



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER

TO: POLICY AND RESOURCES COMMITTEE

DATE: 21st JULY, 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO POLICY AND RESOURCES COMMITTEE ON 21 JULY 2022

Application Ref: 22/0197/FUL

Proposal: Full: Major: Erection of residential development of 79 dwellings and estate infrastructure, including construction of new access from Wheatley Lane Road plus ancillary open space and landscaped areas.

At: Land To The North East Of Saint Thomas Church, Wheatley Lane Road, Barrowford

On behalf of: Beck Homes Limited

Date Registered: 08/04/2022

Expiry Date: 08/07/2022

Case Officer: Alex Cameron

This application is for a housing development of more than 60 houses and as such must be determined by Policy and Resources Committee.

Site Description and Proposal

The application site is 3.24 hectare area of agricultural land within the open countryside adjacent the settlement boundary of Barrowford. St Thomas' Church and school are to the west, Wheatley Lane Road / Church Street to the south and a private access drive to dwellings and dwellings on Lupton Drive to the north and east, with open land beyond to the north west. The southern part of the site adjacent to Wheatley Lane Road / Church Street falls within Barrowford Conservation Area and there is a band of protected trees around the boundary of the site.

The proposed development is the erection of 79 market houses comprising 2, 3, 4, and 5 bedroom houses 27 three bedroom and 40 four bedroom dwellings in a mixture of detached, semi-detached and blocks of 3 and 4 and of two and houses with a third floor in the roof space incorporating dormer windows. Three of the dwellings are proposed to be affordable houses. The proposed materials are natural stone and slate for plots 1, 32-45 plots 2-31 and 46-79 to be artificial stone and concrete tiles, windows and doors to be black UPVC.

Relevant Planning History

None.

Consultee Response

LCC Highways - There is no objection to the proposal subject to conditions and contributions to support bus service 66 and the support of sustainable travel with a Travel Plan.

Pre-application discussions were undertaken in November 2020. Since these discussions were undertaken an application for 257 dwellings on land SW of Pasture Lane and NW of Appleby Drive, reference D13.21.0949, was submitted in December

2021 and is pending a decision. The development traffic from this application impacts on Wheatley Lane Road and Church Street and, in part, the same routes to the wider highway network. Until this application is determined, we cannot fully determine the cumulative impact of both developments on the highway network.

Cadent Gas – No objection, informative note required relating to works in proximity of gas infrastructure.

East Lancashire NHS Trust - request a contribution towards the provision of additional facilities and services to offset the impact of the development on health services in the initial period after the development is occupied.

Lead Local Flood Authority – No objection subject to conditions for compliance with the flood risk assessment, surface water drainage strategy, surface water management plan, sustainable drainage system operation and maintenance and verification.

Environmental Health – Please attach a contaminated land condition and a construction phase nuisance condition.

LCC Schools Planning - Requests a contribution towards the provision of 9 secondary school places.

United Utilities – Request that conditions are attached for compliance with the submitted Drainage Strategy and management and maintenance of sustainable drainage systems.

Growth Lancashire - The Barrowford Conservation Area was designated in 1987. The character and appearance of the Conservation Area is defined by the special interest relating to its linear plan form, which follows the early routes, and turnpike road that developed along Pendle Water and its origins as a farming settlement, which later diversified into textile production, initially on a domestic scale, then factory-based.

The conservation area includes buildings of a variety of architectural styles and periods, ranging from fine 17th century houses to early 19th century handloom weavers' cottages and later Victorian terraces, whose special interest is embodied in the traditional building materials and craftsmanship.

The issue from a heritage viewpoint is whether the proposed development will harm the character and appearance of the CA and/or its setting.

In my view, the special character of this part of the CA is defined by the rural setting linked to its agricultural past and the traditional craftsmanship, embodied in original building materials and the architectural features of the surrounding historic buildings.

The proposal site itself, once formed part of the parkland associated with Oaklands Estate and includes part of the stone boundary wall, which is located within the CA boundary. In this context, I feel the site contributes positively to the setting and the contribution made to the CA is moderate.

The majority of the proposal site is located outside of the northern boundary of Character Area A (Church Street) of the CA. However, the existing stone boundary wall to the Oaklands Estate that forms part of the proposal site is located within the CA boundary. The existing

stone boundary wall contributes positively to the character, appearance and special interest of the CA and is a focal point that draws your eye along the linear road through this part of the CA.

Nevertheless, whilst there will be some alterations/loss to the wall to accommodate openings for access, generally, the existing wall will remain in situ, evidencing the boundary to the former Oaklands Estate, which will be further reinforced by the Gate Lodge, which remains uninterrupted.

In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas, which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.

According to the map regression, the site was a relatively isolated setting, which gradually changed through the 20th century, with the arrival of residential dwellings within close proximity, particularly to the south and east of the proposal site. These 20th century developments, particularly the later dwellings, have resulted in physical changes to the wider setting of the CA and have overtime contributed to an erosion of the historic setting.

