

<b>REPORT FROM:</b>	<b>PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER</b>
<b>TO:</b>	<b>DEVELOPMENT MANAGEMENT COMMITTEE</b>
<b>DATE:</b>	<b>28<sup>th</sup> November 2016</b>

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 28<sup>th</sup> NOVEMBER, 2016

**Application Ref:** 16/0630/OUT

**Proposal:** Outline: Major: Erection of 34 dwellinghouses (1.26ha) (Access and Layout only) (Re-submission)

**At:** Land at field number 0087, Earby Road, Salterforth

**On behalf of:** Cross Construction

**Date Registered:** 22 September 2016

**Expiry Date:** 22 December 2016

**Case Officer:** Kathryn Hughes

This application has been referred from West Craven Committee as Members were minded to refuse the application on the following grounds:

- No safe pedestrian access to/from the site; and
- Salterforth has exceeded the 12% required for housing development in Rural Pendle.

### **Site Description and Proposal**

This application seeks outline for the erection of thirty four dwellinghouses with access and layout only. Details of appearance, landscaping and scale will be dealt with at a later stage under the Reserved Matters submission.

The application site is agricultural land located in the parish of Salterforth on the west side of Earby and lies outside the settlement boundary in Open Countryside.

The site is a triangular piece of land which measures 1.26ha and slopes down to the east. It is bounded by housing on Kennilworth Drive to the East, Open Countryside to the South and Earby Road to the North.

The scheme would consist of eleven 2 bed bungalows in four blocks with parking spaces, ten 3/4 bed semi-detached units with parking spaces and thirteen 3/4 bed detached units with garages and parking spaces. Six of the proposed units would be social units.

Access to the thirty four dwellinghouses would be off Earby Road.

A previous application for a similar scheme was refused in July this year on the following grounds:

The development would have a severe detrimental impact on road safety and this would significantly and demonstrably outweigh the benefits.

### **Relevant Planning History**

16/0329/OUT – Outline: Major: Erection of 34 dwelling houses (Access and Layout only)  
– Refused 26<sup>th</sup> July, 2016.0630630

### **Consultee Response**

LCC Highways – The site was visited on the 11th October 2016 at 10:45

The Highway Development Control Section does not have any objections in principle to the proposed 34 dwellings and are of the opinion that the development will not have a severe impact on the surrounding highway.

The Highway Development Control Section understands the current planning application is concerned with the principle and access to the site only and as such only provisional highway comments have been made regarding the internal layout of the site. The proposed development is to provide 34 new dwellings on an undeveloped field with no permitted development and as such the existing land currently generates very small numbers of traffic movements. The applicant is proposing to access the site via a new access on to Earby Road. Earby Road is classified as the C684 road and is categorised as a secondary access road with a speed limit of 40 mph fronting the site access. The planning application is for less than 50 new dwellings and as such the applicant does not need to provide a transport assessment or Travel Plan.

As part of the planning application the applicant has provided a Transport Statement by DTPC consultants dated August 2015. The statement indicates:-

The existing average weekday daily traffic flow is 429 vehicles northbound and 786 vehicles southbound

The existing average weekday morning peak traffic flow between 9am and 10am is 54 vehicles northbound and 57 vehicles southbound. The existing average weekday evening peak traffic flow between 6pm and 7pm 77 vehicles northbound and 68 vehicles southbound.

TRICS is the national standard system used to predict trip generation and analysis of various types of development. Using a typical TRICS report for a privately owned housing development, the development will generate an estimated 221 two way vehicular movements a day.

The Transport Statement by DTPC consultants has provided a morning and evening peak period TRICS assessment for this development. The TRICS report within the

Transport Statement by DTPC consultants indicates the development will generate an estimated 19 additional two-way traffic movements at the morning peak traffic flow between 9am and 10am and an estimated 20 additional two-way traffic movements at the evening peak traffic flow between 6pm and 7pm.

The Highway Development Control Section is of the opinion that Transport Statement by DTPC Consultants has demonstrated that the proposed development would not have a severe impact on highway capacity in the immediate vicinity of the site.

The Lancashire County Councils five year data base for Personal Injury Accident (PIA) was checked on the 10th June 2016 and the 11th October 2016. The data based indicates:-

Two incidents to the west of the proposed site access, one of the incidents was a pedestrian being struck by a passing vehicle and the other incident is a vehicle losing control.

One incident to the east of the site access involving a dog running in front of a cyclist, the Highway Development Control Section is of the opinion that this is not related to the highway.

Three incidents near the junction of Earby Road and Colne Road, these include a shunt, passenger falling on a bus and a pedestrian being struck by a car reversing.

