

REPORT FROM: DIRECTOR (SERVICES) & DEPUTY CHIEF EXECUTIVE
PLANNING AND BUILDING CONTROL MANAGER

TO: DEVELOPMENT MANAGEMENT COMMITTEE

DATE: 23rd February 2015

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 23 FEBRUARY 2015

Application Ref: 13/14/0547P

Ref: 18427

Proposal: Full: Major: Erection of 36 dwellings with access from The Meadows (Resubmission).

At: LAND TO THE NORTH OF THE MEADOWS COLNE BB8 7ET

On behalf of: Beck Developments

Date Registered: 25 November 2014

Expiry Date: 20 January 2015

Case Officer: Kathryn Hughes

This proposal has been referred to this Committee as Colne and District Committee were minded to refuse this application based on design and layout (not in keeping with the local area), highways and access and drainage.

Site Description and Proposal

The application site comprises a square shaped layout with the highway serving The Meadows included within the red edge of the site. It is situated on the northern fringe of Colne. The site is a field that slopes from the south to the north towards Red Lane and is outside the settlement boundary. The site is bounded by houses on the south side and Sacred Heart school on its east. There is a field to the north with houses beyond and a field on the western side.

Great House Farm a Grade II listed building lies 110m north of the site on elevated land above the site.

The site would be accessed from Red Lane along The Meadows with the entrance to the site between nos. 32 and 34.

The land is primarily designated as a 'Protected Area' in the Adopted Replacement Pendle Local Plan with an area of Green Belt land circa 1800 sq/m also within the site. The total site area equates to 1.57 hectares.

The application is submitted in full for the erection 36 no. dwellings which would include 30 houses and 6 bungalows with various house types. A rectangular shaped parcel of Green Belt land in the North West area of the site would be developed as open space.

The application is accompanied by a planning support statement, design and access statement, transport (access) statement, tree survey, stage 1 site investigation, stage 1 nature conservation assessment, flood risk assessment/drainage report, landscape plan, statement of community involvement, project deliverability statement and viability statement.

This application principally differs from the previous application on the following points:

- The mix of housetypes has been changed;
- The layout of the plots and the estate road and access to the open space has changed;
- A footpath is proposed along the southern edge of The Meadows;
- The surface water run off will discharge into the public systems; and

- The number of affordable dwellinghouses has been reduced from six to four.

A supplementary Landscape and Development Context Appraisal has also been submitted together with an updated Planning Support Statement and assessment against the National Planning Policy Statement.

Relevant Planning History

13/14/0154P - Full: Major: Erection of 36 dwelling houses with access from The Meadows - Refused 25th June, 2014.

Planning History for The Meadows:

13/91/0647P - Re-alignment of highway and alteration of field access to from residential access opposite Lynwood Close - Approved 16th December, 1991.

13/91/0745P - Re-alignment of highway and construction of vehicular and pedestrian access to serve residential development - Approved 24th February, 1992.

13/92/0227P - Erect 12 dwellings (phase 1) - Approved 24th August, 1992.

13/93/0089P - Amend condition 3 of Application 13/92/0227P (erect 12 dwellings) - Approved 18th March, 1993.

13/95/0272P - Erect 7 bungalows and 5 pairs of semi-detached houses - Approved 24th July, 1995.

13/95/0502P - Erect 1 detached and one pair of semi-detached houses - Approved 11th January, 1996.

13/95/0567P - Amended housetype - Approved 11th January, 1996.

13/96/0259P - Erect 3 bungalows, 2 pairs semi-detached bungalows and 5 pair semi-detached houses (Phase 2) - Approved 12th June, 1996.

13/97/0213P - Erect 17 dwellings (phase 3) - Approved 5th June, 1997.

Consultee Response

LCC Highways - Please note my comments below. I have asked for changes to the footway construction along The Meadows to accord with LCC specifications and standards.

Accessibility and sustainability

The accessibility of this site falls just into the medium category (21). This is achieved because I have considered that the bus services 95 and 95A (which provide a 30 minute service are hail and ride services) are within the 400m distance from the site normally needed in this environment for accessible bus transport. These services are routed along Burrell Avenue, Birtwistle Avenue, Red Lane and Regent Avenue and it is possible to hail a bus in Red Lane between Birtwistle Avenue and Langroyd Road.

The occupants of this proposed development should be made aware of this facility through

introduction packs provided and paid for by the developer. Please condition this into the planning consent.

The distances discussed in the transport statement (page 25 of the Transport Statement) are not realistic as they consider distances 'as the crow flies'. The distances should be measured along routes that pedestrians can practically and safely use. The 800m distance considered by the developer would include access to the local primary school but not to any other facilities. Also the railway station is a little more than 2km from the site, and not easily within a 2km distance as suggested by the developer.

The conclusion of the developer that there are significant opportunities for travel on foot is disputed.

Again the cycle catchment shown on page 26 is not realistic because it pays no heed to the actual routes that cyclists could use.

Each dwelling should have facilities to securely store at least two bicycles under cover.

The Meadows improvements

A new footway is shown within the existing service strip along the south side of The Meadows and also in the service strip along the road frontage of numbers 32 and 34 The Meadows to the site access.

The drawings indicate that the footway along the south side of The Meadows is not continuous. Where there is a driveway extending into residential properties from the carriageway, no works are proposed and it appears that pedestrians are expected to walk across the end of the drive. This is not acceptable and the footway should comply with LCC specifications and standards. Accommodation works on the private drive ways should be paid for by the developer. I have suggested a condition to cover this.

In addition a raised pedestrian crossing of The Meadows is required as indicated on the drawing.

This work will be subject to a S278 agreement and all costs are to be borne by the developer.

Layout proposals.

Garages should be a minimum of 6m by 3m. Smaller garages are acceptable if secure under cover storage for bicycles is provided within the curtilage of the dwelling.

It would appear that a service strip is required in front of plot 33.

Conditions

Conditions should be imposed with respect to the construction of the development limiting:

- the times of delivery and carting away of plant and materials, particularly with respect to the operation of the primary school in Red Lane,
- parking of operatives and site staff vehicles,
- places for offloading plant and materials
- site vehicles waiting on the public highway.

A condition is required to ensure that new residents are made aware of the hail and ride bus service, as discussed above.

Please conditions relating to wheel washing, highway works for construction traffic, estate road construction, garage doors and footway construction to any grant of permission.

Environment Agency - No objection in principle providing the development is carried out in accordance with the approved Flood Risk Assessment (FRA) produced and the mitigation measures detailed are implemented and submission of a surface water drainage scheme.

United Utilities - In accordance with the NPPF and Building Regulations the site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way. Promote the use of permeable paving on all driveways and other hard-standing area including footpaths and parking areas.

UU have no objection to the proposed development subject to appropriate drainage conditions attached to any approval.

Architectural Liaison Unit

PBC Drainage - The land in question is very wet and has springs and watercourses in it and there has been flooding of existing properties on The Meadows. The existing properties must be protected from flooding when the development is completed and also temporary protection must be in place before the top soil is stripped. The properties are at present protected by a drainage ditch in the land to be developed. This ditch must be maintained or replaced with a similar approved system. The proposed properties must be protected from run off from higher land. Due to unusual circumstances relating to the site, it has been suggested that the surface water can be connected to the public SW sewer. I understand that this has been provisionally agreed with UU. However, the flow attenuation for the site must still be designed as it was connecting directly to a watercourse. This is because the SW sewer is only a short length before joining a culverted watercourse off site.

The design must include suitable access to the watercourses for maintenance purposes. Any modification of the existing watercourse may need approval of the The Lead Local Flood Authority (LCC). There is also a private drain (or 2) running through the land which will have to be considered.

PBC Environmental Health - The development is within half a mile of an Air Quality Management Area (AQMA) and is likely to increase the amount of traffic going through the AQMA. We will shortly be publishing our Air Quality Action Plan (AQAP). We would like an undertaking from the developer to contribute financially to one or more of the AQAP objectives (details to be agreed between the developer and the Public Health Pollution Manager).

PBC Environment Officer - Trees at G1 will have to be removed for access but the arboricultural report finds them to be poor so removal is acceptable. Tree T1 is also shown for removal and, again, this is acceptable given its condition as per arboricultural report.