In regards to the impact to the CA and its setting, from the wider development proposals; the CA Appraisal notes that, this part of the CA is one entrance to Barrowford, where the setting is more rural, yet the vista is enclosed by the mature trees and high stone boundary wall (located at the proposal site).

Visually, it is evident as noted in the CA Appraisal that the proposal site is mostly screened by the mature trees located along the boundary of the site; these mature trees are to be retained (with the exception of the removal of one tree). As such, views in and out of the proposal site will be limited.

Furthermore, the setback nature of the proposed dwellings along the Wheatley Lane Road elevation, in my view will limit any visual impact that may derive from the housing development. The proposed stone face materials will also correspond and blend with the existing and common stone materials used throughout the CA.

I am also mindful that, the immediate setting of the CA to the north, contains a modern housing development (starting at Lupton Drive), which already impacts on the boundary and setting of this part of the CA.

As such, it is my view that whilst the new housing scheme will have only a limited impact on the character and appearance of the CA and its setting. I am mindful that when considering such matters we need to look at the impact on the conservation area as a whole. The harm will be as a result of the minor alterations to the existing stone boundary wall and the loss of the small parcel of agricultural land, that both contribute to the special interest of the CA. As such, I would regard the level of harm to be slight.

Under P.199 of the NPPF the LPA will need to give great weight to the harm or loss of significance in its planning balance. This is irrespective of the level of harm caused. Under P.202 of the NPPF it is for the LPA to weigh the public benefits generated by the scheme against the level of harm in its planning balance.

Impact to the Non-Designated Heritage Assets

The Government's guidance identifies NDHA's as being buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

P.203 makes reference to the LPA's need to consider the effect of an application on the significance of a NDHA when determining an application. In carrying out its planning balance, an LPA should have regard to the scale of any harm or loss and the significance of the heritage asset.

Whilst not identified through an adopted Local List or noted in the Barrowford Neighbourhood Plan, it is my view that Oaklands Lodge, Oaklands House and the former St. Thomas' Church (now ruins) are NDHA's, to which their significance is based on their aesthetic, evidential and historic/associative value. This is primarily evidenced in the NDHA's traditional architectural form and materials and by the historic association of the Gate Lodge and Oaklands House, to the wider Oaklands Estate and proposal site. I do however; recognise that as NDHA's they have a lower heritage value and as such, can only be afforded (within the national context) as having a low importance or significance.

Unlike in the case of designated assets, LPAs are only required to carry out a simple weighing exercise of those material matters and that any impact (which carries no statutory duty on behalf of the LPA) should be considered against the merits of the whole application including the benefits generated by sustainable new development. It is for the Council to apply what weight it considers appropriate to those material matters in its decision so long as it is being reasonable.

The NDHA's are of local importance, and are all visually connected to the proposal site, with the Gate Lodge and Oaklands House being historically connected.

Nevertheless, it is evident that the mature trees that form the boundary of the proposal site will largely screen the proposed development site; this includes the natural screening already provided around Oaklands House, which cannot be seen from the public vantage point at Wheatley Lane Road.

Similarly, the view of Oaklands Lodge will remain uninterrupted from the public vantage point at Wheatley Lane Road, and newly planted trees, will form a backdrop, limiting the visual appearance of the proposed new development.

The ruins of St. Thomas' Church are located on the south side of Wheatley Lane Road, on a parcel of land that slopes away southwards limiting any views from the proposal site. It is my view that this NDHA will be unaffected by the proposal's.

As such, I do not feel there will be any discernible harm caused to the significance of the identified NDHA's.

Conclusion / recommendation

As I am required to do so, I have given the duty's imposed by s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments and I have provided a balanced judgement in my comments in relation to the NDHA's and the need to preserve heritage.

In regards to the character, appearance and setting of the Barrowford CA, as I consider the proposal would cause some limited or slight harm, the proposal not meet the statutory test 'to preserve'. As indicated above, under NPPF P.202 it is down to the LPA to consider the public benefits of the scheme in its planning balance. If an adequate positive balance can be achieved, then the proposal would be deemed to have met the requirements of Chapter 16 of the NPPF and accord Policy ENV 1 and Policy ENV 2 of the Pendle Local Plan (2011-2030).

