



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES

TO: WEST CRAVEN COMMITTEE

DATE: 01st February 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE ON THE 1st FEBRUARY, 2022

Application Ref: 21/0848/FUL

Proposal: Full: Major: Erection of 19 No. bungalows (for people over 55) with associated landscaping, car parking and access from Brogden Lane (Re-submission).

At: Land to the West of Brogden View, Brogden Lane, Barnoldswick

On behalf of: Applethwaite Ltd

Date Registered: 22 October 2021

Expiry Date: 21 January 2022

Case Officer: Kathryn Hughes

Site Description and Proposal

This application seeks permission to erect nineteen dwellinghouses.

The application site is located outside but adjacent to the settlement boundary of Barnoldswick accessed from Brogden Lane.

The scheme would consist of nineteen detached bungalows which are proposed to be marketed for the over 55's.

There are protected trees and Listed Buildings in the vicinity.

A Design and Access Statement, Transport Statement, Ecology Report, Arboricultural Assessment, Landscape Scheme, Contamination Report, Flood Risk Assessment and Utilities Report have been submitted in support of this scheme.

Relevant Planning History

16/0714/FUL: Full: Major: Erection of 24 dwellinghouses and estate road with access from Brogden Lane including open space – Withdrawn.

21/0111/FUL: Full: Major: Erection of 19 No. bungalows (Over 55) with associated landscaping, car parking and access from Brogden Lane – Refused 14th June, 2021 – Appeal Lodged.

Consultee Response

LCC Highways – I have the following comments to make on the proposal.

There have been previous applications (reference 16/0714), which was subsequently withdrawn, for 24 new dwellings with a new access on Brogden Lane and (reference 21.0111) which was refused on highway grounds however we did not object to the proposal.

The recently approved application reference 20/0825 proposes a new footway along the south side of Brogden Lane and details of this proposal are shown with the Transport Statement.

Conclusion

There is no objection to the proposal, should the application be approved and conditions relating to construction method statement, construction traffic access, off site highway works, visibility splays, management and maintenance of roads, etc., engineering, drainage and street lighting construction details, construction of internal estate roads, parking, cycle storage and electric charging points.

LLFA – No objections subject to appropriate conditions relating to FRA, Sustainable Drainage Scheme, Construction Phase Surface Water Management Plan and Operation and Maintenance Plan & Verification Report.

Advice

No development within 8 metres of an Ordinary Watercourse

The submitted drainage layout plan indicates that the applicant intends to construction within 8 metres of the culverted watercourse. Construction within 8 metres of a watercourse is not advised as access for maintenance purposes is restricted and it has the potential to pose an undue flood risk to structures should the culvert collapse.

It is therefore advised that the applicant modifies the proposed drainage layout plan to ensure that no structures are constructed within 8 metres of the top of the banks of the watercourse.

Condition of the culvert or drain

The preliminary drainage layout (31203-SUT-ZZ-XX-DR-C-6020-0002) proposes to discharge surface water into the land drain at the east of the site, which in turn connects to the surface water sewer. The applicant has not provided any information regarding the state of the culverts or land drains, other than a description of the size and orientation. The LLFA advises the LPA to require the applicant to provide evidence (such as a CCTV Survey) showing the condition of the site culverts and drains to demonstrate that they are free flowing and in good condition.

Surcharged outfall

When modelling your surface water sustainable drainage network, please ensure you apply a surcharged outfall unless you can demonstrate that a free-flowing outfall can be achieved.

Reason For Pre Commencement Conditions

Drainage is not only a material consideration but an early and fundamental activity in the ground construction phase of any development and it is likely to be physically inaccessible at a later stage by being buried or built over. It is of concern to all flood risk management authorities that an agreed approach is approved before development commences to avoid putting existing and new communities at risk.