Previous scheme, I noted that the driveways to plots 30 and 31 extended significantly into Root Protection Area's of trees T6 and T7. The scheme has been amended and the plots are now 20 and 21 but my comments about the driveway construction detail having to be no-dig specification to BS 5837 (2012) still apply. Removal and suitable replacement as previously suggested is probably a better solution.

Recommendations in section 5 of the bat report should be conditioned.

Public Response

Site and press notices posted and nearest neighbours notified by letter.

36 letters, comments and emails from separate addresses have been received as well as a petition with 132 signatures objecting to the proposal on the following grounds:

- the volume of traffic on Red Lane is already significant and poses a serious risk of accidents at peak times and school times;
- the additional homes will infringe on privacy especially over school children and the homes closest to the development;
- the volume of traffic entering the estate will increase and have safety issue on children playing and residents walking;
- all the current houses on The Meadows have either taken the footpaths into their gardens or incorporated it into their drive. This has improved the appearance of the the close and improved safety;
- site is greenfield not brownfield and is wholly outside the settlement boundary;
- impact on protected trees;
- impact on listed building;
- impact on bats and general wildlife;
- this development should not be granted due to negative impact it will have on the school, children, wildlife and community;
- Red Lane is full to capacity and could not handle any more traffic;
- schools in the area are oversubscribed and there are no places in Colne;
- implications of traffic pollution in an overly congested area which is used as a rat run;
- excess water runs down from the fields into our gardens and street;
- the green space is next to a school which has a great outdoor environment where they can play without being overlooked by housing and breath fresh air. The school is in a rural area and should be kept that way;
- there are many brownfield sites available which would benefit from regeneration;
- the introduction of HGV vehicles and heavy machinery will impact on safety and wildlife as well as creating noise pollution and distraction to the school;
- 8 of the proposed dwellings have gardens backing onto the school playing fields;
- impact on residents of The Meadows in terms of physical environmental impact on living space, on the value of properties in their streets and on their emotional well being given the stress that

repeated planning applications must be putting them under;

- I undertook a traffic survey between 8 and 9 am and 2.45pm, by 3.17pm Red Lane was gridlocked with traffic and cars blocking the road;
- 36 new dwellings will have a minimum of two parking spaces suggesting two cars per household resulting in an extra 72 cars adding to the already horrendous congestion issues;
- I previously lived on a Beck Homes site and the workers showed little regard for residents and the lack of road maintenance caused considerable damage to my car. It took five years for this site to be completed as Beck ran into financial difficulties and has to sell the site on;
- I have contacted my solicitor who facilitated the purchase and they have confirmed that neither the developer nor the Council have any right to remove any land to create pavements as the plans suggest. As per the Limitation Act 1980 the land to the front of the property has been in use and maintained by the homeowner for over 12 years as a garden and this land is now the possession of the landowner;
- The development could have a real and detrimental impact on the retention of children at Scared Heart School and the outcome of forthcoming Ofsted inspections due to issues with the outside space;
- Other recent developments still have plots unsold so where is there a need to build more houses where there is a lack of demand;
- hardly any of the reasons for refusal have been addressed. The open space is not situated in a suitable communal position as expected but where the developers are restricted from building. Also the houses are still compacted together and back straight onto the school playgrounds and the traffic issue remains;
- when traffic is parked on the road there is difficulty in getting past;
- access for emergency vehicles would be seriously compromised;
- the footpath on the left hand side is unreasonable as it would affect privacy of these properties;
- there is an increase in delivery vans for goods and services ordered on-line;
- the developer has not changed the control of run off water, to divert surface water into an existing drainage channel which flows into a 12" culvert gives us cause for concern and could flood the community centre;
- my house and garden are situated at a lower level and any building built behind my property would be able to see clearly into my bedroom and kitchen;
- it is a basic right that people have a right to light. It can get quite dark at the rear of my house and adding buildings would magnify this and make my house feel like night time 24/7;
- development on Greenfield should be kept to a minimum and Brownfield should be considered first as this would have less impact on conservation and would improve the appearance of the surrounding area;
- Entry and exit to the proposed 36 houses must have sufficient room on the road to

accommodate the largest of vehicles. The road is only 5.5m wide, 6m is more accommodative plus 10% brings the road to 6.5m. Where will the walkway be? How is a 1.8m going to be safe when the existing is 2m?;

- we understand bungalows are proposed behind the bungalows on The Meadows, what about the other houses that stand in front of those will cause loss of privacy as the field rises;
- the field has natural springs and wildlife and shelter for bats;
- the Spring Field school would become overcrowded or mean other children being sent elsewhere. Why? Local people want their children to be at the nearest school to where they live;
- I fail to see any significant amendment; the access is still unsuitable, no reduction in number or density and residents are still to lose their gardens and parking areas;
- we consider the proposed development to be a direct contravention of the District wide Local Plan "To protect or enhance the local environment, including wildlife habitats, trees and woodland, parks and gardens";
- if these initial plans are passed we would be literally in the middle of a sprawling estate;
- the loss of a large section of established and well tended front gardens in order to widen the road would be heart breaking for the residents, who have spend many hours and large amounts of money making them look attractive;
- the proposed development would have a serious impact on our quality of living - not to mention a substantial drop in the value of our properties;
- the majority of houses on The Meadows have parking for one or two vehicles the alterations to The Meadows means that many families with two cars will find it impossible to park unless they use the road;
- the Council's Local Plan regarding the land concerned was not to be built on until at least 2016;
- where do developers from the houses expect children to go when they reach secondary age?
- there is a large colony of bats residing in the local vicinity;
- need to provide adequate room for emergency vehicles to pass through;
- the road on the new development will allow access for further housing in the future, traffic will increase particularly if it becomes a circular route out to Red Lane;
- whilst this site has been included as an additional site in the SHLAA 2013 update this does not serve as a pre-requisite to planning permission being granted. Indeed development in this location would be detrimental to the overall character of the settlement;
- the area is predominantly open and agricultural in nature and identified as a Protected Area;
- there is already some subsidence to the paving around my house due to water coming off the fields, heavy construction traffic will make this worse;
- the design and access statement indicates compliant access will be provided to all properties to

comply with approved document M but does not mention anything about retaining maximum 15mm high access to driveways for the existing properties at The Meadows;

- the Transport Statement implies that some residents have erected fences/sheds along the drive area reducing the space. I would dispute this;
- if footpaths are to be created using the existing service strips this will effectively lead to shorter driveways and more cars parked on the road reducing the minimum parking requirements for some of the properties;
- the covering letter states four bungalows but the plans indicate six. Once again the developer is giving misleading information and will just do what they want and by way of back door "Amended Schemes";
- The Design and Access Statement states that there are no listed buildings that would affect the development. Great House Farm is a Listed Building and its open aspect will be severely reduced by additional housing being sited within its vicinity;
- the proposed open space is still to the north west of the site and as such is only there to take account of the small area of Green Belt within the site. Tucked away in this locality it is highly unlikely to be any use to anyone;
- the possible footpath/cycle link would be capable of opening up into the adjacent field that is currently owned by Pendle Borough Council and could result in future development. It would be better for all concerned if this land was used access this proposed development and the proposed access from The Meadows limited to emergency vehicles only, similar to May Tree Close in Briercliffe;
- increase traffic flows will result in noise nuisance to existing residents contrary to NPPF para 17 as it will reduce the amenity;
- The Transport Statement is out of date as the number of bus services in the area has been reduced;
- our rear garden has open aspects and the proposal to plant trees will effect out sunlight and well being, the inclusion of the trees means we will effectively have no outlook and does not comply with NPPF Policy 17;
- the layout of the site again puts the open space in the north west corner far away from any potential users of the area;
- Policy 17 supports my comments that there is sufficient undeveloped land within the Colne Settlement Boundary without the need to develop what is a green field site outside the settlement boundary;
- none of the 36 dwellings could be classed as affordable housing and therefore policy IH2 can not be met;
- Local people will not be able to afford these houses and therefore building expensive houses for who do not live in the Borough and want to commute to the cities will create unsustainable development and put pressure on local resources;

