



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

TO: POLICY AND RESOURCES COMMITTEE

DATE: 19th AUGUST, 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO POLICY & RESOURCES COMMITTEE ON 19 AUGUST 2021

Application Ref: 21/0564/FUL

Proposal: Full: Major: Erection of 67 no. dwellinghouses with associated works including car parking and landscaping.

At: Fields To The West Of Foster Road Barnoldswick Lancashire

On behalf of: McDermott Homes

Date Registered: 09/07/2021

Expiry Date: 03/10/2021

Case Officer: Alex Cameron

This application is for a housing development of more than 60 houses and as such must be determined by Policy and Resources Committee.

Site Description and Proposal

The application site is 3 hectares area of agricultural land within the open countryside adjacent to the settlement boundary of Barnoldswick. To the east is Foster road from which the site is accessed, to the south are the rear of dwellings on Fernbank Avenue and to the north and west is open agricultural land.

The proposed development is the erection of 67 houses comprising 27 three bedroom and 40 four bedroom dwellings in a mixture of detached and semi-detached, two and three storey houses. Three of the dwellings are proposed to be affordable homes. The proposed materials are primarily artificial stone, mixed with render on some plots, concrete tile roofs and white uPVC windows and black composite doors.

Relevant Planning History

None.

Consultee Response

LCC Highways - We would seek a scheme of enhanced traffic calming features on Gisburn Road, signing and lining, to encourage speed compliance in the vicinity of Foster Road and this will help support drivers emerging from Foster Road. We would seek dropped crossing points with tactile paving on Gisburn Road, at the junction of Foster Road to enhance the pedestrian movements across Gisburn Road along West Field Road to FP 6 which would form a route to the nearest Primary School. These measures would mitigate the impact of the development traffic on the network.

We would seek to upgrade the nearest bus stops on Gisburn Road to LCC Quality Bus Standard.

The off-site highway works would be completed under a S278 agreement with Lancashire County Council.

Improvements to the surface of FP 4 which links the site to Fernbank Avenue and FP 6 which links to the nearest school would be sought.

The layout is acceptable, swept path analysis is included in the TA for the estate road and turning heads. For completeness the refuse collection points shown on the swept path analysis site layout should be included on the coloured layout. The internal road should be constructed to LCC specification.

FP 4 runs through the site and the layout has been designed to incorporate the line along the estate road footway.

For open market housing a maximum standard of 1 space per 1 bedroom dwelling, 2 spaces per 2/3 bedroom dwelling and 3 spaces for a 4+ bedroom dwelling is set. The level of car parking proposed across the site is acceptable.

All dwellings require an electric vehicle charging point and a secure, covered cycle store with 1 space per bedroom.

The development traffic can be accommodated on the network with some measures secured to mitigate the impact. The following conditions are requested: construction traffic management, off-site highway works, management and maintenance of estate road, estate road construction details, base course construction prior to occupation, cycle storage, electric vehicle charging.

PBC Countryside Access – Public footpath 13-1-FP 4 crosses the site and will almost certainly need to be temporarily closed during construction for a significant period of time. The effect of the development once completed is that the affected section of the footpath will become part of an estate road thereby losing its character as a countryside footpath through fields on the edge of town.

Please attached a note making the developer aware that public rights of way are protected by separate legislation.

United Utilities - In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Following our review of the submitted Drainage Strategy (Ref: 21033/01/1, dated 02.03.2021) we can confirm the proposals are unacceptable in principle to United Utilities.

This is because many of the proposed dwellings' finished floor levels are lower than cover level of the receiving manholes. This may cause issues in the event of surcharge in the receiving sewers. We would request a revised plan showing amended finished floor levels, or alternatively the incorporation of mitigation measures.

In light of the above, we wish to request further information regarding the approach to drainage prior to determination of this full application for planning permission.

Comments relating to conditions, management and maintenance, water supply and impacts of UU's assets.

Yorkshire Water - Domestic water supply can be made available with application made via Company's developer services, gravity supply with a minimum 20 mhd pressure to the elevated height of the site 162m AOD. Note: the 3" water main in Foster Road has limited capacity, likely the new supplies connection may be required to the 8" in Gisburn Road.