The revised NPPF considers sustainable drainage systems to be important and states that they should be incorporated unless there is clear evidence that this would be inappropriate and, as such the LLFA needs to be confident that flood risk is being adequately considered, designed for and that any residual risk is being safely managed. To be able to do this the LLFA requires an amount of certainty either by upfront detail or secured by way of appropriate planning condition(s).

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

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

Whilst United Utilities hold no objection to the proposals in principle, the provided indicative drainage strategy plan, Ref: 31203-SUT-ZZ-XX-DR-C-6020-0002, Rev: P02, Dated: 19.01.2021, By: Sutcliffe, refers to a number of uncharted existing surface water sewers and further clarity needs to be provided on these assets.

Until this clarification can be provided, we must recommend the following pre-commencement conditions are attached to any planning application requiring a foul and surface water to be drained on separate systems and a scheme for the surface water drainage to be submitted in accordance with the NPPG.

The applicant can discuss any of the above with Developer Engineer, **Robert Brenton**, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and/or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Details of both our S106 sewer connections and S104 sewer adoptions processes (including application forms) can be found on our website <http://www.unitedutilities.com/buildersdevelopers.aspx>

Please note we are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for you to discuss with the Lead Local Flood Authority and / or the Environment Agency if the watercourse is classified as main river.

Water supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' property, assets and infrastructure

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

Yorkshire Water – consult UU.

East Lancs NHS Trust – Contribution requested of £14,097.00 towards infrastructure costs.

Lancashire Fire & Rescue – comments relating to access document B part B5.

PBC Environmental Health – Standards contamination land condition requested.

Public Response

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

- Main issue is flooding P240 states 75% risk of ground water flooding;
- Loss of greenspace, wildlife and its habitat;
- Brownfield sites should be developed before our green spaces;
- Lack of infrastructure;
- Exiting onto Gisburn Road is already dangerous and there have been accidents;
- Brogden lane is a busy and popular route for walkers, runners, dog walkers, horse riding and cyclists;
- The lane is also busy with works traffic and Tractors and trucks;
- You should carry out a vehicle survey as the traffic is horrendous;
- Planning applications for over 300 houses has already been granted in Barnoldswick which means it will meet the housing needs for the area up until 2030 therefore no further applications will be considered;
- The previous application was refused on highway grounds with the only difference is the addition of the single solid white line demarcating pedestrian route. This application should be refused on the same grounds.
- It should be considered with other related applications to ensure cumulative effects are fully assessed. A total of 110 house would completely change the aspects of the area, destroy green fields and result in urban sprawl;
- Current infrastructure is overstretched and Health Centre is outdated and too small. The site is not located near services;
- My house is 3.6m from the boundary fence on which a 1.8m fence will be erected effectively resulting in a fence more than 2m high cutting my access to daylight and sunlight;
- Drains in the field have been blocked causing water to surface and overflow into my garden;
- I object to this objection due to relationship to Roman Road which would be compromised by the erection of these 19 modern dwellings overlooking this route;
- A geophysical survey would establish if anything warrants further investigation;
- Land drainage was not obtained prior to the watercourse modifications;
- The old ambulance site has drains which feed into the field which will increase flooding and is not appreciated by the submitted flood risk report;
- The application contains serious flaws and omissions in relation to flooding;
- There are two culvers run through the site and under 15 Brogden View;
- Local residents have commented previously on the known flooding on the site;
- This site is on the edge of open countryside with magnificent country vista and long distance views of Weets Hill and beyond;
- This is not an infill development but extends the settlement boundary and sticks out into open countryside;

- The site entrance is at a point where Brogden lane narrows to a single track on the former Roman Road;
- The junction of Brogden Lane and Gisburn Road is a difficult and dangerous one already, this proposal will increase this;
- I see a falling demand for housing and question the figures the Council is setting for future housing needs. Many developments have been granted which have yet to be built;
- A Full Council in March 2021 Councillors voted unanimously to reduce the number to 146pa for the whole Borough;
- Brodgen Lane is part of the Lancashire Cycle way and is a valuable asset to the community;
- In addition to being an area of outstanding natural beauty it is also a natural habitat for a variety of species;
- Development for over 55's would be better sited nearer the shops and services in town; and
- Satellite developments like this do not contribute to the local community.

