



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

**TO: WEST CRAVEN COMMITTEE**

**DATE: 30th November 2021**

**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 30<sup>th</sup> NOVEMBER, 2021

**Application Ref:** 21/0676/REM

**Proposal:** Reserved Matters: Erection of 14 no. dwellinghouses (Appearance, Landscaping and Layout) for Outline Permission 18/0821/RES.

**At:** Land opposite the Barn Ben Lane Barnoldswick

**On behalf of:** Simpson Homes Limited

**Date Registered:** 2 September 2021

**Expiry Date:** 2 December 2021

**Case Officer:** Kathryn Hughes

This report was deferred from the November meeting to allow for further consideration of the drainage and landscaping issues to be undertaken. Additional drainage and landscaping details have been submitted and these are being assessed and reported to the meeting.

## ***Site Description and Proposal***

The application is a Reserved Matters application for appearance, landscaping and layout for the erection of fourteen dwellinghouses.

As present the site consists part of a large well maintained field mainly used for grazing sheep. The proposed site measures 0.62ha and is separated from Ben Lane by an extant scheme for four houses.

The site contains mature trees some of which have Tree Preservation Orders.

The land is immediately adjacent to, but outside of the settlement boundary of Barnoldswick and within the Open Countryside. Open fields are positioned to the rear of the site with detached dwellings to the front. Further residential properties are positioned along Skipton Road to the north.

Approval has been given for the erection of four dwellings along the frontage of the Ben Lane to the south-west.

## ***Relevant Planning History***

13/15/0546P – Outline: Erection of 4 dwellings with garages (Access, Layout and Scale) – Refused- Allowed on Appeal – 7<sup>th</sup> November, 2016.

17/0244/REM – Reserved Matters: Erection of 4 dwellings with garages (Appearance and Landscaping) – Invalid.

17/0313/REM – Reserved Matters: Erection of 4 dwellings with garages (Appearance and Landscaping) – Approved 18<sup>th</sup> August, 2017.

18/0821RES: Outline: Erection of 14 dwellings with garages, (Access, Layout and Scale) – Approved.

## ***Consultee Response***

LCC Highways – I have viewed the plans and I have the following comments to make:

### **Layout**

The layout is to an adoptable standard. Construction specification, surface water drainage and street lighting details are conditioned on the appeal decision to be submitted at a later date.

### **Parking**

Plot 2, 3 and 14 require the driveway in front of the garages lengthening to 6m or 5.5m if a roller shutter door is provided.

Garages should measure 3m by 6m internally to count as a parking space. Type C garages are 5.25m long and require lengthening.

All the dwellings have garages which provide secure, covered cycle parking and there is a condition on the appeal decision for all dwellings to have an EV charge point.

Subject to the amendments outlined above, there is no objection to the proposal.

LLFA – The Lead Local Flood Authority has no objection to the proposed development, subject to conditions relating to flood risk assessment, final sustainable drainage scheme, construction phase surface water management plan and operation and maintenance plan and verification report of constructed sustainable drainage scheme.

The applicant must obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found at [www.lancashire.gov.uk/flooding](http://www.lancashire.gov.uk/flooding).

### **Surface water drainage scheme:**

The surface water drainage proposals set out in the surface water and foul water drainage scheme are only preliminary and subject to change following further detailed design and investigation. The applicant is expected to provide a final surface water drainage scheme for the development once all detailed design and investigation work has been completed. The final strategy will need to be submitted to and approved by the LPA prior to the commencement of any development and must comply with the requirements of the National Planning Policy Framework, the Planning Practice Guidance and the Defra Technical Standards for Sustainable Drainage Systems. The strategy should also be accompanied by an appropriate management and maintenance plan that details how the surface water drainage network will be managed and maintained over the lifetime of the development. The

LLFA is satisfied that these details can be secured through the inclusion of the above recommended planning conditions.

The applicant is advised to take note of the requirement with regard to urban creep and to ensure that this is appropriately accounted for within the final detailed sustainable drainage scheme.

The applicant is also expected to model their surface water drainage network with a surcharged outfall, unless it can be demonstrated that a free flowing outfall is achievable.

