

**REPORT FROM:** PLANNING, BUILDING CONTROL AND LICENSING SERVICES  
MANAGER

**TO:** DEVELOPMENT MANAGEMENT COMMITTEE

**DATE:** 25<sup>th</sup> January 2016

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications

## REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 25 JANUARY 2016

**Application Ref:** 13/15/0327P

**Ref:** 18862

**Proposal:** Outline: Major: Residential development of up to 500 no. dwellinghouses with associated infrastructure, open space and landscaping (access only off Barrowford Road).

**At:** LAND AT TROUGH LAITHE BARROWFORD NELSON BB9

**On behalf of:** Peel Investments (North) Ltd

**Date Registered:** 13 July 2015

**Expiry Date:** 7 September 2015

**Case Officer:** Kathryn Hughes

This proposal has been referred to Development Management as Barrowford and Western Parishes Committee were minded to the refuse the proposal on the following grounds:

- Highway Impact
- Flooding
- Loss of Open Space
- Impact on Lomeshaye Industrial Estate
- Impact on Heritage Assets
- Visual Impact and Urbanisation

The application has been referred to the Development Management Committee as none of the reasons for refusal put forward are supported by evidence and a refusal on any of the grounds would be likely to result in costs being awarded against the Council on appeal, particularly as the principle of development has been supported by a Planning Inspector in his report into the allocation in the Core Strategy and that the site was allocated for development by Pendle in the adoption of the Core Strategy on 17<sup>th</sup> December 2105.

### **Site Description and Proposal**

The application site lies to the west of Barrowford and is bounded by housing to the north east, Riverside Business Park and Barrowford Road to the south east, Carr Hall Conservation Area to the south west and housing and Wheatley Lane Road to the north west.

The site area measures 16.93ha and is a greenfield site and lies adjacent to but outside the settlement boundary for Barrowford. The site was designated as a Protected Area with the potential to meet future development needs under former policy 3A of the Replacement Pendle Local Plan. The site is the Strategic Housing Site Allocation in the Pendle Local Plan Part 1: Core Strategy which has recently been adopted by the Council.

The topography of the site is that it slopes down from the north west to south west and has a substantial hollow to the north east of the site. There are various public footpaths which cross the site together with overhead lines. There are also many mature trees within the site some of which are protected by Tree Preservation Orders. These are mainly concentrated on the east side of the site.

The site is located to the north east of Carr Hall and Wheatley Lane Road Conservation Areas and to the north east of the Grade II listed Laund Farmhouse.

This proposal seeks outline consent for residential development of up to 500 dwellinghouses on the site together with associated infrastructure, open space and landscaping. Vehicular access would be via Barrowford Road with a potential a bus exit only onto Wheatley Lane Road.

The only fixed parameter of the application is the access into the site all other features and design principles are indicative including the layout which shows one articulation of how the development may be delivered.

The development would provide up to 500 houses to be delivered alongside the remaining phases of Riverside Business Park. A mix of housetypes would be provided including affordable housing. It is anticipated that the residential use will comprise a mix of detached, semi-detached, mews and terraced housing as well as a small proportion of apartments. It is proposed that 20% of the housing provision would be affordable.

The proposed density would, on average, be 40 dwellings per hectare (net of public realm). The agent has suggested that the site could be delivered at a rate of 50 dwellings per annum.

### **Relevant Planning History**

13/92/0216P - Business Park (Outline) - Approved on Appeal (Non-determination) January, 1993.

13/95/0637P - Business Park (Reserved Matters) - Consent Granted - September, 1996.

13/98/0213P - Modify landscape Conditions 1 and 2 13/95/0637 - Approved 1998.

13/03/0680P - Business Park (3.5 hect. ) Housing (2.1 hect.) Outline - Withdrawn.

13/05/0944P - 9 two B1 units (Detailed); 17 B1 units (outline) - Revised Scheme - Appeal Against non-determination - Withdrawn, August, 2006.

13/06/0442P- Erect 9 two storey buildings (3,710 m<sup>2</sup>) for B1 use (Phase 1) and Outline application for erection of B1 office buildings (8 hectares) (Phase 2) - Approved September, 2006.

13/08/0218P - Outline; Major; erect B1 office accommodation including access and layout Approved July 2008.

13/09/0552P -Outline; Major; Develop land as a Business Park (8.86 hec) to provide a maximum of 21,727 sq.m. B1 floorspace (access and layout details only) on land North of Barrowford Road, Barrowford - Approved 8th March, 2010.

13/10/0369P - Outline: Major: Erect 55 bedroomed hotel, Pub/Restaurant (768 sq m), Creche (500 sq m) and two office buildings (890 sq m each) (Access and Layout Only) - Approved 14th September, 2010.

13/13/0462P - Extension of Time: Extend time limit of Planning Permission 13/10/0369P for Major Outline development for a hotel/pub/restaurant, crèche and two office buildings - Approved 11th November, 2013.

13/15/0111P -Extension of Time: Major: Extend time limit of Planning Permission 13/09/0552P for Outline: Major: Develop land as a Business Park (8.86 hect.) to provide a maximum of 21,727 m<sup>2</sup> B1 floor space (Access and Layout details only) - Approved 18th May, 2015.

## Consultee Response

United Utilities - No objection subject to the inclusion of conditions relating to phasing, general drainage, foul drainage and surface drainage.

National Grid - No objections.

Health & Safety Executive - The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major Hazard sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using PADHI+, HSE's planning advice software tool, based on the details input by Pendle Borough Council. Only the installations, complexes and pipelines considered by Pendle Borough Council during the PADHI+ process have been taken into account in determining HSE's advice. Consequently, **HSE does not advise, on safety grounds, against the granting of planning permission in this case.**

LCC Highways - Lancashire County Council (LCC) is responsible for providing and maintaining a safe and reliable highway network. With this in mind, the present and proposed traffic systems have been considered in and around the area of the proposed development.

The Highway Development Control Team is of the opinion that the recent emails and additional information does not address the various issues raised in our reply dated the 4<sup>th</sup> October 2015. The issues raised in our initial reply included Access Strategy, Accessibility and Sustainability, Sustainable Transport, Transport Assessments, The Burnley Pendle Growth Corridor and the Travel Plan.

With regard to your email dated the 8<sup>th</sup> December 2015 regarding the attached site access modelling notes: -

The Highway Development Control Team has checked through the site access modelling notes regarding the site access roundabout.

The SCP "Technical Note" is proposing to re-mark the junction to allow both lanes to encourage straight on traffic on the eastern arm. The Highway Development Control Team is of the opinion this doesn't usually work to balance traffic over the two arms of the approach with the majority of straight on vehicles still taking the left hand lane. This is more prevalent where the two lanes merge back into one lane.

Due to changes in funding to the Burnley Pendle Growth Corridor a reduced scheme is being proposed at junction 13 of the M65 with a recommendation of developer contributions to complete the remaining improvement works at the junction. The SCP "Technical Note" does not provide any agreement or proposals to contribute towards the sustainable transport requirements at the roundabout. We are still waiting for LEP financial approval for the reduced scheme and as such our comments may change with a greater requirement for developer contributions towards the roundabout improvement scheme.

With regard to your email dated the 7<sup>th</sup> December 2015, regarding the proposed off-site works. The Highway Development Control Team recommends the following changes to the proposed off-site works:-

- The off road cycle routes are to be shared pedestrian routes and not the segregated routes as shown, this will require changes to the applicants details and the markings and signing on the existing cycle lanes. This is to provide a continuous shared cycle link from Junction 13 to Carr Street and through the applicant's site.

- At the site access roundabout provide a Toucan Crossing as our recommendations dated the 4<sup>th</sup> October 2015 to link the off-road cycle lane and the bus stop with the applicant's site.
- Quality bus stops are required on the two bus stops adjacent to the site access roundabout, as our recommendations dated the 4<sup>th</sup> October 2015. Details are required to show the impact on the off road cycle route.
- At Surrey Road a dropped crossing has been indicted please remove as there is no footpath along the northern kerb line of Barrowford Road.
- The existing advanced direction signs for the site access roundabout to be redesigned to reduce the obstruction of the off-road cycle lane with a clearance of 2.4m.
- On Carr Road provide details for the cycle lane merging back onto the carriageway.
- A controlled crossing is required on Riverside Road, as our recommendations dated the 4<sup>th</sup> October 2015. It is provisionally recommended that the applicant considers a "Zebra for bikes" which is being proposed in the draft regulations that hopefully will be legal by summer next year.

With regard to the email from the applicant on the 7<sup>th</sup> December 2015, forwarded to us on the 9<sup>th</sup> December 2015.

After checking through our records Martin and I do not appear to have received any correspondence regarding this application until Pendle forwarded the details on the 8<sup>th</sup> December 2015.

With regard to our highway recommendations dated the 4<sup>th</sup> October 2015 the following issues are still to be resolved: -

- Sustainable transport links through the site and connectivity with existing definitive footpaths and Wheatley Lane Road.
- The on-road car parking associated with the existing commercial units.
- LCC as a Local Authority have serious concerns regarding the proposal of a single access off Barrowford Road.
- Bus routes through the site and the proposed access details with Wheatley Lane Road.
- Quality bus stops on Whalley Lane.

Section 106 contribution to public transport and contributions to the junction 13 improvements as mentioned above.

LCC Education - The latest information available at this time was based upon the 2015 annual pupil census and resulting projections.

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 109 primary school places. LCC are not seeking a contribution for secondary school places.

Calculated at the current rates, this would result in a claim of:

Primary places:

(£12,257 x 0.9) x BCIS Indexation (319.20 / 288.4 = 1.1067961)  
= £12,209.40 per place

£12,029.62 x 109 places = **£1,330,824.40**

*This assessment represents the current position on 22/12/2015*

### **Expenditure Project**

A specific infrastructure project where the secured education contribution will be spent to deliver additional school places will be provided prior to the Committee decision/completion of S106 agreement. The School Planning Team has confirmed the named infrastructure project for the primary education contribution to provide additional primary school places at Barrowford St Thomas Primary School.

As this assessment has a pending application impacting upon it a recalculation would be required at the point at which the application goes to committee. It is therefore the responsibility of the local planning authority to inform LCC at this stage and request a recalculation in order to obtain a definitive figure.

The claim will be reassessed once accurate bedroom information becomes available.

Architectural Liaison Unit - This planning application consultation is an outline application for up to 500 dwellings on land at Trough Laithe, Barrowford, Nelson. I have conducted a crime and incident search of this policing incident location including Wheatley Lane Road and Barrowford Road and during the period 28/07/2014 to 28/07/2015 there have been reported crimes including vehicle crime.

