

REPORT FROM: PLANNING, BUILDING CONTROL AND
LICENSING SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 2ND OCTOBER 2017

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PLANNING APPLICATION

PURPOSE OF REPORT

To comment on the attached planning application.

REPORT TO NELSON COMMITTEE ON 02 OCTOBER 2017

Application Ref: 17/0427/OUT

Proposal: Outline: Major: Erection of up to 200 dwelling houses, with open space provision, estate roads, landscaping and emergency access road with access from Marsden Hall Road (Access only) (Re-Submission).

At: Land at Further Clough Head, Bamford Street, Nelson

On behalf of: Liberata

Date Registered: 04/08/2017

Expiry Date: 03/11/2017

Case Officer: Alex Cameron

This application is for a housing development of more than 60 houses and as such must be determined by Development Management Committee. The application has therefore been brought before Nelson Committee for comments rather than determination.

Site Description and Proposal

The application site is a 10.4Ha parcel of open land to the south of Messenger Street, Wickworth Street and Pinewood Drive in Nelson, the site is roughly a 'C' shape with an allotment site at its centre. There is open land to the south, and east, Pendle Industrial Estate to the west and dwellings and allotments to the north. The site would be accessed from Marsden Hall Road South with a second emergency access point from Windsor Street. Public footpath Nos. 72 and 73 run along the north boundary of the site, No.70 runs alongside the proposed access road and 65 runs from the east boundary of the site to the allotments in its centre. The majority of the site falls within the settlement boundary of Nelson with just a triangular area of the land to the south of footpath No. 65 falling outside of the settlement. An area of the site to the north of Clough Head beck is designated as Existing Open Space and the north east of the site is designated as Housing Market Renewal (HMR) Reserved Housing Land.

This is an outline planning application for access only for the erection of up to 200 dwellings.

Relevant Planning History

16/0403/Out - Withdrawn outline planning application

Consultee Response

PBC Environmental Health – Please attach standard contaminated land condition.

LCC Education - The latest information available at this time was based upon the 2016 School Census and resulting projections. Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 76 primary and 30 secondary school places.

Calculated at the current rates, this would result in a claim of: 76 primary places (£1,080,515.56) and 30 secondary places (£642,698.10).

PBC Conservation - The settings of two designated heritage assets are potentially affected by this application. The northern boundary of the development site lies close to the Grade II listed Further Clough Head Cottage, and the eastern site boundary adjoins the Southfield Conservation Area. The CA at this point consists of open fields which provide a farmland setting for the historic hamlets at the heart of the CA. There are several listed buildings within these small historic farming hamlets but these are located at some distance from the development site.

A comprehensive Heritage Statement has been submitted by specialist heritage consultants which follows Historic England guidance on assessing the effect of the proposal on the significance of the identified heritage assets and their settings. The significance of Further Clough Head Cottage and the Southfield CA and the contribution made by their settings is fully set out in the Heritage Statement. The Statement also assesses key views in the area that may be affected by the development, and the significance of surrounding character areas, with particular reference to the CA.

The indicative layout plan shows an existing area of woodland along Clough Head Beck, at the northern edge of the site, to be retained as a green corridor. This would effectively act as a buffer zone and screen views between the listed Cottage and the housing development on the site. The LB is a typical vernacular farmhouse of the early 18thC; it does retain some feel of its original landscape setting with the mature trees around it, although modern housing development to the edge of Nelson has extended to its northern side. This has already compromised and curtailed the previously open rural setting. However the mature trees will screen views of the development site from the Cottage, and there will therefore be little additional impact on its setting.

Southfield CA is a collection of historic farming hamlets situated on a shelf of the valley slope, and set within an attractive pastoral landscape. It is a locally valued heritage landscape containing a number of listed former farm buildings and quarry workers' cottages, characterised by dry stone walls and hedgerow field boundaries, with taller and more mature trees surrounding the individual settlements. The use of local stone and stone slate - quarried from the immediately surrounding hillsides - adds greatly to the significance. The CA boundary has been widely drawn to include the open fields which contain the historic farming settlements, giving a sense of the original character of the area prior to the industrial expansion of Nelson. The land rises significantly towards the east of the site where it adjoins the CA, and this change in levels goes some way to screening the Southfield CA hamlets from the development site, as do the trees along field boundaries. However it will be important at the detailed design stage to consider the height, massing and materials for the houses, particularly at the edges of the site and closest to the CA boundary to ensure that the setting of the CA and the LB's within it are not compromised. Landscaping will be particularly important to ensure that development edges and views are softened. If such mitigation measures can be

included at the detailed stage there would likely be little impact on the setting of the CA and the listed buildings within it.