### **Sustainable Drainage Systems:**

The LLFA encourages the applicant to maximise the use of sustainable drainage systems (SuDS) when designing the surface water drainage scheme for the development site. This is because sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk.

Sustainable drainage systems can attenuate the rate and quantity of surface water run-off from a site, and they can also absorb diffuse pollutants and promote groundwater recharge. Ponds, reed beds and seasonally flooded grasslands are also particularly attractive features within public open space. The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Some SuDS features, for example rainwater harvesting and permeable paving used on roads and driveways, must not be included as part of the hydrological calculations for the site. This is because occupants may change or remove these features in the future and this could have the potential to increase surface water runoff from the site.

Where SuDS features such as rainwater harvesting and permeable paving are included in the hydrological calculations, the local planning authority would be advised to consider the removal of permitted development rights.

### **Construction Phase including enabling works:**

It's critical that flood risk is appropriately managed during the construction phase(s) of the development. Compaction of the soil is likely to speed up the run-off rate whilst the site is cleared and the permanent drainage systems and/or attenuation systems are constructed and brought into use.

The developer should identify the flood risk associated with this phase of the development and provide details of how surface water will be managed during construction, including any mitigation. The LLFA is satisfied that these details can be secured through the inclusion of the above recommended planning conditions.

### **Ordinary Watercourse Land Drainage Consent:**

Under Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), consent must be obtained from the LLFA for works that have the potential to alter or impede the flow of an ordinary watercourse. Consent is required regardless of whether the watercourse is open or culverted, and it should not be assumed that consent will automatically be granted even if planning permission has been obtained. Failure to obtain consent before starting works may result in enforcement action being taken. Retrospective consent cannot be issued.

The applicant is advised to contact the LLFA to discuss any watercourse alterations prior to applying for consent. Contact details for the LLFA can be found via the following link: [www.lancashire.gov.uk/flooding](http://www.lancashire.gov.uk/flooding).

The proposed pre-commencement condition(s) allows for the principle of development to be granted and detailed drainage designs to be conditioned for approval via a discharge of condition application which could be more favourable to developers in terms of less delay and less financial outlay early in the process. Non-acceptance of the pre-commencement condition could lead the LLFA to object to the principle of development until all residual risk issues are safely managed.

Yorkshire Water – No observations UU will comment on drainage proposals.

United Utilities – Drainage should accord with NPF and NPPG and drain on separate systems for foul and surface water in the most sustainable way.

Lancashire Fire & Rescue – Access needs to comply with Building Regs Document B, Part B5.

PBC Environmental Health – request conditions on contamination and construction method statement.

PBC Environment Officer – Tree protection required and more information on proposed landscaping scheme requested.

Barnoldswick Town Council – Are the developers installing electric charging points to the properties? Could the footpath to the south of the site be extended to ensure highway safety for children walking to school?

## ***Public Response***

Site notice posted and nearest neighbours notified by letter. One response received querying the proposed distances from the existing properties to the new houses proposed.

## ***Officer Comments***

The principle of residential development on this site has been established by the appeal which was allowed for access and scale being approved. Therefore the only issues for consideration here are appearance, layout and landscaping.

The main issues to consider in assessing this application are impact on amenity, design and materials, impact on protected trees and landscaping and parking provision within the site.

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

## **Policy**

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. In this case, for the purposes of section 38(6) of the TCPA 2004, the development plan comprises Pendle's Local Plan Part 1: Core Strategy.

### Local Plan Part 1: Core Strategy

ENV1 addresses issues such as biodiversity, the protection of designated landscapes and impacts on open space.

ENV2 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 following saved Replacement Pendle Local Plan policies also apply:

Policy 14 'Trees, Woodland and Hedgerows' recognises the importance and amenity function of trees, woodlands and hedgerows and will protect them.

Policy 16 'Landscaping in New Development' requires all development proposals which involve new build or rebuild to include a scheme of landscaping sympathetic to the site's character and vicinity.

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.

## **Principle of Development**

The site is located outside of a settlement boundary. Outline planning permission was granted on appeal and therefore the principal of the development including access and scale has been established.

