

Application Number: 11/20/0461

Full Application Major Full: Change of use to accommodate a dog and animal sanctuary, demolition of existing tyre store, the construction of outbuilding to be used as a dog shelter, storage and associated welfare facilities, construction of ancillary worker accommodation, temporary siting of a static caravan (5 years) and retention of existing storage container.

Address: Clough Bottom Farm, Oak Road, Accrington BB5 2DG

Determination by: 22nd June 2021 (extension agreed)

Applicant: Emma Billington

Agent: Kelly Paddick

The application is brought before Planning Committee as it is not in line with planning policy. Cllr Pratt has also requested that the application is considered by Planning Committee due to concerns over noise and wildlife.

Application Site

Clough Bottom Farm is located in open countryside to the east of Accrington off Broad Oak Road and is accessed through Calogen Foam, in turn off Manchester Road. The farm consists of various outbuildings, in a dilapidated state, a three bedroomed farm house and barn. The farm has been out of use for some time and the house has stood empty for 10-15 years. The site is 8.6 ha in area. The site is classified as Grade 4 on the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification, which is considered poor quality land with severe limitations. It was previously used for grazing and mowing purposes.

The southern parcel of the site adjacent to Warmden Brook has been identified as a Biological Heritage Site (BHS) and as such has habitat value of regional significance. The site is also located across a high and low Coal Authority Risk Area and is located within Flood Zone 1, with a very small portion of the site along Warmden Brook along the west of the site located in Flood Zone 1. There are also a number of Public Rights of Way (PROW) which pass adjacent or through the site, and there are various Tree Preservation Orders situated to the north and west of the existing buildings.

Proposal

The application encompasses the change of use of land from agricultural to land to accommodate a dog and animal sanctuary. The first phase of the development would accommodate a sanctuary for up to 20 dogs with the final provision being for up to 80 dogs.

This includes the provision of a single storey purpose built dog accommodation which will include a groom room, storage, staff welfare facilities and site office, a single storey log cabin to provide worker accommodation which will replace the existing tyre store building, the temporary siting of a static caravan (for up to 5 years) to provide additional temporary worker accommodation pending the redevelopment of the remainder site), and the retention of the existing storage container.

Once the dog sanctuary has been brought into use, and more funds have been raised the development of the remainder of the site will be undertaken (application 11/20/0459). This application is not ready to be considered as bat reports are required and have not been submitted. Carers will live on site to ensure that the dogs are looked after to the standard set by the industry of 10 dogs to one employee.

Consultations

Public consultation: 44 responses to the public consultation exercise have been received; of which 29 comments are objections and 15 remainder are support/comments.

The following reasons for objections have been noted:

- Noise generated from the development
- Devaluation of properties
- Impact on Ecology, such as deer and flora and fauna
- Smell
- Impact on enjoyment of property and well being
- Traffic generation
- Right of access through roads approaching the site
- Human Rights act- Article 1 give right to peaceful enjoyment of property and Article 8 relates to substantive right to respect to the private and family life
- Diseases from dogs abroad visual impact and character of area.
- Located in Green Belt
- Safety of dogs
- Security of the site

Sara Britcliffe MP has contacted the Planning Department to highlight an objection from a constituent. She notes that impact on nature such as deer etc is the reason for the objections. The letter received from the person in question notes noise and smell.

15 letters of support were also received. Various reasons were provided.

LCC Highways: No objections, the applicant has been asked to restrict the permission so that the general public are not visiting the site on a regular basis.

Lead Local Flood Authority: No objections subject to the inclusion of conditions to ensure Flood risk is minimised.

United Utilities: Abandoned easement crosses the site and the developer should contact United Utilities directly to consider the implications of this. Informative to be attached to ensure agent is aware of this.

HBC Environmental Health: No objection subject to conditions relating to:

- Contamination
- Nuisance
- Waste

HBC Ecologist: No objection subject to various planning conditions being included relating to:

- Biodiversity Method Statement and Landscape Management Plan
- Landscaping scheme
- Phase 1 Habitat survey
- No works in nesting season
- RAMMS Method Statement
- No trees to be removed apart from those approved.

