

REPORT FROM: ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 7TH JUNE 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 7TH JUNE 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

This application has been deferred from a previous committee to gain further understanding of the highway position.

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 nine 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Withdrawn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.

Further 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.

Final response, following discussion at 10 May 2023 committee

Following our telephone conversation on 11 May regarding the above application, please see below my response to the request from the Barrowford & Western Parishes Committee on 10 May 2023.

- Their understanding of traffic flows on the A682 (Gisburn Road, Blacko);
As stated in my response dated 10 November 2022, Gisburn Road (A682) is categorised as a strategic route, carrying a high volume of traffic, including HGVs and buses. Apart from during the construction phase, if this application was to be approved, the site would not increase the number of HGVs on Gisburn Road. Nor would the number of dwellings proposed significantly increase traffic flows on Gisburn Road.
- Whether traffic lights had been in use when the Applicant's survey was

undertaken; Temporary traffic lights were on Gisburn Road outside No 324 between 22 and 29 March according to the county council's Highway Regulation Team records. The parking survey summary document noted roadworks when the survey was carried out on 27 March. No surveys were carried out on 28 and 29 March. The remaining surveys were carried out after the roadworks had been completed and temporary lights removed.

- Details of the dates and times of day any surveys have been undertaken;

The dates and times of the parking survey undertaken for this application are contained within the submitted on-street car parking survey. *[Survey indicates data was collected between 27/03/2023 and 02/04/2023]*

- Whether they were aware of the serious accident that occurred on the A682 in 2019; Lancashire County Council's database for Personal Injury Accidents is based on data received from the Police where a road traffic collision has occurred resulting in injury and which has also been reported to the Police. If the accident in 2019 was not as a result of a road traffic collision, then this would not be recorded on the database.

- Whether they were aware of the existing and persistent issue with vehicles parking on pavements along the A682.

Vehicles parked on the footway causing an obstruction is a matter which would be dealt with by the Police. The Police regularly liaise with the Traffic section at Lancashire County Council, where such issues as illegal parking can be discussed if they have been made aware of it.

Alternatively reports can be made to the county council via the general highways e-mail address – highways@lancashire.gov.uk – although any enforcement action would be dealt with by the Police.

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.

Comments dated 02/05/2023

The original application was received on 31.10.22 with comments to be in by 21.11.22. Then on the 17 Nov 22, you informed me, when I asked why other documents had been received by Pendle with regards this application, "Amended plans had been received and you had notified the relevant bodies which were Highways and United Utilities, and no other bodies needed to be notified".

We now find ourselves in April 2023, and a number of documents have been uploaded to the planning portal recently. Most concerning is the issue of the original suggestion by LCC highways that 14 car parking spaces for the wider village use should be provided. LCC have now decided that this is now not required. There is also correspondence with United Utilities, who originally objected, but now has withdrawn their objection, again following further information provided by the applicant.

We have looked back again at LCC Highways initial consultation response concerning the impact of traffic from the nine houses. In our opinion, they have unreasonably opted out of properly commenting on this by saying that they will in effect reserve their position and only consider that at the detailed planning stage once the actual number of houses are confirmed.

Should Highways not be asked for a view as to whether the access can safely sustain a development of 9/10 houses which could mean up to 20 or more vehicles.

Our concerns are also that the time scales from the first application and now has been too long and it still has not been before a committee.

United 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.

The Highways Authority have prepared a note which provides additional clarification to the committee on specific questions which were raised at the May 2023 committee. This note states that the access road is a strategic route and this has been noted in the original response. As such, HGVs, buses and cars all travel on this route currently. However, there would be no increase in the number of HGVs using the site (other than during the construction phase) and no significant increase the traffic flows on Gisburn Road in general. The note has confirmed that the applicant has undertaken car parking surveys between 27th March 2023 and 2nd April 2023, this resulted in LCC Highways objection in relation to the provision of a 14 space off-street car parking requirement being removed. The survey notes the presence of roadworks and temporary traffic lights on 27th March and no data was collected on 28th & 29th March until the roadworks and traffic signals had been moved. In terms of serious collisions recorded on the database which LCC Highways consult as part of their response, there is no recorded incident of the nature described at committee previously (December 2019). The database records incidents which have been reported to the police and those which involve road traffic collisions. Finally, the note indicates that parking on the pavement is a police matter and provides contact details for the Traffic section of the highways department who may be able to pass on information to report incidents to the police.

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.

The timescales for this application have been driven by responses required by statutory consultees. Unfortunately the drainage and highways comments have taken much longer than usual and this has held the application up from being discussed at committee until this stage. LCC Highways and United Utilities have no objection to the proposed development. The issues of drainage and highways are addressed in the report.

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 E.

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

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 7TH JUNE 2023

Application Ref: 23/0197/FUL

Proposal: Full: Erection of a detached dwelling with detached garage, garden and access.

At: Land to the North East of Sunnyside Farm, Crowtrees, Roughlee

On behalf of: Mr Tim Hartley

Date Registered: 05.04.2023

Expiry Date: 31.05.2023

Case Officer: Yvonne Smallwood

This application is sent to Committee due to having 3+ objections.