## **Impact on Amenity**

In terms of land levels the finished floor levels would be approximately 1m higher than the existing land levels at 156, 155 and 154 as the ground slopes from south west to

The proposed layout shows that the proposed dwellings can achieve distances of between 24 and 26m from the rear elevation to the rear of existing properties on Skipton Road. A distance of approximately 15.6m would be retained between Plot 1 and the approved dwellings units 2 and 3 on the recently approved adjacent site to the south west given that these properties would have rear habitable rooms and that Plot 1 would be a blank gable the distance between these properties is acceptable.

The rear elevations of the properties on Skipton Road numbers 1 and 2 'The Elms' would be at a distance of approximately 40m from the site at an oblique angle there is existing vegetation and 2m stone wall along the rear boundary. Therefore this development would not have any undue impacts on these properties.

The Design Principles SPD advises that a minimum distance of 12m should be provided between principle windows and side elevations and 21m between principle windows which face each other. The proposed scheme would achieve these separation distances.

Policy ENV2 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. In this case each property would have sufficient curtilage with minimum garden lengths of 14m to the countryside edge and 6m to the rear of Skipton Road (Plot 14 has a shallow rear garden of only 6m but has 8m width the side) therefore the layout provides sufficient private areas although no public open space is proposed. The existing stone boundary walls to the eastern boundary will be retained and appropriate boundary treatments can be achieved on the western boundary to the rear of properties on Skipton Road.

## **Design and Materials**

Both the NPPF and Policy ENV2 of the Local Plan Part 1 relates to good design.

The housing type would have a mix of dwelling types with three 5 bed and three 4 bed detached, four 4 bed semi-detached and four 3 bed semi-detached.

All the plots have a minimum of 2 parking spaces on the driveway as well as garages.

In terms of materials the dwellinghouses and garages would be finished in random reclaimed stone and grey artificial stone roofs, window and doors would be timber effect in a heritage colour and rainwater goods in black aluminium gutters and black upvc downpipes.

Samples of materials can be controlled by an appropriate condition.

Bin stores to accommodate 2 bins are also proposed to each plot.

The details submitted are therefore acceptable and compliant with both Local and National requirements.

### **Impact on Protected Trees and Landscaping**

There are mature trees adjacent and on the site. It is important to ensure that these trees are protected and retained whilst the development is under construction. The protective fencing shown on the submitted layout plan is not acceptable and therefore the agent has been requested to increase the proposed root protection areas for the protective fencing to be erected prior to any development on the site. In particular plots 2, 3, 4, 5 and 6 have built elements within the root protection area as well as foundations/elevations up to the protective fencing which would affect the trees now and in the future.

The route of the drainage shown is outside of the application site and lies within the root protection area of the protected trees T3 and T4 covered under TPO No. 10, 2008. The agent has been requested to address this issue.

Plans showing sections of retaining walls relating to the drainage system have been submitted but it is not clear where these would be. The agent has been requested to address this.

Whilst a landscaping scheme has been submitted this lacks the details required and the agent has been requested to address this.

### **Parking Provision**

The development would raise no significant concerns in terms of parking. Some slight amendments have been requested

The dimensions for some of the parking spaces and garages are less than those acceptable. Manual for street indicate 6m x 3m and 6m x 6m, internal dimensions. Parking spaces should be a minimum of 5.5m x 2.4m or 6m in length in front of the garages.

Subject to amendments providing sufficient parking spaces within the site then the scheme would accord with policy 31.

### **Drainage**

An appropriate drainage condition was attached by the Inspector when the appeal was allowed requiring further details to be submitted at RM stage. This has been done.

Clarity has been sought from the agent over the drainage scheme and route outside of the red edge and within the root protection area of the off-site trees to the north east. Sections of retaining walls have been submitted as part of the suite of plans for the drainage scheme. Additional information has been received from the agent which is being assessed.

Subject to appropriate conditions and the drainage route/pump not affecting the protected trees then the proposed drainage would be acceptable.

### **Summary**

The layout, design and materials of the proposed development are acceptable subject to amended plans which adequately address the root protection areas of the protected trees and the length of the garages/parking spaces. A revised landscaping scheme has been submitted and this is being

assessed to ensure that the proposal accords with policies ENV2, LIV5 of the Pendle Local Plan Part 1: Core Strategy and policies 14, 16 and 31 of the Replacement Pendle Local Plan.

