



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

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 5TH JANUARY 2022

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 BARROWFORD & WESTERN PARISHES COMMITTEE 5TH JANUARY, 2022

Application Ref: 19/0638/CND

Proposal: Approval of Details Reserved by Condition: Discharge conditions 2 (Landscaping) and 4 (Manure Storage) of Planning Permission 17/0769/FUL.

At Land To The North West Of Clough Springs, Clough Springs, Barrowford

On behalf of: Mr Carlo Lioni

Date Registered: 20.08.2019

Expiry Date: 10/15/2021

Case Officer: NW

Site Description and Proposal

The application is brought before Committee as the applicant is a Councillor.

The site is located behind a new housing development to the rear of Clough Springs. It is open and does not have any particular prominent landscape features.

The proposal is to discharge the landscaping and manure storage conditions.

Relevant Planning History

Planning permission 17/0769/FUL granted permission for the stables.

Consultee Response

None

Public Response

None

Relevant Planning 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 ENV1 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 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. Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development. 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. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Officer Comments

The proposal is to bag manure and take it away from site. This will not cause any issues as the waste will be removed.

The landscaping is to provide a band of tree planting between the housing and site. The planting is evergreen trees. There is no particular landscape type here as the area is dominated by many made features. In this instance therefore the landscaping proposed is acceptable

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 housing development would accord with Local Planning Policy and would be compliant with 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: Approve

That conditions 2 and 4 be discharged.

Application Ref: 19/0638/CND

Proposal: Approval of Details Reserved by Condition: Discharge conditions 2 (Landscaping) and 4 (Manure Storage) of Planning Permission 17/0769/FUL.

At Land To The North West Of Clough Springs, Clough Springs, Barrowford

On behalf of: Mr Carlo Lioni

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 5TH JANUARY, 2022

Application Ref: 21/0362/OUT

Proposal: Outline: Major: Demolition of the existing commercial garage and associated buildings and construction of 12 dwellings (Access Only) and Diversion of Public Footpath 13/15/FP 76.

At: Chapel Farm Garage, Wheatley Lane Road, Fence

On behalf of: Mr John Dickinson

Date Registered: 11 October 2021

Expiry Date: 10 January 2022

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is sited outside of the settlement boundary of Fence within Green Belt and Open Countryside.

The application site comprises a commercial garage site with an existing access track onto the A6068.

This is an outline application for access only for the erection of twelve 3 bed detached residential dwellings for market housing.

There are two public footpaths which cross the site. Footpath No.76 would need to be diverted to accommodate the scheme and Footpaths No.'s 72 and 75 could also be affected by the development.

Documents have submitted to support the application including Drainage Strategy Ecology, Tree Survey, Transport Statement, Design and Access Statement, Heritage Statement and Planning Statement.

Relevant Planning History

None.

Consultee Response

LCC Highways - Having considered the information submitted, together with site observations, the Highway Development Control Section does not have any objections in principle regarding the proposed development at the above location, subject to appropriate visibility splays being provided in both directions. If these cannot be provided over land within the applicants' ownership and/or the adopted highway network, then the Highway Development Control Section would object on highway safety grounds.

The current Outline application is for access and layout only. If planning permission is granted a Reserved Matters application for appearance, landscaping, layout and scale would need to be submitted.

Visibility splays

The development site would be accessed from Barrowford Road (A6068), which is subject to a national speed limit of 50mph. For a road with a speed limit of 50mph a Stopping Sight Distance (SSD) of 160m should be provided.

Visibility splays, measured 2.4m along the centre line of the access from the continuation of the rear edge of the carriageway of Barrowford Road, to points measured 160m in each direction along the rear edge of the carriageway of Barrowford Road, should be provided. There should be nothing greater than 1m in height above ground level within the visibility splays.

An appropriately scaled plan demonstrating that the above visibility splays can be provided in both directions should be submitted.

Access

Improvements within the adopted highway to the existing access from Barrowford Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to:

- the construction of the access to an appropriate standard, including radius kerbs; appropriate road markings (centre line and Give Way line) within the amended access;
- construction of a section of footway within the adopted highway network;
- buff coloured, tactile paved dropped pedestrian crossings on both sides of Barrowford Road;
- street lighting assessment;
- re-location of any highway gullies.

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

The first 5m of the private access track, measured from back edge of the adopted highway network into the site, should be surfaced in bound porous material to prevent loose material from being carried onto the adopted highway.

As there is no intervisibility between the site and Barrowford Road the private access track should also be widened for the first 5m into the site to allow two vehicles to pass. This should take into account the proposed internal footway. An amended plan should be submitted.

Public Rights of Way

A section of Public Footpath 76 (Old Laund Booth) currently passes through the development site and the development includes a proposal to divert this section away from the proposed dwellings and associated.

Public Rights of Way must not be obstructed during the proposed development. It is the landowner's responsibility to ensure that necessary procedures are followed for the legal diversion of the Public Right of Way. The granting of planning permission does not constitute the diversion of a Definitive Right of Way.

The development must not commence until the necessary procedures are in place. As the above Public Right of Way is proposed to be diverted, then the necessary Orders must be confirmed prior to construction to avoid enforcement action should the above Public Footpath become affected.

We support, the Pendle Borough Council's Countryside Access Officer's comments dated 16 July 2021 regarding the diversion and suggested informative note.

Public Footpaths 72 and 75 may also be affected by the development and if it is necessary for these Public Rights of Way to be temporarily diverted or temporarily closed, it is the landowner's responsibility to ensure that this is done following the appropriate legal procedures.

Internal Site Layout

As the site would be accessed via a private access track the development would not be considered for adoption. However, the internal estate road and footway should still be built to adoptable standards. As these would remain private, the developer should provide details of the proposed arrangements for the future management and maintenance of the road and footway, including the establishment of a private management and maintenance company.

A turning head is required on the new internal road to allow refuse, emergency and any large delivery vehicles to turn within the site. A swept path analysis for a refuse vehicle should be submitted showing it entering and leaving the site access and demonstrating that it can manoeuvre internally to enter and leave in forward gear.

A service strip 0.5m wide, locally widened to 1m for street lighting columns, should be provided.

Car and Cycle Parking

No internal floor layout plans have been submitted at this stage. We have noted comments in the Design & Access Statement regarding access on foot to local facilities. However, as this would be via unlit and unmade public footpaths these are unlikely to be used during inclement weather or during the hours of darkness. Therefore, given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, maximum parking standards should be applied to this site.