A development of this scale has the potential to create additional demand on policing services. 500 additional dwellings will result in more people and vehicles in the area creating additional opportunity for offenders. I would ask Planners to consider making security measures a condition of planning. In particular the dwellings should be target hardened from the outset so as to prevent criminal activity such as burglary. Offenders typically target the rear of dwellings therefore it is crucial that doors and windows on rear elevations are enhanced security standards and rear gardens are protected with a 1.8m fencing arrangement.

### **Security Recommendations**

1. Physical Security - The dwellings should be target hardened to enhanced security standards. Part 2 of Secured By Design addresses the physical security of dwellings making forced entry more difficult. Front and rear Doorsets and windows should be PAS 24/2012 standards. Ground floor glazing on side and rear elevations should be laminated.

2. Perimeter Security - The rear of the properties should be protected with a 1.8m close boarded fence arrangement and a lockable gate fitted as flush with the front of the building line as possible that restricts access to the rear of the property.

3. Front and rear doorsets should be fitted with a dusk till dawn light unit and a 13 amp non switched fused spur suitable for an alarm system.

4. Layout – In order to provide safe and sustainable future proof housing schemes Part 1 of Secured By Design should be implemented throughout the 500 dwellings. Encouraging clear lines of sight across the scheme discourages criminal activity. Dwellings should be orientated so that passers-by, both vehicles and pedestrians and occupiers of other dwellings provide natural surveillance over the houses and vehicles. Offenders feel uncomfortable committing crime in an open environment where suspicious activity can easily be seen.

Environment Agency - No objection. We are satisfied that the Environmental Report submitted adequately covers the issues within our remit. It is noted that the surface water drainage scheme

will be implemented in line with the requirements of the Lead Local Flood Authority (LLFA), which we support.

The Environment Report notes the presence of 'gullies' on the site. It is possible that these are Ordinary Watercourses and any works affecting these will need the Consent of Lancashire County Council as the LLFA.

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

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

The LLFA had previously been consulted on the EIA scoping document prior to the formal application stage, comments were provided. The submitted Flood Risk Assessment does refer to the advice given. In addition, on receiving the consultation letter for this outline application the LLFA raised some initial points for clarification. All the matters raised via the Local Planning Authority case officer have now been responded to by the applicant to the LLFA's satisfaction.

## **Flood Risk Assessment**

An important part of the planning application process is consideration of flood risk as detailed under Footnote 20 of Paragraph 103 of the National Planning Policy Framework (NPPF). This is facilitated through a site-specific flood risk assessment (FRA) which is required for this development proposal under any of the following conditions:

- Building or engineering works in zone 2 or 3 of areas at risk of flooding from rivers or the sea
- Building or engineering works on land classified by the Environment Agency as having critical drainage problems
- Changes the use of land or buildings in a place at risk of flooding from rivers or the sea, or with critical drainage problems

Changes the use of land or buildings in a way that increases flood vulnerability of the development where it may be subject to other sources of flooding.

The development proposal is for an area larger than 1 hectare.

The Lead Local Flood Authority advises that flooding from local sources should be also appropriately assessed in the site-specific flood risk assessment in addition to flood risk from fluvial and coastal sources.

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

- 1 in 1 year
- 1 in 2.2 year (Qbar)

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

It is acknowledged that the applicant has submitted an acceptable Flood Risk Assessment.

### **Condition of Culvert: Further Investigation Required**

The FRA indicates that works to and existing watercourse. Further investigations are needed to determine the feasibility of this option.

Subject to the findings of further investigations to establish the condition of the culverted ordinary watercourse, the feasibility of discharging surface water to the culverted watercourse at an agreed acceptable rate may be subject to appropriate mitigation measures and may be subject to an appropriate legal agreement.

### **Water Quality: Water Framework Directive**

Under the Water Framework Directive (WFD), all water bodies should reach 'good ecological status by 2015. No activities or works, including the proposed development, should deteriorate the status of any nearby watercourse as the main objectives for the WFD is to prevent deterioration in 'status' for all waterbodies. The ecological health of any receiving watercourse can be protected by the implementation of a SuDS scheme with an appropriate number of treatment stages that are appropriately maintained. Current WFD ecological status of all assessed water bodies is available on the EA website.

Local government has a major role in delivering and achieving the objectives set out in the WFD and to help the natural and modified environment adapt to the impacts of climate change. One mechanism of doing so is through the planning and development process to ensure that new developments do not pose a threat to water quality. It is recommended that the developer has regard for the WFD in developing a detailed drainage strategy and that the local planning authority considers appropriate conditions to secure this, where applicable.

### **Pollution Prevention to Ordinary Watercourse**

Even if the applicant is not intending to discharge or carry out any works to an ordinary watercourse(s) it is advised to contact the Lead Local Flood Authority using the contact details at the top of this letter to discuss your proposals to ensure that the development will not result in a negative impact of the water quality or ecology of the watercourse.

For example, pollution control measures may be required. Information on pollution control measures can be found in Pollution Prevention Guidance (PPG) which provides advice about how to prevent pollution and comply with environmental law when planning works near, in or over ponds, lakes, ditches, streams, rivers and other watercourses.

It gives information about planning the works, managing silt, concrete and cement, oils and chemicals, maintaining structures over watercourses, waste management and responding to pollution incidents.

Pollution prevention guidance can be found on the Environment Agency's website:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

## **Lead Local Flood Authority**

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of appropriate conditions relating to drainage issues.

PBC Footpaths - The proposed development will have a significant effect on the public enjoyment of the public rights of way which run through the site because the current rural character of the footpaths will become more urban in nature. This can be mitigated by leaving a wide landscaped margin for each of the public rights of way and by ensuring that as far as possible any estate roads avoid following the line of a public footpaths.

Careful consideration needs to be given at the detailed planning stage to the junction between each footpath and the estate roads in order to minimise the number of such crossings and ensuring that each crossing point is safe for public use.

Careful consideration also needs to be given to how the development is implemented so that the existing public rights of way are kept open during the development. The highway authority would be likely to approve the wholesale temporary closure of the footpath network while the development is carried out. If short term temporary path closures are required then a safe temporary alternative route would be required.

The existing footpaths are currently unmade. The effect of the development means that these will become far more heavily used and provision would be needed for each footpath to be surfaced and signposted where they cross an estate road. This should be made a condition of any detailed planning permission.

The site layout plan (Parameters and Principles Plan Drwg No 145H – 82B) shows a number of additional footpaths. It should be a condition that these footpaths are dedicated as public rights of way by means of a public footpath creation agreement with the highway authority. The reason for this is so that public access along these footpaths is safeguarded and maintained in the future.

PBC Environmental Health - Conditions relating to contamination, hours of work, hours of deliveries, burning on site, constructions and dust control should be attached to any grant of permission.

PBC Environment Officer - Application is in outline only with all matters reserved except access. A layout scheme has been submitted but this can only be indicative as matters are reserved as recognised in section 4 of the submitted Environmental Statement (ES).

It is acknowledged in the ES at section 5 that the parameters of the scheme include creation of areas of green infrastructure which would include retention and enhancement of existing landscape character and protected public amenity as well as providing new habitat/conservation interest. This is to be welcomed and the detail of this can be established through reserved matters.

A tree survey has been submitted. It is noted that there would be some tree loss but again, the extent of this cannot be certain until more detailed stages when the design can be developed to ensure the minimum loss possible. There are TPO trees over the site and it would be hoped that losses of these and other better quality trees would be avoided by careful design informed by a tree survey and constraints plan. Any loss will be mitigated by the proposed green infrastructure works which includes tree planting which is described as substantial in the ES.

An extensive landscape and visual impact assessment has been submitted. It is stated intention to retain the majority of the existing trees and hedgerows and for them to be incorporated into a green space network. There would have to be some tree loss of up to 38 trees but of these, 15 are classified as category 'U' and require removal on health and safety grounds. It is important to consider that such trees are frequently good bat roost habitat and they should not be felled simply because of health and safety. There are alternative treatments which may be appropriate which

will remove the safety problem but retain the tree as a bat roost. Five of the trees proposed for removal are subject to TPO. It is proposed that tree losses will be mitigated by replacement planting. Given that the application is outline and the scheme layout is only indicative at this time, it may be feasible that the layout could be altered in order to retain certain trees if that is found to be beneficial.

It is important to protect areas which will be green infrastructure/ green space network where new planting will be concentrated to ensure that the soil quality and existing trees and vegetation are retained in optimum quality. This would be by reference to BS 5837 (2012).

The ES also states that no nationally rare or scarce plant species and no S41 Species of Principal Importance or Lancashire BAP Provisional Long List Species of plant were recorded within the site. It also reported that there are no uncommon habitats or plant species on the site and no evidence of use by protected species although a range of birds were found potentially to use it for breeding and bats to forage. Noctule bat and soprano pipistrelle are S41 Species of Principal Importance and together with common pipistrelle and Daubenton's bat, are all LBAP species and are covered by a Species Action Plan (SAP). In addition, common pipistrelle is listed as a Key species in the Pendle Biodiversity Audit. The report finds that the site in general provides good foraging habitats for bats, in particular common pipistrelles, and is therefore of local biodiversity value. A total of 18 trees across the site have been assessed as having bat roost potential and it would be important to protect and retain as many of these trees as possible. Potential adverse impacts are identified by the reduction habitat for bird nesting and bat foraging. The report states that it is expected that such impacts can be avoided or mitigated.

The report finds that the areas of higher interest are the wetland areas which could be reflected in the landscape/green infrastructure scheme. No evidence of Great Crested Newts was found in either of the two pond areas on site but Common Toad was found and is a Species of Principal Importance under Section 41 of NERC Act 2006. As it is therefore likely that Common Toad uses part of the site nearest the ponds as terrestrial habitat, allowance must be made in the scheme design in those vicinities.

PBC Conservation Officer - As part of the evidence base for the Core Strategy I prepared a heritage assessment of the Trough Laithe site, which dealt with the impact of the proposed development on two adjacent heritage assets. The comments below incorporate the relevant sections of that assessment, together with some observations on the indicative layout provided as part of this outline application.

Two designated heritage assets are potentially affected by the application. The site boundary lies immediately to the north east of the Grade II listed Laund Farmhouse. Although the listed building is not within the site, its setting extends into the site. The site is also located immediately to the north east of the Carr Hall/Wheatley Lane Road Conservation Area and lies within its immediate setting.

