



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

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 10TH MAY 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 10TH MAY 2023

Application Ref: 22/0573/OUT

Proposal: Outline: Erection of 9 residential dwellings with attached/detached garages (re-submission).

At: 425 Gisburn Road, Blacko

On behalf of: Mrs. J Cox

Date Registered: 22/08/2022

Expiry Date: 17/10/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site is a plot of land surrounding No. 425 Gisburn Road, Blacko. It is located beyond the settlement boundary within the Open Countryside, as with the host dwelling No. 425.

The proposal is for the erection of six dwellings. The indicative layout plan shows that these would be arranged in a linear formation and each of the dwellings would be detached.

Relevant Planning History

20/0277/OUT: Outline: Erection of one dwelling (Access Only).
Approved with conditions

20/0463/OUT: Outline: Erection of one detached dwelling with attached garage (Access only).
Approved with conditions

22/0045/OUT: Outline: Erection of 9 residential dwellings with attached/detached garages (Access only).
Withdrawn

Consultee Response

LCC Highways

Initial response 10/11/2023

The site was visited on 6 July 2022 following the submission of a previous outline planning application for nine dwellings (22/0045/OUT).

Additional information has been submitted (Drawing Nos CAL 2022 001 001 Rev E dated 29.10.22 and Swept Path Analysis 2887-002 dated Oct 22). These demonstrate that a tractor and trailer would be able to enter and leave the amended access onto Gisburn Road to and from the unnamed and unadopted lane adjacent to 425 Gisburn Road. The Highway Authority considers that the swept path plans shown are adequate to accommodate agricultural vehicles using the private lane without having a detrimental impact on highway safety at the junction.

Therefore, having considered the information submitted, together with previous site observations, the Highway Development Control Section does not raise an objection in principle regarding the

proposed development at the above location. The following comments should be noted, and conditions and informative note being applied to any formal planning approval granted.

Proposal

The outline proposal is for the erection of nine residential dwellings with associated garages, with access only applied for. The Design & Access Statement submitted states that the properties would have three bedrooms and two parking spaces (para 2.4).

However, as this application is for access only the number of dwellings, including number of bedrooms and car parking spaces, are not matters to be determined at this time and could change at Reserved Matters stage if planning permission is granted.

The Highway Development Control Section understands that this planning application is concerned with the principle and access to the site only. The internal layout is indicative only and as such only provisional highway comments have been made.

Site planning history

13/22/0045/OUT - Outline: Erection of 9 residential dwellings with attached/detached garages (access only) – withdrawn.

13/20/0277/OUT – Erection of one dwelling (Access Only) – approved July 2020 – with access from the existing vehicular entrance off Gisburn Road.

13/20/0463/OUT – Erection of one detached dwelling with attached garage (Access only) – approved October 2020 – with access from the existing vehicular entrance off Gisburn Road.

The highway authority did not raise an objection to either development for a single dwelling as these were likely to generate low levels of additional traffic movements.

Visibility splays

Gisburn Road (A682) is categorised as a strategic route, carrying a high volume of traffic. It is subject to a maximum speed limit of 30mph outside the development site onto which an amended vehicular and pedestrian access is proposed to be constructed.

For a road with a speed limit of 30mph a Stopping Sight Distance (visibility splays) of 43m should be provided in both directions over land within the applicant's ownership and/or over the adopted highway network, measuring 2.4m back from the nearside edge of the carriageway into the site. There should be nothing within the visibility splays over 0.9m in height above the carriageway of Gisburn Road.

At the time of the previous site visit two vehicles were parked adjacent to the existing access, within the visibility splay to the left when exiting. This raises safety concerns as there is currently unrestricted parking on Gisburn Road and the visibility splays are not protected. Vehicles parked within the visibility splays would cause an obstruction.

The vehicles parked adjacent to the access were also partially parked on the footway, so reducing the width. Anyone with a pushchair, in a wheelchair or with mobility aids would not have been able to pass and would have been forced into the carriageway and into live traffic. The nearest bus stops are to the North of the access and this direction is also the pedestrian route to the local primary school on Beverley Road. Any vehicles parked on the footway would raise the same highway safety issues.