Two to three bed properties should have two parking spaces. Four and above bed properties should have three parking spaces. No parking area should be over the service strip.

As part of any Reserved Matters application the applicant is also advised to consider size of garages and parking bays, manoeuvring areas and cycle storage spaces to ensure adequate provision within the site.

General

A Construction Method Statement, including site plan, should be submitted to demonstrate that the development, including any demolition works, can be carried out safely on site and would not have a detrimental impact on the surrounding highway network.

An electric vehicle charging point should be provided for each dwelling to improve the site's sustainability.

Subject to the satisfactory receipt of amended plans, especially for adequate visibility splays at the site access, conditions should be attached to any grant of permission relating to site access and off-site highway works, visibility splays, construction method statement, management and maintenance of estate road, engineering, drainage, street lighting and constructional details, bound porous material to entrance, base course for estate road, parking spaces, cycle storage and electric vehicle points.

Update: Amended plans have been submitted which show acceptable visibility splays.

LLFA - Comments

1. Infiltration - Section 5.2.3 of the submitted drainage strategy (June 2021, David Goodger & Associates) states that soakaways may not be feasible on site due to the presence of likely impermeable clay strata. The variable nature of such deposits and the scale and resolution of BGS records mean that a desk study is not sufficient to rule out infiltration as a drainage mechanism in this case. Consequently, site investigations will still be required to confirm infiltration rates and groundwater levels in accordance with industry guidance. The LLFA strongly encourages the applicant to carefully consider SuDS features in order to satisfy paragraphs 163 and 165 of the National Planning Policy Framework. While such investigations may indeed rule out infiltration as a primary discharge mechanism, there may still be opportunities to utilise infiltration/soakaways through SuDS or as a secondary discharge method.
2. Climate Change – Section 5.2.7 of the submitted drainage strategy (June 2021, David Goodger & Associates) states that runoff rates for rainfall events up to the 1 in 100 year event plus an allowance for climatic change will be contained on site within the drainage system. Government guidelines on climate change allowances stipulates that developments with a design life beyond 2080 should account for upper end estimations for the total potential change anticipated, which equates to an additional 40% allowance for the 1 in 100 year storm event.
3. Peak Discharge Rate – Section 5.2.7 of the submitted drainage strategy (June 2021, David Goodger & Associates) states runoff should be restricted to 70% of previous rates. Standard S3 of Defra's technical standards for sustainable drainage systems states that the peak runoff rate for brownfield sites must be as close as reasonably practicable to the greenfield runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.
4. Third Party Land – While the applicant hasn't specified a discharge point, section 5.2.3 of the submitted drainage strategy (June 2021, David Goodger & Associates) proposes to discharge to the watercourse that runs north-south along the eastern boundary of the site. This watercourse appears to be outside of the red edge site area as well as the blue edge ownership boundary. As such, a legal agreement with a third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities will be required.

Lead Local Flood Authority (LLFA) Position

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of conditions relating to FRA, submission of final drainage strategy, surface water management plan, operation, maintenance and verification report

Environment Agency – request a contamination condition is attached to any grant of permission.

United Utilities – standard drainage conditions required.

LCC Education – Request a contribution of £46,123.50 towards 2 secondary school places.

East Lancs NHS Trust – Requests a contribution of £20,478.00 towards additional services.

Cadent Gas – There are high and intermediate pressure assets in the vicinity that may affect this development.

Health & Safety Executive – Do not advise against the granting of planning permission on safety grounds.

Lancs Fire & Rescue – comments made on building regulation requirements for access.

PBC Footpaths – The proposed development requires the diversion of public footpath 13/15/FP 76 before it can be carried out.

Old Laund Booth Parish Council - no objections to the development, but concerns over access onto and off the bypass.

Public Response

Site and press notices posted and nearest neighbours notified by letter. One response received objecting on the following grounds:

- We are a listed heritage property and I feel that the integrity of our property could potentially be diminished, and the value of our property be reduced by the proposed application;
- We never received a neighbour notification letter - supposedly dated the 14th of July notifying us of the planning application;
- We were never consulted on the cutting down of the mature trees on Good Friday of this year - which severely exposes our privacy to the proposed site;
- The water supply is already at breaking point for our small hamlet of houses - if our neighbour is using her hosepipe my water supply is interrupted and if we are using our washing machine she has no running water. The impact of a further 12 houses would need thorough investigation;
- The public footpath alongside our house would have increased footfall for access into the village, we bought this property because of the seclusion, and this would be seriously reduced and expose our property. The actual condition of the footpath is very poor and would not be able to withstand extra footfall;
- Our privacy would be seriously impacted due to access to the village and potential windows of the proposed houses looking into our property - this is a significant concern;
- We are a listed property and have serious concerns that the proposed buildings would not be in keeping with ours and other surrounding properties. It is imperative that any buildings are created with sympathy and not impact on our house which has a grade 11 listing being built in 1650;
- We bought our property because of the green fields in front and whilst this proposal does not impact the field it impacts our view;
- We worry about further development and agreeing to this proposal would unlock further development onto the adjoining fields, a guarantee that no further future proposals would be made on the site would be important; and
- A number of the documents on the planning website concerning this application are not available to view in their entirety saying 'not available to view at this time' which makes the objection part of this application difficult not transparent.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development should be within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1. The settlement role of Fence is a Rural Service Centre.

Policy ENV2 (Achieving Quality in Design and Conservation) all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Policy LIV1 (Housing Provision and Delivery) sets out the Council's requirement to deliver new housing.

Policy LIV4 (Affordable Housing) seeks to ensure the size threshold and area based affordable housing targets. For Rural Pendle this is 20%.

Replacement Pendle Local Plan

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

Development in Open Countryside SPD.

National Planning Policy Framework

Paragraph 79 of the Framework details that planning decisions should avoid the development of isolated homes in the countryside, unless specific circumstances apply.

Section 13 of the Framework seeks to protect Green Belt land.

Green Belt serves five purposes including check unrestricted sprawl of large built up areas and to safeguard countryside from encroachment. The essential characteristics of Green Belts are their openness and their permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering planning applications substantial weight is given to any harm to the Green Belt. The construction of new buildings is inappropriate in the Green Belt unless these meet the exceptions set out in para 149.