Whilst any accident is regrettable, the junction with Earby Road and Colne Road is considered to have a good accident record and indicates there is no underlying issue which the proposed development would exacerbate.

Using the basic formula for calculating Stopping Sight Distances (SSD) from Manual for Streets and the traffic 85th percentile speed survey information, from the Transport Statement by DTPC Consultants, of 33.5 mph the sight lines of 2.4 x 50m are required. Avalon drawing CROS/19/Dwg 02 "Proposed Site Plan" shows acceptable sightlines and the offset from the kerb line to the west of the site access is acceptable based on the guide lines from Manual for Streets 2.

From observations on site and the sight lines information provided on Avalon drawing CROS/19/Dwg 02 rev E "Proposed Site Plan" the recommended sight lines can be fully achieved as shown.

The Highway Development Control Section is of the opinion that the location of the proposed new site access is acceptable.

The Highway Development Control Section is of the opinion that the carriageway geometry of the site access is to prescribed design standards.

The Highway Development Control Section is of the opinion that proposed change of road alignment and the provision of a 2m wide footpath from Kenilworth Drive to the west of site access is acceptable and will provide a safe place for pedestrians, protection of the sight lines and a better road alignment which should slow vehicle speeds to the east of the site access.

Following discussions with our traffic section the relocation of the change in speed limit would have a minimal advantage to the scheme. The relocation of the change in speed is therefore not required.

The new site access and associated off-site works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for 278 agreement.

The Highway Development Control Section is of the opinion that the proposed development should have a negligible impact on safety and capacity in the immediate vicinity of the site.

From our mapping system "Mapzone", the proposed development is near definitive footpath 13-5-FP48 and a connection from the site should be investigated as part of the reserved matters application.

The Highway Development Control Section is of the opinion that site has a low to medium accessibility score and to support sustainable transport and improve social inclusion within the vicinity of the site, the Highway Development Control Section recommends a section 106 highway contribution of £22,000 to upgrade the two bus stops near the site to quality bus stops,

The Highway Development Control Section recommends the local planning authority attaches conditions requiring the applicant to provide details of the proposed arrangements for future management and maintenance of the proposed streets within the development and to include dates for the phasing of entering either a section 38 agreement of the Highways Act 1980 or the establishment of a private management and Maintenance Company.

As part of any future reserved matters application the applicant is advised to consider the following provisional comments regarding the internal highway layout:-

1. The minimum internal single garage size to be 6x3m and this includes integral garages.
2. All private drives fronting garages to be a minimum of 6m long, this must not include any of the required 2m wide service verge or footpath. This can be reduced to 5.5m if roller shutters are fitted and conditioned as part of the planning decision.

3. The highway associated with plots 1 to 11 is not adoptable see adoption comments below.
4. The highway associated with plots 1 to 11 to have 6m manoeuvring space to reduce over running of the opposite parking bays and reduce the likely hood to parked cars.
5. At plot 19 and 26 the turning head is not adoptable as shown, see adoption comments below.
6. The Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards - recommends two to three bedroom properties to have 200% parking and four to five bedroom properties to have 300% parking. From the details provided this requirement affects plots 1 to 11.
7. At plots 32 to 34 the second parking bay is not the splayed and the dropped crossing to be provided for the full width of the drive.
8. The trees within 2m of the carriageway channel line to be removed as this will affect the future adoption of the highway and the trees are to be outside the sight lines from the drives. The recommended sight lines from the drives to be 2.0x11m based on an estimated 85th percentile design speed of 15mph

The following provisional comments are regarding the future highway adoption under a section 38 agreement with Lancashire County Council and the applicant is advised to consider these comments as part of any future reserved matters application, where they wish to offer the road for adoption. Where the recommendations below are not implemented the highways may not be suitable for adoption. Further guidelines regarding highway adoptable layout can be found on the Lancashire County Council Residential Road Design Guide and the construction of the highway to be to the Lancashire County Council Specification for Estate Roads 2011 edition:-

1. All trees should be removed from the service verge, as they are not performing a highway function and they are a highway maintenance and safety issue which the highway authority is not willing to accept. The trees would only be permitted within the adoptable highway if a section 96 agreement of the 1980 Highways Act is entered with the district authority and they accept full liability for the trees for perpetuity. The section 96 agreement would need to be entered with the district authority before the section 38 agreement is entered. Where the district authority is willing to accept liability for the trees the sight lines from private drives to be considered, based on the guide lines from Manual for Streets and an estimated 85th percentile speed of 15mph.
2. A service verge is required on both sides of the new carriageway. A 2m wide service verge is required for locating statutory undertakes equipment and should be provided where buildings front onto the road. The minimum width of the remaining service verge can be reduced to 0.5m providing no street lighting. If street lighting is required on the narrow service verge the minimum width is 800mm. From Lancashire County Council Residential Design Guide. Please note - the car parking spaces must not be over the service verge area.