Lancashire County Council's five-year database for Personal Injury Accidents (PIA) was checked on 10 November 2022. The database indicates that there have been no collisions resulting in personal injury on Gisburn Road within the vicinity of the site. Therefore, the highway network surrounding the site is considered to have a good highway safety record.

However, the lack of collisions on Gisburn Road within the vicinity of the site should not be a reason to support intensification of use of an access which would have compromised visibility

splays. The highway authority's view is that to do so would significantly increase the risk of future collisions. Therefore, the highway authority considers that physical measures are necessary to protect the visibility splays on Gisburn Road in both directions.

Site access

The unadopted access track from Gisburn Road currently provides vehicular access to four properties, with planning approval granted for a two further dwellings within the applicant's curtilage, plus off-road parking for 423 Gisburn Road. The proposed development would increase the number of properties using the access to 16, although the following comments regarding the provision of off-road, public parking should be noted.

The existing access is proposed to be amended. This would require the removal of a length of boundary hedge, widening of the access and the provision of 2m wide footways both sides of the access into the site. Given the intensification in use of the site the carriageway width within the access should be a minimum of 6.5m to allow two vehicles to pass within the access.

The formation of the amended vehicle access from Gisburn Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to:

- the construction of the access to an appropriate standard, including a minimum width of 6.5m and radius kerbs
- buff coloured tactile paved dropped pedestrian crossings both sides of the access
- construction of 2m wide footways into the site on both sides of the new access
- re-location of any highway gullies
- Give Way carriageway markings on Gisburn Road at amended access
- re-instatement of footway to the South of the access to an appropriate standard including full height kerbs, approximately length 5.5m
- a street lighting assessment
- Traffic Regulation Order for No Waiting At Any Time (double yellow lines) to protect the visibility at the access and a scheme for 14 car parking spaces within the site entrance to compensate for the displacement of parking on Gisburn Road.

Planning Permission for the development of Hollin Fold, further along Gisburn Road to the North (ref 13/01/0666P), was granted subject to conditions covering the provision of an off-road car park inside the entrance to Hollin Fold (Condition 19), together with a Traffic Regulation Order restricting parking on Gisburn Road adjacent to the site access being approved prior to any development taking place (Condition 15).

If a Traffic Regulation Order was introduced adjacent to the amended site access to prevent parking on Gisburn Road, so protecting the visibility splays and to mitigate the highway safety concerns, off-road parking within the site would be required. This should be available to local residents and the general public at no charge. It would also require the replacement of the dwelling approved in outline under planning approval 20/0277/OUT with parking for at least 14 vehicles, to off-set the loss of parking on Gisburn Road.

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 volume of agreement submissions currently being received by the county council this process can take at least six months to complete. No works should be undertaken within, or which affects, the adopted highway network without the necessary agreement being in place in order to prevent legal action from being taken against the developer.

Public Rights of Way

Public Footpath (ref FP46 Blacko) passes from Gisburn Road over the existing track adjacent to No 425 and down to properties at Waters Meeting.

The section of proposed new footway to the South of the amended access would improve access for pedestrians on the track onto Gisburn Road, including separating pedestrians from vehicles within the access, which currently does not happen.

Sustainability

In terms of facilities and amenities within acceptable walking distances there are only a hairdresser's, barber's, pub and primary school within the village. It is also only served by one commercial bus service linking Clitheroe and Nelson, with limited daytime buses and no service on Sundays and Bank Holidays.

Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, maximum parking standards should be applied to this site.

Secure, covered cycle storage in line with the council's Parking Standards would also need to be provided, together with an electric vehicle charging point to improve the site's sustainability.

Internal layout

The internal site layout provided is indicative only, as such the following provisional comments are made.

The internal estate road should be a minimum of 5.5m wide, with a 2m wide footway along one side, including round the turning heads, and a 1m service strip along the other.