1. Principle of Development and Impact on Green Belt

The application site is located within the Green Belt adjacent to the southern settlement boundary of Fence.

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement.

This site is bounded by development to the north but has open fields to the east, west and south. The settlement boundary lies to the north boundary of the site.

The application site is located adjacent to, and accessed from, the A6068.

Whilst the site would be sustainable as it lies close to existing residential housing and would be accessible in terms of public transport, local shops, primary school and pubs it is within the Green Belt and the potential impact on this would also need to be assessed.

In this instance the proposed site would be sustainable and accord with Policy LIV1 in this respect.

Para 149 of the NPPF states that the construction of new buildings as inappropriate with exceptions including g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:

- Not have a greater impact on the openness of the Green Belt than the existing development.

In terms of impact on the Green Belt this proposal would remove the existing units and commercial vehicles from the site and replace them with a scheme of 12 dwellinghouses of a similar volume.

The present existing buildings on the site consist of four units, a temporary building and a toilet block and has a total volume of 3475.7 cu.m. The site was formerly a farm but has more recently been used for the repair of commercial vehicles and this has resulted in vehicles being stored around the site mainly in disrepair and leading to a general cluttered and untidy appearance.

The proposed development would remove these buildings and replace them with 12 units in four blocks of 3 and has a total volume of 3476 cu.m.

However, the temporary building should not be included in these calculations and thereby reduces the existing to 3397.7 cu.m.

Therefore in terms of impact on the Green Belt this proposal would have a limited impact on the openness and with an appropriate layout would result in less clutter and a more contained and controlled development than at present.

There are a number of existing trees and hedges on the site, which although not protected, should be retained. Further details of landscaping can be controlled as part of the Reserved Matters.

Therefore the proposed development is acceptable in terms of impact on the Green Belt and Open Countryside and would not have a detrimental impact on the landscape, according with policies ENV1, ENV2 and LIV1.

2. Impact on Heritage Assets

Whilst no detail of the size, siting or design of the proposed dwelling has been submitted to be considered at this stage, account has been given to the proximity of any heritage assets in the vicinity and the potential impact of the development on these.

There is a Listed Building Orchard Cottage nearby located at Tunstill Fold approximately 10m at its nearest point to the north west of the site. An assessment of potential impact on these has been carried out and concludes that the scheme would be acceptable in terms of its impact on the historic environment due to existing boundary treatments and public right of way.

The Listed Building is more closely related to the group of properties at Tunstill Fold and is separated from the site with Chapel Farm Garage forming part of its wider setting with little visual or physical connection.

I concur with this view and consider that the proposal is acceptable in this respect.

3. Impact on Residential Amenity

Whilst no detail of the size, siting or design of the proposed dwelling has been submitted to be considered at this stage, account has been given to the proximity of residential properties in the vicinity and the potential impact of the development on these.

The site benefits from tree and hedgerow screening along the boundaries for privacy, however, there are properties immediately to the rear of the site. The closest properties are sited to the north west at Tunstill Fold and 305 to 307 Wheatley Lane Road.

The nearest property is 9 Tunstill Fold sited on the north west site boundary whilst the other cottages are 10m from the boundary. The properties on Wheatley Lane Road are approximately 25m from the north east boundary adjacent to PROW 75.

The scheme can be designed to adequately allow for appropriate privacy distances and screening.

4. Highways, Public Rights of Way and Access

The application proposes the use of an existing access point from the A6068 subject to appropriate conditions and visibility splay then a suitable access to the site can be achieved.

The application site can provide adequate off street parking when the internal layout is considered.

A section of Public Footpath 76 (Old Laund Booth) currently passes through the development site and the development includes a proposal to divert this section away from the proposed dwellings and associated.

Public Rights of Way must not be obstructed during the proposed development. It is the landowner's responsibility to ensure that necessary procedures are followed for the legal diversion of the Public Right of Way. The granting of planning permission does not constitute the diversion of a Definitive Right of Way.

Public Footpaths 72 and 75 may also be affected by the development and if it is necessary for these Public Rights of Way to be temporarily diverted or temporarily closed, it is the landowner's responsibility to ensure that this is done following the appropriate legal procedures.

Subject to suitable conditions, to ensure appropriate visibility splays, that the access is surfaced in a bound material and construction method statement no objections are raised on highway safety grounds in relation to the proposed scheme.

5. Drainage

A Drainage Strategy has been submitted which deals with foul and surface water drainage.

The site lies within Flood Zone 1. Surface water is proposed to be stored in an attenuation tank with a flow regulation device to restrict the flow into the adjacent watercourse which is not a main river. The foul will flow into the existing 225mm sewer which will need to be diverted.

The LLFA has confirmed that this strategy is an acceptable one and subject to appropriate conditions this is acceptable.

6. Trees and Ecology

There are a number of B category trees on the site that should be retained as part of the scheme. In particular the Hawthorn and Privet hedges to the highway edge and boundaries of the site need to be retained in order to soften the scheme and provide ecological value.

A full landscaping scheme will need to be submitted as part of the Reserved Matters application if this scheme is approved. Tree protection measures for the root protection area and no clearance of any trees, shrubs or hedgerows will also need to be conditioned to ensure that these remain and are not damaged during any construction works.

An ecology report has been submitted which states that the site has low conservation value and no habitats are Priority Habitat and no protected species was observed. There is some nesting potential for breeding birds within shrubs and trees on site. Three buildings were assessed as having potential bat roost features but were found to be negligible or low potential with foraging activity but no activity of bats returning to roost recorded.

Mitigation for small mammals and amphibians and timing of vegetation clearance and biodiversity are proposed as well as recommendations for the protection of breeding birds and the creation of new habits for nesting birds are proposed. These recommendations can be controlled by appropriate conditions.

7. S. 106 Contributions and Affordable Units

Education

An assessment of the proposal by Lancashire County Council Education Authority, taking into account all approved applications within the local area, concluded that no contribution would be sought at this stage.

Health Authority Contribution Request

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

Section 106 of the 1990 Act provides as follows:

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106C as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—

- (a) restricting the development or use of the land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way; or
- (d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.

