

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

TO: WEST CRAVEN COMMITTEE

DATE: 5th November 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN AREA COMMITTEE ON 05 NOVEMBER 2024

Application Ref: 24/0215/CND

Proposal: Approval of Details Reserved by Condition: Discharge Condition 4 (Method Statement detailing particulars of any excavation, earthworks and retaining structures), Condition 5 (Scheme of Foul Sewers and Surface Water Drains), Condition 8 (Method Statement detailing parking, loading/unloading, storage etc) and Condition 9 (Method statement detailing investigation and remediation of contamination) of Planning Permission 16/0476/FUL.

At: Bankfield Shed, Skipton Road, Barnoldswick

On behalf of: Rolls Royce

Date Registered: 27/03/2024

Expiry Date: 22/05/2024

Case Officer: Alex Cameron

Site Description and Proposal

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions of Planning Permission 16/0476/FUL.

This application requests the discharge of condition numbers 4, 5, 8 and 9.

4. The development hereby approved shall not commence unless and until a method statement detailing the particulars of any excavation, earthworks and retaining structures within the site has been submitted to and approved in writing by the Local Planning Authority. The statement shall include all necessary and associated structural information and the development shall be carried out in strict accordance with the approved details and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To safeguard the adjacent canal bank and ensure appropriate construction methods.

5. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. The scheme shall include details of the flow attenuation measures for the surface water disposal system including final run off rates. The approved systems shall be installed in their entirety prior to the first use of the extensions hereby approved and shall thereafter be retained.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

8. Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:

- i) the parking of vehicles of site-operatives and visitors
- ii) loading and unloading of plant and materials

- iii) storage of plant and materials used in constructing the development
- iv) wheel-washing facilities
- v) measures to control the emission of dust and dirt during construction;

the development shall proceed strictly in accordance with that method statement.

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

9. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority;

And,

b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

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

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

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled "Information for Developers on the investigation and remediation of potentially contaminated sites" will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: To identify any contamination of the site from previous uses and to ensure remediation of any contamination to safeguard future users or occupants and the environment beyond the site and prevent contamination of the controlled waters.

Relevant Planning History

16/0476/FUL - Full: Major: Excavate 12,600m³ of spoil (Retain 5,500m³ on site and remove 7,100m³), erection of extensions to North and South elevations of fan blade building and erection of associated retaining walls. Approved

Consultee Response

PBC Environmental Health – No objection to the supplementary information submitted.

PBC Countryside Access Officer – No objection subject to clarification of rate of additional attenuation drainage.

LLFA – No objection to the discharge of condition 4.

Canal & River Trust – No objection.

Yorkshire Water – Refer to United Utilities.

United Utilities – No response.

LCC Highways – No objection to the discharge of condition 8, no comments on condition 4, 5 and 9.

Officer Comments

Condition 4 (Method Statement detailing particulars of any excavation, earthworks and retaining structures) – The submitted details are acceptable insofar as they relate to the works within the red lined boundary of the planning permission (Drawing Nos. CLXX-(11)01003, CLXX-(11)01004, CLXX-(11)01005), no permission is granted for the excavation and earthworks for the installation of the attenuation tank.

Condition 5 (Scheme of Foul Sewers and Surface Water Drains) - The proposed works involve levelling a section of the mound to the north of the site to allow the installation of an attenuation tank. The earthworks would partially remove the screening effect of the mound and temporarily impact on the public right of way to the north of the site.

The tank would attenuate surface water in up to a 1 in 30 year rainfall event, any event greater than 1 in 30 years would be attenuated to the area where the public right of way runs.

The works to flatten the mound and install the attenuation tank would be within the applicant's land but would fall outside of the of the application site of the planning permission.

Whilst section 72 of the Town and Country Planning Act allows for conditions to approve works on land outside of an application site but within the control of the applicant where a Local Planning Authority determines that to be expedient, the extent, nature and impacts of the works proposed go beyond what would be considered to be associated with the original permission and it would not be appropriate to grant those works without a planning application being made for them.

The discharge of the condition is therefore refused.

Condition 8 (Method Statement detailing parking, loading/unloading, storage etc) – The submitted details are acceptable.

Condition 9 (Method statement detailing investigation and remediation of contamination) – The submitted details and supplementary addendum received 10/09/2024 are acceptable.

RECOMMENDATION: Discharge Condition 4, 8 & 9 Refuse Discharge of Condition 5

Condition 4 (Method Statement detailing particulars of any excavation, earthworks and retaining structures) – The submitted details (Drawing Nos. CLXX-(11)01003, CLXX-(11)01004, CLXX-(11)01005) are acceptable. The condition is discharged subject to accordance with the submitted details.

Condition 5 (Scheme of Foul Sewers and Surface Water Drains) The submitted details of drainage would involve substantial works beyond the boundary of the application site, the proposed works go beyond the scope of the planning permission and what would be appropriate to grant under a discharge of condition. The discharge of the condition is refused.

Condition 8 (Method Statement detailing parking, loading/unloading, storage etc) – The submitted details are acceptable. The condition is discharged subject to subject to accordance with the submitted details.

Condition 9 (Method statement detailing investigation and remediation of contamination) – The submitted details and supplementary addendum received 10/09/2024 are acceptable. The condition is discharged subject to subject to accordance with the submitted details.

Application Ref: 24/0215/CND

Proposal: Approval of Details Reserved by Condition: Discharge Condition 4 (Method Statement detailing particulars of any excavation, earthworks and retaining structures), Condition 5 (Scheme of Foul Sewers and Surface Water Drains), Condition 8 (Method Statement detailing parking, loading/unloading, storage etc) and Condition 9 (Method statement detailing investigation and remediation of contamination) of Planning Permission 16/0476/FUL.

At: Bankfield Shed, Skipton Road, Barnoldswick

On behalf of: Rolls Royce

REPORT TO WEST CRAVEN COMMITTEE 5TH NOVEMBER 2024

Application Ref: 24/0305/OUT

Proposal: Outline Application (Major): Demolition of existing 2 no. B2 industrial buildings and erection of 3 no. buildings (Access, Layout, Scale) for storage and distribution use (Use Class B8).

At: Sough Bridge Mill, Colne Road, Kelbrook

On behalf of: AB Investments NW Ltd

Date Registered: 07/08/2024

Expiry Date: 06/11/2024

Case Officer: Neil Watson

This application was considered at the October 2024 West Craven Area Committee. A resolution was made as follows:

That the Assistant Director, Planning, Building Control and Regulatory Services Manager be delegated authority to grant planning permission subject to securing an arrangement for the retention of the line of trees between 1 Sough Lane and the northern side of the application boundary.

Since then, the agent has confirmed that the trees along the boundary with 1 Sough Lane are not within the applicant's ownership and cannot be controlled under the current planning application. As such, the application is back before committee for determination.

Site Description and Proposal

The application site is an irregular shaped piece of land to the rear of Sough Bridge Mill. There are two existing buildings which are both single storey in height, one has a flat roof whilst the other has a dual pitched roof. Both of the existing buildings are to be demolished as part of the proposed development. There are also seven shipping containers on the site, within the yard adjacent to building 1. The application site is wholly within the settlement boundary. Part of the proposed development is adjacent to New Cut, which is Flood Zone 3. However, there is no part of the proposed development site within the flood zone itself.

The site lies to the rear of the stone built mill adjacent and is surrounded by hedges and trees. It is accessed via either a single lane unadopted road or via the streets serving adjacent terraced housing.

The application seeks planning permission for the demolition of existing buildings used for general industrial purposes (Use Class B2) on the site and erection of three storage units. The proposed Use Class would be B8. The buildings are to be arranged in a horse shoe arrangement with a central yard area left for turning, loading and unloading vehicles. The application is for outline permission and seeks approval for access, layout and scale at this stage.

Relevant Planning History

13/94/0127P: Retain emergency exit door
Approved with conditions

2022/0363/FUL: - Change of use of general industrial / storage (use class B2/8) to indoor sports/fitness (use class E(D)).

Approved with conditions

23/0291/OUT: Outline (Major): Erection of 4 no. industrial units (Access, Layout, Scale).
Withdrawn

Consultee Response

LCC Highways

Proposal

The site has a current industrial use with outbuildings and storage containers of approximately 1412 sqm and associated parking and an existing access road. The existing two buildings in the yard area would be demolished and the storage containers would be removed.