Barrowford Parish Council - The Parish Council has submitted a report in objection to the development which is summarised below:

- The proposed development, in addition to the existing approved development at Trough Laithe would represent a disproportionate degree of expansion of the settlement of Barrowford.
- The development conflicts with Policies SDP2, ENV1 and ENV2 of the Core Strategy; Policies BNDP01 and BNDP08 of the Neighbourhood Plan and the requirements of the Framework to create high quality, beautiful places which make effective use of land whilst safeguarding and improving the environment
- The development contains no bungalows in conflict with Policy LIV5.
- The development would be an anomalous projection into the open countryside.
- The design is formulaic and does little to reflect its surroundings.
- The proposed development would destroy the current green field setting of both this part of the Conservation Area and the setting of Oaklands House, one of the few large Victorian mill owners houses within Barrowford.
- Whilst 'less than substantial harm' is concluded in the supporting Heritage Statement, the Parish Council does not consider that the public benefit outweighs the harm, on a Greenfield site within Barrowford in which there are other preferred housing sites in less sensitive locations.
- Sight lines to the entrance of the proposed development are very restricted by the lack of footpath to the carriageway on the site side of the road and the narrow footpath in front of Higher Causeway Farm and Barn opposite
- The close proximity to the private access road to Oaklands Lodge, House and converted dwellings in former out buildings could decrease sight lines as could the access to St. Thomas's Church car park. Access from Lupton Drive onto Church Street was recently submitted as part of an alternative route to serve the planning application for 200 dwellings proposed off Pasture Lane (21/0949/FUL) and would include a roundabout at this point.
- Church Street currently experiences large volumes of cars being part of the school run for both St Thomas School and Rushton Street Primary School. In recent years has become a rat run to circumvent large volumes of traffic along Gisburn Road through to Junction 13 of the M65.
- The road has several pinch points exacerbated by on street parking reducing the width of the carriageway to single file traffic and prohibits larger buses and HGV's. This is most prevalent in the section from Oaklands Lodge to the junction with Gisburn Road.
- The access and egress from the St Thomas side of the site would consist of traffic using Higher Causeway to the junction with Gisburn Road, or Nora Street to the junction with Gisburn Road at Newbridge, or proceeding up Wheatley Lane Road.
- Access via Higher Causeway is problematic as on street parking to both sides reduces the width of the available carriageway to single file. Higher Causeway is also the main access to St Thomas School and a secondary route to Rushton Street School each predominantly going in the opposite direction to the other. Nora Street also is an integral part of the School Run to both schools and again on road parking to both sides severely reduces the available width of the carriageway.

- Wheatley Lane Road leads to Carr Hall Road, the only suitable access to the wider area not through Barrowford village centre. The junction at the top of Carr Hall Road is narrow with very poor sight lines and the Carr Hall Road junction with the A6068 Villages By pass is notorious for the number of collisions that have taken place there in recent years.
- The applicant acknowledges that in order to achieve the correct visibility splays for the new entrance a large section of the wall is to be reduced in height. The Parish Council argues that this dilutes the importance of the wall and its contribution to the character of this part of the Conservation Area.
- The application has been supported by an Ecological Appraisal but on a site of this scale a Biodiversity Net Gain Assessment should have been provided by the applicant.
- While the application site may not be located in a 'valued' landscape in the context of the NPPF (paragraph 174a) the site is valued by the people of Barrowford who acknowledge that the site has a positive impact on the Conservation Area. The site lies in the countryside which is valued by the Parish and wider community and where its intrinsic character and beauty should be recognised in accordance with Paragraph 174 (b) of the NPPF.
- Development on the scale of this application would therefore compromise the landscape's rural character and in turn would have a detrimental impact on the landscape views in particular those identified within the Conservation Area. The development would be an urbanising feature, eroding the visual qualities of the current open field which make a positive and valued part of the rural landscape and Conservation Area.
- Limited availability at doctor's surgeries and dentists.
- Lack of renewable energy provision on site.
- Lack of provision for affordable housing.
- The proposed site already causes surface water runoff and flooding in the immediate vicinity with effects in the wider area. Excessive surface water runoff creates problems on Gisburn Road adjacent to Holmefield House and Lucy Street at a point where the main drainage from the site meets another surface water drain before turning into Pendle Water.
- Similarities to the recently dismissed appeal site for 67 dwellings at Foster Road, Barnoldswick.
- The application should be refused for the following reasons;
 1. Development of this scale would compromise the rural character and appearance, contrary to policy ENV1 and Barrowford Neighbourhood Plan policy BNDP 08
 2. The development would create an urbanising feature which would erode the visual qualities of part of the Barrowford Conservation Area contrary to ENV1.
 3. Increasing pressure on the social infrastructure, which is already at capacity, including health schools and roads, contrary to Policy ENV 7
 4. Detrimental impact on existing drainage systems placing increasing pressure on known drainage 'hot spot' areas contrary to policy ENV7
 5. No proper consideration of the Biodiversity Net Gain which the site should be bringing forward, contrary to policy ENV2
 6. A lack of any form of renewable energy considerations and designing for climate change contrary to policy ENV2
 7. Unbalanced mixture of housing type, not fulfilling requirements set out in policy LIV3

Barrowford and Western Parishes Committee

Resolved that the Policy and Resources Committee be recommended to refuse the application for the following reasons:-

- Significant highway impact including highway safety, inadequate access, narrow pavements, increased traffic and congestion;
- Significant and detrimental impact on landscape and open countryside;
- Detrimental impact on the Barrowford Conservation Area.

