d) Position of staff welfare facilities;
- e) Storage of plant and materials used in constructing the development;
- f) Wheel-washing facilities;
- g) Measures to control the emission of dust and dirt during construction;

The development shall proceed strictly in accordance with that method statement.

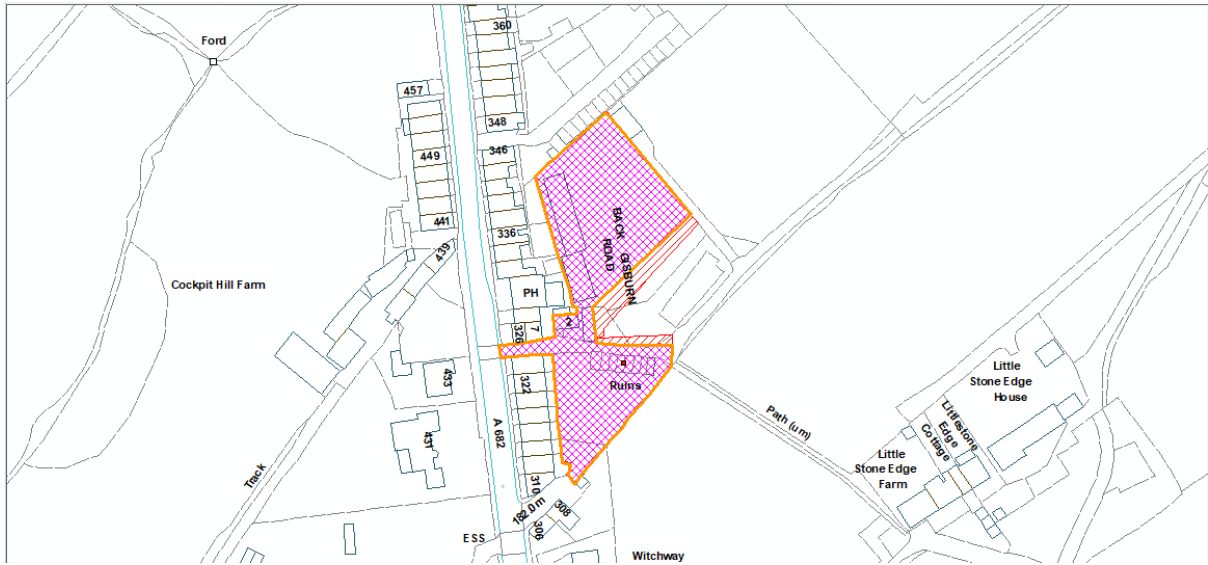
**Reason:** In the interest of the amenity of the area and highway safety during construction work.

14. Prior to the occupation of any dwelling hereby approved, plans and particulars shall have been submitted to and approved in writing by the Local Planning Authority overseeing the height and positions of all boundary treatments on the west and east boundaries and the development shall thereafter proceed in strict accordance with the agreed details.

**Reason:** To prevent glare from car headlights in the interest of residential amenity.

### **Informatives**

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.



**Application Ref:** 19/0912/FUL

**Proposal:** Full: Erection of No. 4 three bedroom detached dwellings.

**At:** Garage Site, Back Gisburn Road, Blacko

**On Behalf of:** Mr Mark Sugden

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 28th January 2020**