The Highway Development Control Section recommends conditions be attached to any grant of permission relating to wheel washing, layout of the development to allow vehicles to enter and leave the highway in forward gear, construction of estate road, visibility splays, car parking and manoeuvring, restriction on garages, off site highway works, traffic management plan, completion of estate roads and full details of engineering, drainage, street lighting and constructional details of street of adoption.

LCC Education – an education contribution is not required at this stage in regards to this development.

Architectural Liaison Unit

Natural England - No objection.

Environment Agency – No comments.

Lead Local Flood Authority – Based on the previous application: The Flood and Water Management Act 2010 sets out the requirement for LLFAs to manage 'local' flood risk within their area. 'Local' flood risk refers to flooding or flood risk from surface water, groundwater or from ordinary watercourses.

Comments provided in this representation, including conditions, are advisory and it is the decision of the Local Planning Authority (LPA) whether any such recommendations are acted upon. It is ultimately the responsibility of the Local Planning Authority to approve, or otherwise, any drainage strategy for the associated development proposal. The comments given have been composed based on the current extent of the knowledge of the LLFA and information provided with the application at the time of this response.

### **Flood vulnerability:**

It is evident that the proposed development will result in a change in Flood Risk Vulnerability Classification from Less Vulnerable to More Vulnerable under Paragraph: 66 of the Planning Practice Guidance.

### **Flood Risk Assessment:**

An important part of the planning application process is consideration of flood risk as detailed under Footnote 20 of Paragraph 103 of the National Planning Policy Framework (NPPF). This is facilitated through a site-specific flood risk assessment (FRA) which is required for this development proposal as the site area is larger than 1 hectare. The Lead Local Flood Authority advises that flooding from local sources should be appropriately assessed within the FRA, in addition to the flood risk from fluvial and coastal sources.

Climate change impacts should also be considered when modelling flood risk to comply with the Environment Agency's guidelines for flood risk assessment, where applicable. In line with the Environment Agency's 'Climate Change Allowance for Planners' guidance, the Lead Local Flood Authority expects flood risk to be calculated for the following flood events:

- 1 in 1 year
- 1 in 2.2 year (Qbar)
- 1 in 30 year
- 1 in 100 year PLUS the applicable climate change allowance (see 'Climate Change Allowances for Planners')

The Lead Local Flood Authority (LLFA) has reviewed the FRA provided (Ref: B1867 Earby Road FRA, Dated: 13th April 2016) and has the following comments to make:

**Comment 1:** As this is an outline application, it is recognised that the final proposals for the formal surface water drainage strategy are yet to be finalised. It is essential therefore, that a formal detailed surface water drainage strategy is submitted to and approved in writing by the local planning authority, prior to the commencement of any development. This is to ensure that the proposed development can be adequately drained and that there is no flood risk on or off the site resulting from the proposed development. The LLFA would ask to be formally consulted on all subsequent drainage strategies for this proposed development.

**Comment 2:** Whilst it is evident from the FRA that various SuDS techniques have been considered for the site, the Lead Local Flood Authority recommends for the applicant to also explore the use of other SuDS features in order to further reduce the rate and volume of surface water draining from the site. Please note that some SuDS features may require certain permitted development to be removed from land on or within close proximity to where it is located. It is advised that the Local Planning Authority take note of this and if minded to approve, an appropriate informative is attached to the formal Decision Notice.

It should also be noted that some SuDS features such as permeable paving, water butts and planted beds **must not** be included as part of the hydrological calculations. The reason for this is that occupants may change or remove these in the future and this has the potential to increase surface water runoff which was previously unallocated for in the design of the sustainable drainage system. Where these are included in the hydrological calculations of a development proposal, the local planning authority is advised to consider the removal of permitted development rights.

#### **Surface water discharge:**

The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a SuDS approach:



*Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- *into the ground (infiltration);*
- *to a surface water body;*
- *to a surface water sewer, highway drain, or another drainage system;*
- *to a combined sewer*

It is evident that the applicant intends to discharge surface water to the New Cut watercourse (designated as a Main River). Whilst other preferable runoff destinations should be considered first, namely infiltration to the ground, it is noted from section 3.0 of the FRA that the site is located in an area with low permeability. For this reason, the Lead Local Flood Authority considers discharge to the watercourse to be acceptable, subject to sufficient evidence of permeability testing for the site and subject to agreement from the Environment Agency.

### **Sustainable Drainage Systems:**

Paragraph 103 of the National Planning Policy Framework (NPPF) and Written Statement on Sustainable Drainage Systems (HCWS161) requires that surface water arising from a developed site should, as far as it is practical, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account.