(2) A planning obligation may—

- (a) be unconditional or subject to conditions;

(b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and

(c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

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

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

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

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

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

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

“infrastructure” includes—

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

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

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

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

Robust evidence is required to support a request for a contribution. In London for example a model has been produced which attempts to provide robust and up to date evidence on the need for a contribution. The model is referred to as the HUDU model. This looks at the specific

circumstances of each development in its own location reflecting the population characteristics of the area.

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

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

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

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

Affordable Units

As the site lies within Rural Pendle and a viability assessment has not been submitted then 20% of the dwellings on the site would need to be affordable units. This equates to 2 units on site. This can be controlled by an appropriate condition.

8. Summary

The proposed scheme is acceptable in terms of impact on the openness of the Green Belt, development in the Open Countryside and highways access. Details of layout, appearance, scale and landscaping would be addressed under a Reserved Matters application. Details of drainage, contamination, ecology and tree protection and education contribution can be dealt with by appropriate conditions. The scheme will contribute towards education provision and provide 2 affordable units on the site.

It would also be prudent to attach a condition requiring the existing buildings to be removed from the site prior to any development commencing as the justification for this development within Green Belt is based upon the exception allowing for replacement development which has no greater impact than existing.

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 terms of national Green Belt policy and the proposed development therefore complies with the development plan subject to appropriate conditions. 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. An application for approval of the reserved matters (namely the layout, appearance, scale and landscaping of the development) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the layout, appearance, scale and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

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

2020/22/5, 2020/22/1A, 2020/22/2A, 2020/22/3A (indicative) & 2020/22/4C (indicative).

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

4. No part of the development hereby approved shall take place until a Planning Obligation pursuant to section 106 of the Town and 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 a contribution towards education provision.

Reason: In order to ensure that the development has sufficient education places to serve the development.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the access road from the continuation of the nearer edge of the carriageway of Barrowford Road to points measured 160m in each direction along the nearer edge of the carriageway of Barrowford Road, and shall be constructed prior to first occupation of the site.

Reason: In the interest of highway safety to ensure adequate visibility at the site access.

6. No development shall take place until a scheme for the construction access and off-site highway works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to:

- The construction of the access to an appropriate standard, including radius kerbs;
- Appropriate road markings (centre line and Give Way line) within the amended access;

- Construction of a section of footway within the adopted highway network;
- Buff coloured, tactile paved dropped pedestrian crossings on both sides of Barrowford Road;
- Street lighting assessment;
- Re-location of any highway gullies.

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

Reason: In order to ensure the scheme does not result in an adverse impact on highway safety and that construction traffic can enter and leave the site safely.

7. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed estate road and footway within the development have been submitted to and approved by the local planning authority. The road and footway shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: In the interest of highway safety.

8. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the internal road and footway 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: In the interest of highway safety.

9. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in bound porous material.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway, so posing a hazard to other highway users.

10. Prior to first occupation of the site the estate road shall be completed to at least base course level and in accordance with the agreed details.

Reason: In order to ensure the scheme is progressed in a timely manner.

11. Electric vehicle charging points to be provided in accordance with a scheme to be approved by the Local Planning Authority and the vehicle charging points to be provided in accordance with the approved plan, prior to first occupation of any residential unit.

Reason: To ensure that the development provides the infrastructure for forms of sustainable transport.

12. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential

for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with 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.

Advisory Notes: (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

13. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the submitted drainage strategy (June 2021, David Goodger & Associates).

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.

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

14. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep (10%).

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;

ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;

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 plot to confirm minimum 150mm+ difference for FFL;

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, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

The sustainable drainage strategy shall be implemented in accordance with the approved details.

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

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

15. 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 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.

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 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.

16. No building on any phase (or within an agreed implementation schedule) of the development 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 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.

17. Prior to any above ground works samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory form of development outside the settlement boundary.

18. Windows and doors shall be set back from the external face of the walls of the units by at least 75mm in depth.

Reason: To ensure a satisfactory form of development.

19. The first works on site after the access shall be the removal of the existing buildings from the site. No buildings shall be erected on the site until all of the existing buildings have been removed in their entirety.

Reason: In order to ensure that the existing buildings are fully removed prior to new any belt development in order to protect the openness of the Green Belt.

20. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the provision of a mix of tenure on the site appropriate for the requirements of the area.

21. No part of the development including demolition shall be commenced unless and until a Construction Code-of-Practice method statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
 - b) The areas and methods of loading and unloading of plant and materials.
 - c) The areas for the storage of plant and materials.
 - e) Demolition Strategy and storage on site.
 - f) Details, including likely vibration and noise levels at site boundaries, of the piling operations
 - g) Measures to control dust and dirt during construction
 - h) Location and details of site compounds
 - i) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
 - j) Noise-monitoring to be carried out for the construction period.
 - k) Parking area(s) for construction traffic and personnel
 - l) Details of the provision and use of wheel washing on the site
 - m) Site security and hoardings

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

Reason: To ensure that adequate measures are in place to protect the environment during the demolition and construction phases.

22. The recommendations for biodiversity enhancement outlined in the Ecology Assessment compiled by Batworker Ecological Consultancy Dated 21st June, 2021 shall be carried out in accordance with the mitigation measures proposed prior to first occupation of any dwelling on the site.

Reason: To ensure adequate provision of habitats in the interests of biodiversity on the site.

23. No clearance of any shrubs, trees or hedgerows on the site shall take place until a schedule of clearance including timing has been submitted to and approved in writing by the Local Planning Authority. The clearance of the site shall thereafter be undertaken in strict accordance with the approved details and shall cease if any evidence of nesting birds are found on the site.

Reason: To ensure that existing vegetation remains on the site in the interests of protecting habitats and biodiversity.

24. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work, or tree and hedge removal 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.

Informatives

The drainage strategy (June 2021, David Goodger & Associates) proposes to discharge to an unnamed culverted watercourse that runs north-south along the eastern boundary of the site. Any work within the banks of the watercourse which may alter or impede the natural flow of water will require Land Drainage Consent from the LLFA under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010).

When applying for Land Drainage Consent, as a minimum, the applicant will be expected to:

- a. Carry out studies of the existing culvert/watercourse condition and capacity;
- b. Undertake an examination of the downstream condition and implications of the development proposal, and;
- c. Restrict discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the agreed discharge rate.

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development.

The applicant should be advised to contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

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

Application Ref: 21/0362/OUT

Proposal: Outline: Major: Demolition of the existing commercial garage and associated buildings and construction of 12 dwellings (Access Only) and Diversion of Public Footpath 13/15/FP 76.