Site Description and Proposal

The application site is to the north east of Sunnyside Farm, Crowtrees, off Blacko Road. The site is circa 0.14ha and is reasonably level, with a wooded banking to the north west boundary. The site is within the Forest of Bowland, an Area of Outstanding Natural Beauty. The northern section of the development is within Open Countryside and to the south is Settlement Boundary. To the south of the site is a row of Grade II Listed dwellings, comprising Fern Cottage, Lynwood, Waterfall Cottage, Willow Cottage, Glen View, and Rose Cottage.

The proposal seeks to erect a three-bedroomed two storey detached dwelling with a detached garage. There would be a patio area and garden created, along with a driveway to the north of the proposed garage. The dwelling would be roughly be a 'T' shape, with a two storey element to the south west measuring 15.5m x 7.6m x 4m eaves, 6.5m ridge height. The single storey element would be perpendicular to this, measuring 15.5m x 7.4m x 2.4m eaves and 6m ridge height. The materials would be natural dressed stone and blackened timber, natural slate and standing seam metal roofing, stone quoins, headers/cills and Conservation Velux windows.

A driveway would be created to the north of the domestic garage. Two parking spaces would be created, one in the garage and one on the drive.

There would be a landscaped area of shrubs to the east of the site.

Relevant Planning History

None.

Consultee Response

Highways LCC –

Having reviewed the information submitted, the Highway Development Control Section does not raise an objection regarding the proposed development at the above location, subject to the following comments being noted and condition being applied to any formal planning approval granted.

Proposal

The proposal is for the erection of a detached three bed dwelling, detached garage, garden area and vehicular access onto Crowtrees, which is a privately maintained road serving surrounding residential properties.

Car & cycle parking

The detached garage has adequate internal dimensions to provide one parking space, secure storage for at least two cycles and an electric vehicle charging point.

A second parking space can be accommodated within the internal yard area. This area also provides adequate manoeuvring space to allow vehicles to enter and leave the site in forward gear. The level of car and cycle parking proposed is adequate for the type and size of development proposed.

Condition

The garage hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household and shall not be used for any use that would preclude the ability of its use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: To ensure that adequate parking provision is retained on site.

PBC Engineering

Environment Agency –

Environment Agency position

We have no objection to the proposed development but we wish to make the following comments:-

Flood risk

The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by PSA design Ltd (ref D4049-L-01; dated 8th March 2023). We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA. For your given location the flood risk mapping is derived from modelling produced in 2004 (known as JFLOW) which was the first year of publication for our Flood Zones mapping. The underlying topographic data utilised in the 2004 mapping study was coarse (low resolution) and because of this, for some locations (including the site in question), the line of the watercourse was not identified correctly, resulting in the mapped risk area being misaligned rather than following the natural line of the watercourse

The 2004 mapping is due to be updated in 2024 as part of a national Flood Zone End 2 improvement project and we anticipate that this catchment will be included. The

accuracy of the underlying terrain data has improved greatly since the early 2000s and so we expect the flood risk mapping this project produces to be more refined.

Signing up for flood warnings – advice to applicant

The applicant/future occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>.

By getting an advanced warning it will allow protection measures to be implemented as well as evacuating people off site.

Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Environmental Health –

Construction Phase Nuisance Condition

A Construction Method Statement shall be submitted to the Local planning authority and approved prior to commencement of the development. The Method statement must cover the topics detailed below, including:

- Hours of operation
- Hours of deliveries
- Construction site noise and vibration
- Control of Dust
- Burning onsite

Hour of Work – Operations

No machinery shall be operated nor any potentially noisy processes carried out at the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no machinery operated or potentially noisy processes carried out at all on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

Hours of Deliveries

No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays.

No Vehicles shall be left idling onsite with the engine running.

Reason: In the interests of the amenity of nearby properties.

Construction Site Noise/Vibration

Demolition or construction work shall not begin until a scheme for protecting the residential and business neighbours from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Note

1. The contractor shall have regard to the relevant parts of BS 5228 1997 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations.

2. The local planning authority expects that the best practical means available in accordance with British Standard Codes of practise 5228:1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.

3. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To ensure a satisfactory standard of amenity for neighbouring properties.

Control of Dust

Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development for the suppression of dust from the site; all agreed details shall be implemented throughout the course of the development.

Note

1. The details of dust control measures for Haul Roads, the use of suitable wheel cleaning facilities and proposals for the sheeting of vehicles carrying dusty materials shall be included by the applicant.

2. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To protect human health and the environment from adverse effects of air pollution.

Burning on site

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.

Contaminated Land Informative

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

United Utilities

Environment Officer – Trees –

No objection

Public Rights of Way

Public Response

Press notice and site notice placed, and nearest neighbours notified by letter with three responses with objections and concerns summarised below:

- The building has a large footprint and there is a loss of soakaway
- Rainwater could flood neighbouring cottages and garages
- The size and modernity of the proposal could change the character and appear dominant in relation to existing neighbouring cottages
- A suggestion to create a circa 2ft pathway to enable access of outbuildings for maintenance and repairs
- There is an area of rough ground where cars are parked behind the front row of cottages that was gifted in 2007 to 4 of the cottages which are set further back. It comprises 8 parking spaces as well as space for manoeuvring. This was land where the old Methodist Church used to be. The red line of the "amended location plan" seems to cut across this,

although the plan is quite small so not so easy to judge. We just need confirmation this space will be respected and continue to be used as it has for the last 16 years.

