



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES

TO: WEST CRAVEN COMMITTEE

DATE: 1st MARCH 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN AREA COMMITTEE ON 01 MARCH 2022

Application Ref: 21/0803/VAR

Proposal: Full: Variation of Condition: Vary Condition 4 (Hours of operation) of Planning Permission 21/0115/FUL.

At: Gisburn Road Nursery Gisburn Road Barnoldswick

On behalf of: Tracey Platt

Date Registered: 11/10/2021

Expiry Date: 06/12/2021

Case Officer: Alex Cameron

This application has been brought before Committee as more than two objections have been received.

Site Description and Proposal

The application site is a former nursery building located within the settlement of Barnoldswick and Cornmill and Valley Gardens Conservation Area on Gisburn Road. To the north side is Stocks Beck and dwellings opposite, to the rear is a garage colony, to the south side are dwellings and to the front across Gisburn Road are retail premises possibly with flats above and the Valley Gardens.

Retrospective planning permission was granted last year to change the use of the site to a storage unit for a building contractor. This application is to vary condition 5 of the Planning Permission which restricts hours of operation.

The current condition is:

There shall be no loading, unloading, deliveries taken or other operations within the site outside of the hours of 9am to 6pm on any day.

Reason: To protect the residential amenity of surrounding residents.

The application seeks to alter this to 7:30am to 5:30pm

Relevant Planning History

21/0115/FUL - Full: Change of use from former Children's Nursery to storage unit. Approved

Consultee Response

LCC Highways – No objection.

PBC Environmental Health – No objection.

Barnoldswick Town Council

Public Response

Press and site notice posted and nearest neighbours notified – Responses received objecting on the following grounds:

- Concerns in relation to pedestrian safety and safety of children walking to school.
- Noise impacts of the proposed hours.
- Use outside of permitted hours.
- Concerns relating the visual and heritage impacts.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

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

Visual Amenity and Heritage Impact

The applicant has stated that storage would be within the building, however, there is some external storage currently. The site is surrounded by stone walls of approximately 1.5m tall and some external storage contained in less visible parts of the site could be accommodated without harm to the significance of the Conservation Area or visual amenity. The external storage can be controlled by condition to ensure this.

The proposed development is therefore acceptable in accordance with policies ENV1 and ENV2.

Amenity

The use has the potential to impact on the surrounding dwellings, in particular from loading and unloading of materials and machinery within the site. The applicant has stated that the majority of storage would be within the building, which, taking into account its scale would limit its potential impact, the level of external storage and hours of such operations can be controlled by conditions and this would adequately protect the amenity of surrounding residents.

Hours were limited, with the agreement of the applicant, and external storage restricted to an approved degree to address that potential impact. This application proposes to alter the hours of operation allowing for an earlier start of 7:30 to fit in with the business's working patterns. The proposed 7:30am start time would not result in unacceptable residential amenity impacts.

The proposed variation is therefore acceptable in terms of residential amenity in accordance with policy ENV5.

Highways

The proposed alteration to the hours of use would not result in any unacceptable highway safety impacts.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed variation of condition is acceptable in terms of principle, amenity and highway safety and would preserve the significance of the Conservation Area. The development is

therefore compliant 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

1. The proposed development hereby permitted shall be begun before the expiration of three years from 08th September 2021.

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: Location Plan, SkA01, JG01.

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

3. All external storage of materials, machinery and other paraphernalia shall be in strict accordance with the plan No. SkA03 or an alternative plan that has been submitted to and approved in writing by the Local Planning Authority. There shall no external storage unless in strict accordance with the approved details.

Reason: To preserve the significance of the Conservation Area, visual amenity of the area and residential amenity of surrounding residents.

4. There shall be no loading, unloading, deliveries taken or other operations within the site outside of the hours of 7:30am to 5:30pm on any day.

Reason: To protect the residential amenity of surrounding residents.

5. A scheme for the highway works to the site access on Gisburn Road shall be submitted to the Local Planning Authority within three months of this approval. These works shall be constructed and completed in accordance with the scheme within three months of the approval of the scheme.

Reason: In the interest of highway safety.

6. The internal manoeuvring areas shown on the approved plan JG01 shall be kept clear and free from any obstructions at all times for the lifetime of the development to allow vehicles to enter and leave the site in forward gear.

Reason: In order that the traffic generated by the development is not detrimental to highway safety

Application Ref: 21/0803/VAR

Proposal: Full: Variation of Condition: Vary Condition 4 (Hours of operation) of Planning Permission 21/0115/FUL.