- creating houses that "appear" to meet policy for affordable housing causes concern regarding what type of new residents will be driving past our homes and putting the existing residents at risk;
- the land to the rear of The Meadows has many similarities to the Land off Knotts Lane - design, access, protected for future development, outside of settlement boundary and ecology;
- Spenbrook Mill was refused on appeal due to its location and loss of character;
- Land off Windermere Ave is very similar to this site with four applications - dismissed on appeal, withdrawn and refused;
- family cars are wider with a greater percentage having 4 wheel drives, therefore the required width for parking and vehicle passing has increased;
- the council have been aware that this land is being used by the homeowners clearly there has been an error when the houses were built. This should not be back tracked now just to suit a developer;
- The developers were given 6 months to appeal - the residents a few weeks. This is totally unfair practice. An extension for the residents should be given to prepare further comments in the New Year. This would prove that the council are unbiased;
- whilst this site has been included as an additional site in the SHLAA 2013 update this does not serve as a pre-requisite to planning permission being granted. Indeed development in this location would be detrimental to the overall character of settlement;
- The site is a protected area which represent areas of choice for possible redevelopment to meet future long term requirements;
- no evidence has been submitted to justify the development of this site for any identified need;
- It is considered that this site should retain its rural/agricultural character and should be included in the Green Belt in the future Core Strategy;
- the proposed residential development will have a detrimental effect on the character and appearance of the settlement area by extending the whole settlement area and built form further northwards into the countryside;
- the school is small with a predominately open rural aspect this development will enclose the school with built form and will result in the perception of the aspect of the school changing from a rural location to an urban/suburban location;
- the proposal will also result in encroachment into the Green Belt in the form of the area of community open space. Whilst the NPPF allows for outdoor sport and recreation uses, the manicuring of the site will be inappropriate. This constitutes an inappropriate use of the Green Belt which by definition is harmful to the openness and visual amenity of the Green Belt;
- the development will destroy the rural setting of the school and encroach on the privacy and peace of mind enjoyed by the school and its pupils in their private play; and
- it is considered that this would be contrary to policy 29 as it would exacerbate existing problems in the area.

Relevant Planning Policy

Code	Policy
IH1	Housing Land Release
IH2	Affordable Housing Requirements
LP 13	Quality and Design of New Development
LP 14	Trees, Woodland and Hedgerows
LP 16	Landscaping in New Development
LP 20	Quality Housing Provision
LP 21	Provision of Open Space in New Housing Development
LP 3	Green Belt
LP 30	Sustainable Travel Modes
LP 31	Parking
LP 3A	Protected Areas
LP 4D	Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity
LP 6	Development and Flood Risk
LP 8	Contamination and Pollution
LP 9	Buildings of Special Architectural or Historic Interest

Officer Comments

The main issues for consideration are compliance with policy, principle of development, Green Belt, affordable housing, design and layout, impact on amenity, trees/landscaping, ecology, impact on historic buildings, contaminated land, flood risk and highways & parking.

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 NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

National Planning Policy Framework

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.

Paragraph 85 of the Framework states:

- Make clear that safeguarded land is not allocated for development at the present time. Planning permission for the development of safeguarded land should only be granted following a Local Plan review which proposes the development.

Paragraphs 87 and 88 indicates that inappropriate development is by definition harmful to greenbelt and development should not be approved unless in very special circumstances. Very special circumstances will not exist to justify development in green belt unless the potential harm is clearly outweighed by other considerations.

Replacement Pendle Local Plan

The following Policies are wholly compliant with the Framework and as such should be afforded full weight.

Policy 3 (Green Belt) states that inappropriate development will not be permitted in the Green Belt. Appropriate development will only be permitted if the proposal will not be visually detrimental to the Green Belt by reason of its siting, materials or design and will maintain the openness of the Green Belt.

Policy 3A (Protected Areas) states that no development will be permitted which would prejudice the open character of the area or its potential for long term development, during the plan period up to 2016. This has however to be reviewed in the context of the 5 year supply of land position.

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 6 (Development and Flood Risk) does not allow for development that would be at risk of flooding or would increase the risk of flooding elsewhere.

Policy 8 (Contamination and Pollution) states that development will be permitted where there is likely to be no harmful pollution or contamination or a proposed remedial action is sufficient to reduce the risk of pollution.

Policy 9 (Buildings of Special Architectural or Historic Interest) states that the Council will seek to preserve statutory listed buildings and conserve buildings of historic or architectural importance.

Policy 13 (Quality and Design of New Development) states that the Council will protect and enhance the heritage and character of the Borough and the quality of life for its residents by encouraging high standards of quality and design in new development.

Policy 16 (Landscaping in New Development) requires that all development proposals which involve new building include a landscaping scheme sympathetic to the site's character.

Policy 20 (Quality Housing Provision) requires that layout and design reflects the site and surroundings and provides a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

Policy 21 (Open Space) requires that housing proposals of 10 units or more provide an area of open space within the site for play with or without equipment to be conveyed to the Council for

future maintenance. Where it is impractical to provide space on a development the policy allows a sum per unit to be required by the authority for off-site provision.

Policy 30 (Sustainable Travel Modes) supports cycling and the Pendle Cycle Network.

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

2. Principle of Development

The principle of the development of the site is affected by a number of interlinked and sometimes competing issues, all of which are referred to in detail in this section of the report.

Housing Supply

The Frameworks expects LPAs to have a 5 year supply of deliverable sites (para. 49) that provide for a full range of market and affordable housing, with an additional buffer of 5%. The buffer should be increased to 20% for authorities who have persistently under delivered against their targets and, although there is some debate regarding what constitutes "persistent under delivery", the view is taken that the Council falls within this category as there has been consistent under delivery.

The site is included in the SHLAA as a site that will contribute to the provision of housing to meet the needs of the Borough.

The Council has published the Core Strategy and details of the current position in terms of a five year supply of housing land. The view of the Council at present is that there is an available five year supply. This however includes the application site. It is also predicted on the way housing will be delivered as a staggered approach to delivery is proposed in the Core Strategy. The 5.3 year supply of sites available is based on this staggered delivery which still has to be tested at the Core Strategy examination.

The SHLAA has been regularly reviewed to ensure it reflects the most up to date position on the available supply of housing. The housing requirement was reviewed in 2013 with a Strategic Housing Market Assessment being commissioned. This has also been updated in 2014 with the publication of further information on population projections.

The figure that were emerging in 2013 were that the supply of developable sites, this included the requirement for sites to be viable, that were in existing development limits would not be sufficient to provide the 5 year supply that is required under the Framework. As is therefore required under paragraph 47 of the Framework an updated assessment of available land was incorporated into the revised SHLAA. Each of the sites was individually appraised set against detailed criteria.

The situation in Pendle is complex. If sites outside of the existing settlement boundary are excluded from the SHLAA a five year supply of land can not be demonstrated. If that situation were to exist then applications for housing development would be assessed against the policies of the Framework as the policies in the Local Plan relating to housing supply would be out of date. The previous application was not refused on the principle of development and taking into consideration the position set out in this section of the report there would be no policy justification for refusing the application simply because it lies outside of a settlement boundary.

Colne has a strategic importance that makes it a sustainable place in which to locate the additional market and affordable housing required. Furthermore the site is well related to the existing residential developments situated along the northern flank of Colne and to existing shops, schools, bus routes and local employment areas and thus would represent a sustainable form of housing development in terms of travel patterns and relationship to the major settlement of Colne.

Protected Area Status

The majority of the site (circa 1.38 hectares) is designated a protected area (Policy 3A) which would be developed and 0.21 hectares allocated to open space which is green belt land.

The intention of the Protected Areas policy is to retain the openness of the area during the plan period, presenting a choice for possible development to meet future long term requirements. The policy is nearing the end of its life span as the Local Plan is planned up to 2016. The timing of the publication of the Framework in March 2012 and the housing needs that the Council faces, which has increased with another year of under delivery, places significant weight in bringing forward this site for development to meet the housing needs of the Borough.

The *Core Strategy* advises that Protected Areas designation will be replaced in a *Local Plan Part 2: Site Allocations and Development Policies* document. However, given the lengthy course the Core Strategy has taken this document is several years from being prepared, examined and adopted. The continued validity of these designations will ultimately come under scrutiny and its accordance with the Framework.

Pendle Strategic Housing Land Availability Assessment Review 2014 includes the site in its additional site 0-5 year period. The Framework requires local planning authorities to prepare a SHLAA, which is a key evidence-based document which supports the policies in the Local Plan. The Framework (paragraph 159) states that:

“Local Planning Authorities should have a clear understanding of the housing needs in their area. They should: prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.”