HBC Conservation Officer: No objection to the proposal. Comments have been received in joint consultation relating to both this application and the outline planning application 11/20/0459. The comments listed below relate to this application:

- Heritage Statement is fine concerning the historic landscape.
- The historic field boundary hedgerow behind of the long dog kennel block (to the north, east and south) needs consolidation if it is to adequately screen the new buildings and this could meet the Policy DM17.6 requirements. Alternatively, a whip planting scheme could be devised to screen the new buildings.
- Areas for dog exercise should be marked on the plan with the remainder of the site retained as grazing land.
- The workers accommodation is awkwardly located. It should be relocated closer to the access road (where the existing buildings are) to avoid a long access into the northern area and to allow the buildings to enclose the field. It should also have worker and visitor car parking marked and screened.
- If the scheme was amended along the lines mentioned above, the development could enhance the character of the countryside and be of considerable benefit. However, it has the potential to harm landscape character as presently proposed owing to the lack of detail and insufficient consideration of countryside character.
- The Heritage Statement has omitted the stone pigsty, Building 7. This is a relatively rare historic building type which should be preserved along with the house and barn. There are no other historic buildings worthy of retention. However, there are walls and other small features including the round feature wall around the mine shaft.

The following conditions have been requested:

- Removal of permitted development rights to demolish/alter the house, barn, pigsty and circular wall
- Removal of permitted rights to erect fencing.

- Planting condition for hedgerow conservation/tree planting to the eastern side of the dog kennels and elsewhere where the buildings intrude into the scene reasonably tied to the proposal time frames.
- Condition requiring the submission of a repair schedule for the house and garden wall, barn and pigsty and the implementation of these works reasonably tied to the proposal time frames.

Lancashire Fire and Rescue: Informative attached

LCC Archaeology: Recording of the barn and farm house required prior to any works being undertaken.

Cadent: The applicant/agent is directed to comments received from Cadent on the website- through informative

Coal Authority: No objection subject to a condition to be included.

Relevant Planning History

11/20/0459: Major Outline: Demolition of existing buildings and construction of replacement buildings to provide animal shelters, storage and ancillary worker accommodation to be used in association with the dog and animal sanctuary including details of access, scale and layout submitted for approval- with appearance and landscaping reserved for future approval.

Relevant Policies

Development Plan

Hyndburn Core Strategy (CS)

Policy BD1	The Balanced Development Strategy
Policy HC1	Green Space and Facilities for Walking and Cycling
Policy HC3	The Design of Residential Roads
Policy HC4	Community Benefits/Planning Obligations
Policy Env2	Natural Environment Enhancement
Policy Env4	Sustainable Development and Climate Change
Policy Env6	High Quality Design
Policy Env7	Environmental Amenity

Development Management Development Plan Document (DMDPD)

Policy GC1	Presumption in favour of Sustainable Development
Policy DM10	New Residential Development
Policy DM11	Open Space Provision in New Residential Development
Policy DM16	Housing standards

Policy MD17	Tree woodlands and Hedgerows
Policy MD18	Protection and enhancement of the Natural Environment
Policy DM19	Protected Species
Policy DM20	Flood Risk Management and Water Resources
Policy DM24	Contaminated or Unstable Land and Storage of Hazardous Substances
Policy DM25	Pollution Control
Policy DM26	Design Quality and Materials Policy
Policy DM29	Environmental Amenity
Policy DM31	Waste Management in all new development
Policy DM32	Sustainable Transport, Traffic and Highway Safety
Policy DM34	Development in the green belt and Countryside area.

Material considerations

National Planning Policy Framework (NPPF) including
National Planning Practice Guidance (NPPG)
Hyndburn Borough Council Car Parking and Access Standards (2010)
DMDPD Guidance Notes GN1, GN2, GN3, GN7, GN8 and GN10.

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of applications under the Planning Acts should be in accordance with the Development plan unless material considerations indicate otherwise. In this instance the Development Plan comprises the saved policies of the Hyndburn Core Strategy (CS) and the Development Management Development Plan Document (DMDPD).

Policy BD1 of the Core Strategy states that development within the rural area will be limited to that supporting farm diversification and promoting leisure and recreation facilities whilst retaining landscape character. This is supported by Policy DM34 of the Development Management Development Plan Document which details the criteria which must be met for new dwellings in the open countryside.

This proposal is not for an agricultural use and as such it is not in line with the relevant planning policy in principle (BD1). Officers consider however that a use such as this would be well suited for this area, away from residential properties and in a rural location. There have been no applications at this site for some time and the farm house has been empty for over a decade. The buildings are run down and in a dilapidated state. Allowing this use on this site will mean the site would come back into functional use and investment made in the vicinity. The ongoing development of the site will mean that the heritage value of the farm house and barn can be retained and enhanced and the overall appearance of the site would be vastly improved. As such on balance, Officers support the development of this business in this location.