At: Gisburn Road Nursery Gisburn Road Barnoldswick

On behalf of: Tracey Platt

REPORT TO WEST CRAVEN COMMITTEE ON THE 1st MARCH, 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.

A Viability Assessment has also been submitted in respect to any requirement for contributions and affordable housing units.

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.

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 houses 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;
- Brogden 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 Brogden 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 Brogden Lane and details of this proposal are shown with the Transport Statement.

Off-site highway works will also include street lighting on Brogden 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.

Further details have been submitted and revised comments are awaited.

Subject to the revised plans being acceptable and 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 developer would be paying for services already funded in the standard funding formulae.

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

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

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

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.

A Viability Assessment has been submitted which is being considered in terms of whether the proposal can provide affordable units within the site. There are a number of key issues to take into account including rising construction costs and strong market conditions.

An update on this will be provided to the meeting and a condition has been attached requiring 5% affordable on the site until this matter has been satisfactorily addressed.

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. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 5% of housing units/bed spaces;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

4. 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.

5. 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.

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.

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).

7. 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.

8. 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.

9. 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.

10. 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.

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

Those details shall include 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.

12. 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.

13. 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.

14. 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 Brogden 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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 01st MARCH 2022

Application Ref: 21/0972/FUL

Proposal: Full: Formation of first floor extension with pitched roof, additional four air conditioning units and alterations to window/door and existing parking layout including a 6 cycle shelter and creation of 10 parking spaces on adjacent land

At: My Dentist, Harrison Street Dental Centre, Harrison Street, Barnoldswick

On behalf of: MyDentist

Date Registered: 14/12/2021

Expiry Date: 08/02/2022

Case Officer: Laura Barnes

This application has been called in by a Councillor.

Site Description and Proposal

The application relates to an existing dental practice which is single storey in height with a flat roof, it is located in a residential area within the settlement boundary of Barnoldswick.

The application seeks planning permission to extend the building, increasing the capacity of the dental practice, with a first floor extension to provide additional floor space within the building. It includes changing the roof height, so that it would be a dual pitched type to be covered in slate with a pitch height of 8.8m.

Relevant Planning History

13/09/0328P: Full: Erection of a single storey commercial extension to dental practice.
Approved with conditions

13/10/0310P: Advertisement Consent: Display 1 No Fascia signs and 1 No Directory Sign.
Approved with conditions

Consultee Response

Lancashire County Council Highways
Response dated 11th January 2022

The site was visited on 5 January 2022.

Having considered the information submitted, together with site observations, the Highways Development Control Section makes the following initial comments.

Proposal

The application seeks to extend the existing dental practice on Harrison Street and amalgamate with the Park Avenue dental practice. The number of consulting rooms would increase from three to six. The Park Avenue practice would close.

The Harrison Street site has an existing small car park with an access on Harrison

Street. The applicant seeks to close the existing access on Harrison Street and remove the northern boundary of the site, creating a full width vehicle access along the unnamed adopted highway to the side of 28 Harrison Street. This will provide 6 off-street spaces including one disabled parking space. We would raise an objection to this proposal; see details below.

In addition, a further 12 off-street car parking spaces are proposed on third party land, currently used for recreation, to the south of the children's playground and from the west side of Harrison Street. We would seek the removal of the spaces adjacent to the children's playground; see details below.

Sustainability

The site is within acceptable walking distances of public transport, with bus stops in both directions on Kelbrook Road, where there is also a controlled pedestrian crossing.

The Transport Statement includes survey data during September and October 2021 showing the modal split for customers and staff at the existing practices on Park

Avenue and Harrison Street. The percentage of single car occupancy trips at Harrison Street and Park Avenue is 37% and 59% respectively; the remaining trips are undertaken on foot or by public transport with a very small percentage as a passenger in a private car.

This demonstrates the site does support travel by sustainable modes at both sites.

There are also several free, long stay public car parks within the town centre. The nearest one is on Rainhall Road, which has a pedestrian access at the bottom of the car park leading onto Rook Street and then Harrison Street. This is within an acceptable walking distance from the practice for both patients and staff.

Patients may also visit the practice as part of linked journeys, parking elsewhere and arriving on foot.

Proposed parking – unnamed side road

The highway authority would raise an objection to the proposed parking layout of six spaces within the curtilage and accessed from the unnamed side road at the gable end of 28 Harrison Street.

