



Planning Policy
Pendle Borough Council
Town Hall
Market Street
Nelson
Lancashire
BB9 7LG

Our Ref: MJ/RG/G315/L001
Date: 6th December 2024

Issued by Email: planningpolicy@pendle.gov.uk

Dear Sir / Madam

**PENDLE LOCAL PLAN 4TH EDITION (2021-2040) PUBLICATION DRAFT
OBJECTION ON BEHALF OF MARO DEVELOPMENTS LTD IN RESPECT OF OMISSION OF
LAND OFF LAITHE STREET, COLNE AS A HOUSING ALLOCATION**

We are instructed by Maro Developments Ltd to submit the following objection to the above Publication Draft Plan.

This objection relates to the omission of Maro's land to the south of Laithe Street, Colne as a housing allocation capable of accommodating up to 15 dwellings. The site is identified on the enclosed site location plan and below.





To support these representations we are providing :

This covering letter
Site Location Plan

Maro's Objection

Whilst Maro is generally supportive of the overall draft Plan, it is concerned that its land off Laithe Street, Colne has been overlooked in that it has not been allocated for residential development.

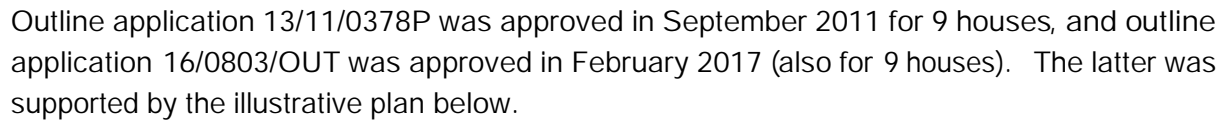
The site in question is located within the urban boundary and surrounded on most sides by housing.



The site has become overgrown by low quality, self seeded vegetation, offering an unkempt and unsightly appearance, serving no meaningful purpose or benefit to the community. In its poor and inaccessible state, it appears as 'blighted' land and would be far better sustainably repurposed to provide up to 15 new homes to assist in boosting Pendle's supply.

The Council is aware that Maro and its various agents have continually promoted site P088 (previously referenced CE122) over past years. For much of that time, the Council has been receptive to the prospect of principle of its residential development and it has been provided a good 'score' in various site assessments over recent years.

The northern part of the site has been the subject of two fairly recent planning permissions for housing, each emphasising the site's appropriateness for such development within the established residential area.





As is evident on the above plan, the site has a frontage to Laithe Street. An existing access runs between the gable end of 25 Laithe Street and our client's site, which could provide access to the proposed houses

Existing development to the north, south and east present gable ends to the site, and the existing development to the west is at a generally higher level. It is therefore suggested – as was accepted when the above applications were approved – that development can achieve satisfactory outlook and privacy standards.

At the time of the 2011 application, the site was subject to an ecology report which showed that the site was of a low grade in ecology terms, with no habitats of significance for bats of other species.

An open watercourse runs across part of the site. We understand that that was the subject of detailed discussion and advice from the EA at the time of the above applications. A detailed drainage plan was prepared and incorporated into the illustrative layout shown above, and we believe that the EA withdrew its objection to the scheme. This suggests that the site can be appropriately drained.

The northern part of the site has previously been assessed in consecutive versions of the SHLAA, formally site ref: CE122 and more recently ref: P088 (see extract below).

6-10 Year Supply

Site Ref	Site Name	Town	6-15 Years			
			6-10 Years No. Dwgs	6-10 Years Site Area	11-15 Years No. Dwgs	11-15 Years Site Area
CE122	Land off Laithe Street	Colne	9	0.23	0	0



The extract below suggests that the site was scored in largely positive terms in respect of its suitability.

Settlement boundary? (S1)		Is the site PDL? (S1)		Can car parking be provided? (S2)		Loss of Employment? (S3)		Protected Employment Area? (S4)		Open Space? (S5)		Main development location? (S6)		Suitable Infrastructure? (S7)		Infrastructure capacity (S8)		Contaminated? (S9)		Topography? (S10)		Flooding? (S11)		Railway (S12)		Bus Stop (score) (S13)		Bus Frequency (S13a)		Primary School (S14)		Secondary School (S15)		Sports Centre (S16)		Doctors (S17)		Hospital (S18)		Local Shopping Centre (S19)		Superstore (S20)		Employment (S21)		Public House (S22)		Corner shop (S23)		Post Office (S24)		Open space (S25)		PROW (S26)		Cycle route (S27)		Adverse impact on CA (S28)		Adverse impact on LB (S29)		Adverse impact on SAM (S30)		Adverse impact on AR (S31)		TPO? (S32)		Ecological? (S33)		Nature Con Designation? (S34)		Adverse impact on SA (S35)		Bad neighbouring use? (S36)		Air quality? (S37)		Coal mining activities? (S39)		Mineral safeguarding area? (S40)		Access (ransom strip) (A1)		Vehicular access (A2)		Visibility splays? (A3)		Currently in use (A4)		Single ownership? (A5)		Competing land uses? (V1)		Market Attractiveness (V2)		Viability? (V3)		Suitability Score		Availability Score		Achievability Score		Total score																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
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At *Annex A* we reproduce the site assessment form, and note that its alleged lack of viability appeared to be viewed as a major impediment. Maro is uncertain why that view was formed, and especially given the two previous planning permissions allied to the fact that Maro – as a successful major developer – has been consistently promoting the site for many years. To bring the Council up to date, Maro has recently agreed terms with a reputable local developer who wishes to bring the site forward for housing in the near future, further undermining the inference that the site is not viable.

The site (both the northern part that has been the subject of permissions and the part to the south) is readily available now, in single ownership, with a committed landowner and very serious developer interest.

The site is in Flood Zone 1 with ‘*very low*’ risk of flooding.

There are no heritage constraints.

There are no serious topographical constraints, and residential development will clearly be compatible with neighbouring land uses.

The site scores well in terms of its accessibility, being close to bus stops, schools, open space, a convenience store, and other shops, services and facilities.



NPPF §70 makes clear the importance of small (and medium) housing sites, stating that:

***‘Small and medium sized sites** can make **an important contribution** to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*

*a) identify, **through the development plan** and brownfield registers, land to accommodate **at least 10%** of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;*

*b) seek opportunities, through policies and decisions, to **support small sites to come forward for community-led development for housing and self-build and custom-build housing***

With that guidance in mind, Maro suggests that its land at Laithe Street is an obvious and ideal contender as a housing allocation for up to 15 dwellings. It is a vacant eyesore site in the heart of the residential area that can readily accommodate a small/medium housing scheme.

Summary of Objection

Maro objects to draft policy AL01 ‘Housing Site Allocations’ in respect of the omission of its land south of Laithe Street, Colne from the list of housing allocations in that policy, based on its good sustainability, immediate availability, viability, relative lack of constraints, single ownership and backing by a committed major development company with a proven track record.

Maro is suggesting that a development of up to 15 homes could readily be accommodated on the site.

Maro also objects to the failure of the Plan to provide any ‘back up’ sites in the event of delays or slippage (which is a common factor of most large strategic sites), and – in such circumstances – its site at Laithe Street is ideally placed to accommodate an extent of any such slippage during the Plan period.

Having regard to the above, it is Maro’s view that the draft Plan is not positively prepared or sound, and that a more thorough and robust site assessment process is called for, which identifies sites – such as their land at Laithe Street – that are genuinely the most sustainable and deliverable options.

