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| <b>Report Title</b>                         | <b>PLANNING APPLICATIONS</b>            |
| <b>Meeting</b>                              | <b>DEVELOPMENT MANAGEMENT COMMITTEE</b> |
| <b>Meeting Date</b>                         | <b>18<sup>TH</sup> NOVEMBER 2025</b>    |
| <b>Report Author</b>                        | <b>NEIL WATSON</b>                      |
| <b>Directorate</b>                          | <b>PLACE</b>                            |
| <b>Lead Executive Member(s)</b>             | <b>COUNCILLOR L. WHIPP</b>              |
| <b>Wards Affected</b>                       | <b>BARNOLDSWICK</b>                     |
| <b>Public. Part Exempt, or Fully Exempt</b> | <b>PUBLIC</b>                           |
| <b>Appendices (if any)</b>                  | <b>NONE</b>                             |

## REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 18 NOVEMBER 2025

**Application Ref:** 25/0144/OUT

**Proposal:** Outline (Major): Erection of 98 dwellings (Access, Appearance, Layout and Scale only) including open space and associated infrastructure.

**At:** Site Of Fernbank Mill, Fernbank Avenue, Barnoldswick

**On behalf of:** Muller Property Group

**Date Registered:** 03/07/2025

**Expiry Date:** 02/10/2025

**Case Officer:** Alex Cameron

This application has been brought before Development Management Committee as it is a development of over 50 dwellings.

### **Site Description and Proposal**

The application site is on the site of the former Fernbank Mill, now demolished. The site is within the settlement boundary of Barnoldswick and accessed from Fernbank Road. There is agricultural land to the north, dwellings on Great Croft Close and Fernbank Avenue back on to the eastern boundary, to the west is an existing commercial use and dwelling and to the south is open land and dwellings on Priory Way beyond. Public Footpath No.3 runs through the site from north to south.

This is an outline planning application for the access, appearance, layout and scale for the erection of 98 dwellings.

The application was originally for 101 dwellings but this has been reduced to 98 as the site has been amended to remove land that was identified to be in other ownership and alterations to the highway layout.

### **Relevant Planning History**

None

### **Consultee Response**

LCC Lead Local Flood Authority – Object due to inadequate flood risk assessment. It is unclear if the applicant intends to alter or raise the existing site levels, there are potential risks associated with the displacement of flood risk, without appropriate mitigation measures or evidence of a proposed system accommodating the existing

flooded volume in order to prevent a flood risk onsite or elsewhere. The applicant has failed to provide an appropriate assessment of the potential impacts that this may have, both onsite and elsewhere, including the potential displacement of flood water and ensuring the most vulnerable development is located in the areas of lowest flood risk.

United Utilities - Whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design, recommend a foul and surface water drainage condition.

Yorkshire Water – No objection. An abandoned 90mm MDPE and abandoned 8" Cast iron water main cross the site, if not required, these would need to be disconnected and removed.

Lancashire Fire and Rescue – Comments related to Building Regulations.

LCC Schools Planning – No education contribution is required.

LCC Highways – No objection, the proposed development traffic can be adequately mitigated on the adjacent highway network so as not to have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Contributions requested for travel plan support and to subsidise bus services 280 and B4. Conditions for construction management, off-site highway works, management and maintenance of estate roads, estate road engineering, estate road construction, retaining wall details, parking, cycle storage and travel plan and a note regarding off-site highway works.

PBC Countryside Access - Part of the estate road has been sited directly across public footpath FP1301003. The footpath is incorrectly shown running on the proposed footways. It should in fact be shown as a direct line from where it enters the site at the northern end, to where it leaves the site at the southern end, meaning that the footpath is in the proposed estate road. The effect on pedestrians of the public footpath being shared with vehicles could be mitigated by the footway shown on the plan with a dashed green line being included in an agreement between the developer and the highway authority under Section 38 of the Highways Act 1980. The footways would thereby be part of the adopted highway network, thereby making the definitive line of the footpath redundant. The construction phase has the potential to result in substantial disruption to footpath users because the temporary closure of FP1301003 is likely to be required for lengthy periods of time for construction work to take place. This could be mitigated by a condition that the developer provides an alternative footpath between the northern and southern ends of the site, including a link path to Fernbank Avenue, for the whole period of any temporary closure. The alternative footpath should be maintained in a safe condition to a width no less than 2m wide, and no more than 40% longer than the existing footpath. The reason for such a condition would be to mitigate disruption to pedestrian traffic during the construction phase. The effect of the development will add to the significance of FP1301003 at the southern end of the site which links to Priory Way. Planning permission should be conditional on the developer entering Section 106 to include the provision of street lighting on the footpath to Priory Way. A Section 106 Agreement should also cover the costs of installing suitable additional signage for public