Laund is a typical stone farmhouse of the early 1600's of two-storeys with main range and cross wing. Much of its significance lies in its early date, the local stone and slate of its construction, and the impressive ranges of round and straight headed mullioned windows to the south front, some retaining diamond leaded lights. The house is relatively secluded and surrounded by trees, though there are close-up views of the important south elevation from the farm track and public footpaths which run adjacent. Though no longer a farm it still stands within open fields, both to the south west and north east, thereby retaining a sense of its historic links with the land. The application site currently forms this open setting to the north east. This wider rural setting of farmland, the dry stone walls and distinctive stone field gateposts, and the narrow wooded track leading downhill from Wheatley Lane Rd to the farm, together impart a strong rural character which is important to the building's significance. The western site boundary extends very close to the eastern side of the house, though the important south front does not face into the site. The house has a well-defined immediate setting comprising enclosed garden areas surrounded by trees, which to some extent acts as a buffer between it and the site.

The main part of the Carr Hall/Wheatley Lane Road Conservation Area covers the former estate parkland of the historic Carr Hall, which was sold for the development of high quality private houses from the late 19<sup>th</sup> century onwards. However the traditional farming landscape is also important to the significance of the conservation area, as it includes two historic listed farmhouses, Laund and Sandy Hall, together with open pastures, which lie to the east and northern parts of the conservation area respectively. The Conservation Area Character Appraisal notes that the open fields to the north, east, west and south west provide an attractive green setting for the conservation area and create a buffer between it and other development. The application site currently forms this open field setting to the east. The interface between the site and the conservation area is fairly well defined to the north by the Laund Farm track and to the south by field boundaries. Much of this boundary is lined with mature trees and hedgerows, particularly in the southern part of the site between Laund and Riverside Way. The presence of these landscape features to some extent restricts direct visibility between the site and the conservation area, though there are some open views over the site, particularly from the northern section of the Laund Farm track close to Wheatley Lane Road.

There would be no physical impact on the listed building itself, however due to the proximity of the site boundary, there is potential for housing development to encroach on both the immediate and wider setting of Laund Farmhouse. In particular, there is potential for both close-up and longer views of the important south elevation as seen from the public footpaths to be harmed by the presence of new housing on the fields behind and to the east of the house. Such development could, if not adequately distanced and screened, alter the view and setting of the farmhouse from a predominantly rural and secluded character to more of a suburban one. There could also be other impacts on the setting such as light pollution and traffic noise. The development of the fields to the east of the farmhouse would also disrupt the historic link of the farmhouse to some of the surrounding pastureland.

There would be similar impacts in respect of the setting of the conservation area. Though new development would be outside the conservation area boundary, there would be some harm to its setting of open fields, both from the likely visual impacts and the effect on its historic farmland character. Though the site is not visible from most parts of the CA, there are currently some extensive open views over the site from the farm track leading down to Laund Farmhouse off Wheatley Lane Road, and to a lesser extent from the public footpaths between Laund and Parrock Road, and the path from Carr Hall Road to Laund. The main harm would be the visual impact of housing development, changing the character and appearance of the setting from essentially rural and open to a more suburban feel. To the eastern side the CA would lose the buffer of open land which currently separates it from other development.

There would be potential to mitigate this harm to an acceptable degree by a sensitive housing layout and careful building and landscaping design which respects the heritage assets and their proximity. The provision of a generous buffer zone of open land around the eastern side of the listed building and all along the western site boundaries, together with reinforcement of the existing trees and hedgerows by new planting, would help to preserve the settings of both LB and CA. For the LB this would retain the private and more secluded immediate setting of the farmhouse, and ensure that new development would not be seen in close-up and more distant views of the important south elevation. The indicative layout plan does show a buffer zone of open space and planting around the LB, although this does not appear to be particularly generous; I note that the spine road would come relatively close to the eastern side of the curtilage and this could lead to visual impacts in terms of lighting etc. if not adequately distanced and screened. Similarly the layout indicates that housing development would come very close to the farm track along the CA boundary to the north west of the LB. This housing could be seen in views of the LB, and would dominate views from the track and impact on its secluded rural character. For these reasons I consider that there should be a wider buffer zone adjacent to the track and more attention paid to landscape screening here. To the south of Laund Farm effective screening along the track to Riverside Way will also be important.

The western part of the site should be developed at a lower density than the remainder, incorporating larger areas of open space, and enabling a more gradual approach to the introduction of built development to the east of the farmhouse and CA. Careful selection and design of natural stone and slate and simple building and roof forms would help ensure that where houses are glimpsed through trees and landscaping they appear more in keeping with the historic character and vernacular of the area.

Similarly the development should incorporate and enhance existing landscape elements such as dry stone walls, stone gateposts, stone stiles and wrought iron gates to create a more locally distinctive public realm. The boundary walls lining the track to Laund and those around the LB are currently in poor condition and the proposals should include repairs to these important historic features. The existing footpath which leads eastwards from Carr Hall Road past Laund and out through the site is a historic route which should be protected and incorporated into a green pedestrian spine through the development. This could incorporate stone salvaged from dry stone walls and gate posts in other parts of the site.

Barrowford Parish Council - The Parish Council wishes to make the following comments regarding Planning Application 13/15/0327P Outline Planning Permission at Trough Laithe, Barrowford.

Firstly, a number of parishioners have expressed concern about failing to find this application on the Pendle Council website because it has been inputted as being in Nelson and not Barrowford. Therefore the Parish Council believes that your consultation process is flawed.

At the Parish Council meeting held on the 19th August 2015 Barrowford discussed this application after receiving numerous written objections and a sizeable contingent of the public attending the meeting to object in person. The consensus amongst most of the Councillors was that Pendle Borough Council's total disregard of its own planning settlement hierarchy in the drafting of the Core Strategy has significantly compromised Barrowford's position in the second tier of that hierarchy.

The submitted outline application for 500 houses will stretch local infrastructure beyond breaking point. The submitted application refers to addressing all points but does not go into enough specific detail on how these potential problems will be addressed; in numerous cases, the application refers to them being addressed when full planning permission is sought.

This is quite frankly not good enough and the application should be refused due to insufficient and contradictory information. Both the Parish Council and the residents would like to see concrete mitigation measures identified and included before this application is even discussed.

### **Barrowford Parish Council Resolved at their meeting to Object to the application.**

The following issues led to that objection:

**1. Site Boundaries:** There is confusion over the actual boundaries and the extent of the land covered by the application the submitted plans. The evidence, supporting documentation, statutory consultation responses and aerial photographs contain site boundaries that are sometimes at variance with the "site boundary" submitted with the application form in the vicinity of Laund and Trough Laithe. This leads to confusion and uncertainty as to where the actual application site boundary lies. Additionally, as the plans are only available electronically to the public and therefore cannot be scaled, and no measuring tool is provided, it is impossible to measure the distance of lines on a map from fixed reference points on the ground.

**2. Housing Numbers:** Although the application is for 500 dwellings the indicative illustrations within the application appear to show considerably fewer dwellings, giving an overall impression of

less housing and more retained open space and therefore the impression of less development. Although this may not be against planning regulations it is misleading to the public who by and large have no experience in planning matters. Elsewhere in supporting documentation there is clear evidence that the applicant sees a possibility of the site being developed for 600 houses. This leads to confusion and uncertainty.

**3. Ecology:** Although the ecology reports are based on surveys carried out throughout the year and show little diversity of flora and fauna, the scope and timings of these surveys were not extensive enough to cover the habits of nocturnal mammals and birds that, although not indigenous during daylight hours, frequent the area as part of their natural range, and therefore the reports did not take into account the effect this development will have on local populations. These species include badgers, roe deer, bats and owls. In this context, have any amphibian studies been carried out on the Riverside Business Park and, if so, what was the conclusion and how will the Trough Laithe development affect these habitats?

**4. Highway Issues:** This is one of the infrastructure questions that need properly identifying and mitigating prior to any approval. Current concerns revolve around Junction 13 on the M65. We are aware that Lancashire County Council has attracted Government funding for infrastructure works on several roundabouts at several junctions on the M65 and that a scheme to restructure the roundabouts and potentially improve traffic flow particularly from the Burnley direction of the motorway at Junction 13 is to commence soon. But this may only be a temporary fix: the improvements may speed up existing traffic through Junction 13, but increased traffic flow over the next few years caused by the development of Trough Laithe, Riverside Business Park, the potential extension of the Lomeshaye Industrial Estate and proposed housing at both the former Reedyford and Riverside Mill sites, which are in close proximity to the junction on the Nelson side, will inevitably slow the traffic flow down to existing levels. This in turn will lead to both Carr Road and Barrowford Road being used as rat runs to join the motorway at different junctions.

Although the Padiham end of Barrowford Road may be outside the remit for infrastructure capacity and traffic flows, Carr Hall should be factored into any traffic management planning. Equally, the indiscriminate and overflowing parking at the access to the site at Riverside Business Park should be assessed as a salient part of any highway infrastructure.

The proposed bus/emergency access onto Wheatley Lane Road should be discouraged as abuse of bus only access would increase road infrastructure problems associated with both Church Street and Highercauseway/Nora Street. Any emergency access should be of the type used on Ridgeway where, although a vehicle access is in place, vehicle use is excluded by permanent bollards which can be removed in an emergency.

**5. Schools:** The report submitted by Lancashire County Council identifies a shortage of primary school places within a two mile radius of the site. The figure of 68-70 may be unrealistic, as there is no indication as to whether the figures include any allowances for potential house building within the M65 Corridor to ensure that the annual figure defined in the Core Strategy is met. The including of all primary schools within 2 miles might be standard practice but in reality modern-day young house buyers wishing either to start a family or relocate with their existing children look at the quality of local education provision and buy within the catchment area of their preferred school. The two-mile supply will not address provision if the perceived choice is for a school nearest the site within Barrowford. This could be a problem with Barrowford as the current County school at Rushton Street is unable to expand, through lack of space for building, and St Thomas's would need significant building work and additional staff to meet any further demand.

**6. Land Drainage:** Barrowford and Carr Hall have always suffered from flooding on or around the flood plain. Large scale mitigation schemes undertaken in Newbridge several years ago have resulted in no flooding at Newbridge and the two large surface runoff water storage tanks at the back of Nelson & Colne College have allowed excess water to be retained until the level of Pendle

water has dropped significantly enough to allow its discharge into the river to protect Carr Hall which suffered severe flooding around 10-20 years ago. The submitted application makes no mitigation to this problem apart from stating that surface runoff will be dealt with by either soak-aways or discharge into the nearest watercourse.

The Parish Council feels that even at outline level a more detailed mitigation scheme should be included prior to this application going to committee for decision.

