

Report Title	PLANNING APPLICATIONS
Meeting	DEVELOPMENT MANAGEMENT COMMITTEE
Meeting Date	22ND SEPTEMBER 2026
Report Author	NEIL WATSON
Directorate	PLACE
Lead Executive Member(s)	COUNCILLOR L. WHIPP
Wards Affected	BARNOLDSWICK AND FENCE & HIGHAM
Public. Part Exempt, or Fully Exempt	NONE
Appendices (if any)	NONE

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 22ND SEPTEMBER 2026

Application Ref: 26/0323/FUL

Proposal: Technical Details Consent: Change of use of agricultural land to residential use (Use Class C3), erection of 4 no. dwellings including integral and attached private vehicular garages with garden and parking areas of Planning Permission 23/0173/PIP.

At: Land To The North East Of Pollard Row, Wheatley Lane Road, Fence

On behalf of: Mrs. Noreen Rycroft

Date Registered: 15/05/2026

Expiry Date: 20/08/2026

Case Officer: Alex Cameron

This application has been referred to Development Management Committee as Barrowford and Western Parishes Committee resolved to refuse the application for reasons including density and overdevelopment of the plot, which would result in a significant risk of costs to the Council at appeal, the application was deferred from the previous meeting for additional details of window sight lines to Pollard Row to be submitted.

Site Description and Proposal

The application site is a field located to the north east of Pollard Row, off Wheatley Lane Road. It is located outside the settlement boundary, within the Open Countryside and Green Belt.

This is an application for Technical Details Consent for the erection of four detached houses pursuant to approval of Permission in Principle for four dwellings on the site.

Relevant Planning History

23/0173/PIP - Permission in Principle: Erection of 4 no. dwellings together with garden and parking areas. Appeal allowed

Consultee Response

LCC Highways – There is no existing access from the site directly onto Wheatley Lane Road. The formation of the new vehicle access will need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority.

Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 5.5m, radius kerbs, buff coloured tactile paved dropped pedestrian crossings on both sides of the access, the re-location of street lighting column 91, and the re-location of a telegraph pole which will be at the developer's expense.

Visibility splays

Wheatley Lane Road (C671) is subject to a maximum speed limit of 30mph outside the site. For a road with a speed limit of 30mph visibility splays of 43m should be provided in both directions. An X measurement of 2.4m along the centre line of the new access should be provided. There should be nothing within the visibility splays over 0.9m in height above the carriageway level on Wheatley Lane Road. Visibility splays should be over land within the applicant's ownership and/or the public highway network, and no part of the splays must be over third party land. Based on the details submitted on the Proposed Site Plan (Drawing CAL 2025 001 001 Rev C) the highway authority considers that adequate visibility splays can be provided.

Off-site highway works

Paragraph 20 of the Appeal Decision (ref APP/E2340/W/23/3331949) stated that: 'The appeal site has good accessibility to the shops and services in Fence. A footpath runs from the western boundary of the site into the village. A connection could be made to this existing footway to provide a safe off road access to the settlement.' A 2m wide footway should be provided on both sides of the access to allow access to the existing footway network. This would need to be to the highway authority's specification and would be constructed under the same legal agreement (S278) as the site access. Following completion it would be considered for adoption as part of the highway network maintained at public expense under a separate legal agreement (Section 38). The provision of the section of footway between the rear boundary of 1 Pollard Row and the new site access would require the amendment of the internal layout, with the loss of one dwelling.

Internal layout

The proposed turning head is sub-standard in size and layout and would not allow a large delivery vehicle to enter and leave in forward gear. Vehicles may therefore have to reverse from or to the carriageway, which is a highway safety concern and also contrary to Paragraph 117 d) of the NPPF. This states that applications for development should 'allow for the efficient delivery of goods, and access by service and emergency vehicles'. It would also be contrary to Paragraph 115 b) which states that 'safe and suitable access to the site can be achieved for all users'. Whilst the internal road would not be considered for adoption the turning head should be to the highway authority's specification. It therefore needs to be at least 13.9m wide (4.5m + 9.4m) to allow a large delivery vehicle to enter and leave the development in forward gear without having to carry out multiple manoeuvres. One dwelling from the scheme will need to be removed

to allow a properly laid out turning head to be provided. The amended layout should also be proved by swept path analysis to demonstrate that a large delivery vehicle can enter and leave the site in forward gear without having to carry out multiple manoeuvres. As refuse vehicles will not enter the development an adequately sized bin collection point within the entrance should be provided. The drawings need amending to take account of the above.