Traffic and Highway Safety

Policy Env7 of the Core Strategy aims to avoid development which has an unacceptable adverse impact by reason of traffic, and Policy HC3 deals with the design of residential roads. DMDPD DM 32 provides further detail in relation to traffic and highway considerations. The revised NPPF states in paragraph 109 that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. Objections have been received to the application in relation to increased traffic generation at the site.

Access to the site would be through the Calagon Foam site from Manchester Road and would utilise the existing access track which runs up the side of the fishery. The applicant has submitted supporting information which explains that there will initially be 2 members of staff at the site, and that this will raise to 8 over time. It also states throughout the planning Statement the following:

Para 7.58 'Any impact upon the Highways will be limited to, staff and volunteers arriving and departing from the Site. Importantly, the traffic movements associated with the use are not materially greater than those which would be associated with the use of the site as a dwelling and farm'.

7.59: 'The access to the Site is proposed to be retained as per the existing access arrangements and there is sufficient hardstanding on the existing site to accommodate any car parking required by staff and volunteers. The Public Rights of Way across the site will be retained and maintained'.

7.60 'In summary, in terms of the proposed traffic movements the vehicle movements associated with the Site will not be materially greater than the existing use of the site. The Development is therefore considered to be in accordance with all relevant local and national transport planning policy, including Core Strategy Policy Env7 and DPD Policy DM32 and Chapter 9 of the NPPF'.

This information has been considered by the Highways Authority and they have confirmed that they have no objections to the scheme. They have asked that the permission is restricted to ensure that the public do not visit the site. This will ensure that traffic movements are kept to a minimum and will consist of those living and working at the site. It is noted that there will be a degree of flexibility in this as it maybe that there are occasions when the public do need to visit- but this is not expected on a daily or even weekly basis.

As such with the inclusion of the recommended condition as set out in the consultation section of this report, Officers consider that the proposal is acceptable and in line with the relevant local and national planning policy in this regard.

Heritage

Relative policies within the Development Management Development Plan Document are DM26, DM17, DM22 and the provisions of the National Planning Policy Framework.

This application has been submitted alongside an outline application which deals specifically with the renovation and re use of the farmhouse and barn (and a couple of other small buildings). The applicant's original intention was to demolish these buildings. However following a site visit with the Council's Conservation Officer and the submission of a Heritage Statement it has been agreed with the applicant that these buildings should be retained and utilised following renovation. Those matters are being addressed in a further outline planning application which is not before Planning Committee today (11/20/0459).

This particular application deals with the change of the use of the land, the demolition of the tyre store and the erection of a static caravan (5 years), a log cabin to provide accommodation for 2 workers. The erection of a long shed for dog accommodation is also included in this proposal.

The Council's Conservation Officer has considered the proposal and the Heritage Statement which has been submitted and has made some comments and recommendation which are set out in the consultation section of the report. These have been restricted to the comments that he has made that are directly relevant to this application.

Discussions have been ongoing with the applicant and they have agreed to include detail such as landscaping and the provision of fencing details. These will help to help to ensure that there is limited detrimental impact on the historic landscape. A condition is also included to ensure the finish of the log cabin is suitable for location in the countryside (details of the static caravan have been include in the planning application). A condition is included to ensure the static caravan is removed following the duration of 5 years.

The Council's Conservation Officer does raise some concerns in relation to the location of the workers accommodation (replacement of building 13). However on balance, as this building will be replacing an existing large tyre store and would be of similar size etc it is not considered that this would be a suitable reason to refuse the application. A condition is attached to agree the final colour treatment and landscaping/ parking provision at this unit and as such it is considered acceptable as part of the proposal.

Lancashire County Council's Archaeological service have responded and have accepted the development provided that a condition is attached to ensure that the barn and farm house is recorded prior to any development. Although those buildings aren't affected by this development, a conditions stating as such has been included to ensure no demolition or amendments are made prior to this being undertaken. The bar and farm house are addressed in the subsequent planning application (11/20/0459)

With the inclusion of the condition, Officers consider that these proposal are acceptable and in line with relevant local and national planning policy in this regard.