PBC Public Rights of Way – Footpath No.65 would form an important pedestrian access point to the site a suitable condition should be attached for improvements to the footpath from the end of Southfield Street. A 2m surfaced footpath should be constructed on the line of footpath 65 within the site. Please attach a note making the developer aware that the grant of permission does not include the right of obstruct or interfere with a right of way.

Coal Authority – No objection subject to a condition prior to the submission of the reserved matters:

- The submission of a scheme of intrusive site investigations for the mine entries for approval;
- The submission of a scheme of intrusive site investigations for the shallow coal workings for approval; and
- The undertaking of both of those schemes of intrusive site investigations.

A condition should require as part of the reserved matters application:

- The submission of a report of findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken;
- The submission of a layout plan which identifies zones of influence for the recorded mine entries on site, and the definition of suitable 'no-build' zones;
- The submission of a scheme of treatment for the recorded mine entries for approval;
- The submission of a scheme of remedial works for the shallow coal workings for approval.

A condition should also require prior to the commencement of development:

- The implementation of those remedial works.

United Utilities – No objection subject to the following conditions: Foul and surface water drainage, sustainable drainage management and maintenance plan.

Environment Agency - No objection subject to the following conditions: Contaminated land investigation. remediation, validation and long term monitoring.

Natural England – No comments.

PBC Public Rights of Way –

Lead Local Flood Authority –

LCC Highways:-

Public Response

Site and press notices posted and nearest neighbours notified by letter. Over 200 objections received on the following grounds:

- The plans do not specify how the emergency access will be protected or policed;

- Will the emergency access be used for conduction? We already have HGV's using our street to get to the units off Wenning Street;
- The green space opposite our house is public amenity space. We will still have access? Can we use the resident's parking spaces? None of this is clear;
- The land is full of becks and old mine works we are worried this will hamper natural drainage and increase the potential for flooding;
- The site is a haven for wildlife and a precious and peaceful public space which should be available to be enjoyed by all. There are plenty of brownfield sites you can build on;
- Highway safety and extra traffic concerns of existing home owners;
- Restricted access to the development and emergency access;
- Stress on infrastructure e.g. schools, doctors, police (public services);
- The value of the land to residents and community e.g. dog walkers, hikers, joggers;
- Noise pollution of traffic passing residents homes and surrounding wildlife (during building and after completion of development);
- Devaluation of existing properties;
- Building Greenfield sites over existing Brownfield sites;
- Concerns over opportunistic joyriders/street racing;
- Building waste/debris during long-term building phases;
- The site has been selected over the Jimmy Nelson site (plans for which have already been approved);
- There are over 1,000 homes in Nelson either for sale/rent or empty – why are these not being filled?
- Around 2,000 homes already approved for planning in the area so certainly don't need another 200 here;
- Problems in winter – no gritters;
- Will the recently announced £260m in saving cuts by LCC, including £2.8m reduction in highways budget, have any effect on the proposal.
- I would be interested to hear why the Council are pushing for this – what is in it for them? Money?;
- Nothing has altered in the amendments and the original issues raised have not been resolved;
- Residents on Barkerhouse Road have been notified but not residents on my estate who will be impacted on the most;
- The Council should look into investment in Nelson Town Centre first as I cannot see how they would entice people into the area;
- Unnecessary disruption to hedgehog breeding sites and disruption to other wildlife including bats, owls, badgers and deer;
- Potential flood risks due to buildings of impermeable surfaces on flood drainage land;
- Lack of information to residents/communication to residents as well as some people not having any information on the matter despite being affected by the situation;
- Too much noise;
- Destroying countryside;
- Safety on roads for children;
- Pollution from building;

- Eyesore;
- I don't want this development on my doorstep I have bought my house and spent a lot of money on it and now it will be devalued, view will be ruined and traffic will be horrendous;
- Accidents on over congested road;
- Coal mines have not been capped;
- Existing roads are incorrect never mind new roads;
- The way we are going there isn't going to be a spare piece of land left anywhere;
- People are not encouraged to visit Nelson;
- Children and people using the area for walking and horse riding;
- We have farmed the land on grazing licence for the past 30 years and would like to farm it for a further generation;
- Loss of views of fields from adjacent dwellings;
- Increase in crime and anti-social behaviour.
- Have all other HMR reserved housing land areas in Nelson been considered?

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the roles each settlement category will play in future growth. Nelson is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 identifies housing distribution for the M65 Corridor as 70%, the amount of development proposed here is not disproportionate to the level of housing development Brierfield would be expected to provide, as a minimum, over the plan period.

Policy ENV1 of the Replacement Pendle Local Plan seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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

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

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For the M65 Corridor the target for 15 or more dwellings is 0%.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

Policy 17 allocates parts of the site for housing and this allocation remains extant.

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

National Planning Policy Framework

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.

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.