### ***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. Subject to an acceptable landscaping scheme and tree protection 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: Approve***

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission 18/0821/RES and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission 18/0821/RES.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

975\_12, 975\_13A, 975\_14A, 975\_15, 975\_16, 975\_17, 975\_18, 975\_19A, 975\_20, 975\_21, 975\_22, 975\_23 and 975\_24.

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

3. Notwithstanding any details on the approved plans, forms or supporting documents, within two weeks of the commencement of development samples of all the external materials to be used in the construction of the roofs, walls, boundary/retaining walls and paving together with samples of the colour and finish of windows and doors of the development hereby approved, together with details of proposals for the reuse of existing materials, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall 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.

4. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority, the depth of reveal shall be at least 75mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B & C of Part 1 and Class A 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.

Part 1

A) no extensions shall be erected

B+C) no alterations to the roof of the building shall be carried out

Part 2

A) Erection of gates, wall, fences.



Reason: To enable the Local Planning Authority to control any future development on the site and safeguard the character and amenity of the area and impacts on neighbouring properties and in order to ensure the protected trees on the site are not adversely affected.

6. The car parking areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the dwellinghouses are occupied.

Reason: To allow for the effective use of the parking areas.

7. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be retained as such and shall not be used for any other purpose other than for the storage of motor vehicles without the prior written approval of the Local Planning Authority

Reason: In order to ensure that sufficient off-street parking can be accommodated within the site.

8. Notwithstanding the submitted plans no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

**Reason:** To prevent trees or hedgerows on site from being damaged during building works.

9. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the submitted flood risk assessment and outline drainage strategy

The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the Lead Local Flood Authority.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems

10. No development shall commence until a final, detailed surface water sustainable drainage scheme has been submitted to, and approved in writing by, the local planning authority.

The sustainable drainage scheme shall be based upon the submitted flood risk assessment and sustainable drainage principles set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), either directly or indirectly. The detailed sustainable drainage scheme shall include, as a minimum:

- a) Final sustainable drainage plans, appropriately labelled to include:
  - i. A final surface water drainage layout plan showing all pipe and structure references, dimensions and design levels.
  - ii. A plan identifying the areas contributing to the surface water drainage network, including surface water flows from outside the curtilage as necessary.
  - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate.
  - iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems.
  - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building.
  - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary.
  - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components.
  
- b) A full set of sustainable drainage flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus an additional allowance for climate change.  
Surface water run-off must not exceed the pre development green field run off rate.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

11. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance

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

**Reasons:** To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

12. No building hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

**Informative 1 (ordinary watercourse land drainage consent):**

For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant must obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found at [www.lancashire.gov.uk/flooding](http://www.lancashire.gov.uk/flooding).

**Application Ref: 21/0676/REM**

**Proposal:** Reserved Matters: Erection of 14 no. dwellinghouses (Appearance, Landscaping and Layout) for Outline Permission 18/0821/RES.

**At:** Land opposite the Barn Ben Lane Barnoldswick

**On behalf of:** Simpson Homes Limited

## REPORT TO WEST CRAVEN AREA COMMITTEE ON 30 NOVEMBER 2021

**Application Ref:** 21/0752/VAR

**Proposal:** Full: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 20/0657/FUL to allow minor material amendments to the design of the proposed dwelling.

**At:** Caravan Site, Lower Greenhill Farm, Kelbrook Road, Salterforth

**On behalf of:** Mr and Mrs Nathan and Caroline Hudson

**Date Registered:** 10/09/2021

**Expiry Date:** 15/11/2021

**Case Officer:** Alex Cameron

This application has been brought before Committee because it has been called-in by a Councillor.

### Site Description and Proposal

The application site is the site of an existing warden's caravan within Lower Greenhill Caravan Park located in the open countryside approximately 150m to the south east of the settlement of Salterforth.

Planning permission has been granted for the removal of the existing caravan used for warden's accommodation and erection of a detached four bedroom dwellinghouse.

This application is to vary the plans condition to amend the approved plans. The proposed amendments would increase the depth and height of the building and insert additional openings and three dormer windows to the rear adding a 2<sup>nd</sup> floor in the roof space insert dormer windows.