Design, Scale and Layout

Core Strategy Policy Env6 places emphasis on high quality design and requires an enhancement of the character and quality of both townscape and landscape. High quality design must take into account urban form, urban grain, landscape, density, mix, scale and appearance. This is also reflected in the requirements of DMDPD DM26 and at a national level in the NPPF. The site is currently run down with a poorly visually. Objection has been received to the application in relation to the visual impact of the development and its impact on the character of the area.

The proposal includes the demolition of a dilapidate tyre store, the erection of a long dog shed on existing hardstanding at the rear of the site and a new static caravan and log cabin to provide workers accommodation. The site is currently very run down and the investment this proposal will bring will improve the site considerably. Landscaping condition is also attached to ensure that both hard and soft landscaping is provided to a suitable standard.

The site is openly laid out. However there will be some fencing within the site to separate the dogs into packs of 10, a condition is included to ensure that the fencing/location is suitable. As this is a farm, there are Permitted Development Rights in relation to fencing which would allow agricultural uses to erect fencing where required. It is not considered that proposed fencing for dogs would be any further detrimental on the landscape character than agricultural fencing, although it is accepted it may be slightly higher to stop dogs jumping over. There is also a Public Right of Way through the site which would be retained- the applicant has confirmed dogs would be kept away from this footpath.

The static caravan, dog shed and log cabin are considered suitable for the location and conditions are attached in relation to their colour treatment, to help them blend into the area. The static will also be conditioned to be removed after 5 years. By this time the applicant expects they will have the next stage of the Dog and Animal Sanctuary up and running (the conversion of the house and barn).

With the proposed conditions as set out in the report, Officer's consider that the scale, design and layout of the site is acceptable and in accordance with the relevant local and national planning policies.

Residential Amenity

Policy Env7 of the Core Strategy relates to residential amenity and states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising my reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards. The requirements of DM29 reflect this.

Noise:

The applicant has provided a noise assessment which has been considered by the Council's Environmental Health Officer. Objections have been made to the proposal in relation to noise generated by dogs barking. The agent has explained that noise would be minimal, the dogs are not kennelled but able to move freely within their penned areas and would be kept in groups of 10. A site visit was made with Members to their other similar site in Salford, on this visit there was no noise generated by the dogs and it was noted that the dogs are kept in very similar circumstances to what is proposed at this site.

On considering the information submitted with the application, the Council's Environment Health Officer has highlighted that the average dog bark is readily agreed at being 80-90dB and that the noise assessment makes the assumption that it is one dog barking each second as a worst case scenario. However, he considers a dog barking may likely set off other dogs barking.

In order to consider the worst case scenario at the site, he has taken a number of upto 80 dogs. With this in mind, he considers it is reasonable to assume that there could be 20 dogs barking simultaneously at any one time.

The nearest properties on Southwood Drive to the site boundary are measured at approx. 156m distance away. Taking distance attenuation into account, the sound level at the receptor should be 51dB(A). The EHO also states:

'51dBA is above the WHO guideline of 50dBA, however it's important to note that we are talking about 16 hour Leq average values, to hit the predicted 51dBA LAeq, 16hr 20 dogs would need to be barking simultaneously every second for 16 hours, which is of course highly unlikely, especially given the specific operation of this site'.

It is also noted that there is other legislation that can be implemented in relation to nuisance should there be issues in the future.

There are Public Rights of Way running through the site and it is accepted that people walking past with dogs may well stimulate the dogs to bark, but this would be limited and the agent has confirmed that the dog areas would be kept away from the footpaths. The dogs would also get used to people walking past over time and any need to bark would likely be reduced due to this.

Officers consider that on balance therefore the impact on noise on neighbouring houses will not be excessive or unacceptable for the reasons set out above. They note that during the site visit in Salford it was demonstrated that very little noise is generated by the dogs and in fact it would be highly unlikely for 20 dogs to bark at once for any prolonged period. As such this not considered to be a suitable reason to refuse the planning permission. It is considered therefore that the development is acceptable in this regard and in line with the relevant planning policies.

Odour:

Objections have been received in relation to potential odours associated with the keeping of dogs and cleaning products etc. However this matter has not been raised as one of concern by the Council's Environmental Health Officer and is therefore not considered to be a suitable reason to refuse the application. It is noted that waste would be disposed of through facilities on site (septic). Officers acknowledge that should this be a working farm there would be odours and smells associated with that which would likely be stronger than those associated with dogs. This is therefore not considered a suitable reason to refuse the application.