Parking

Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, we recommend that maximum parking standards are applied to this site. The applicant should also provide secure, covered cycle storage in line with the council's Parking Standards, together with an electric vehicle charging point, to improve the site's sustainability. Pendle Borough Council's 'Car and Cycle Parking Standards' recommend the following parking provision: • Two to three bedroom properties to have two parking spaces. • Four and above bedroom properties to have three parking spaces. To count as one parking space a single garage should have minimum internal dimensions of 6 x 3m. A standard size garage (6 x 3m) is also considered capable of accommodating two cycles. All drives fronting garages with up and over style doors must be a minimum of 6m long to allow room to open and close the doors. The drives for all dwellings are considered adequate as those for Plots 3 and 4 are slightly recessed. Electric vehicle charging points are also proposed for each dwelling. These shall 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. Plot 1 – the submitted parking layout appears to provide two adequate parking spaces. Plot 2 – the drive needs widening to a minimum of 3.2m to provide joint pedestrian and vehicular access. Plot 3 – the driveway needs widening to a minimum of 5.8m to provide joint pedestrian and vehicular access and as one space is adjacent to a landscaped area. Another car parking area is shown on the other side of the house (extract below). However, on the landscaping plan this is shown as a grassed area. The Proposed Site Plan needs amending to remove reference to car parking in this area.

Plot 4 – the drive needs widening to a minimum of 5.8m to provide joint pedestrian and vehicular access and as one space is adjacent to a landscaped area.

Public Rights of Way

There are no Public Footpaths through the proposed site. However Public Footpath FP1315102 Old Laund Booth passes immediately along the eastern boundary between the site and the houses at Spencer Fold. The path is set significantly lower than the site and if it is considered necessary to temporarily close the public footpath for safety reasons it is the landowner's responsibility to ensure that this is done following the appropriate legal procedures. A temporary closure will only be granted where it is the intention to re open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way. Furthermore, no works must take place

within the site which may affect the future use of the public footpath or its users. For example, surface water from the site discharging onto the footpath.

Construction phase

A Construction Method Statement (CMS) including site plan will need to be submitted as the site is a greenfield and there is no on-road parking capacity outside the site on Wheatley Lane Road. The CMS should include, but not be limited to, on-site parking, wheel washing facilities and means of mechanical road sweeping. This can be controlled by condition.

Initial conclusion

To conclude, Lancashire County Council acting as the highway authority considers that the development as submitted has the potential to detrimentally impact on highway safety due to the substandard internal layout and lack of connectivity for pedestrians to and from the services within Fence. This is contrary to Paragraphs 117 d) and 115 b) of the NPPF. Amended plans are therefore requested which take account of the comments within this response, including the reduction in the number of dwellings from four to three. If the amended plans fully address the concerns raised the highway authority will provide further comments, including any conditions and informative notes it considers necessary. However, if no amended plans are submitted then the highway authority will object to the development on the grounds that it would be contrary to Paragraphs 115 b), 116 and 117 d) of the NPPF.

Updated response following the submission of amended plans:

The submitted amended drawings appear to have addressed the issues raised in the highway authority's response of 17 June. Therefore, if the local planning authority is minded to approve the application the following conditions and informative notes should be applied to any formal planning approval granted: off-site highway works, construction method statement, access construction, visibility splays, parking and manoeuvring.

PBC Environmental Health – Recommend a construction management condition and contaminated land note.

Lancashire Fire and Rescue – Comments related to Building Regulations.

Old Lane Booth Parish Council - Old Laund Booth Parish Council has carefully considered this application alongside the concerns already raised within the public consultation responses. We share many of these concerns and wish to highlight the following key issues:

We feel that the proposed development of four dwellings represents overdevelopment of the site and is not in keeping with the character of the surrounding area. The scale

and design would look out of keeping within what is currently an open, semi-rural landscape, resulting in a visually unappealing development.