The manoeuvring area from the parking bays is sub-standard at 5.6m.

Perpendicular bays should have a minimum 6m manoeuvring area (Manual for Streets). The footway along the gable of 28 Harrison Street is narrow at approximately 0.8m wide so there is a likelihood that this would be overrun and cause a safety issue for pedestrians traveling along the adopted highway. This is a well-used route for all users as witnessed during the site visit.

A swept path plan has been submitted demonstrating that vehicles can exit onto Harrison Street. However, this has not taken account of vehicles parked outside No 28 Harrison Street. Vehicles parked on this side of Harrison Street would also obstruct visibility to and from the side road.

Planning permission for a single storey extension at the practice was granted in September 2009 (ref 13/09/0328P). This included a condition to provide on-site parking for not less than five cars (Condition 3). A parking layout to discharge this condition was submitted in September 2009 (Drawing No 0905.14A – dated 18.09.09) showing four parking bays and one disabled bay. The current on-site parking is not laid out to the approved plan. We would support the retention of the existing access on Harrison Street with a minor amendment to the previously approved internal layout as follows.

Bay 4 should be removed to allow a disabled parking bay to be sited parallel with the boundary along the unnamed side road, as the area along the gable end of the practice is too narrow to

provide an adequately sized disabled parking bay. A disabled bay should be 6m long x 4.8m wide including the appropriate hatching. Bay 4 could then be re-located to the gable end.

The four bays should be allocated to staff, as their vehicles are likely to be parked up all day and therefore there would be very limited manoeuvring. The disabled bay could also be used as a manoeuvring area at the start/finish of the working day when it is not in use. Demand for the disabled parking bay could also be managed through the practice's appointments system.

The bin store could be positioned along the boundary with the play area, in front of bay 5.

Cycle storage is proposed in the form of Sheffield stands with a canopy over, located to the side of the existing entrance. This does not provide secure storage and may not be used by staff or patients, especially during inclement weather. Both the Planning Statement and Transport Statement (para 7.1.7) indicate a need for cycle parking supported by the staff and patient surveys. Cycle storage for staff in the form of cycle lockers should be provided and located at the top of the site, adjacent to bay 1 (approved layout for 09/0328P). Patient cycle parking could be provided along the gable end of the building facing Harrison Street with a canopy fixed to the building's wall.

Proposed parking – Harrison Street

Twelve new parking bays are proposed on third party land with access via Harrison Street. Bays 7 and 8 are immediately adjacent to a children's play area. This raises concerns regarding conflict between vulnerable highway users and vehicles manoeuvring to and from the bays. These should be deleted from the scheme to provide a buffer zone between the play and parking areas. This would also reduce the loss of general, on-street parking by one space.

The Proposed Block Plan (Drawing No 304.09) also shows a pedestrian access path between bays 12 and 13. This should be deleted from the scheme to protect vulnerable highway users.

The Proposed Block Plan indicates that restricted parking signs would be erected along the bays, although the wording has not been included. Further information should be submitted about how parking in these bays would be managed. Would residents be allowed to park here outside the practice's opening hours, or would they be prevented from parking here at any time? As some unrestricted on-street parking would be lost the development should not be to the residents' detriment. The applicant would need to make clear on the signage, and to patients/residents, what the restrictions would be.

This information should be set out in a Car Parking Management Plan and submitted for approval as a planning condition.

The applicant should confirm staff working patterns to help indicate what demand there may be for long-stay parking.

It should be noted that whilst the Proposed Block Plan shows a manoeuvring distance of approximately 8.5m from the rear of the parking bays to the edge of the footway on the opposite side of Harrison Street, this has not taken into account vehicles parked on this side of Harrison Street. The minimum manoeuvring distance of 6m is, however, likely to be achievable with a vehicle parked on Harrison Street. Works to construct these parking bays will require alteration to the adopted highway which must be completed under a legal agreement (Section 278) with Lancashire County Council. No works should commence until the agreement has been signed.

A detailed design of the paving and drainage of the bays will be required at condition discharge stage to ensure that no water is discharged onto the highway or vice versa.

The existing flagged footway on Harrison Street which will be dropped to provide vehicle access to the bays will need to be laid in tarmac to the county council's specification.

A highway gully between bays 15 and 16 may also need to be re-located.