Reserved Matters

If planning permission is granted a reserved matters application will need to be submitted covering details of appearance, landscaping, layout and scale. As part of any reserved matters planning application the applicant is advised to consider the following provisional comments.

1. Pendle Borough Council's 'Car and Cycle Parking Standards' recommend the following parking provision:

- One bedroom properties to have one parking space.
 - Two to three bedroom properties to have two parking spaces.
 - Four and above bedroom properties to have three parking spaces.
2. To count as one parking space a single garage should have minimum internal dimensions of 6 x 3m. Where garages are below this recommended size they should not be counted as a car parking space. Double garages should have minimum internal dimensions of 6 x 6m to count as two parking spaces.
3. The minimum dimensions for a single off-road parking bay are 2.4m wide by 5.6m long, although the recommendations below should also be considered as part of the off-road parking design.
4. All drives fronting garages with up and over style doors to be a minimum of 6m long to allow room to open and close the doors; this can be reduced to 5.6m where roller shutter style doors are provided. The above measurement is for one parking space in front of the garage. Where more parking spaces are proposed the length should be increased correspondingly.
5. A minimum manoeuvring area of 6m should be provided to ensure that vehicles can adequately manoeuvre to and from the off-road parking areas without overrunning property opposite.
6. Private drives should be a minimum of 3.2m wide where they are used for shared vehicular and pedestrian access to the property, where one parking space is provided. Where more parking spaces are proposed the drive should be widened correspondingly.
7. Where the parking bays are adjacent to walls and fences, it is recommended that the drives have a minimum clear width of 2.6m, to provide additional room to open vehicle doors.
8. At least one secure cycle space should be provided for single bedroom residential properties and two where two and above bedrooms are to be provided. A standard size garage (6 x 3m) is considered capable of accommodating two cycles. Where no garage is provided alternative covered, lockable provision should be made within the property's curtilage.

9. Electric vehicle charging points should be provided at each property. The following conditions and informative note should be applied to any formal planning approval granted.

Conditions

1. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The works shall be completed prior to the first occupation of any dwelling. Works shall include, but not exclusive to:

- the construction of the access to an appropriate standard, including a minimum width of 6.5m and radius kerbs,
- buff coloured tactile paved dropped pedestrian crossings both sides of the access,
- construction of 2m wide footways into the site on both sides of the new access,
- re-location of any highway gullies
- Give Way carriageway markings on Gisburn Road at amended access
- re-instatement of footway to the South of the access to an appropriate standard including full height kerbs, approximately length 5.5m
- a street lighting assessment
- Traffic Regulation Order for No Waiting At Any time (double yellow lines) to protect the visibility at the access and a scheme for 14 car parking spaces within the site entrance to compensate for the displacement of parking on Gisburn Road.

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.

2. The development hereby permitted shall not commence unless and until all of the highway works to facilitate construction traffic access to the development site have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority. Reason: To enable all construction traffic to enter and leave the development site in a safe manner without causing a hazard to other road users.

3. No development shall take place, including any works of 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.

4. No part of the development hereby approved shall be commenced until visibility splays measuring 2.4m back from the centre line of the access and extending 43m on the nearside carriageway edge in both directions on Gisburn Road have been provided at the amended access, as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development. Reason: To ensure adequate inter-visibility between highway users at the site access, in the interests of highway safety.

Informative 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 access to an appropriate standard, including a minimum width of 6.5m and radius kerbs,
- buff coloured tactile paved dropped pedestrian crossings both sides of the access,
- construction of 2m wide footways into the site on both sides of the new access,
- re-location of any highway gullies
- Give Way carriageway markings on Gisburn Road at amended access
- re-instatement of footway to the South of the access to an appropriate standard including full height kerbs, approximately length 5.5m
- a street lighting assessment
- Traffic Regulation Order for No Waiting At Any time (double yellow lines) to protect the visibility at the access and a scheme for 14 car parking spaces within the site entrance to compensate for the displacement of parking on Gisburn Road.

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.