Officer Comments

The issues for consideration are principle of housing, layout and impact on amenity, design and materials, highway issues, flooding and drainage issues, contamination, trees/ landscaping, ecology, contributions and affordable housing units.

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

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

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

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. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere. The proposal's compliance with this policy is addressed in the flooding and drainage section.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

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

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

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 built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

The following saved policies from the Replacement Pendle Local Plan are also relevant:

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which is relevant to this proposal.

Paragraph 74 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

Para 134 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions.

1. Principle of Housing

This proposal is for the erection of 19 detached dwellinghouses on a greenfield site outside of the settlement boundary for Barnoldswick.

Until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies Policy LIV1 allows for sites within sustainable locations outside of but close to a Settlement Boundary which would make a positive contribution towards the five year housing land supply.

The site is immediately adjacent to the settlement boundary to the east and south with existing and proposed residential properties to those boundaries.

There are facilities including shops, bus stops, schools and public houses in close proximity of the site and therefore this site is sustainable and the principle of housing acceptable and accords with policy LIV1.

2. Layout and Impact on Amenity

The nearest properties are Lynton Grove to the north, Cherry Tree Cottage to the east, No.'s 11 - 17 Brogden View to the south east and No.'s 24 and 26 Foster Road to the South.

Both Lynton Grove and Cherry Tree Cottage are sufficient distance not to be unduly affected by this proposal.

No.'s 11 and 15 Brogden View are proposed to have Open Space to the rear and therefore would to be unduly affected.

No. 17 Brogden View also has Open Space to the rear with the rear of Plot 1 22m distant at an oblique angle which is acceptable.

No's 24 and 26 Foster Road are proposed to have Open Space to the rear and therefore would not be unduly affected with the rear of Plot 3 over 30m distant at an oblique angle to the rear extension which is acceptable.

There are also four dwellinghouses accessed off Brodgen View sited to the eastern side of this site which are currently under construction.

The approved Plot 1 on the adjacent site would lie approximately 2m from the boundary of this site with the proposed plot 1 sited another 1.5m from this boundary. Whilst the approved two storey house has two side facing bedroom windows these would look over the roofscape of the adjacent bungalow which has a side facing window and door which would be screened by the proposed 1.8m high boundary fence to an acceptable degree. The approved house at Plot 1 on the adjacent Ambulance Station site has a garage block set forward of the proposed bungalow to front elevation which would also prevent any undue privacy issues.

Due to the design and fenestration the distances proposed are acceptable between these existing, approved and proposed dwellings.

Details of boundary treatments and landscaping have been submitted and are acceptable subject to appropriate conditions,

The scheme would be acceptable in terms of layout and impact and accords with policies ENV1 and ENV2.

3. Design and Materials

The application proposes bungalows which would be of a similar design with a mixture of two and three bedrooms all with driveways and most with integral or detached single garages.

The materials proposed are Natural Stone with Polar White Render and Slate Grey tiles. Stone heads and cills and timber boarding are also proposed to some plots. No details of windows, doors or garage doors have been provided. These details can be controlled by an appropriate condition.

Subject to appropriate conditions this scheme would be acceptable in terms of design and materials and accords with policies ENV1 and ENV2.

4. Highway Issues

The proposed development proposes access onto Brodgen Lane.

The previous application was refused on highway grounds. This application proposes a single solid white line demarcating pedestrian route within the carriageway.

LCC Highways have raised no objection to the scheme.

The recently approved application reference 20/0825 proposes a new footway along the south side of Brodgen Lane and details of this proposal are shown with the Transport Statement.