NPPF §16 makes it clear that Plans need to:

‘be prepared positively, in a way that is aspirational but deliverable’



NPPF §35 states:

‘Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.’*

It is Maro’s position that omitting good, sustainable sites that can be quickly delivered in favour of arguably less sustainable sites that face issues such as Flood Zone 2 and 3 is **not positive preparation**, and it also raises questions of deliverability.

It is Maro’s position that a Plan that relies on housing allocations that are clearly problematic for technical flood risk reasons when other, arguably more sustainable sites are readily available and not subject to such constraints **cannot be justified**.

Likewise, it is Maro’s position that a Plan based on flawed and problematic allocations, with no allowance for any future slippage in delivery (such as identifying ‘reserve sites’ that could easily cater for such slippage) is **not effective or aspirational**.

It is also Maro’s case that, when less sustainable and problematic sites are proposed to be allocated above more sustainable and less problematic sites (including its Laithe Road site, which has been the subject of two planning permissions) runs **counter to the objective of NPPF** to deliver the most sustainable forms of development.

For those reasons, Maro considers those aspects of the draft Plan to be **unsound**, accordingly objects, and requests that its site at Laithe Street be allocated as a relatively unconstrained, viable housing site for up to 15 homes, which can and will be brought forward quickly by a reputable, committed major developer with a proven track record.



We trust that this objection will be given due consideration, and if the LPA wishes to discuss matters further, please do not hesitate to contact Richard Gee at the above offices.

Yours faithfully
for Roman Summer Associates Ltd



Richard Gee
Director



Annex A SHLAA Extracts

Pendle Strategic Housing Land Availability Assessment

Site Details						
Site Ref: CE122		Site Name: Land off Laithe Street			Settlement: Colne	
Postcode Sector: BB8 8		Ward: Waterside Ward		Planning App: 13/11/0378P		SHLAA Typology: VLNPD
Site Area (gross): 0.2280ha		Indicative No. Dwellings: 9		Indicative Density: 39 dph		Co-ordinates: 388323, 439499
Suitability – location and infrastructure						
(S0) Within a Settlement Boundary?			Yes		(S1) Brownfield / Greenfield? Greenfield	
(S2) Car parking?			Yes		(S3) Loss of employment land? No	
(S4) Protected employment area?			No		(S5) Open space / settlement character? Yes	
(S7) Suitable infrastructure?			Partial		(S8) Infrastructure capacity? Yes	
(S7/S8) Infrastructure comment			Connect to existing networks.			
Suitability – environment and heritage						
(S9) Contamination?		Within 250m buffer			(S10) Topography: Flat	
(S11) Flooding issues / Flood zone:		Not within an identified Flood Zone. No other flood risk issues identified on site.				Flood Zone 1
(S28) Conservation Area:		No	0.16 km	(S29) Listed Building:		No 0.32 km
(S30) Scheduled Monument:		No	1.09 km	(S31) Archaeology:		Potential
(S32) TPO:		No	0.07 km	(S37) Poor air quality:		No
(S33) Ecology:		None identified		(S34) Nature Conservation Designation:		No 0.65 km
(S33/S34) Natural environment comment:		No - there are no designated nature conservation sites on or near this site. The site is not covered by an area of ecological interest (LERN - record). In terms of agricultural classification the site is classed as Urban.				
(S35/S36) Bad neighbour uses and impact on surround area:		No bad neighbouring uses - site surrounded by existing residential properties and allotments. New development is unlikely to have an adverse impact on surrounding uses.				
(S39) Coal Mining:		Potential			(S40) Mineral Safeguarding Area (MSA): No	
Suitability – distance to services (km)						
(S12) Railway station:		0.490	(S13) Bus stop:		0.111	(S13a) Bus stop frequency: <15 mins
(S14) Primary school:		0.738	(S15) Secondary school:		0.988	(S16) Sports/leisure centre: 0.453
(S17) Doctors:		1.305	(S18) Hospital:		2.980	(S19) Town / Local centre: 0.440
(S20) Supermarket/store:		1.544	(S21) Employment area:		0.440	(S22) Public house: 0.507
(S23) Corner shop:		0.173	(S24) Post Office:		0.822	(S25) Open space: 0.000
(S26) PROW:		0.049	(S27) Cycle route:		0.428	
Availability						
(A1) Access issues?		No			(A2) Vehicular access: Moderate/Minor issues	
(A3) Visibility splays / highways issues?		Adequate			(A4) In use? Partial	
(A5) Ownership?		1 owner - Private				
Achievability						
(V1) Competing land use?			No		(V2) Market Attractiveness? Medium	
(V3) Viable?			Not Viable		(V3) Viability Model Ref: Scheme 9	
Comments:		The Council's viability model suggests that this type of site is unlikely to be viable to develop. The planning permission is outline only and a reserved matters application has not yet been submitted.				
Constraints:		Position of the landowner unknown.				
Timescales (No. dwellings)						
Five Year Period					6-10 Years	11-15 Years
2014/15	2015/16	2016/17	2017/18	2018/19	2019-24	2024-29
0	0	0	0	0	9	0



Pendle Strategic Housing Land Availability Assessment

Site Name: Land off Laithe Street

Location: Colne

Site Ref: CE122

Site Area: 0.2280 ha

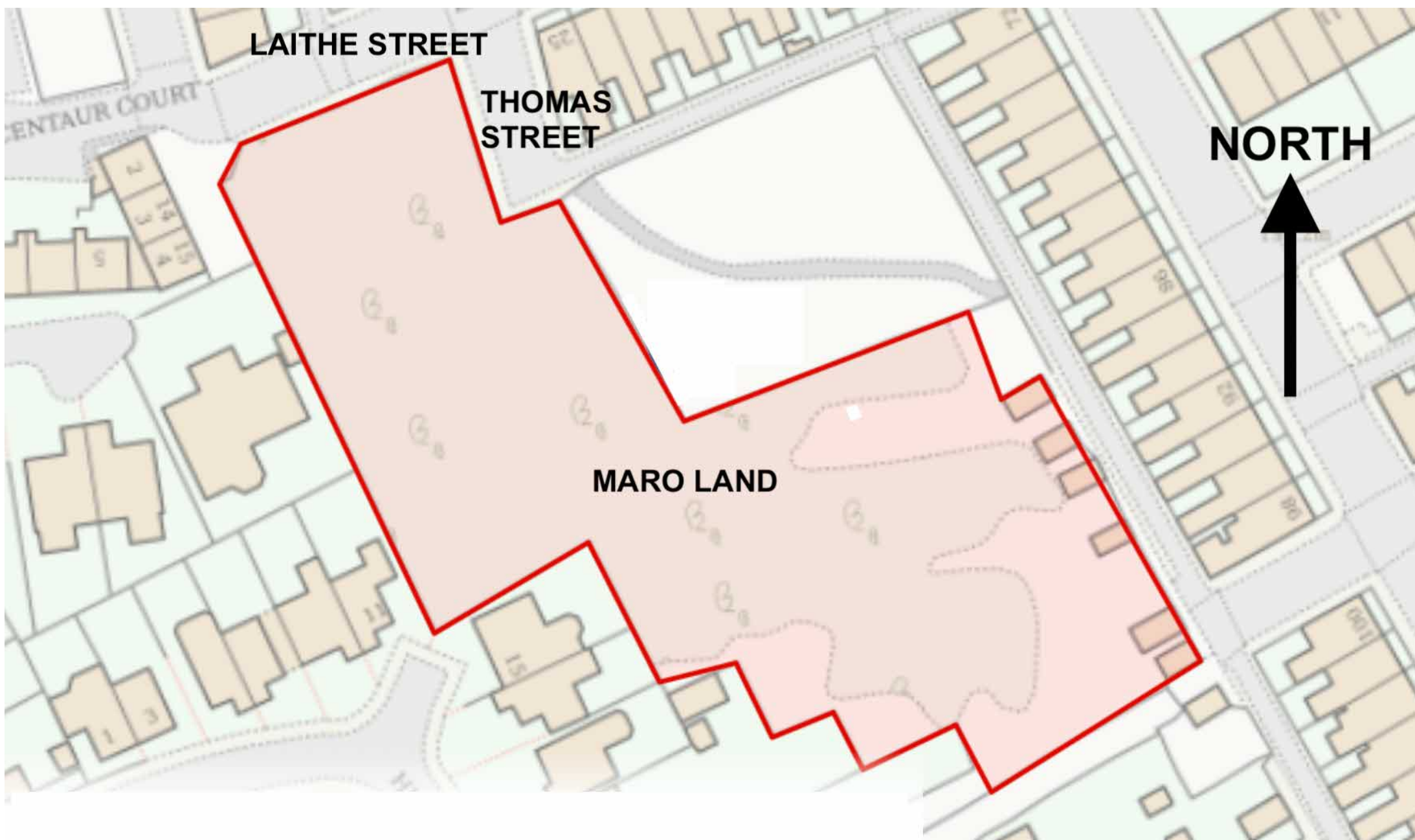
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SITE PLAN - LAND SOUTH OF LAITHE STREET, COLNE