The proposal would have an adverse impact on important views across the site, which contribute significantly to the rural setting and character of the area. The introduction of multiple two-storey dwellings, along with associated garages and infrastructure, would result in the loss of these views for residents.

The Parish Council also recognises concerns regarding potential loss of light to neighbouring properties. The scale and proximity of the proposed dwellings could result in reduced daylight and an overbearing impact, further affecting neighbouring residents. In addition, concerns remain regarding highway safety and the likelihood of increased traffic along Wheatley Lane Road, which already experiences constraints in terms of access and vehicle movements.

There is particular concern about vehicles pulling onto the road in an area known for speeding traffic. The cumulative effect of additional dwellings would likely make these issues worse, to the detriment of residents and road users.

The Parish Council also notes the loss of agricultural land and the gradual loss of the countryside in this location, which conflicts with the need to protect the character of the rural environment.

However, whilst objecting to the current proposal, the Parish Council would wish to express that a smaller-scale development may be more appropriate. In particular, the development of two single-storey bungalows could be considered more sympathetic to the surrounding area. This approach would reduce visual impact, help retain key views and lessen the impact in terms of additional traffic, whilst still allowing for some development of the site.

In summary, Old Laund Booth Parish Council objects to application 26/0323/FUL in its current form due to concerns regarding overdevelopment, visual impact, loss of views, highway safety and harm to the rural character of the area. A smaller development comprising two bungalows would sit more comfortably with the surrounding area and is, therefore, encouraged should the applicant seek to consider alterations to the proposal. We trust that these comments will be taken into consideration when determining the application.

Public Response

Nearest neighbours notified by letter. Responses received objecting on the following grounds:

- Impact on the Green Belt and precedent for other Green Belt developments
- The appeal decision that approved Permission in Principle was wrong
- The development would not be in keeping with the area

- Contradictory details of window and door materials
- Use of blue slate would stand out detrimentally against surrounding stone slate roofs
- The development would join two parishes
- Excessive density
- Loss of light and overbearing impacts upon adjacent properties due to proximity and level difference
- Loss of privacy
- Vehicle headlights shining into bedroom windows
- Parking impacts
- Highway safety risks from inadequate access visibility and road widths and additional traffic
- Lack of public transport
- Drainage, surface water run-off and flood risk concerns
- Impact on ecology and wildlife including protected species
- Stability of the retaining wall
- Contamination risk
- Noise impacts
- The ground conditions will require piled foundations and a ground investigation report should be required
- Limited school capacity in the village

Response received in support on the following grounds:

- The site is not viable for agricultural use
- The adjacent development has resulted in road safety improvements
- Traffic issues in the area are caused by inconsiderate parking
- The previous agricultural use resulted in detrimental noise, odour and biodiversity impacts

Officer Comments

Policy

Pendle Local Plan Fourth Edition

Policy SP01 (Presumption in Favour of Sustainable Development) echoes the presumption set out in National Policy and promotes the three strands of sustainable development: economic, social and environmental. Applications which accord with policies contained within the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy SP13 (Transport and Connectivity) States that new development should have regard to the potential impacts they may cause to the highways network, particularly in

terms of safety and the potential to restrict free flowing traffic, causing congestion. Where an adverse impact is identified, applicants should prepare a Traffic Impact Assessment and ensure that adequate cost-effective mitigation measures can be put in place. Where there is an unacceptable impact on highway safety, or the residual cumulative impacts of the development are severe and cannot be adequately mitigated, planning permission is likely to be refused. New developments should, wherever possible, exploit opportunities for walking and cycling by connecting to existing pedestrian and cycle routes. Where appropriate new links should be provided to help increase connectivity and close gaps in the network.

Policy SP09 (Water Management) Development should be delivered in an environmentally sensitive way (Policy DM02(a)), which: (a) Limits flood risk through careful location, design and surface water management. (b) Does not increase flood risk elsewhere. (c) Seeks to locate or relocate critical infrastructure and highly vulnerable uses in areas that are not at significant risk of flooding. (d) Improves the flood resistance and resilience of premises in areas at significant risk of flooding. (e) Protects, maintains and secures flood management infrastructure.

Policy DM02a (Flood Risk) The policy seeks to manage and reduce the risk of flooding. It also seeks to ensure that new development is not vulnerable to the impacts of climate change.