footpath FP1301003 which is required by Section 27 of the Countryside Act 1968 where footpaths start from a metalled road. The development will have the effect of increasing the use of the nearby public rights of way network, with the effect of generating an increasing maintenance liability. A Section 106 Agreement should therefore also include the provision of funding towards the improving the rights of way most likely to be impacted in this way, including but not limited to the unaffected parts of FP1301003. This may include surfacing and drainage work and replacing old stiles and gates with modern galvanised self-closing gates.

PBC Environmental Health - With regards to noise at this development, we accept the findings, however the report recommends the use of a acoustic barrier and whole dwelling ventilation system, we would like a validation report to demonstrate that the remedial measure have been properly installed and that they are maintained.

West Craven Area Committee – Resolved that Development Management Committee be asked to take into account the following issues/concerns when determining this outline planning application –

- The LLFA had objected due to inadequate flood risk assessment. This was a site at risk of flooding.
- There was a culverted watercourse running underground on this site which, if developed, needed to be opened up.
- The town's infrastructure was a major concern. Over 200 houses were under construction in Barnoldswick with no provision for improving the town's facilities. This would increase the demand on schools, dentists and health facilities.
- The proximity of Clifford's Concrete plant could cause a problem of noise, dust and deliveries on/off site.
- The road junction at Fernbank Avenue and Gisburn Road, which would see an increase in traffic, needed improving.
- There should be a greater diversity of housing in the layout and appearance e.g. more bungalows, and a play area.
- There were no ecological benefits to this application.
- The design is a cookie cutter one and there should be better provision for open space within the site
- The design itself should be improved

### **Public Response**

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

- Highway safety and capacity impact of additional traffic, exacerbated by existing on-street car parking
- Additional on-street car parking
- Emergency vehicle access
- Winter access with Fernbank Avenue not being gritted
- Inadequate pedestrian access and public transport in the area

- Impact on construction traffic
- Increase in off-site flood risk
- Loss of privacy
- Loss of wildlife habitat including protected species
- Impact on public rights of way
- Harm to the character of the area
- Restriction of access to the adjacent farm and concrete works
- Noise and dust from the concrete works would be a nuisance to residents
- The operation of concrete works would be restricted by the pre-existence of the proposed dwellings
- Lack of sewage capacity for the additional houses together with other developments in Barnoldswick
- A children's playground should be incorporated into the site close to Fernbank Avenue
- Incorrect site boundary and land ownership certificate (an amended application site has been submitted removing the land in question)
- Overdevelopment of the site
- The area's need for bungalows has not been addressed by the housing mix
- No need for one bedroom properties in the area
- Schools, medical and police services in the area do not have capacity
- Potential for the dwellings to be rental properties
- Timescale of the development
- Cost of waste collection causing an increase in Council Tax.

## **Officer Comments**

### **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 roles each settlement category will play in future growth. Barnoldswick is a key service centre which provides the focus for future growth and will accommodate the majority of new development.

Policy SDP3 identifies housing distribution in West Craven Towns as 18%. The total housing requirement for Pendle at the present time is 5662. The amount of development proposed here is not disproportionate to the amount Earby could expect to accommodate over the 15 year plan period.

Policy ENV1 of the Replacement Pendle Local Plan 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 of the Pendle Local Plan Part 1 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 ENV5 seeks to minimise air, water, noise, odour and light pollution.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies.

