

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 2ND FEBRUARY 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 2ND FEBRUARY, 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: 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: Carlo Lioni

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 2ND FEBRUARY, 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: 04 December 2021
Expiry Date: 01 March 2022
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, Landscaping including boundary treatments, 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; and
- 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 considers 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 in 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.

Materials proposed are natural stone, through colour render in white and natural stone slate roofs with windows and doors timber framed pre-finished in White. Rainwater goods are to be black cast iron and materials will be provided which accords with 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 appropriate conditions.

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.

Landscaping plans incorporating boundary treatment have been submitted. The inappropriate timber fences have been removed and the entrance into the site improved. As the planting statement has indicative species these will need to be submitted and agreed as part of an appropriate condition including samples of hardstanding.

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.

The plans have been amended to ensure there is no encroachment into the root protection area and 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 agent has confirmed that existing septic tank lies on the highway verge outside and would not be affected by this proposal.

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. The agent is aware of the existing constraints relating to drainage connection and this would be a separate legal issue.

However, in order to ensure that appropriate surface water drainage can be provided a condition requiring a detailed drainage strategy to be submitted prior to commencement of the development would be appropriate here.

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 effect. 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 providing four spaces 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 in this location and would not adversely impact on the Conservation Area and amenity of the area as they would be of an appropriate scale and layout subject to appropriate conditions.

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: Approve

Subject to appropriate 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_003A, A007_P_100A, A007_P_101, A007_P_102, A007_P_103, A007_P_104, 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) 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 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.

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