The scheme is amended from the previous application to comprise of Unit 1 B8 856sqm, Unit 2 B8 330sqm and Unit 3 B8 200sqm, totalling 1386sqm. Unit 4 B2 155sqm has been removed from the scheme.

This equates to a net decrease in floor area of 26sqm and a less intensive use from B2 to B8.

The proposed units have no end users and the units would be advertised 'for let' once planning permission is secured.

Traffic Impact

The use is proposed as full B8 from the previous B8/2 mix which reduces the traffic impact of the proposal.

Evidence to support the current commercial use of the 7 containers on site is submitted. These containers will be removed from the site.

A TRICS analysis has been amended to estimate the traffic generated by the proposed amended scheme floor areas, there are 5, 2-way trips in the AM peak 8-9am (reduced from 29) and 6, 2-way trips in the PM peak 5-6pm (reduced from 26). There is no data provided on the amount of traffic currently using Sough Lane from the Mill therefore the cumulative impact of the traffic is not known.

When visiting the site at 11am, over a short period of 5 minutes, 3 commercial vehicles were observed exiting the site and 1 residential vehicle from Arthur Street onto Colne Road via Sough Lane.

Additional traffic movements on Sough Lane from the proposed development would be in addition to existing commercial vehicle movements existing at the Mill. This is a highway safety concern.

Access

The existing access arrangements will remain the same. Although the access is constrained, the proposed development has been reduced from the previously proposed scheme, to provide no significant increase in vehicle trips from the extant use which exists.

Layout and servicing

A swept path analysis for a 9.07m long refuse wagon and a rigid 8.01m long goods vehicle have been provided in Appendix F of the Transport Statement addendum. There are no end users known therefore the servicing requirements cannot be known. The largest vehicle which could access the site is a 9m rigid vehicle. This limits the opportunities for future users and a planning condition would be required to restrict the size of vehicles accessing the site. This is acknowledged in the Transport Statement addendum.

Parking

Based upon a medium accessibility score, the Pendle Borough Council parking standards require a ratio of 1:210 for B8 (1386sqm) – 7 spaces. There are 9 spaces for B8, 4 visitor spaces and 6 for existing Mill uses, totalling 15 spaces.

There are 5 motorcycle bays and 12 cycle spaces proposed. The cycle parking must be covered and secure to provide suitable provision for staff. Electric vehicle charging points should be included at a ratio of 10% of the overall provision.

The parking provision is considered acceptable.

Conclusion

Lancashire County Council acting as the Highway Authority raises no objection regarding the proposed development and are of the opinion that the proposed development will have no significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Should the application be approved the following conditions are requested.

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

- 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) Routing of delivery vehicles to/from site

Reason: To mitigate the impact of the construction traffic on the highway network.

2. The area shown on the swept path analysis for a 9m long goods/service vehicle shall be kept clear at all times for the purposes of turning large vehicles.

Reason: For highway safety.

3. No goods or service vehicles exceeding 9m long shall be accepted to site.

Reason: For highway safety.

4. The car and cycle parking shown on the approved plan shall be provided and maintained thereafter for that purpose. Reason: For highway safety to prevent

overspill parking

Environmental Health

Concerns about nuisance during the demolition and construction phase. Asbestos may be present in the buildings which are due to be demolished – this requires a condition.

Kelbrook & Sough Parish Council

Positive – It will enhance the appearance of an area of the Village that has been an eyesore for a number of years.

Negative – It necessitates an increase in traffic along what is a very narrow access road which is a highway safety concern.

Other concerns are

- The proposed length of times that access to the units will be allowed
- The potential access required for large delivery vehicles
- Disruption during the construction process
- Detrimental impact generally for residents of Sough Lane.

For these reasons we wish to OBJECT to the planning application in its current form.

Cadent Gas

No objection

Lead Local Flood Authority

Comments awaited

Yorkshire Water

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure

Lancashire Constabulary

We would strongly advocate Commercial Developments in Lancashire be designed and constructed to Secured By Design security standards, using the Secured By Design 'Commercial 2015' Design Guide specifications. Further details about Secured By Design, including application forms and security specifications can be found at www.securedbydesign.com.

Environment Agency

We have no objection to the development on flood risk grounds. The proposed development is located only in Flood Zone 1, meaning no development will occur within the Flood Zone 3 area on the site. There is also no development planned within 8m of the top of the bank of the statutory main river New Cut, therefore we have no permitting requirements.

Public Response

Nearest neighbours notified, a site & press notice have been displayed. Multiple letters have been received, raising objection to the scheme as follows:

- Highway safety issues – narrow lane serving the site is inadequate
- Right to light of 1 Sough Lane
- Parking issues
- Noise disturbance
- Issues accessing the plans due to IT issues / server errors
- Not satisfied with how the tenants of the mill have been notified
- Height of proposed buildings would dominate the surrounding countryside
- Loss of Unit 18 would result in the loss of a thriving joinery business, supporting a number of jobs
- Use Class B2 would be more appropriate here
- The materials should be stone and slate
- Danger for a yard gate which opens onto Sough Lane
- Impact upon property values
- Harm to green spaces and habitat
- Crime risk
- Proposed buildings are not in keeping with the area

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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 SDP2 (Spatial Development Principles) sets out a hierarchy of settlements in order of preference for future growth.

Policy SDP4 (Employment Distribution) sets out the direction for growth of employment land, the M65 corridor is at the top of the hierarchy in order of preference for this.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (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) sets out the Council's intentions for supporting sustainable transport.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and to address the risks from contaminated land.

Policy ENV7 (Water Management) follows the sequential assessment set out in National Policy, it also sets out requirements for surface water runoff and water quality.

Policy WRK1 (Strengthening the Local Economy) states that new opportunities for economic development should help to strengthen and diversify the local economy.

Policy WRK2 (Employment Land Supply) sets out that new employment should seek to develop the role of Nelson as the core location for employment.

Policy WRK6 (Designing Better Places to Work) encourages the provision of well-designed workplaces that meet the needs of businesses and their employees.

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies 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 new buildings and sets out the aspects required for good design.

Kelbrook & Sough Neighbourhood Plan

The application site is located within the area designated for the Kelbrook & Sough Neighbourhood Plan.

Policy KSDEV1 (Protecting and Enhancing the Character of Kelbrook and Sough) sets out that all proposals will be considered against the Character Assessment.

Policy KSHER1 (Non-designated Heritage Assets) sets out a list of assets, including Sough Mill. The policy states that proposals affecting one of the assets on the list should conserve, and where practicable enhance aspects of the asset which contribute to its significance.

Principle of Development

The application site is located within the settlement boundary. It seeks planning permission for the use of the land as storage and distribution (Use Class B8). Policy SDP2 and SPD 4 identify Sough as a Rural Village. Policy SDP2 sets out that proposals for new development should be located within the settlement boundary. It also sets out that the reuse of previously developed land will be encouraged.

The proposed development would encourage economic growth through the creation of jobs, in accordance with Policies WRK1 and WRK2 which seek to boost the local economy. Whilst WRK2 directs growth firstly to Protected Employment Areas, outside these areas, existing employment sites and premises in accessible locations are next most preferable. It is located in an accessible area which has access to public transport and is on a site which has a former industrial use (mill building also within applicant's ownership).

The proposed use of the buildings are Use Class B8 (storage and distribution). Use Class B8 are generally compatible with residential areas, subject to controlling some environmental impacts such as noise pollution in relation to neighbouring amenity. In this particular case, the proposed development is on a site which has previously been operational as a mill, which would be within Use Class B2. The Use Class B8 is a less intensive use than B2, as such the proposed use would be less intensive than that which is currently allowed. However conditions are still required relating to hours of operation and noise impact.

The principle of Use Class B8 in this location is acceptable, subject to compliance with design, residential amenity and highway issues.

Design

The applicant has submitted a layout plan which indicates that the buildings are to be arranged in a horse shoe layout. Car parking spaces are to be laid out around the proposed units, within the yard where there is also a turning area.

Unit 1 is the largest of the proposed units, at 856sqm. This is to be used for storage (Use Class B8) and the floor plan indicates there would be seven storage areas within the building, each with an external access door (pedestrian and vehicular) opening onto the central yard. The dimensions for Unit 1 are to be 63.5m x 15m with a height of 8m to ridge. The building is to have artificial stone lower walls, with the upper walls to be finished in grey metal cladding and a grey metal roof.