**7. Public Footpaths:** There are public footpaths that cross the site. The applicant has included in their 'vision documents' enhancements to the public footpaths but the applicant has not submitted any proposals to this effect and does not mention maintenance and management of the paths thereafter. Improvements to paths during the construction of Riverside Business Park were maintained during the early years but have become overgrown of late. These vision paths and vistas will be useless unless maintained in perpetuity.

The existing paths have developed as links between specific points over generations but there is no recognition of this in the documentation and therefore where any footpath continues beyond the site boundary and may be subject to increased use by the residents of Trough Laithe it should be brought up to and maintained to a reasonable standard until the path meets a public highway.

**8. Carr Hall Conservation Area:** Given that the Conservation Area stretches as far as the public footpath that runs from Parrock Road up to Wheatley Lane Road and loops around the Laund, the proposed development is in close proximity to it and has the potential to seriously affect the setting and character of both the Conservation Area and the Grade 2 Listed Buildings and Buildings of Historical Significance at the Laund which are on the Heritage Asset List.

The applicant's various reports refer to the settlement at Laund and the claimed mitigating measures the developers will take to protect the historical merits of this part of the Conservation Area. But the applicant will not be the developer and has chosen not to apply for appearance, landscaping, layout or scale as reserved matters. Therefore, the applicant is in no position to comment on detailed proposals and their effect, or otherwise, on Laund.

The applicant has said that the historic setting will be protected by their vision of public open space, whilst their vision shows public open space directly under the constraint of overhead electricity cables. The pylons and power lines are in fact their constraint to development, not an appropriate buffer to the Conservation Area, listed buildings and historic settlement. The mitigations and protection where the Laund encroaches into the Trough Laithe site will do little to enhance or improve the setting or visual amenity as these important houses will now face the rear of adjacent buildings and the potential 1.82m post and panel fencing generally associated with rear gardens on new developments. The impression of screening of the development by trees already existing or intended can only be a reality whilst the trees are in full leaf.

**9. Dry Stone Walls:** Dry stone walls have been an integral part of land management for centuries within the immediate area and under the ownership of the current developers have declined dramatically through lack of stewardship of the land over the last two decades.

Drystone walls not only divide land into fields but provide a protective habitat for numerous insects, small mammals, amphibians including newts and toads and in some instances small low nesting birds. These walls are part of the defining character and amenity of our open countryside. If the Conservation Area is not to be despoiled they should be retained and brought back to former glory particularly in relation to the footpath that marks the Conservation Area boundary, the Laund settlement and along any public right of way or public open space within the site as they provide vital habitat within these wildlife corridors that the vision aspires to and enhance the character of these areas.

**10. Proposed Public Open Space:** The proposed POS in the applicant's vision is one of the few aspects of the proposals that can be commented upon, despite being a reserved matter, because the applicant has chosen to use the constraints on the site as his template.

The main corridor of POS traverses the site from north-west to south-east and is directly underneath the main electricity cables. This restricts public amenities and reduces public activities for instance flying a kite, throwing a frisbee, kicking a football.

The public footpath from Laund, north-eastwards to Wheatley Springs forms another open space corridor, again defined by another existing constraint (the footpath). Given the indicative road layout in the applicant's vision, and the position of the housing clusters, again in the applicant's vision, it is obvious that the applicant's vision is for the rear of housing to back on to their vision of public open space/public right of way. This will lead to 1.82m high timber rear garden fencing hemming in their vision of open space. On other sites this has led to footpaths becoming a dumping ground for garden waste from abutting gardens.

Therefore the Council, should think very carefully about the provision and preservation of any land that is not to be developed but instead used for public open space.

As a rule any development that turns its back on public open space and public footpaths inevitably lead to those places becoming forbidding, neglected and unused within very few years. Neither the applicant, nor the developer would maintain the land in perpetuity and Councils tend to find the cost prohibitive despite any provisions of a Section 106 Agreement or some other such device.

**11. Site Compounds & Storage:** Given the phasing and predicted ten year timescale for this development the Parish Council feels that some consideration should be given to this matter as by their very nature site compounds are unsightly, noisy, busy, dirty centres of activity in any development. Their location should be restricted by condition(s) such that they do not impose on existing residents and upon the historic setting of the Laund. Their location should not interfere with the use of public rights of way. Any vehicle parking associated with the construction work should be away from existing residents and subject to enforceable conditions to prevent visual, residential or environmental harm. Any such restrictions should apply equally to storage areas for building materials and the stockpiling of topsoil, subsoil and overburden. Any compound lighting should be of a type and duration that does not interfere with the amenity of local residents and light direction and luminosity should be strictly controlled to the written consent of the local planning authority.

Although most of the above points could be either mitigated through section 106 agreements covering the maintenance of PROW and POS and the wildlife corridors, or by conditions, the Parish Council feels that this application should not be considered until the relevant documents and reports are provided, as they are needed to give Councillors who will be deciding this application a full appreciation of both the development and local residents' and the Parish Council's concerns.

Further to these objections the Parish Council would like the Planning Officers to consider recommending the following conditions, or conditions worded in their planning terms, which follow the spirit and extent of the recommended conditions that might mitigate the impact of development.

**1.** The infrastructure works should be phased in such a way to keep in line with the housing development in order not to despoil the majority of the site in advance of building works.

They should not be built years in advance of the development as it expands across the site.

**Reason** - In order to protect the ecology and visual amenities of the area, prevent the land from becoming overgrown (as has happened at Riverside Business Park) and to allow both the continued agricultural use of the land and its role as a wildlife habitat for as long as possible.

2. Existing dry stone walls that form the site boundary should be repaired and thereafter maintained, to the written consent of the planning authority, before the development, or any ancillary work, is commenced on site.

**Reason** - In order to protect and improve the ecological habitats and historical setting of the area in the vicinity of the settlement at Laund.

3. The location of spoil heaps, site compounds and storage, and car and vehicle parking associated with the construction works hereby approved shall be sensitively sited away from existing residential development and the position and projection of any security lighting around such areas shall be located and agreed to the written consent of the planning authority at all times.

**Reason** - To protect the residential, visual and ecological amenities of the area.

4. There shall be no temporary access to the site from Wheatley Lane Road for contractor's vehicles other than for the actual construction of the emergency access. Details of the emergency access should be submitted at this stage, rather than at reserved matters stage, in order to better understand the access proposals to the site. Access is a reserved matter being sought for approval at this outline stage.

**Reason** - An emergency access that allows access to a bus service would be open to abuse by motorists unless it contains design features that would preclude such a use.

Note - The design features referred to above should not be of a sort that could break or become faulty such as barriers or rising bollards or number plate recognition cameras.

5. Where the housing development hereby approved abuts Public Open Space or Public Rights of Way it should be designed such that the properties face, rather than turn their back upon, the POS and PROW, and that boundary treatment abutting the POS and PROW does not feature 2m high solid fencing. Permitted development rights should be withdrawn from these houses to prevent the erection of inappropriate boundary treatment.

**Reason** - In the interests of the visual amenities of users of the POS and PROW and to maintain a feeling of openness.

6. A landscape masterplan shall be submitted for approval at reserved matters stage and shall contain features that can be implemented across the whole site prior to the development hereby approved commencing that would lessen the impact of the development and the impact of construction works on existing residents and users of the Public Rights of Way. Such landscaping shall be maintained throughout the build period, and thereafter, all to the written satisfaction of the planning authority.

**Reason** - In the interests of the visual and residential amenity of the area.

The Parish Council also has questions regarding certain aspects pertaining to this development and would ask that the answers are both sent to the Parish Council and attached to the Planning Officers Report so that Borough Councillors sitting on the Area committee are aware that these questions have been raised and can see the responses received. These questions may not all be perceived as pertinent planning questions and the Barrowford Parish Council therefore asks the Planning Officer to refer the questions deemed non-planning to the Council Officer or department

that can answer these questions or refer the Parish Council to the appropriate policy which would enable an answer to be sourced.

**1. Newts: (Appendix 1)** The Clerk was informed by a local resident that a newt collection fence was erected for several years on Lower Trough Laithe where the Riverside Business Park has outline planning permission to collect newts as part of an amphibian survey.

Given the close proximity to this site and the life style of newts which only need water for breeding purposes, it is reasonable to ask about the newt proof fence erected when the business park was built.

- Were there any newts recorded?
- If so what variety were they?
- Are they still there?
- Has any evidence been collected relating to the Trough Laithe Housing site?

## **2. School Provision:**

- Does the report on school place requirement make allowance for other potential housing development as stated as the yearly requirement for the M65 Corridor contained in the Core Strategy and would this be better applied to both primary and secondary schools?
- If not what are the predictive needs for school places (both primary and secondary) within the M65 Corridor if the Core Strategy targets are met?
- How will this affect pupil place demands within the defined 2 mile for Primary and 3 mile for Secondary schools area relating to the Trough Laithe site?
- What additional mitigation will be provided if the results of the previous questions show the potential for a greater shortfall in school places associated with this site?
- What mitigation will be put in place if one particular school becomes the parental focus of child placement?
- Would it be possible to mitigate school places at primary level by the building of a school within either the site or the business park?

The Parish Council have asked these questions to clarify how Lancashire County Council assesses educational needs and available school places both current and future when responding to consultations on major housing developments such as this.

## **3. Other Local Infrastructure:**

- Is it permissible for health care such as GPs, Dentists and Opticians to be taken into consideration on an application of this size and if so what additional provision is needed?
- What are the effects on both the Fire and Ambulance services and are these taken into consideration?
- On a development of this scale, which is larger than numerous villages including some Rural Service Centres within Pendle, the Parish Council feels that some small scale retail provision within close proximity of the site would reduce vehicle movements.

**4. Affordable Housing:** It has been pointed out on numerous occasions that the site will include 20% affordable housing.

- How will the Council ensure this is met?
- What if the developer of each phase submits a viability study that shows it is uneconomical to provide 20% affordable housing or in the worst case scenario none?
- Can a Section 106 agreement be reached at the outline planning stage to levy an agreed sum across the total phases for the provision of Affordable Housing?

**5. Section 106 Agreements/Government House Building Bonus:** Pendle Borough Council has not introduced the Community Infrastructure Levy which entitled Parish and Town Councils to request mitigation projects up to a certain percentage to be included.