Final response dated 13/04/2023

Having now had chance to review the car parking survey submitted (as documents attached), this appears to show limited demand for on-road parking within the proposed visibility splays on Gisburn Road. Therefore, there would be very little, or even no, displacement of vehicles if parking restrictions in the form of double yellow lines are introduced on Gisburn Road. Consequently the highway authority considers that the provision of off-road parking for 14 vehicles within the site to off-set the loss of parking on Gisburn Road is no longer required.

My other comments and conditions outlined in my response dated 10 November 2022 remain unchanged.

Blacko Parish Council

Comments dated 13/09/2022

The Parish Council objects on the following basis:

1. The Proposed Development is outside the settlement boundary of Blacko and in Open Countryside
2. Within the information on the planning portal it does not refer to the recent application 22/0045/OUT which was withdrawn, we believe this should be referenced as the history is not complete. The objections raised from highways and UU on the previously withdrawn application, are still relevant
3. We challenge the claim that the site is a residential garden, as previously we have reported this has been used to graze horses for a number of years
4. The scheme provides 2 car parking spaces per house and no doubt there will be visitor traffic too, so over 18 vehicles will regularly try to access the already busy and hazardous main road. This will be a Highway Safety Issue.

Comments dated 22/11/2022

1. The bungalow who's "garden" the proposed planning application relates to was built especially with a working basement, which was to service the "Market Garden Business" and was never the "garden" of the bungalow.
2. Despite the revised comments of the Highway Authority, the Parish Councils objections still stand concerning the scale of the development in open land and the generation of additional traffic. In the revised Highways Authority response, they say there has to be an area for parking for locals and visitors, but there is nothing in the plans to show this off-road parking. This off road parking would significantly increase the volume of traffic using the junction.
3. It is unclear from the plans, as to whether it is the applicant's intention to move the bench on Gisburn Road, this bench has been situated in this position for over 20 years and is looked after by the Parish Council
4. We have photos of cars parked on the planned entrance/exit of the site, which would also cause problems with the extra amount of cars expected on the site should it be approved.

Unites Utilities

Comments dated 16/02/2023

United Utilities wish to make the following comments regarding the proposal detailed above.

We originally objected to the application in our first response on 18th October 2022. Since objection, additional information has been submitted by the applicant which confirmed the rising main to be away from the proposed development. We recommended that Drawing Number CAL 2022 001 001 Rev E is added to any plan condition, should the application be approved.

DRAINAGE

Request for additional Information

We request that the applicant submits a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels). It is our recommendation this information is submitted for our review so that any risk of sewer surcharge can be further assessed. The applicant should note that it may be necessary to raise finished floor and ground levels and / or include mitigation measures to manage the risk of sewer surcharge.

We request the following drainage condition is attached to any subsequent approval:

CONDITION – Foul and Surface Water Drainage

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public combined sewer, the rate of discharge shall be restricted to 5 l/s;
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

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

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

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. We believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in any subsequent Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. The following may be a useful example.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company and we would not be involved in the discharge of the management and maintenance condition in these circumstances.

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. Please see 'Contacts' section below.

Water pipelines

United Utilities will not allow building over or in close proximity to a water main.

Wastewater pipelines

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances. Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for further details).

Important information regarding water and wastewater pipelines and apparatus.

It is the applicant's responsibility to investigate and demonstrate the exact relationship between United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service, including United Utilities (see 'Contacts' section below). The position of the underground apparatus shown on water and wastewater asset maps is approximate only and is given in accordance with the best information currently available. Therefore, we strongly recommend the applicant, or any future developer, does not rely solely on the asset maps to inform decisions relating to the detail of their site and instead investigates the precise location of any underground pipelines and apparatus. United Utilities Water will not accept liability for any loss or damage caused by the actual position of our assets and infrastructure being different from those shown on asset maps.

Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Any agreement to divert our underground assets will be subject to a diversion application, made directly to United Utilities. This is a separate matter to the determination of a planning application. We will not guarantee, or infer acceptance of, a proposed diversion through the planning process (where diversion is indicated on submitted plans). In the event that an application to divert or abandon underground assets is submitted to United Utilities and subsequently rejected (either before or after the determination of a planning application), applicants should be aware that they may need to amend their proposed layout to accommodate United Utilities' assets.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include sustainable drainage features, earth movement and the transport and position of construction equipment and vehicles.

Any construction activities in the vicinity of United Utilities' assets, including any assets or infrastructure that may be located outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is available on our website. The applicant, and/or any subsequent developer should note that our 'Standard Conditions' guidance applies to any design and construction activities in close proximity to water pipelines and apparatus that are no longer in service, as well as pipelines and apparatus that are currently operational.

It is the applicant's responsibility to ensure that United Utilities' required access is provided within any proposed layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity.

WATER AND WASTEWATER SERVICES

If the applicant intends to receive water and/or wastewater services from United Utilities they should visit our website or contact the Developer Services team for advice at the earliest opportunity. This includes seeking confirmation of the required metering arrangements for the proposed development. See 'Contacts' Section below.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the connection(s) will be suitable for the new proposal or that any existing metering arrangements will suffice. In addition, if reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

To promote sustainable development United Utilities offers a reduction in infrastructure charges for applicant's delivering water efficient homes and draining surface water sustainably (criteria applies). For further information, we strongly recommend the applicant visits our website when considering any water or wastewater design <https://www.unitedutilities.com/builders-developers/your-development/planning/building-sustainable-homes/>

Business customers can find additional information on our sustainable drainage incentive scheme at <https://www.unitedutilities.com/Business-services/retailers/incentive-schemes/>

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' Section below.

Lancashire Fire Safety

The buildings must conform to Document B Part B5 of building regulations.

Environmental Health

Concerns raised around nuisance during the construction phase. A Construction Method Statement condition is requested.

Environment Officer (Trees)

A Part 1 Arboricultural Assessment has been submitted with this outline application. If officers are minded to approve the application a part 2 assessment relating to the trees to be retained / removed as well as tree protective fencing information would be required.

Public Response

Nearest neighbours have been notified by letter and a site notice displayed for wider publicity. Multiple objections have been received, raising the following issues:

- The development will encourage people to drive because there are no facilities and services in Blacko
- This added to Trough Laithe will cause problems with Barrowford traffic at peak times
- Access is often parked up with residents not having enough places to park
- There have been several road accidents on this road which is notorious as a dangerous road
- Dangerous with the Sun Inn car park so close
- This will affect the route which ramblers take towards the Water Meetings
- Double yellow lines would cause cars to park on the opposite side of the road making it a single carriageway road
- Cars speed up to avoid having to stop and reverse if they meet another car coming in the opposite direction
- Properties which have access into Gisburn Road will be more affected by parked cars if double yellow lines are introduced
- The double yellow lines would affect customers to the hair dressers who would have to park on the opposite side of Gisburn Road
- If the 14 space car park is for any public then people will park in it to walk to the Water Meetings and beyond, if it is just for residents it is encouraging them to cross the busy Gisburn Road in all weathers, day and night
- The properties will be large expensive houses and not social housing
- The climate has already passed a tipping point in terms of climate change, the proposed development is unnecessary
- Swept path analysis shows that it is impossible for traffic moving to and from an existing track
- Construction traffic will not be able to access the site safely
- The application would involve rerouting a Public Right of Way
- Utilities will be unable to cope
- The track will make it dangerous and difficult for farm access
- Concerns regarding consultation
- It would be difficult to get out to hospital in an emergency

- Impact upon wildlife
- Trees to be felled
- Concerns regarding surface water drainage
- High pressure sewer pipe nearby
- Tractors and trailers use this track but there would not be sufficient space, coupled with the additional cars
- Views over Pendle would be damaged by the blot on the landscape
- Outside the settlement boundary
- The curved entrance road would make it impossible for farm vehicles to get safely in and out of the site
- School cannot cope with additional children
- The development does not fit with the linear nature of the village
- The development would spoil the AONB

Officer Comments

Policy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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

Policy ENV2 (Achieving Quality in Design and Conservation) 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.