The SHLAA is usually updated annually and can be a fluid evidence base in the current climate. It is an important document for the Council to demonstrate a five year housing supply of sites. The Council has underperformed in reaching housing supply numbers in recent years and this is reflected in the clear need to bring additional sites forward including some in Protected Areas. Paragraph 85 of the Framework indicates that protected sites should not be brought forward unless it is part of a local plan review. The paragraph indicates that they should not but does not preclude such sites being brought forward. The Council has taken a holistic view of the development needs of the area in terms of the Core Strategy and has considered via the SHLAA and the strategic housing site proposed how best to meet the five year housing supply necessary for the Borough. A fundamental part of this is the inclusion of some sites that have been protected in the extant Local Plan for consideration for future development to meet the existing housing needs of the Borough. The housing position is that without these sites the Council would not be able to meet its five year needs. There are clearly planning circumstances that would mitigate against refusing this application on a matter of policy principle in terms of its protected status in the existing Local Plan. To refuse on that basis would also undermine the approach to development taken by Council in the publicised SHLAA and the Council's ability to provide a five year supply of deliverable sites.

In the prevailing circumstances the delivery of this site would play an integral part in delivering the housing needs of the Borough taken together the significant needs of the Borough and the under delivery experienced since 2008/9 the development of this site would in principle fulfil the definition of sustainable development set out in the Framework and be a justified departure from policy. It would need to be referred as a departure from the development plan.

3. Green Belt

The scheme proposes the provision of community open space in the area. This needs to be assessed against Policy 3, which is in conformity with section 9 of the Framework. The fundamental aim of the policy is to prevent urban sprawl by keeping land permanently open. No buildings are proposed on this land and the landscaping plan for this area includes mown grass with trees, shrubs and hedges along the boundaries. It would define the edge of the development and the green belt. This aspect of the proposal would maintain the openness of the green belt, provide open space for the enjoyment of the community and would be appropriate development.

4. Affordable Housing Provision & Viability

The Framework maintains the principle of creating sustainable, inclusive and mixed communities and calls for local planning authorities to set policies for meeting identified affordable housing needs on site unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (para. 50). The Strategic Housing Market Assessment identifies that 40% of the housing needed in the Borough should be affordable. This has however to be deliverable in the current housing market. To establish what level of affordable units could be provided on site the developer has undertaken a viability assessment.

The applicant submitted a viability statement which concludes that the scheme can now provide 4 out of the 36 dwellings as affordable housing. Although a different methodology to that used in the Council's viability study has been used the outputs are acceptable and show that 4 units will provide affordable housing without undermining viability. The provision of such housing can be secured by virtue of a planning condition.

5. Design & Layout

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). Policy 13 of the Council's Local Plan seeks to achieve good quality design which is in conformity with the Framework. Therefore the issue of design should be determined in accordance with the relevant development plan policy.

The developer was asked to provide an appraisal of the character of the area in which the development sits. The site has a social housing estate to the south interspersed with the modern development along The Meadows. To the north east is a primary school. From Colne the context of the site is heavily influenced by modern housing and the site is visually well related to this. It is not a site that is prominent from a townscape perspective from the southern directions.

To the north the land rises quickly. Apart from Red Lane the site is not served by public footpaths. It is situated on land generally lower than Red Lane and is not visually prominent. The development would sit comfortably into the landscape and townscape setting from northern vantage points.

The housing on The Meadows comprises bungalows on the northern side and two storey houses opposite laid out in a linear format. The properties are constructed in buff artificial stone with grey concrete tiles with various styles of roof pitches and fenestration. In all, the houses are traditional in form and appearance and represent a suburban housing estate. The proposed two storey housing design would be similar to this in appearance and continue the urban design of house type currently evident on The Meadows which is acceptable in maintaining the existing character. It would be important to define the fenestration of the houses and a recess for windows and doors in order to ensure that the houses have a high quality finish. This can be secured by condition.

The housing provision has been revised in order to provide a more varied layout and housetypes and the provision of appropriate site drainage. As with the previous scheme this maintains adequate separation distances to houses on The Meadows. This scheme improves the orientation of the houses toward the on-site open space provision with changes to the estate road layout making this more accessible.

The proposal offers an acceptable density of housing with a mix of housetypes to be constructed in appropriate materials which will complement the existing estate.

Therefore although the proposal would involve a degree of landscape change the design, materials and scale are acceptable in this location.

The housing development includes an area of open space circa 1,800 sq. m. The land would be grassed and mainly enclosed with existing and new planting. This area would provide an adequate level of open space, equating to circa 11% of the site area.

The Council's Open Space Audit 2008 states that Vivary Bridge ward has a deficiency of play areas in the ward at -0.258. Policy 21 of the Local Plan seeks to improve upon deficiencies of open space in the Borough. In this case the provision of a grassed area would enhance this shortage and thus would be policy compliant. The policy continues to state that the developer will be required to make a payment to the Council to provide for the maintenance of the open space for a period of 10 years. This aspect of the development can be secured by an appropriate site maintenance condition.

The site includes on-site landscaping along boundaries and in gardens of house plots. Each plot has adequate on-site parking provision by the means of driveways and garages to provide sufficient off-street car parking and there is an adequate amount of garden space allocated to each plot and arranged in an acceptable manner.

The design and layout of the proposal would raise no adverse policy issues and subject to external building materials being agreed the proposal would be policy compliant.

6. Impact on residential amenity

Paragraph 59 of the Framework requires that design policies should "concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally". Policy 20 of the Local Plan calls for housing development to reflect site surroundings and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

The housing has been laid out to take account of neighbouring bungalows on The Meadows on the south side of the site. The separation distance to the boundaries of No's. 20-32 is 16m and the total distance to the bungalows is 22m. The land slopes upwards gradually from The Meadows northwards with the difference in land levels changing from approximately 191.5m to 193.5m datum (bungalow to bungalow) as indicated on the submitted cross section plan. Despite the ground level indifference, the relationship to the bungalows would be suitably designed to prevent any adverse impact on resident amenity. The separation distance from revised house type J is also suitably located to prevent impact on the living conditions of No's. 30/32.

Landscaping is shown on the southern boundary with fencing and this would adequately protect the amenity of neighbour's. It should be noted that the scale of trees planted on this boundary would need to take account of light to neighbours rear windows and thus the species need to be agreed which can be secured by an appropriate condition.

On the eastern side of the site there is a school building with outside play areas. The school is situated 25m from the houses which is an acceptable separation distance and there would be no adverse relationship. The gardens are 9/10m long and would have a boundary fence which would protect the privacy of occupants of houses and users of outdoor play areas. Some comments have raised concerns with children being overlooked from these houses. Whilst first floor windows of the houses would face the school, given the separation distances and boundary treatment, this would be an acceptable relationship. In any event, the use of outdoor play areas is an ancillary function of the school and there would be no adverse harm to the use of these areas as a result of the proposed development. The juxtaposition of the school and residential properties is not an

unusual one. There are no material planning issues with the relationship between the development and the school.

A resident has referred to the Human Rights Act and suggested that the scheme would conflict with Protocol 1 Article 1 and Article 8 of the Act. The former states that:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.”

Whilst Article 8 refers to the right to respect for private and family life and states that:

“Everyone has the right to respect for his private and family life, his home and his correspondence.”

The development complies with the amenity standards set out in the Council’s Design SPD. It raises no issues in terms of unacceptable impacts on neighbouring properties and does not conflict with any provision of the Human Rights Act.

7. Air Quality

The applicant submitted an Air Quality Assessment. The conclusion states *the new residential properties are not proposed in an area known to already experience poor air quality and so there is not likely to be a significant increase in the number of people exposed to a problem with air quality.*

The assessment went on to consider whether the proposed development could significantly change air quality during the construction and operational phases, particularly within the recently declared AQMA. The impact of the development is likely to be insignificant given the small scale nature of the proposal.

The Council declared an Air Quality Management Area within the Borough (Colne) in April 2011 due to measured exceedances of the NO₂ annual mean air quality objective. The AQMA includes properties along Windsor Street and Skipton Road, between the junction with Windsor Street/Byron Road and Temple Street/Oak Street and Townley Street. The AQMA is some 0.7miles from the entrance to the site, however, there is a strong likelihood that residents of the housing development would use these routes to other destinations going east on Windsor Street/Byron Road or west via North Valley Road.