Off-site highway works will also include street lighting on Brodgen Lane to Gisburn Road, pedestrian build out on Gisburn Road to ensure pedestrians can get across to the bus stop which is also proposed to be upgraded. These details have been agreed and can be controlled by an appropriate condition.

This scheme would provide sufficient off-street car parking and manoeuvring space within the curtilage in a combination of garages and driveways in accordance with the car parking standards set out in saved Policy 31 of the Replacement Pendle Local Plan.

Therefore subject to appropriate conditions the proposal would not result in any adverse impact on highway safety issues.

5. Flooding and Drainage

Whilst the site is not within a Flood Risk area the size of the site and major development proposed requires that an appropriate scheme for the disposal of surface water can be achieved on the site.

Drainage is a technical issue and whilst it is clearly acknowledged that the site floods and that there is land drains and culverts on the site it is a matter that can be satisfactorily addressed by a technical solution.

It is understood that residents are concerned about flooding in relation to their properties and the road and this is a fundamental matter which needs to be addressed.

In assessing the FRA submitted with the application both Lead Local Flood Authority and United Utilities have raised some concerns over the surface water flood risk and discharged into the land drains. The agent has been requested to look at this issue and in particular the debris and condition of the land drain along the eastern boundary and provide further information on this prior to the meeting.

There are numerous detailed conditions have been requested from both parties which will require the developer to submit sufficient information and calculations for the flood storage and run off rates to ensure that an appropriate drainage scheme can be achieved which will then address the issues on this site. These details will need to be agreed prior to commencement of any development on the site.

Subject therefore to appropriate conditions requiring further technical information the development would be acceptable in terms of flood risk and accords with policy ENV7.

6. Contamination

A site investigation report has been submitted which is acceptable. A standard contamination condition has been recommended by PBC Environmental Health to be attached and this will ensure the site is clear of any potential hazards.

7. Landscaping and Ecology

Policy LIV5 requires all proposals for residential units to provide on-site open space which can take the form of Green Corridors and spacious layouts.

Open Space is proposed within the site towards the south east corner abutting the new development on the Former Ambulance Station site which has still be commenced/completed.

Tree planting is proposed throughout the site and the agent has been requested to review the proposed boundary treatments to the north and west of the site and provide hedges instead of stone walling in order to soften the scheme and blend with the fields to the west.

The site layout provides adequate private amenity spaces for each plots which will help to soften the scheme and the open space provision adds some visual interest in the overall layout.

Details of the overall landscaping for the site can be controlled by an appropriate condition.

The submitted ecology recommends compensatory planting and habit enhancement which can also be controlled by condition.

The proposal therefore accords with adopted policy.

8. Contributions

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

In terms of health service contributions there are a number of concerns about the request and justification for those requests. Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:

Section 106 of the 1990 Act provides as follows:

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

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

(2) A planning obligation may—

- (a) be unconditional or subject to conditions;
- (b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and
- (c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

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

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

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

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

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

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

“infrastructure” includes—

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

(f) open spaces”

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

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

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

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

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

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

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

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

Committee are therefore recommended not to require a contribution to the NHS as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development. The level of contribution would also undermine the already low level of profitability and would jeopardise whether or not the scheme would proceed.

9. Affordable Units

Policy LIV4 sets out the criteria for providing affordable units on sites within the Borough. As this site is for 19 units in West Craven it is required to provide 5% as affordable. However, as part of the previous application evidence was submitted stating that as the scheme is for over 55's this does not apply.

10. Other issues

Whilst there Listed Buildings in the locality none of these are in close enough proximity to be affected by the proposal and are in any event close to existing housing development. Reference has been made to its historic setting and archaeological merit but no evidence to support this has been provided and the site is not within a Conservation Area which would require further consideration.

Summary

The principle of residential development in this location is acceptable in terms of design, materials, highways and landscaping subject to appropriate conditions. The proposed development would not have a detrimental impact on residential amenity and accords with the adopted policies of the Pendle Local Plan: Part 1.