Unit 2 is to be in Use B8, this is an irregular shaped building which is to have three units within it. Again, each of the units is to have a vehicular access door which opens onto the central yard area. As with unit 1, unit 2 is to be constructed with artificial stone lower walls, with a grey metal cladding to the upper walls. The roof is to be clad in grey metal. The Design & Access Statement sets out that the units within this building are to be used for storage and distribution and light industrial work by HBC supplies Ltd, a Heating and Bathroom Company.

Unit 3 is also an irregular shaped building which is to be in Use Class B8. The proposed floor plans indicate that there are to be two units within this building. It is to have two vehicular access doors serving each of the units, accessing the central yard area. The building is to be constructed to match units 1 & 2, with an artificial low wall and metal clad upper walls, with a grey metal roof.

The buildings would be of typical warehouse style construction with stone facing to the lower wall and profile sheeting above, the roofing would be profile sheeting. This matter would be for determination at the detailed Reserved Matters stage of the application. However in general terms the indicative type of development set out in the application would not be unacceptable in this location.

Impact upon Residential Amenity

The applicant has prepared a layout plan showing the proposed locations of the industrial units and a noise assessment. The site is an existing industrial use which has no limitations on it regarding noise. Given the proximity to nearby residential dwellings, the proposed Use Class B8 would have to be subject to controls on the operating hours to ensure there is no working at unsocial hours. The noise assessment recommends that a noise barrier is installed along the northern boundary with 1 Sough Lane. This should be a minimum of 2m in height and should have a mass per unit area of 15 kg/sqm. The noise assessment is based upon the vehicular doors to each of the units being open. The noise assessment recommends mitigation including controlling the operating hours at the site, in order to limit the amount of disturbance to daytime hours. It also recommends that an acoustic barrier is placed along the northern boundary of the site. The Council's Environmental Health Officer has recommended that a construction method statement is required as part of a condition on any approval.

Subject to controlling the operating hours and the erection of the acoustic barrier, the noise generated from the site would be compatible with residential properties nearby, in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

In terms of the impact upon residential amenity such as an overbearing effect from the height of the buildings, the proposed building would be viewed in the context of the existing mill building which dominates the site. As such, the proposed buildings would not result in an unacceptable impact upon neighbouring amenity.

In terms of the proximity to neighbouring dwellings, the layout plan shows that the proposed units are no closer to the boundary of the site than the existing buildings. The proposed buildings would be read in the context of the existing mill building which is to the front of the site, closest to the main road.

Heritage

The Kelbrook and Sough Neighbourhood Plan identifies the mill as a non-designated heritage asset. The policy within the Neighbourhood Plan relating to non-designated heritage assets seeks to ensure that the buildings identified are conserved and where possible enhanced. In this particular case, there is no proposal to alter the main part of the mill. Although there is to be some demolition of the outbuildings to the rear of the mill, these buildings do not hold a heritage value and have been constructed as ancillary buildings. As such, they do not hold the same level of significance as the mill itself. Therefore, the proposed development would result in a neutral effect upon the non-designated heritage asset. The proposal accords with Policy KSHER1 of the Neighbourhood Plan and Policy ENV1 of the Local Plan: Part 1 Core Strategy.

Ecology

A preliminary Ecological Appraisal has been carried out as part of the planning application submission. This concludes that the site has a moderate potential for crevice dwelling bats. It is recommended that two dusk emergency surveys are undertaken. These surveys need to be

carried out between May – August. The Preliminary Ecological Survey identifies that bat and bird boxes could be erected to mitigate any potential loss of habitat as a result of the demolition of the buildings. However, they recommend putting the bat and bird boxes in the trees off site. This would not be possible because any mitigation would need to be within an area which the applicant has control over. Should the application be approved, the additional bat surveys could be the subject of a suitably worded planning condition.

There are no trees within the site boundary and the majority of the area is made up of hard surfacing. As such, there would be no requirement for an arboricultural assessment.

Biodiversity Net Gain (BNG)

The application is accompanied by a small site metric, as is required for major applications of this nature. The metric sets out that the pre-development baseline is 0.2 biometric units. The applicant intends to purchase 0.22 units by way of an off-site contribution. As the developer does not have any land within their ownership available, off-site biodiversity units will be purchased via the Local Planning Authority (LPA) or 3rd party broker. As such, it would meet the threshold for applications which are now required to provide at least 10% biodiversity uplift.

The applicant would have to enter into a s106 in order to take care of the 30 year management and maintenance arrangements which are required for the proposed intervention. This would be subject to a condition as would other applications nationally.

Noise

The site is an existing industrial use which has no limitations on it regarding noise. Actual noise impacts will not be able to be assessed until the final design of the scheme is determined at any reserved matters stage. Depending on the final configuration issues such as noise from loading and unloading and hours of operation will need to be agreed via an updated noise impact assessment.

Contaminated Land

The planning application is not accompanied by any information pertaining to potential contamination. Given that this is an existing industrial site and currently has building on it which store vehicles, there is potential for contamination. As such, it is necessary to put a condition on any decision notice to ensure that potential contamination is dealt with appropriately. Subject to condition, the proposal accords with Policy ENV5 of the Local Plan: Part 1 Core Strategy.

Environmental Health have commented about the possibility of asbestos being present when the buildings are demolished. This is a process controlled by the Health & Safety Executive and duplicate controls should not be imposed through a planning application.

Drainage

The proposed development site is immediately adjacent to Flood Zone 3, New Cut. However, no part of the proposed development is within the flood zone. The Lead Local Flood Authority have not objected to the scheme and have recommended three conditions relating to the final surface water drainage strategy. Yorkshire Water have reviewed the Flood Risk Assessment which has been submitted as part of the application, they have also not raised objection. The applicant has demonstrated that they have followed the drainage hierarchy and that soakaways are not a possibility because of the conditions of the sub-soil. The foul water is to drain to a combined sewer

in Colne Road whilst the surface water is to discharge into the New Cut at a restricted rate of 5.5l per second.

Highways

The proposed development is an outline application with access being a matter for consideration at this stage. The Highways Authority have reviewed the information and provided comments on the proposals. There are concerns regarding the proposed development in relation to the site access and conflict with existing vehicles. However, the Highways Authority have concluded that the proposed Use Class B8 is less intensive in terms of parking, number of employees and trip generation than the existing Use Class B2 would be. As such, there is no objection on highway safety grounds in this regard.

The applicant has indicated that parking would be provided in the yard area and it would also include 6 spaces for the existing units within the mill building. There is to be an area of visitor parking (4 spaces in total) as well as cycle storage within the yard.

The proposals accord with Policy ENV4 of the Local Plan: Part 1 Core Strategy and Policy 31 of the Replacement Local Plan in this regard.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the 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: Approve

1. An application for approval of the reserved matters (namely the appearance 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 and landscaping (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 LU266-P01A, Proposed site Plan LU266-P03G, Proposed Unit 1 Plans LU266-P05A, Proposed Unit 2 plans LU266-P06A, Proposed Unit 3 plans LU266-P07A.

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

4. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the underlying principle aquifer and the adjacent water course.

5. The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment and Drainage Strategy prepared by Reford Consulting Engineers, dated March 2024, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

6. No operation shall take place outside the following hours:

07:00 – 22:00 Monday – Saturdays

07:00 – 22:00 Sundays

Reason: To control the hours that customers remain on the premises in the interests of residential amenity.

7. Prior to occupation of the development hereby approved details of the noise barrier recommended in the noise assessment by Clement Acoustics, along the northern boundary of the site shall be submitted to an approved in writing by the Local Planning Authority. The noise barrier shall be installed in accordance with the approved details and shall remain in place thereafter unless agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

8. The development hereby approved shall be carried out in strict accordance with the Preliminary Ecological Survey, prepared by Pennine Ecology dated 20/03/2024. Prior to commencement of development the Bat Emergence Assessments recommended within the preliminary assessment shall be carried out during the appropriate surveying season and details of these shall be submitted to and approved in writing by the Local Planning Authority and there shall be no variation without the prior written approval of the Local Planning Authority.

Reason: In order to safeguard a protected species.