Policy LIV4 sets targets and thresholds for affordable housing provision. For 15 or more dwellings in West Craven towns this is 5%.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

#### Replacement Pendle Local Plan

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

#### National Planning Policy Framework

Following changes to the method for calculating housing supply introduced by the revised National Planning Policy Framework published in December 2024 the Council has sufficient housing supply for 2.8 years. As this is below the 5 year supply requirement the Council is in a position of undersupply and the Council's housing policies are out of date. Paragraph 11 of the Framework requires that in this circumstance that applications for housing development are approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, this is referred to as the 'tilted balance'.

#### **Principle of the Development**

The site is within the settlement boundary of Barnoldswick, there are local shops and an approximate 450m walk away on Gisburn Road and bus stops for services 280 and B4

giving access to the centre of Barnoldswick and beyond a 340m walk away. Those services are currently subsidised by Lancashire County Council (LCC) and to ensure their continued availability a contribution is necessary, in addition to improvements to those bus stops. This would be directly related to the development, which would otherwise not be acceptably accessible taking into account its distance from essential services, facilities and the town centre which is a 850m walk away.

The most direct and lightly trafficked pedestrian and cycle routes to the town centre and nearest primary school are via Coniston Avenue and the footpath to Butts Way and public right of way to the south of the site via Pennine Way / Butts Way. Improvements to those routes are necessary to support active travel.

With the above accessibility improvements secured via contributions and off-site works the proposed development is acceptable in principle in accordance with policies SDP2 and LIV1. The applicant has challenged the necessity and relevance of those contributions to the development and discussions are ongoing in relation to that.

### **Visual Amenity and Landscape impact**

The site is a former industrial site, it sits low in the landscape screened by the development to the east and west and hedgerows and higher land to the north and south and so is not prominent in the landscape.

Concerns have been raised regarding the design of the development, however, this is not a prominent site or in a location with a distinct character. It is a former industrial site with previous permission for generic industrial buildings and dwellings in the vicinity are a variety of designs and materials, including red brick.

The design of the proposed dwellings have contemporary features such as full height windows, the design is of good quality and has distinctive character, in the context of this site the contemporary design is acceptable.

The development is acceptable terms of design and visual amenity in accordance with policies ENV2 and LIV5.

### **Residential Amenity**

The recently submitted amended plans moved plots 90-93 to approximately 20m from the original rear elevations of Great Croft Close, the amended plans also propose a dwelling (plot 6) with ground and upper floor habitable room windows directly adjacent to the boundary of land associated with 16 Fernbank Avenue to the east, and facing into the garden of that property. This is a poor arrangement and would both unacceptably impact upon the privacy of 16 Fernbank Avenue.

Further amended plans have been requested to increase that distance to 21m and alter the design of plot 6.

In relation to properties on Great Croft Close, there are extensions and conservatories to the rear of some properties and windows would be closer than 21m to those, however, taking into account that these are extensions to the dwellings it would be a typical arrangement for such ground floor extensions to be less than 21m. Furthermore, there is existing dense evergreen planting to the boundary which is proposed to be retained (the final landscaping would be subject to a reserved matters application) and, taking into account the land levels and proximity of to the boundary a 2m fence at the level of the rear of Great Croft Close would provide an adequate level of privacy, this can be ensured by condition.

No. 27 Fernbank Avenue has a habitable room window in the side elevation facing the site and side elevation of plot 96 separated by approximately 11m. Although this is marginally below the 12 guideline set out in the Design Principles SPD, taking into account the scale of the dwelling proposed in that plot it would not result in an overbearing impact or unacceptable loss of light to that window.

The site is adjacent to a concrete works to the west, a noise assessment has been submitted addressing the potential impact of this. It is proposed for the row of dwellings to the west of the site to have mitigation including a ventilation system to enable windows to be kept closed and for an acoustic barrier to mitigate the noise impacts from the concrete work on the rest of the development. This has been assessed by Environmental Health and they have advised that the proposed mitigation measures are acceptable subject to a validation condition to ensure they are correctly installed.

Subject to the above conditions and amended plans the proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

### **Affordable Housing Provision**

Policy LIV4 sets a target of 5% affordable housing for developments of this scale in West Craven, four affordable housing units are required in accordance with the policy LIV4 and this can be ensured by condition.