Other matters:

Conditions are also attached in relation to construction and contamination as requested by the Council's Environmental Health Officer.

In conclusion therefore, with the inclusion of the conditions noted, it is considered that the development is acceptable and in line with the relevant planning policies in this regard.

Trees, Landscaping and Ecology

Policy Env2 of the Core strategy requires opportunities for environmental enhancement to be secured, further information is provided within DMDPD DM 17, 18 and 19. S174b NPPF states that plans must pursue opportunities for securing measurable net gains for biodiversity and at S175 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated then planning permission should be refused. Objections have been made to the proposal in relation to the impact to would have on wildlife such as the deer in the area, biodiversity (flora and fauna) and other ecological matters.

The applicant has submitted both an ecology and a tree report with the application which has been considered by the Council's Ecological Advisor. The application requires the demolition of building 13, this building shows no evidence of Bat Roost, Barn Owl and Swallows. Planning conditions have been set to ensure that the development does not impact protected or priority species/habitats, cause harm to the landscape and ensure that a Biodiversity Net Gain is secured.

In particular the proposed site has been surveyed as part of the HBC Habitats Survey 2019. Full details of the survey findings are available to the public on the Councils website. The survey found that the proposed site, in conjunction with the adjacent sites, Accrington 108 and Baxenden 111, could be considered as a large habitat mosaic under District Wildlife Sites Hm4 guidelines. The site must therefore be appropriately managed for wildlife conservation purposes. Conditions have been set to ensure that the site is managed to an acceptable standard, enhanced and protected for biodiversity.

With the inclusion of the recommended planning conditions, Officers are satisfied that the development is acceptable and in line with the relevant planning policy in this regard.

Drainage

DMDPD DM20 requires flood risk and surface water drainage to be considered as part of the planning process, this is supported by the provisions of the NPPF. The applicant has submitted a drainage scheme with the application. Both United Utilities and Lead Local Flood Authority have been consulted. United Utilities have confirmed that they have no objection to the proposal provided that the conditions listed within the consultation of this report are included. United Utilities have commented and highlighted that there is a pipeline across the site. As such it is necessary to include their conditions and make the applicant aware of the presence of this pipeline- the applicant is aware and all works will be carried out to the required standard.

Lead Local Flood Authority have also responded and have no objections subject to the inclusion of the conditions set out in the consultation section of the report relating to sustainable drainage of the site,.

Without an objection received from the statutory consultees and with the inclusion of conditions requested by them, Officers are satisfied that the development is acceptable and in line with the relevant planning policies in this regard

Pre commencement Conditions have been agreed with agent.

Objections received following consultation:

Objections received in relation to the proposal have been noted in the consultation section above and the planning matters are addressed within the body of the report. However some matters are raised which are not considered to be planning matters and are listed below:

- Value of properties would be reduced in the area- This is not considered to be a planning consideration
- Impact on wellbeing due to decreased enjoyment of property. Officers do not consider that the development would result in a significantly detrimental impact on adjoining properties for the reasons set out in the report, and as such this is not considered a suitable reason to refuse the planning application.
- Article 1 and 8 of the Human Rights Act- these relate to the right to peaceful enjoyment of your property and substantive right to respect for private property and family life. Officers do not consider that, for the reasons set out in the report, these rights have been significantly detrimentally affected by the development and therefore this is not a suitable reason to refuse the planning application.
- Dog diseases brought from abroad- this is not considered a planning consideration and is covered by other legislation
- The development is located in the Green belt- this is not a green belt location, but rather 'open countryside' and as such is not limited in terms of development as strictly as Green belt.

- Safety of the dogs and security of the site- these are not considered planning considerations
- Right of way to the road leading up to the farm is not in the control of the applicant but the fishery- this is not a planning consideration.

Conclusion

This proposal is not for an agricultural use and as such it is not in line with the relevant planning policy contained in Hyndburn Core Strategy Policy BD1. However Officers consider that with the consideration of the other relevant local and national planning policy, on balance, this would be a suitable location for this type of development and would help to bring an unused agricultural unit back into active use, albeit non-agricultural.

In recommending approval of the application, it is recommended that the use is only occupied by the applicant because of the bespoke nature of their work and the associated justification provided by the supporting information. For this reason, conditions 3 and 4 recommended below seek to link the proposed development to the applicant. Whilst this is not usually necessary, given the nature of the proposed use and associated control measures it was considered reasonable in this instance.