Parking

Pendle's adopted Parking Standards for health/medical facilities with a gross floor area of less than 500 sq m are that four parking spaces per consulting room should be provided. This equates to 24 spaces for this development; the proposal is for 18 parking spaces.

At the time of the mid-morning visit both sides of Harrison Street from the playground to outside No 57 were well-parked up with limited spare capacity. The on-street parking is likely a combination of residential parking with some overspill parking from the practice. It was noted that two cars were parked within the practice's curtilage and one immediately outside on Harrison Street.

With the proposed amendments, this would result in a provision of 15 off-street parking spaces which would be a shortfall of 9 spaces from the maximum. We would deem this acceptable given the supporting information provided on the existing modal split which demonstrates good levels of travel other than by the private car.

Conclusion

To conclude, the current proposed alterations to access and parking would result in an objection from the highway authority. However, with amendments submitted, as outlined above, we would seek to support the proposal with conditions. We will provide the conditions separately should the application be approved.

Final comment

Dated 18th January 2022

A revised Proposed Block Plan (Drawing No 304.09/B dated 14/01/2022) was received on 14 January 2022, which has taken into account concerns raised and comments made in the highway authority's initial response of 11 January 2022, regarding parking layout and cycle storage. This layout is now acceptable, and the highway authority withdraws its previous objection, subject to a number of highway related conditions and note being applied to any formal planning approval granted.

The following additional comments should also be noted.

Formation of parking area off Harrison Street

The formation of the new dropped vehicle crossing from Harrison Street to the proposed parking bays would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to:

- the construction of the dropped vehicle crossing on Harrison Street to the county council's specification
- drainage required at the back of the edging to the bays to prevent water from discharging onto the highway
- relocation of any highway gullies
- a street lighting assessment
- all footways/margins to be resurfaced over the extents of the works
- at least half width carriageway reinstatement over the extents of the works.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process. Due to the high number of legal agreements being submitted this process is taking longer than normal and may take up to six months to complete.

General

As the development site is within a residential area, with only one route to and from the wider highway network, and adjacent to a recreational area, a construction method statement should be submitted.

To ensure that the development provides sustainable transport options, an electric vehicle charging point should be provided with the curtilage prior to the proposed development first coming into use.

Conditions

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Timing of deliveries
- x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

2. A scheme for the construction of the vehicular access to the parking bays off Harrison Street shall be submitted to, and approved in writing by, the local planning authority in consultation with the highway authority. Works shall include but not be exclusive to:

- the construction of the dropped vehicle crossing on Harrison Street to the county council's specification
- drainage required at the back of the edging to the bays to prevent water from discharging onto the highway
- relocation of any highway gullies
- a street lighting assessment
- all footways/margins to be resurfaced over the extents of the works
- at least half width carriageway reinstatement over the extents of the works.

Reason: In order to satisfy the local planning authority and highway authority that the final details of the highway scheme/works are acceptable before work commences on site.

3. No part of the development hereby approved shall be occupied or opened for trading until all the highway works have been constructed and completed in accordance with the approved scheme.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

4. The car parking spaces within the practice's curtilage shall be marked out and signed 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, prior to first use of the approved development, and the manoeuvring area shall be kept free from obstructions for the lifetime of the development.

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

5. The parking bays off Harrison Street shall be constructed, surfaced in bound porous material, drained internally, marked out and signed in accordance with a scheme to be approved by the local planning authority prior to first occupation of the development and retained for the lifetime of the development.

Reason: To provide an adequate level of off-road parking in the interest of highway safety.

6. Prior to occupation of the proposed development a car parking management policy and plan shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. This shall include, but not be exclusive to, the wording on the Harrison Street parking bays signs; use by general public outside practice's opening hours, management of the parking bays within the curtilage, including the disabled parking bay. Reason: In order to ensure satisfactory levels of off-street parking are achieved to prevent parking on the surrounding highway network to the detriment of highway safety.

7. The cycle storage facilities shall be provided in accordance with the approved plan before the use of the premises hereby permitted is first occupied and permanently maintained thereafter.

Reason: To ensure that the development provides the infrastructure to support sustainable transport modes.

8. An electric vehicle charging point within the practice's curtilage shall be provided in accordance with a scheme to be approved by the local planning authority and shall be provided prior to first occupation of the approved development.

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

Note

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

- the construction of the dropped vehicle crossing on Harrison Street to the county council's specification
- drainage required at the back of the edging to the bays to prevent water from discharging onto the highway
- relocation of any highway gullies
- a street lighting assessment
- all footways/margins to be resurfaced over the extents of the works
- at least half width carriageway reinstatement over the extents of the works.