There are some outstanding drainage issues that need to be resolved before permission for the development could be granted. These do not however affect the principle of development and are matters that could be delegated for decision.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. Subject to appropriate conditions the proposal would not unduly impact on amenity, raise undue highway concerns or design issues and details of drainage/flooding, landscaping contamination and ecology can be controlled by appropriate conditions the development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions:

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

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

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

19-153-LDP01 Rev B(1), 19-153- PL-0001 Rev B Site Layout (1), 19-153-PI-0001 Rev B Site Layout – Colour, A3 500 0 Mitigation fig 2, House Pack Rev B 05.02.21 (1) Plan 4 Landscape Strategy Plan, Streetscenes C, 31203 Brodgen Lane FRA Rev 1, J496 Transport Assessment,

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

3. Prior to the commencement of development samples of the materials to be used in the construction of the 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 be carried out in strict accordance with the approved details.

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

4. No part of the development hereby permitted shall be commenced until details of the proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess how the development will accommodate the varied land levels and control the final form.

5. 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.
 - c) The areas for the storage of plant and materials.
 - e) Details of wheel-washing facilities including location
 - g) Measures related to construction waste management
 - i) Soil resource management including stock-pile management
 - n) Location and details of site compounds
 - o) Hoarding details during construction
 - u) Parking area(s) for construction traffic and personnel
 - v) Routeing 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 phase(s).

6. 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.

7. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the dwelling is occupied.

Reason: To ensure proper drainage and manage risk of flooding and pollution.

8. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (February 2021 / 31203/LRD / Sutcliffe issue 2), drainage strategy (February 2021 / 31203/LRD / Sutcliffe issue 2) and drainage strategy drawing (5th February 2021 / 31203-SUT-ZZ-XX-DR-C-6020-0002 / Sutcliffe).

The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing arrangements embodied within the scheme, or within any other

period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

9. 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 drainage strategy 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.
- 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;
- c) Evidence (such as a CCTV Survey) showing the condition of the site culverts and drains to demonstrate that they are free flowing and in good condition.

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

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

10. 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; 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.

11. 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 an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 168 of the National Planning Policy Framework.

12. No other part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: In the interest of highway safety to ensure that satisfactory access is provided to the site before the development is commenced.

13. Prior to the commencement of development a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.
- a. New footway on Brodgen Land and new pedestrian build out on Gisburn Road to link to Greenberfield Road.
 - b. Scheme of street lighting on Brogden Lane between Gisburn Road and the site access.
 - c. Upgrade of bus stop on Greenberfield Road

Reason: In the interest of highway safety to ensure that off-site highway improvements are provided to the site which will mitigate the development.

14. 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 2.4 m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Brogden Lane to points measured 52m along the nearer edge of the carriageway of Brogden Lane in both directions, from the centre line of the access, in accordance with a scheme to be agreed by the Local Planning Authority.

Reason: To ensure adequate visibility at the street junction or site access.

15. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the proposed roads and footways and open space within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: To ensure that the internal roads and footways and the on-site open space serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety.

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

Reason: In order to ensure the development is carried out in an acceptable manner in terms of completion.

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

Reason: In order to ensure the development is carried out in an acceptable manner in terms of completion.

18. Prior to first occupation of any approved dwelling the parking area associated with that dwelling, as shown on the approved plans, shall be constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

19. Prior to the first occupation of any approved dwelling, at a ratio of 1 cycle per bedroom, secure covered cycle storage facilities shall be provided in accordance with a scheme to be approved by the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

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

Reason: To ensure that the development provides sustainable transport options.

21. The garages hereby permitted shall not at any time be used for any purpose which would preclude its use for the parking of a motor car.

Reason: To ensure that there is adequate off-street parking provision within the site to prevent on-street parking that would be inimical to highway safety.