Policy ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV5 (Pollution and Unstable Land) concerns the risks of air, water, noise, odour and light pollution in addition to addressing the risks arising from contaminated land.

Policy ENV7 (Water Management) concerns the risk of flooding from flood or surface water. It requires flood risk to be assessed and sustainable drainage measures to be used.

Policy LIV1 (Housing Provision and Delivery) sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV3 (Housing Needs) encourages the support and provision of a range of residential accommodation.

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

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

Replacement Pendle Local Plan

Saved Policy 31 sets out the parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies 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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Principle of Development

The application site is located adjacent to the settlement boundary. Policy LIV1 of the Local Plan Part 1: Core Strategy sets out that proposed development which is adjacent to a settlement boundary will be considered for residential development ahead of the Local Plan Part 2 being adopted, in order to boost the supply of housing. Therefore the principle of development in this location is acceptable, subject to accordance with design and amenity policies.

Design

The proposed development is in outline, with access the only matter applied for. An indicative plan has been provided which gives an indication of the proposed layout for the nine detached dwellings. Should the outline application be approved, further detail on design would be submitted at a future Reserved Matters stage of the process. The design of the access will be discussed in the Highway section below.

Residential Amenity

The applicant has prepared an indicative layout showing nine detached dwellings arranged in a linear layout. In terms of impact upon residential amenity, the dwellings should be laid out to ensure that there is a 21m distance between habitable room windows of the proposed dwelling and the existing neighbouring dwellings. The Design Principles SPD also recommends a distance of 12m between a habitable room window and a gable elevation. The indicative layout shows that there is a distance of at least 12m between the outline application for a single dwelling (20/0463/OUT) and plots 5 & 6 of the application before the Council for determination. Provided that the plot which has planning permission under the separate reference is orientated in such a

way that no habitable room windows were within 21m of the habitable room windows on elevation the proposed dwellings which are the subject of this application, there would be no unacceptable neighbouring amenity impact. Given the distance of 12m on the proposed indicative layout, it is likely that a suitable layout could be achieved in order to orientate the windows acceptably.

In terms of the impact upon the existing dwelling at No. 425, the indicative layout shows that the plots for the proposed dwellings would be orientated so that they are not facing the principal elevation of No. 425. The dwellings to the opposite side of Gisburn Road would be greater than 21m from the proposed dwellings and given the natural fall of the ground in this location, would not result in an unacceptable impact upon neighbouring dwellings.

Subject to an appropriate design of fenestration at any Reserved Matters stage, the proposed dwellings could be laid out across the site in order that there would be no unacceptable neighbouring amenity issues between the plots themselves.

Overall, the proposals accord with Policy ENV2 of the Local Plan Part 1: Core Strategy or with paragraph 130 of the Framework in this regard.

Landscape & Visual Impact

The application site is located 600m to the east of the Forest of Bowland AONB. Although the land is located in an area where natural ground levels drop away from Gisburn Road, the proposal would be read in the context of the entire village, when viewed from the wider landscape to the west. There are other structures to the west side of Gisburn Road in close proximity to the application site. There is also a dense belt of trees to the western boundary. There is opportunity to supplement the landscaping of the site to the west with a full landscaping scheme, this is something which could be the subject of a planning condition.

As such, although there would be a change to the short range views of the application site, when viewed in long range views in the context of the existing settlement of Blacko the proposed development would not be unacceptable. Indeed, this issue has been grappled with in other recent applications including the two dwelling which have been approved within close proximity to the site, put forward by the same applicant. This has also been considered in the application to the south in application reference 23/0031/VAR, an application for a large detached dwelling and an annex which was recently approved. Although it is acknowledged that the settlement form is linear, there are other structures along the western side of Gisburn Road and the proposed development is to run parallel with Gisburn Road. As such, it continues to follow the linear form of the settlement.