- Will the Parish Council be consulted on Pendle Borough Council's Section 106 requests and have the opportunity to take an active part in what is requested including projects and mitigations pursued?
- With reference to the Government House Building Bonus, which will be payable to Pendle Borough Council: will this be spent on Barrowford or partially on Barrowford?
- Will the Parish Council have any input into how the money is spent or will we just have the 500 houses?
- Barrowford Parish Council is mindful that at the passing of the second outline planning permission for the Riverside Business Park the Parish Council asked for Section 106 agreements to create a wildlife corridor along Pendle Water and upgrade the PROW to a cycle route to help link existing routes. Planning officers dissuaded the Area Committee from requesting the agreement with the result being the margins are overgrown by 1m high thistles and impossible to walk.(Appendix 1 picture 3)
- In the case of this major planning application Barrowford would insist its thoughts are taken into account, as Pendle Borough Council has failed to implement Community Infrastructure Levies which in this case would have allowed Barrowford Parish Council to request mitigation measures in its own right.
- Barrowford Parish Council would insist that Section 106 Agreements were sought for the upgrading all of the PROW to Cycle Path standard and, where permission can be sought and given, for extensions of these footpaths across land outside the development land up to its junction with a defined adopted highway and a figure to be decided for the maintenance of these paths for the next twenty years.
- In addition, for retention and repair to a maintainable standard of all drystone walls abutting both the Conservation Area boundary and any PROW and an agreed sum for the repair and maintenance of these walls for the next twenty years.
- That Public Open Spaces after discussion including representatives of the Parish Council regarding design and wildlife corridor value be built at the developer's expense with an agreed sum for future maintenance for the next twenty years.
- That a sum of money be agreed to extend the Cycle Paths beyond the site to link with existing Cycle Paths within Barrowford, Whitefield and Bradley. Barrowford Parish Council believes that these Cycle Paths will not only benefit residents of the development but the rest of Barrowford and the M65 Corridor and may reduce vehicle movements if safe cycle access is available to local services.

Old Laund Booth Parish Council - Although the application is strictly in Barrowford, the implications for Old Laund Booth regarding increased traffic are quite significant and the parish councillors are concerned re this issue.

### **Public Response**

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

A total of 211 letters, emails and webcomments have been received. 207 objecting to the proposal and 4 in support.

Those in support raised the following comments:

- there are dangerous road conditions already present along Church Street any increase in pressure would cause problems;

- no objection for the need to provide new housing proving already dangerous areas are solved first and provision of adequate health, education and social facilities;
- why aren't brownfield sites being developed first;
- would like to see affordable housing on the estate that young people from the area can afford;
- also some social housing is required as almost all of the council housing in Barrowford has now been bought;
- hopefully this development will go ahead very soon; and
- I would like to see affordable bungalows to suit retired/disabled and some rented/social housing to replace the council accommodation that has ceased to exist over many years.

A total of 207 responses received objecting to the proposal on the following grounds:

- the impact of 500 houses and the consequent rise in the number of cars and car journeys, factoring in the obvious that Barrowford is already badly congested and that current motorway ingress and egress is difficult at peak times. The proposal indicates only one area of access to the new estate will lead to traffic chaos at peak times;
- there is not capacity in local schools to accommodate the influx in children, not enough places in local dentists and doctors surgeries and this would mean the loss of more green fields;
- Peel Holdings say this development will boost local employment - this would be short terms and cease once building is complete. How many people employed in construction would be from the local area - less than 50%?
- Barrowford is one of the 'jewels in the crown' of Pendle - this development would impact on the 'village' transforming the area into a large housing estate detracting from the views, damaging the local wildlife - the resources and infrastructure to cope with this development do not exist;
- given the track record of Pendle Council in ensuring that Nelson has suffered considerable damage and decline due to a myriad of poor decisions made over the last 20 years especially noticeable when you compare Nelson with Colne and Barnoldswick I have no confidence in the Council making the right decisions for the area but judging by past experience I fully expect them to make the right decision for Peel and the wrong decision for the council tax payers and residents of Barrowford;
- concerned about the impact on services, roads, loss of green fields with wild animals, birds and insects;
- Barrowford is a special village which really does not need more housing, or more cars;
- there are 1,206 empty homes across Pendle which surely should be the priority before building on such a mass scale;
- drainage would be compromised as it was when Wheatley Springs was built;
- Brownfield sites should be used first. This site proposes using 16 hectares of greenfield land when there is over 45 hectares of brownfield land in the Pendle area;
- 500 homes is nearly 20% of Lancashire's new housing for the next decade;
- it would be better if all the smaller sites could be brought into full use before Trough Laithe was put on the market. If any further dwellings were needed those companies which had served the local communities in this matter should be given first consideration. We might find that there is no need for expansion in spite of the demands of Central Government as there could be many new houses unsold which would reduce the values of properties in Barrowford and Nelson;
- increasingly worried about congestion and obvious lack of space within Fence and Barrowford with both these areas being destroyed by continually building new homes without the infrastructure to support this many new people;
- the proposed site is a green belt area in the midst of an increasingly built up and traffic-driven 'village';
- this farm land is bordered by roads with significant existing traffic issues with Barrowford itself increasingly affected by traffic partly due to the Council and highways inability to deliver a solution to the gridlock in Colne;

- Pendle is known for its flowing green fields and the proposed development is going to remove a large quantity of green from the landscape as well as overpopulate the area;
- Junction 13 already struggles with the amount of traffic already entering Nelson and Barrowford with the bypass offering no relief having its own traffic problems;
- since this is such a major proposal and departure from the current approved local plan it should be called in by the Secretary of State or the Inspectorate for a decision by them. As the Pendle Core Plan has not been finally approved it would be premature to consider and approve this application;
- this proposal runs against the Strategy in East Lancashire of confining development to the compact urban core areas. This has been a long standing policy for many years and should be followed as it helps reinforce the regeneration of Colne, Nelson and Brierfield and encourages the development of many brownfield sites referred to in Mr Stephenson's letter;
- this proposal (especially when taken with the proposed development of the Lomeshaye Industrial site extension) would represent a major intrusion into the pleasant countryside and lead to urban sprawl between Pendle and Burnley. This is the reason in previous local plan inquiries why the land has remained either Greenbelt or protected;
- loss of agricultural land results in loss of production;
- complete loss of amenity and recreation value;
- the proposal would lead to previously private areas being overlooked;
- the height or proximity of the development would be such that unreasonable overshadowing would occur;
- there would be unacceptable intrusion in the form of noise nuisance, general disturbance, odour, etc;
- the scale of works would have an oppressive impact on surrounding area, including local houses but more so the visual impact on amenity from as far as Albert Road in Colne to Nelson and surrounding valley settlements;
- if the design of the development, its scale and use, is such that it is totally out of character with its surroundings;
- paragraph 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and way it functions. The proposed siting of the development is particularly ill-considered and whilst design issues might be solved by conditions or revised proposals, these could not remedy the siting problem;
- over the past 30 years Barrowford has seen around 350 new build houses, Peel are proposing 500 over a 10 year period. Given past build rates this proves a distinct lack of demand for house building on this scale;
- given the capitulation of Pendle Council over the past 10 and more years with Trough Laithe there is a suggestion Pendle Council is no longer in a position to remain impartial and maintain an objective approach to this latest application from Peel Holdings;
- the 'Strategic Housing Land Availability Assessment' this planning application is based on is heavily flawed with no scientific evidence to back up findings;
- the Office of National Statistics depict only a modest increase over the duration of the plan period and flat lining for Burnley and immediate surrounding areas. Given the number of sites put forward during the call for further sites at 300 plus sites, surely there is not even the need for strategic housing at all?;
- current house building rates for Pendle show that only 7 house per annum are constructed this suggests a lack of demand for the type of houses on offer i.e. detached 'executive' properties;
- the amenity value of Trough Laithe provides vistas to key areas within Pendle including Nelson and Colne and is evident when travelling between Colne Town Hall and the Crown Public House. The development of this site would be sacrilege and begin to destroy the open feel and reputation which Colne has. This view should become a protected view for this aspect alone;
- three cars per household would equate to an extra 1,500 cars to an already congested area specifically the junction to Carr Hall Road and Wheatley Lane Road, Church Street and Gisburn Road;

- rather than considering the whole of the land it should be split into phases with a planning application for each based on proof of demand, typologies, infrastructure, traffic impact assessments and EIA at each stage;
- design lead proposals should be considered seeking to build communities with significant green buffers;
- concerned about Local Air Quality which need to be managed via the LAQM as this development is likely to increase the car population by over 1000 vehicles;
- I object to the disturbance the construction will have on the villages it surrounds;
- the new intended footpath is being rerouted through a play area and would remove the hawthorn bushes which form a barrier between our property and the new estate and increase the amount of pedestrian traffic onto Mosman Place;
- my property is Grade II listed, how can it be acceptable to surround this property with new build? To develop so close to our 420 year old property would be a travesty;
- the development would destroy the village atmosphere of Barrowford;
- Riverside Business Park is still not fully occupied and the access road is used as an overflow for cars and we are told planning could be given for an hotel and even more business units, 5000 cars on this one road would be a nightmare;
- although the postal address in Barrowford they would find it difficult to be part of the community because of their isolated position. No prices have been given but Pendle is not a high wage area and many local people would not be able to afford them so occupiers would be commuting;
- the site is well used by walkers and although the footpaths would remain we would be walking through an housing estate not open fields;
- the boundary includes potential access and egress onto Wheatley Lane Road. That particular juncture borders my property and the deeds identify a boundary that would mean it is impossible to safely consider access and egress at the proposed point;
- it will be difficult for Barrowford to cope with something like a 20% increase in population;
- your planning department has already made mistakes in allowing Morrisons to open an outlet next to a successful Spar shop which has closed the Spar and Post Office;
- this goes against current Government policy of building on brownfield sites of which there are numerous in Nelson and the surrounding area. There was a fund of £1.5m secured by Cllr Joe Cooney to utilise brownfield sites, what has happened to that?
- the land was originally put aside for commercial use and was never intended for house building and was only to be used if there was a need for development. Clearly not with the amount of brownfield sites available;
- this would be a massive undemocratic overdevelopment purely for the benefit of Peel Investments and would create a loss of living standards for those who live and pay their rates within the area;
- there are currently five rights of way over the site which are used by walkers and dog walkers and the removal of a large quantity of these routes has an adverse effect on encouraging country pursuits;
- if the proposal is approved I would expect S106 conditions to be applied to fully meet the cost of a traffic improvement programme to eliminate the congestion in Barrowford and improve junction 13 access/exit and ensure more than one road access to the site; Funding for improvements and 10 years ongoing cost of parking and traffic management of schools in Barrowford and funding for youth facilities in Barrowford of £100,000/£200,000 for a ten year period paid in advance;
- the proposed area for development is on a hill side with a considerable slope. These fields absorb the rainfall at present but if developed this would cascade down towards the Riverside development which is already on the edge of a flood plain and would increase the risk of flooding;
- the siting on a hill means the whole estate will overlook the whole town as well as some listed buildings. The development would be visible for miles in every direction;
- Padiham bypass is already a very dangerous road even with a 40 mph speed limit;