9. No part of the development commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for monitoring of Biodiversity Net Gain over a minimum 30 year period.

Reason: To ensure that the proposed development makes provision to enhance biodiversity on the site and that this can be monitored for a period no less than 30 years following completion of the development.

10. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

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

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance.Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;

- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components;
- c) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 173 and 175 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

- 11. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 173 of the National Planning Policy Framework.

- 12. The commencement of use of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

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

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 175 of the National Planning Policy Framework.

13. The commencement of use of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 173 and 175 of the National Planning Policy Framework.

14. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - 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) Routing of delivery vehicles to/from site

Reason: To mitigate the impact of the construction traffic on the highway network

15. The area shown on the swept path analysis for a 9m long goods/service vehicle shall be kept clear at all times for the purposes of turning large vehicles.

Reason: For highway safety

16. No goods or service vehicles exceeding 9m long shall be accepted to site.

Reason: For highway safety.

17. The car and cycle parking shown on the approved plan shall be provided and maintained thereafter for that purpose.

Reason: For highway safety to prevent overspill parking

18. The development may not be begun unless—

- (i) a biodiversity gain plan has been submitted to the planning authority and
- (ii) the planning authority has approved the plan

Phase plan

- (b) the first and each subsequent phase of development may not be begun unless—
 - (i) a biodiversity gain plan for that phase has been submitted to the planning authority and
 - (ii) the planning authority has approved that plan

Reason: In order to fulfil the obligations for Biodiversity Net Gain, in accordance with the Environment Act 2021, Schedule 14

Informative notes

1. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
2. The applicant will require an environmental permit from the Environment Agency to discharge to the main river. Information on environmental permits is available at: <https://www.gov.uk/topic/environmental-management/environmental-permits>

Application Ref: 24/0305/OUT

Proposal: Outline Application (Major): Demolition of existing 2 no. B2 industrial buildings and erection of 3 no. buildings (Access, Layout, Scale) for storage and distribution use (Use Class B8).

At: Sough Bridge Mill, Colne Road, Kelbrook

On behalf of: AB Investments NW Ltd

REPORT TO WEST CRAVEN AREA COMMITTEE 5th NOVEMBER 2024

Application Ref: 24/0472/FUL

Proposal: Full: Erection of 3 no. dwellings with associated garages and parking and erection of 1 no. detached garage to existing dwelling.

At: 43 Park Avenue, Barnoldswick

On Behalf of: Mrs Joyce Varley

Date Registered: 27/08/2024

Expiry Date: 22/10/2024

Case Officer: Neil Watson

This application has been brought before Committee due to the number of responses received.

Site Description and Proposal

The application site relates to the garden of an existing two storey detached dwelling, set within the Conservation Area and settlement boundary.

The proposal seeks to erect three dwellings, in the form of a pair of semi-detached dwellings and one detached dwelling to sit beside the original dwelling.

Planning History

23/0038/PIP: Permission in Principle: Erection of 2 No. bungalows.
Approved with conditions

23/0756/FUL: Full: Erection of 4 no. dwellings and new detached garage to existing dwelling.
Refused

Consultee Response

LCC Highways

The site is accessed from Park Avenue with the existing entrance gateway and internal drive only being wide enough to allow one vehicle at a time to enter or leave.

Due to the increase in the number of dwellings the existing site access would need to be widened to allow two vehicles to pass within the entrance, avoiding the need for a vehicle to wait on Park Avenue to turn into the site, or preventing vehicles turning right out of Cobden Street. The stone pillar to the West of the access would need moving or removing and the internal drive widened to a minimum width of 5.5m from the boundary for a distance of 5m into the site. Drawing 159420-003 Rev A in Appendix C of the Transport Statement indicates that two cars can pass within the site access so avoiding the need for one to wait on Park Avenue where it would prevent the free flow of traffic.

The Proposed Site Plan (Drawing No 22 dated July 2023) shows a short section of the stone boundary wall and stone gateway pillar re-positioned into the site to widen the access. The private

access drive has been widened to 6m immediately within the site for a distance of 4.8m (excluding the proposed rumble strip).

The widened access would need to be surfaced in a bound porous material for a minimum distance of 5m from the boundary into the site. This is to prevent loose surface material from being carried onto the publicly maintained highway network.

Due to the increase in areas of hardstanding and site gradient a means of collecting and draining surface water should be provided within the site near the access to collect the maximum amount of surface water run-off. This would also need to drain to an internal outfall. The highway authority recommends that the proposed aco drain is re-located to the back edge of the rumble strip to collect the maximum surface water run-off.

Visibility splays

Park Avenue is subject to a maximum speed limit of 20mph outside the site for which a visibility splay of 25m would need to be provided to the nearside edge of the carriageway in both directions.

A Transport Statement (ref 162165-001-01 dated July 2024) produced by Sanderson Associates has been submitted in support of this application. Section 3.3 and Appendix A contain details of a seven day automated traffic count carried out between Tuesday 20– 26 February 2024 (there was no adverse weather conditions during this period which would alter the flows); the data being used to establish 85th%ile speeds on which to base visibility splays from the amended access. 85%ile speeds are recorded at 16.5mph eastbound and 16.3mph westbound and splays of 19.6m to the west and 19.4m to the east are considered acceptable.

The Transport Statement also states that the X measurement of the visibility splay should be 2m and not 2.4m as the highway authority recommended in its response to the previous application. The highway authority does not dispute this based upon evidence contained in the statement under Appendix C and Section 4.2 respectively.

The splay to the left (West) of the access is shown to the centre of the carriageway. Section 4.2.1 of the Transport Statement seeks to justify this layout. Visibility splays measured to the carriageway centre may only be considered where there are either physical means to prevent vehicles from overtaking, eg central islands, or where carriageway widths are so narrow that a vehicle could not overtake. In this location vehicles may be in the centre of the carriageway when vehicles are parked outside properties on Park Avenue and are also having to negotiate the speed cushions. The highway authority would therefore accept the visibility splay measured to the carriageway centre in this instance.

Off-site highway works

Due to the widened access and amended boundary wall the applicant is proposing to move the position of the existing kerb line thereby reducing the footway width to 1m for a distance of approx 2m on the approach to the access. The existing footway tapers into the existing access so preventing overrun by vehicles exiting. If planning permission is granted the layout of the proposed new section of footway may need to be amended to prevent vehicles overrunning and damaging it. This would be dealt with at technical approval stage of the legal process with the highway authority.

The formation of the amended access onto Park Avenue 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 amended access to an appropriate standard, including a minimum width of 4.8m and radius kerbs to the West;
- buff coloured tactile paved dropped pedestrian crossings on both sides of the footway outside the access on Park Avenue;

- the removal of a section of footway and carriageway reconstruction to the county council's specification;
- the construction of a new section of footway to the county council's specification approx 2m in length;
- the amended access properly constructed to tie into the edge of the existing carriageway on Park Avenue;
- appropriate carriageway markings outside the access on Park Avenue;
- a street lighting assessment.

If planning approval is granted the developer is strongly advised to contact Lancashire County Council as soon as possible to start the Section 278 process and should not wait until condition discharge stage. 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 affect, the highway network maintained at public expense without the necessary agreement first being in place in order to prevent legal action from being taken against the developer.

Car & cycle parking

Two car parking spaces should be provided for the three bed dwellings and three spaces for the four bed dwelling in line with the borough council's Parking Standards. The proposed garages for Plots 1 – 3 are considered adequately sized internally to provide one car parking space and secure cycle storage for two cycles. Electric vehicle charging points are proposed externally.

Two additional parking spaces for both the existing and proposed dwellings are proposed on the hardstanding areas in front of the garages. The highway authority therefore considers that an adequate level of off-road parking has been provided for all dwellings.

However, the small, landscaped area opposite Plot 2 should be reduced in size or removed completely. This is because a vehicle reversing from one of the parking spaces would overrun it as shown on Drawing No 162165-003 (Appendix D).