There is a public right of way running along the access and southern boundary of the application site. Clearly views along this public right of way would be altered. However, these would be short range views which would be in the context of the existing village and dwellings on the western side of Gisburn Road.

Highways

The proposed development would be required to provide an adequate level of car parking for the proposed dwellings. The design & access statement gives an indication that the dwelling would each have three bedrooms, garages and driveways have been indicated on the proposed site plan. The proposed garages would need to meet the minimum sizes for internal floor space for garages, which is 6mx3m in order to count as one car parking space.

In terms of the existing Public Right of Way, it is noted that this runs down the track to the south of the site. There are no proposed changes to the route of this public right of way.

This application applies for access in full. The submitted plans indicate that there would be an access directly off Gisburn Road which serves the existing track and there would be an estate road running along the north side of the existing dwelling at No. 425. Although comments have been received from members of the public raising concern with the proposed access arrangement in relation to existing farm traffic, a swept path analysis has been prepared and reviewed by LCC Highways. They have not raised an objection in this regard and this view is concurred with.

Visibility splays of 43m would be required in order to allow safe access and egress from the site. In order to keep the visibility splays clear of obstruction, a Traffic Regulation Order would be required to incorporate double yellow lines. The Highways Authority had originally recommended mitigation in regard to the existing on street parking which would be displaced, in the form of a 14 space car park within the site. However, following the submission of a survey by the applicant in relation to the parked vehicles, the Highways Authority have removed this request.

Subject to conditions, the proposed development poses no serious highway safety danger and accords with the Framework at paragraph 111 and Policy ENV4 in this regard.

Ecology & Trees

The applicant has submitted a preliminary Ecological Appraisal and a Preliminary Bat Roost Assessment. This has found no evidence of bats and the potential for roosting bats to be negligible. It has recommended that a bat brick is incorporated into each property. This is something which could be incorporated into the Reserved Matters application.

The proposed development would result in the loss of some hedge row to the frontage of the site to accommodate the required visibility splay. However, this could be compensated for through a landscaping scheme, which can be secured by condition.

The application is accompanied by a Part 1 Arboricultural Assessment. The Council's Environment Officer (Trees) has set out that further information will be required at any Reserved Matters stage should the outline application be approved, in order to assess which trees are to be retained or removed as well as tree protective fencing.

Although any loss of some hedgerow would weigh negatively in the planning balance due to the loss of habitat, it would be outweighed by the public benefit which would result from the increase in housing land supply. It is also possible to mitigate this loss through the introduction of a replacement planting scheme, this could be controlled by condition. Therefore, the proposed development does not conflict with Policy ENV1 of the Local Plan: Part 1 Core Strategy.

Drainage

The application is accompanied by a sewer plan which has been provided to the applicant by United Utilities following a search request. A full foul and surface water drainage scheme would be required should the outline application be approved, at the Reserved Matters stage. This is something which United Utilities have raised in their statutory consultee response and which can be addressed through appropriately worded planning condition.

Other Matters

Some local residents have expressed concerns over the sustainability of the site. However, it is directly adjacent to the settlement boundary as set out above in relation to Policy LIV1. Although Blacko is a 'rural village' within Policy SPD2 of the Core Strategy, there is a pub, primary school and hairdressers. As identified within Policy SPD2 rural villages rely on nearby Rural, Local or Key

Service Centres to provide their needs. In this case Blacko relies on Barrowford for shopping and health care needs e.g. doctors and dentist. The settlement boundary for Barrowford is 500m from the site access. It is noted that there is a commercial bus serving Blacko which runs to Clitheroe, Barrowford and Nelson, albeit the frequency is roughly every two hours during a weekday. The scale of the proposed development, coupled with the distance to Barrowford and the limited services within Blacko does not mean that this site is unsustainable. The Core Strategy proposes 12% of growth in housing development should be directed to Rural Pendle. As such, it does not preclude development in Blacko. As set out above, in relation to Policy LIV1 of the Core Strategy housing sites which are close to the settlement boundary should be considered until such a time that there is a Part 2 Local Plan in place. At this point in time, Part 1 of the Local Plan is still the extant Development Plan and a Part 2 plan has not come forward.