The Lead Local Flood Authority encourages that site surface water drainage is designed in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems and Planning Practice Guidance, including restricting developed discharge of surface water to greenfield runoff rates making suitable allowances for climate change and urban creep, managing surface water as close to the surface as possible and prioritising infiltration as a means of surface water disposal where possible.

Regardless of the site's status as greenfield or brownfield land, the Lead Local Flood Authority encourages that surface water discharge from the developed site should be as close to the greenfield runoff rate as is reasonably practicable in accordance with Standard 2 and Standard 3 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open space.

The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Prior to designing site surface water drainage for the site, a full ground investigation should be undertaken to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body, sewer system or other means. For example, should the applicant intend to use a soakaway, they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

The LLFA also strongly encourages that the developer should take into account designing drainage systems for exceedance working with the natural topography for the site. Should exceedance routes be used, the applicant must provide a site layout plan with these displayed, in line with Standard 9 of DEFRA's Technical Standards for SuDS. Flow balancing SuDS methods which involve the retention and controlled release of surface water from a site may be an option for some developments at a scale where uncontrolled surface water flows would otherwise exceed the pre-development greenfield runoff rate. Flow balancing should seek to achieve water quality treatment as part of a treatment train and amenity benefits as well as managing flood risk.

### **Lead Local Flood Authority (LLFA) Position:**

The Lead Local Flood Authority has **no objection** to the proposed development subject to the inclusion of appropriate conditions

If there are any material changes to the submitted information which impact on surface water, the local planning authority is advised to consider re-consulting the LLFA. The LLFA also wishes to be formally consulted on all subsequent drainage strategies for this proposed development.

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

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

(To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network)

### **Drainage**

**SURFACE WATER** - The public sewer network does **not** have capacity to accept any discharge of surface water.

It is noted that the planning application form states 'SUDS' for surface water disposal. Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged and the LPA's attention is drawn to NPPF. The developer and LPA are advised to seek comments on the suitability of SUDS from the appropriate authorities. The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals.

The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.

The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

## **Water Supply**

A water supply can be provided under the terms of the Water Industry Act, 1991.

Lancashire Fire & Rescue – comments relate to Building Regulation submissions.

PBC Environmental Health – Request conditions be attached to any grant of permission for constructions, dust and electric vehicles.

Earby Parish Council – An in-depth discussion ensued and the following grounds for objection put forward:

a) Road Safety – Concerns about the proposed paths and the narrowness, being 40cm wide. The width of a baby buggy or pram with someone pushing it is wider than this. Also two children walking side by side as in a crocodile are wider than this. The width and sighting of the proposed paths are totally inadequate. There are no connecting footpaths into towns/villages posing a major threat to foot traffic.

b) Traffic Issues – The access, egress and line of sight are very poor, particularly on a road that is a well-known black spot where deaths have occurred

c) There is a special bus laid on to take children to Salterforth School due to the route being unsafe.

d) The proposed crossing is in a dangerous place and still means crossing a busy road. Examining the plans it appears that the line of sight is being made worse. Have any measurements actually been done on the ground and compared to those stated on the plans?

These are council's main but not only concerns. The following were made known on the objection to the original proposal: The infrastructure is at or near saturation point, particularly the water and sewage systems.

This was illustrated dramatically over the Christmas/New Year period in Earby where the flooding caused widespread disruption and much damage.

This will be made worse when the development at the old Silentnight site comes on line and worse still if the nearby mill site on the outskirts of Barnoldswick is successful at appeal.

Schools, doctor's surgeries, pharmacies etc. are stretched to full capacity given the many developments recently undertaken in both Salterforth and Earby.

There are brownfield sites in the area available for development so there is no need to build here.

Council see this as overdevelopment and outside the settlement boundary.

Salterforth Parish Council – Council holds many concerns about this development as follows:

- The access, egress and line of sight are very poor, particularly on a road that is a well-known black spot where deaths have occurred.
- There are no footpaths into towns/villages posing a major threat to foot traffic.
- The infrastructure is at or near saturation point, particularly the water and sewage systems.

This was illustrated dramatically over the Christmas/New Year period in Earby where the flooding caused widespread disruption and much damage.

This will be made worse when the development at the old Silentnight site comes on line and worse still if the nearby mill site on the outskirts of Barnoldswick is successful at appeal.

- Schools, doctors surgeries, pharmacies etc. are stretched to full capacity given the many developments recently undertaken in both Salterforth and Earby.
- There are brownfield sites in the area available for development so there is no need to build here.
- Council see this as overdevelopment and outside the settlement boundary.

Object on the grounds given above.