Paragraph 55 states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Paragraph 173 states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Principle of Housing

The majority of the application site is within the settlement boundary of Nelson on an allocated site for housing, only a small area in the south east corner of the site is not within the settlement or allocated. Taking into account that this area is directly adjacent to the settlement boundary, that the site has been deemed sustainable via its allocation in a Local Plan and the proximity of services and facilities, it is not an isolated site for the purposes of paragraph 55 of the Framework. Therefore, in location terms and in terms of the development's contribution to the economic role of sustainable development the proposed development accords with the Framework.

Pendle Borough Council has demonstrated in the Strategic Housing Land Availability Assessment a five-year supply of deliverable housing sites. This site is included in this assessment.

Part of the site is designated as HMR Reserved Housing Land of the Local Plan Proposals Map, the Housing Market Renewal program has been cancelled and the policies in the Replacement Pendle Local Plan relating to it have been superseded by the Pendle Local Plan Part 1: Core Strategy. This designation therefore has no impact upon the proposed development.

Visual Amenity and Landscape Impact

This application is in outline for access only, the design scale and landscaping of the development would be considered in a separate reserved matters application. An indicative layout has been submitted which shows a relatively low density development with a green spaces retained to the north of the site and to the south of the allotments.

The site is located on sloping rural land which rises from Clough Head Beck sloping up to the south east, the most prominent public view across the site would be from Windsor Street / Messenger Street, the approach to the site from the main entrance off Marsden Hall Road South and the public footpaths between the site and Barkerhouse Road to the east. Beyond these points the site would be likely to be completely screened by the existing landform, trees and buildings.

The indicative plans show proposed green open space along the northern boundary of the site which provide a visual buffer and some level of screening with appropriate landscaping between the site and views from the north. In views from the east the development would appear as a natural extension of the existing development, set against existing adjacent residential and industrial development.

Heritage Impact

The settings of two designated heritage assets are potentially affected by this application. The northern boundary of the development site lies close to the Grade II listed Further Clough Head Cottage, and the eastern site boundary adjoins the Southfield Conservation Area. The CA at this point consists of open fields which provide a farmland setting for the historic hamlets at the heart of the CA. There are several listed buildings within these small historic farming hamlets but these are located at some distance from the development site.

A comprehensive Heritage Statement has been submitted

The indicative layout plan shows an existing area of woodland along Clough Head Beck, at the northern edge of the site, to be retained as a green corridor. This would effectively act as a buffer zone and screen views between the listed Cottage and the housing development on the site.

The open space area to the north of the site and surrounding trees would act as a buffer and screen views of the development site from the setting of Further Clough Head Cottage. This would ensure that the development would not result in harm to the significance of the Listed Building.

The eastern boundary of the site abuts fields falling within Southfield Conservation Area. Taking into account that the application site rises steeply up to this eastern boundary the proposed development would not be visible/prominent in views from the wider Conservation Area. It could be ensured at the reserved matters stage with appropriately out, design and landscaping that the development does not result in unacceptable impacts in views

Southfield CA is a collection of historic farming hamlets situated on a shelf of the valley slope, and set within an attractive pastoral landscape. It is a locally valued heritage landscape containing a number of listed former farm buildings and quarry workers' cottages, characterised by dry stone walls and hedgerow field boundaries, with taller and more mature trees surrounding the individual settlements. The use of local stone and stone slate - quarried from the immediately surrounding hillsides - adds greatly to the significance. The CA boundary has been widely drawn to include the open fields which contain the historic farming settlements, giving a sense of the original character of the area prior to the industrial expansion of Nelson. The land rises significantly towards the east of the site where it adjoins the CA, and this change in levels goes some way to screening the Southfield CA hamlets from the development site, as do the trees along field boundaries. However it will be important at the detailed design stage to consider the height, massing and materials for the houses, particularly at the edges of the site and closest to the CA boundary to ensure that the setting of the CA and the LB's within it are not compromised. Landscaping will be particularly important to ensure that development edges and views are softened. If such mitigation measures can be included at the detailed stage there would likely be little impact on the setting of the CA and the listed buildings within it.

Residential Amenity

It is clear from the indicative plans that a residential development of the scale proposed could be accommodated on the site without unacceptable impacts on privacy, overbearing impacts or loss of light to adjacent dwellings. An acceptable degree of residential amenity could also be assured for future residents of the proposed dwellings.

Ecology

An ecology survey of the site has been submitted with the application. This recommends hacks are carried out for nesting birds if the development is carried out within the bird breeding season. It identifies five trees with bat roosting potential, the

report recommends that further survey work is required in order to establish whether bat roosts are present. The tree survey indicates that the five trees would be retained if necessary and accommodations made in the layout at reserved matters stage.

Open Space

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The indicative plans show public open space area within the site which would meet this requirement. The indicated public open space areas would include the area to the north of the site that is designated as open space and therefore it could be ensured that this designation would not be adversely impacted by the layout of the development at the reserved matters stage.