Policy DM02b (Surface Water and Foul Water Management) Requires that where appropriate, applications should be supported by a strategy for foul and surface water management. Any discharge should employ the most sustainable drainage option in accordance with the drainage hierarchy, which should be demonstrated by the applicant.

Policy DM16 (Design & Place Making) seeks high quality design in all new developments. Proposals should promote local character and distinctiveness and demonstrate a good standard of amenity for existing and future occupants.

Policy DM22 (Design and Quality of Housing) states that residential development should make a positive contribution to the built and natural environment and sets criteria to ensure that, it states that homes should be designed to make efficient use of land and gives guideline minimum densities to achieve that.

Policy DM22 (Housing Mix) states that all residential developments should provide a range of house types and sizes to help meet the housing needs of the local community and sets guidelines for housing mix.

Policy DM23 (Affordable housing) does not require affordable housing to be provided in this location on developments of less than ten dwellings.

Policy DM31 (Open space, sport and recreation) states that the additional pressures arising from new development and/or any identified deficiencies in open space provision

should normally be mitigated through the on site provision of open space. The additional pressures arising from new development and/or any identified deficiencies in open space provision should normally be mitigated through the on site provision of open space. Where on-site provision of new open space (e.g. sports pitches) is neither feasible nor appropriate, a financial payment will be secured through a signed legal agreement to help fund: (a) The acquisition of an alternative site for the provision of new open space or sports facilities. (b) Improvements to the quality, accessibility and management of existing open space provision or sports facilities. (c) Improvements to the quality, ecological value and accessibility of green infrastructure assets.

Policy DM32 (Walking and cycling) states that development proposals will be required to maintain and where possible improve the existing pedestrian and cycling environment.

Policy DM37 (Parking) standards are set out in Appendix 5 of the plan, adequate parking provision is required to serve all new development.

Principle of the Development

The Principle of a Development of up to four dwellings on this site, including matters such as the sustainability of the location and impact on services and facilities, has been established by the Permission in Principle and cannot be revisited in this application.

Green Belt

The principle of the acceptability of a development of up to four houses on this site has been established by the Permission in Principle on the basis that it would be meet the Green Belt exception for limited infilling in villages and therefore the development is not inappropriate development within the Green Belt. The scale of the dwellings proposed does not alter the position that the development constitutes limited infilling.

Design and Visual Amenity

There is a variety of buildings styles within the vicinity of the site and the design of the development would reflect that variety, the scale of the buildings would be appropriate and commensurate to the scale of surrounding dwellings.

The proposed use of natural slate and stone would represent high quality materials and be sympathetic to the character of the area. The proposed windows and doors would be uPVC and this is acceptable in this location which does not affect designated heritage assets.

Concerns have been raised regarding the density of the development being too high. In relation to density Policy DM21 states that the appropriate density for each development will vary depending on site specific material planning considerations as well as the application of policies in the Local Plan, notwithstanding this it provides a guideline

density of 30dph (dwellings per hectare) for sites on the edge of settlements. The development would have a density slightly below this at 26dph. The properties would have adequate amenity space and taking into account that it is a development of just four dwellings, in which access roads etc. would take up a higher proportion of the site, the density of the site is acceptable.

The development would provide a housing mix of 1 two bedroom, 1 three bedroom and 2 four bedroom houses. Taking into account that this is a minor development this would provide an acceptable housing mix.

The proposed development is acceptable in terms of design and would not result in unacceptable visual amenity impacts.

Residential Amenity

Concerns were initially raised regarding potential overbearing impacts upon the dwellings to the south east from plot 3 due to separation distances and difference in levels. The layout of and design of plot 3 has been altered moving it away from those dwellings and altering the roof design, it has been demonstrated that the amended development would comply with BRE (Building Research Establishment) guidelines for daylight and sunlight in relation to those dwellings. The development would therefore not result in overbearing impacts or unacceptable loss of light to those or any other surrounding dwellings.

The sill level of the upper floor windows of Spencer Fold would be approximately 1.8m above ground level of the site at the closest point. Whilst there would be some potential visibility between the site and those rooms, including from the garden and side openings of plot 3 and the access road, it is an existing relationship, albeit from a more intensive use, and would be limited by the relative heights which view being angled up into the rooms rather than direct.