At: Chapel Farm Garage, Wheatley Lane Road, Fence

On behalf of: Mr John Dickinson

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 5TH JANUARY, 2022

Application Ref: 21/0758/FUL

Proposal: Full: Erection of two detached dwellinghouses.

At: Land to the North West of Parrock Road, Barrowford.

On behalf of: Therapy Assist Ltd

Date Registered: 16 September 2021

Expiry Date: 11 November 2021

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site comprises an area of agricultural land which equates to 1.8 hectares with vehicular access via a track from Parrock Road. The site lies within Carr Hall and Wheatley Lane Conservation Area and is outside of the settlement boundary for Barrowford.

This application seeks permission for the erection of two dwellinghouses and lies within a predominately residential area.

Two dwellinghouses are proposed. Plot 1 is a detached seven bed property with roof terraces, conservatory and a gym, games room, swimming pool and garages to the lower ground floor. This is located to the west of the site adjacent to the public footpaths.

Whilst plot 2 is a four bed detached with triple garage and turning circle sited to the east of the site this is similar to the dwelling previously approved under 18/0373/FUL.

The site is bounded by open land to the northern and eastern sides and houses along its eastern and southern boundaries. There are mature trees around the perimeter of the site and public rights of ways surround the site.

Parrock House is a Grade II listed building which lies to the west of the site and Laund a Grade II listed farmhouse and cottage lies to the north.

The application is accompanied by a Design and Access Statement, Heritage Statement, Contamination Report Landscape Statement, Ecological Appraisal and Tree Report.

Relevant Planning History

13/87/0455P – Outline: Erection of two dwellings on land off Parrock Road – Refused and Appeal Dismissed.

13/99/0446P – Outline: Residential development – Refused.

17/0670/FUL - Full: Major: Erection of a residential development comprising 16 detached houses, garages, estate road, landscaping and ancillary works – Withdrawn.

18/0373/FUL – Erection of a single two storey dwelling house with detached garage and associated curtilage – Approved.

Consultee Response

LCC Highways – Having considered the information submitted by the applicant, the Highways Development Support Section does not object to this application in principle, subject to the following comments being noted, and conditions and note being applied to any formal planning permission granted.

Site Access

As the proposed access is to serve 2 detached dwellings, a visibility splay of 2.4m x 11m should be provided at both accesses. Nothing should be planted or erected or allowed to remain in land within the visibility over 0.9m above the road level to protect the visibility splay. Please amend Drawing 0015 (Arrival Entrance) for both entrances to show visibility splay of 2.4m x 11m.

Public Rights of Way

Details of the application have been sent to the County Council's Public Rights of Way Section for comment as the development may affect Public Footpath 27 (Barrowford). Nevertheless the developer should be aware that no public right of way should be obstructed during the proposed development. It is the landowner's responsibility to ensure that the appropriate procedures are followed for the legal diversion of the Public Right of Way, if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, it is the landowner's responsibility to ensure that this is done following the appropriate legal procedures. A temporary closure will only be granted where it is the intention to re-open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way.

The development must not commence until the necessary procedures are in place, either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side roads orders. Or, if it is necessary to divert the above listed Public Rights of Way, then the necessary Orders must be confirmed prior to construction to avoid enforcement action should the above Public Footpath become affected.

Parking

The applicant has provided adequate on-site parking provision and manoeuvring area for this size and type of development.

General

Due to the site's location within a residential area, close to a private nursery on Parrock Road and with only one access point from the public highway the developer should provide a Construction Method Statement.

In addition, we also recommend that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times.

To maintain the structure of the highway, and not impose a burden on other residents of Parrock Road, we also recommend that a condition survey of the full length of Parrock Road from its junction with Barrowford Road to the development site's access is carried out prior to commencement of any clearance/development.

Should the planning authority be minded to approve this application we recommend that conditions are attached to any planning permission relating to construction method statement, hours of deliveries, visibility splays, access, joint survey, manoeuvring space and use of garages.

United Utilities – The site should be drained on a separate system with foul to the public sewer and surface water in the most sustainable way following the NPPG hierarchy. Recommend a condition requiring this. A water main crosses the site and we will not permit development over or within close proximity.

PBC Footpath Officer – The proposed development runs adjacent to public footpaths 25 and 27 Barrowford. The plans appear to show that the footpath will not be affected. A note should be attached to any grant of permission stating no right to permanently or temporarily obstruct or interfere with a right of way.

PBC Conservation Officer – The site lies within the Carr Hall/Wheatley Lane CA, forming part of an area of open fields around the long-established former farm buildings at Laund and Higher Parrock at the south-eastern corner of the CA. Laund Farmhouse lies to the NW of the site, and is listed at Grade II. The house is currently relatively secluded and part surrounded by trees, though there are close-up views of the important south elevation (which faces towards the development site), from the farm track and several ancient footpaths which run adjacent. Though no longer a farm it still stands within open fields, thereby retaining a sense of its historic links with the land. The application site currently forms part of this open setting, although the proposal within large grounds and screened by trees, particularly along the NW boundary, should mitigate any adverse impacts on the current rural and secluded character which comprises the setting of the LB. The application should also be considered within the context of the permitted strategic development at Trough Laithe, which borders the CA and is close to Laund Farmhouse. The impact of the Trough Laithe scheme on both the setting of Laund and the Conservation Area was an important constraint, and the likely potential harm to significance of both the LB and the CA was mitigated by the required provision of a generous buffer zone of open land and the reinforcement of the existing trees and hedgerows between the development site and the heritage assets. As part of this mitigation the presence and retention of open fields within the CA to the south and west of Laund and its important southern approach was seen as vital to the preservation of both Laund's historic rural farmland setting and the character and appearance of the CA. With the current application for only one dwelling on this site, the important rural character of this southern approach to Laund should be largely preserved, provided that landscape screening is effective.

The buildings at Higher Parrock are closer to the site. The 18thC or earlier barn and the later 19thC Higher Parrock House are identified as locally important buildings in the CA Character Appraisal. The significance of these non-designated heritage assets also derives in part from their currently relatively secluded setting within open fields; this would be affected to some degree; however the low density development proposed would reflect the low density of the surrounding development. The CAA notes the importance of key views looking south eastwards across the fields towards Nelson and the hills beyond, the farmland in the foreground very much in evidence. These views can best be seen from the public footpath between Carr Hall Road and Laund, and include views across the application site. Provided the perimeter of the site is sufficiently landscaped the secluded setting should be preserved. Additional landscape screening should therefore be provided to the SE (front) and NW edges of the site, and stone boundary walls provided to match existing.