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

Cadent Gas

The application site is located in the vicinity of apparatus which may be affected by the proposed development. The applicant is advised to consider the response from Cadent in detail.

Environmental Health Officer

Initial comment

Concerns raised in relation to the noise from the air handling units, given that there will be an increase in the number of these as a result of the proposed development.

Final comment

Following the submission of a noise assessment, the Environmental Health Officer has reviewed the details relating to the proposed air handling units and is satisfied that they would not result in an unacceptable impact upon neighbouring amenity.

Arboricultural Consultee

If you are minded to approve the proposals I would need to see an 'Arboricultural Method Statement' that includes a 'Tree Protection Fencing Plan'. This is crucial to enable the protection of these other trees on the site during the construction phase of the car parking spaces.

The applicant has submitted indicative information with regards to mitigated planting but this would need to be submitted in the form of a full landscaping scheme with planting schedule and detailed specifications. This can be conditioned.

Barnoldswick Town Council

At a meeting of the Full Council on 12th January it was resolved to comment as follows:

The Town Council are broadly in favour of the plans. The provision of additional practice space will be favourable. The parking provision within the application is not suitable as the land in question is in the process of being transferred to Barnoldswick Town Council and they wish to retain this as amenity land. Therefore alternative parking provision will need to be looked at.

Public Response

Nearest neighbours have been notified, six letters of objection have been received raising the following issues:

- Concerns that the open space will be turned into a car park
- Traffic situation on Harrison Street is bad
- When people are dropping off or collecting children at the school, there is nowhere to park on Harrison Street and Lower Park Street. The access from Rook Street and along Harrison Street is very narrow
- Concern about children crossing the road to the playground with parked cars around
- The dental practice should perhaps use an industrial unit with good parking and access, instead
- There is insufficient space for residents to park on Harrison Street
- There is a perfectly useable public carpark at the top of the street, and none of the other medical facilities in town have a private car park for visitors, this includes the main medical centre on park road
- Increase in building size, an alternative location may be better
- Highway safety concerns – the proposal will likely lead to an increase in accidents
- The existing building is discrete, the proposed building would be an eyesore
- The land in question for the parking bays is currently labelled in the local plan as 'open space' and would be subject to consultation should a change of use be requested. This land has been open space and according to local knowledge was gifted to the town shortly after the war. To take away land for parking would restrict the use of the open space which currently has many children playing ball games and such throughout the year
- Overbearing for the properties that face on to it (gables of Harrison Street and Essex Street), this would block any natural light that they currently have and would be a loss of privacy
- Suggest that Committee do a site visit around school drop off / pick up time or at 6.30pm

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP2 (Spatial Development Principles) states that new development within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

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

Policy ENV5 (Pollution and Unstable Land) sets out that the Council will work with its partners to minimise air, water, noise, odour and light pollution and to address the risks arising from contaminated land, unstable land and hazardous substances.

Policy LIV5 (Designing Better Places to Live) requires all new housing to be designed and built in a sustainable way and follow the design approach laid out in Policy ENV2. New housing should make the most efficient use of land and take into account townscape and landscape character.

Policy WRK1 (Strengthening the Local Economy) sets out that new opportunities for economic development should help to strengthen the local economy. Proposals which facilitate expansion, or support investment will be supported.

Policy WRK6 (Designing Better Places to Work) states that proposals should take account of the general design principles set out in Policy ENV2, it encourages the incorporation of active frontages to promote vitality.

Policy SUP2 (Health and Wellbeing) seeks to support provision for new or improved facilities for health, leisure and social care.

Policy SUP4 (Designing Better Public Places) encourages high quality design in publicly accessible buildings, particularly design elements which make a positive contribution to the local character of the area.

Design Principles Supplementary Planning Document (SPD)

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

Principle of Development

The principle of the dentist in this location has already been established. However, this application seeks to extend the existing operation to increase the capacity of the surgery by adding an additional floor to the building. The extension plans also include the creation of car parking on Harrison Street. The Local Plan, Part 1: Core Strategy seeks to strengthen opportunities for economic development, it also encourages developers to design better places to work. As such, the proposed development accords with Local Plan: Core Strategy Policies WRK1 and WRK6, subject to design and amenity issues which are discussed in the following sections.