The level of traffic that would be added onto the highway network which would affect the AQMA would be small. They would not have any detrimental impact on air quality that would lead to the conclusion that the development should be refused on air quality grounds.

No contribution to the Air Quality Management Action Plan would pass the test of being necessary and should not be required.

8. Ecology

Policy 4D of the Local Plan refers to the safeguarding of legally protected species. Paragraph 118 of the Framework requires LPAs to conserve and enhance biodiversity by refusing planning permission where significant harm resulting from a development cannot be avoided, mitigated or compensated for.

The application is supported by an overall assessment of ecology contained in a Bat Survey (carried out in November 2013 and May 2014) and Extended Phase 1 Habitat Survey and Protected Species Survey. The former was carried in November 2013. It notes *that a sparse line of*

mature trees run in a north westerly line parallel to the south west boundary of the site. Lines of trees can potentially provide a foraging route for bats however the end points and the fact that there are numerous dense groups and lines of trees in the locality which provide a more suitable habitat. The survey concludes that these trees are not providing a habitat for bats and that the development would not impact on any bat population. Therefore overall, it is concluded that the development would be unlikely to have a detrimental effect on the conservation status of local bat populations.

The Habitat Survey has been undertaken to inform the impact on the land and wildlife. The site is dominated by improved/poor semi improved species-poor sheep grazed pasture. An intermittently wet ditch/defunct hedge line with mature trees is present towards the western boundary. In the south west corner a spring emerges and flows as a shallow ditch in a southerly direction to the southern site boundary. A mature beech tree at the southern end of the defunct hedge line supports a hole within the main trunk around 2.5m height. A line of mature trees extends along the northern boundary on Red Lane from Great House Farm to the school and includes sycamore, wych elm, horse chestnut, beech, Norway maple and birch and lime trees. The school has a wildlife area and is semi-formal garden with paths and include native trees and shrubs.

A badger survey was undertaken on the site and found no setts on the site and thoroughly searched for badger pathways and signs of foraging with no sign of badger activity.

The survey also checked for evidence of great crested newts and water vole and concludes that the species are not evident in the area. The trees and shrubs on site have potential to support breeding birds. However, the open space provision and proposed landscaping plan suggested, the impacts of this would be reduced. There are also said to be opportunities for other species to thrive such as Starlings and House Sparrow which tend to fare well following the introduction of new developments.

There are no ecological issues that would mitigate against refusing the application.

9. Trees and Landscaping

The Arboricultural Assessment confirms that a limited number of trees will need to be removed as part of the proposals. None of the trees proposed to be removed are of moderate or better quality. Any trees lost can be offset by the planting scheme proposed on the site and around the community open space.

A landscaping scheme for the proposed development. The scheme proposes an adequate amount of planting for the site which would soften the appearance of the site. Subject to the submission of details and specifications, which can be controlled by an appropriate condition, this is acceptable and accords with policy.

10. Flood Risk, Foul and Surface Water and Water Supply

Policy 6 of the Replacement Pendle Local Plan does not allow for development that would be at risk of flooding or would increase the risk of flooding elsewhere. The Framework sets out a strategy for dealing with flood risk in paragraphs 93-108 inclusive. This strategy involves the assessment of site specific risks with proposals aiming to place the most vulnerable development in areas of lowest risk and ensuring appropriate flood resilience and resistance; including the use of SUDs drainage systems. In this case the site is located within Flood Zone 1.

The scheme has been amended from the previous application in that the surface water drainage is now proposed to enter the main surface water sewer system rather than drain into the culvert which passes under the community centre. United Utilities have accepted this provided the run-off rate can be controlled to an acceptable level. This needs to be controlled by condition.

A Flood Risk Assessment was submitted and found to be acceptable by Environment Agency and subject to conditions the development would not adversely pose a concern of flood risk in the area provided the run-off rate can be controlled to an acceptable level. This would be controlled by the condition mentioned previously.

The site would have a full drainage system installed and this would drain all of the hard surfaced areas. The garden areas of plots 1 -8 and plots 34 - 36 sited to the rear of the bungalows on The Meadows would not pose any potential flood risk.

There are private drains which cross the site relating to the school these will be accommodated within the site or diverted to the proposed system.

Subject to appropriate conditions restricting the run-off rate to an appropriate level then this is acceptable and accords with policy.

11. Contaminated Land

Paragraph 109 of the Framework introduces on contamination and suggests that “the planning system should contribute to and enhance the natural and local environment by [amongst other things] preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”.

Paragraph 120 expands upon this and suggests that “to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

In addition Paragraph 121 states that planning decisions “should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural
- environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.”

A Desk Study Report was submitted with the application and concludes that there would be relatively low risk from contamination at the site. However, in line with Environmental Health Services advice a land contamination condition can be secured to carry out intrusive investigation work and would be necessary for the development to proceed.

12. Historic Buildings

Great House Farm a Grade II listed building is located 110m to the north of the site on Red Lane. This building is enclosed with a timber fence and mature trees. The setting of the building is thereby defined by the boundary treatment and land contained within the garden of the building. The housing site would be separated from the site by a field with circa 75m between. The listed building is also situated in an elevated position from the housing site. Given the separation distances, defined boundary treatment of the listed building and topography of the land, the

development would not adversely impact upon the setting of the listed building.

No assessment has been requested or is necessary in this situation.

13. Highways & Parking

This is a significant concern expressed by residents objecting to the development. The proposal is to access the site off the adopted highway that services the Meadows. A number of policies are relevant to the access, parking and highway design of residential proposals. The Framework through paragraph 35 requires that:

“developments should be located and designed where practical to [amongst other things] give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; and should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones”.

LCC Highways have not objected to the proposed scheme. It is proposed that a footway be constructed on the south side of The Meadows and that the carriageway width remains the same throughout its length.

At present there is a service strip that is available on The Meadows which would allow for the construction of the footpath. Whilst it is acknowledged that some properties have landscaped this area this design solution is not unacceptable and the provision of the footpath would not be detrimental to the character or appearance of the street scene. The provision of footpaths is a normal part of a housing estate and there are no objections to this provision on The Meadows.

The width and design of the access through The Meadows is capable of accommodating the traffic generated by the proposed development which show a maximum peak two way generation of 23 vehicles per hour. The highway network is capable of accommodating this increase in traffic.

Residents have raised concerns over loss of existing parking spaces and this resulting in more cars having to park on the highway. This proposal would not result in loss of any parking spaces on driveway or garages and the approval of permission on The Meadows took account of the parking provision proposed and found this acceptable. All garages on this estate had a condition attached restricting the use of garages for the parking of vehicles only and not for any use which would prevent this in order to prevent the loss of parking spaces.

LCC Highways have advised of conditions that should be attached to any grant of planning permission these have been considered and included below.

The previous application was refused on highway grounds. Members are advised that there is no empirical evidence that the design and capacity of The Meadows and link into the site has any design deficiencies. The Council has recently had costs awarded against it for a refusal on highway grounds that was not based on reasonable evidence.

14. Other Issues

Residents have raised objections to the use of part of their front gardens (service strip) for use for a footpath. The agent advises that they reach a similar conclusion to that of LCC Highways, that it is not possible for adopted highway to lose its status other than by a Stopping Up Order. The proposal therefore to form a footpath as shown on a revised plan, over the service strips would raise no highway concerns as it would be contained within the adopted highway.

There is case law which states that adverse possession of highway land can not occur.

The impact of housing development on house prices is not a planning matter.

Whether or not the development affects the ability of the school to expand is not a relevant material consideration in the application.

15. Conclusion

The proposed development is acceptable in terms of housing development on this site and would not adversely impact on amenity, ecology, air quality, the listed building or Green Belt. The design, materials and layout and proposed open space are acceptable and details of landscaping, contamination, drainage and affordable housing provision can be controlled by appropriate conditions.

Adequate off street parking has been provided and the highway network can accommodate the additional vehicular traffic that will arise from this development.

The proposal therefore accords with local and national policy subject to appropriate conditions.