- Concerns that the construction phase could be prolonged
- On street parking – residents only parking has not been agreed
- Any visitors to the proposal site should park within the curtilage of the site, whether they are tradespersons or friends
- A suggestion that a completion date be set for the construction of the development, should it be approved
- A suggestion that working hours are limited on the site, particularly weekends
- The owner runs a business elsewhere – a query as to whether a restriction could be placed, as this could increase traffic volumes
- A query as to whether restrictions can be imposed to limit future development on the site

Officer Comments

The main issues for consideration are the principal of a new dwelling, impact on amenity, design and materials and highways issues.

1. Compliance with Policy

The relevant policies for this proposal are:

Policy SDP1 requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (NPPF).

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands.

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

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character.

The following saved policy from the Replacement Pendle Local Plan is also relevant here:

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

In national terms the National Planning Policy Framework (NPPF) provides guidance on housing requirements, design and sustainable development and landscape protection.

Development in the Open Countryside SPG – improving the prosperity and diversification of the rural economy and enhancing the environment.

Forest of Bowland Area of Outstanding Natural Beauty SPG – provides guidance to preserve and enhance the natural and cultural heritage of the Forest of Bowland AONB and promote sustainable development in the area.

2. Housing Requirements

The National Planning Policy Framework requires housing applications to be considered in the context of presumption in favour of sustainable development and deliver a wide range of high quality homes and create sustainable, inclusive and mixed communities.

Proposals for new development should be located within a settlement boundary. These boundaries will be reviewed as part of the site allocations and development policies in order to identify additional sites to meet development needs where necessary.

This proposal seeks to erect a dwellinghouse with a detached domestic garage in a plot that is partly in the settlement boundary and partly within the open countryside in an Area of Outstanding Natural Beauty.

3. Impact on Amenity

The relationship of the proposed property to adjacent neighbours is an acceptable one with appropriate separation distances in excess of 21m. There would be no overlooking of an unacceptable nature and the relationship between the properties is sufficient to ensure that residential amenity is safeguarded.

There is circa 16m between the application site and Sunnyside Cottage to the south west of the site. The properties would not be in alignment and there would be no adverse impact for the residential amenity of the neighbours at Sunnyside Cottage.

In terms of potential impact on adjacent properties the nearest cottages to the south of the site are at a distance of 22.5m, which is acceptable for habitable room windows. There would be hedges and shrubs to the south of the site, that would provide screening and soften the appearance of the site.

To the north east of the site is Robin House, which is circa 54m from the site. There would be no adverse impacts to the amenity of the neighbour at Robin House.

Therefore the development would be acceptable with regard to the residential amenity of neighbouring properties and would accord with Policies ENV2 and the Design Principles SPD.

4. Design and Materials

The proposal is for a three-bedroomed two storey detached dwelling with a detached garage, with an overall ridge height of 6.5m. The dwelling would resemble a 'T' shape, with a two storey element to the south west measuring 15.5m x 7.6m x 4m eaves, 6.5m ridge height. The ground floor would comprise a lounge, utility, bootroom, WC and entrance hall. The first storey would have two ensuite bedrooms.

The single storey element would be perpendicular to this, measuring 15.5m x 7.4m x 2.4m eaves and 6m ridge height. The rooms would be a family room, kitchen and an ensuite bedroom.

The materials would be natural dressed stone and blackened timber, natural slate and standing seam metal roofing, stone quoins, headers and cills and Conservation Velux windows.

A driveway would be created to the north of the domestic garage. Three parking spaces would be created and there would be a landscaped area of shrubs to the east of the site. There would be a patio area and garden created, along with a driveway to the north of the proposed garage.

The design and materials of the proposal would be acceptable and would not look out of keeping in the in the location and would not harm the setting of the Grade II Listed Buildings to the south of the application site. As such, the proposal would be acceptable and would accord with ENV1, ENV2 and the Design Principles SPD.

5. Landscaping and Protected Trees

There are no protected trees that would be damaged by this application.

The landscaping scheme for the proposed is acceptable. The Environment Officer for Trees raised no objection to the proposal. The development would be screened and would therefore blend into the open countryside.

6. Open Countryside

The application site lies partly within the settlement boundary (circa 75% of the development within the settlement boundary) and partly in the open countryside (circa 25%).

Particular emphasis to the intrinsic value and distinctiveness of local places, the need to conserve and enhance the landscapes that provide the setting to villages within open countryside.

Public Footpath FP-131-7072 runs along the west of the site. The site would therefore be prominent to public vantage points.

The proposed development would form part of a small scale cluster of buildings. The prominence to the skyline would be minimised by the banking rising to the north of the site, with the existing large established trees. There are smaller trees and shrubs to the east of the site also. The proposal has a mixture of single and two storey elements. The materials would be natural and in keeping with the locality and the openings would not be excessive.

Taking account circa 75% of the development being within the settlement boundary, and the design of the property, the proposal would not result in an unacceptable adverse impact to the setting of the open countryside and would therefore accord with the Development in the Open Countryside SPG.

7. Area of Outstanding Natural Beauty (AONB)

Small developments are acceptable in an AONB, provided that they are compatible With the area. The proposed dwelling would be finished in natural materials of a standard in keeping with the character of the surrounding area. The siting of the proposed dwelling would be within an existing cluster of single and two storey buildings, so that the dwelling would integrate into the landscape. The design of the development respects the architecture of the existing buildings within the cluster, some of which are Grade II Listed Buildings.