Whilst there may views down from the site into ground floor windows to the rear of Spencer Fold, a public right of way runs between the site and the rear of Spencer Fold and as such the windows do not currently have a high degree of privacy.

Taking those factors into account, the development would not result in an unacceptable privacy impact upon the windows of Spencer Fold.

The garden of Plot 2 would be raised above the garden of Spencer Flod Barn and therefore, if the boundary hedging dies or is reduced in height the privacy of the garden could be impacted by the garden of plot 2. As such it is necessary to attach a condition for fencing to be erected should the hedge fail or be reduced below 1.8m.

Whilst the garden and windows in the rear of plot 2 would also potentially have an elevated view into the side garden of the newly built property to the north, the side part of the garden does not currently benefit from a high degree of privacy and the rear part

of the garden is a sufficient distance that it would not result in an unacceptable impact on privacy.

Windows in the rear of Plot 2 would face ground floor lounge windows in the side of the recently built dwelling to the north separated by less than 21m. However, taking into account that the windows are narrow secondary windows, this would not result in an unacceptable privacy impact. Plot 2 would also be sufficiently separated from the boundaries to ensure that it would not result in any unacceptable loss of light or overbearing impact upon the adjacent properties.

Windows in the rear of the Plots 3 and 4 would be a minimum of 5m from the boundary of the rear gardens of Pollard Row to the south west. Taking into account the length of the gardens and existing outbuildings and tree adjacent to the rear boundaries, the proposed dwellings would be a sufficient distance from the main amenity spaces of those gardens to ensure that the proposed development does not result in an unacceptable loss of privacy, light or overbearing impacts.

Windows in the rear of Plots 3 and 4 would be separated from the upper floor windows of Pollard Row by over 21m, which is acceptable.

Windows in the rear of Plots 3 and 4 would face ground floor habitable room windows in the outriggers to the rear of Pollard Row separated by approximately 18-20m.

The proposed dwellings would sit on a higher ground level than Pollard Row and this would have a partially mitigating effect on privacy impacts between the upper and ground floor windows due to the vertical angle of view mitigating direct line of sight.

Additional sectional plans have been submitted showing the sightlines between the upper floor windows and the ground floor windows of Pollard Row.

These confirm that the lines of sight of less than 21m would be interrupted by the outbuildings in all cases other than between the southmost bedroom window of Plot 3 and the ground floor kitchen diner window of No.11 Pollard Row, which would potentially have limited visibility, at an angle through the narrow gap between outbuildings at a distance of 18.7m. The plans have been amended to alter the layout to an obscure glazed bathroom window in that position, due to the angle of view and intervening building the amended position of the bedroom windows would not result in any unacceptable privacy impact and additional or altered windows to Plot 3 can be controlled by condition.

There would also be a potential limited sight line of 20.3m between Plot 4 and No. 5 Pollard Row, which would be restricted by an existing tree. Notwithstanding the presence of the tree this is acceptable due to the mitigating effect of the height difference detailed above.

Whilst the front facing windows within the development would be below 21m separation distance, taking into account that the views are across a public area and within the development, that is acceptable.

Concerns have been raised regarding the impact of vehicle headlights on the bedroom windows of Spencer Fold. Taking into account that the site slopes down towards Spencer Fold and the above relationship, the use of the access road and turning head would not result in an unacceptable level of direct glare from headlights impacting upon the rooms those windows serve. Whilst headlights may shine into the ground floor windows this could be addressed with boundary treatment which can be controlled by condition.

The proposed development is therefore acceptable in terms of residential amenity.

Drainage and Flood Risk

The site is not identified by the Environment Agency as being within flood zone 2 or 3 or at risk of flooding from surface water. Acceptable drainage of the site to ensure that the development is adequately drained and does not increase off-site flood risk can be ensured by condition.

Contamination and Land Stability

Concerns have been raised regarding the stability of the retaining wall adjacent to Spencer Fold to accommodate the additional loading from the proposed buildings, the ground conditions and potential need for piled foundations. These are matters that would be considered at the Building Regulations stage.