Planning Policy
Pendle Borough Council
Town Hall
Market Street
Nelson
Lancashire
BB9 7LG

Our Ref: MJ/RG/G315/L001
Date: 6th December 2024

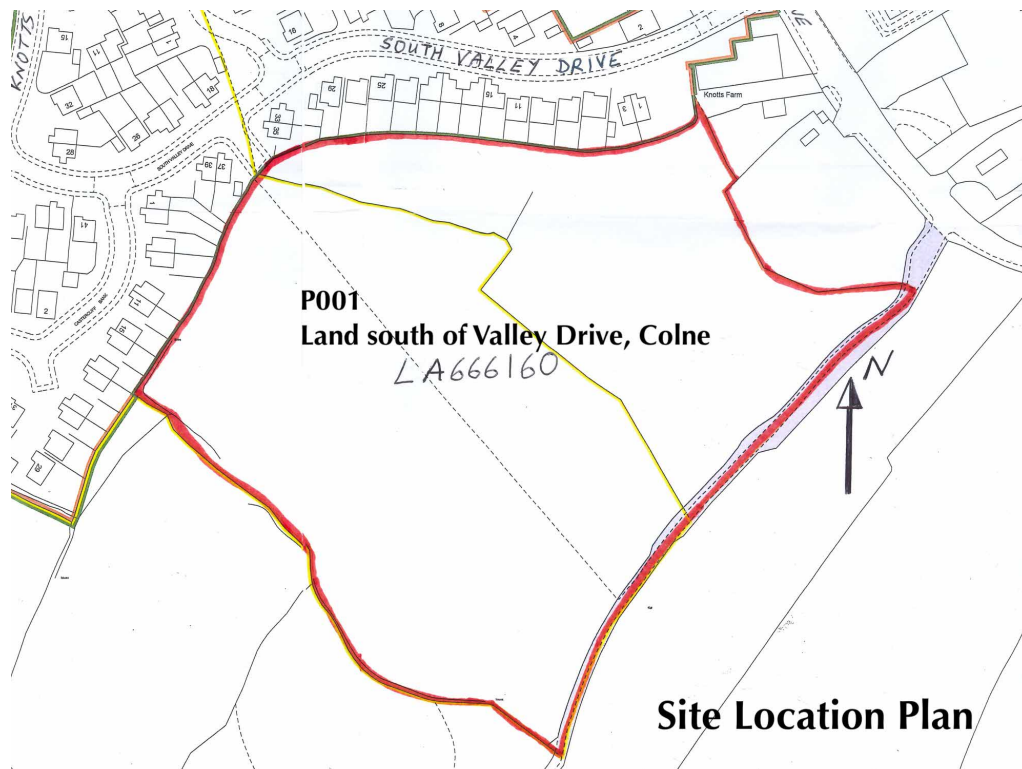
Issued by Email: planningpolicy@pendle.gov.uk

Dear Sir / Madam

**PENDLE LOCAL PLAN 4TH EDITION (2021-2040) PUBLICATION DRAFT
OBJECTION ON BEHALF OF MARO DEVELOPMENTS LTD IN RESPECT OF LAND SOUTH OF
SOUTH VALLEY ROAD, COLNE**

We are instructed by Maro Developments Ltd to submit the following objection to the above Publication Draft Plan.

This objection follows and largely replicates our client's previous objection in August 2023 in respect of the Preferred Options version of the Plan. It related to the omission of the site known as 'Land south of Valley Drive, Colne', which has previously been ascribed reference P001 in the Council's site assessment documentation. The site is identified on the enclosed site location plan and below.





To support these representations we are providing :

This covering letter and its Annexes
Site Location Plan
Drawing ref: SK01 - Option A Sketch Layout

Maro's Objection

Whilst Maro is generally supportive of the overall draft Plan, it is concerned that its land (site P001) appears to have been consistently overlooked and not allocated for residential development. That is frustrating and surprising given the generally positive and supportive reaction the Council has consistently provided, including its encouraging / supportive position during pre-application discussions (see *Annex A*).

Furthermore, Maro is concerned that sites that are arguably less sustainable and subject to greater constraints (such as flood risk) are being promoted as housing allocations. We note that at least two such sites are the subject of live planning applications, one of which quite longstanding that appears to be subject to a strategic objection from the Environment Agency on flood risk grounds. It strikes Maro as odd that – notwithstanding that application – a site that is no better located than P001 and sits within a high flood risk zone has been elevated to a site allocation, when Maro's site (free from all such constraints) has been omitted. This strikes us as an unsound and unsustainable approach in the Local Plan.

Maro is also concerned that the draft Plan lacks ambition and fails to allocate sufficient land for housing, and places heavy reliance on one large strategic site at Trough Laithe (Keld), between Nelson and Barrowford (capacity 500 dwellings). We are aware that planning permission is already in place for part of that site and that the discharge of conditions is underway. That site is therefore very much in the pipeline and appears to be 'active', and Maro raise no particular concern or objection in that regard. However, it is well known that large strategic sites such as that are prone to slippage. Many Local Plans have faltered by adopting an 'all eggs in one basket' approach and not factoring sufficient provision for possible slippage in the delivery of strategic sites.

Maro therefore considers that provision ought to be factored into the Plan for potential slippage on that and other allocated sites, and that its land (site P001) is ideally suited and sustainable to accommodate housing and assist in '*boosting significantly*' the Council's supply.

Even in the event that the Council determines that it has allocated sufficient housing land, we put it to the Council that slippage ought to be factored into the process and that the Plan should allocate 'reserve sites' to fall back on in the event of such slippage.

Site P001 is ideal for such allocation, because not only has it been consistently acknowledged by the Council as a good, sustainable housing site (see for example the pre-application advice recorded below), but it is solely owned and fully backed by a major development company (Maro) with a proven track record for delivering good quality development. This site is therefore available



and deliverable now, and is not fettered or constrained by any technical, environment or capacity / infrastructure factors.

Site P001 and its previous consideration by the LPA and at appeal

The Council is aware that Maro's agents have continually promoted site P001 throughout the formulation of the new Local Plan, and indeed prior to that. The Council has always been receptive to the prospect of principle of its residential development and (as explained below) it has been provided a good 'score' in various site assessments over recent years, including those carried out for the Colne Neighbourhood Plan, the emerging Local Plan and the SHLAA.