### **Open Space**

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The site would provide a substantial area of open space to the west of the site and to the south around the public footpath link to Priory Way.

It has been raised that a play area should be provided, however, the Pendle Open Space Audit identified this area as having a surplus of play areas and therefore there would not be a basis to require that a play area is provided as part of the open space provision.



There is an identified deficit of amenity greenspace and therefore the proposed open space, which would be amenity greenspace, is acceptable in accordance with policy LIV5.

## **Ecology and Biodiversity**

The site predominantly hard surfaced with hedgerows to the boundaries and a watercourse running to the south of the site. There is some potential for bird nesting, however, impacts to birds can be acceptably mitigated by timing of works or pre-development nesting bird checks.

There are two small buildings remaining on the site, one of those buildings has moderate bat roosting potential. The ecology survey submitted with the application states that a further bat survey is to follow prior to determination of the application. The survey has been requested from the applicant an update will be made to Committee clarifying this.

The development has been submitted with Biodiversity Net Gain assessment with demonstrates that a 10% uplift in biodiversity can be provided with on-site provision. Subject to conditions to require that the recommendations of the reports are implemented and for a contribution for the costs of monitoring the BNG provision the development would not result in any unacceptable ecology impacts and would provide a 10% uplift in biodiversity.

## **Highways**

LCC Highways have advised that the development is acceptable subject to off-site highway works to mitigate the impact of the development and contributions to support the development of a travel plan, for improvements to the public footpath between the site and Priory Way and to support the bus services 280 and B4.

The off-site highway works required include upgrade of two bus stops on Gisburn Road, upgrade of the zebra crossing to a signalised crossing, build outs to advance give way at the junction of Gisburn Road and Fernbank Avenue, traffic calming measures on Fernbank Avenue, cycle signage, upgrading the path between Butts Way and Federation Street and extension of traffic calming on Butts Way to Federation Street and Frederick Street.

The applicant has not agreed to these improvements and contributions and believes they are not necessary to make the development acceptable. Discussions are ongoing with LCC highways and an update will be made to Committee.

Concerns have been raised regarding impacts on access to the concrete works to the west of the site, which is accessed via the development. The access arrangements have been amended in response to LCC Highways comments and they have advised

that they have no highway safety issues in relation to the access to the concrete works, any impact on private access rights are not material planning consideration.

### **Drainage and Flood Risk**

The LLFA has objected to the development on the basis that the submitted surface water drainage strategy is inadequate to assess the principle of the acceptability of the surface water drainage. This is because it fails to provide:

- Appropriate minimum operational standards for peak flow control
- Appropriate minimum operational standards for volume control
- Details of any arrangements for future maintenance
- Incorporation of appropriate multifunctional surface water sustainable drainage system

A revised drainage strategy has been submitted and is being considered by the LLFA.

### **Planning Balance**

The Council is in a position of housing undersupply and therefore the tilted balance applies to the consideration of this application, the benefits of the development and level of undersupply must be balanced against the adverse impacts of the development and the application approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

The development would provide economic and social benefits from contribution to the economy from the construction of housing, the provision of new housing and would contribute towards addressing the 2.2 year deficit in the borough's 5 year housing supply, it would also provide an affordable dwelling. Taking into account the scale of the development at 98 dwellings, those benefits would be significant. Therefore, the tilted balance weighs significantly in favour of the development.

### **Summary**

It is recommended that the approval of the application and any conditions necessary is delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to the resolution of the LLFA's objection and conclusion of discussions with the applicant over off-site highway works and contributions.

### **Reason for Decision**

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

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

**RECOMMENDATION: Delegate Grant Consent**

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the landscaping of the development) 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 last 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 and 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 landscaping (hereinafter called the 'reserved matters') shall be submitted to 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 92 of the Town & Country Planning Act 1990.

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

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

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

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

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

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

6. Prior to the occupation of plots 86-93 & 95-96 a close boarded fence with a minimum height of 2m shall be erected along the eastern boundary of the site with the rear boundaries of 2-12 Great Croft Close and side boundary of 27 Fernbank Avenue (from a point level with the front elevation of that property running to the south). The fencing shall be maintained as such at all times thereafter.