In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account.

Recommendation

That planning permission be granted subject to conditions noted below. (Delegated power is also requested to the Chief Planning and Transportation Officer to finalise wording prior to the decision notice being issued).

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following plans and documents:

Application forms

Location Plan (3766 6000 Rev E)

Proposed building 13 (3766 2002 Rev A)

Proposed building 14 (3766 2001 Rev C)

Proposed Building 15 (3766 2002 Rev B)

Proposed block Plan 3766 6010 Rev D)

CBF REN 00 XX RP C 00001 Clough Bottom Farm Flood Risk Assessment

CBF REN 00 XX RP 0002 Clough Bottom Farm Outline Drainage Strategy Rev 00
Clough Bottom Farm Planning Statement 14 December 2020 (Euan Kellie Property
Solutions)

Clough Bottom Farm, Accrington Heritage Statement (Kathryn Sather and
Associates March 2021)

Clough Bottom Farm Extended Phase 1 Habitat Survey and Building Inspection for
Bats (Penny Anderson associates limited Nov 2020)

Coal mining Risk Assessment Rev 01 (Renaissance 2010-03 Rev 01 Nov 2020)

Noise Assessment (Hann Tucker Associates 28694 PTM 1 JLS RO March 2021)

Existing Utility Asset Report (Novo P1458 UTL 001 Rev A Dec 2020)

Statutory Services Report (Novo P1458 UTL 002 Rev A Dec 2020)

Phase 1 Desktop Study Assessment Report (Renaissance 2010-03 Rev 01
November 2020)

Arboriculture Constraints Assessment (Bowland Tree Consultancy Ltd Dec 2020).

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to
adequately control the development and to minimise its impact on the amenities of
the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core
Strategy.

3. The use hereby permitted shall be occupied only by 'Dogs4Rescue' and shall be
operated wholly in accordance with the approved 'Operational Management
Strategy' included within Appendix 2 of the Clough Bottom Farm Planning Statement
approved under condition 2 of this permission, unless otherwise prior agreed in
writing with the Local Planning Authority.

Reason: In the interest of amenity of nearby properties in accordance with Hyndburn
Core Strategy Policy Env7, Development Management Development Plan Document
Policy DM29 and the provisions of the National Planning Policy Framework.

4. The occupation of the permitted residential units shall be limited to a person solely
employed or volunteering for 'Dogs 4 Rescue' occupying the plot edge red on the
approved Location Plan, and associated spouse/ and or dependants.

Reason: To justify the development of a new dwelling in the open countryside in line
with the submitted details and in accordance with the provisions of the National
Planning Policy Framework.

5. Dogs shall only be kept at the site under the supervision of one no. member of staff
per ten no. dogs at all times, up to a maximum of 80 no. dogs.

Reason: In the interest of amenity of nearby properties in accordance with Hyndburn
Core Strategy Policy Env7, Development Management Development Plan Document
Policy DM29 and the provisions of the National Planning Policy Framework.

6. Prior to the construction of any buildings, details of the materials to be used in the construction of the external surfaces of the building (including the proposed colour treatment) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interest of visual amenity in accordance with Hyndburn Core Strategy Policy Env6, Development Management Development Plan Document Policy DM26 and the provisions of the National Planning Policy Framework.

7. The static caravan shall be removed from the site following 5 years from the date of the planning permission.

Reason: To enable a new dwelling in the open countryside in accordance with the provisions of the National Planning Policy Framework.

8. Prior to the commencement of any groundworks, the following information shall be submitted to the Local Planning Authority for approval in writing:
 - a) Site Investigation to address the nature, degree and distribution of contamination and ground gases. This shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, or nearby occupied buildings, on services and landscaping scheme, and on wider environmental receptors including ecological systems and property. (The sampling and analytical strategy shall be submitted to and approved in writing by the local Planning Authority prior to the start of the site investigation survey)
 - b) A Remediation Statement, detailing the recommendations and remedial measures to be implemented within the site.
 - c) On completion of the development/remedial works, the developer shall submit written confirmation for agreement in writing, in the form of a Verification Report, to the Local Planning Authority, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent buildings hereby permitted.

Reason: To enable any contamination on the site to be rendered harmless in accordance with Policy DM24 of the development Management Development Plan Document and the provisions of the National Planning Policy Framework.