### **Public Response**

Site and press notices posted and nearest neighbours notified by letter. Publicity expired on the 9<sup>th</sup> November. 13 responses received objecting on the following grounds:-

- The site is designated Green Belt
- Earby Road has been the sight of many accidents some fatal. Increased traffic on this perilous road would be an accident waiting to happen especially as a new road access would be required;

- Earby surgery is at capacity and serves Earby, Salterforth, Kelbrook and Sough. These new development would seek to put more pressure on the service and would make it harder to get an appointment;
- There is no footpath and it's already dangerous for people to walk along without more traffic. Many young children live on the road side and play in the park;
- Can Salterforth Primary School accommodate a further 68 pupils (assuming each household has 2 children) along with children from the new Silentnight site at Salterforth?
- Danger of Earby losing its identity with villages expanding;
- Road signage is poor;
- The new 2m wide path will reduce the current road width, it would be wrong to sacrifice Tree 24 to gain a few inches of road space;
- Local sewerage and water systems already under pressure. Recent flooding issues could reoccur;
- Salterforth will gain 34 properties with potentially 4 people in each who will most likely use the Doctors, Schools and emergency services in Earby free of charge whilst Earby residents pay precept changes;
- Bus and library services are diminishing and mobile and internet connections in Earby are poor;
- The type of houses proposed so not fir in the current house styles;
- The revised plans go some way to making the route safer but the 30 & 40 mph limits are regularly breached. The limit should be reduced further or traffic calming measure in place;
- The road widening could be dangerous and bring the road closer to my property and could result in grates needing to be moved;
- This section of the road is poorly lit and creating the 2m wide footpath and widening the road will cause traffic to drift into the middle of the carriageway;
- Salterforth has reach its targets for new houses;
- If the HGV's come along from Salterforth the road has a bad blind corner that would cause congestion and accidents plus parents use this road to drop off and collect children from the school. Can the HGV's access the site or will they be abandoned on the road side and unloaded there?
- All the wildlife and trees will be torn down;
- Whilst the highways issue might have been addressed the flood issue has not. Details have not been provided on the drainage culvert and how it will reach 'New Cut'. Above ground surface water storage is a reliable way of providing enough capacity for the site and the current proposals are ineffective and poorly designed;
- Construction of a foul sewerage pumping station should this site is poorly located and what happens when this fails?;
- The road is not suitable and has difficult junctions and this is without the large Seddon Homes Development which is not yet finished;
- I fail to see that the minor changes on the plans would alleviate these issues or make the road safer for pedestrians;

- The road is used by many walkers/ramblers etc. and it is used as a shortcut for workers in Earby and Barnoldswick;
- The gradient of the land would need extreme management to avoid higher flood risk and also result in overshadowing inhabitants of Kennilworth Drive;
- Disruption to historic trees and hedgerows will change the character of the area;
- Amount of noise and air pollution would be high;
- The Greenbelt between Earby and Salterforth would be eroded;
- None of the initial issues have been addressed;
- The footpath supposes that all traffic will travel to Earby which is not the case; and
- There is a need for more affordable housing.

### **Officer Comments**

The issues for consideration are policy issues, layout and impact on amenity, impact on Open Countryside, flooding and drainage, ecology and highways issues.

#### **1. Policy**

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (the Framework) must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

#### **Local Plan Part 1: Core Strategy**

The following Local Plan policies are relevant to this application:

Policy ENV1 Protecting and Enhancing Our Natural and Historic Environments requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere. The proposal's compliance with this policy is addressed in the flooding and drainage section.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

The following saved policies from the Replacement Pendle Local Plan are also relevant:

Policy 16 'Landscaping in New Development' requires that developments provide a scheme of planting which is sympathetic to the area.

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which is relevant to this proposal.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA was updated in support of the publication of the Core Strategy. This is dealt with in detail below.

Section 7 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 64 of the Framework states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 year supply.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 56). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 58). It is also proper to seek to promote or reinforce local distinctiveness (para. 60).

Para 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design it should be refused. There is no balancing exercise to be undertaken with other sections of the Framework as poor design is not sustainable development and the requirement under paragraph 14 is to allow sustainable development to come forward.

### 1. Principle of Housing

Proposals for new development should be located within a settlement boundary. These boundaries will be reviewed as part of the site allocations and development policies in order to identify additional sites to meet development needs where necessary.

This site is Greenfield land which although it lies with the parish of Salterforth is immediately adjacent to the settlement boundary for Earby and has a much closer relationship to the facilities in Earby rather than the rural village of Salterforth.

It is likely that if permission for housing was approved here that the site would be brought into the urban area as part of the settlement review.

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement.