The proposal accords with the Forest of Bowland AONB guidance and therefore would be acceptable and complies with Policy ENV1.

8. Highways Issues

The proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site subject to appropriate conditions.

The proposal would result in the erection of a three-bedroomed dwelling. There would be adequate parking provision for 2 cars. Highways LCC have raised no objection to the proposal, provided that the garage space would not be used for purposes that would preclude their use for parking. The Council concur with their opinion. Therefore the development would be acceptable in regard to highway safety and Saved Policy 31 Parking Standards.

Other Matters

Neighbour responses have been received raising objections and concerns relating to the proposed development.

The drainage and run-off has been an area of concern. The Environment Agency have raised no objection to the development. A Flood Risk Assessment has been submitted along with the proposal, the details of which were found to be satisfactory and that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development would be conditioned to proceed in strict accordance with this FRA, should it gain approval.

The size and modernity of the development was raised. There are a mixture of dwellings and outbuildings surrounding the site, with varied designs and finished in different materials. The proposal would not look out of keeping with the location.

The start date of a development is conditioned to commence within 3 years of the issue of an approval. There is no restriction to a finish date.

There would be 2 parking spaces created within the application site. It would not be reasonable to impose a condition stating that the applicants' visitors/tradespersons could not park on a public highway.

The hours of working and delivery times would be conditioned.

The application is for a dwellinghouse and a domestic garage, not a business. A business owned elsewhere should not impact this proposal.

Future development to the site could be restricted by a condition removing Permitted Development rights.

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 dwellinghouse is acceptable in terms of design and materials and would not adversely impact on amenity or protected trees 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. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, received 06.04.2023, 2166 PL10 Rev C, 2166 PL11 Rev C, 2166 PL12 Rev C, 2166 PL13 Rev C.

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

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

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

4. The domestic garage hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household and shall not be used for any use that would preclude the ability of its use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: To ensure that adequate parking provision is retained on site.

5. The domestic garage hereby approved shall be fitted with an electric vehicle charging point.

Reason: In order to promote sustainable transport as a travel option and reduce thereby carbon emissions.

6. A Construction Method Statement shall be submitted to the Local Planning Authority and approved prior to commencement of the development. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'. The Method statement must cover the

topics detailed below, including:

- Hours of operation
- Hours of deliveries
- Construction site noise and vibration BS 5228 1997 "Noise and Vibration" compliant
- Control of Dust
- Burning onsite
- Wheel cleaning facilities and sheeting of vehicles carrying dusty materials

Reason: To protect human health and the environment.

7. No machinery shall be operated nor any potentially noisy processes carried out at the site

outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no machinery operated or potentially noisy processes carried out at all on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

8. No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays. No Vehicles shall be left idling onsite with the engine running.

Reason: In the interests of the amenity of nearby properties.

9. Construction work shall not begin until a scheme for protecting the residential and business neighbours from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of construction.

Reason: In the interests of the amenity of nearby properties.

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

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the openness of the Open Countryside and preserve the AONB and setting of the adjacent Grade II Listed Buildings.

Informative Notes:

Environmental Health

Burning on site

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.

Contaminated Land Informative

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

Application Ref: 23/0197/FUL

Proposal: Full: Erection of a detached dwelling with detached garage, garden and access.

At: Land to the North East of Sunnyside Farm, Crowtrees, Roughlee

On behalf of: Mr Tim Hartley

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE ON 7TH JUNE 2023

Application Ref: 23/0285/FUL

Proposal: Full: Demolition of existing vacant farm shop and the erection of 8 no. dwellings with associated infrastructure.

At: Roaming Roosters, Barrowford Road, Higham

On behalf of: Mr Charles McDermott

Date Registered: 03/05/2023

Expiry Date: 28/06/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site sits on the western edge of the settlement of Fence. It lies in the green belt. The site comprises of an existing entrance that served a former mixed use site as a restaurant, shop and farm activity centre.

There is a large single building at the front of the site as exists with car parking to the east and rear of the site with open areas to the front and west of the existing building.

The proposal is to redevelop the site for housing. The proposal is for 8 houses with 4 to the front and 4 to the rear of the site. The entrance arrangements are not proposed to change.

There are three listed buildings located on the opposite side of the bypass at Ashlar Cottage to the east with White Lee, Lower White Lee and Acre House to the south west also across the by-pass.

Relevant Planning History

13/13/0163P. Erection of extensions for livestock. Approved.

13/10/0307P Full: Major: Change of use of 2 no agricultural buildings to form farm educational centre, offices, prep & workspace for management of Roaming Roosters, ancillary Cafe and Shop and formation of car park and wildlife pond. Approved.

13/15/0145P: Full: Major: Variation of Condition: Vary Condition 7 of Planning Permission 13/12/0228P to allow opening hours of 08:00 - 23:00 each day. Approved

19/0417/FUL: Full: Change of use from Farm Education Centre with ancillary shop and cafe to Farm, Farm Shop (100sq.m.) (Use Class A1) and Cafe (280 sq.m.) (Use Class A. Approved. The application was not commenced.

22/0424/FUL Full: Major: Demolition of existing buildings and erection of 12 dwellinghouses with associated infrastructure.