Indeed, the site was the subject of positive pre-application dialogue with the LPA in November 2019 (Reference: GEN190147). That feedback was based on a proposal (prepared on behalf of Together Housing) comprising 65 homes in total, consisting of 4 no. semi-detached 2 bed bungalows, 1 terrace of three 2 bed houses, 18 no. semi-detached 2 bed houses, 1 detached 2 bed house, 1 terrace of three 3 bed houses, 30 no. semi-detached 3 bed houses and 6 no. detached 3 bed houses with a mix of affordable rent and shared ownership.

The LPA's pre-application feedback is reproduced in full at *Annex A* of this letter, and it will be seen that – aside from fairly minor comments about the proposed layout – the advice was positive and made it clear that, should an application be submitted (and subject to design adjustments), it would be supported (at least in principle). The pre-application feedback concluded as below:

*'The mix and number of units are appropriate here and subject to design and materials and a more appropriate layout scheme this proposal **would be likely to be supported subject to policy LIV1 prior to sites being allocated in Part 2** of the Pendle Local Plan which is anticipated to be around June 2020.'*

The Site's Previous Allocation for Housing and the outcome of the 2004 Appeal

The site was the subject of a historic outline planning application that promoted 77 houses. The associated appeal (ref: APP/E2340/A/1122601) was dismissed in February 2004.

While that appeal decision was two decades ago, it is worth highlighting certain of the Inspector's comments that we suggest remain very much current / applicable today.

First, the Inspector highlighted that – at the time – the site was allocated for housing in the then adopted Local Plan, and that it had been the subject of outline permission (for housing) granted in June 1990.

Setting aside the fact that the appeal was dismissed (principally arising from now irrelevant changes to Structure Plan policies and Regional Guidance that were being introduced at the time to 'cap' housing development), it is telling – when considering Maro's objection to the emerging Plan – that not only has planning permission been historically granted for housing on this site, but it was also previously allocated as a housing site by Pendle Council (presumably after assessing and identifying it as appropriate for housing). We suggest that that background is an important consideration when considering the scope to allocate site P001 in the new Local Plan.



It is also telling how the Inspector (in 2004) explained the Council's position on the site. At §14 of his decision, he wrote:

'..the Council acknowledges that the principle of residential development on the site is acceptable. There are no objections to the proposed development in respect of highway or landscape matters.'

At §24 of his decision, when considering how the subject site compared to other housing allocations, the Inspector wrote:

'At the Inquiry, I heard considerable submissions about the merits of the various sites compared with the appeal site. From what I heard and subsequently saw, on my visit to all the sites, the appeal site appears to perform as well as the three allocated sites, and better in some respects, having regard to factors as sustainability, visual impact and potential effect on existing open space facilities.'

At §27 (under the heading 'Summary and Conclusions') the Inspector wrote:

'It is clear that the appeal site is acceptable for residential development, in principle, and there are no physical factors, such as access and sustainability, visual impact, or open space provision which would prevent its development, subject to appropriate conditions, in accordance with the adopted Local Plan. The release is blocked by the change of stance of the Council in removing this site from the emerging Local Plan and the inclusion of three other greenfield sites. From what I have seen and heard, these three sites have little to give them priority over the appeal site, other than the Council's own interest in them ..'

Whilst it might be argued that an appeal decision issued 20 years ago should be treated with caution, we contend that the Inspector's conclusion that this site is a good, sustainable and relatively unencumbered housing site rings true to today.

Furthermore, the fact that it had been assessed and allocated by the Council at the time in the adopted Local Plan is yet further evidence of the appropriateness of the site for housing. That appropriateness has not changed over the course of time.

In view of that background, Maro is unclear why its land has been overlooked yet again by the Council; why it has not been allocated for housing (as it was in the past); and why certain sites that appear to be less appropriate and sustainable have been elevated above it and allocated as housing sites.

Strategic Housing Land Availability Assessment (SHLAA) 2022/23

The site's suitability for housing, its achievability, and deliverability by 2040 has been considered in the SHLAA. The full site assessment is provided at *Annex C* of this letter, and it will be seen that it concludes as below:

'Sloping greenfield site on the edge of the settlement boundary. Previously proposed for housing and approved as part of larger scheme. The proposal is accessible to some services and facilities



though changes in topography could encourage travel by car. The site is promoted by a developer, but is in an area which experiences marginal viability.'

We suggest that that summary assessment is somewhat weak and fails to acknowledge the obvious appropriateness of the site for housing. The fact that it is on sloping ground is hardly unusual in the valleyed landscape of east Lancashire, and the suggestion that that might influence choice of travel seems a somewhat throwaway comment and lacks robustness. Added to which, the '*marginal viability*' comment is not explained. Maro considers the site to be a viable proposition and has received serious interest from housing companies expressing interest in taking it forward.

Considering the key assessment criteria, the SHLAA appraisal confirms that the site is readily '*Available*', in single ownership with a committed landowner and developer interest, noting that it is available '*now*'.

In respect of the site's '*Suitability*', the assessment notes that it is in Flood Zone 1 with '*very low*' risk of flooding; that there are no ecological or tree-related constraints; and that – whilst the loss of agricultural land would occur, it is Grade 4 (not BMV). It points to only minor / moderate landscape impacts and no heritage constraints. It notes that there are no / only minor topographical constraints and confirms that residential development will be compatible with neighbouring land uses. It notes that the site scores well in terms of its accessibility, being close to bus stops, schools, open space, a convenience store, leisure centre, and just 850 metres from the Town Centre and Strategic Employment.

In terms of '*Achievability*', it notes that new road and services infrastructure will be required, which is surely common to all housing allocations. It suggests that viability is '*marginal*', but our client is unclear how that conclusion was drawn. The site owner and promoter considers it is perfectly viable.

In overall terms, therefore, it can be seen that the site scored well and was provided with a 'clean bill of health' in the SHLAA, again confirming its appropriateness for housing.

Colne's Housing Sites - A technical assessment in support of the Colne Neighbourhood Development Plan, May 2022

This document did not recommend the allocation of the site, in spite of the site 'scoring' well and better than other sites that are being carried forward as allocations. This is evident in §6.3, which states that:

'the Site Assessments Report 2018 considered the 21 proposed site allocations to be the most sustainable sites in the Colne neighbourhood area. Some of these sequentially preferable sites are in Flood Zone 3A ...'

Again, we question why sites located in Flood Zone 3 are being proposed as housing allocations, given that Maro's land is free from that constraint and scores just as highly in respect of other assessment criteria.



Maro is also concerned that the assessment of its land in this document downplays the credentials of the site in some respects, resulting in an unnecessarily dumbed down end result. Notwithstanding that, the site still scores a healthy and sustainable score of 138.

However, it 'loses' points in respect of its assumed "*Deliverability*". In this regard, in response to the question '*When will the site be available?*' it was scored 2 out of 5 points. We question why, given that it has consistently been presented as a viable option by the landowner as a major, successful development company, and as such it is self evident that the site is deliverable.

Under '*Achievability*' – in response to the question '*Is the site being marketed for proposed use?*' the site scores just 1 out of 5 points. Again we question why? The site might not be being actively and openly marketed, but there is no reason why it ought to be so. It is in the single ownership of a large and active development company which has been actively promoting it for some years, with serious housebuilder interest.

Maro is therefore concerned that the credentials of their site have been artificially and unreasonably underplayed, which has presumably played a part in its non-allocation. This also raises questions about the robustness and reliability of the Council's site assessment exercise, which at face value appears to be flawed.