### Relevant Planning History

13/13/0561P - Full: Change of use of land for siting a caravan for permanent warden's accommodation. Approved.

20/0657/FUL - Full: Removal of an existing caravan and erection of one dwelling house.

### Consultee Response

LCC Highways – No objection.

Yorkshire Water – No comments.

### Public Response

Site notice posted and nearest neighbours notified: no response.

### Officer Comments

#### Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (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 its surroundings.

Policy LIV1 (Housing Provision and Delivery) sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy SDP1 (Presumption in Favour of Sustainable Development) requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (NPPF) and allows for housing sites outside of the settlement boundary.

Policy SDP3 (Housing Distribution) sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

#### Replacement Pendle Local Plan

Policy 16 'Landscaping in New Development' requires all development proposals to include a scheme of landscaping sympathetic to the site's character and vicinity.

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

#### 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.

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.

#### **Residential Amenity**

The variation would not result in any unacceptable residential amenity impacts in accordance with policies ENV2 and LIV5.

#### **Design and Landscape Impact**

Full: Removal of an existing caravan and erection of one dwelling house, the proposed dwelling would be located centrally within the caravan park and there are no likely nearby public views of the building. Due to its lack of public visual prominence the less than ideal design is acceptable and would not result in any unacceptable visual amenity impacts. The proposed development is

therefore acceptable in terms of design and visual amenity in accordance with policies ENV2 and LIV5.

## Highways

The amendments would not increase the parking requirements of the property.

## 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 variation of condition accords with the policies of the Pendle Local Plan Part 1: Core Strategy, Replacement Pendle 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: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from 03/12/2020.

**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: 200 Rev C 400 Rev A, 501 Rev A, 502 Rev A.

**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 samples of the external materials to be used in the construction of the walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

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

4. The dwelling hereby approved shall not be occupied unless and until provision has been made within the site to enable a minimum of three cars to park, turn and exit in forward gear and the parking and turning areas have been surfaced in a bound porous material. Thereafter the car parking and turning areas shall at all times be maintained free from obstruction and available for parking a minimum of three cars.

**Reason:** To ensure a satisfactory level of car parking provision in the interest of highway safety.

5. Unless otherwise approved in writing by the local planning authority the foul and surface water drainage shall be in accordance with the approved plans Nos. 200 Rev C, 501 Rev A and 502 Rev A and shall be fully implemented prior to the occupation of the dwelling hereby approved.

**Reason:** to ensure adequate drainage and mitigate the risk of flooding.

**Application Ref:** 21/0752/VAR

**Proposal:** Full: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 20/0657/FUL to allow minor material amendments to the design of the proposed dwelling.

**At:** Caravan Site, Lower Greenhill Farm, Kelbrook Road, Salterforth

**On behalf of:** Mr and Mrs Nathan and Caroline Hudson

## REPORT TO WEST CRAVEN COMMITTEE ON 30 NOVEMBER 2021

**Application Ref:** 21/0792/FUL

**Proposal:** Full: (Major) Construction of a new treated water storage tank and temporary construction access track, temporary widening of the junction between Manchester Road and Letcliffe Lane, demolition of the existing treated water storage tank and associated works including reprofiling of land surrounding the existing and proposed treated water storage tank.

**At:** Covered Reservoir To The South East Of Park Hill, Barnoldswick

**On behalf of:** Yorkshire Water Services Limited

**Date Registered:** 29/09/2021

**Expiry Date:** 28/12/2021

**Case Officer:** Alex Cameron

This application has been brought before Committee as it is a Major application.

### **Site Description and Proposal**

The application site is a covered reservoir, used as a treated water storage tank, to the rear of Park Road in Barnoldswick and agricultural land to the south west of that.

The proposed development is the demolition of the existing covered reservoir, profiling of the land and construction of a new treated water storage tank on agricultural land to the south west. Construction traffic access to the development site is proposed from Letcliffe Lane and to facilitate this temporary widening of the junction of Letcliffe Lane with Manchester Road, residents car parking area, access track and passing places.