This site would be as sustainable as the surrounding residential housing and would be accessible in terms of public transport, local shops, primary school and pubs and has two play areas located close by.

In this instance the proposed site would be sustainable and the principle of housing acceptable and accords with policy LIV1.



## 2. Layout and Impact on Amenity

The application site is wholly outside the settlement boundary which lies along the boundary to the eastern side. The housing along this boundary and Earby Road to the North would form a natural boundary to this site.

The nearest properties are to the development are to the east. The site proposes a mix of housetypes and although the details of the scale and design have not been applied for the layout indicates that acceptable distances between existing and proposed units can be achieved.

The site is accessible in terms of distance from public transport routes

Six of the 34 dwellings are proposed to be affordable and offered for social rent or through another mechanism.

Plots 1 – 11 would be 2 bed bungalows in two blocks of three and a pair of semi-detached. These units would be sited to the north east part of the site close to the access and to the rear of properties on Kennilworth Drive. A total of 19 parking spaces would be provided for these units. Which equates to 1.5 spaces per unit. Units 1-6 are proposed as affordable units.

Plots 12-21 would be 3/4 bed three storey semi-detached units with two parking spaces per unit. These units would be sited to the south east part of the site with units 12-19 sited to the rear of properties on Kennilworth Drive. Whilst plots 20-21 are located to the west of the access road.

Plots 22 -23 would be 3/4 bed two storey detached with a single garage and two parking spaces per unit. These units would be sited to the west of the access road around the middle of the site.

Plots 24-29 would be 4 bed detached properties with a double garage and two parking spaces per unit. These units would be sited to the south west of the site.

Plots 30-34 would be 3/4 bed two storey detached with a single garage and two parking spaces per unit. These units would be sited to the north of the site close to Earby Road and the access.

The site is not prominent in terms of views, however, details of heights, design and materials for the proposed housing will be essential in terms of how this development would affect the landscape and visual amenity of the area.

Details of boundary treatments have not been submitted and can be controlled by condition at the reserved matters stage if necessary.

Subject to appropriate conditions and details of the appearance, scale and landscaping this layout would be acceptable in terms of design and impact and accords with policies ENV1 and ENV2.

### 3. Impact on Open Countryside

Although the site is in Open Countryside as mentioned above it lies immediately adjacent to the settlement boundary of Earby which lies to the East. The site is not over prominent and views and is limited in terms of its landscape value.

The proposed layout would result in a density of 27 dph which is acceptable and provides for a spacious layout which benefits this location outside of the settlement boundary.

All the properties would have garden areas and off-street parking provision as well as a green zone to the southeast of the site and new hedge along Earby Road to compensate for that removed.

A number of existing trees will remain and further details of the proposed landscaping of the scheme can be controlled as part of the Reserved Matters.

Therefore the proposed development is acceptable in terms of impact on the Open Countryside and accords with policies ENV1, ENV2 and LIV1.

### 4. Flooding and Drainage

The site lies within Flood Zone 1.A Flood Risk Assessment has been submitted as the site is above 1 hectare in size.

In terms of drainage this scheme proposes that a Sustainable Drainage System will be installed and details of this can be controlled by an appropriate condition at this stage. Drainage issues are technical ones which can be resolved and will result in betterment than the existing drainage situation and reduce fluvial flooding issues.

Both the Lead Local Flood Authority and Yorkshire Water have no objections to this scheme subject to conditions relating to appropriate drainage scheme which will need to be agreed prior to commencement of development.

Provided that plans are submitted to show an acceptable drainage scheme prior to development commencing then the development is acceptable in terms of flood risk and accords with policy ENV7,

### 5. Ecology

An updated ecology report has been submitted which is acceptable.

## 6. Highways Issues

The proposed development proposed an acceptable access from Earby Road to accommodate the amount of development proposed and subject to appropriate conditions would not result in any adverse impact on highway safety issues.

The scheme had proposed a 2m wide footpath along the north east edge of the site to Kenilworth Drive which can accommodate pedestrians and will protect sight lines and an improved road alignment which should then encourage slower vehicle speeds. This involves widening Earby Road on the opposite side to the proposed 2m footpath and removal of a highway tree which has been accepted by LCC Highways.

Consideration has been given to the relocation of the change in speed limit, however, as this would have a minimal advantage to the scheme it is not necessary here.

This scheme would provide off-street car parking for vehicles in a combination of garages and driveways.

This would provide a minimum of two off-street car parking spaces per dwelling which is in line with the car parking standards set out in the Replacement Pendle Local Plan.

This scheme therefore provides the 2m wide footpath which was not accommodated within the previous scheme to allow for safe pedestrian movements between the site and nearby facilities. This addresses the issue of the severe detrimental impact on road safety that the previous planning application was refused on.