Electric vehicle charging points for both existing and proposed dwellings must be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles. Refuse collection A bin store is proposed internally to the site approximately 6m from the access. Under the previous planning application (23/0756/FUL) the store was proposed immediately within the access where refuse bins would be readily accessible to refuse operatives. The location now proposed is not as accessible which the highway authority considers could lead to bins being presented for collection immediately outside the access. Therefore the bin store should be re-positioned to the previous location immediately within the entrance. Internal site layout Appendix E of the Transport Statement provides a swept path plan for a fire appliance demonstrating that it can enter and leave the site in forward gear. This should also allow average sized delivery vehicles to manoeuvre within the site to enter and leave in forward gear. Construction phase Given the site's location, including its proximity to the junctions of Park Avenue with Cobden Street and Manchester Road, plus the existing high demand for on-road parking on Park Avenue, a construction method statement including site plan will be required. This is to demonstrate that the development's construction will not have a detrimental impact on highway safety or capacity on the surrounding highway network.

Conclusion

Based on the documents submitted, including information within the Transport Statement, Lancashire County Council, as the highway authority does not raise an objection to the proposed

development, subject to the following conditions and informative note being applied to any formal planning approval granted.

Conditions

1. No development shall take place, including any works of demolition or clearance, until a construction method statement including site plan 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) Wheel washing facilities and means of mechanical road sweeping v) Measures to control the emission of dust and dirt during construction vi) A scheme for recycling/disposing of waste resulting from site clearance and construction works vii) Details of working hours viii) Routing of delivery vehicles to/from site ix) Timing of deliveries x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

2. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Works shall include, but not be exclusive to: • the construction of the amended access to an appropriate standard, including a minimum width of 4.8m and radius kerbs to the West; • buff coloured tactile paved dropped pedestrian crossings on both sides of the footway outside the access on Park Avenue; • the removal of a section of footway and carriageway reconstruction to the county council's specification; • the construction of a new section of footway to the county council's specification approx 2m in length; • the amended access properly constructed to tie into the edge of the existing carriageway on Park Avenue; • appropriate carriageway markings outside the access on Park Avenue; • a street lighting assessment. Reason: In the interest of highway safety so that traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

3. Prior to occupation of the first dwelling visibility splays measuring 2m back from the centre line of the access and extending 19.6m to the West and 19.4m to the East shall be provided at the amended access onto Park Avenue, as shown on the approved plan – Drawing No 159420-001 Rev A. 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 to the West. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development. Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

4. Prior to first occupation of the approved development that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in a bound surface material. Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway where it could pose a hazard to other highway users.

5. Surface water from the approved driveway shall be collected within the site and drained to a suitable internal outfall. Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

6. The car parking facilities and manoeuvring areas shown on the plans hereby approved shall be made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities and manoeuvring areas shall thereafter be permanently retained for that purpose. Reason: In the interest of highway safety and to ensure adequate parking and manoeuvring are available within the site.

7. Prior to first occupation of the approved development an electric vehicle charging point shall be provided for each dwelling in accordance with a scheme to be approved by the Local Planning Authority. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available. Reason: To ensure that the development supports sustainable forms of transport.

Informative Note

1. 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 amended access to an appropriate standard, including a minimum width of 4.8m and radius kerbs to the West;
- buff coloured tactile paved dropped pedestrian crossings on both sides of the footway outside the access on Park Avenue;
- the removal of a section of footway and carriageway reconstruction to the county council's specification;
- the construction of a new section of footway to the county council's specification approx 2m in length;
- the amended access properly constructed to tie into the edge of the existing carriageway on Park Avenue;
- appropriate carriageway markings outside the access on Park Avenue;
- a street lighting assessment. 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.

Lancashire Fire & Rescue Service

Recommends conformity with Building Regulations regarding a fire appliance.

Yorkshire Water

Please refer to United Utilities

Environmental Health Officer

Requested a Construction Method Statement & Contaminated Land informative

Cadent Gas

Please include the following informative:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Environment Officer (Trees)

The applicant has submitted a detailed 'Arboricultural Advice' report that includes a Tree Survey and implications assessment, the latter showing the all important Root Protection Areas of the trees. Unfortunately, the report only covers the tree positions on site and their condition, correctly graded using the BS 5837. Further information that includes the design layout overlaid on the tree survey is required prior to me being able to fully determining this application.

In principle, I have no objection to development on the site, however, this does feel that the plots are very tight to RPA's and canopies alike. If you, or committee are minded to approve this application, it is imperative that a condition for an 'Arboricultural Method Statement' is considered that includes a plan for the location of 'Tree Protective Fencing'. This will spell out exactly how the development will be carried out and prevent any potential damage to the trees retained.

One final point, if the proposals are to be approved, consideration for boundary treatment landscaping in the form of suitable hedging around the periphery of the site should be considered, this approach will be an attempt to sit the proposals better on the wider surroundings.

Conservation Consultants

I have read the supporting documents. The key heritage considerations are as follows:

1. Whether the proposal preserves the special interest of the listed building through development in its setting.
2. Whether the proposal preserves or enhances the character or appearance of the Barnoldswick conservation area.
3. Whether the proposal preserves or enhances the character or appearance of the Calf Hall and Gillians conservation area.

The site

The site is a parcel of land on the corner of Manchester Road and Park Avenue, and currently forms the grounds surrounding a single dwelling. The site is bound by trees and is grassed, and accessed from Park Avenue. It is raised above Manchester Road, and surrounded by a sandstone retaining wall to the north and west. This raised site, with its retaining wall and trees, makes a positive contribution to the character and appearance of the Barnoldswick conservation area, and it is prominent in views from the crossroads of Park Avenue, Manchester Road and Crow Foot Close/Castle View. Views across the site through the trees towards the listed Hey Farmhouse also make a positive contribution to the Barnoldswick conservation area.

The existing house on the application site is two storeys and faced in white painted render, and appears to date to the C20. It is set back in the plot and screened from Manchester Road by vegetation. The site as a whole contributes to the significance of the Calf Head and Gillians conservation area as it is reflective of the 'larger detached and semi-detached houses along the east side of Manchester Road...set in relatively large garden plots which front onto the road. The frontages are generally of walls behind which are hedges, shrubberies and trees which define the east side of the road.' (page 15, paragraph 7.8).

Approximately 50m to the southwest of the site is the Grade II listed Hey Farmhouse, which is set back from Manchester Road within its grounds. It is oriented south towards its gardens enclosed by a stone wall. The site is visible from the listed farmhouse but the farmhouse's set back, enclosed position, orientation to the south and main road between the site and listed building does limit their visual relationship, but there is no intervening development, allowing for clear views towards the site. The site makes a very small contribution to significance through provision of tall trees, reflective of its traditional setting. It does not appear to have been in the same ownership from at least the late C19.

The proposal

The proposal is for erection of 3 no. dwellings with associated garages and parking and erection of 1 no. detached garage to the existing dwelling.

In comments on the previous application for four dwellings (23/0756/FUL) dated 11 January 2024, I identified slight harm to the Grade II listed Hey Farmhouse coming from the erosion of the area's traditional character through the presence of incongruous, overly large 'standard' new development. I identified a very low level of harm to the Calf Hall and Gillians CA, through inappropriate design, scale and orientation, and a low level of harm to the Barnoldswick CA, as the proposed houses would have a looming presence on the street scene travelling south along Manchester Road, and west along Park Avenue.

The proposal sees a reduction in the number of dwellings to three, with one single dwelling at the north of the site (plot 1) with a greater set back from the listed building Hey Farmhouse. As this is set further back from the roadside this is likely to remove the potential to dominate in the street scene and thus conservation areas.

The proposed design of the dwelling at plot 1 is of a scale and design that will allow it to assimilate well into the street scene, and reflects the proportions, design cues and materials of Hey Farmhouse, and C18-C19 dwellings along Manchester Road. The use of natural slate and stone with stone mullions will reflect the positive qualities of the conservation areas. However I would prefer use of timber windows rather than plastic, which is contrary to the Conservation Area Design and Development Guidance SPD which states "new development should use good quality and predominantly natural building materials, be well detailed, and respect local architectural detailing and style... plastics such as uPVC will not normally be acceptable in conservation areas." The proposed window design should also be clarified as the proposed elevation for plot 1 suggests vertically sliding sashes but the example shown in the design and access statement is a side hung casement. A well-designed casement with narrow frames, opening casement rebated to sit flush within the frame with no visible trickle vents or stuck on glazing bars, or ideally timber sliding sashes, would be positive. If this could be agreed/conditioned, no harm would arise from the proposed dwelling at plot 1.