Public Response

Press and site notices posted and nearest neighbours notified. Responses received objecting to the development on the following grounds:

- Harm to the landscape and visual amenity of the area.
- Harm to the Conservation Area.
- Impact on the countryside and tourism in the area.
- The stone wall on Church Street should not be altered.
- Increase in traffic, inadequate access and highway safety impacts.
- The proposed access it to Church Street rather than Wheatley Lane Road.
- Increase in the risk of flooding to the surrounding area.
- Impacts of construction traffic and activity.
- Light pollution.
- Noise pollution.
- Air pollution.
- Harm to wildlife habitat and threat to protected species.
- Impact on protected trees.
- Lack of affordable housing.
- Pendle has fulfilled its housing requirements and does not need additional housing.
- Barrowford is already overdeveloped.
- Brownfield sites and vacant housing should be prioritised.
- Insufficient public services and infrastructure.
- The proposed number of dwellings should be reviewed.
- Would support affordable homes for working families.

Response received in support:

- It is a well thought out, thorough application that addresses local issues.
- It has a nice mix of housing.
- Economic benefits.

Officer Comments

The consideration of planning applications must be undertaken as set out in statute. The Planning & Compulsory Purchase Act 2004 sets out the following requirement at Section 38(6):

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan for Pendle consist primarily for this application of the Part 1 Local Plan - Core Strategy, adopted on 17th December 2015. There are also saved policies from the RPLP as detailed in Table B1 (page 237) of the Part 1 Plan. These represent the development plan for Pendle.

Pendle Local Plan Part 1: Core Strategy (LPP1)

Relevant polices of the LPP1 are:

Policy SDP2 sets out a settlement hierarchy for Pendle. It indicates that development proposals should be of a scale and nature proportionate to the role of the settlement. Colne is a Key Service Centre which will provide the focus for future growth in the borough and accommodate the majority of new development. The policy accepts that greenfield sites will be needed to meet the housing needs of the Borough. These need to be in a sustainable location. Sites also need to be well related to an existing settlement. This means both well related spatially as well as in terms of other impacts. This latter part of the policy is a restraint on development as it requires a wide view of how well a site is related to a settlement to be considered. The physical impacts and relationships of development to existing settlements cannot be ignored in decision making.

Policy SDP3 sets out the housing distribution for the Borough. It states that 70% of the Borough's requirement should be located in the M65 corridor, and within each spatial area, the provision for housing should follow the settlement hierarchy set out in Policy SDP2. Whilst this policy seeks to restrict housing distribution within Borough the figures are approximate targets.

Policy ENV1 states that the development should make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and built environment.

Development proposals should wherever possible aim to safeguard or enhance the landscape character of the area and should show how they respond to the particular landscape character type they are located within.

Policy LIV1 sets out the amount of new housing required to meet the Borough's Objectively Assessed Needs (OAN) over the plan period (2011-2030). It sets out the annual housing requirement and sets the housing numbers against which the provision of deliverable sites to meet the five year housing land supply will be assessed. This has to be set against the policies on housing supply as set out in the National Planning Policy Framework ("the Framework") which will be commented on in more detail later in this report.

Until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Documents Policies then sustainable sites for housing developments outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, including those in the Strategic Housing Land Availability Assessment (SHLAA) will be supported.

The policy sets a minimum amount of housing to be brought forward. It provides for a positive mechanism to bring forward housing prior to the adoption of part 2 of the Local Plan.

Policy LIV3 states that in order to meet the housing needs of different groups in the community; the Council will encourage and support the provision of a range of residential accommodation. It gives "high" priority to the provision of "larger homes" and "medium" priority to the provision of "smaller homes of suitable tenures in accessible locations".

Policy LIV4 sets out the level of affordable housing that would be required for new developments. It is however not a policy that would affect the deliverability of the site as there is a 0% requirement.

Replacement Pendle Local Plan Saved Policies

The Pendle Local Plan Part 1: Core Strategy has replaced parts of the RPLP as set out in Table B1 (page 237). Some of the policies in it have been saved.

Policy 1 (Development in the Open Countryside) is a restrictive policy that requires development to be located in settlements unless in the circumstances set out in the policy. It conflicts with policy LIV 1 which allows sustainable development to come forward outside of settlement boundaries in the period up to the adoption of the Part 2 Plan. No weight should be attached to it.

Policy 17 (Location of New Housing Development). This is a restrictive policy which seeks to limit the amount of housing that can be built. It also has within it a sequential approach to site selection. The policy has been replaced by the policies in the Part 1 Plan. It does not accord with the policies set out in the Framework. No weight should be attached to this in the determination of this application.

Relevant policies which are not for the supply of housing

Pendle Local Plan Part 1: Core Strategy 2011 – 2030 (“the Part 1 Plan”)

Policy SDP1 (Presumption in Favour of Sustainable Development) addresses the presumption in favour of sustainable development and how the decision maker takes a positive approach that reflects how this issue underpins the Framework. This stance enables development to be approved that can improve the economic, social and environmental conditions in the area.