## 7. Open Space and Landscaping

The site lies within Salterforth Ward. Policy LIV5 requires all proposals for residential units to provide on-site open space which can take the form of Green Corridors and spacious layouts.

The site layout provides ample private amenity spaces for the plots and also some green amenity space which helps to soften the scheme and provide some visual interest in the overall layout.

The proposal therefore accords with this policy.

## 8. Contributions

A request for £22,000 for improved bus stops has been requested by LCC Highways.

This had been agreed and a condition will be attached for an s.106 Agreement to any grant of permission.

## 9. Settlement Capacity

One of the two grounds the application was recommended for refusal on from Committee was on the basis that Salterforth had in effect has had is quota of development. This is based on policy SDP 3 of the adopted Core Strategy. The policy sets out percentages of housing development that should be allocated in the part 2 Plan which will allocate sites across the Borough.

Policy SDP 3 indicates that as a percentage of the total number of houses rural areas should take 12% of the total housing requirement. The policy however is clear in that it states that the percentages are only guides and thus there are no ceilings placed on the quantum of development in settlements.

Furthermore the policy also states that development in the three spatial areas should follow the settlement hierarchy as set out in policy SDP 2. This places Earby as a second tier settlement and Salterforth in the fourth tier as a rural village.

The development lies adjacent to Earby. It lies in the Salterforth Parish but is not an expansion of Salterforth itself. It is situated adjoining Earby, it would functions part of Earby and could only be described as an extension to the settlement of Earby. In terms of the spatial hierarchy therefore it would be development linked to a second tier Local Service centre.

In addition to the above there is not limit on individual settlements in rural areas. The policy guide of 12% of housing relates to the whole of the rural area. 12% of Pendle's housing need would be 577. A total of 283 units have so far been approved. Rural areas have not therefore reached the 12% figure set out in SDP 3.

More fundamentally however is policy LIV 1 of the Core Strategy. This indicates that sustainable development on the edge of settlements will be allowed until the part 2 Plan is put in place. That does not place any restrictions on percentages to settlements.

Members are advised that to refuse the development on this ground would lead to costs being awarded as there is no legitimate basis upon which to make such a decision.

### **Summary**

The principle of residential development in this location is acceptable subject to appropriate drainage proposals and highway conditions and the submission for reserved matters in terms of design, materials and landscaping. The proposed development would not have a detrimental impact on Open Countryside or residential amenity and accords with the adopted policies of the Pendle Local Plan: Part 1.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that

applications be determined in accordance with the development plan unless material considerations indicate otherwise. Subject to conditions relating to an acceptable drainage scheme and highway conditions the development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

**RECOMMENDATION: Approve**

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

**Reason:** In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: CROS/19 – Dwg 00 A & CROS/19/Dwg 02 E.

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

4. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

5. No part of the development hereby permitted shall be commenced until details of the proposed ground levels have been submitted to and approved in writing by the

Local Planning Authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

**Reason:** To enable the Local Planning Authority to assess how the development will accommodate the varied land levels and control the final form.

6. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
  - a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
  - b) The areas and methods of loading and unloading of plant and materials.
  - c) The areas for the storage of plant and materials.
  - e) Details of wheel-washing facilities including location
  - g) Measures related to construction waste management
  - i) Soil resource management including stock-pile management
  - n) Location and details of site compounds
  - o) Hoarding details during construction
  - s) A Construction Waste minimisation Strategy.
  - t) A Construction-Risks Education plan/programme
  - u) Parking area(s) for construction traffic and personnel
  - v) Routing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method

statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate measures are in place to protect the environment during the construction phase(s).

7. The car parking areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

**Reason:** To allow for the effective use of the parking areas.

8. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority

**Reason:** To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

9. No part of the development hereby approved shall be occupied until all the off-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

**Reason:** In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

10. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

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

11. The access shall be so constructed that there is clear visibility from a point 1.05m above ground level at the centre of the access road and 2.4m distant from the adjoining edge of the carriageway, to points 1.05m above ground level at the edge of the carriageway and 52m distant in each direction measured from the centre of the access along the nearside adjoin edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

**Reason:** To order to ensure satisfactory visibility splays are provided in the interests of highway safety.

12. As part of any reserved matters application and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority. As a minimum, the surface water drainage scheme shall include:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
- b) The drainage scheme should demonstrate that the surface water run-off must not exceed 14.72 litres/second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment of any existing culverts and headwalls, the removal of any unused culverts where relevant and the construction of any new surface water drainage systems off-site);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing where applicable;
- f) Site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.
- h) Details of finished floor levels.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reasons:**

- 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- 2. To reduce the risk of flooding to the proposed development, elsewhere and to future users.
- 3. To ensure that water quality is not detrimentally impacted by the development proposal.
- 4. To ensure a satisfactory standard of development.



13. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

**Reasons:**

1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development

2. To reduce the flood risk to the development as a result of inadequate maintenance

3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

14. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

**Reasons:**

1. To ensure that the drainage for the proposed development can be adequately maintained.

2. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

15. No development shall commence 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.

**Reasons:**

1. To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere;
2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

16. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

**Reason:** To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network

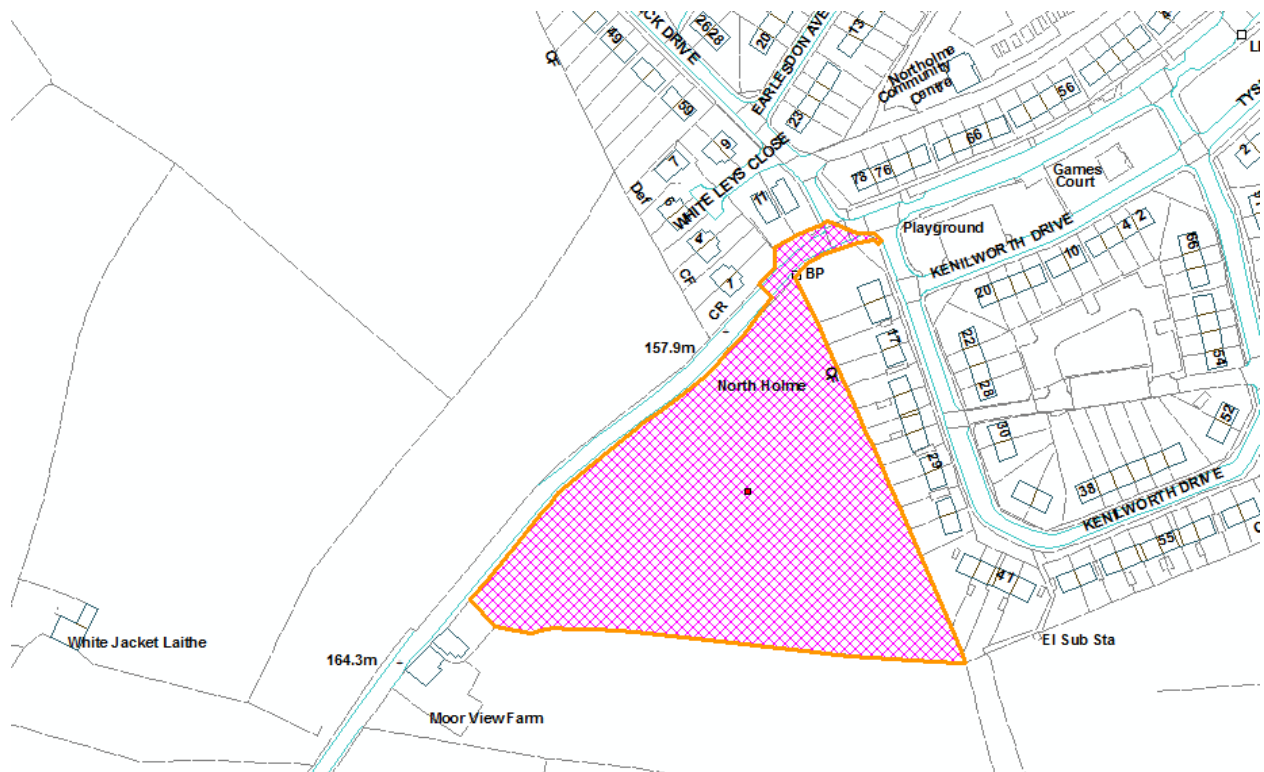
17. No development shall commence until details of the proposed maintenance plan for the green zone, footpaths and hedges will be managed after the development has been completed have been submitted to and approved in writing by the Local Planning Authority.

**Reasons:** To ensure that the communal areas continue to be maintained after the development has been completed.

18. No development shall take place unless and until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (or any subsequent provision equivalent to that Section) relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the person(s) submitting the said planning obligation in writing that it is to the Local Planning Authority's approval. The said planning obligation will provide for:

1. Improvements to the two bus stops serving Earby Road, Salterforth located nearest the site to Quality Bus Stops.

**Reasons:** To ensure that the proposed development is served by a variety of transport modes and to provide sustainable transport links.



**Application Ref:** 16/0630/OUT

**Proposal:** Outline: Major: Erection of 34 dwellinghouses (1.26ha) (Access and Layout only) (Re-submission)

**At:** Land at field number 0087, Earby Road, Salterforth

**On behalf of:** Cross Construction