9. Prior to the first use of the development as a Dog Rescue centre, suitable measures shall be in place to prevent nuisance being caused to residents from, the manner of keeping animals on site, any accumulation, any odour and any smoke from the premises. There shall be no burning on or off site of construction waste.

Reason: In the interest of amenity of nearby properties in accordance with Hyndburn Core Strategy Policy Env7, Development Management Development Plan Document Policy DM29 and the provisions of the National Planning Policy Framework

10. Prior to the first use of the development as a Dog Rescue centre, a scheme and programme shall be submitted to and approved in writing by the local planning authority for the storage and removal of wastes arising from the premises. (Waste shall be stored in a manner to prevent any runoff from travelling onto footpaths and beyond the boundary of the site and being detrimental to the amenity of local residents/Occupiers). These measures shall then be implemented prior to the first use of the development hereby approved and retained for the duration of the development.

Reason: In the interest of amenity of nearby properties in accordance with Hyndburn Core Strategy Policy Env7, Development Management Development Plan Document Policy DM29 and the provisions of the National Planning Policy Framework

11. Prior to the commencement of development (excluding demolition and the siting of the caravan hereby approved), a Biodiversity Method Statement and Landscape Management Plan for the development site shall be submitted to and approved in writing by the Local Planning Authority. The content of the plan shall describe those features which are to be retained, protected, and enhanced through the creation of new wildlife habitat and wildlife features to create a measurable Biodiversity Net Gain. All enclosure fencing must be kept fully permeable to native wild mammals. The plan shall include provisions for the management of these areas for no less than 25 years. The approved works shall be carried out in accordance with the timetable and detail provided within and shall be retained in this manner thereafter. Any feature wilfully damaged or destroyed in the first five year period following implementation of the work shall be replaced by the applicants or their successors in title.

Reason: In the interest of enhancing biodiversity in the natural and built environment in accordance with Development Management Development Plan Document Policy DM18 Protection and Enhancement the Natural Environment and Policy DM19 Protected Species and the provisions of the National Planning Policy Framework.

12. Prior to the first use of the site as a Dog Rescue centre, a satisfactory programmed landscaping scheme to achieve a measurable Biodiversity Net Gain; which must include soft and hard surfacing, means of enclosure, and planting of the development, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of trees retained, replacement trees to account for those lost due to development at 3:1 Tree Compensation Standard, number of plants, species, planting size, planting and seed sowing methodology, British Standards, location of the planting, and annual landscape and habitat maintenance schedule. . The work described in the scheme shall be carried out strictly in accordance with the approved details and shall be

retained in this manner thereafter. The approved landscape scheme shall be implemented during the first planting season following first use of development. The approved scheme shall thereafter be kept in this manner, and any tree, shrub, plant or bulb/seed sown area which dies or is felled, uprooted, wilfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

Reason: In the interest of enhancing biodiversity in the natural and built environment in accordance with Development Management Development Plan Document Policy DM18 Protection and Enhancement the Natural Environment and Policy DM19 Protected Species and the provisions of the National Planning Policy Framework.

13. No work or disturbance shall take place to buildings or trees described within the Extended Phase 1 Habitat Survey and Building Inspection for Bats (November 2020), as holding low, moderate or high Bat Roost Potential, unless prior approved in writing by the Local Planning Authority. Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and are a European Protected Species under the Conservation of Habitats and Species Regulations 2010 (as amended). It is an offense to deliberately capture, kill or disturb any Bat, or to deliberately damage or destroy a breeding site or resting place used by of any Bat.

Reason: In the interest of enhancing biodiversity in the natural and built environment in accordance with Development Management Development Plan Document Policy DM18 Protection and Enhancement the Natural Environment and Policy DM19 Protected Species and the provisions of the National Planning Policy Framework.

14. No building demolition, removal of hedgerows, trees, shrubs or undergrowth shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and buildings for active bird nests immediately before the vegetation is cleared, and provided written confirmation that no birds will be harmed and/or appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the Local Planning Authority. All British birds, their nests and eggs are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. It is an offense to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent does not provide a defence against prosecution under this act.

Reason: In the interest of enhancing biodiversity in the natural and built environment in accordance with Development Management Development Plan Document Policy DM18 Protection and Enhancement the Natural Environment and Policy DM19 Protected Species and the provisions of the National Planning Policy Framework.