Where there are no policies relevant or the relevant policies are out of date at the time of making the decision then permission will be granted unless material considerations indicate otherwise - taking into account whether:

- Any adverse effects of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicate that development should be restricted.

This policy is important because it enshrines the contents of paragraph 11 of the Framework within adopted development plan policy.

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

Policy ENV7 (Water Management) states that the sequential and exceptions tests set out in the National Planning Practice Guidance will be applied to direct development to areas with the lowest probability of flooding. This policy seeks to direct development to appropriate places and to mitigate issues if sites are in vulnerable locations. The application site is not in a flood risk area and there are no objections to the application by the LPA on issues relating to flooding or water management.

Replacement Pendle Local Plan (2016)

Policy 4D (Natural Heritage) seeks to protect and enhance biodiversity including those sites protected under the Conservation (Natural Habitats etc) Regulations 1994.

Policy 6 (Development and Flood Risk) has been replaced by policy ENV7 (Water Management) of the Part 1 Plan.

Policy 8 (Contamination and Pollution) has been partly replaced by ENV5 (Pollution and Unstable Land) of the Part 1 Plan which seeks to reduce the impact of pollution from developments.

Policy 13 (Quality and Design of New Development) states that the Council will protect and enhance the heritage and character of the Borough and the quality of life for its residents by encouraging high standards of quality and design in new development. The policy has been replaced by Part 1 Plan policies ENV2, LIV5, WRK6 and SUP4. It should not be given weight in reaching decisions on this application.

Policy 16 (Landscaping in New Development) requires that all development proposals which involve new building include a landscaping scheme sympathetic to the site's character. This policy should be given significant weight and is compliant with Section 130 of the Framework which requires developments to reflect their surroundings.

Policy 20 (Quality Housing Provision) has been replaced by policy LIV5 of the Part 1 Plan.

National Planning Policy Framework 2021 (The Framework)

The Framework sets out the Government's policies in relation to the planning system in England. Development Plans must be in accordance with the Framework. The LPP1 was adopted in accordance with the Framework. There have however been two further versions which introduce new or amended policies. The following will consider the relevant policies pertinent to this application and identify where revisions may affect the adopted LPP1 policies.

The Framework indicates that the aim of policy is to achieve sustainable development. This has economic, environmental and social objectives which should lead to net gains across the three strands.

Para 11 sets out the presumption in favour of sustainable development. For decision-taking this means:

*c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.*

Footnote 8 indicates that, amongst other things, policies are out of date where the LPA cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test ("HDT") indicates that the delivery of housing was less than 75% of the requirement over the previous 3 years (the HDT for Pendle is 227%).

Paragraph 12 states:

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision -making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Section 5 supports the delivery of a sufficient supply of houses. Local Plans are expected to set out strategic policies for the supply of houses including the type of houses to be provided.

Paragraph 65 of the Framework indicates that at least 10% of housing on major development sites should be available for affordable home ownership, however, Policy LIV4 does not require any affordable houses in the M65 corridor due to the impact such a requirement would have on the viability of housing developments as assessed during the plan preparation.

Paragraph 74 confirms that there should be a minimum supply of specific deliverable sites. Where the supply policies in a LP are more than 5 years old, as in Pendle, that supply shall be measured against the Local Housing Target.

Section 8 promotes healthy and safe communities. Decisions taken on planning applications should promote social interaction including opportunities for people to meet. Developments should have clear and legible pedestrian and cycle routes and high quality public spaces.

Sufficient school places are expected to service a community as set out in para 95. Public rights of way should be protected and enhanced (para 100).

Section 9 relates to sustainable transport. The first paragraph states that transport issues for development should be considered at the earliest stages to allow potential impacts to be addressed, to promote walking cycling and public transport and so that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account.

Policies for the consideration of development proposals are set out at paras 110 and 111:

110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Design is considered in Section 12. There is an emphasis on creating high quality, beautiful and sustainable buildings and places.

Paragraph 132 states: *Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.*

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

Section 14 guides on the challenge of meeting climate change and flooding. New development should avoid the range of impacts resulting from climate change.

Section 15 contains policies in conserving and enhancing the natural environment.

Para 174 recognises the intrinsic value of the open countryside and the wider benefits from natural capital and ecosystems. It seeks to minimise the impact on biodiversity from development and to provide net gains

5 year Supply of Housing Land and the Housing Delivery test

The Housing Delivery Test is a measure set out by Government and is contained in Government published data. It is a measure of how much housing is delivered set against the annual requirement set out in the Government's standard methodology. The latest figure is that Pendle's measurement is 227% which is significantly ahead of the requirement.

In January 2022 the Council published its latest Five Year Housing Land Supply Position Statement. This Statement confirms that the Council can claim a 7.46 year supply. This is based on a local housing need of 142 dwellings per annum calculated using the standard methodology against an assessed deliverable housing land supply of 1,111 dwellings. An additional 5% buffer is applied to the calculation to promote market choice. This follows the results of the 2021 Housing Delivery Test which found Pendle had delivered 227% of its housing need over the previous three-year period.