Refused

Consultee Response

Higham with West Close Booth Parish Council

Higham with West Close Booth Parish Council wishes to make the following submissions in relation to this planning application:

1. The Parish Council maintains its primary and fundamental objection to any development or usage of this site other than of a farm and agriculture-related nature and principal purpose. Otherwise, it should return to greenfield. The reasons for that objection have previously been set out in detail, with supporting information, in the Parish Council's responses to the previous application No. 22/0424/FUL and to the Appeal (Ref APP/E2340/W/23/3315598) currently in progress against the refusal of that application. Those responses are therefore re-submitted and copied herewith as follows:
 - Parish Council letter to PBC Planning Officer dated 22/08/2022
 - Parish Council letter to Planning Inspectorate dated 29/04/2023 together with Annexes A & B

In essence, the foundation and grounds for this submission are:

- a) The development on this site since 2010/12 of a large Bistro and Shop selling a variety of products which did not emanate from any farm associated with the site, which were carried out in priority to and in place of the stipulated farm education centre, small café and ancillary farm shop, were in breach of the representations upon which the original 2010 Planning Consent was obtained and of the Conditions specified within that Planning Consent. It would be fundamentally wrong to allow further development of the site only permissible if based upon an acceptance of those unlawful breaches and misrepresentations.
- b) The site should not be classified as "brownfield land" because the primary designated use of the site (and its intended primary purpose – see above) has at all times been agricultural in nature – namely Farm Education Centre (with ancillary shop and café) from 2010 until change to Farm, Farm Shop and Café in and since 2019. Land occupied by agricultural buildings is specifically excluded from the definition of "brownfield / previously developed land" in the NPPF Glossary definition.
- c) The site is within the Green Belt, the brownfield exception should not apply and no "special circumstances" have been advanced to justify its use or development other than for agriculturally-related purposes.

2.1 If, contrary to the above submission, it is considered that some development under the brownfield exception may be permissible, then while it is acknowledged that these latest proposals represent some improvement on the previous and go some way towards meeting previous objections, the objections or concerns in the following paragraph remain or arise.

2.2 In relation to the brownfield exception itself:

- a) The NPPF Glossary definition specifies that it is not to be assumed that the whole curtilage is developable land; in the above circumstances, the proposed development should therefore be restricted to the footprint area of the existing buildings rather than the whole curtilage;
- b) in any event, the proposed 8 houses spread out significantly more widely over the site area and therefore obviously have a greater impact upon the openness of this Green Belt site;
- c) although the total volume of those houses is said to be reduced by 24% on the previous proposal and therefore now slightly less in total than the existing building, volume is not the sole determinant; moreover, that calculation presumably takes no account of the parking spaces beside each property (with cars upon them) or absence of any garages (with consequent potential for later garage development and volume increase).

A more limited number of houses (preferably on a style and format more in keeping with the area – see below) might overcome these objections

2.3 In relation to the wider Green Belt area surrounding the site, it is submitted that the nature, extent, and regimented style of the proposed houses and their rigid, straight-street layout, would

- a) alter the appearance of the area as a whole and constitute apparent and inappropriate ribbon development along the highway outside the settlement areas and contrary to Green Belt purposes
- b) have a harmful impact (when viewed not only from the public road but also from the public footpaths to the east and north of the site) upon the setting of the 3 listed buildings (Lower White Lee, Acre House and Lower White Lee Old Farm) which are in close proximity to the proposed houses – contrary to s66 of the Listed Building & Conservation Areas Act 1990 (reference the recent Planning Officer Advice and Area Committee decision to refuse a comparable proposal at Pasture House, Pasture Lane, Barrowford – 22/0763/FUL).
A more sinuous and varied layout of a more limited number of more traditional style quality houses might ameliorate these issues

2.4 Whilst the proposal, in principle, for detached houses more reflective of the local vernacular is, again, acknowledged as some improvement, the stylistic features in the current proposals fall short of achieving that objective; for example (in addition to the above more general observations):

- a) the roof lines are stark and monotonous, lacking any chimneys or other variant features comparable to those in most traditional local housing
- b) the wall materials should be stone in keeping with local traditional housing rather than plain or re-constituted stone; the expression “locally sourced stone” is insufficient

2.5 Attention is also drawn to the highway and access concerns (both traffic and pedestrian) expressed in previous submissions and to the measures previously stipulated as necessary by LCC Highways in their letter dated 08/09/2022 on the previous application – conveniently summarised in their proposed condition 3 reading: “The scheme shall include the provision of a right turn lane on Barrowford Road, widening of the site access and radii on Barrowford Road, re-grading the highway verge on the western side of the site access, extension of the street lighting system and construction of a new footway on the north side of Barrowford Road between the site and Wheatley Lane Road”. This does not appear to have been addressed in the present proposal and the Parish Council is of the view that such provisions are necessary if the proposed or any similar development were to be approved.

The Coal Authority

No objection

Lancashire Fire & Rescue Service

Highlighting the requirements under Building Regulations. Access for a fire appliance should be provided in accordance with Building Regulations Approved Document B, Part B5.

Environmental Health

Construction Phase Nuisance Condition

A Construction Method Statement shall be submitted to the Local planning authority and approved prior to commencement of the development. The Method statement must cover the topics detailed below, including:

- Hours of operation
- Hours of deliveries
- Construction site noise and vibration
- Control of Dust
- Burning onsite

Hour of Work – Operations

No machinery shall be operated nor any potentially noisy processes carried out at the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no machinery operated or potentially noisy processes carried out at all on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

Hours of Deliveries

No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays.