Reason: To ensure an acceptable level of privacy to 2-12 Great Croft Close.

7. A scheme for the management (including maintenance) of the public open space areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The management arrangements shall be implemented in accordance with approved scheme before the first dwelling is occupied and the public open spaces shall thereafter be managed in accordance with the approved scheme.

Reason: To ensure the site is properly maintained and managed in the interests of visual amenity.

8. The development shall be carried out in strict accordance with the recommendations of the Phase 1 Habitat Survey.

Reason: To ensure protection and enhancement of ecology.

9. No ground clearance, demolition, changes of level or development or development related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, in accordance with details that have been submitted to and approved in writing by the Local Planning Authority 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 the approved details. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction. All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

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

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

Reason: In the interest of residential amenity and to mitigate the impact of the construction traffic on the highway network.

11. Within 3 months of commencement a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.

- a) 2 x Bus stop upgrades on Gisburn Road.
- b) Upgrade of the zebra crossing to a signalised crossing
- c) Fernbank Avenue junction Gisburn Road build outs to advance give way and provide traffic calming measures along the full length of Fernbank Avenue.
- d) LCWIP improvements including cycle signage, upgrading the path between Butts Way and Federation Street, and to extend the existing traffic calming on Butts Way further north, including to Federation Street and Frederick Street.
- e) Improvement to FP1301003 between the southern boundary of the site and Priory Way.

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

12. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: To ensure that the infrastructure is maintained in the future.

13. Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the infrastructure is constructed to a suitable standard.

14. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the infrastructure is completed in a timely manner.

15. Prior to the occupation of each dwelling the driveways and parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate parking provision is provided.

16. Prior to first occupation a Full Travel Plan shall be submitted for approval by the Local Planning Authority and implemented within the approved timetable and reviewed annually for 5 years.

Reason: To support sustainable travel.

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

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

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

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

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

Advisory Notes:

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

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

18. The development shall be carried out in strict accordance with the noise mitigation measures recommended in the submitted Noise Impact Assessment (November 2024), unless otherwise approved in writing by the Local Planning Authority no dwelling shall be occupied until the mitigation scheme has been fully implemented and a validation report, including confirmation of installation of full dwelling ventilation systems in plots 56-78, has been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be maintained at all times thereafter.

Reason: To ensure an acceptable level of aural amenity to residents of the development.

19. Four of the dwellings hereby approved shall be affordable housing. The affordable housing to be provided shall meet the definition of affordable housing in Annex 2 of The National Planning Policy Framework or any future guidance that replaces it. No dwelling hereby approved shall be occupied unless and until an affordable housing scheme has been submitted to and approved in writing by the Local Planning Authority. The affordable housing scheme shall include:

- i) the type, tenure and location on the site of the affordable housing provision to be made;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [ or the management of the affordable housing] (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: in order for the development to contribute to the supply of affordable housing in accordance with the identified need.

20. No part of the development shall 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 obligation shall provide for 10% Biodiversity Net Gain and contributions for monitoring for a 30 year period, upgrades to footpath FP1301003, towards bus services 280 and B4 and the Travel Plan support service.

Reason: To ensure the provision of 10% biodiversity net gain for a 30 year period and to support active travel and ensure adequate accessibility for the development.

Biodiversity Net Gain Condition:

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

Notes:

The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal.



Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk)

For development proposals where road construction will take place over a watercourse the applicant need be aware that under the Land Drainage Act 1991 consent is required from the Lead Local Flood Authority for work within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not. Consent must be obtained before works are started on site as it cannot be issued retrospectively. For those private streets that are intended to be offered for highway adoption it should be noted that the Highway Authority will not adopt streets that have been subject to unconsented water course works. Developers should contact the Flood Risk Management Team at Lancashire County Council to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse>

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the person responsible. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

**Application Ref:** 25/0144/OUT

**Proposal:** Outline (Major): Erection of 98 dwellings (Access, Appearance, Layout and Scale only) including open space and associated infrastructure.

**At:** Site Of Fernbank Mill, Fernbank Avenue, Barnoldswick

**On behalf of:** Muller Property Group