The dwellings at plots 2 and 3 are proposed as semi-detached employing similar design motifs as at plot 1, including mullioned windows framed with stone. Due to their positive design and material palette, no harm is considered to arise from these proposed dwellings.

To accommodate increased visibility a short section of walling and stone gatepost will need to be repositioned, but this is considered to have no impact on the character or appearance of the CA or listed building, should this be controlled by condition (sample stone and walling), as it will be rebuilt.

Overall, the proposed dwellings reflect the positive characteristics of both conservation areas, and providing a suitable window design is agreed there will be no negative impacts on the character or appearance of either CA, or the listed building.

A high quality native planting scheme will help the new development to blend into the street scene, as will sensitive thought to a hard landscaping scheme to ensure suitable materiality.

Conclusion / recommendation

As I am required to do so, I have given S66(1) and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 considerable weight in my comments.

For the reasons identified above, subject to final detail, the proposal, currently outlined in the submission documents, will meet the statutory duties at S66 and 72 of the Act to preserve, and accords with Chapter 16 of the NPPF, and local policies ENV1 and ENV2 of the Core Strategy.

The proposal for plastic windows does not currently accord with the Conservation Area Design and Development Guidance SPD, should these be replaced with a suitably designed timber, the proposal would accord with this SPD.

United Utilities

The applicant should consider their drainage plan in accordance with the following drainage hierarchy:

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Public Response

The nearest neighbours have been notified by letter, a Site and Press Notice have been posted. One letter of objection has been received raising the following issues:

- T9 has been shown incorrectly as belonging to the applicant which is incorrect
- T9 cannot be removed because there has been no consent from the landowner
- It is unclear whether the hedge between T5 and T14 is being removed or retained
- Loss of trees should be replaced
- The existing trees act as a wind break
- If some of the trees are to suffer as a result of the proposals, who is liable for their damage?
- Views of Hey Farmhouse would be blocked by plots 2 & 3
- The choice of materials is not in keeping with the main dwelling (43 Park Avenue)
- 2 storey semi-detached dwellings are not in keeping with the area

Six letters of support have also been received stating the following:

- This development looks fantastic
- Great family homes
- The design is appropriate for the area
- The proposals will enhance the area
- Good family housing with off road parking
- Positive use of the land around the property
- Local employer of staff in Barnoldswick is aware of how difficult it is for staff to buy or rent properties close to their place of work, this housing development would assist with the problem
- Good provision of garden space
- The proposals are much better than the annex which has been approved
- Not all of the neighbours have been notified

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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 ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (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.

Replacement Pendle Local Plan

Saved Policy 31 sets out the minimum parking standards for development.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and developments, setting out the requirements for good design and protecting residential amenity.

The Conservation Area Design and Development Guidance SPD sets out that new development should use good quality and predominantly natural building materials, be well detailed, and respect local architectural detailing and styles. It provides specific guidance on development relating to agricultural building and their sensitive adaptation to other uses.

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.

Paragraph 208 of the Framework sets out that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Design & Heritage

The application site takes a prominent position within the Conservation Area, it is on the corner of two roads, one of which is a major route through the town. The application site also takes an elevated position above the height of the road. The proposed development is to be arranged so that there would one large detached dwelling closest to Park Avenue and a pair of semi-detached dwellings to the other side of No. 43 Park Avenue. There is also to be a detached garage to serve the existing dwelling at No. 43.

The detached dwelling at plot 1 has been positioned 5m from the existing dwelling whilst there is a distance of 15m between the existing dwelling and plots 2 & 3. The dwellings have been designed to reflect their position within the Conservation Area and to ensure that they are set far enough away from the Listed Building (Hey Farmhouse) and away from the most prominent part of the site when viewed from public vantage points.

The proposal also involves the erection of a detached garage to serve the main dwelling (43 Park Avenue). The design and materials proposed in this particular case, as well as its position which would site between plots 2 & 3 and the existing dwelling would mean it is not highly prominent from public vantage points within the Conservation Area. Overall, its design is acceptable.

The application has been assessed by the Council's heritage consultants who have concluded that provided conditions can be included to control the window frames and stone for the walling to the boundary with Park Avenue, the proposals would preserve the character and appearance of the Conservation Area. As such, the proposed development accords with Policies ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy and the conservation Area Design & Development SPD.

Residential Amenity

The report will now take each plot in turn to discuss residential amenity. Plot 1 is to be sited 24m from the row of cottages on Park Avenue. However, there is a public highway between the application site and the existing dwellings which would allow closer public views of the site. The plot is orientated so that there is just one ground floor window which would face towards the cottages on Park Avenue. Given that the window is a secondary window serving a living room and it maintains a 21m distance from the cottages, this would not result in an unacceptable neighbouring amenity issue. To the front of plot 1 there is to be a parking area along with a resurfaced private driveway which then looks towards the garden of the dwelling known as Westcott. The front garden of Westcott is not a habitable living space which would be protected in the same way that a habitable room would be. With the exception of the porch to Plot 1 which is sited 17.6m from Westcott, the principal windows of plot 1 would be sited 19m from the neighbouring dwelling. However, the dwelling at Plot 1 is to be positioned so that they would align with the front elevation of Westcott. Given this offset, this would not result in an unacceptable neighbouring amenity issue.

Plot 2 is closest to No. 98 and 98a Manchester Road which takes an elevated position slightly higher than the application site. The separation distance between plot 2 and 98 / 98a is 16m. However, Plot 2 is positioned at such an angle that it would not result in neighbouring amenity issues. In terms of the relation ship to the exiting dwelling. There is a separation distance of 15m between the existing and proposed dwellings. There is one first floor side elevation window at the existing dwelling. However, this serves a bathroom and is obscure glazed. As such, it would not result in an unacceptable amenity issue.

Plot 3 is positioned so that it is 14m from the front of 43b Manchester Road. However, plot 3 is to be orientated so that the side elevation would be closest to No. 43b. There is to be one first floor level window which faces towards No. 43b serving the landing. There is also to be one side facing ground floor level window serving the single storey extension / lounge area at plot 3. Due to the height difference between the ground floor of the proposed dwelling and the boundary an obscure glazing condition is required for both ground and first floor side windows. The Design Principles SPD sets out that a gable elevation can be 12m from the principal window of a neighbouring dwelling without causing an unacceptable neighbouring amenity issue. Given the angle / offset at which the properties are positioned and that there is a distance of 14m between the side facing window at plot 3 and the front elevation of 43b, along with boundary treatment between the dwellings, this would not result in an unacceptable neighbouring amenity issue.

As such, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would provide an adequate access to serve the existing dwelling (43 Park Avenue) and the three proposed. The Highways Authority have not raised an objection to the proposed development on the grounds of highway safety. The site access design and visibility splays submitted are adequate for the intensification in use created by the proposed development. The number of proposed parking spaces off-street is acceptable, based upon the number of bedrooms which are to be created by the proposed scheme. As such, the proposed development accords with Policy ENV4 of the Local Plan: Part 1 Core Strategy.

Trees

The application site is surrounded by trees. Some of the trees are part of a group Tree Preservation Order. They clearly have amenity value and contribute positively to the character and appearance of the Conservation Area in this location. The Council's Environment Officer (Trees) has expressed concern about the post development pressure on the trees, given how close the proposed dwellings are to be sited from the canopies of the trees and indeed their root protection areas. The post development pressure alone would not sustain a reason for refusal and the officer has recommended that if the application were approved, conditions could be placed on any decision notice requiring a method statement for the protection of the trees during construction.

Although a member of the public has raised concerns about trees in their representations, the issues which have been raised mostly relate to a civil matter (regarding the ownership of T8 and T9) which is not determinative in this planning application.

Drainage

The proposal is not accompanied by a drainage strategy but this is something which could be secured by planning condition. United Utilities have requested that the drainage hierarchy is followed, again this is something which could be established through the drainage strategy.

BNG

The application is accompanied by a small sites BNG metric, as required by the current legislation governing Biodiversity Net Gain.

However, the information which has been provided indicates that there would be an overall loss in biodiversity, as follows:

- The net gain for *area habitats* is -4.14%. It must be at least 10.0%.
- There are too many net losses of Low distinctiveness *area habitats*, and too few gains at higher distinctiveness categories to offset these losses.

The net change of Low distinctiveness *area habitats* is -0.14 BU.