The site of the existing reservoir is within the settlement of Barnoldswick, the site of the proposed storage tank and associated profiling works are open countryside of no other designation, however, the proposed temporary access works partially fall within the Lidgett and Bents Conservation Area and part of Letcliffe Park which is designated as open space.

### **Relevant Planning History**

None.

### **Consultee Response**

PBC Environmental Health – Recommend conditions to control construction phase nuisance.

LCC Highways – No objection to the proposal subject to the mitigation measures to manage the construction traffic on Manchester Road and to widen Letcliffe Lane and improve visibility splays. Should the application be approved the following conditions are requested: Construction method statement, access improvement works, pre and post works condition surveys of Manchester Road and resulting repairs.

Lead Local Flood Authority – No objection subject to conditions: Flood risk assessment and drainage strategy compliance, construction phase surface water management plan, operation and maintenance plan.



Cadent Gas – No objection, informative note required regarding working in proximity of gas infrastructure.

Barnoldswick Town Council –

## **Public Response**

Site and press notices posted and nearest neighbours notified, the notification period expires on 1<sup>st</sup> December – Responses received objecting on the following grounds:

- Some residents were not able to meet with Yorkshire Water representatives for the potential impacts of the development to be explained to them.
- The plans do not clearly demonstrated the relationship to and impacts upon adjacent dwellings.
- Concerns regarding surface water drainage and flooding.
- Concerns relating to the spread of Japanese Knotweed.
- The storage tank should be sited further away from the dwellings on Park Avenue.
- Concerns that the existing reservoir site will be developed for housing.
- Concerns relating to access to adjacent garden leases plots and impact on recent boundary fencing erected by residents.
- Visual impact of proposed 3m security fence.
- Privacy impacts of proposed CCTV cameras.
- Visual representations of how the development would appear from the gardens of adjacent dwellings should be provided.
- Maintenance of the unadopted road Letcliffe Lane, the maintenance of which rests on the shoulders of residents / land owners either side of the road.
- Do the applicants need to seek permission to use Letcliffe Lane?
- Possibility for structural damage to properties and dry stone walls on Letcliffe Lane due to vibrations from HGVs.
- Reassurance required that the works proposed to Letcliffe Lane are temporary and that it will be returned to its pre-development state.

## **Officer Comments**

### **Policy**

#### **Pendle Local Plan Part 1: Core Strategy**

Policy SDP6 (Future Infrastructure Requirements) states that the Council will work with partners to deliver the infrastructure necessary to support development in the borough. Appendix A identified waste water treatment works capacity as being of a high level of importance for delivery of the plan.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that development should 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 viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

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 ENV5 (Pollution and Unstable Land) states that new development will be required to ensure that the potential for noise, odour and light pollution is minimised.

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.

### Replacement Pendle Local Plan

#### **Visual Amenity and Heritage Impact**

The existing covered reservoir would be removed that replaced by a grassed slope and an access track running across the top, it should be noted that these are works that would fall within the permitted development rights available to Yorkshire Water within their operational land. Yorkshire Water have included those elements that could otherwise be carried out under permitted rights for completeness, however, the fall-back position that they could be is material to the determination of this application.

The development will result in some adverse visual impacts most notably from the Pennine Bridleway. The proposed storage tank itself would be largely hidden by the cut and fill banking surrounding it, however the artificial appearance of the banking and the surrounding fencing would have minor adverse visual impacts, these could be partially mitigated with appropriate landscaping replacing the existing trees to be removed.

However, there is a need to provide utilities infrastructure and it is generally necessary for such infrastructure to be utilitarian in appearance. The benefits of providing utilities infrastructure would outweigh the minor localised harm to the visual amenity of the area.

The proposed storage tank and compound are not within the Conservation Area and would not cause harm to its significance. The proposed temporary access road are within the Conservation Area. They would result in minor, less than substantial, harm to the significance of the Conservation Area. The less than substantial harm, which would be temporary, would be outweighed by the public benefits of this utilities infrastructure.

The proposed development is therefore acceptable in terms of visual amenity and heritage impact in accordance with policies ENV1, ENV2 and SDP6.