22. Window and doors shall be set at least 75mm from the external face by at least 75mm in depth.

Reason: To ensure an acceptable form of development.

23. The development hereby permitted shall not be commenced unless and 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 boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

24. 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.

25. The development shall be carried out in full accordance with the mitigation plan set out in the 'envirotech Preliminary Ecological Appraisal, Land off Brogden Lane, Barnoldswick, August 2020'. Details for the provision of bird and bat boxes and other mitigation and enhancement measures shall be submitted to and agreed in writing by the Local Planning Authority prior to work commencing on site. The development shall then be carried out in accordance with the agreed details

Reason: To ensure no net loss of biodiversity as a result of the development.

26. Before the first dwelling unit is occupied waste containers shall be provided in the bin storage area.

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

Notes

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:

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

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

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

Application Ref: 21/0848/FUL

Proposal: Full: Major: Erection of 19 No. bungalows (for people over 55) with associated landscaping, car parking and access from Brogden Lane (Re-submission).

At: Land to the West of Brogden View, Brogden Lane,
Barnoldswick

On behalf of: Applethwaite Ltd

REPORT TO WEST CRAVEN COMMITTEE ON 01 FEBRUARY 2022

Application Ref: 21/0860/FUL

Proposal: Full: Erection of holiday cottage.

At: Deerstone House Windlefield Farm, Birch Hall Lane, Earby

On behalf of: Mr C Greenwood

Date Registered: 07/05/2021

Expiry Date: 02/07/2021

Case Officer: Alex Cameron

This application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

The application site comprises an agricultural machinery storage area adjacent to a converted barn located within the open countryside.

The proposed development is the erection of a three bedroom holiday cottage. The building would have a footprint of 12m x 9m with an eaves height of 3.1m and a ridge height of 5.5m and would be finished in natural stone with a slate roof.

An application for a similar proposal was refused by Committee earlier this year for the following reason:

The proposed access is inadequate to serve the proposed holiday accommodation and would result in an unacceptable highway safety impact contrary to policies ENV4 and WRK5 of the Local Plan Part 1: Core Strategy and section 9 of the National Planning Policy Framework.

This is a revised application including a Transport Statement and proposals for improvements to the access track including widening and three new passing bays.

Relevant Planning History

13/01/0171P Convert and extend barn to form dwelling and erected double garage – Approved.

13/11/0349P – Erection of a domestic garage (to replace garage previously permitted) – Approved.

13/13/0256P - Full: Erection of agricultural storage building. Approved.

21/0065/FUL - Full: Erection of holiday cottage (Log cabin) (Use Class C3) – Withdrawn

21/0386/FUL - Full: Erection of holiday cottage. Refused

Consultee Response

LCC Highways – No objection.

PBC Environmental Health – Please attach a construction management condition and a note relating to contamination.

Earby and Salterforth Drainage Board – No comment.

Earby Town Council -

Public Response

Site notice posted and neighbours notified – One response received raising the following concerns:

Concerns over accuracy of the transport statement.
Wheelie bins causing obstruction to access.

Officer Comments

Policy

National Planning Policy Framework

Planning policy nationally is set out in the National Planning Policy Framework (“the Framework”). This sets out the economic, social and environmental role that planning has. Part 3 deals with supporting a prosperous rural economy. It supports sustainable growth and expansion of all types of businesses. It also supports the diversification of agricultural and other land based rural businesses as well as retaining local services and rural communities. The encouragement of growth is predicated on the conversion of existing buildings and well-designed new buildings.

Adopted Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires great weight to be given to the landscape and scenic beauty of the AONB. Proposals are to be considered on a needs basis and be in scale and respect for their surroundings. Proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

Policy ENV2 (Achieving Quality in Design and Conservation) seeks to encourage high standards of design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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

Policy SDP2 (Spatial Development Principles) states that proposals for new development should be located within a settlement boundary. Proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

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

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area’s natural and historic environment.