No Vehicles shall be left idling onsite with the engine running.

Reason: In the interests of the amenity of nearby properties.

Construction Site Noise/Vibration

Demolition or construction work shall not begin until a scheme for protecting the residential and business neighbours from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Note

1. The contractor shall have regard to the relevant parts of BS 5228 1997 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations.

2. The local planning authority expects that the best practical means available in accordance with British Standard Codes of practice 5228:1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.
3. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To ensure a satisfactory standard of amenity for neighbouring properties.

Control of Dust

Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development for the suppression of dust from the site; all agreed details shall be implemented throughout the course of the development.

Note

1. The details of dust control measures for Haul Roads, the use of suitable wheel cleaning facilities and proposals for the sheeting of vehicles carrying dusty materials shall be included by the applicant.
2. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To protect human health and the environment from adverse effects of air pollution.

Burning on site

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.

Contaminated Land Informative

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

Environment Officer

Concern regarding the proposed landscaping plan which shows a "Blinded Hardcore footpath" and drainage pipes through the RPA (Root Protection Area), which has not been covered in the AIA (Arboricultural Impact Assessment). Both have serious implications for the health of the trees.

Old Laund Booth Parish Council

Old Laund Booth supports the comments of Higham with West Close Booth over this application and we also remind the planning department of the council's comments regarding a previous application for this site (22/0424/FUL).

Like Higham, we feel this site should only be used for agricultural usage and if this is not feasible, the site should return to green fields.

Our objections to this application are:

1. The former building was given permission to be used as an education centre and this never seemed to come to fruition. Usage as a bistro and farm shop was not in the spirit of the planning permission.
 2. The site is not brownfield and was only changed due to the education centre permission. It is infact prominent green belt land and should be retained as such.
 3. The application is for a larger area than the current curtilage allowance.
 4. Although the application is for less houses, the design of the site does not lower the impact the houses would have visually or on the environment.
 5. Concerns over the highway access and impact it will have if traffic is generated due to the application.
 6. Concern on the effect on the environment, air and noise quality and the rich wildlife which occupies the site.
 7. There is no real evidence of need for this application.
- The parish council feels this application is wholly unsuitable for the site.

LCC Highways

Comments awaited

United Utilities

Comments awaited

Public Response

There have been multiple letters of objection and support for the application, they can be summarised as follows:

Objection

- Reference to racial disorder at the previous owner's butchers in Nelson is no longer relevant
- 5 acres of farmland was never going to support a farm shop
- Allowing the previous use to operate as a full commercial centre in the Green Belt was disgraceful
- The proposed development would blur the separation between Fence and Higham
- The A6068 is a dangerous road especially when the property opposite is selling Christmas trees
- The bypass cannot cope with additional traffic flows, this would result in potential accidents

- Dwellings not in keeping with surrounding area
- Unacceptable impact upon Green Belt
- Impact upon Grade II Listed Building
- Lack of public footpaths in the area encourages car use
- Local amenities cannot cope e.g. GP, schools
- Properties already for sale in the area, there are enough houses for people seeking to move to the area
- Unacceptable impact upon wildlife
- Public money was used to invest in the farm shop with state of the art carbon saving facilities, to tear this down would mean lost investment
- A full size round a bout is required in order to safely accommodate the traffic
- Impact upon wildlife
- The impact here will be lasting, upon future generations
- Over-population of Fence
- Loss of visual amenity
- Noise and disturbance with a fear of crime, there has been an increase in drivers using the bypass as a race track, this would increase the number of junctions
- Other brownfield sites would be better
- Presence of curlew on the site would be lost
- No benefit to the community
- Loss of open space and trees
- Flooding on Guide Lane, the surrounding network cannot cope
- Lack of affordable housing
- Air pollution
- The land should be returned to nature
- Development should be restricted to the land which has been built on, not the whole curtilage
- Stark roof lines, lacking chimneys or other features are not comparable to most traditional local housing
- The dwellings should be constructed of natural stone, not reconstituted stone

- The previous comments by LCC Highways to include a right turn lane on Barrowford Road and re-grade the highway verge to the west of the access and extend the street lighting, along with a new footway on the north side of Barrowford Road have not been considered by the applicant – these should be included on the plans

Support

- This proposal is better than the previous one which has natural stone and slate incorporated into it
- Should the application be approved, then no further building on the Green Belt should be allowed here due to the highway safety danger
- The current building is being left to deteriorate
- A more limited number of houses (preferably of a style and format more in keeping with the area) might overcome the objections

Officer Comments

Policy

Local Plan Part 1: Core Strategy

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

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

Policy LIV1 (Housing Provision and Delivery) sets out the Council requirement to deliver new housing.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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

The following saved Replacement Pendle Local Plan policies also apply:

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

National Planning Policy Framework (“the Framework”)

There are three elements to sustainable development which is the purpose of the planning system. There are economic, social and environmental objectives. Applications that accord with the development plan should be approved without delay.

Part 5 relates to housing. The Government’s objective is to significantly boost the

supply of housing.

Part 6 identifies the need to build a strong and competitive economy including a prosperous rural economy.

