



PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES

Town Hall, Market Street, Nelson,
Lancashire BB9 7LG

Town & Country Planning Act 1990
Town & Country Planning
(Development Management Procedure) Order (England) 2015

GRANT OF PLANNING PERMISSION

Application Ref: 20/0134/FUL

Applicant:

Mrs Kathleen Evans
12 Matlock Grove
Burnley
Lancashire
BB10 3HJ

Agent:

Mr Peter Hitchen
Peter Hitchen Architects
Marathon House
The Sidings Business Park
Whalley
Lancashire
BB7 9SE

Under the provisions of the above mentioned Act and Order, **Pendle Borough Council** as Local Planning Authority hereby grants planning permission for:-

Proposal: Full: Demolition of a dwelling and structures and erection of four dwelling houses (Use Class C3) (Re-Submission).

At: Pendle Gardens Greenhead Lane Brierfield

Decision Date: 18th November 2020

In Accordance with the application and plan(s) submitted to the Council on 7th April 2020 **Subject to following conditions:-**

CONDITIONS:

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

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
338/200 Rev5, 338/300 Rev5, 338/100 and Location Plan 1:1250.

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

- 3 Prior to the commencement of development samples of all the boundary treatment and all hard surfacing, including parking areas and paving of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

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

- 4 Prior to the commencement of development samples of all the external materials to be used in the construction of the dwellings roof, walls, colour and finish of the windows and doors of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

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

- 5 Prior to the commencement of development a detailed landscaping scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

Reason: To ensure appropriate landscape design and in the interests of the visual amenities of the area.

- 6 Prior to the commencement of development, a scheme of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

- 7 Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

- 8 The recommendations detailed in the Phase 1 Habitat Survey undertaken by Bowland Ecology dated May 2019 be carried out prior to any above ground works at the site. Any

further necessary mitigation measures identified should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any further development. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To protect natural species and their habitats.

- 9 The development hereby permitted shall be carried out in strict accordance with the submitted flood risk assessment and addendum (references: QRFA 1357 V.1 dated 25/02/2019 and DM/060120/2020-001-01 dated 06/01/2020 respectively) and the following mitigation measures detailed:
- Finished floor levels shall be set no lower than 98.33 metres above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) Wheel washing facilities and mechanical road sweeping provision
- v) Measures to control the emission of dust and dirt during construction
- vi) Details of working hours
- vii) Timing of deliveries
- viii) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of amenity and to control the construction process.

- 11 Prior to first occupation, each dwelling shall have a secure cycle store in accordance with the parking standards.

Reason: In order to ensure that the development has the provision of sustainable infrastructure.

- 12 Prior to first occupation each dwelling shall have an electric vehicle charging point.

Reason: To encourage sustainable travel.

- 13 The car parking shown shall be surfaced and made available prior to the first occupation of any house. The spaces shall thereafter at all times be retained for the parking of cars associated with the occupants of the dwelling.

Reason: In order to ensure the site is provided with adequate off street parking in the interests of highway safety.

- 14 All existing buildings on site shall be demolished and all resultant materials removed from the

site before any development pursuant to this permission is commenced.

Reason: To maintain the openness of the Green Belt.

INFORMATIVES:

- 1 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 landowner. 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.

REASONS FOR APPROVAL:

- 1 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 the Local Plan and National Planning Policy Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

POLICIES:

All Development Plan policies and proposals relevant to this decision and which form part of this decision notice are specified below:

CS Policy SDP1 - Presumption in Favour of Sustainable Development
CS Policy SDP2 - Spatial Development Principles
CS Policy LIV1 - Housing Provision and Delivery
CS Policy ENV1 - Protecting and Enhancing Our Natural and Historic Environments
CS Policy ENV2 - Achieving Quality in Design and Conservation
CS Policy ENV7 - Water Management
RPLP Policy 16 - Landscaping in New Development
RPLP Policy 31 - Parking



Planning, Economic Development and Regulatory Services Manager

Application Ref: 20/0134/FUL

Date: 18th November 2020

GUIDANCE NOTES FOR APPLICANTS WHERE AN APPLICATION HAS BEEN APPROVED

This permission refers only to that required under the Town and Country Planning Act 1990 and does not include any consent or approval under any other enactment, byelaw, order, regulation or Act. This consent does not constitute Listed Building Consent.

A) Appeals to the Secretary of State

- If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he or she may appeal to the Secretary of State in accordance with sections 78 and 79 of the Town and Country Planning Act 1990 within six months of the date of this notice.
- If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice whichever period expires earlier.
- The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Council. Appeals that are pursued unreasonably may be the subject of an award of costs in accordance with the provision of Circular 8/93.
- If it is your intention to appeal and request the Inquiry procedure then you must notify the Local Planning Authority (planning@pendle.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal
- Appeals must be made on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or from the web site <https://www.gov.uk/planning-inspectorate>. All information submitted will be available for the public to view on the internet.
- The Planning Inspectorate have introduced an online appeals service which you can use to make an appeal online – see <https://www.gov.uk/planning-inspectorate>. The Inspectorate will publish details of your appeal on the internet, including the original planning application form, supporting documents supplied to the local authority by you and with the completed appeal form and information you sent to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

B) Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.