Barrowford Neighbourhood Development Plan (BNDP)

BNDP 01 – States that housing developments which are acceptable in principle in accordance with the LPP1 will be considered in relation to the following relevant criteria: design conforming to policies ENV2 and LIV5, protection and enhancement of the Parish's landscape settings in accordance with BNDP 08 and ENV1, protection and enhancement of designated and non-designated heritage assets in accordance with the Framework, do not have an unacceptable impact on residential amenity impacts, are sustainably located and appropriate to the surrounding context.

BNDP 02 – Refers to policy SDP6 of the LPP1 and requires that impacts of road infrastructure is considered in any applications for larger scale development. New developments on the edge of settlements should be connected to the centre of Barrowford through cycle paths and improved footpaths.

BNDP 03 – States that developments which results in traffic impacts which are detrimental to people's living or working conditions or highway safety will be resisted. Proposals will be assessed in relation to reduction in need to travel by car, measures to include sustainable transport, compliance with LCC recommendations on parking standards, pedestrian safety. Improvements to cycleways and

the footpath network should be demonstrated as part of any new development that has transport implications.

BNDP 09 – States that development should seek to maintain and where possible enhance green infrastructure.

Visual Amenity and Landscape Impacts

The proposed development represents high design quality. It would be distinctive, varied and make use of materials and features that reflect the character and heritage of the area. The frontage of the site would be set back with a landscaped area of public open space and, as detailed in the street scene plan for plots 34-43, the design of those plots to the front of the site would provide an attractive street frontage beyond that in keeping with the character of the area, reflecting features of adjacent buildings in the mullioned windows, stone roof coping and other stone detailing.

The proposed layout indices extensive landscaping with street trees throughout the existing boundary trees enhanced with additional planting.

The development would be located on what is a sloping agricultural field and would result in the loss of the open rural character of the parcel of land. The land has no public rights or way through it and has not been identified as part of an important local landscape view in the Neighbourhood Plan.

A landscape and visual impact assessment has been submitted with the application, which demonstrates that views of the site within the landscape would be limited and the development would appear as a continuation of the adjacent residential development. Taking that into account, its impact on the landscape would be minor with a low level of adverse effect on the landscape character of the area.

The main visual impacts would be localised immediately around the development. Whilst the loss of the open rural character of the parcel of land would result in some minor harm to the visual amenity of the area, such harm would be reduced over time as enhancements to the boundary planting become established.

The development would result in economic and social benefits from the provision of housing, including contribution to the housing needs of the Borough's and its five year housing supply, economic activity resulting from their construction and residents.

The minor harm to the landscape character and visual amenity of the area would be outweighed by the economic and social benefits of the development.

The proposed development is therefore considered to be acceptable in terms of design and visual amenity in accordance with policies ENV1, ENV2, LIV5 of the LPP1 and BNDP 1 of the BNDP.

Heritage Impact

The southern part of the site, from the boundary with Wheatley Lane Road / Church Street to approximately 20m into the site falls within the Conservation Area. This includes the proposed landscaped area to the front of the site and the stone wall along the frontage.

A heritage assessment has been submitted by the applicant and conservation advice given by Growth Lancashire. It is concluded that the proposed development would result in a slight level of

harm to the Conservation Area as a result of the minor alterations to the existing stone boundary wall and the loss of the small parcel of agricultural land, that both contribute to the special interest of the Conservation Area.

The design of the development, in particular the front of the site most visible from the Conservation Area, would be sympathetic to the character of the area as detailed in the design section above.

The slight level of harm to the significance of the Conservation Area resulting from the development would be less than substantial and therefore must be weighed against the public benefits of the development. The development would result in economic and social public benefits from the provision of housing, including a contribution to the housing needs of the Borough's and its five year housing supply, economic activity resulting from their construction and residents. Overall the development would result in a moderate level public benefits. The slight harm to the significance of the Conservation Area that would result from the development would be outweighed by the public benefits of the development.

The proposed development is therefore acceptable in terms of heritage impact in accordance with policies ENV1 and ENV2 of the LPP1 and BNDP 01.

Residential Amenity

The proposed development would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property and would provide an adequate level of privacy and acceptable living environment for the occupants of the proposed dwellings. Residential amenity impacts during the construction can be acceptably controlled by condition.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2, ENV5 and LIV5.

Highways

The Transport Assessment submitted with the application acceptably demonstrates that there is sufficient capacity on the routes to and from the site to accommodate the increase in traffic from the development, together with the increase from the 500 dwellings approved at Trough Laithe.

There would be potential cumulative impacts together with the proposed housing development at Pasture Lane, however, that application has not yet been determined and therefore it is not necessary for those cumulative impacts to be assessed in this application.