Part 13 relates to the green belt. The purpose of the green belt is to keep land permanently open.

Para 147 Inappropriate development is, by definition, harmful to the Green Belt. Inappropriate development should not be approved except in very special circumstances.

Para 149 sets out a number of circumstances where new building is not inappropriate. This includes:

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Para 195 indicates that heritage assets should be identified and any impacts on them assessed according to the degree of impact on their significance.

Green Belt

The application site lies in the Green Belt. It is previously developed land outside of the settlement of Fence. It has a commercial building on it that has been disused for some time and is deteriorating.

Comments have been made by many parties regarding the Green Belt. Many revolve around the view that the site is in green belt and there should not be any development within it.

Planning policy nationally restricts development in the green belt as being inappropriate unless specified otherwise. Where inappropriate development is proposed permission should only be granted if there are very special planning circumstances.

One of the circumstances where development is not inappropriate is under part g) of paragraph 149 of the Framework as set out in the policy section above. The issue for Committee is whether the development is in accordance with part g). This requires the land to be previously developed land and that the development does not lead to a greater impact on openness than the existing development.

Agricultural sites are specifically exclude from being previously developed land under the Framework. The lawful use of the site was for a mixed commercial development which was not agricultural. The site is therefore previously developed. The issue here is whether what is being proposed would affect openness more than the existing development and if it would the development would be inappropriate development harmful to the green belt. Otherwise the principle of developing on the site is in conformity with general planning policy.

The assessment on whether the development would have a greater impact on openness needs to be taken based on the individual merits of the site and its surroundings.

The main issue that needs to be determined for this application is the impact on the openness of the green belt. This requires a balanced assessment of the current characteristics of the site and how open it is currently and an assessment against the impact the current scheme has. The courts have indicated that there is no one element that defines the impact and the individual characteristics need to be evaluated. That includes how open the area generally is in the locality, if the development is larger than the existing development on site (scale is not the defining factor though and is one of a number of matters that needs to be taken into account) as well as issues such as massing and layout.

The locality is defined by a generally larger buildings set alongside the bypass set in their own grounds. The housing continues for a short distance on the opposite side of the bypass but the application site forms end of the built form on the north side of the bypass.

There is a large building on the site at present. That is a single building but with a bigger massing and presence on site than the buildings proposed. Original Volume (Existing Roaming Roosters Building): 3855 cubic metres. The proposed Volume (8 dwellings): 4531.6 cubic metres Percentage increase: 17.5 %. The Courts have made it clear that volume is not on its own a determinant of whether the development affects openness more or less than the existing buildings. It is one of a range of factors to be considered.

The proposed scheme has a larger overall cubic volume but it is not concentrated in one place, it has less of a single massing on site and is dissipated across the application site boundary. The larger massing of the existing building itself has an impact on the openness of the area. That would be removed and smaller individual masses of building placed on site but over a larger area.

Comments have been made that the overall area including gardens and parking areas extend the spread of development beyond that which exists. If the parking areas and gardens are taken set against the existing use in fact the area would be less. The site currently has parking to the front, side and rear which extends beyond the area proposed to be used for the housing, gardens and parking. The hammerhead to the west as proposed would not count towards that as it is a highway.

This is a finely balanced issue with the characteristics of openness being differently impacted but the single large building having a larger and more dominating presence affecting openness, to the more spread out but less individual impactful development of the eight houses.

On balance the development would be the same in terms of the impact on openness from the existing scheme to that proposed.

Heritage

Ashlar Cottage is grade 2* listed. It is set some way from the site. The building has no physical or historical relationship with the site and is not visually linked. Its setting is not affected.

Lower White Lee is grade 2 listed. It is the nearest of the listed buildings. It is set back from the bypass and is located 80m from the nearest point of the built form. It has a bypass in front of it and is off set at an angle from the application site which

already has a commercial development on it. The application site does not form part of the setting of the listed building and the development will not have any impact on the listed buildings. The listed buildings further to the south west are not affected by the development.

The existing buildings on the site have a similar relationship to the heritage assets as those proposed. Even were there to be an existing detrimental impact, which there is not, the new buildings would not affect the listed buildings in any material way different to what currently exists.

Design

The applicants have submitted a detailed design appraisal of how the proposed design has been arrived at and how that has been influenced by other design in the area. The designs are simple and reflective of what can be found elsewhere in the Borough. They represent a visual improvements to what is currently on site and there are no objections in terms of design.

The proposed development is in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Impact on Amenity

The development is for housing which is not a noise generating use of land. There are no houses that are near to the site that could be affected in terms of loss of privacy or amenity. In terms of neighbouring amenity between the proposed dwellings and their relationship to one another, the closest of the dwellings has a separation distance of 3m. Although there are side elevation windows serving each of the dwellings these are secondary windows and are off-set from one another. In addition, there is a proposed boundary treatment of hedgerows which would establish and mature creating screening between the dwellings. As such, there would not be an unacceptable impact upon neighbouring amenity between the proposed dwellings.

Ecology & Trees

The application site has been largely developed previously with peripheral areas of grass. The ecological appraisal confirms that there is nothing of ecological value on the site. There are no objections to the development of the site on ecology grounds.

The applicant is working on a solution in relation to comments which have been made by the Council's Tree Officer. It is requested that delegated powers are granted to the Head of Development, Planning, Economic Development & Regulatory Services to grant consent, subject to the satisfactory outcome of the additional investigation relating to the tree root protection area.