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. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning 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. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: J341 Access and path option Fig 1, 6024/P/001, 6024/P/002 Rev E, 6024/P/003, 6024/P/004, 6024/P/005, 6024/P/006, 6024/P/007, 6024/P/008, 6024/P/009, 6024/P/010, 6024/P/011, 6024/P/012, 6024/P/013, 6024/P/014, 6024/P/015, 6024/P/016, 6024/P/017, 6024/P/018, 6024/P/019, 6024/P/020, 6024/P/021, 6024/P/022, 6024/P/023, 6024/P/024, 6024/P/025, 6024/P/026, 6024/P/027 & 4618.01 Rev C.

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

3. The development shall not begin unless and until a scheme for the provision of four affordable houses have been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

Reason: In order for the development to contribute to the supply of affordable housing in accordance with the need identified in the Strategic Housing Market Assessment and the National Planning Policy Framework.

4. Prior to commencement of development, a plan and written-brief detailing the proposed phasing of the site shall have been submitted to and approved in writing by the Local Planning Authority. Development shall not commence unless and until the scheme has been submitted and approved. Such detailing shall include details of the works involved in each phase and how each phase is to be completed in terms of the completion of roads , building operations, foul and surface water sewers and landscaping, and each phase shall be substantially completed before the next successive phase of the development is commenced. The approved scheme shall thereafter be carried out in strict accordance with the plan and brief.

Reason: To secure the proper development of the site in an orderly manner.

5. A scheme for the management (including maintenance) of the open space area, shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The approved scheme shall be carried out in full accordance with the agreed scheme before the first dwelling is occupied.

Reason: To ensure the site is properly maintained and managed in the interests of visual amenity.

6. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment,

a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

- 7. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence unless and until a scheme for the disposal of foul and surface water for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 14 l/s. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding

- 8. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Bell Munro Consulting, May 2014, and the following mitigation measures detailed within the FRA:
 - 1. Limiting the surface water run-off to 9 l/s 9 l/s or an alternative rate to be submitted and agreed in writing by the Local Planning Authority so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site; and
 - 2. Private drives are surfaced with permeable block paving and under-drained.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 9. The recommendations outlined in the Bat Survey compiled by ERAP Ltd May 2014 section 5.5 shall be carried out in full before development commences on the site.

Reason: To ensure protection of the habitat of bats which are protected under the Wildlife & Countryside Act, 1981.

- 10. No part of the development shall be commenced unless and until a Construction Code-of-Practice method statement 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.
- d) Methods for dust control and suppression including asbestos controls and undertaking of

regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.

- e) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
- f) Compliance with BS5228: Part 1 1997 to minimise noise
- g) Measures to ensure that there is no burning of waste.
- h) Location and details of site compounds
- i) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- j) Noise-monitoring to be carried out for the construction period.
- k) Parking area(s) for construction traffic and personnel
- L) Details of the provision and use of wheel washing on the site

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).

11. No construction work shall be carried out on the site outside the hours of 8:00 and 17:00 on weekdays and 8:00 - 12:00 on Saturdays.

Reason: In the interests of residential amenity and to safeguard local residents from noise and disturbance.

12. No development shall commence unless and 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.

13. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level to each plot before any development commences on that plot. The final wearing course shall be completed to each plot within 2 years of the substantial completion of each plot or within one week of the substantial completion of the final house on site whichever shall occur first unless another timescale is agreed in writing by the Local Planning Authority. If an alternative timescale is agreed the completion of the highway shall be undertaken in strict accordance with the agreed timescale.

Reason: To ensure that satisfactory access is provided to the site before construction of the development hereby permitted commences.

14. No development shall commence on site unless and until the footway shown on drawing no. J341 Access and path option Fig 1 has been constructed and completed in its entirety in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the footway is installed.

Reason: In the interests of highway safety.

15. Within two weeks of the commencement of development samples of the materials to be used in the construction of the external surfaces of the development hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall then be completed in accordance with the approved details.

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

16. Windows and doors shall be set back from the external face of the walls of the units by at least 100mm in depth.

Reason: To ensure a satisfactory form of development.

17. The garages hereby permitted shall not at any time be used for any purpose which would preclude their use for the parking of a motor car.

Reason: To ensure that there is adequate off-street parking provision within the site to prevent on-street car parking that would be inimical to highway safety.

18. Notwithstanding the submitted landscaping plan, the development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

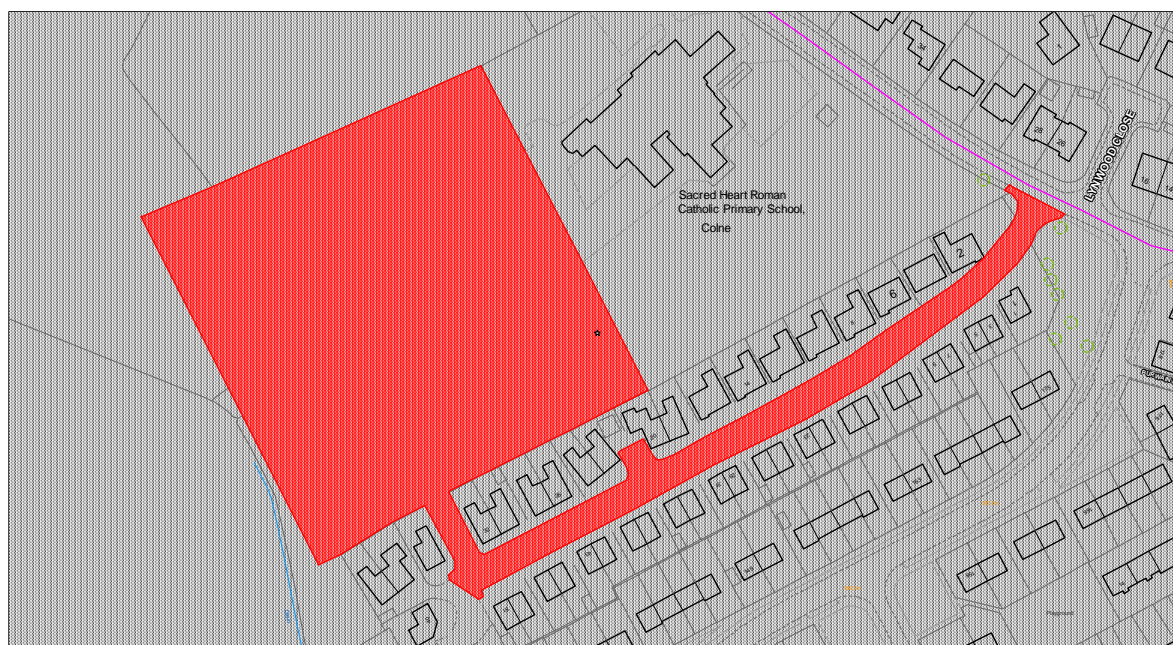
Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings

19. Before a dwelling unit is occupied waste containers shall be provided on each plot.

Reason: To ensure adequate provision for the storage and disposal of waste.

Note:

Note: This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Customer Services at highways@lancashire.gov.uk and on 0300 1236780. Note: The developer shall provide new occupiers of the development details of the hail and ride bus service available in the area.



Application Ref: 13/14/0547P

Ref: 18427

Proposal: Full: Major: Erection of 36 dwellings with access from The Meadows (Resubmission).

At: LAND TO THE NORTH OF THE MEADOWS COLNE BB8 7ET

On behalf of: Beck Developments

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 23 FEBRUARY 2015

Application Ref: 13/14/0555P

Ref: 18435

Proposal: Full: Erection of single detached bungalow with associated curtilage and off street parking area.

At: LAND OFF SKIPTON ROAD BARNOLDSWICK

On behalf of: Langdale 101 Ltd

Date Registered: 28 November 2014

Expiry Date: 23 January 2015

Case Officer: Kathryn Hughes

This proposal has been referred to this Committee as West Craven Committee were minded to refuse this application based on design, cramped form of development, impact on amenity of existing residents and future occupiers of the bungalow.

Site Description and Proposal

The site is located to the north of Barnoldswick and is accessed before Coates Bridge which crosses the Leeds and Liverpool Canal. It is within the defined settlement boundary for Barnoldswick.

The site consists of an area of land covering approximately 0.09ha. To the east of the site lies the Leeds and Liverpool Canal which is a Biological Heritage Site (BHS). The canal is lined by a towpath and a high stone wall. To the west are residential properties which are separated from the site by a stone retaining wall.