By way of proxy / comparison, and while this is perhaps a moot point given that planning permission is already in place and construction is ongoing, we note that allocated site P113 Recreation Ground off Harrison Drive (site under construction March 2022) scored just 136 (ie less than Maro's land).

Another proxy, allocated site P037 Land east of Waterside Road scores 134. Again this is lower than Maro's score.

On the face of it, it seems reasonable to question why sites scoring less in sustainability criteria are being promoted as housing allocations, including sites that fall within Flood Zone 3. The obvious purpose of such assessments is to identify the best, most sustainable, most deliverable development options, but we are not convinced that this has been the outcome of the exercise to date. Again, this raises serious questions about the robustness of the Council's site selection process, with a related question about whether the draft plan and its allocations have been '*positively prepared*' and are '*sound*'.

Brief Consideration of Draft Allocations

We have noted that the Plan allocates one very large 'strategic' site, which is (at least in part) subject to planning permission and appears to be active.

Beyond that, the Allocations document (in line with policy AL01) allocates 9 sites (see *Annex D*).

We acknowledge that most of those sites are relatively small and appear to be logical housing allocations, being embedded in the urban boundary and largely surrounded by built development. Maro takes no particular issues with those small sites.



However, two larger allocations stand out as sizeable edge of settlement locations, not dissimilar to Maro's site. Those are referenced as below:

- P067 Land South of Colne Water, Cotton Tree Lane, Colne
- P237 Land at Former Barnsey Shed, Long Ing Lane, Barnoldswick

Colne Water falls in a mix of Flood Zone 2 and 3. We question why the Council is promoting a housing allocation in a high flood zone, given that our client's land (which has historically been accepted as a good, sustainable housing site, including a previous planning permission and housing allocation in a former Local Plan) is wholly in Flood Zone 1.

In terms of the second of those larger allocations, this too is partly in a high flood zone, albeit that affects only the southern part of their land. However, again, no part of Maro's site falls within a high flood zone.

We would contend that, simply because a planning application has been submitted is not a sound reason in itself to allocate a site for housing, and particularly when such sites fall overwhelmingly or partly within high flood zones.

Maro accordingly objects to the proposed allocation of sites P067 and P237 as less sustainable options than Maro's land, and requests that its site (ref: P001) be allocated for housing, reflecting its good sustainability credentials; its immediate availability; its viability; its relative lack of technical and environmental constraints (including flood risk); and having regard to the fact that it is in the sole ownership of a major, committed developer (Maro) with a proven track record of delivery.

In November 2023, our client objected to the proposed designation of its land as Local Green Space. The site had been ascribed reference LGS/LP4/DM12/024 in the Council's site assessment documentation, as identified on the plan below.





It seems that that objection was successful as the site is no longer suggested to be designated as Local Greenspace.

As part of that objection, Maro presented an alternative proposition to the Council and the local community, suggesting that a development of circa 15 homes could be accommodated on the northern half of the site (abutting the existing housing estate), whilst dedicating the remainder of the land (the southern half) to the community in perpetuity.

Maro therefore wishes to reiterate that proposition to the Council, suggesting an allocation in the new Local Plan to reflect it – ie the allocation of the northern half of the site for up to 15 dwellings.

In presenting that scenario, Maro is prepared to not only gift the southern part of its land to the Council, but will also commit to delivering enhancements (subject of course to viability considerations and community input) that we suggest could be of material benefit to both the local community and biodiversity. Such enhancements might include:

- Footpath improvements and maintenance;
- New planting and wildlife protection zone(s), to include community orchard and new trees / shrubs and other plants selected to maximise biodiversity value; and
- Drainage improvements, including scope to create a wildlife pond and perhaps form a 'village green' feature.

The above enhancements will of course need to be viable to Maro as part of any housing development, but the offer to gift the land to the community and in turn guarantee that it will not be developed in perpetuity is a very real and firm offer to the Council and community that could provide betterment.

Furthermore, it is evident that Maro's is capable of accommodating an extent of possible self build housing. Here we note that Policy AL01 allocates only 9 such units over the 20 year Plan period. That equates to provision of less than 1 such home per year, which seems an extremely unambitious target.

The Council's website suggests that – currently – there are only 2 self-build plots being marketed for the whole of Pendle (at Mansfield Crescent, Brierfield):

https://www.pendle.gov.uk/downloads/file/10305/mansfield_crescent_brierfield

It is also worth highlighting that all three small allocations for such housing are located in Nelson. No such sites are allocated in Colne or any other settlement. Given that both Nelson and Colne are identified as Main Towns of equal status in draft Policy **SP02** 'Spatial Strategy', it strikes Maro as odd that no attempt has been made to allocate any self build land in Colne as a main settlement.



Our client considers that extent of self build allocation insufficient. The number of dwellings is far too low and un-aspirational, and the ‘spread’ of opportunities is far too limited for a borough the size of Pendle. Maro accordingly objects to Policy AL01 as underplaying the extent of potential self build housing that the borough might accommodate, and considers that more such allocations, in different parts of the borough, should be included in the Local Plan. It is an obvious point to make that, if the supply of self build allocation is set at an artificially low level, it is hardly likely to inspire or cater for any residents of Pendle who might wish to build their own home.

While Maro is not suggesting that its site should be allocated for self build housing, it is evident that it could potentially accommodate some, reflecting the provisions of Policy DM27 ‘Self-build and custom housebuilding’, which pledges to support such housing where:

It is suitable for housing and within a defined settlement boundary; or

It is located outside but closely related to a defined settlement boundary and its development would not adversely affect settlement character, residential amenity, or access to recreation.

The second of those criteria clearly applies to Maro’s site.

Summary of Objection

Maro objects to draft policy AL01 ‘Housing Site Allocations’ on the basis that this proposes the allocation of land – specifically sites P067 and P237 – that we consider are not the best or most sustainable options for housing. It is unclear why the Council has opted to allocate housing sites in high flood zones, and prioritise those over arguably more sustainably located sites (such as Maro’s land – a previous housing allocation and relatively free from constraints) which do not suffer the same flood risk issues.

Maro objects to the omission of its land (site ref: P001) from the list of housing allocations in that policy, based on its good sustainability, immediate availability, viability, relative lack of constraints, single ownership and backing by a committed major development company with a proven track record.

Maro is suggesting that a development of up to 15 homes could readily be accommodated on the northern half of their site (abutting the existing housing estate), whilst dedicating the remainder of the land (the southern half) to the community in perpetuity.

Maro also objects to the failure of the Plan to provide any ‘back up’ sites in the event of delays or slippage (which is a common factor of most large strategic sites), and – in such circumstances - its site P001 is ideally placed to accommodate any such slippage during the Plan period.



Maro also objects to Policy AL01 as underplaying the extent of potential self build housing that the borough might accommodate, and considers that more such allocations, in different parts of the borough, should be included in the Local Plan.

As part of these representations, we have expressed concern about the Council's site assessment process; we have questioned its robustness and thoroughness; and we have highlighted instances where incorrect assumptions have been made about our client's land which have had the effect of dumbing down its overall sustainability rating.

We have also queried why sites that have scored a lower sustainability score are being promoted as housing allocations.

Having regard to the above, it is Maro's view that those aspects of the draft Plan are not positively prepared or sound, and that a more thorough and robust site assessment process is called for, which identifies sites – such as P001 – that are genuinely the most sustainable and deliverable options.

NPPF §16 makes it clear that Plans need to:

'be prepared positively, in a way that is aspirational but deliverable'

NPPF §35 states:

'Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.'*

It is Maro's position that omitting good, sustainable sites that can be quickly delivered in favour of arguably less sustainable sites that face issues such as Flood Zone 2 and 3 is **not positive preparation**, and it also raises questions of deliverability.