15. Prior to the start of groundworks or enabling works a RAMMS Method Statement for the 'Avoidance of harm to nesting birds, amphibians, reptiles and small mammals during construction and associated works' shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of enhancing biodiversity in the natural and built environment in accordance with Development Management Development Plan Document Policy DM18 Protection and Enhancement the Natural Environment and Policy DM19 Protected Species and the provisions of the National Planning Policy Framework.

16. No tree, hedge or wood shall be felled, pruned or otherwise harmed, including tree roots, as a consequence of development except hereby approved by the Arboricultural Constraints Appraisal (Ref. BTC2129, 10th December 2020). All trees and hedges to be retained shall be first be protected, prior to the commencement of construction, by ground protection and with fencing to form a Construction Exclusion Zone and in accordance with BS5837:2012 'Trees In Relation To Construction'. Within the protected area(s) there shall not be carried out or permitted, during the construction period, any building or other operations, parking or passage of vehicles, or storage of building or other materials or any other object. The protection measures shall be retained for the duration of the works, and only removed once the development is complete and all machinery and work material removed from the site.

Reason: In the interest of enhancing biodiversity in the natural and built environment in accordance with Development Management Development Plan Document Policy DM18 Protection and Enhancement the Natural Environment and Policy DM19 Protected Species and the provisions of the National Planning Policy Framework.

17. Prior to the commencement of groundworks:
- a) A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity, and
 - b) Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in fill in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with the authoritative UK guidance

Prior to the occupation of the development, it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure land stability and safety in accordance with Development Management Development Plan Document Policy DM24 and the provisions of the National Planning Policy framework.

18. No development may commence in any phase until a detailed (excluding demolition and siting of the caravan), final 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 and indicative sustainable drainage strategy submitted and sustainable drainage principles set out in the National Planning Policy Framework, Planning practice Guidance and Defra Technical Standards for Sustainable Drainage systems and no surface water shall be allowed to discharge to the public sewer, directly or indirectly.

These details shall include, as a minimum:

- a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, discharge rates, finished floor levels in AOD with adjacent ground levels. Final sustainable longitudinal sections plan appropriately labelled to include all pipe/ structure references, dimensions, design levels, discharge rates, with adjacent ground levels. Cross section drawing s of flow control manholes and attenuation tank.
- b) Detailed and cross section drawings of outfall in Warmden brook. Cross sections of watercourse 10m upstream of outfall and 10m downstream of outfall are also required. Sections should include both banks beds and actual water beds.
- c) The drainage scheme should be in accordance with the principles of the Renaissance Clough Bottom Farm, Accrington Outline Drainage Strategy ref 2010-03 rev 00 dated 30th Nov 2020 and demonstrate that the surface water run-off and volume shall not exceed 9.5 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- d) Sustainable drainage flow calculations (1 in 1, 1 in 2, 1 in 30 and 1 in 100+ climate change).
- e) Plan identifying areas contribution to the drainage network
- f) Measures take n to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses
- g) A plan to show overland flow routes and flood water exceedance routes and flood extents.
- h) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates
- i) Evidence of an Environmental Permit from the Environment agency to discharge treated water from a package treatment plant to the proposed surface water system
- j) Breakdown of attenuation in pipes, manholes and attenuation tank.

The scheme shall be implemented in accordance with the approved details prior to first use of the animal sanctuary.

Reason: To ensure the provision of suitable drainage on the site in accordance with Policy DM20 of the Development Management Development Plan Document and the provisions of the National Planning Policy Framework.

19. No development shall commence (except the siting of the caravan) until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority.

These details shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lead local Flood Authority.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details and retained thereafter

Reason: To ensure the provision of suitable drainage on the site in accordance with Policy DM20 of the Development Management Development Plan Document and the provisions of the National Planning Policy Framework.

20. Prior to the first use of the site as a Dog Rescue centre, a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operational and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Hereafter the drainage systems shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure the provision of suitable drainage on the site in accordance with Policy DM20 of the Development Management Development Plan Document and the provisions of the National Planning Policy Framework.

Informatives:

United Utilities, Cadent and Lancashire fire and rescue comments

The programme of archaeological recording should comprise the creation of a record of the building to level 2-3 as set out in Understanding Historic Buildings (historic England 2016) for the principal stone buildings. A photographic record of the later timber structure will suffice for those elements. This work should be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the chartered Institute for Archaeologists.

This planning permission does not grant permission to connect to Warmden Brook and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before any works commence on site.

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