Drainage and Flooding

The applicant has submitted a flood risk assessment for the site. This concludes that the site is not at unacceptable risk of flooding and the increase in surface water runoff from impermeable areas within the site can be acceptably attenuated with a sustainable urban drainage system. The report recommends that inspections and possible replacements of culverts it is proposed to discharge to are necessary. Comments are awaited from the Lead Local Flood Authority.

Education

An education contribution of 76 primary school and 30 secondary school places is necessary to offset the impact of the development on local schools.

The National Planning Policy Framework requires that councils do not impose contributions that would jeopardise the financial viability of a development. The applicant has been asked to provide a viability appraisal of the site to confirm what impact the education contribution would have on viability. The findings of this will be reported separately when the information is received.

Affordable Housing

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For the M65 Corridor the target for 15 or more dwellings is 0%. There is therefore no requirement for affordable housing to be provided on this site.

Highways

A transport assessment has been submitted with the application, this concludes that the proposed development of up to 200 dwellings would not result in an unacceptable impact on the local highway network in operational or highway safety terms. Comments are awaited from LCC Highways.

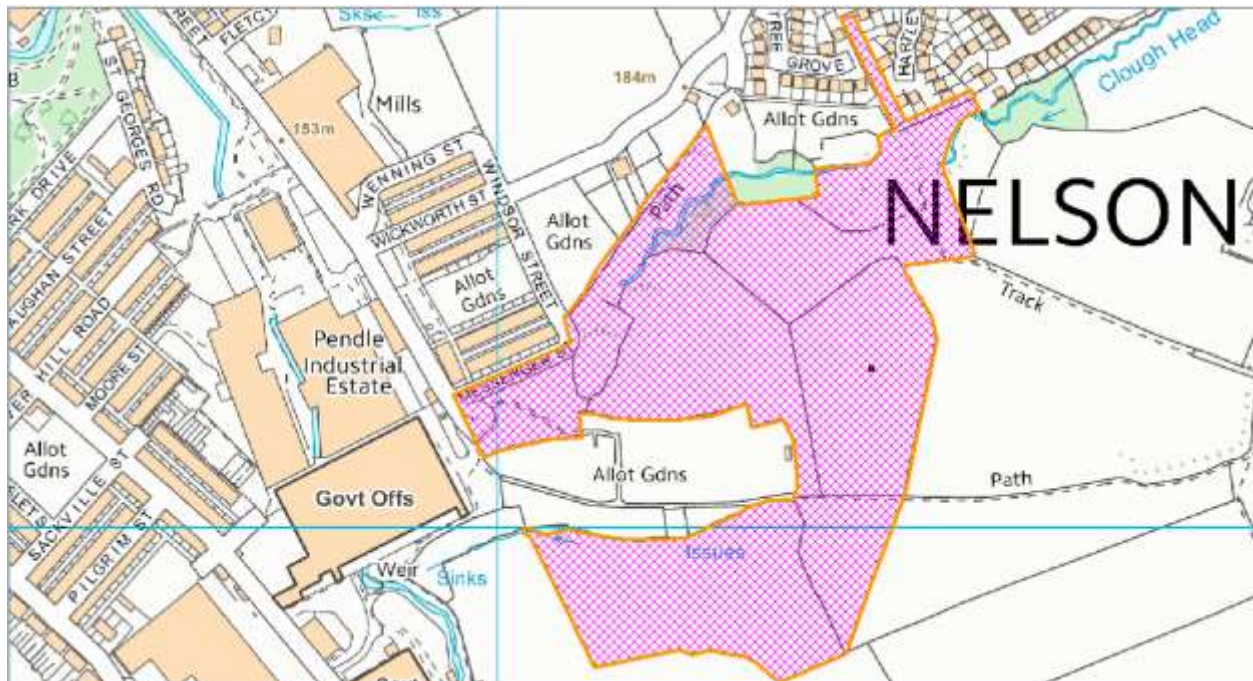
Public Rights of Way

The indicative plans demonstrate that the public footpaths crossing the site can be accommodated within the development without unacceptable impacts upon them. The

development would be likely to increase use of footpath 65 from Southfield Street, it is necessary to require that the footpath is acceptably surfaced through the sit and to t Southfield Street to accommodate the increase in use.

Recommendation

The application is brought before the Area Committee for comment. Those comments will feed into the final report which will make a recommendation to the Development Management Committee. Members are asked therefore to make a resolution incorporating the Committee's comment on the application.



Application Ref: 17/0427/OUT

Proposal: Outline: Major: Erection of up to 200 dwelling houses, with open space provision, estate roads, landscaping and emergency access road with access from Marsden Hall Road (Access only) (Re-Submission).

At: Land At Further Clough Head, Bamford Street, Nelson

On behalf of: Liberata