The accompanying Ecology Report by Knight Sky Ecology indicates that although there is a loss in biodiversity the applicant has several options open to them in terms of providing an uplift in BNG. They have land elsewhere (within a 10 mile radius) which could be used for an off-site BNG gain, alternatively they have also investigated the possibility of purchasing BNG credits, in the order of 14% in order to take into account the -4.14% loss and a 10% gain required on top of the loss.

As such, although it may not be possible to accommodate the 10% net gain on site, this could be dealt with by way of condition and appropriate s106 agreement for an off-site contribution.

Other Issues

Some matters which have been raised by members of the public are not material planning considerations, e.g. private views of the Listed Building. As such, these are not matters for determination in this case.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the 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: Approve, subject to conditions

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 dwg no: 20, Proposed Site Plan dwg no. 24, Proposed site plan dwg no. 22, Proposed detached garage plan dwg 29, Proposed Elevation Plans Plots 2 & 3 dwg no. 28, Proposed Floor Plans (Plots 2 &3) dwg no. 27, Proposed elevation plans (plot 1) dwg no. 26, Proposed Floor Plans (plot 1) dwg no. 25,

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

3.Samples of materials including descriptions, source, name and specification for all external materials including the partial re-building of the stone boundary wall on Park Avenue shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

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 and 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 character and appearance of the Conservation Area.

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

- 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) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety.

6. No development shall take place, including any works of demolition or clearance, until a construction method statement including site plan 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) Wheel washing facilities and means of mechanical road sweeping v) Measures to control the emission of dust and dirt during construction vi) A scheme for recycling/disposing of waste resulting from site clearance and construction works vii) Details of working hours viii) Routing of delivery vehicles to/from site 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. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Works shall include, but not be exclusive to: • the construction of the amended access to an appropriate standard, including a minimum width of 4.8m and radius kerbs to the West; • buff coloured tactile paved dropped pedestrian crossings on both sides of the footway outside the access on Park Avenue; • the removal of a section of footway and carriageway reconstruction to the county council's specification; • the construction of a new section of footway to the county council's specification approx 2m in length; • the amended access properly constructed to tie into the edge of the existing carriageway on Park Avenue; • appropriate carriageway markings outside the access on Park Avenue; • a street lighting assessment. Reason: In the interest of highway safety so that traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

8. Prior to occupation of the first dwelling visibility splays measuring 2m back from the centre line of the access and extending 19.6m to the West and 19.4m to the East shall be provided at the amended access onto Park Avenue, as shown on the approved plan – Drawing No 159420-001 Rev A. 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 to the West. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development. Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

9. Prior to first occupation of the approved development that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in a bound surface material. Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway where it could pose a hazard to other highway users.

10. Surface water from the approved driveway shall be collected within the site and drained to a suitable internal outfall. Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

11. The car parking facilities and manoeuvring areas shown on the plans hereby approved shall be made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities and manoeuvring areas shall thereafter be permanently retained for that purpose. Reason: In the interest of highway safety and to ensure adequate parking and manoeuvring are available within the site.

12. Prior to first occupation of the approved development an electric vehicle charging point shall be provided for each dwelling in accordance with a scheme to be approved by the Local Planning Authority. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available. Reason: To ensure that the development supports sustainable forms of transport.

13. 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.

14. The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement prepared by Forest & Tree Consulting.

Reason: In order to protect the trees which are to be retained on site.

15. 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);
- (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 Systems (March 2015) or any subsequent replacement national standards.

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.

16. 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.

17. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall

be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

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

18. No part of the development commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority (s). The said obligation shall provide for monitoring of Biodiversity Net Gain over a 30 year period.

Reason: To ensure that the proposed development makes provision to enhance biodiversity on the site and that this can be monitored for a period no less than 30 years following completion of the development.

19. Notwithstanding any indication on the plans hereby approved, the window frames and doors of the development shall be timber and painted in accordance with details that have been submitted to and approved in writing by the Local Planning Authority prior to their installation.

Reason: To preserve the character and appearance of the Conservation Area.

20. The windows on the ground and upper floor east side elevation of Plot 3 shall at all times be obscure glazed to a minimum of Pilkington Level 4 (or equivalent) obscurity. The windows shall at all times be hung in such a way that prevents the effect of the obscure glazing being negated by opening.

Reason: To preserve the privacy of the adjacent dwelling.

1. The development may not be begun unless—

- (i) a biodiversity gain plan has been submitted to the planning authority and
- (ii) the planning authority has approved the plan

Phase plan

- (b) the first and each subsequent phase of development may not be begun unless—
 - (i) a biodiversity gain plan for that phase has been submitted to the planning authority and
 - (ii) the planning authority has approved that plan

Reason: In order to fulfil the obligations for Biodiversity Net Gain, in accordance with the Environment Act 2021, Schedule 14

Informative

Contaminated Land

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.

Highways

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 amended access to an appropriate standard, including a minimum width of 4.8m and radius kerbs to the West;
- buff coloured tactile paved dropped pedestrian crossings on both sides of the footway outside the access on Park Avenue;
- the removal of a section of footway and carriageway reconstruction to the county council's specification; • the construction of a new section of footway to the county council's specification approx 2m in length;
- the amended access properly constructed to tie into the edge of the existing carriageway on Park Avenue;
- appropriate carriageway markings outside the access on Park Avenue;
- a street lighting assessment. 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: 24/0472/FUL

Proposal: Full: Erection of 3 no. dwellings with associated garages and parking and erection of 1 no. detached garage to existing dwelling.

At: 43 Park Avenue, Barnoldswick

On Behalf of: Mrs Joyce Varley

REPORT TO WEST CRAVEN COMMITTEE ON 5TH NOVEMBER 2024

Application Ref: 24/0585/REM

Proposal: Reserved Matters: Erection of a replacement farmhouse (Appearance, Landscaping, Layout and Scale) of Planning Permission 22/0025/OUT.

At Moor Gate Farm, Cob Lane, Kelbrook

On behalf of: Mr C Pearson

Date Registered: 02.09.2024

Expiry Date: 28.10.2024

Case Officer: Athira Pushpagaran

This application is sent to committee since it has received 3(+) objections

Site Description and Proposal

The application is a Reserved Matters application for the appearance, landscaping, layout and scale for the erection of a replacement farmhouse. The application site is an existing farm operation which includes tourist accommodation. It is located outside the settlement boundary within the Open Countryside. Main access is from Cob Lane and the principle of development has been established through an Outline Planning Application (22/0025/OUT).

The proposed development is the erection of one farmhouse with a garden and parking provision. It would be accessed through the existing access from Cob Lane.

Relevant Planning History

22/0025/OUT: Erection of replacement farmhouse. Approved with conditions

21/0256/FUL: Change of use from an agricultural building to holiday accommodation
Approved with conditions

20/0860/FUL: Full: Change of use (For a temporary period of two years) of an agricultural building for the sale of animal health and nutrition farm supplies.
Refused

18/0057/FUL: Full: Erection of agricultural building (9.14m x 9.14m x 4.35m to ridge).
Approved with conditions

17/0192/FUL: Full: Change of use and external alterations to convert barns to 2 dwellings with associated residential curtilage and erection of a detached garage.
Approved with conditions

13/16/0075P: Full: Erection of a steel portal frame agricultural building (Retrospective).
Approved with conditions

Consultee Response

Highways

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site subject to the following comments being noted and conditions being applied to any formal planning approval.

Site planning history

22/0025/OUT - Erection of a replacement farmhouse (Access only). Approved.

Proposal

The proposal is for the erection of a detached four bed dwelling with associated parking and residential curtilage.

Car & cycle parking

Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, the highway authority recommends that maximum parking standards are applied to this site. That is, three car parking spaces for a dwelling with four or more bedrooms.

Having reviewed the submitted documents the highway authority considers that an adequate level of off-road parking can be provided within the site. The manoeuvring area should be maintained free from obstructions to allow vehicles to enter and leave the site in forward gear.

The applicant should also provide secure, covered cycle storage in line with the council's Parking Standards, which for this development would be storage for at least two cycles, together with an electric vehicle charging point, to improve the site's sustainability. The proposed garage is adequately sized internally to provide secure storage for at least two cycles.

The electric vehicle charging point shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential 2 Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

The following conditions should be applied to any formal planning approval granted.