The proposed access to the site would provide adequate visibility and with minor revision to increase its width from 6m to 6.5m would ensure adequate access without the need for parking restrictions on the opposite side of the road, which may displace on street parking elsewhere.

There are current issues identified by LCC in relation to parking when children are dropped off at and picked up from St. Thomas Primary School where a short section of unrestricted parking adjacent to the school results in double parking, LCC have requested a review of those parking restrictions as part of the off-site highway works.

There are deficiencies with the width of footways on Church Street, however, it is not feasible or desirable to widen the footways to improve access to Barrowford. This together with the distance to

the nearest bus stops results in the site having poor public transport links and pedestrian links to essential services and facilities.

Taking these factors into account it is necessary to provide support to increase the frequency of the local 66 bus service via a planning contribution requested by LCC Highways, together with a contribution to support a Travel Plan and off site highway works to upgrade bus stops.

All of the proposed dwellings would have provision for parking at least two cars on the driveways. However, the parking standards set out in the RPLP set a standard of three spaces for dwellings of four or more bedrooms. The proposed garages are below the minimum size to be counted a car parking spaces, or two spaces in the case of double garages, amended plans have been requested to demonstrate adequate levels of car parking for those properties. There appears to be adequate space for three external spaces to it is not envisaged that will be an issue and could be addressed by condition if necessary.

Subject to the above the proposed development is acceptable in terms of highway capacity, safety and sustainability in accordance with policies ENV4 of the LPP1 and BNDP 02 and 03

Drainage

The site is not within an area that is identified to be at risk from fluvial flooding. The Flood Risk Assessment and Drainage Strategy submitted with the application acceptably demonstrate that with appropriate conditions the development can be acceptably drained and would not result in an increase in the risk of off-site flooding.

Open Space

The main deficiencies identified for Barrowford ward in the 2019 Open Space Audit are in outdoor sport provision and natural greenspace with small deficiencies in play areas amenity greenspace and civic spaces. In Barrowford and Western Parishes a larger deficiency in amenity greenspace is identified. Approximately 24% of the site area would be landscaped and public open space areas, including the an area of green space to the front of the site and a landscaped path running around the boundary of the site, this would contribute towards addressing the identified deficiency in amenity greenspace and provide an acceptable public open space provision in accordance with Policy LIV5.

Ecology

An ecology survey submitted with the application, this identifies bat roosting potential in some of the boundary trees and that further survey work should be carried out in they are to be removed. The trees identified are to remain, only one tree is proposed for removal to make way for the access.

Subject to the recommendations of in the ecology survey, and an ecological enhancement plan, which can be controlled by condition, the proposed development would acceptably preserve / enhance the biodiversity of the site.

Affordable Housing

The site is located within the M65 Corridor Area, within that area Policy LIV4 does not require any affordable housing provision to be made. The proposal for the development to be 100% market housing is in accordance with Policy LIV4.

Contributions

Highways

Recommended necessary contributions for the support of bus services and travel plan have been outlined in the Highway section. The applicant has not yet confirmed whether they agree to that contribution. Committee will be updated when clarification has been received.

Education

LCC Education has requested a contribution towards the provision of 9 secondary school places. Confirmation is also awaited of whether the applicant agrees to that contribution.

NHS

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 the first three years of their occupation, for which the Trust states 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 provision of affordable housing is a major need within Pendle and significant weight should be attached to providing that housing.

Conclusion

It is recommended that the approval of the application and any conditions necessary be delegated to the Planning, Economic Development and Regulatory Services Manager subject to the receipt of amended plans acceptably increasing the width of the estate road, clarification on car parking and clarification in relation to the requests for contributions.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development accords with Local Planning Policy and the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: 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: M3299-PA-01-V3, 22-105-P01, 22-105-P03, 22-105-P04, 22-105-P05, 22-105-P06, 22-105-P07, 22-105-P08, 22-105-P09, 22-105-P10, 22-105-P11, 22-105-P12, 22-105-P13, 22-105-P14, 22-105-P15, 22-105-P16, 22-105-P17, 22-105-P18, 22-105-P19, 22-105-P20, 22-

105-P21, 22-105-P22, 22-105-P23, 22-105-P24, 22-105-P25, 22-105-P26, 22-105-P27, 22-105-P28, 22-105-P29, 22-105-P30, 22-105-P31, 22-105-P32, 22-105-P33, 22-105-P34, 22-105-P35, 22-105-P36, 22-105-P37, 22-105-P38, 22-105-P39, 22-105-P40, 22-105-P41, 22-105-P42, 22-105-P43, 22-105-P44, 22-105-P45, 22-105-P46, 22-105-P47, 22-105-P48, 22-105-P49, 22-105-P50, 22-105-P51, 22-105-P52, 22-105-P53, 22-105-P54, 22-105-P55, 22-105-P56, 22-105-P57, 22-105-P58, 22-105-P59, 22-105-P60, 22-105-P61, 22-105-P62, 22-105-P63, 22-105-P64, 22-105-P65, 31208-SUT-ZZ-XX-DR-C-615-0001 Rev P03

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the materials and finishes of the external walls, roofs, windows and doors of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

4. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority the depth of reveal shall be at least 70mm.