- why was a building moratorium put in place over 15 years ago if the area was so desperate to replenish and increase the current housing stock. This appears to have given a perceived shortfall in housing which seems to have laid the groundwork for this type of fast track large developer led housing scheme which does not consider the impact to the environment and residents of the area;
- we have very amenities for the current population which means we have to travel to Skipton and Clitheroe for our social needs;
- what is going to happen to the electric pylons? Will these be left? I can't see anyone wanting to live near them if they are left;
- concerned about the dangers of flooding and drainage in the area especially below the site and around Victoria Park area which has flooded in the past. The proposed development will increase the amount of top water entering the river and worsen the situation. The solution is to provide an overflow bypass to the bridge on Carr Road this should be funded by the developers. I will hold the Council fully responsible should I experience flooding in my property at sometime in the future. This area has already been declared a flood plain
- previous decisions by the Council in allowing the proliferation of retail outlets along the stretch from Boundary Mill to Sainsbury's have created traffic problems on this route and extra housing in this narrow valley will increase the problems;
- Mention has been made of improvements to junction 13 surely this should have been done when the College was rebuilt to take a vastly increased number of students. In any case this make no difference to the already clogged A682 Gisburn road as there is already too much traffic;
- during the last 10-15 years there have been several housing developments in Barrowford. With only one road through the town to reach homes, schools and shops it is already too busy and is used as a rat run to get to Colne and all point east to avoid junction 14 and the dreaded North Valley Road;
- the proposed houses will overpower the existing properties and make them dark by blocking all the light;
- Bats are a protected species and roost in the trees around the site;
- Nelson and Barrowford will become one area;
- the population for Barrowford will exceed village numbers;
- Not aesthetically pleasing, it will be an eyesore;
- dangerous for our children having the extra cars on our roads;
- who has identified that Pendle needs another 500 houses?
- it has been proven from numerous studies that car fumes can be more detrimental to health for children and older people than smoking ever was. Therefore we do not want to block our roads for more traffic which 500 homes would;
- there is a ditch 50m in length, 7m wide and 6m deep close to the public footpath which potentially result in harm for children and adults if they stray off the path;
- road infrastructure is already insufficient with Wheatley Lane Road being very narrow at the bottom and insufficient parking in the village;
- reduced funding for police/fire/doctors/dental/environmental means services are struggling to cope;
- there are other sites in Nelson and Brierfield where this kind of investment is needed;
- we hope that each Councillor who votes takes into account and thoroughly researches each point and only votes for this is they are 100% happy that all the above problems have been resolved; and
- as set out in the NPPF inappropriate development in areas of high risk flooding should be avoided by directing development away from areas of highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. If the site is in Zone 1 and over 1 hectare then a Flood Risk Assessment is required. All development in Zones 2 and 3 require a Flood Risk Assessment. May I suggest that whilst the area is listed in the Core Strategy you are aware of the possible dangers and damage that may be resultant of acceptance of the application? Whilst the suggestion of an appeal may incur costs it would

most definitely take away your responsibility. You could of course impose very stringent requirements in respect of anti-flooding with major works to be undertaken by the developer.

### **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
ENV 4	Promoting Sustainable Travel
ENV 5	Pollution and Unstable Land
ENV 7	Water Management
LIV 1	Housing Provision and Delivery
LIV 2	Strategic Housing Site: Trough Laithe
LIV 3	Housing Needs
LIV 4	Affordable Housing
LIV 5	Designing Better Places to Live
LP 16	Landscaping in New Development
LP 31	Parking
LP 3A	Protected Areas
SDP 1	Presumption in Favour of Sustainable Development
SDP 2	Spatial Development Principles
SDP 3	Housing Distribution
	Supplementary Planning Document: Conservation Area Design and Development Guidance
SUP 1	Community Facilities
SUP 2	Health and Well-being
SUP 3	Education and Training

### **Officer Comments**

The main issues for consideration are compliance with policy, principle of development, impact on amenity and landscaping impacts, impact on heritage assets, highway issues including public rights of way, affordable housing and viability, financial contributions, protected employment land, ecology, trees and landscaping, flood risk and contaminated land.

#### **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.

## **Replacement Pendle Local Plan**

The following Policies are wholly compliant with the Framework and as such should be given the appropriate weight. The relevant policies are as described in the Appendix to the now adopted Core Strategy. The Core Strategy is now the most up to date and relevant part of the development plan and is fully compliant with the Framework.

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

## **Core Strategy**

The following Core Strategy Policies are relevant to this application and should be afforded full weight now it has been adopted:

SDP2 sets out the Settlement Hierarchy and provides direction as to where/which settlements development should be located in. Requires proposals for development to be located within a settlement boundary, unless exceptions apply.

ENV1 covers the protection and enhancement of the natural and historic environment. Biodiversity, ecology, trees, natural environment – criteria for dealing with development affecting the different levels of designation.

Landscapes – protecting and enhancing landscape character, the AONB and the Green Belt. Open Space and Green Infrastructure – protection of existing open spaces, criteria for loss of open space, provision of new and improved green infrastructure. Historic Environment – conservation of heritage assets – criteria based policy which set out how developments should address issues relating to the historic environment.

ENV2 sets out the general design principles. Criteria based policy which establishes design requirements of new development – how to respond to the historic environment and how to mitigate and adapt to climate change.

Includes encouragement to design energy efficient buildings following the Zero Carbon Hierarchy. ENV7 sets out the approach to development and flood risk, surface water run off, water quality and resources.

LIV1 sets out the housing requirements for the plan period and establishes the policy approach for new residential development.

LIV2 Strategic Housing Site: Trough Laithe - The development of the strategic housing site at Barrowford will be supported subject to the following criteria being met:

- the site is adequately connected to the road and motorway network and is accessible by public transport, walking and cycling;
- early engagement between the applicant and infrastructure providers is carried out to address any capacity issues and ensure the relevant infrastructure (e.g. utilities, open space, etc) is provided (SDP6);

- a high quality landscaping scheme is developed, incorporating and enhancing natural and environmental features, as appropriate, but particularly where they relate to wider landscape character or ecological considerations;
- the development addresses any potential environmental impacts (ENV1);
- the development will provide 20% affordable housing on-site unless an up-to-date viability assessment indicates that this cannot be delivered; and
- the development delivers high quality housing of the types, sizes and densities needed (ENV2 and LIV5).

LIV 4 sets out the affordable housing requirements for different sized developments in each spatial area.

LIV5 provides specific guidance about the design of new residential development and provides detail relating to the size and type of housing to be encouraged, the density of new housing and the provision of open space/green infrastructure in new residential developments.

SUP4 provides guidance on the design approach for new public buildings and public spaces.

## **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. The site is now allocated for a housing development in the adopted Core Strategy. As part of the Examination in Public (“EIP”) into the Local Plan the planning inspector considered the principle of development including, amongst other things, whether the site was one that was acceptable in landscape terms, whether with junction 13 improvements the site could be developed without having unacceptable adverse transport impacts and whether there were heritage issues that would mitigate against allocating the site. The planning inspector concluded on all grounds that the principle of developing the site for housing was acceptable. The principle of development is fully compliant with the development plan and under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

### **Housing Supply**

The Framework 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 housing requirement for Pendle is 298 units per annum as set in the Core Strategy. This site forms part of the five year supply.

The Council has adopted 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 includes the application site which is the Strategic Housing Site Allocation in the Pendle Local Plan Part 1: Core Strategy. This site would represent 8.5% of the total housing needs of the Borough. The Inspector into the Core Strategy has indicated that the site is critical to the delivery of our housing needs in the Borough.

### **Core Strategy**

The M65 corridor comprises four adjoining settlements: Nelson, Colne, Brierfield and Barrowford. Over the next 15 years the majority of development will be directed towards this area to meet demand and support regeneration. Improvements to the transport network together with new

housing and employment opportunities will help to support economic growth in this densely populated corridor.

Barrowford will play a key role in supporting growth in the M65 Corridor, whilst continuing to offer an up-market niche retailing experience. Strategic sites, needed to help deliver new housing and employment opportunities as early as possible in the life of the Core Strategy, have been identified in the M65 Corridor to the north of the motorway.

Furthermore the site is well related to the existing residential developments with access onto Barrowford Road and Junction 13 of the M65 close 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 settlements of Nelson and Barrowford.

### **3. Impact on Amenity and Landscape Impacts**

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 indicative housing has been laid out to take account of neighbouring properties which lies to the north east and north west sides of the site. All of the surrounding properties would be capable of having the required separation distances which would ensure that the proposed and existing dwellinghouses have adequate privacy.

The sites topography is that it slopes down from the north west to south west and has a substantial hollow to the north east of the site. There are various public footpaths cross the site together with overhead lines. There are also mature trees within the site which are protected by Tree Preservation Orders.

The proposed layout would require changes in levels with cut and fill and retaining wall likely to be required. This will result in a change in the character of the area. This has been accepted in principle as being acceptable in the allocation of the site. The detailed impact will only be able to be assessed when reserved matters are submitted.

It is acknowledge that this development is visible from some longer distant views from Nelson and Colne, however, this type of development is not unusual in the area and views of modern housing sites on hill sides are part of the character of the Borough. The development of the site is acceptable in terms of its landscape impact.

The principle of the potential impact of housing on this site was considered and assessed as part of the Local Plan Part 1: Core Strategy and was accepted by the Planning Inspector as part of Examination in Public.

Details of land level changes and sections would need to be provided at the reserved matters stage and conditions can be attached requiring details of import and export of materials to be submitted and agreed.

The proposed development would therefore not unduly impact on amenity and subject to an acceptable layout plan at the Reserved Matters stage accords with policies 13 and 20 in terms of impact amenity.

#### **4. Historic Buildings**

The site boundary lies immediately to the north east of the Grade II listed Laund Farmhouse which dates back to the early 1600's. The important south frontage does not face into the site and the house has a well-defined immediate setting with enclosed garden areas surround by mature trees which will act as a buffer to the site.

The site is also located immediately to the north east of Carr Hall/Wheatley Lane Road Conservation Area. The site is not visible from most parts of the Conservation Area. The main harm would result from the visual impact of the housing development which would change the character and appearance of the setting to a more suburban feel to this eastern boundary. However, there would be potential to mitigate this harm to an acceptable level subject to an appropriate layout and a generous buffer zone of open land, with lower densities and larger areas of open space and mature trees along the western boundary of the site.