Lancashire Fire and Rescue Service – Comments relating to building regulations.

LCC Schools Planning – An education contribution is not required.

East Lancashire Hospitals NHS Trust - Request a contribution to provide additional services to meet patient demand when the dwellings are first occupied.

West Craven Area Committee - That Policy and Resources Committee be recommended to refuse this application for the following reasons –

- The development would be in open countryside, outside the settlement boundary
- Flooding downstream needed to be taken into account
- Drainage infrastructure – the culvert under Gisburn Road needs upgrading
- Highway safety issues
- Impact on the character of the landscape
- Barnoldswick has over hundreds of extant permissions unbuilt
- The application was premature for a reserved site in view of policies in Part 2 of the Local Plan
- It would put pressure on infrastructure for public services e.g. GP surgeries, schools etc There was no landscaping scheme in the plan

Public Response

Press and site notices posted and nearest neighbours notified. The following response objecting to the development has been received:

- I do not agree with development in greenbelt agricultural land.
- Agricultural land should be retained for food production.
- Brownfield sites should be developed instead.
- Trees and hedges should be retained for screening and wildlife habitat.
- Increase in traffic volume and resulting highway and pedestrian safety impacts.
- The junction of Foster Road and Gisburn Road is inadequate to accommodate the increase in traffic.
- There should be an alternative access road i.e. Brogden Lane
- Exacerbation of existing parking issues in the vicinity.
- Children will no longer be able to play on the streets.
- Impact on the character of Barnoldswick and harm to the landscape character of the area.
- The development will not enhance the rural character of the area.
- Settlement boundaries should be adhered to.
- Exacerbation of drainage and flooding issues.
- Insufficient infrastructure, services and facilities to meet the demand of the proposed housing.
- The application is premature as this site is proposed to be reserved for future development in the Local Plan Part 2.
- Cumulative impacts together with other recent permissions should be considered.

- There is sufficient housing planning to meet Barnoldswick's needs until 2030.
- Concern in relation to maintenance of the culvert crossing the site.
- Loss of habitat and feeding grounds of protected species.
- The site has a well use public right of way, if this goes there will be nowhere left to walk in the vicinity.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the roles each settlement category will play in future growth. Barnoldswick is a key service centre which provide the focus for future growth and will accommodate the majority of new development.

Policy SDP3 identifies housing distribution in West Craven Towns as 18%, this is a general indication of the level of development expected rather than a maximum limit.

Policy ENV1 of the Replacement Pendle Local Plan seeks to ensure a particularly 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.

Policy ENV2 of the Pendle Local Plan Part 1 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 its surroundings.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

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 LIV1 (Housing Provision and Delivery) states that until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land will be supported.

Policy LIV4 (Affordable Housing) sets targets and thresholds for affordable housing provision. For 15 or more dwellings in West Craven towns this is 5%.

Policy LIV5 (Designing Better Places to Live) states that layout and design 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.

Replacement Pendle Local Plan

Policy 31 (Parking) of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework

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.

Principle of the Development

The site is located in a sustainable location adjacent to the settlement of Barnoldswick with access to essential services, facilities and public transport within walking distance.

Concerns have been raised in relation to the potential future allocation of the site in the Local Plan Part 2 as a reserve site that will only be released where there is evidence of need to do so to address under-delivery or to meet future development needs. The Local Plan Part 2 is in preparation and is not yet a material consideration that would require the applicant to provide such justification. The

proposed development would contribute towards the delivery of the Council's required housing provision and is acceptable in principle in accordance with policies SDP2 and LIV1.

Visual Amenity

The design the proposed housing would be similar to other modern housing developments in the area and the layout would reflect the existing settlement pattern and be of acceptable density. The development would be visible from Brogden Lane to the north but would appear as a natural extension of the existing settlement from Foster Road to Fernbank Avenue. Whilst the development would alter the immediate character of the land from the Public Right of way running through it, that public right of way gives access to open countryside beyond and there is not any intrinsic special character to this agricultural land adjoining the settlement that would be lost. The proposed development is acceptable in terms of visual and landscape impacts in accordance with policies ENV2 and LIV5.