There is no reason to suspect that the site is likely to be contaminated, Environmental Health have recommended that a note is attached for them to be contacted if contamination is identified during the works.

Highways

The issues of pedestrian access and internal arrangements raised in LCC Highways initial response have been satisfactorily addressed by the submitted amended plans.

The proposed access would provide an adequate level of visibility, adequate off-street parking would be provided and the scale of the development would not result in a level of additional traffic that would be detrimental to highway safety. The development is therefore acceptable in terms of highway safety.

Open Space

Policy DM31 requires that new housing developments make provisions for open space, either on site if possible or off-site if not. It is accepted that the size of the site would make on-site provision impractical and it is acceptable for off-site provision to be made, this must be secured by a section 106 agreement to comply with this policy.

Ecology

A preliminary ecological assessment of the site has been submitted with the application. This recommends mitigation to protect amphibians, birds and hedgehogs during site clearance, commuting and foraging bats from light disturbance and habitat enhancements for bats, birds, amphibians and hedgehogs. With these measures and enhancements the development would preserve or enhance the habitats of protected species and be acceptable in terms of ecological impact.

An invasive plant species Himalayan Balsam has been identified on the site by the report and recommends that a removal, management and monitoring plans be prepared. This is a matter controlled under other legislation which it is not necessary for the planning permission to duplicate.

Biodiversity

Whilst this site is under the 0.2 hectare threshold for BNG requirements which will come into effect on 6th August 2026, that exemption only applies to applications submitted on or after 6th August 2026. Therefore, BNG remains a statutory requirement for this application.

A biodiversity Net Gain (BNG) assessment has been submitted and this demonstrates that the development would result in a net loss of 67.5% in area habitat and that off-site provision will be necessary to provide a 10% net gain.

In addition to the statutory BNG condition a condition will be necessary for a Section 106 agreement to secure the BNG provision and provide for the Council's costs of monitoring for 30 years.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, CAL 2025 001 001 Rev F, CAL 2025 001 005, CAL 2025 001 006 Rev D, CAL 2025 001 007 Rev A, CAL 2025 001 008 Rev E, CAL 2025 001 010, CAL 2025 001 011, JG01.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development 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 the interest of visual amenity

4. Unless otherwise agreed in writing by the local planning authority the external window reveals shall be a minimum of 70mm.

Reason: in the interest of visual amenity.

5. The submitted landscaping scheme (Drawing No. CAL 2025 001 006 Rev D) shall be implemented in its entirety 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 and that felled trees are adequately replaced.

6. The hedge on the south east boundary between the garage of plot 2 and the north eastern corner of the site shall at all times be maintained at a continuous height of not less than 1.8m, should all or part of the hedge be removed, reduced below 1.8m or fail such that the garden of Spencer Fold Barn is visible through the hedge, within one month, a 1.8m close boarded fence shall be erected between the garage of plot to and the north eastern corner of the site unless an alternative scheme to provide privacy screening has been submitted to and approved in writing by the Local planning Authority, the fence or alternative scheme shall be maintained at all times thereafter.

Reason: In order to preserve the privacy of the garden of Spencer Fold Barn.

7. The upper floor rear bathroom window of Plot 3 shall at all times be obscure glazed to a minimum level of obscurity of Pilkington Level 3 or equivalent and shall

at all times be hung so as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To preserve privacy in the interest of residential amenity.

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

Reason: To enable the Local Planning Authority to control any future development on the site in order to preserve privacy in the interest of residential amenity

9. The development shall be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal, prior to the occupation of the dwellings hereby approved a scheme of site habitat enhancements shall have been submitted and approved in writing by the Local Planning Authority and fully implemented, the enhancements shall thereafter be maintained in accordance with the approved scheme.

Reason: To ensure the preservation or enhancement of protected species habitats.

10. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority. Works shall include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 5.5m, radius kerbs, buff coloured tactile paved dropped pedestrian crossings on both sides of the access, the re-location of street lighting column 91, and the re-location of a telegraph pole which will be at the developer's expense.