An extant permission for three townhouses and four flats has been substantially completed on the northern part of the site (13/07/0292P) which has subsequently been amended by applications 13/09/0403P and 13/10/0035P.

This proposal seeks permission to erect a two bedroomed detached bungalow sited to the south of the site and would measure 10.5m x 20m (including roof overhang) with maximum height of 3m. The accommodation would comprise of a lounge/dining kitchen, bathroom and two bedrooms (one en-suite)

The bungalow would have three allocated parking spaces sited along the north east elevation and garden areas to the east and south elevations.

The proposed bungalow are proposed to be constructed using natural coursed stone, render and Western Red Cedar cladding with a flat Dark Grey polyroof and aluminium clad timber to the windows and doors. A roof overhang on the south elevation would create a canopy area to the garden with bi-fold doors.

Relevant Planning History

13/94/0002P- Outline application for residential development - Refused April 1994.

13/94/0426P- Outline application to erect 14 flats in three blocks - Withdrawn September 1994.

13/94/0511P- Outline application to erect 10 dwellings - Refused November 1994.

13/95/0309P- Outline applications for eight dwellings - Refused on appeal February 1998.

13/96/0088P- Outline application to erect 2 detached houses and 3 pairs of semi detached houses - Approved May 1996.

13/00/0593P- Erect detached house and garage and temporary caravan - Approved January 2001.

13/01/0297P- Erect detached house, renovate existing workshop building to use as storage facility and site temporary caravan - Approved July 2001.

13/03/0316P- Outline application for residential development - Withdrawn June 2003.

13/03/0476P- Outline application to erect six houses -Allowed on appeal April 2004.

13/04/0185P- Outline application for 5 houses and 2 bungalows - Approved May 2004.

13/05/0621P- Erection of a 2 storey block of four apartments, two detached houses and 1 detached bungalow - Refused 27th September 2005.

13/06/0833P- Erect two detached bungalows (with room in roof space) and four three storey town houses - Withdrawn January 2007.

13/07/0109P- Erection of four town houses and two bungalows - Refused April 2007.

13/07/0292P- Erect three two storey town houses and four two storey apartments and group of four garages - Approved June 2007.

13/07/0882P- Erection of 5 no. 3 bedroom town houses and 2 no. 1 bedroom bungalows (Re-submission) (Amended Scheme) - Refused 10th January 2008.

13/09/0403P- Change of house type to plot 1 of planning permission 13/07/0292P - Approved 8th December, 2009.

13/09/0542P- Full: Variation of Condition: Variation of Condition No. 6 "Contaminated land" of Planning Permission 13/07/0292P to read "No dwelling hereby permitted shall be occupied unless and until" - Approved 2nd February, 2010.

13/10/0034P - Variation of Conditions: Removal of Conditions 3 and 4 and variation of Condition 5 of planning application 13/07/0292P - Withdrawn.

13/10/0035P - Change of house type to Plots 2 and 3 - Approved 3rd March, 2010.

13/10/0035C1 - Discharge of conditions 2, 3, 4, 7 & 11 of planning permission 13/10/0035P - Approve discharge of conditions 2, 3, 4, and 11 and refused discharge of condition 7.

13/12/0505P - Erection of detached bungalow (4.08m to ridge) with two parking spaces and landscaping - Refused 6th February, 2013 - Appeal Dismissed.

Consultee Response

LCC Hlghways - Proposed development is erection of a two bedroom bungalow. There is an existing access to the property from Skipton Road. Proposed layout indicates three parking spaces with vehicle turning area within curtilage of the property. Coates Wharf is a private road which serves as an access to several other adjacent properties. During construction there will be

several delivery vehicles, construction equipment, contractors vehicles and trade vehicles visiting the site. All such equipment and vehicles should be parked in such a way that they do not obstruct the normal traffic. The proposed development is unlikely to have a significant effect on the adjacent highway network. There is no objection to the proposed development on highway grounds.

Canal & River Trust - In our response to the planning application (ref:13/12/050P) dated 4 December 2012, we highlighted that as the proposed development is located in close proximity to the Leeds & Liverpool Canal and canal boundary wall, the Applicant needs to fully consider the potential impacts on the canal infrastructure due to the excavation of foundations and we noted that the submitted plans did not assess these issues and there was insufficient information for the Trust to fully comment.

Therefore, we recommended that further information was submitted detailing the works adjacent to the canal, including excavations and foundations, so that the proposed works can be fully assessed by Trust engineers.

Further information was not submitted by the Applicant and we note that the Planning Inspector referred to our concerns in dismissing the planning appeal on 25 November 2013.

In reference to the current scheme, we note that the proposed building will be located further away from the boundary wall with a clearance of two metres proposed. The Applicant also proposes to comply with the Trust's Code of Practice for works affecting the Canal & River Trust.

However, we note that no plans have been produced to indicate the proposed buildings foundations and we recommend that these are submitted prior to the application being determined in order that an assessment can be made on the likely impact on the boundary wall.

The boundary wall forms part of the retaining canal infrastructure for which the Trust is responsible to maintain. Therefore, the Applicant should be aware that we will require access on to the property to undertake any future maintenance works to the wall.

Furthermore, as the site is separated from the canal by the boundary wall and that surface water will be discharged into the mains drainage system, any environmental impacts on the canal will be low. However, we note that the Assessment Report makes reference to the 'Overarching Risk Assessment and remediation strategy report (2010)' which has not been submitted as part of this application. We recommend that this report is submitted in order to show that the impacts of the development on the canal have been fully considered.

UPDATE - The Overarching Risk Assessment has been submitted and is acceptable. The Canal & River Trust agree with the approach set out and recommend that a condition be attached to any approval for the details of the foundations to be submitted for approval prior to commencement.

Yorkshire Water

PBC Environmental Health - Standard land contamination condition required.

PBC Drainage

PBC Footpaths

PBC Environment Officer - No objections although adjacent to the Canal which is a BHS this proposal will not have any impact upon it.

Barnoldswick Town Council - The Committee feel that the property is out of character in its design

and appearance. It is too close to neighbouring properties so therefore will affect the amenity of the nearby homes. A concern was also raised about the proximity of the rear of the property to the canal towpath.

Public Response

Nearest neighbours notified by letter. Four letters and webcomments received from three different properties. Two raising objections to the proposal and one in support.

The objections are based on the following grounds:

- this is and always will be a dangerous entrance/exit with another three cars coming and going will only make matters worse;
- where in this area do we have a likeness to a cross between a Hobbit House and a Butlin's Chalet;
- what has been put in place regarding the maintenance of the wall as it is not in a good state of repair. The wall on the Roundell Road side will not take any amount of disturbance, cracks are already appearing and water seeping through the wall;
- the height of this site in relation to the existing houses would cause an overlooking, overbearing situation;
- canal boats moor at this site and it might deter visitors having people looking in and walkers passing bedrooms;
- I note from the previous appeal dismissal that the inspector does not believe that privacy would be an issue. I do not agree that privacy will be maintained;
- The canal towpath has collapsed adjacent to where this build would take place and flowing water through the retained earth and retaining wall into the gardens of No. 15 and 17. We are working with the Canal & River Trust to resolve this. Any further groundwork will only cause even greater damage to both the earth, the canal towpath and the retaining wall;
- As a regular user of the canal I feel that the proposed building would not be in keeping with the surroundings. It is very close to the canal wall and has very little space surrounding it. I feel this would be an eyesore and appear crammed in to the limited space available;
- the contaminated soil was relocated for gardens around the new build properties.

Comments in support state:

- The proposal will be a welcome addition to the urban landscape. The design of the building in this context would benefit from the addition of a grass or sedum roof to enable it to blend further with the environment;
- Planning conditions should protect access to other properties in this development and ensure minimal disruption to residents;
- My concern is that no damage is done to the private road surface or other amenities funded by residents management charges.

Relevant Planning Policy

Code	Policy
LP 13	Quality and Design of New Development
LP 16	Landscaping in New Development
LP 20	Quality Housing Provision
LP 31	Parking
LP 36	Leeds - Liverpool Canal Corridor
LP 8	Contamination and Pollution

Officer Comments

The main issues to be considered with this application are compliance with policy, principle of housing, impact on residential amenity, layout, design & materials, landscaping/trees and parking

Relevant Planning Policies

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 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.