It is Maro's position that a Plan that relies on housing allocations that are clearly problematic for technical flood risk reasons when other, arguably more sustainable sites are readily available and not subject to such constraints **cannot be justified**.

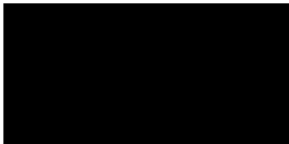
Likewise, it is Maro's position that a Plan based on flawed and problematic allocations, with no allowance for any future slippage in delivery (such as identifying 'reserve sites' that could easily cater for such slippage) is **not effective or aspirational**.

It is also Maro's case that, when less sustainable and problematic sites are proposed to be allocated above more sustainable and less problematic sites (including site P001, which was historically a housing allocation and subject of a residential planning permission) runs **counter to the objective of NPPF** to deliver the most sustainable forms of development.

For those reasons, Maro considers those aspects of the draft Plan to be **unsound**, accordingly objects, and requests that its site (P001) be allocated as a relatively unconstrained, viable housing site for up to 15 homes, which can and will be brought forward quickly by a reputable, committed major developer with a proven track record.

We trust that this objection will be given due consideration, and if the LPA wishes to discuss matters further, please do not hesitate to contact Richard Gee at the above offices.

Yours faithfully
for Roman Summer Associates Ltd



Richard Gee
Director



Annex A

Pre-Application Feedback (Reference: GEN190147)

Kathryn Hughes - Principal Planning Officer.

PREEAPP Reference: GEN190147

Date: 18th November 2019

Residential development at Land at Knotts Lane & South Valley Drive, Colne.

Policy Considerations.

Residential:

The proposals refer to proposed residential development and therefore the following Pendle Local Plan Part 1: Core Strategy (2011-2030) policies would apply:

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

ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and address the risks arising from contaminated land, unstable land and hazardous substances.

ENV7 (Water Management) 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.

SDP2 (Spatial Development Principles) sets out the housing distribution for Pendle. As Colne is M65 Corridor which is classed as a Key Service Centre that provides the focus for growth and can accommodate new development.

LIV1 (Housing Provision and Delivery) sets out the housing requirements for 2011 to 2030 and how this will be delivered. As this site is outside of the settlement boundary it would be reliant on sites not being allocated in Part 2 of the Pendle Local in order to be acceptable. Once this has occurred this element no longer applies. It likely that a draft plan will be produced around summer 2020.



LIV3 (Housing Needs) provided guidance on the housing needs in order to provide a range of residential accommodation. The proposal is for residential development and therefore should meet any identified needs.

LIV4 (Affordable Housing) sets out the targets and thresholds required to contribute towards the provision of affordable housing. No affordable units are required in for M65 Corridor proposals, however, it is understood that all the proposed dwellings would be affordable.

LIV5 (Designing Better Places to Live) requires that layout and types of development reflect the site and the surroundings, to meet borough-wide requirements for housing stock as well providing on-site open space/green corridors. The proposal is for a Major schemes which require on site open space and/or green infrastructure.

Replacement Pendle Local Plan

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

The proposed scheme proposes a total of 65 units consisting of 4 no. semi-detached 2 bed bungalows, 1 terrace of three 2 bed houses, 18 no. semi-detached 2 bed houses, 1 detached 2 bed house, 1 terrace of three 3 bed houses, 30 no. semi-detached 3 bed houses and 6 no. detached 3 bed houses with a mix of affordable rent and shared ownership.

The parking standards require 2 spaces for the 2 bed and 3 for the 3 bed units. Some of the parking spaces appear to be a sporadic especially those close to the access road on plots 1, 32 & 33 and plots 34 - 37, 44, 56 & 60. Spaces should be located as close to the houses as possible in order to avoid potential parking on the highway.

Layout and Design

The proposed scheme proposes a total of 65 units consisting of 4 no. semi-detached 2 bed bungalows, 1 terrace of three 2 bed houses, 18 no. semi-detached 2 bed houses, 1 detached 2 bed house, 1 terrace of three 3 bed houses, 30 no. semi-detached 3 bed houses and 6 no. detached 3 bed houses with a mix of affordable rent and shared ownership. This is acceptable in terms of mix and tenure.

The parking standards require 2 spaces for the 2 bed and 3 for the 3 bed units. Some of the parking spaces appear to be a sporadic especially those close to the access road on plots 1, 32 & 33 and plots 34 - 37, 44, 56 & 60. Spaces should be located as close to the houses as possible in order to avoid potential parking on the highway.

Details of elevations and materials would need to be considered in terms of design with sampled of proposed materials being submitted for approval.



It is understood that the steep bank would be used as open space provision for the site and this would be acceptable subject to an appropriate planting scheme with biological enhancements where appropriate.

The site is a prominent valley side which is visible from many public vantage points and therefore design will be crucial and details of how this has been informed need to be set against a design appraisal mechanism such as Building for Life 12. In terms of landscape assessment this should provide a site specific appraisal submitted with any formal application.

The sustainability of the site would need to be addressed in accordance with NPPF and policy LIV1.

Constraints Issues

Coal Mining, contamination (from both previous uses and nearby landfill) and the watercourse have all raised concerns in the past and therefore these should be fully assessed and satisfied as part of any application.

Public Footpath No. 184 crosses the site whilst Public Footpath No. 183 abuts the application site. Provision should be made within the site for connection with Footpath No. 183 and the wider public footpath network beyond in order to provide connectivity from the site to adjacent footpaths and the open countryside.

Summary

The mix and number of units are appropriate here and subject to design and materials and a more appropriate layout scheme this proposal would be likely to be supported subject to policy LIV1 prior to sites being allocated in Part 2 of the Pendle Local Plan which is anticipated to be around June 2020.

As the proposal would be a Major application in addition to this advice the Local Authority would encourage you to carry out pre-application consultations with LCC Highways and the Lead Local Flood Authority prior to submitting any application.



Annex B

Extracts from Colne's Housing Sites - A technical assessment in support of the Colne Neighbourhood Development Plan, May 2022

Colne Neighbourhood Plan – Site Assessments Report, May 2022

112

Reference	Name	
P001	Land south of South Valley Drive	
0.1	Area (Ha.)	3.48
	Yield (30 dph)	104.40
0.3	Location in relation to settlement	5
	Sub-Total	5
Greenfield/Brownfield		
0.4	Previously developed land?	1
	Sub-Total	1
Availability		
1.2	Owners known	5
1.3	Owned by developer?	5
1.4	Likely to sell or develop?	5
1.5	Already in Development Plan?	1
1.6	Has it planning permission?	1
1.7	Is it suitable for other form of development?	5
1.8	Likely to be reserved for specialist use?	5
1.9	When will the site be available?	2
1.10	If unoccupied, how long vacant?	
	Sub-Total	29
Achievability		
2.5	Does site have potential to spread further?	5
2.6	Is the site being marketed for proposed use?	1
	Sub-Total	6
Infrastructure		
3.1	Is access constrained?	5



3.2	Is there existing vehicular access?	5
3.3	Is road capacity constrained in vicinity?	5
3.4	Infrastructure (water,elec,gas,tel,sewage,drain)	3
3.6	Topography/engineering needed?	1
	Sub-Total	19
Natural Environment		
3.7	Adverse impact (ecology and biodiversity)?	5
3.8	Priority habitats on or near site?	5
3.9	Adverse impact on wildlife corridor?	5
3.10	Loss of trees under TPO?	5
3.11	Loss of agricultural land?	5
3.13	Loss of open space or green space?	1
3.16	Impact on wider landscape?	2
3.17	Visible from public vantage points?	3
	Sub-Total	31
Heritage Assets		
3.18	Harm to setting of Historical Asset?	5
3.19	Coalescence	5
	Sub-Total	10
Other Environmental Factors		
3.20	Site contamination?	5
3.21	Adverse impact - structures, drainage, land)?	5
3.22	Ex coal workings, workable mineral deposits?	3
3.23	Flood Zone	5
3.24	Surface water flooding?	5
3.26	Adverse impact on surrounding uses?	5