Concerns have been raised with Trough Laithe being built out currently and the potential for this to cause traffic implications in addition to the proposed site. The allocation of Trough Laithe was considered as part of the Local Plan examination and the subsequent planning application for Trough Laithe. Traffic implications were considered as part of this process and would not form a material planning consideration in the determination of this application.

Some people have raised concerns about the double yellow lines which are required around the site access across the visibility splay. The applicant has prepared a parking survey and Lancashire County Council have withdrawn their initial request for a public car park here.

The proposed development does not conflict with the Council's proposals on climate change. Although comments have been received in this regard the proposal is policy compliant.

An individual case has been put forward regarding getting access to hospital during a medical emergency. Clearly this was a particular set of circumstances which existed prior to the proposed development and the application which is before the Council. However, in any event the proposed access has been assessed from a highway safety perspective and there is no objection.

Views from properties on the opposite side of Gisburn Road are not a material planning consideration in this case. There is no right to a view.

Summary

The proposed development comprises a total of nine dwellings, arranged in a linear form with access off Gisburn Road. The application site is directly adjacent to the settlement boundary. As such Policy LIV1 of the Local Plan: Part 1 Core Strategy is relevant and the principle of development is acceptable, subject to conformity with other policies of the Development Plan. Although subject to change through a subsequent Reserved Matters application, the indicative layout of the properties is acceptable. The proposed development has been assessed from a highway perspective, particularly in relation to the site access of Gisburn Road. This arrangement is acceptable and would not result in a serious highway safety danger. As such, it accords with paragraph 111 of the Framework in this regard. Overall, the proposed development is acceptable and the application is recommended for approval.

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 garden extension would be acceptable in this location subject to 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: Approve

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, layout, sale and landscaping of the site) shall be submitted in writing to the Local Planning authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the land of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3(1) of the Town & Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: In order to comply with the requirements of Section 95 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan received on 22/08/2022, Proposed Site Plan CAL 2022 001 001 Rev C.

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

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved in writing by, the Local Planning Authority. The works shall be completed prior to the first occupation of any dwelling. Works shall include, but not exclusive to:

- the construction of the access to an appropriate standard, including a minimum width of 6.5m and radius kerbs,
- buff coloured tactile paved dropped pedestrian crossings both sides of the access,
- construction of 2m wide footways into the site on both sides of the new access,
- re-location of any highway gullies
- Give Way carriageway markings on Gisburn Road at amended access
- re-instatement of footway to the South of the access to an appropriate standard including full height kerbs, approximately length 5.5m
- a street lighting assessment
- Traffic Regulation Order for No Waiting At Any time (double yellow lines) to protect the visibility at the access

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.

5. The development hereby permitted shall not commence unless and until all of the highway works to facilitate construction traffic access to the development site have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the development site in a safe manner without causing a hazard to other road users.

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

7. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public combined sewer, the rate of discharge shall be restricted to 5 l/s;
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

8. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

9. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

10. 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 including the replacement trees for those which have been removed, 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.

Informative 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 access to an appropriate standard, including a minimum width of 6.5m and radius kerbs,
- buff coloured tactile paved dropped pedestrian crossings both sides of the access,
- construction of 2m wide footways into the site on both sides of the new access,
- re-location of any highway gullies
- Give Way carriageway markings on Gisburn Road at amended access
- re-instatement of footway to the South of the access to an appropriate standard including full height kerbs, approximately length 5.5m
- a street lighting assessment
- Traffic Regulation Order for No Waiting At Any time (double yellow lines) to protect the visibility at the access and a scheme for 14 car parking spaces within the site entrance to compensate for the displacement of parking on Gisburn Road.

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: 22/0573/OUT

Proposal: Outline: Erection of 9 residential dwellings with attached/detached garages (re-submission).

At: 425 Gisburn Road, Blacko

On behalf of: Mrs. J Cox