PBC Environmental Health – requests conditions relating to contamination and construction.

Barrowford Parish Council – No objection. Although this land falls within the Carr Hall Road and Wheatley Lane Road Conservation Area the proposed development consisting of two separate house with one of a grand scale set within a large garden and the second a large but more modest scale accord with the ethos of the Conservation Area of large houses set within sizable grounds of

different designs. The proposed development will have adequate off road parking but the Parish Council have concerns regarding increased traffic on to the unadopted Parrock Road.

Public Response

Site and press notices posted and nearest neighbours notified by letter. Thirteen responses have been received objecting to the proposal on the following grounds:

- This development erodes the semi-rural feel of the area and is within the Conservation Area;
- The pavement and Parrock Road falls within the curtilage of each of the bungalows on Parrock road and whilst existing properties have a right of access there is no automatic right;
- Parrock Road is too narrow to accommodate more vehicles. It is a cul-de-sac with limited space for vehicles to turn;
- More vehicles using the road would be a danger to the children's nursery which is already dangerous and on a narrow bend;
- When we purchased our bungalow we purchased the pavement and road which we have to maintain. We worry about damage from construction and heavy vehicles;
- Parrock Road is not an adopted highway maintenance and upkeep is at the cost of the existing residents;
- The carriage way is only 4.5m and has parking from Riverside Business Park already making it single passing only in places;
- The proposed access onto the single track lane is too narrow to allow vehicles to pass;
- Responsibility for the upkeep of the drainage system for Higher Parrock properties needs to be determined;
- Exiting the cul-de-sac onto the A6068 bypass is already difficult with potential for a further 750 cars from Trough Laithe the roundabout and existing road isn't built to take this capacity with 10 accidents already due to speed, racing and lack of reading road signs. This can only increase;
- The shallow hallow/ditch in the field does flood in heavy rain and more development leads to less absorption points to collect rainfall;
- Permission was given for one house and this proposal is now for two, what happens to further requests which disturb wildlife with the Government committing to protecting green spaces from development;
- This proposal has been submitted by a company and is not a family sized home;
- Barrowford has played its part in meeting the housing numbers and we should look after our green space for future generations;
- The site includes two Public Rights of Way – PROW 25 and PROW 27 which are ancient drover paths and should not be incorporated into residential development sites;
- There are no detail of proposed boundary treatments;
- These rights of way form part of the setting the listed buildings and conservation area and any development of them would increase the urbanisation and detract from the original rural use at Laund;
- The ecology survey is 5 years old and doesn't take into account the development at Trough Laithe and possible migration;
- The properties at Laund drain into a septic tank which is situated with the application site – there appears to be no reference to this?
- It is important that a measure of undeveloped land is retained for environmental reasons and this application would not appear to be an asset to the community;
- The proposal fails to meet the requirements of Policy ENV4 due to restrictive width, likelihood of obstructed access and increased traffic flow from the Trough Laithe development;

- The site is a protected area under Policy 3a of the Pendle Replacement Local Plan;
- Clearly if this land is development the character of the Conservation Area will be irreversibly damaged as supported by policies ENV1 and ENV2 the Council has a duty to preserve and enhance the character and appearance of the conservation areas;
- Policy 1 of the Pendle Replacement Local Plan states that proposals should be within a settlement boundary and only permitted if they fall within one of the exemptions;
- Plot 1 is a huge 7- 10 bedroom mansion totally out of keeping with the houses on this road and will dwarf Parrock Cottage;
- The surrounding fields provide protected habitats to owls, hawks, woodpeckers, etc. and we often see deer, foxes and frogs;
- Several trees would need to be removed including a large Oak subject to TPO these trees should be protected at all costs;
- The current land drainage system is under severe pressure, regularly backs up and floods. No flood mitigation measures have been proposed and this, together with Trough Laithe will compound the flood risk;
- Residents are concerned regarding the timescale for the development and if the funds are available as this could take years to complete and disrupt residents for an unacceptable period;
- Is the larger dwelling to be used in the future as a business premises either way the proposed access for 10 extra cars is not appropriate;
- The drawings do not show the full extent of our boundary – the proposed access road encroaches onto this and we also own the lane at the northern edge;
- Any connected to the drainage system or sewer will require the written consent of our client;
- Our client requires noise levels to be at a minimum and we are concerned that the building work will cause unnecessary noise and distress as well as potential issues with easy access for care and mobility needs;
- The single track access is impassable by HGV's due to lack of width and overhanging trees including a protected Oak tree;
- Additional trees protected by a 15m buffer zone are within the proposed site and garage for plot 2.

Officer Comments

The main issues for consideration are principle of development, impact on residential amenity, impact on conservation area/heritage assets, design, layout and materials ecology and loss of trees, drainage and highway issues.

1. Policy

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 (“the 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.

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 NPPF taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Pendle Local Plan

The relevant adopted Pendle Local Plan Part 1: Core Strategy 2011 - 2030 policies for this proposal are:

Policy SDP1 requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (the Framework).

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

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

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.

ENV4 seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV7 consider the impacts of flood risk on and from new development.

Policy LIV1 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 LIV3 encourages the support and provision of a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds to contribute towards the provision of affordable housing. Where the relevant target cannot be met a financial viability assessment should be provided to allow for negotiation and adjustment accordingly.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and be built at a density appropriate to its location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

The following saved policies also apply:

Policy 4D of the Local Plan refers to the safeguarding of legally protected species.

Policy 16 'Landscaping in New Development' requires that all development proposals which involve new building include a landscaping scheme sympathetic to the site's character.

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

National Planning Policy Framework

Sets out national policy with the presumption on favour of sustainable development and what decision taking means.

Paragraph 78 states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a

village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances as set out in para 79.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 126). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history. Design quality should be considered throughout the evolution and assessment of individual proposals (para.132).

Para 134 states that permission should be refused for development that is not well designed.

Para 197 – 205 give guidance on assessing schemes which impact on heritage assets and how the impact on the significance of a designated asset should be attributed weight.