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.

Paragraphs 214 and 215 deal with the issue of weight to be attached to policies in plan adopted post 2004. Full weight is to be given to them until 12 months after the publication of the Framework i.e. until April 2013. Subsequent to this due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

In relation to design and layout the following paragraphs are relevant:

Paragraph 58 - Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments: -

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;

- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;

And

- Are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 60 - Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 61- Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment

Paragraph 64 - 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. This means that in accordance with the Framework development that is poor design is not sustainable development

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 Council has recently agreed to consult on a revised housing provision figure for the Borough as well as an up to date Strategic Housing Land Availability Assessment ("SHLAA"). The position is that the Council now has an available five year supply of land available for housing.

Pendle has an up to date Local Plan in the Replacement Pendle Local Plan, adopted May 2006.

Replacement Pendle Local Plan

Policy 4D ' Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity' does not allow developments which would adversely impact or harm, directly or indirectly, legally protected species and ensure that biodiversity levels are maintained and where appropriate enhanced. This is addressed in the Ecology section.

Policy 8 'Contamination and Pollution' requires an investigation and assessment of any brownfield application site. This can be controlled by appropriate conditions.

Policy 13 'Quality & Design in new development' seeks to ensure high standards of design in scale with surroundings, trees retained as appropriate with landscaping and sustainable drainage systems considered. The layout should minimise the potential for crime. This is addressed under the Layout, Design and Materials section.

Policy 16 ' Landscaping in New Development' requires that developments provide a scheme of planting which is sympathetic to the area. This is addressed in the Landscaping/Protected Trees section below.

Policy 20 'Quality Housing Provision' requires densities of at least 30 units per hectare on schemes; a mix of house sizes; layouts which provide space and amenity which complement the area with appropriate construction materials. The proposed development would make an acceptable contribution to meeting the Borough's housing needs. This is addressed more fully in the Layout, Design and Materials section.

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.

Principle of Housing

This proposal is for one new build dwelling. The proposed development would make an acceptable contribution to meeting the Borough's housing needs by increasing the supply of housing land. It is located in a settlement and has no designation in the Local Plan.

Design

The proposed bungalow would be set back 2m from the canal wall boundary at its nearest point and 3m from the canal towpath whilst the front elevation would be set back between 2m and 2.4m from the retaining wall to the rear of the properties on Roundell Road. This siting would be more sympathetic to the existing pattern of development and would help to create a more spacious plot in relation to its immediate surroundings. The footprint of the proposed bungalow would be more in keeping with its surroundings and is therefore acceptable.

The proposed bungalow are proposed to be constructed using natural coursed stone, render and Western Red Cedar cladding with a flat Dark Grey polyroof and aluminium clad timber to the windows and doors. Taking into account that the area is of no special designation and that the house would be set well back from Skipton Road.

Concerns have been raised regarding the proposed proximity to the canal and the retaining wall to the rear of Roundell Road. The Canal & River Trust have requested further information in order to establish the exact impact this dwellinghouse could have on the canal infrastructure. No further details have been submitted at this time.

The integrity of the canal is important and the applicant has now demonstrated that the work to develop the property can be undertaken without compromising that integrity.

The Overarching Risk Assessment has been submitted and is acceptable. The Canal & River Trust agree with the approach set out and recommend that a condition be attached to any approval for the details of the foundations to be submitted for approval prior to commencement.

The proposed siting and footprint of the proposed bungalow would allow for sufficient outside space and the proposed distances from the boundary walls results in an appropriate reduction in the amount of built form.

The proposal demonstrates that this development can be carried out without adversely impacting on these structures and therefore accords with policy 13 of the Replacement Pendle Local Plan and para 64 of the Framework in terms of design and layout.

Amenity

The proposed house would be sited to the south of the site. The properties most affected by this proposed development are 9 - 15 Roundell Road.

All four of these properties are sited at a lower ground level than the application site.

No.s 9 and 11 would mainly have the parking spaces and garden area to their rear boundaries with part of the proposed bungalow located to the rear of the garage of no. 11 at a distance of 5m. This is acceptable.

No. 13 would have the proposed bungalow located to its rear boundary with a distance of at least 12m from the rear elevation of no. 13 Roundell Road to the front elevation of the proposed

bungalow. This elevation would have three windows and a glazed entrance door that would serve the entrance hall and bedroom at a distance of 12m from the rear elevation. This is acceptable due to the existing retaining wall and the single storey nature of the proposed bungalow.

No. 15 would have the proposed bungalow located to its rear boundary as well as the garden area sited to the south east. At its closest point the front elevation of the bungalow would be 12.6m from the rear elevation of this property. This part of the front elevation contains two windows which serve the kitchen due to its limited height and the screening afforded by the retaining wall this would be acceptable in terms of impact on amenity.

The site would be clearly visible from public vantage points along the canal towpath to the east. At one point the canal wall is lower with railings above and this is where the bulk of the house would be sited as well as one of the garden areas. Whilst this built form and associated garden paraphernalia would be at odds with the tranquil canal setting there would be some scope for screening along this boundary due to the minimum distance of 4m between the bungalow and the canal wall.

The proposed bungalow would be acceptable in terms of design, layout and material and would provide adequate provision for turning areas for vehicles and would not result in an overbearing impact on any of the neighbouring properties.

The proposed development is therefore acceptable in terms of impact on amenity of adjacent dwellings and any negative impact on the public view points from the canal towpath would be no greater than other residential developments sited alongside the canal.

Trees

Landscaping has been shown on the submitted plans and therefore accords with policy 16 in that respect although provision could be made for more meaningful landscaping scheme in some places. An appropriate form of landscaping framework is important in order to soften the bulk of the built form and reduce the negative impact on the public viewpoints from the adjacent canal towpath.

This can be controlled by an appropriate condition ensuring that the landscaping framework can be achieved without impacting on the retaining walls.

The proposal can therefore accord with policy 16 in terms of providing an acceptable landscaping framework.

Highway safety

An appropriate level of off site car parking would be provided for the proposed dwellinghouse in terms of three parking spaces and the submitted layout provides adequate provision for vehicles to manoeuvre and turn within the site and therefore the proposed development is acceptable in parking terms and policy 31.

Summary

The proposal is acceptable in terms of housing policy, impact on amenity and off street parking provision and now demonstrates that the potential impact on the infrastructure of the canal have now been adequately addressed. Therefore this proposal accords with policy 13 and para 64 of the National Planning Policy Framework.

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. The proposed bungalow is acceptable in terms of design, scale and materials and would not adversely impact on amenity of the integrity of the adjacent Leeds-Liverpool Canal. 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. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 plan, 1:500 site plan & 4622-044B.

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

3. 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.

4. The layout of the development shall include provisions for parking of three vehicles and the driveway and car parking area shown on the approved plan shall be laid out, surfaced and be made available for use prior to the dwelling hereby approved being occupied. The car parking shall thereafter at all times remain unobstructed and available for use for parking and turning purposes.

Reason: To ensure adequate off street parking provision in the interest of highway safety.

5. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

Reason: To control foul and surface water flow disposal and prevent flooding.

6. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
 - a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species,

- sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

7. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, E(a) & E(b) of Part 1 and Classes A and B of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

- A) no extensions shall be erected
- B+C) no alterations to the roof of the building shall be carried out
- D) no porches shall be erected
- E(a)) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the building
- E(b)) no containers for the storage of oil or gas for domestic heating purposes shall be installed within the curtilage of the building

Part 2

- A) no gates, fence or wall structures shall be erected within the curtilage of the building
- B) no means of access shall be constructed to the curtilage of the building

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

8. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-
 - a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
 - b) A comprehensive remediation scheme which shall include an implementation timetable,

details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

- 9. No development shall commence unless and until full details and specification of the proposed foundations to be used in the construction of the proposed development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: In order to ensure a satisfactory form of development which shall not adversely impact on the integrity of the adjacent canal.



Application Ref: 13/14/0555P

Ref: 18435

Proposal: Full: Erection of single detached bungalow with associated curtilage and off street parking area.

At: LAND OFF SKIPTON ROAD BARNOLDSWICK

On behalf of: Langdale 101 Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NW/HW

Date: 11th February 2015