Conditions

1. Prior to first occupation of the proposed development the parking and manoeuvring areas shown on the approved plans shall be provided and thereafter always remain available for the parking of vehicles associated with the dwelling and the manoeuvring areas shall be kept free from obstructions in perpetuity. Reason: To ensure that satisfactory levels of parking and manoeuvring are provided within the site.
2. Prior to first occupation of the approved development secure, covered cycle storage for at least two cycles shall be provided in accordance with the approved plans and shall be permanently maintained thereafter. Reason: To ensure that the development supports sustainable forms of transport.

3. Prior to first occupation of the approved development an electric vehicle charging point shall be provided. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available. Reason: To ensure that the development supports sustainable forms of transport.

Parish/Town Council

We wish to express that we have no objection or any issue with this planning application.

PBC Environmental health

We are concerned about the development causing nuisance during the construction phase, and would therefore recommend use of the condition below:

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.

Yorkshire Water

Thank you for consulting Yorkshire Water regarding the above proposed development. We have the following comments:

Waste Water: Yorkshire Water has no objection to the approval of the reserved matters.

Tree Conservation officer

In principle, I have no objection to the proposed landscaping however, for this to be approved there needs to be information on 'Maintenance and Management of the planting so it can be successfully established.

PBC Engineering

No response

Architectural Liaison

No response

Public Response

Four neighbour objections have been received. Out of these two were from the same address and therefore would be counted as one. These objections raised the following concerns:

- overdevelopment of the site and a total lack of sympathy to its setting
- If permitted to change the existing Farmhouse to further tourist accommodation it would take away from already established tourist accommodation in the area and will therefore have a negative effect on local businesses.
- will harm the character and appearance of the open countryside and is contrary to the existing Neighbourhood plan
- It is on an elevated site in the countryside and will be seen for miles
- Not high-quality design
- materials proposed in this application are not compatible with the local environment

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the spatial development principles for developments in Pendle. Proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Para 139 of the framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

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

Supplementary Planning Guidance: Development in the Open Countryside places great importance on proportion and setting and provides guidance on the materials which would be acceptable for agricultural buildings. Developments must not be detrimental to the landscape and the materials and design must reflect traditional farm buildings.

Kelbrook & Sough Neighbourhood Plan Policy KS Dev 1 which sets out design considerations based upon the built and natural character of the Parish.

Officer Comments

The principle of residential development on this site has been established by the Outline consent. This was an outline application for the erection of a replacement farmhouse. It is noted that comments from members of the public have been received in relation to the principle of development. However, the principle of the units has been established through permission and the necessary assessment was made in relation to access at that stage.

Visual amenity and Landscape impact

The application site can broadly be described as an irregular rectangle with the access track running up to its northeastern edge from the edge of Cob Lane. The dwelling is positioned to the back of the site with a larger area of garden to the front than to the rear. The rear elevation of the proposed dwelling would be at least 8m setback from the rear boundary and 27m from the front boundary. The dwelling would also have a 13.5m wide hardstanding drive to the front with gardens to either side.

The proposed farmhouse would be single storeyed and built with a H-shaped floor Plan. One arm of the H-shaped floor plan accommodates the four bedrooms and toilets while the other accommodates the common areas including kitchen, dining and living, and the main entrance is from the bridge between these two arms. The proposed dwelling would have pitched roof with corrugated metal sheets, with two arms of the H-shaped plan having gables to the front and rear elevations. Due to the slope in site, to the side elevation, the walls of the dwelling would be erected on retention walls. These retention walls would be constructed with natural stone and the dwellings walls would be timber cladded. The dwelling would have glazed aluminium doors and windows. The garage would have a metal door.

The application site is situated within a small cluster of buildings off Cob Lane. Immediately to the southeast adjoining the application site are two agricultural buildings with corrugated metal sheet pitched roof and timber cladding. To the northeast, adjoining the access from Cob Lane is a former agricultural building converted into a holiday accommodation under a previous application. This building was under construction during the site visit. Within this cluster the rest of the buildings are a former farmhouse and two converted barns, all with natural stone walls and slate tiled roof with minor modern additions in the form of extensions and glazed openings. Considering this context the proposed dwelling would not be completely alien to the character of the location. Exact colour and finishes can be controlled through conditions requiring samples.

The design of the proposed dwelling is acceptable and the visual impact of the building on the countryside would be reduced to an acceptable level by it being in a low position cut into the sloping land, next to a cluster of existing agricultural buildings of similar scale and design and softened by existing trees and proposed landscaping.

Overall, in terms of scale, appearance and layout the proposed dwelling within the application site is of a domestic character and is to be constructed of materials which are in keeping with the surrounding area. Therefore, it is acceptable.

Landscaping

The Landscape Plan which accompanies this application sets out that the drive and turning area to the front of the property will be constructed of a porous material to reduce surface water run-off and retention. Existing dilapidated fencing will be repaired to their original standards, new fences will be constructed to replicate the existing in style and height. It also shows a tree planting scheme to soften the visual impact and for screening. A condition can be added to ensure that the details of any landscaping and boundary treatments are appropriate and that they are properly managed and maintained.

Residential Amenity

The proposed dwelling would be 48m from the former agricultural building converted into a holiday accommodation, at least 34m from the barn conversions and at least 48m from the former farmhouse. These properties and their gardens are sufficiently farther away to have any residential amenity issues and there are no other residential properties closer than them to the site. Therefore, the proposal would have no unacceptable residential amenity impact in terms of overbearing impact, loss of light or privacy.

Highways

The principle of the access was granted at the outline stage. The site is to have one point of vehicular access off Cob Lane. The proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site subject to the following the highways' comments being noted and conditions being applied to any formal planning approval.

LCC highways have requested a condition for an electric vehicle charging point and cycle store at least 2 cycles shall be provided. They had requested this at the outline stage and the applicant has submitted an updated plan following their comments to show cycle storage for 4 cycles and an EV charging point. This is found acceptable.

Environmental health

Environment health has requested a condition for a construction method statement. However, this is a matter of the principle of the development and therefore cannot be added at this stage.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive

presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 and 2 of Planning Permission 22/0025/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission 22/0025/OUT

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- TS283-2 Location Plan (received on 02.09.24)
- A1.3 Proposed Site Plan (received on 02.09.24)
- A1.4 proposed Plans – Materials (received on 02.09.24)
- A1.5 Technical and layout Plans (received on 02.09.24)
- A1.6 REV1 Proposed Layout Plan (received on 17.10.24)
- A1.7 Proposed Floor Plan (received on 02.09.24)
- A1.9 Proposed Roof Plan (received on 02.09.24)
- A2.1 Proposed Elevations (1) (received on 02.09.24)
- A2.2 Proposed Elevations (2) (received on 02.09.24)
- A3.1 Proposed Site Section Plans (received on 02.09.24)
- L1.1 Landscape Plan (received on 02.09.24)

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

3. Notwithstanding any indication on the approved plans and application form, prior to the commencement of above ground works involved in the erection of the external walls of the development, samples of the external materials to be used in the construction of the walls, roof verges, fascias and soffits, rain water goods, pipes and flues, windows and door materials and finishes, window reveals and drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. Prior to first occupation of the proposed development the parking and manoeuvring areas shown on the approved plans shall be provided and thereafter always remain available for the parking of vehicles associated with the dwelling and the manoeuvring areas shall be kept free from obstructions in perpetuity.

Reason: To ensure that satisfactory levels of parking and manoeuvring are provided within the site.

5. Prior to first occupation of the approved development secure, covered cycle storage for at least two cycles shall be provided in accordance with the approved plans and shall be permanently maintained thereafter.

Reason: To ensure that the development supports sustainable forms of transport.

6. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a) the exact location and species of all existing trees and other planting to be retained;
 - b) all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c) an outline specification for ground preparation;
 - d) all proposed boundary treatments with supporting elevations and construction details;
 - e) all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f) the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

Informative

1. 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.
2. 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.

Application Ref: 24/0585/REM

Proposal: Reserved Matters: Erection of a replacement farmhouse (Appearance, Landscaping, Layout and Scale) of Planning Permission 22/0025/OUT.

At Moor Gate Farm, Cob Lane, Kelbrook

On behalf of: Mr C Pearson

Date: 21st October 2024