Heritage

An assessment of the potential archaeological and heritage impacts of the development has been submitted. This concludes that there no know archaeological constraints upon the proposed development, a very low potential for unrecorded archaeology and no further investigation required. It also concludes that the development would not adversely impact upon the setting of the nearest Listed Building, the former Fosters Arms 155m to the north west with intervening housing. The proposed development would not result in any harm to the significance of any heritage assets.

Residential Amenity

The proposed development would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property and would provide an adequate level of privacy and acceptable living environment for the occupants of the proposed dwellings.

There are commercial / industrial uses and land to the south west, however, taking into account the separation distance and that there are a number of existing dwellings in equal or closer proximity, those uses would not result an unacceptable risk of impacts on the amenity of occupants of the proposed dwellings.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV5 and LIV5.

Ecology

An ecology survey submitted with the application, this identifies high bat roosting potential in two ash trees on the boundary and moderate potential three other boundary trees a further four of low potential. The report recommends further surveys if those trees are to be removed, however, those trees are to the boundaries and would not be directly affected by the development this this could be controlled by condition.

The report also 5m undeveloped buffers to the ditches to the north and south of the site. The proposed layout would maintain those buffers.

Subject to the mitigation and enhancement recommended in the ecology survey, which can be controlled by condition, the proposed development would provide an acceptable net gain in biodiversity.

Open Space and Landscaping

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The proposed layout includes an area of public open space at the northern end of the site adjacent to the route of the public right of way. This would provide acceptable public open space provision in accordance with policy LIV5.

The proposed layout indices extensive landscaping with street trees throughout the existing boundary trees enhanced with additional planting. An acceptable landscaping scheme can be controlled by condition.

Drainage and Flood Risk

A number of concerns have been raised regarding drainage and flooding.

United Utilities (UU) have also raised concerns related to the potential of flooding from sewers due to manhole heights in relation to finished floor levels. This concern is a technical matter that is being addressed by the applicant.

The Lead Local Flood Authority's (LLFA) comments have not been received at the time of writing this report, however, the site is not identified as being at risk of flooding from either fluvial or surface water flooding and the submitted drainage strategy indicated that surface water from the site would be attenuated to the greenfield runoff rate. Provision of adequate drainage to ensure that a development does not result in an unacceptable risk of on or off-site flooding is a technical matter and subject to there being no objection from the LLFA and the above issues raised by UU being addressed this is a matter it would be appropriate for the Committee to delegate to the Planning, Economic Development and Regulatory Services Manager to determine.

Concerns have been raised regarding a culvert that flows under the site. There is a culvert which appears to cross under the southern end of the site, that would run under the gardens of plots 12-15 and therefore would be unaffected by built development. Furthermore, there are civil law responsibilities to ensure that the flow of such watercourses are unimpeded, it is not necessary to duplicate those controls with planning conditions.

Contamination

A geo-environmental desk study and ground investigation of the site have been submitted with the application, these found a low risk of contamination however recommended that further soil analysis is carried out once soil is stripped from the site. This, and any remediation necessary, can be ensured by condition.

Highways

Subject to the provision of a scheme of traffic calming features, signing and lining to encourage speed limit compliance on Gisburn Road in the vicinity of Foster Road and tactile paving at the junction, which can be required as off-site highway works, the proposed development is acceptable in terms of

highway safety and its impact on the surrounding road network. These would need to be the subject of a Section 106 agreement.

The level of car parking proposed is acceptable in accordance with the parking standards set out in the RPLP.

LCC Highways have requested that secure cycle storage is provided at a rate of one cycle per bedroom, this is beyond what is required in the RPLP parking standards of one cycle for a one bedroom dwelling and two for two or more bedrooms. Cycle storage should instead be required in accordance with the RPLP parking standards.

The proposed development is acceptable in highway terms in accordance with policies ENV4 and 31.