Whilst Historic England has not been formally consulted as part of this planning application they were consulted as part of the Core Strategy process and raised no objections in principle to the proposed use of this site for housing.

The stone boundary walls within the site should be retained and repaired where possible and this would be addressed at the Reserved Matters stage.

#### **5. Highway Issues and Public Rights of Way**

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”.

The proposed access to the site is via the existing roundabout on Barrowford Road which was installed prior to the Business Park development. Whilst this roundabout has the capacity to accommodate this number of dwellings, there is concerns over the capacity of the Junction 13 roundabout and the adjacent Nelson roundabout.

At peak times there is congestion and traffic delays both on the M65 motorway and the A6068 Padiham bypass and therefore their capacity to deal with the number of additional vehicle movements that this development would incur is crucial to this scheme.

A Transport Assessment has been submitted and LCC Highways initially raised concerns over the access strategy with only a single vehicle access point, accessibility and sustainability of the site and the timing of the required assessment work in relation to the Burnley Pendle Growth Corridor.

Although only a single access point is proposed from Barrowford Road a bus route through the site would utilise the Barrowford Road access and a bus only egress onto Wheatley Lane Road which would assist in sustainable travel. This service can be controlled by an appropriate condition to ensure that it is provided during the phasing of the development. Bus stops will need to be provided within the site and this can be addressed as part of the reserved matters application.

As part of the Burnley Pendle Growth Corridor a design for the improvement to junction 13 to cater for the developments approved and proposed in the Part 1 Plan has been developed by Lancashire County Council. This is split into Phases 1 and 2.

Phase 1 works are all those works necessary to improve the junction to cater for the vehicular traffic currently on the network and which would result from the new development. Phase 2 works would provide for additional pedestrian and cycle links. Funding has been secured through the Lancashire Local Economic Partnership (“LEP”) for the phase 1 works. This is due to start in May/June this year. Although the necessary improvements are planned to be provided by LCC this year an appropriate condition will need to be attached in order to ensure that the necessary works for the provision of the improvements are undertaken at an appropriate time should the programmed works for some reason not happen. The appropriate trigger point for the phase 1 improvements would be prior to the occupation of the 200th house on the site.

Concerns were raised at the Barrowford Area Committee meeting that the works could not be undertaken on land owned and controlled by LCC and on land outside the current highway boundary. LCC have confirmed that they are able to undertake all of the work shown on the design plans.

Improvements to the cycleways have been put forward by LCC and these would assist in continuing the cycleway provision from Barrowford Road into Nelson and is supported as part of the Pendle Cycle Network for sustainable travel modes. This would also include a Toucan crossing on Barrowford Road near to the roundabout and cycle Zebra on Riverside Road together with off-site highway improvements to provide an acceptable cycleway link to Junction 13. A contribution of £250,000 towards these improvements has been agreed and would be subject to a S.106 Agreement which would ensure these works are carried out at an appropriate time during the course of the development subject to the phase 1 improvements being carried out by the Burnley Pendle Growth Corridor.

There is an issue with parking on the highway adjacent to the Vantage Court Business Park Development and this might need to be addressed by imposing Traffic Regulation Orders in order to maintain accessibility into the site. This will not be exacerbated by the new development which will fully cater for its own parking needs within the site.

There are several public rights of way adjacent and across the site as well as other informal footways that have been used for some time. The public rights of way on the site can be retained and improved to create pedestrian routes over the site. Any long established routes could also be retained and provide access routes over the site. The details of these can be provided during the Reserved Matters application.

Details of the amount of off-street parking required would be considered as part of the reserved matters application when details of house types, garages and driveways will be submitted.

## **6. 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 to be deliverable in the current housing market. The provision of 20% affordable housing on the site has been agreed in principle.

This would be in line with the emerging Core Strategy policy LIV2 which states this as a requirement providing the site would be viable. The provision of such housing can be secured by virtue of a planning condition.

## **7. Financial Contributions**

In line with the current Education Contribution Methodology approved in March, 2014, approved by the Cabinet Member for Children, Young People and Schools and the Cabinet Member for Environment and Planning a contribution towards funding additional primary school places has been requested. No contribution is required for secondary school places.

LCC Education has requested a contribution towards primary school places of up to £1,330,824.60 the final figure being dependent upon the overall number of bedrooms being provided on the scheme.

The named project for expansion is Barrowford St. Thomas School which has been confirmed by LCC Education as being able to accommodate a school expansion which would meet the demand from this development. Any school expansion would be subject to the caveats included in the Education Contribution Assessment.

This is acceptable and details of the final infrastructure project and the mechanism for calculating this have been agreed with the agent and LCC Education. This would be subject to a s.106 Agreement.

As mentioned above improvements to the cycleways have also been requested as part of the Pendle Cycle Network this include a Toucan crossing on Barrowford Road near to the roundabout and cycle Zebra on Riverside Road together with off-site highway improvements to provide an acceptable cycleway link to Junction 13. A contribution of £250,000 has also been agreed for the cycleway improvement works as part of the phase 1 improvements. This is subject to the highway improvements for phase 1 being carried out by other parties. This would be subject to a s.106 Agreement.

A request has also been made for an extended bus service which would serve the development. Further details of this scheme have been provided and the agent has agreed to this. This can be controlled by an appropriate condition to provide the service rather than a contribution.

## **8. Ecology**

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.

An initial walkover of the site was undertaken in November 2012. This was followed by an extended Phase I habitat survey on 18th July 2013 and was updated on subsequent visits in 2014 and 2015.

The upper slopes are dry with smaller areas of damper ground whilst the lower slopes abutting the Business Park are damper with areas of course wet grassland, scrub, trees and some deadwood. It is the wetland that has greater value, however, as these are small there is few opportunities for more scarce species to establish.

It is reported that there are no uncommon habitats or plant species on the site and no evidence of use by protected species although a range of birds were found potentially to use it for breeding and bats to forage. The report finds that the site in general provides good foraging habitats for bats, in particular common pipistrelles, and is therefore of local biodiversity value. A total of 18 trees across the site have been assessed as having bat roost potential and it would be important to protect and retain as many of these trees as possible. Potential adverse impacts are identified by the reduction habitat for bird nesting and bat foraging.

No evidence of Great Crested Newts was found in either of the two pond areas on site but Common Toad was found and is a Species of Principal Importance under Section 41 of NERC Act 2006. It is likely that Common Toad uses part of the site nearest the ponds as terrestrial habitat, allowance should be made in the scheme design in those vicinities.

There are no ecological issues that would mitigate against refusing the application and appropriate conditions can be attached to control development during bird breeding/nesting and encourage bat foraging and protect the Common Toad habitats and this can be controlled by an appropriate condition.

## **9. Trees and Landscaping**

A layout scheme has been submitted but this can only be indicative as matters are reserved as recognised in section 4 of the submitted Environmental Statement (ES).

A tree survey has been submitted. It is noted that there would be some tree loss but again, the extent of this cannot be certain until more detailed stages when the design can be developed to ensure the minimum loss possible. There are TPO trees over the site and it would be hoped that losses of these and other better quality trees would be avoided by careful design informed by a tree survey and constraints plan. Any loss will be mitigated by the proposed green infrastructure works which includes tree planting which is described as substantial in the ES.

An extensive landscape and visual impact assessment has been submitted. It is intended to retain the majority of the existing trees and hedgerows and for them to be incorporated into a green space network. There would have to be some tree loss of up to 38 trees. Five of these are subject to TPO. These tree losses can be mitigated by replacement planting, however, given that the application is outline and the scheme layout is only indicative it might be feasible that the layout could be altered in order to retain certain trees if that is found to be beneficial. The agent has been requested to consider this at the Reserved Matters stage.

## **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 over 1 hectare and is located within Flood Zone 1 and therefore required a Flood Risk Assessment.

A Flood Risk Assessment has been submitted and further information has been provided. This has been assessed by the Environment Agency and the Lead Local Flood Authority who are satisfied that appropriate attenuation measures can be achieved on the site. The proposed drainage arrangements are acceptable subject to appropriate conditions.

## **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.”

A Desk Study Report was submitted with the application and concludes that there was no contamination on the site and therefore no remediation/mitigation would be required.

This accords with policy 8 of the Replacement Pendle Local Plan.

## **12. Section 106**

The development will need to be the subject of a section 106 agreement. This will provide for an education contribution as detailed above and £250,000 to contribute to cycle and pedestrian improvements to Junction 13 above and beyond those which will be provided to deal with traffic flows.

## **13. Conclusion**

The proposed housing scheme for up to 500 units and would provide a crucial housing site for the Borough in terms of bringing forward the Strategic Housing Site Allocation.

Details of scale, layout, appearance and landscaping are reserved matters for later consideration.

A contribution towards education has been requested and agreed with the agent this would be subject to a s.106 Agreement.

Open space will be provided on the site and the proposed sustainable drainage scheme is acceptable in principle. Further details of these will be provided at the reserved matters stage.

There are no potential issues with ecology and trees on the site subject to no bird breeding or nesting activities taking place on site during the construction period.

As it stands this proposal is acceptable for residential development and raises no adverse highway issues subject to appropriate conditions and contributions towards improvements to sustainable transport links and provision of a bus service to link the site to local amenities. The improvements to junction 13 have been designed by LCC Highways and LEP funding has been agreed, provision has been made for the works to be carried out at an appropriate stage of the development if for any reason these improvements were not carried out by LCC Highways. This can be controlled by an appropriate condition.

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

The proposed scheme would accord with policy 31 of the Replacement Pendle Local Plan and policies SDP1, SDP2, SDP3, ENV1, ENV2, ENV4, ENV5, ENV7, LIV1, LIV2, LIV3, LIV4, LIV5, SUP1, SUP2 & SUP3 of the adopted Core Strategy.

## **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 is acceptable in terms of highway capacity and improvements, education contributions, impact on landscape, adjacent conservation areas, and nearby listed building and protected trees. Appropriate provision for open space and sustainable drainage systems can be accommodated on the site. The site is designated as the Strategic

Housing site in the adopted Core Strategy. 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. Applications for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of seven years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

10\_1, 145H-82B.

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

4. Prior to the commencement of development, a plan and written-brief detailing the proposed phasing of the overall site shall have been submitted to and agreed in writing by the Local Planning Authority. No development shall thereafter commence on any individual phase unless and until a scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The submitted details 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 approved details.

**Reason:** To order to ensure the site is developed in a way that protects the visual amenity of the area and the amenity of residents on the site and adjoining it.