Reason: To ensure the continuation of a satisfactory appearance to the development.

5. The development shall be carried out in strict accordance with the recommendations of the submitted Preliminary Ecological Appraisal dated October 2020. Prior to the occupation of the first dwelling a scheme of ecological enhancement shall have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in strict accordance with the approved scheme.

Reason: to ensure the ecology of the site is enhanced and protected species are not harmed by the development.

6. No development shall take place, including any works of demolition, 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:

- a) The parking of vehicles of site operatives and visitors
- b) The loading and unloading of plant and materials
- c) The storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding
- e) Wheel washing facilities
- f) Measures to control the emission of dust and dirt during construction
- g) Measures to control construction site noise and vibration
- h) A scheme for recycling/disposing of waste resulting from demolition and construction works
- i) Details of working hours
- j) Routing of delivery vehicles to/from site and temporary traffic management measures

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

7. The approved framework Travel Plan shall be implemented, monitored and reviewed in accordance with Travel Plan Targets which shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timing set out in the submitted Travel Plan.

Reason: To reduce the number of car journeys and deliver sustainable transport objectives.

8. No development shall take place unless and until an estate street phasing and completion plan has been submitted to and approved in writing by the Local Planning Authority. The estate street phasing and completion plan shall set out the development phases and completion sequence that estate streets serving each phase of the development will be completed. The development shall then be carried out in accordance with the approved estate street phasing and completion plan.

Reason: To ensure the phasing and completion of estate streets serving the development are completed.

9. No dwelling hereby approved shall be occupied unless and until visibility splays 2.4 metres back from the centre line of the access and extending 40m to the east side and 44m to the west side on the nearside carriageway edge in both directions have been provided at all accesses/junctions, as shown on the approved plans. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety.

10. A full CCTV survey of any culvert which crosses below the proposed highway and existing highway on Wheatley Lane Road shall be undertaken within 6 months of the completion of all construction works. Any identified defects resulting from the survey shall be rectified within 6 months of the survey.

Reason: to protect the public purse from unnecessary maintenance liability prior to adopting the highway network.

11. No part of the development hereby approved shall commence unless and until a scheme for the site access has been submitted to and approved by the Local Planning Authority and constructed to base course prior to any large delivery vehicle movements being commenced.

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.

12. Within 3 months of commencement a scheme for the off site highway works shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the first dwelling. The works shall include:

a) dropped kerb/tactile paving on Wheatley Lane Road to connect internal footway links to wider network,

- b) 2 quality bus stops on Wheatley Lane Road at bus stops 2500LAA07261 and c) Kerb realignment at Hill Top junction Church Street to assist pedestrians.
- d) Introduction of associated traffic regulation orders

Reason: To ensure that the final details of the highway scheme/works are acceptable before first occupation in the interest of highway safety.

13. No dwelling hereby approved shall be occupied unless and until details of the proposed arrangements for future management and maintenance of the estate road within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: To ensure provision for the management and maintenance of the estate road in the interest of highway safety.

14. Within 3 months of commencement 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.

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

15. The internal estate roads and pedestrian links to the eastern and western corners of the site joining Wheatley Lane Road shall be constructed in accordance with the approved engineering details and to at least base course 9 level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the estate road and pedestrian links are constructed in the interest of highway safety.

16. Prior to the occupation of each dwelling the driveways and parking areas serving that dwelling shall be constructed in a bound porous material and made available for use and they shall at all times thereafter be maintained free from obstruction and available for parking purposes.

Reason: To ensure an adequate level of car parking provision in the interest of highway safety.

17. Prior to first occupation each dwelling shall have access to a secure cycle store for at a ratio of 1 cycle space per bedroom.

Reason: To support sustainable transport.

18. Prior to first occupation each dwelling shall be fitted with an electric vehicle charging point. 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 support sustainable transport.

19. The development shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the commencement of the use 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.

20. The development hereby approved shall not be commenced unless and until 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 has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how:-
- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
 - b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

21. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (March 2022 / LRD31208 / Sutcliffe – Revision B)

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

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

22. No development shall commence in any phase unless and 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 surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment indicative surface water sustainable 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. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ 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, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an assessment of the existing on-site watercourse and culverted watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

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.

23. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.
- The details of the plan to be submitted for approval shall include for each phase, as a minimum:
- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
 - 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 plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

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 during any construction phase.

24. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual 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 in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

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 sustainable drainage system is subsequently maintained.

25. No part of the development commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for an education contribution for the provision of 9 secondary school places, a contribution to fund the support of a Travel Plan, a contribution towards funding the increased frequency of the No.66 bus service for a period of 5 years.

Reason: To contribute towards the identified need for affordable housing provision in the area.

Notes:

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

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

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

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

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.