2. Principle of Development

This site is greenfield land which is sited in Barrowford outside of the settlement boundary.

Barrowford is a Local Service Centre in the M65 Corridor which is an area identified in policy SDP2 to play a supporting role and accommodate levels of new development to serve a localised catchment area.

This proposal is for two detached dwellinghouses outside but adjacent to the settlement boundary and therefore would not be considered isolated in terms of para 79 of the Framework and accords with the requirements of Policy LIV1 which allows for development adjacent to the settlement boundary until Part 2 of the Core Strategy is adopted.

3. Impact on Residential Amenity

Policy ENV1 of the Local Plan states that housing development should reflect site surroundings and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

The proposed dwellinghouses have been positioned to take account of neighbouring properties located on Parrock Road and further to the west and north accessed from the track on the eastern and southern sides of the site.

The properties would be set within spacious grounds at least 20m from the boundary with Higher Parrock Cottage and 21m from the side gable of 36 Parrock Road and over 40m from 2 Parrock Road which are the nearest properties and therefore have a limited impact on the amenity of adjacent properties subject to the submission of an appropriate landscaping scheme and boundary treatments to screen.

The development would therefore comply with the amenity standards set out in the Council's Design Supplementary Planning Document.

4. Impact on Conservation Area/Heritage Assets

As with all applications the statutory requirement is that the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration of the application must also be in accordance with primary legislation.

The Framework sets out the mechanism for how heritage assets need to be assessed in planning applications. Applicants must assess the significance of the heritage asset with the detail being

proportionate to the importance of the asset. The particular significance of the asset needs to be assessed.

In making a decision on the application account needs to be taken of:

- The desirability of sustaining and enhancing the significance of the assets and putting them to a viable use consistent with their conservation.
- The positive contribution assets can make to sustainable communities.
- The desirability of new development making a positive contribution to local character and distinctiveness.

Great weight should be given to be given to the asset's conservation when the impact on the significance of a designated asset is considered. The more important the asset the greater that weight should be.

Harm to assets is not precluded from happening but this needs clear and convincing justification. Less than substantial harm to a designated asset should not be allowed unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefit that outweighs that harm unless the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

A Heritage Statement has been undertaken which assesses the potential impact of the proposed development on the significance of the Heritage Assets.

The proposal is for two dwellinghouses on this site. The Grade II listed Laund Farmhouse and Cottage are to the north of the site screened by mature trees. The important rural character of this southern approach to Laund should be largely preserved, provided that appropriate landscape screening is conditioned.

There is a pattern in the area of large individual house and cottages set aside from the more urban areas which this proposal would replicate.

The buildings at Higher Parrock are closer to the site. The 18thC or earlier barn and the later 19thC Higher Parrock House are identified as locally important buildings in the CA Character Appraisal. The significance of these non-designated heritage assets also derives in part from their currently relatively secluded setting within open fields; this would be affected to some degree; however the low density development proposed would reflect the low density of the surrounding development. The CAA notes the importance of key views looking south eastwards across the fields towards Nelson and the hills beyond, the farmland in the foreground very much in evidence. These views can best be seen from the public footpath between Carr Hall Road and Laund, and include views across the application site. Provided the perimeter of the site is sufficiently landscaped the secluded setting should be preserved. Additional landscape screening should therefore be provided to the SE (front) and NW edges of the site, and stone boundary walls provided to match existing.

There are some materials issues which need to be clarified and appropriate to the CA context. The agent has been requested to address these.

There would be some public benefits from this proposal including:

- Provision of new houses;
- Income from Council Tax; as well as
- Employment for building trade and local tradesmen/businesses,

these benefits would achieve the public benefits required to outweigh the limited harm caused by the proposed scheme.

Based on the above the proposed development of two detached dwellinghouses would be acceptable in terms of impact on the heritage assets and would accords with policies ENV1 and LIV1 and para 202 of the National Planning Policy Framework.

5. Design and Layout

Policy ENV2 of the Local Plan seeks to achieve good quality design which is in conformity with the Framework.

This proposal is for two detached dwellinghouses each set within their own grounds. The housing on Parrock Road comprises bungalows on the western side and older two storey houses opposite laid out in a linear format. The older properties are constructed in natural stone and slate roofs with the newer properties being single storey and constructed in buff artificial stone.

There are some design and materials issues which are not wholly appropriate to the Conservation Area context and the agent has been requested to address these.

Although natural stone and slate is proposed the windows and doors are proposed to be in UPVC, which is contrary to guidance in the Conservation Area Design and Development Supplementary Planning Document.

The proposal is for two detached dwellinghouses of an appropriate scale and design and would, as a whole, involve a limited degree of change which together with appropriate materials for this location would accord with para 126 of the National Planning Policy Framework and policies ENV1 and ENV2 subject to minor design changes and appropriate materials.

6. Landscape Impact and Loss of Trees

At present the site provides a buffer between the developed areas within the settlement boundary and the wider countryside and allows easy access via the adjacent footpaths from the semi-rural aspect of the conservation area to the urban developments.

The adjacent footpaths are well used and therefore the site has a reasonably high amenity value within the context of the surrounding landscape.

It is considered that two dwellinghouses on this site would not have an undue impact on the amenity of the area and would not be particularly prominent nor out of character in viewpoints along the public rights of way which surround this site.

Trees

The Arboricultural Assessment confirms that a limited number of protected trees would need to be removed as part of the proposal. Some trees outside of the red edge are also scheduled to be removed as part of the scheduled tree maintenance.

Replacement trees will be required as part of the landscaping scheme for the site to mitigate for the loss of trees and ensure adequate screening on the site. Subject to the submission of details and specifications, which can be controlled by an appropriate condition, this is acceptable and accords with policy.

Appropriate tree protection measures will be required prior to the development commencing on site.

7. Ecology

Policy 4D of the Local Plan refers to the safeguarding of legally protected species.

The application is supported by an overall assessment of ecology contained in the Preliminary Ecological Appraisal dated August 2021. Overall, it is concluded that the development would be unlikely to have a detrimental effect on any protected species or be unduly detrimental to the local bat populations.

There are no ecological issues that would warrant a refusal on those grounds. Mitigation measures have been proposed which would seek to protect the biodiversity of the site and these can be conditioned.

