

22nd April 2022

Pendle Borough Council
Planning, Economic Development & Regulatory Services
Town Hall
Market Street
Nelson
Lancashire BB9 7LG

Our ref: COCK101

By email only

Dear Sir/ Madam,

**PUBLICATION OF THE KELBROOK AND SOUGH NEIGHBOURHOOD PLAN
REGULATION 16 PUBLIC CONSULTATION MARCH - APRIL 2022**

We are instructed by our client YLBD to make representations in response to the submission version of the draft Kelbrook and Sough Neighbourhood Development Plan (Regulation 16 Consultation) ["the draft Plan"].

My client owns land at Cob Lane, Kelbrook which is identified as land to be allocated for housing under draft Policy KS HOU2.

We consider that our client's land has unrivalled merit in the Kelbrook area as an excellent opportunity for high quality housing development, making a valuable contribution to Pendle's housing land supply within the plan period. The draft housing allocation is therefore welcomed and fully supported in principle.

In summary, we support the draft allocation of land at Cob Lane, Kelbrook for housing. However, we request the following amendments to the wording of draft Policy KS HOU2.

Representations

Policy KS HOU2 comprises criteria a-h relating to design, lighting, materials, access, sustainable transport, ecology, green infrastructure and affordable homes (tenure blind).

As drafted the Policy requires that all of the criteria must be met subject to a viability assessment. It is not considered to be necessary for the Policy to refer to the provision of a viability assessment in the event that criteria a – h cannot be met. We consider it more appropriate in planning terms to consider material considerations that may weigh against a particular aspect of a policy rather than relying solely on viability. Viability is simply one consideration. On the basis that planning and development is plan lead it is not considered to be necessary to refer to any or all potential material considerations that need to be considered in the event that criteria a-h cannot be fully met. The first sentence of Policy KS HOU2 should therefore be deleted.

Criteria a: Design

Criteria a) refers to the need to submit 'a specific site-based character assessment undertaken by the applicant' as part of any development proposal. This is typically undertaken as part of a Design & Access Statement. As such it is requested that 'character assessment' be replaced by a requirement to submit a Design & Access Statement.

Based on the wording of the first paragraph of criterion a), paragraphs 2 and 3 comprise unnecessary detail as this will be considered as part of the first paragraph of criteria a). It is essentially repetition and should be deleted.

Criteria b: Lighting

Criteria b) is supported as drafted.

Criteria c: Materials

Criteria c) is supported as drafted.

Criteria d: Access

Criteria d) is supported as drafted.

Criteria e: Sustainable travel

Criterion d) states:

"Where possible, alternatives to car based travel are to be designed into the scheme. In particular green links to public transport and active travel (walking and cycling) are to be promoted through highway design including enhanced links to wider existing, planned and potential active travel networks and public transport links".

The housing allocation is a linear site which is likely to comprise a single row of houses and an internal access road running parallel with Cob Lane. Permission in Principle was recently granted for 9 dwellings and a further recent reserved matter application comprised 10 dwellings (Application ref. 21/0571/REM). It is, therefore, a small development on the edge of a village.

The nearest bus stops are on the A56 which can be accessed on foot/ cycle.

Given the constrained nature of parts of the highway network en route to the A56 it is unclear what is envisaged by way of 'enhanced links', particularly as the built form of the village comprises a tight urban grain and this is part of its defining character. To create any enhanced routes or green networks would require the purchase of third-party land and would also alter the character of the village. It is unclear what is precisely envisaged by the neighbourhood plan group suffice to say that LCC Highways always consider sustainable development as part of its remit as a statutory consultee. In this type of setting this could include the provision of secure cycle storage or EV charging points.

Criteria f: Watercourse

Criteria f) is supported as drafted.

Criteria g: Green infrastructure network

“Proposals should make a positive contribution to the delivery of a high quality multi-functional green infrastructure network including restoring, enhancing or creating linkages to the wider green infrastructure network and the creation of greenspace for amenity of existing and new residents and for biodiversity value”.

As stated previously the site is likely to comprise a small development of approximately 10 dwellings. The scale of the development is such that it would not typically be able to support the delivery of a 'high quality multi-functional green infrastructure network' with the provision of green space for existing and new residents. For public open space to be useful it must be of sufficient size and quality. In this case it is likely to render the development of the site unviable. It is requested that this criterion be deleted.

Criteria h: Tenure blind

It is requested that this criterion be deleted as a policy requirement for development to be tenure blind is required by draft policy HOU 3.

Conclusion

We trust that these representations and our suggested policy amendments, submitted on behalf of YLBD as the owner of the land comprising KS HOU 2 are helpful as part of the independent examination of the draft Plan. The allocation of the site for housing is welcomed and wholly supported in principle.

Should you require any further information or clarification of the points made, please do not hesitate to contact me as my client is keen to realise a successful development for the village of Kelbrook.

Yours sincerely

Deborah Smith MRTPI

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