3.27	Nearby noise, light, traffic?	5
3.28	Overall perception of area in vicinity of site?	4
	Sub-Total	37
	Total Score	138



Site Reference: P001

Address: Land south of South Valley Drive

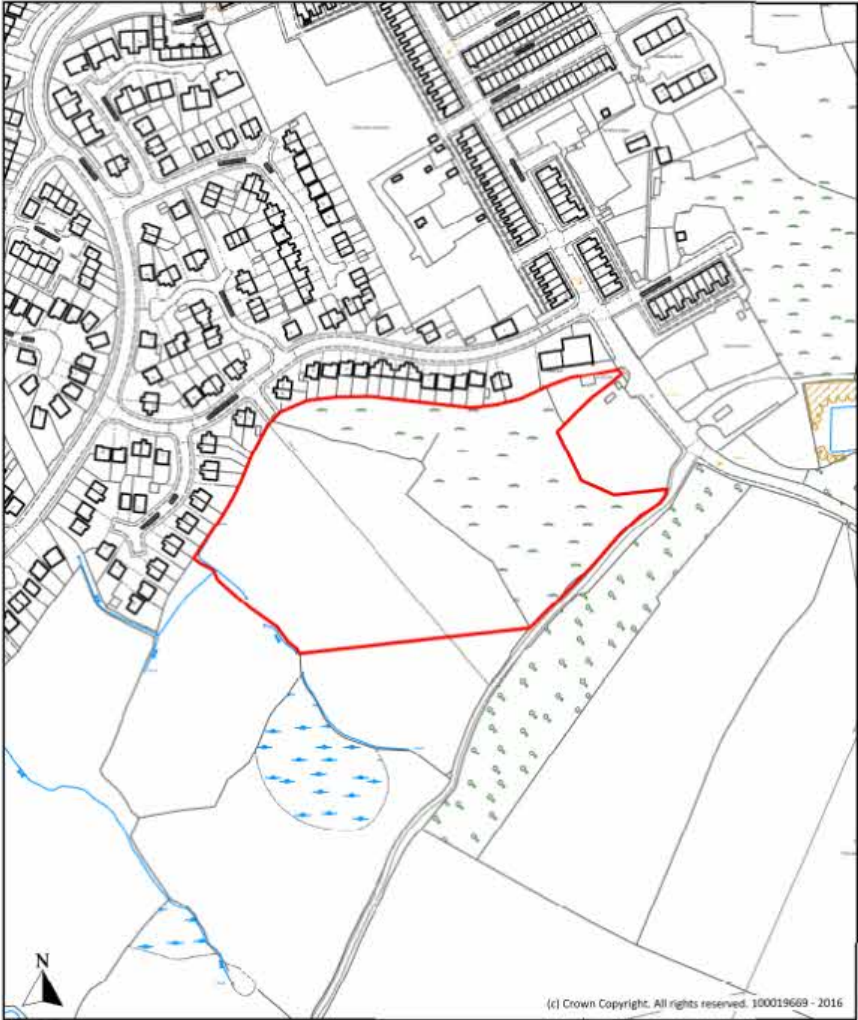

N





Annex C – SHLAA Extracts

P001 Land off South Valley Drive, Colne

Site Details			
Capacity:	60	Settlement:	Colne
Site Area (ha):	2.9	Ward:	Waterside and Horsfield
Site Typology:	Greenfield	Spatial Area:	M65 Urban Area
Planning History:	13/03/0226P (Dismissed)	Date Added:	
Site Plan			
 <p>(c) Crown Copyright. All rights reserved. 100019689 - 2016</p>			
Description			
Land off South Valley Drive, South Valley Drive, Colne		Planning, Building Control & Licensing	
Scale	1 : 2,500	Ref No.	P001
Drawn By	J.B.	Historic Ref	S004
Date	24th October 2016	Town Hall, Market Street, Nelson, Lancashire, BB9 7LG	
		Tel: 01282 661330	

Summary Assessment

Summary: Sloping greenfield site on the edge of the settlement boundary. Previously proposed for housing and approved as part of larger scheme. The proposal is accessible to some services and facilities though changes in topography could encourage travel by car. The site is promoted by a developer, but is in an area which experiences marginal viability.



Available		Suitable		Achievable		
Yes		Uncertain		Uncertain		
Timescales (Anticipated Delivery)						
0-5 years				6-10 years	10-15 years	16 years +
2022/23	2023/24	2024/25	2025/26	2026/27		
0	0	0	0	0	60	0
1. Availability						
Is the landowner(s) aware and supports the proposals for the site?					Yes	
Is the site in single landownership?					Yes	
Is there any developer interest in the site?					Yes	
If so, what is the developer involvement?					Owner	
Is the site affected by any tenancies, third party rights, or restricted covenants?					Uncertain	
What are the timescales for the availability of the site?					Immediately	
2. Suitability						
2a. Designations						
Is the site affected by any of the following designations? (tick all that apply)						
Green Belt	<input type="checkbox"/>	SSSI/SPA/SPAC	<input type="checkbox"/>	Minerals Safeguarding	<input checked="" type="checkbox"/>	
AONB	<input type="checkbox"/>	BHS/SLNI/LNR/GHS	<input type="checkbox"/>	Protected Employment Land	<input type="checkbox"/>	
Open Countryside	<input checked="" type="checkbox"/>	Open Space	<input type="checkbox"/>	Primary Shopping Frontage	<input type="checkbox"/>	
2b. Flooding						
What Flood Zone is the site in?					Flood Zone 1	
What is the risk of Surface Water flooding?					Very low	
What is the risk of groundwater flooding?					Minor Constraint	
2c. Natural Environment						
Is the proposal affected by priority habitats or species?					No	
Would the proposal likely result in adverse effects for an ecological corridor or network?					No	
Would the proposal likely result in the loss of a TPO?					No	
Would the proposal result in a loss of agricultural land?					Yes, Grade 4	
What is the likely affect caused for Landscape Character?					Moderate	
What is the likely affect caused for Landscape Visibility?					Minor Impact	
2d. Built Environment						
Is the proposal likely to affect the historic environment?					No	
Listed Building(s)	<input type="checkbox"/>	Grade:		Conservation Area	<input type="checkbox"/>	
				Other	<input type="checkbox"/>	
Will the proposal promote the coalescence of separate settlements?					No	
2e. Other Environment						
Is the proposal site likely affected by contamination?					Uncertain	
Is the proposal site likely affected by on-site structures, unstable land or culverted watercourses?					Uncertain	
Does the topography of the land constraint development potential?					None/Minimal	
Is the proposal compatible with neighbouring land uses?					Yes	
2f. Accessibility						
Bus Stop Proximity	400m	Service Frequency	40-60mins interval			
Primary School	1.16km	Town or Local Shopping Centre	850m			
Secondary School	1.39km	Strategic Employment Site	850m			