5. The development shall not begin unless and until a scheme for the provision of affordable housing as part of the development has 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 the National Planning Policy Framework. The scheme shall include details of:

i) the numbers, type and tenure of the affordable housing provision to be made;

- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of any affordable housing to an affordable housing provider or the management of the affordable housing if no RSL involved.

The provision of affordable housing shall not be altered unless with the written approval of the Local Planning Authority.

**Reason:** In order for the development to contribute to the supply of the affordable housing needed in the Borough.

6. No individual phase of development shall commence part of the development hereby permitted shall be commenced unless and until a Construction Code-of-Practice proposal for that phase has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures to be implemented 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) The 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 of wheel-washing facilities including location
  - f) For the piling details, including likely vibration and noise levels at site boundaries during those operations.
  - g) Measures related to construction waste management
  - h) Pollution prevention to include odour suppression, temporary drainage measures, control on re-fuelling activities and measures such as cut-off trenches to control gas migration.
  - i) Soil resource management including stock-pile management
  - j) Compliance with BS5228: Part 1 1997 to minimise noise
  - k) Measures to ensure that there is no burning of waste.
  - n) Location and details of site compounds
  - o) Hoarding details during construction
  - p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
  - q) Noise-monitoring to be carried out for the construction period.

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

7. As part of the Reserved Matters application(s) and prior to the commencement of any development hereby permitted, the following details shall be submitted to and approved in writing by the Local Planning Authority:

Surface water drainage system which as a minimum shall include:

Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

The drainage scheme should demonstrate that the surface water run-off must not exceed greenfield run-off rates (evidence based). The scheme shall subsequently be implemented in accordance with a phasing to be agreed in accordance with condition 4.

Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which would include survey of existing culverts, refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

- Flood water exceedance routes, both on and off site;
- A timetable for implementation, including phasing where applicable;
- Site investigation and test results to confirm infiltrations rates;
- Details of water quality controls, where applicable.

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

**Reason:** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to reduce the risk of flooding to the proposed development, elsewhere and to future users and to ensure that water quality is not detrimentally impacted by the development proposal.

8. The Foul and Surface Water Drainage Strategy submitted pursuant to condition 7 shall include the following details as a minimum:
- a. unless otherwise agreed in writing, the foul connection point shall be to the 450mm combined sewer that runs parallel to Pendle Water which is located to the south east of the development at the end of Riverside Way, for the entire site;
  - b. the details of any additional off-site drainage infrastructure required as a result of the entire development; and
  - c. any drainage infrastructure connections (foul and surface water) between the different phases of the development defined by condition 4. Where drainage infrastructure connects development from different phases, it will be necessary to show how much development will be served by the connecting drainage infrastructure.

At the same time as the submission of each subsequent Reserved Matters application for a phase or part of a phase, an updated Foul and Surface Water Drainage Strategy shall be submitted to the Local Planning Authority for approval, such Strategy to include as a minimum the details listed above.

**Reason:** To ensure a holistic approach to the construction of the detailed drainage infrastructure of the site so that the drainage infrastructure which is constructed is

able to cope with the foul and surface water discharges from the entire development site.

9. For the avoidance of doubt, surface water shall drain separately from the foul. Unless otherwise agreed in writing, no surface water shall discharge directly or indirectly into any public foul sewer, any combined sewer or existing surface water sewer in accordance with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition 7 above and with the details contained in the submitted Utilities Statement prepared by RPS on behalf of Peel Holdings dated July 2015 Ref: RCEU32765 and submitted Flood Risk Assessment prepared by RPS on behalf of Peel Holding dated July 2015 Ref: RCEF31726

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

10. Prior to the approval of the surface water drainage scheme a condition survey of the culvert identified within the FRA (appendix G, Conceptual Drainage Strategy) should be undertaken and submitted to and approved in writing by the Local Planning Authority. Any remedial work needed to that culvert shall be undertaken in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory condition of a discharge point and to ensure flood risk is not increased within the site and elsewhere.

11. No individual phase of development shall commence unless and until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority. The development shall at all times be undertaken in accordance with the approved details.

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

12. No development shall commence unless and until details of the provision of a shuttle bus service or diversion of an existing bus service operating for five years and connecting with the site to local amenities has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include the routing of the bus services and a timetable for its operation.

The new/diverted bus service shall thereafter be carried out in strict accordance with the approved phasing details, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In order to provide a sustainable transport link for this strategic housing site and service provisions in Barrowford and Nelson town centres.

13. Prior to the occupation of the 200th house on the site or an alternative number to be agreed in writing by the Local Planning Authority the highway improvement work to Junction 13 of the M65 phase 1 scheme as shown on the LCC Highway plan M65 J13 Phase 1 shall have been completed in their entirety. Any modifications to the works as shown on the drawings shall be agreed in writing by the Local Planning Authority prior to that work being undertaken.

**Reason:** In order to ensure that capacity at Junction 13 is sufficient to cater for the increase in traffic generated by this development and in order to ensure that the site has sustainable transport links to it from the main settlement of Nelson.

14. No dwellinghouse on the site shall be occupied unless and until all of the highway work shown on drawing SCP/12218/D01 C have been provided and completed in their entirety in strict accordance with the approved details. This shall include the Toucan crossing on Barrowford Road.

**Reason:** In order that the site is served by safe and sustainable transport links to the road network.

15. No development shall commence unless and until details of a crossing to be provided on Riverside Road and the timing of this work have been submitted to and approved in writing by the Local Planning Authority. The approved crossing shall be implemented in accordance with the approved details and timing.

**Reason:** In order that the site is served by safe and sustainable transport links to the road network.

16. The new estate road for each phase shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level in accordance with details of the timing of the provision of the base course as agreed in accordance with condition 4. The highway to each plot shall be fully completed to full adoptable standard within one month of the substantial completion of that phase or within 2 years of the commencement of the phase whichever shall occur sooner or in accordance with an alternative timescale to be agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that the site is serviced by an adequate estate road and in the interests of the amenity of residents of the development.

17. Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and information will be made available within 3 months of the use commencing and audited and up-dated at intervals not greater than eighteen months to ensure that the approved Plan is carried out.

**Reason:** To reduce dependence on car-borne travel.

18. No tree within the site shall be cut down, up-rooted, topped, lopped, destroyed or in any other way damaged, nor any hedge within the site cut down or grubbed out, without the prior written approval of the Local Planning Authority.

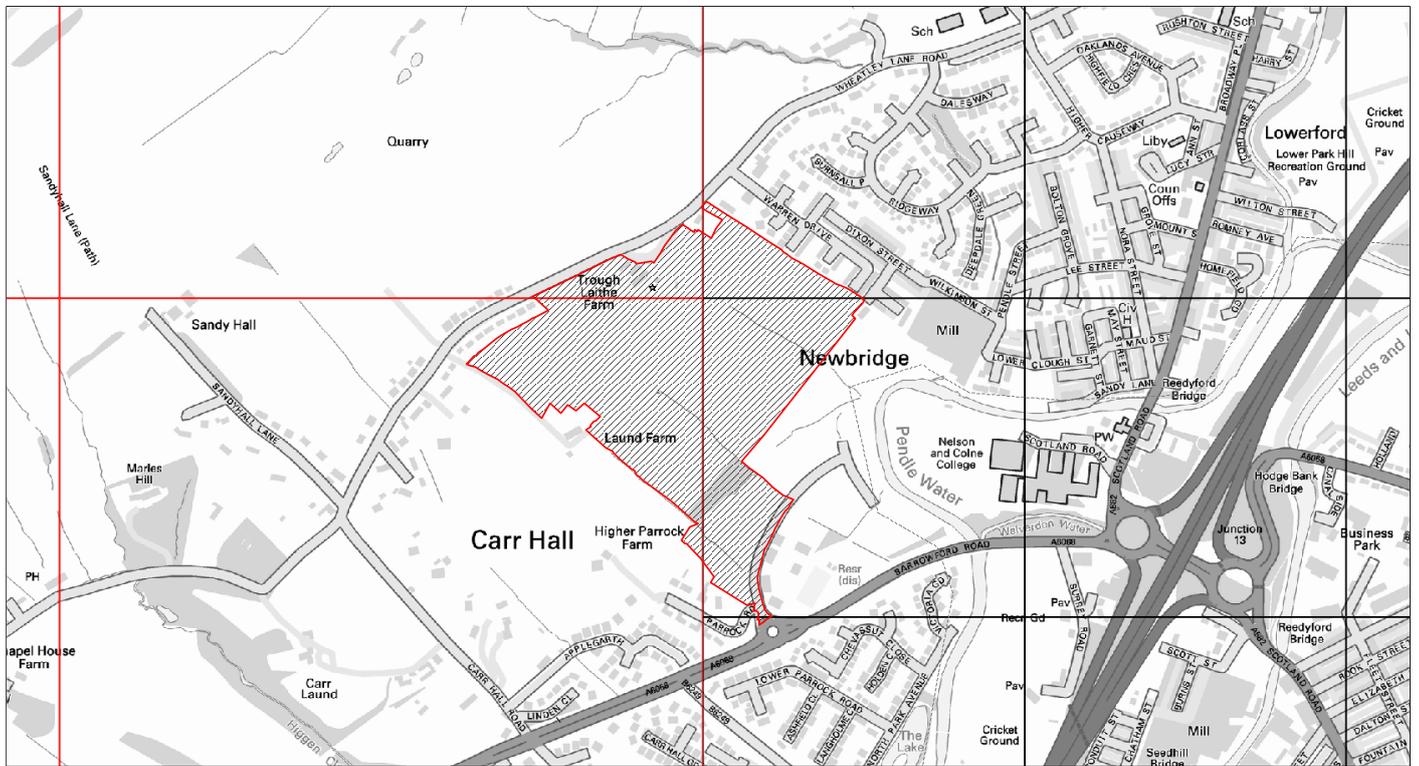
**Reason:** To protect trees and shrubs as essential elements in the development.

19. The development shall be carried out in strict accordance with the mitigation plan set out in the Ecological Baseline Survey dated July 2015 by ESL (Ecological Services) Ltd.

**Reason:** To ensure no net loss of biodiversity as a result of this development.

**Note:**

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site.



**Application Ref:** 13/15/0327P

**Ref:** 18862

**Proposal:** Outline: Major: Residential development of up to 500 no. dwellinghouses with associated infrastructure, open space and landscaping (access only off Barrowford Road).

**At:** LAND AT TROUGH LAITHE BARROWFORD NELSON BB9

**On behalf of:** Peel Investments (North) Ltd

## LIST OF BACKGROUND PAPERS

Planning Applications

**NW/HW**

**Date:** 15<sup>th</sup> January 2016