No dwelling hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with the approved scheme.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

11. No development shall take place, including any works of 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) The erection and maintenance of security hoarding
- v) Wheel washing facilities and means of mechanical road sweeping
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from clearance and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site
- x) Timing of deliveries
- xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- xii) Measures to control noise and vibration
- xiii) Restriction of burning on-site

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

12. Unless otherwise agreed in writing by the Local Planning Authority the new access between the development site and Wheatley Lane Road shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any other development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

13. Prior to occupation of the first dwelling visibility splays measuring 2.4m back along the centre line of the access and extending 43m in both directions on the nearside carriageway edge shall be provided at the new access onto Wheatley Lane Road as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays. 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.

14. No dwelling hereby approved unless and until the parking and manoeuvring areas serving that dwelling shown on the approved plans have been constructed, laid out and surfaced in bound materials, which shall be porous unless otherwise approved in writing by the Local Planning Authority. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings and the manoeuvring areas kept free from obstructions in perpetuity.

Reason: To ensure satisfactory levels of off-road parking and manoeuvring are achieved within the site to prevent parking on, or manoeuvring within, the highway to the detriment of highway safety.

15. No development shall commence unless and until scheme of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority, the drainage scheme shall be fully implemented prior to the occupation of the dwellings and maintained in accordance with the approved scheme thereafter.

Reason: To ensure adequate drainage to ensure the development does not increase risk of flooding or pollution of the water environment.

16. Prior to the 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:

(i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

(ii) 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. 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, unless otherwise approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning authority the obligation shall provide for the provision or enhancement of off-site open space and for 10% Biodiversity Net Gain and monitoring for a 30 year period.

Reason: To provide for the costs of monitoring BNG provision and make provision for open space.

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:

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.

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 5.5m, radius kerbs, buff coloured tactile paved dropped pedestrian crossings on both sides of the access, the re-location of street lighting column 91, and the re-location of a telegraph pole which will be at the developer's expense. 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.

The grant of planning permission does not entitle a developer to obstruct nor prevent the use of a right of way. Any proposals for the temporary diversion or closure of Public Footpath FP1315102 Old Laund Booth should be made to Lancashire County Council's Public Rights of Way team before any development works begin. They can be contacted by email at PROW@lancashire.gov.uk – the location, district and planning application number should be included in any correspondence.

Application Ref: 26/0323/FUL

Proposal: Technical Details Consent: Change of use of agricultural land to residential use (Use Class C3), erection of 4 no. dwellings including integral and attached private vehicular garages with garden and parking areas of Planning Permission 23/0173/PIP.

At: Land To The North East Of Pollard Row, Wheatley Lane Road, Fence

On behalf of: Mrs. Noreen Rycroft

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 22ND SEPTEMBER 2026

Application Ref: 25/0357/CND

Proposal: Approval of Details Reserved by Condition: Discharge Condition 9 (Surface Water Sustainable Drainage Scheme) of Planning Permission 21/0111/FUL (Appeal Ref: APP/E2340/W/21/3288078).

At: Land To The West Of Brogden View

On behalf of: Mr Mark Smith

Date Registered: 28/05/2025

Expiry Date: 25/11/2025

Case Officer: Laura Barnes

This application is before committee for determination, it has been deferred from West Craven Area Committee as Members were minded to refuse to discharge the condition. Given the response from the statutory consultee, the refusal to discharge the condition would risk an adverse costs finding against the council and therefore the application must be determined by the council's Development Management Committee in accordance with the constitution.

Site Description and Proposal

The application site relates to the erection of 19 bungalows on land off Brogden Lane. At the time of the site visit, the dwellings had been completed and there were people living in them.

This application requests the discharge of condition number 9 on the Planning Permission. The condition is listed below:

9. No development shall commence until a final, detailed surface water sustainable drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed sustainable drainage scheme shall be based upon the site-specific flood risk assessment submitted and the sustainable drainage principles 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), either directly or indirectly. The detailed sustainable drainage scheme shall include, as a minimum:

a) Final sustainable drainage plans appropriately labelled to include:

- i. A final surface water drainage layout plan showing all pipe and structure references, dimensions and design levels;
- ii. A plan identifying the areas contributing to the surface water drainage network, including surface water flows from outside the curtilage as necessary;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. 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;
- 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.

b) A full set of sustainable drainage flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100-year return period, plus an additional 40% allowance for climate change and a 10% allowance for urban creep. Surface water run-off must not exceed a maximum rate of 10.6l/s

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings.