Design

The Local Plan: Part 1 Core Strategy states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets. The Design Principles SPD provides further guidance on the design of buildings. This recommends that pitched rooves are more favourable in design terms than flat rooves. The proposed development involves creating a first floor to the existing dental practice. This includes raising the roof height and changing its form to a dual pitched roof. Clearly, the overall height of the building will be significantly greater. However, in relation to the position of the building in the context of its surroundings there are other terraced properties which are of a similar height to the proposed extension. As such, it would not look out of character with the area, despite doubling in height.

The proposed materials are for cream coloured k-render walls, a slate roof and white UPVC windows and doors. The existing building is coloured white and has a flat roof. The proposed development represents an improvement in overall design terms and would blend with the surrounding character of the area more than the existing flat roof building does.

In terms of the proposed openings, they are in keeping with the existing fenestration of the building and not out of character for either the building or the surrounding wider visual amenity.

Overall in design terms, the proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Residential Amenity

The application site is located in an area dominated by residential dwellings but with a primary school and sports centre within close proximity. Policy ENV2 of the Local Plan: Core Strategy requires development to not result in an unacceptable impact upon residential amenity.

In terms of additional openings, the proposed development includes inserting six windows to the first floor, to the side elevation closest to the playground. There are seven ground floor windows to this elevation at present. The proposed first floor windows to the side elevation closest the playground would not result in any unacceptable amenity issues.

Turning now to the opposite side, closest with 28 Harrison Street and 37 Essex Street. This side elevation has four ground floor windows at present, which are proposed to remain the same. To the first floor on this side, there are to be six windows, two of which are marked as obscure glazed (serving the WC / staff changing areas). In terms of neighbouring amenity, No. 28 Harrison Street has an existing first floor window to the side elevation closest with the dental practice and a ground floor window to the single storey outrigger, which also faces towards the dental practice. The boundary between the application site and No. 28 Harrison Street is a backstreet / public highway which is a rear access for the terraced row and there is a belt of mature Cypress trees along this boundary. The trees provide effective screening between the proposed development and the property at No. 28 Harrison Street currently. The trees are within the control of the applicant but are scheduled for removal as part of the proposed development. The first floor side elevation window at No. 28 serves a stairwell and is not a habitable room. Similarly, the ground floor window

serves a kitchen extension and there is a 1.5m high wall forming the boundary of the rear yard at this property. The distance between the proposed development and the closest existing window (first floor stairwell) at No. 28 Harrison Street is 14.5m. Given the distance between the proposed and existing windows, the presence of the existing right of way / access to the rear of the terraces and the rooms which the windows serve (being non-habitable rooms), the proposed openings would not result in an unacceptable neighbouring amenity issue. There are no proposed windows to either the elevation facing Harrison Street or Kelbrook Road.

Despite the overall height of the building increasing from the existing (to 8.8m) the proposed development would not result in an unacceptable neighbouring amenity issue in terms of an overbearing effect. This is because the existing buildings which surround the dental practice are all two storey in height and are approximately 8m to ridge. The proposed development also sits at a lower level than the road which runs to the west (Kelbrook Road).

As such, the proposed development accords with Policy ENV2 of the Local Plan: Core Strategy.

Highways

Local residents have highlighted difficulties with the existing car parking arrangements and highway safety issues during drop off and pick up times relating to the local school. It is noted that there is a public car park on Rainhall Road (120m from the dental practice). It should be acknowledged that it is not the responsibility of a proposed development to solve an existing car parking issue. Clearly, the area surrounding the dental practice is busy with parked cars and on-street parking throughout the day.

However, the proposed additional car parking for patients would ensure that people visiting the practice would not add to the existing car parking problem. Although people currently use this length of Harrison Street for on street parking, which it is acknowledged would no longer be available for people to use, there is no right to park on a public highway, only a right to pass and re-pass. As such, no one is entitled to park there even if it is in front of their dwelling because it is a public highway.

LCC Highways have not objected to the proposed development including the proposed car parking spaces. The applicant has amended their scheme in accordance with recommendations of the Highways Authority and it is located in a sustainable location within an acceptable walking distance of the Town Centre for public transport and a free public car park.

Other Matters

The issue of land ownership and car parking has been raised by local residents and the Town Council. However, this is not a material planning consideration. Land ownership is a private matter and should be resolved by the parties involved. As such, this issue is not determinative for the purposes of the planning application.