Open Space	0.3m	Convenience Store	460m
Leisure Centre	850m	GP	1.6km
2g. Benefits			
Will the proposal support the delivery of affordable housing?			Uncertain
Will the proposal support the delivery of self-build/custom build homes?			No
Will the proposal provide for any other benefit in additional to housing?			No information.
3. Achievability			
Is the site accessible to the public highway?			New infrastructure required.
Is the site served or serviceable to utility infrastructure?			New Infrastructure Required
Is the site affected by any known easement or a ransom strip?			Uncertain
Is the proposal viable?			Marginal
Is there any prospect for third party funding to support site delivery?			No



Annex D – Draft Policy AL01 ‘Housing Site Allocations’

AL01: Housing site allocations

Policy Text

1. In addition to the strategic housing site at Trough Laithe (Keld), between Nelson and Barrowford (capacity 500 dwellings), to help meet the housing requirement set out in [Policy DM20](#) the sites listed in Table AL01a are allocated for housing.
2. The boundary of each housing site allocation is defined on the Policies Map.
3. Development proposals on allocated housing sites will be required to:
 - (a) Meet the site-specific policy requirements, which follow the Policy Justification.
 - (b) Address the design principles set out in [Policy DM21](#) and any other relevant policies in the Pendle Local Plan, or a ‘Made’ Neighbourhood Plan.
 - (c) The indicative distribution of housing development within each spatial area ([Policy SP03](#)).
 - i. Support the re-use of previously developed land that is of low environmental value and well-served by public transport.
 - ii. Contribute toward improved infrastructure provision ([Policy SP12](#)), including affordable housing ([Policy DM23](#)).

Table AL01a Housing site allocations

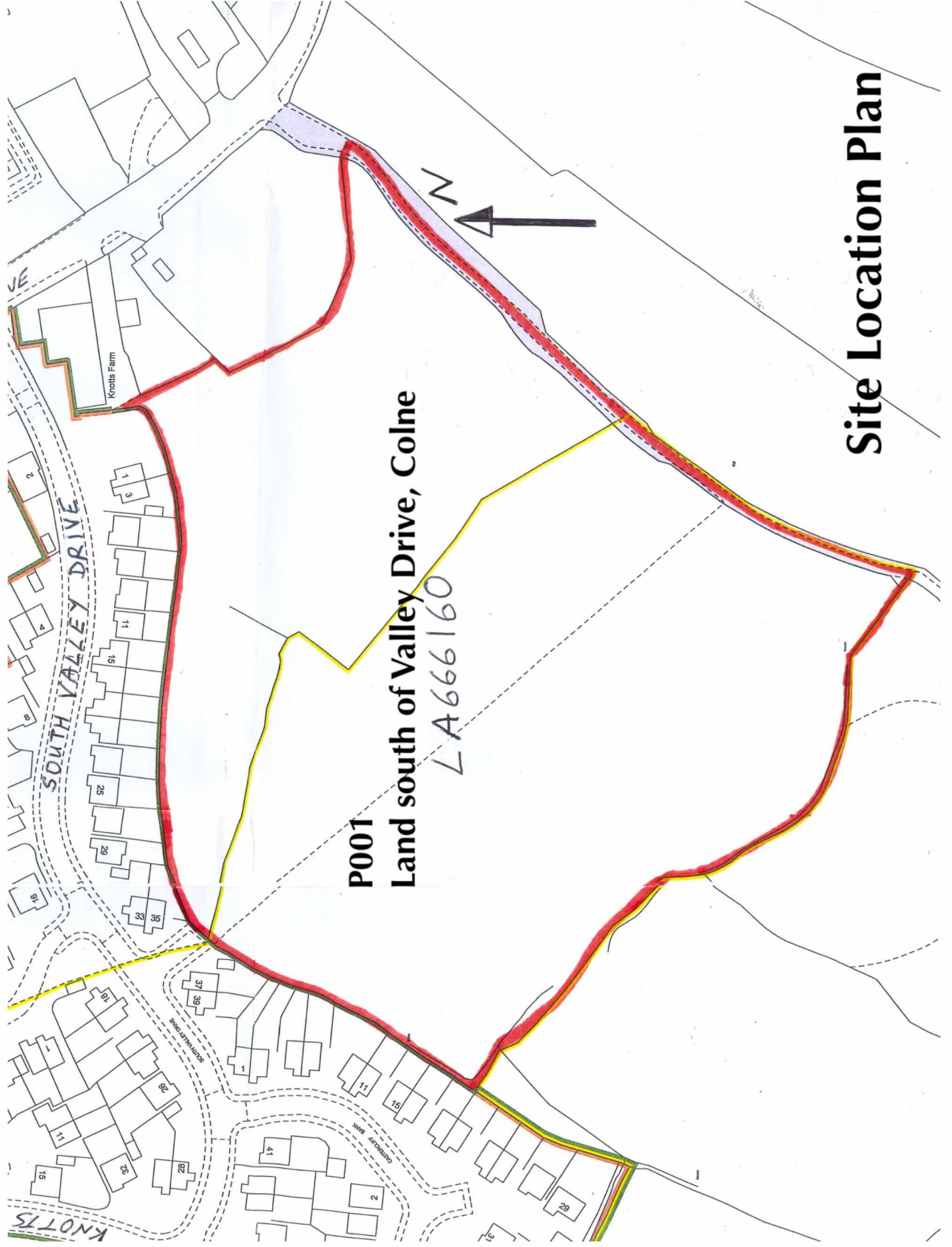
Ref	Site Name and Location	Typology	Area (ha)	Units
P026	Land at former Riverside Mill, Reedyford Road, Nelson	Brownfield	2.79	140
P052	Land at Former Railway Sidings, Railway Street, Brierfield	Brownfield	1.59	40
P060	Land at former Mansfield High School, Taylor Street, Brierfield	Brownfield	1.54	43
P064	Land at Brook Shed, New Road, Earby	Brownfield	1.40	48
P067	Land South of Colne Water, Cotton Tree Lane, Colne	Brownfield / Greenfield	3.48	50
P237	Land at former Barnsey Shed, Long Ing Lane, Barnoldswick	Brownfield / Greenfield	5.07	128
P257	Land at Giles Street, Nelson	Brownfield	0.95	35
P267	Land at former LCC Depot, Halifax Road, Brierfield	Brownfield	0.25	9
P326	Barkerhouse Road, Nelson	Brownfield	0.32	12
Totals:			17.39	505



4. To help meet the borough-wide housing requirement, the sites listed in Table AL01b have been allocated in a 'made' Neighbourhood Plan. Development proposals should respond to the policy requirements set out in the relevant Neighbourhood Plan.

Table AL01b Housing site allocations in neighbourhood plans

Ref	Site Name and Location	Typology	Area (ha)	Units
CNDP6/4	Buck Street, Colne	Brownfield	0.29	10
CNDP6/6	Shaw Street, Colne	Greenfield	0.55	18
CNDP6/9	Thomas Street, Colne	Brownfield	0.15	8
CNDP6/15	Bankfield Street (Bunkers Hill), Colne	Greenfield	1.87	56
KS HOU 1	Dotcliffe Yard, Kelbrook ²	Brownfield	0.16	3
KS HOU 2	Land at Cob Lane, Kelbrook ²	Greenfield	0.68	9
TFNP 009	Land north of Dean Street, Trawden ²	Brownfield	0.70	20
TFNP 011	Land adjacent to 37 Hollin Hall, Trawden	Greenfield	0.18	6
TFNP 012	Land to rear of Black Carr Mill, Trawden	Brownfield	0.14	10
TFNP 014	Land at Hall House Farm, Foulds Road Trawden ¹	Brownfield	0.05	2
TFNP 015	Part Black Carr Mill, Trawden ²	Brownfield	0.42	14
Totals:			5.19	156



Site Location Plan