Relevant Planning History

21/0111/FUL: Full: Major: Erection of 19 No. bungalows (Over 55) with associated landscaping, car parking and access from Brogden Lane.

Allowed at appeal (reference APP/E2340/W/21/3288078)

Consultee Response

LLFA: The Lead Local Flood Authority is able to recommend the discharge of condition 9 on planning decision 21/0111/FUL.

United Utilities: Further to our review of the submitted drainage layout (ref 31203-SUT-ZZ-XX-DR-C-655-0001, Rev X02, United Utilities has no objection to conditions relating to drainage being discharged.

When considering their drainage proposal, it is the applicant's responsibility to investigate the existence of any infrastructure that might impact their detailed design. This includes water, wastewater, operational and/or abandoned pipelines. United Utilities will not routinely carry out this assessment when reviewing drainage proposals submitted within a planning application. Where infrastructure exists, the drainage design

must comply with the relevant United Utilities guidelines and/or Building Regulations. Further information is available on our website: Working near our pipes - United Utilities. Failure to consider existing infrastructure when designing a drainage proposal may result in the applicant having to redesign proposals at a later date. We request that a copy of this letter and the Appendix is made available to the applicant.

Public Response

The Council has now received a total of three representations on this discharge of conditions application.

They raise the following points:

- There is an issue with a different condition (condition 4), relating to land levels
- There was an incorrect report on the online file on the Council's website, relating to a different development - this has been removed
- The flood risk assessment is from 2021
- Flooding issues in a garden adjacent to the site
- Issues relating to an enforcement case, regarding a potentially broken drainage pipe & land levels
- Requests that conditions 4 and 9 are not discharged
- Run off from neighbouring site (former ambulance station)
- Land Drainage Consent
- Indicative modelling
- Breach of planning control – plots have been sold without condition 4 & 9 being discharged

Response to representations from members of the public:

- The application before Members is to discharge Condition 9. Condition 4 is dealt with in applications ref: 22/0540/CND and 25/0097/CND. Application reference: 22/0540/CND resulted in a split decision, where Condition 4 was refused on 8th January 2025. This was followed by a subsequent application to discharge condition 4 under reference: 25/0097/CND and this was refused on 8th April 2025. Members are not being asked to consider the discharge of Condition 4 here. The application before them is to discharge Condition 9.
- There was an incorrect report on the online file on the Council's website, relating to a different development - this has been removed
- Although the Flood Risk Assessment originally submitted with the application is from 2021 (reference: 21/0111/FUL), the Lead Local Flood Authority and other statutory consultees have been made aware of the updated information which is submitted in this application which dates from 2025 and 2026.
- Flooding issues in a garden and an enforcement file are separate to the discharge of Condition 9

- The enforcement file is not for consideration before Members. The applicant seeks to discharge Condition 9
- Whilst it is a member of the public's view that Conditions 4 and 9 should not be discharged, the statutory consultee (Lead Local Flood Authority) have provided their written response on 7th July 2026 recommending the discharge of Condition 9. The view of the officer is that Condition 9 can now be discharged.
- Land Drainage Consent is not for consideration here, the applicant is requesting the discharge of condition 9
- The applicant has prepared up-to-date notes regarding the surface water drainage, these are before Members now
- Breaches of planning control are an enforcement issue. Members are being asked to discharge the condition now.

The name of the applicant has changed due to personnel changes at the company submitting the application. This has been amended on our records.

Officer Comments

As part of the discharge of conditions process, a gully survey was undertaken. The applicant has also submitted a technical note, flood risk assessment and drainage strategy, which sets out the details of the site drainage. This has been reviewed by the statutory consultees who have removed their objections. I have no reason to depart from this view.

The condition can be discharged, subject to implementation.

RECOMMENDATION:

Discharge condition 9, subject to implementation.

Application Ref: 25/0357/CND

Proposal: Approval of Details Reserved by Condition: Discharge Condition 9 (Surface Water Sustainable Drainage Scheme) of Planning Permission 21/0111/FUL (Appeal Ref: APP/E2340/W/21/3288078).

At: Land To The West Of Brogden View

On behalf of: Mr Mark Smith