Highways and Access

Although a response is awaited from LCC Highways at the time of drafting the committee report, the access point is the same as the previous application was for 12 dwellings and indeed the same as for the existing site. This scheme involves a reduction in the number of dwellings to 8 which would mean there is a lower requirement for parking across the site overall. An update to members will be provided in relation to LCC Highways response.

The application site is served by an existing access. That has full forward visibility and onto a highway where cars can be seen approaching. The access has served a formerly very busy commercial enterprise which generated significantly more traffic

than would be generated by 8 houses.

The site plan has within it a proposed opening to a field to the north west of the site and one to the east. The access to the north west would allow access through the estate to the fields to the north. That would generate traffic that already uses the entrance to access the fields as it does now. This would have no highway implications and would not cause a nuisance to the occupants of the new houses.

The proposed site layout indicates that there is no link between the existing private driveway to the east of the site. This was something which had previously been raised with the application for 12 dwellings.

There would be adequate parking within the site.

Delegated powers are requested to delegate grant consent to the Head of Planning, Economic Development & Regulatory Services, subject to the satisfactory outcome of the consultation response from LCC Highways.

Drainage

The principle of the drainage arrangements to the site are accepted. The applicant has prepared drainage calculations which discharge at greenfield run off rate. An existing flooding issue on Guide Lane has been cited in comments from members of the public, which is not far from the proposed development. However, the proposed development cannot be expected to mitigate for existing issues in the surrounding area.

Other Matters

Need for the development. Comments have been made that there is no need for the housing. There is no requirement that housing has to be needed for it to be approved. The Local Plan establishes that housing numbers are minimums and not maximums. This is not a material reason to object to the scheme. In this case, given the number of dwelling proposed (8 in total) this does not meet the policy threshold for the requirement of affordable housing, set out in Policy LIV4 of the Local Plan Part 1: Core Strategy.

Concerns have been raised about the previous use of the operation known as Roaming Roosters. It has been set out above that the previous use of the site was commercial and therefore does not benefit from the limb of national policy relating to agricultural operations within the Green Belt. In addition, whether or not the previous use operated beyond what had been approved is not a matter for consideration in this case.

The ability of the local amenities to cope is not a reason to refuse the application. It has been pointed out by members of the public that there is a capacity issue with school and GPs. The number of dwelling is less than the previous application and the impact would not be unacceptable.

The application site having previously received public funding in relation to the business which was operating from the site is not something which the planning system can control. The land has changed hands as part of a private sale and the planning application which is before the Council for determination is for 8 dwellings. The previous use and circumstances of the operation known as Roaming Roosters is not material in this determination.

There is not a sequential preference in order of brownfield sites. Some comments have been received stating that other brownfield sites should be considered first. There is no national or local policy stating that some brownfield sites are more preferable than others.

Issues relating to air pollution have been raised. There is no documented issue with air pollution around the application site and this is not sufficient information upon which to refuse the application.

Some points have been raised by members of the public which are not material planning considerations, including reference to the previous owners and properties already being for sale in the area for people to move to.

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 access and principle of the proposed development accord with the policies of the Replacement Pendle Local Plan and National Planning Policy Framework. 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 satisfactory outcome in relation to tree root protection area and LCC highways comments

Subject to the following conditions as well as other conditions arising from:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 21011_PL(90)001, Proposed Site Layout Plan 21022_PL(90)003, House Type 1 Proposed Floor Plans 21022_PL(20)003, House Type 2 Proposed Floor Plans 21022_PL(20)004, Landscaping Layout 2099-S3-L01 Rev E, Proposed Street Elevations 21022_PL(25)005 21022_PL(25)006 and 21022_PL(25)007, House Type 1 Proposed Elevation Plans 21022_PL(25)003, House Type 2 Proposed Elevation Plans 21022_PL(25)004, Proposed Surface Water Drainage Plan TC/T20633/22/105 Rev B.

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

3. The materials to be used on the development hereby approved shall be as stated on the application forms and plans.

Reason: These materials are appropriate and compatible with the existing development.

4. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Schedule 2 Part 1, Classes A,

B,C of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: In order to preserve the openness of the green belt.

5. No part of the development shall be commenced unless and until a Construction Code-of-Practice statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. This shall include detailed proposals for the protection of badgers that may forage on the site during the construction period.

Reason: In order to secure the orderly development to the site and to protect the environment.

6. The sole accesses into the site shall be those shown on the approved plans and no other access shall be formed at any time.

Reason: In order to ensure the safety of road users and in the interests of highway safety.

7. The proposed development shall not be brought into use unless and until the car park shown on the approved plan has been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In order to ensure the safety of road users and in the interests of highway safety.

8. No above ground works shall commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.
- The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: In order to ensure the site is properly landscaped in the interest of the visual amenity of the area.

9. Prior to commencement of works on site, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme 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;
- (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); and
- (iii) A timetable for its implementation.
- (iv) Details of how foul and surface water will be disposed of.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

Application Ref: 23/0285/FUL

Proposal: Full: Demolition of existing vacant farm shop and the erection of 8 no. dwellings with associated infrastructure.

At: Roaming Roosters, Barrowford Road, Higham

On behalf of: Mr Charles McDermott