Contributions

Affordable Housing Provision

Policy LIV4 sets a requirement of 5% affordable housing for developments of this scale in West Craven. Three affordable housing units are proposed in accordance with policy LIV4.

NHS

A request has been made from East Lancashire Hospitals NHS Trust for a contribution towards the cost of acute healthcare interventions it calculates will be generated by the residents of the 67 dwellings in the first years of their occupation, for which the Trust states there is a funding gap.

In terms of health service contributions there are a number of concerns about the request and justification for those requests. 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.

We have also raised a concern about the timing of funding and that developments can take several years in order to come to fruition. From the information supplied to us it appears that once a development is known about then financing is included in the next budgetary year. The issue therefore is that if developments take several years to come forward and they are included in financial planning after year 1 then the developer would be paying for services already funded in the standard funding formulae.

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 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 to the NHS 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. The level of contribution would also undermine the already low level of profitability and would jeopardise whether or not the scheme would proceed. The provision of affordable housing is a major need within Pendle and significant weight should be attached to providing that housing.

Highways

A section 106 agreement would need to be signed for the off site highway works to be provided

Conclusion

It is recommended that the approval of the application, and any conditions necessary, be delegated to the Planning, Economic Development and Regulatory Services Manager subject to the receipt of comments from the Lead Local Flood Authority.

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 Local Planning Policy and the guidance set out in the Framework, subject to compliance with planning conditions. 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: Delegate Grant Consent

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: LO-01A, 01-1A, 6578.01 Rev A, 6578.02 Rev A, ASH 1.7, WIN 1.7, NOR 1.7, SHE 1.7, ASH 2.7, BOU 1.7, BOU 1.7a, CAN 1.7, GOR 2.7, CHU 1.9, COW 1.7, BRO 1.7, GOR 1.7, OAK 1.7a, BTP-01, ML-01, SL-01, SS-01, MP01,

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the materials of the external walls and roofs of the development shall have 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 details.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

3. The window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

Reason: To ensure the continuation of a satisfactory appearance to the development.

4. The development shall be carried out in strict accordance with the recommendations of the submitted Ecological Survey and Assessment dated May 2021. Prior to the occupation of the first dwelling a scheme of ecological enhancement shall have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in strict accordance with the approved scheme.

Reason: to ensure the ecology of the site is enhanced and protected species are not harmed by the development.

5. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety and residential amenity.

6. Within 3 months of the commencement of the development a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling:

Upgrade of 2 x bus stops on Gisburn Road (25001020 NB and 25001MG1600 SB), enhanced speed compliance measures on Gisburn Road in the vicinity of Foster Road (signage and lining) and Foster Road at the western end (raised table), provision of dropped crossing/tactile paving on Foster Road/Gisburn Road and improvements to FP 4 and 6.

Reason: In the interest of highway safety and to ensure acceptable accessibility to essential services and facilities.

7. Within 3 months of the commencement of the development details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: To ensure that the estate road is acceptably maintained and managed in the interest of highway safety.

8. Within 3 months of commencement of the development full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

9. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

10. Prior to the occupation of each dwelling the driveways and parking areas serving that dwelling shall be constructed in a bound porous material and made available for use and thereafter maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate car parking provision in the interest of highway safety.

11. Prior to the occupation each dwelling the dwelling shall have a secure cycle storage provided at a ratio of 2 cycle spaces per dwelling.

Reason: To ensure adequate provision for sustainable transport.

12. Prior to the occupation of each dwelling the dwelling shall have an electric vehicle charging point installed. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.

Reason: To ensure adequate provision for sustainable transport.

13. The development shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme 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 within the first planting season following the commencement of the use of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

14. The development shall not be commenced unless and until 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 has been submitted to and approved in writing by the Local Planning Authority. 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 BS 10175:2001) 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.

Reason: In order to protect the health of the occupants of the new development and in order to prevent contamination of controlled waters and the environment.

15. No part of the development commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for three affordable dwellings.

Reason: To contribute towards the identified need for affordable housing provision in the area.

Notes:

The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk

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.