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

Expansion of the rural economy and farm diversification projects will be supported by promoting the re-use of existing buildings of traditional design and construction and by allowing extensions to existing business premises. Premises alongside the Leeds and Liverpool Canal provide a unique opportunity to preserve our industrial heritage, whilst creating new employment opportunities.

Replacement Pendle Local Plan (RPLP)

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

Principle of the Development

The proposed development is for a holiday let. This is an acceptable location for a holiday let within acceptable walking and cycle distance of the settlement of Earby for holiday accommodation. The proposed development is therefore acceptable in principle in accordance with policy WRK5.

Design and landscape impact

The application site sits towards the top of a hill, however, it would be cut into the hillside and taking into account its relatively low ridge height, its simple stone appearance and that a similar sized agricultural building has previously been approved on this site, it would not cause unacceptable harm to the landscape and visual amenity of the area.

Residential Amenity

The proposed building is a sufficient distance from Windlefield Farm to the east, including the previously approved but seemingly unimplemented barn conversion, to ensure that it would not result in an unacceptable loss of privacy, light or overbearing impact. The proposed development would raise no unacceptable residential amenity issues in accordance with policy ENV2.

Ecology

An ecology and tree survey have been submitted assessing the ecological impact of the development, including of the proposed alterations to the access track which runs through a Biological Heritage Site. The ecology survey demonstrates that there would be no unacceptable ecological impacts from the development.

Highways

The submitted transport statement comprehensively demonstrates that the existing and post development traffic flows would not result in any highway capacity or safety issues and, with the proposed improvements to the private access road, the proposed access would be acceptable. An adequate level of car parking provision is proposed and the proposed development is acceptable in terms of highway safety in accordance with policies ENV4 and 31.

Some concerns have been raised over the accuracy of some elements of the Transport Statement in relation to layout and status of the road network approaching the site, the agent has provided an additional response to address those matters and acceptably demonstrated that they do not materially alter the conclusion that the development is acceptable in highway terms.

Other issues

Concerns have been raised regarding bin storage. There is adequate space for bin storage within the site, planning cannot reasonably control where bins are left, collection arrangements are a separate matter to the planning process.

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 use is acceptable in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and saved policies of the Replacement Pendle Local Plan. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with 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: Gre/987/3057/01, J1350 access mitigation fig 1, J1350 access mitigation fig 2

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

3. Prior to any above ground works involved in the erection of the external walls of the development samples of the materials of the walls and roof 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 materials.

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

4. The holiday let hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of the occupiers of the holiday let and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

Reason: In order to ensure proper control of the use of the holiday unit and to prevent the establishment of permanent residency.

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

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

6. A scheme for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the holiday let. The scheme shall provide for separate systems for foul and surface waters and the drainage for the development shall be constructed and completed in accordance with the approved plans before the development is occupied.

Reason: To control foul water disposal.

7. The proposed development should not be brought into use unless and until the parking area and turning shown on the approved plans have been constructed, laid out and surfaced. The parking and turning area shall thereafter always remain free from obstruction and available for the parking and turning of vehicles.

Reason: In order to ensure satisfactory levels of parking are achieved within the site.

8. The development shall be carried out in strict accordance with the recommendations of The Preliminary Ecological Appraisal received 28/12/2021.

Reason: In order to ensure that the ecological value of the site is preserved.

9. The development hereby approved shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method statement shall include details of:

- Hours of operation
- Hours of deliveries
- Measure to control construction site noise and vibration
- Measures to control dust
- Control of burning onsite

The development shall be carried out in strict accordance with the approved details.

Reason: In the interest of residential amenity.

Note: If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

Application Ref: 21/0860/FUL

Proposal: Full: Erection of holiday cottage.

At: Deerstone House Windlefield Farm, Birch Hall Lane, Earby

On behalf of: Mr C Greenwood

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 19th January 2022