#### **Residential Amenity**

The top of the proposed storage tank would be approximately 20m from the rear garden boundary of properties of Park Road, with a bank falling approximately 8.5m from the top of the tank to the rear boundary of the houses. The houses have sloping gardens and so are on land lower than the boundary by approximately 2-3m. Taking into account that the top of the tank separated by approximately 30m from the rear elevations of the properties of Park Road the development would not result in an unacceptable overbearing impact or loss of light to those properties.

Concerns have been raised regarding the impact of the proposed 3m fence. The applicant has agreed to submit amended plans relocating the fence approximately 4m back from the boundary of the gardens of Park Road. Taking into account that it would be a mesh that would allow light to

pass through, the fencing would not result in an unacceptable loss of light or overbearing impact upon adjacent properties.

Concerns have been raised regarding the privacy impact of the CCTV proposed within the site. The CCTV pole would be located within the site approximately 33m from boundaries of residential properties and it is specified that its field of vision would be limited to the new structure.

Concerns have been raised regarding the impacts of construction traffic and activity, this can be acceptably controlled by conditions.

The proposed development would not result in any unacceptable amenity impacts upon the residents of adjacent dwellings in accordance with policies ENV2 and ENV5.

## **Trees and Ecology**

The site of the proposed storage tank is currently covered with scrub and small trees, these are not protected or of significant amenity or ecological value.

Although no landscaping is shown in the visualisations or detailed in the plans the applicant has stated they would agree to a landscaping condition being attached. Such a condition is necessary to ensure that the trees lost are suitably replaced elsewhere in the site.

An ecology survey has been submitted this finds one dead tree to the south of the site that has potential for bat roosting, which is unaffected by the proposed development. It recommends replacement of trees to be removed with similar elsewhere on the site and bat and bird boxes on retained trees within the site to provide biological enhancement.

With conditions to control the above the proposed development is acceptable in terms of its impacts on trees and ecology in accordance with policy ENV1.

## **Drainage and Flood Risk**

A flood risk assessment and drainage strategy have been submitted, these acceptably demonstrate that, subject to appropriate conditions to control the details and maintenance of the drainage the proposed development would not result in an unacceptable risk of off-site flooding. The proposed development is therefore acceptable in accordance with policy ENV7.

## **Highways**

The proposed temporary access from Manchester Road is acceptable in terms of highway safety.

LCC Highways have requested a condition for pre and post development surveys of the condition of Manchester Road and Letcliffe Lane and for any repairs to be carried out, concerns have also been raised in relation to the responsibility for maintenance of Letcliffe Lane falling on residents and landowners as it is an unadopted road. A condition such as that proposed by LCC Highways would not meet the test of reasonableness and relevance to the development, it could not be assumed that any damage is directly as a result of the development or resulting from other sources. The issue of responsibility for maintenance of an unadopted road. Concerns relating to possible structural damage from vibration from HGVs are private civil matters that are not material to the determination of a planning application.

The proposed development is acceptable in terms of highway safety in accordance with policy ENV4.

## **Conclusion**

The proposed development is acceptable and it recommended that the approval of the application is delegated to the Planning, Economic Development and Regulatory Services Manager subject to the expiry of the notification period and receipt of amended plans relocating the fencing.

### **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 is acceptable in all relevant regards in accordance with the Pendle Local Plan Part 1: Core Strategy. 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: TBC

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

3. The development shall be carried out in strict accordance with the recommendations of the submitted Preliminary Ecological Appraisal ref: 081\_21\_RE01. Prior to the commencement of the development a scheme of ecological enhancement shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of the use of the development or in accordance with an alternative timescale detailed in the approved scheme and shall be maintained in accordance with the approved scheme at all times thereafter.

Reason: To ensure the protection and enhancement of the ecology of the site.

4. No development, including any demolition works, shall commence unless and 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:

- The parking of vehicles of site operatives and visitors.
- The loading and unloading of plant and materials.
- The storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding.
- Wheel washing facilities/mechanical road sweeping.
- Measures to control the emission of dust and dirt during construction.
- A scheme for recycling/disposing of waste resulting from clearance and construction works.
- Details of working hours.
- Timing of deliveries.

- Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- Routing of vehicles to and from the north along Manchester Road. No construction vehicles to access the site from the Standing Stone Lane/High Lane/Higher Lane. Construction vehicles turning warning signage and directional signage on Manchester Road and no left turn sign on exit on Letcliffe Lane.
- Use of qualified banksmen on Manchester Road and Letcliffe Lane.
- Construction site noise and vibration controls.
- Control of dust.
- Control of on-site burning.

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

5. No machinery shall be operated nor any potentially noisy processes carried out at the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no machinery operated or potentially noisy processes carried out at all on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

6. No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays. No Vehicles shall be left idling onsite with the engine running.

Reason: In the interests of the amenity of nearby properties.

7. No development shall commence unless and until a scheme for protecting the residential and business neighbours from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Note:

1. The contractor shall have regard to the relevant parts of BS 5228 1997 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.
2. The local planning authority expects that the best practical means available in accordance with British Standard Codes of practise 5228:1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.
3. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To ensure a satisfactory standard of amenity for neighbouring properties.

8. No development shall commence unless and until details of measures for the suppression of dust from the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Note

1. The details of dust control measures for Haul Roads, the use of suitable wheel cleaning facilities and proposals for the sheeting of vehicles carrying dusty materials shall be included by the applicant.

2. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To protect human health and the environment from adverse effects of air pollution.

9. The development shall not commence unless and until a scheme for the formation of construction traffic access, including visibility splays, has been submitted to and approved in writing by the Local Planning Authority. The use of the access shall not commence unless and until the works to the access have been completed in accordance with the approved scheme and the access shall be maintained as such thereafter while in use.
10. The development hereby approved shall not commence unless and until a scheme for the removal of the temporary access road and widening works and reinstatement of the land and walls, has been submitted to and approved in writing by the Local Planning Authority. The land and walls shall be reinstated in strict accordance with the approved scheme within 3 months of the substantial completion of the development or within an alternative timescale that has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to preserve the character and appearance of the Conservation Area and visual amenity of the area.

11. Prior to the commencement of any other part of the development the site access improvement works shall have been fully constructed in accordance with the approved plans, the works shall be maintained for the duration of the construction phase.

Reason: In the interest of highway safety.

12. Prior to its construction details of the surface and drainage of the site access widening shall have been submitted to and approved in writing by the Local Planning Authority and it shall be surface and drained in accordance with the approved details.

Reason: In the interest of highway safety.

13. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment and the outline sustainable drainage strategy September 2021 / BAR44 STA PWA AS Z 001 S3.P01 / Stantec UK Ltd.

The measures shall be fully implemented prior the commencement of the use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

14. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Local Planning Authority.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere and that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

15. The use of the development hereby approved shall not commence unless and until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained.

16. 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, this shall include replacement of all trees not retained.
  - 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 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 and to preserve the character and appearance of the Conservation Area.

17. Unless otherwise approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

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](mailto:developeras@lancashire.gov.uk).

To prevent pollution, run-off waters containing contaminants (including silt) generated during the construction stage should be prevented from entering the adjacent watercourses. We recommend that the applicant refers to the following pollution prevention guidance which is available on the GOV.UK website at:

<https://www.gov.uk/guidance/pollutionprevention-for-businesses>

Burning on site: The Borough of Pendle Council has announced a climate emergency, therefore to help improve air quality there should be no burning of any materials on site. Pendle Borough Council receives many complaints about smoke from bonfires, which are inappropriate in any area of the borough. The practice of burning wastes on site is an old-fashioned practice, which normally constitutes an offence under the Duty of Care provisions of the Environmental Protection Act 1990. The applicant is cautioned against permitting any bonfire to take place during demolition, site clearance or construction. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661199.

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in



proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations: Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement. This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or on 0800 688 588

**Application Ref:** 21/0792/FUL

**Proposal:** Full: (Major) Construction of a new treated water storage tank and temporary construction access track, temporary widening of the junction between Manchester Road and Letcliffe Lane, demolition of the existing treated water storage tank and associated works including reprofiling of land surrounding the existing and proposed treated water storage tank.

**At:** Covered Reservoir To The South East Of Park Hill, Barnoldswick

**On behalf of:** Yorkshire Water Services Limited

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date:** 15<sup>th</sup> November 2021