In relation to noise, the proposed development includes the addition of eight air handling units. The Environmental Health Officer has expressed concern regarding the impact which these would have upon the surrounding residential properties, in terms of potential noise impact. The applicant has submitted a noise assessment which demonstrates that the Air Conditioning system is 19dB below that of the existing background noise levels and would have no unacceptable adverse effects on the residential properties surrounding the proposed development. Therefore, the proposed development accords with Policy ENV5 of the Local Plan, Part 1: Core Strategy in this regard.

The proposed development results in the loss of some on site trees, to the boundary with No. 28 Harrison Street. However, the applicant has provided an arboricultural report to describe the condition of each of these trees and the justification for the removal of them. They have also

provided a method statement for the protection of the trees which are along Harrison Street, currently in the control of a third party. The mitigation measures proposed coupled with a condition controlling the proposed replacement landscaping (for the trees which are to be removed) are acceptable.

RECOMMENDATION: Approval

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:

Location Plan: 21-449

Proposed Elevation Plan: 304.07A

Proposed Layout Plan: 304.02A

Proposed Block Plan: 304.09C

Proposed Ground Floor Plan: 304.02

Proposed First Floor Plan: 304.03

Proposed Roof Plan: 304.04

Arboricultural Method Statement: ISSUE 02

Environmental Noise Survey, Reference number 12731-1

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

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

i) The parking of vehicles of site operatives and visitors

ii) The loading and unloading of plant and materials

iii) The storage of plant and materials used in constructing the development

iv) The erection and maintenance of security hoarding

v) Wheel washing facilities

vi) Measures to control the emission of dust and dirt during construction

vii) A scheme for recycling/disposing of waste resulting from demolition and construction works

viii) Details of working hours

ix) Timing of deliveries

x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

5. A scheme for the construction of the vehicular access to the parking bays off Harrison Street shall be submitted to, and approved in writing by, the local planning authority in consultation with the highway authority. Works shall include but not be exclusive to:
- the construction of the dropped vehicle crossing on Harrison Street to the county council's specification
 - drainage required at the back of the edging to the bays to prevent water from discharging onto the highway
 - relocation of any highway gullies
 - a street lighting assessment
 - all footways/margins to be resurfaced over the extents of the works
 - at least half width carriageway reinstatement over the extents of the works.

Reason: In order to satisfy the local planning authority and highway authority that the final details of the highway scheme/works are acceptable before work commences on site.

6. No part of the development hereby approved shall be occupied or opened for trading until all the highway works have been constructed and completed in accordance with the approved scheme.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

7. The car parking spaces within the practice's curtilage shall be marked out and signed 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, prior to first use of the approved development, and the manoeuvring area shall be kept free from obstructions for the lifetime of the development.

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

8. The parking bays off Harrison Street shall be constructed, surfaced in bound porous material, drained internally, marked out and signed in accordance with a scheme to be approved by the local planning authority prior to first occupation of the development and retained for the lifetime of the development.

Reason: To provide an adequate level of off-road parking in the interest of highway safety.

9. Prior to occupation of the proposed development a car parking management policy and plan shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. This shall include, but not be exclusive to, the wording on the Harrison Street parking bays signs; use by general public outside practice's opening hours, management of the parking bays within the curtilage, including the disabled parking bay.

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

10. The cycle storage facilities shall be provided in accordance with the approved plan before the use of the premises hereby permitted is first occupied and permanently maintained thereafter.

Reason: To ensure that the development provides the infrastructure to support sustainable transport modes.

11. An electric vehicle charging point within the practice's curtilage shall be provided in accordance with a scheme to be approved by the local planning authority and shall be provided prior to first occupation of the approved development.

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

12. 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 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.

13. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground 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. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. 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.

Reason: To prevent trees from being damaged during building works.

Note

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

- the construction of the dropped vehicle crossing on Harrison Street to the county council's specification
- drainage required at the back of the edging to the bays to prevent water from discharging onto the highway
- relocation of any highway gullies
- a street lighting assessment
- all footways/margins to be resurfaced over the extents of the works
- at least half width carriageway reinstatement over the extents of the works.

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

Application Ref: 21/0972/FUL

Proposal: Full: Formation of first floor extension with pitched roof, additional four air conditioning units and alterations to window/door and existing parking layout including a 6 cycle shelter and creation of 10 parking spaces on adjacent land

At: My Dentist, Harrison Street Dental Centre, Harrison Street, Barnoldswick

On behalf of: MyDentist

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 17th February 2022