The Public Rights Of Way adjacent to the site seem to be old established routes with the one to the north-west particularly so, with the bank and ditch on both sides and species of wildflower present, this is consistent with semi-natural ancient woodland. The western path could be classed as a hedgerow habitat as defined in the UK Biodiversity Action Plan Priority Habitat Descriptions.

Policy ENV1 requires adequate mitigation measures and compensatory habitat creation to ensure there is no net loss of biodiversity and where possible such measures should provide a net gain. This proposal for two dwellings would not unduly impact on the biodiversity of the area and therefore accords with this requirement.

8. Flood Risk and Drainage.

Policy ENV7 of the Pendle Local Plan does not allow for development that would be at risk of flooding or would increase the risk of flooding elsewhere. This strategy involves the assessment of site specific risks with proposals aiming to place the most vulnerable development in areas of lowest risk and ensuring appropriate flood resilience and resistance; including the use of SUDs drainage systems. In this case the site is located within Flood Zone 1.

The application form states that a sustainable drainage system would be used to dispose of surface water whilst foul sewage is not known at this time.

Therefore a condition requiring an appropriate drainage scheme to be submitted prior to commencement of the development would be appropriate.

Further information on the existing and proposed drainage issued has been requested and this will be updated at the meeting.

9. Highways and Parking

The proposal is to access the site via Parrock Road.

There have been concerns raised that the top end of Parrock Road is privately owned and maintained and that the correct ownership certificates have not been served. Information has been submitted with the application showing the extent of ownership within the red edge. It is

acknowledged that whilst Parrock Road is within private ownership there is a legal right of way established over this land to access the properties at Higher Parrock and further along the track from Parrock Road.

Parrock Road is an unadopted private road that is in good condition and no alterations or works are proposed or required in order to facilitate the additional dwellinghouses.

As improvement or alterations works are not required to Parrock Road this would not adversely affect the principle of the development or require the consent of the owners to this affect. The use of the road for access purposes has been established as a legal right.

LCC Highways have not raised any objections to this proposal subject to appropriate conditions.

A total of ten parking spaces are proposed which is acceptable and meets the standards required.

A detached triple garage is proposed to be sited to the eastern side of Plot 2 off a turning circle. This will provide ample parking for this four bedroomed property. Whilst a parking garage is proposed to the lower ground floor of Plot 1.

Based on Policy 31 Car and Cycle Parking Standards the applicant has provided adequate off-road parking provision for this type and size of development. The site can accommodate ample off street parking based on the number of bedrooms proposed.

11. Conclusion

The proposed development of two detached dwellinghouses would be acceptable on this site and would not adversely impact on the Conservation Area and amenity of the area and would be appropriate in terms of scale and layout subject to further information being submitted.

Subject to the above the proposal would accord with local plan policies ENV1, ENV2, Conservation Design Guide and national policy paragraphs 124 and 196 of the NPPF.

RECOMMENDATION: Delegate Grant Consent subject clarification of drainage, materials and boundaries to the site and 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:

A007_P_001, A007_P_003, A007_P_100, A007_P_101, A007_P_002,
A007_P_003, A007_P_1004, A007_P_201, A007_P_300 & A007_P_301.

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

3. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with 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.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

4. No development approved by this permission shall commence unless and until a scheme for the disposal of foul and surface water for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5l/s. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 0.9m above road

level. The visibility splays at both accesses to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed site access road from the continuation of the nearer edge of the carriageway of the unnamed lane leading from Parrock Road to points measured 11m in each direction along the nearer edge of the carriageway of the unnamed lane, and shall be constructed and maintained at verge level in accordance with a scheme to be agreed by the Local Planning Authority.

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

6. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
 - b) The areas and methods of loading and unloading of plant and materials.
 - e) Details of wheel-washing facilities including location
 - k) Measures to ensure that vehicle access of adjoining access points are not impeded.
 - n) Location and details of site compounds
 - u) Parking area for construction traffic and personnel
 - v) Routing of construction vehicles

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

Reason: To ensure that adequate measures are in place to protect the environment during the construction phases.

7. Before the access is used for vehicular purposes, the access and manoeuvring area shall be appropriately paved in bound porous material.

Reason: To prevent loose surface material from being carried on to the adjacent highway thus causing a potential source of danger to other road users.

8. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

9. Prior to any above ground development taking place samples of the external facing materials, windows, doors, garage doors and external facing materials and rain water goods to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory form of development in the open countryside.

10. Windows and doors shall be set back from the external face of the walls of the units by at least 75mm in depth.

Reason: To ensure a satisfactory form of development.

11. Notwithstanding the submitted plans the windows and doors shall be of timber construction and painted not stained in a colour to be agreed in writing with the Local Planning Authority prior to installation.

Reason: To ensure a satisfactory form of development in this location.

12. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the second schedule of the Town and 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, D, E and F of Part 1 and Class B of Part 2 of Schedule 2 of that Order shall be carried out 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.

Reason: In order to enable the Local Planning Authority to control any future development on the site, in order to safeguard the character and visual amenity of the conservation area and restrict any potential impact on protected trees.

13. The car parking and turning 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 use of the premises hereby permitted is occupied.

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

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

- a. 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 hard landscape elements, boundary treatments and pavings, including layout, materials and colours;
- e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

15. Unless 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.

16. The recommendations for biodiversity enhancement outlined in the Preliminary Ecological Appraisal compiled by Pennine ecological Dated August 2021 shall be carried out in accordance with the mitigation measures proposed prior to first occupation of any dwelling on the site.

Reason: To ensure adequate provision of habitats in the interests of biodiversity on the site.

17. No clearance of any shrubs, trees or hedgerows on the site shall take place until a schedule of clearance including timing has been submitted to and approved in writing by the Local Planning Authority. The clearance of the site shall thereafter be undertaken in strict accordance with the approved details and shall cease if any evidence of nesting birds are found on the site.

Reason: To ensure that existing vegetation remains on the site in the interests of protecting habitats and biodiversity.

18. Before each dwelling unit is occupied waste containers shall be provided within the curtilage.

Reason: To ensure adequate provision for the storage and disposal of waste.

19. Before each dwelling unit is occupied electric vehicle charging points shall be provided with the curtilage.

Reason: To provide for sustainable modes of transport.

Note

1. Public Rights of Way must not be obstructed during the proposed development. It is the landowner's responsibility to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, it is the landowner's responsibility to ensure that this is done following the appropriate legal procedures.