

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: WEST CRAVEN COMMITTEE

DATE: 29th March 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE ON 29 MARCH 2016

Application Ref: 13/16/0064P **Ref:** 19300

Proposal: Outline: Erection of 6 two storey dwellings (All matters reserved) (Re-Submission).

At: MORRIS ING SKIPTON ROAD EARBY BARNOLDSWICK BB18 6JL

On behalf of: Mrs J Beecroft

Date Registered: 17 February 2016

Expiry Date: 13 April 2016

Case Officer: Mubeen Patel

Site Description and Proposal

The application is brought to committee by the request of a Councillor.

This application for six residential units is made in outline with all matters reserved for future consideration. This is a resubmission of a similar application (13/15/0338P) refused by committee members in October 2015 by reason of;

1) The applicant has failed to demonstrate that the site would not be subject to unacceptable flood risk or that the development would not exacerbate flood risk elsewhere. As such the proposal fails to comply with Policy 6 of the Replacement Pendle Local Plan.

Given the reason for refusal above, the applicant as part of this resubmission has provided a Flood Risk Assessment.

The site lies on a plot of land between Morris Ing and the residential property 'Dalesway'. The site covers approximately 0.2 hectares and comprises of an area of grassland which is being used for pasture.

The site is located on the northern edge of the residential area of Earby with the A56 road bordering the western boundary of the site. The eastern boundary of the site is bordered by a strip of broad leaved woodland. The wider area is mainly made up of residential properties with industrial land use to the north east of the site.

The site is within the defined settlement boundary and is surrounded by existing urban development on three sides. A small section to the south of the site is within the Earby Conservation Area.

A new access would be created off the A56 Skipton Road with a turning head provided within the site. Footways will be provided within the site and on the Skipton Road frontage.

Relevant Planning History

13/15/0338P - Outline: Erection of 6 two storey dwellings (All matters reserved) - Refused - 13/10/2015.

Consultee Response

Tree Officer - No objection. It should be noted that the disused railway immediately adjacent to

the east of the site is a biological heritage site and all elements of the scheme should ensure that they have no detriment to the integrity of the site as a BHS. It is highly likely that the tree-lined railway is bat forage and commuting habitat so any external lighting proposed on the development site should be suitably designed so as not to detrimentally affect the use of the habitat by bats.

Environmental Health - Environmental Health Services has considered the above-mentioned application and offers no adverse comments.

Earby Town Council - Council holds the same problems with this site as it did when it first came to before it and was subsequently refused at PBC.

The Boxing Day floods highlighted the depth of water that that piece of land has lying on it under heavy rainfall situations, along with the road flooding in that area. (Road closed off on Boxing Day) All that water would be displaced to elsewhere, creating bigger problems elsewhere, in particular the adjacent properties.

It was proposed that this be refused.

Highways - No changes to the access and parking have been made in this resubmission, therefore the previous comments below from Highways are still relevant.

The Highway Development Control Section does not have any objections regarding then proposed small housing development, providing the recommended sight lines can be provided in both directions. Where the sight lines cannot be provided as recommended the Highway Development Control Section would raise an objection to the development in the interest of highway safety.

The site will be accessed via a new access on to Skipton Road. Skipton Road is classified as the A59 road and is categorised as a Strategic Route with a speed limit of 30 mph fronting the site.

The proposed development does not affect any public rights of way. As the development is for less than 10 properties a section 106 transport planning contribution for the development is not required.

The planning application is for less than 50 new dwellings and as such the applicant does not need to provide a transport assessment. TRICS is the national standard system used to predict trip generation and analysis of various types of development. Using a typical TRICS report for a privately owned housing development, the development will generate an estimated 36 vehicular movements a day with an estimated peak flow of 4 vehicles between 17:00 and 18:00.

The Highway Development Control Section is of the opinion that the development would have a negligible impact on highway capacity in the immediate vicinity of the site.

The Lancashire County Councils five year data base for Personal Injury Accident (PIA) was checked on the 26th August 2015. The data based indicates there has been one reported incidents to the south of the access. Whilst any accident is regrettable, the highway network surrounding the site is considered to have a good accident record and indicates there is no existing underlying issue which the proposed development would impact on.

There has been a traffic count carried out by Lancashire County Council on the 13th March 2014 for a full week fronting the applicant's site. The traffic study indicates an 85th percentile speed of 39mph north bound traffic and 34mph south bound traffic, the study also indicates 8% of the vehicle passing the site are HGV's.

The sight lines of 2.4 x 56m to be provided in a northern direction from the centre of the new site onto Skipton Road. The site line requirement is based the sight line calculation from Manual for Streets and the 85th percentile speed of 34 mph and 8% HGV movements.

The sight lines of 2.4 x 98m to be provided in a southern direction from the centre of the new site access onto Skipton Road. The site line requirement is, based on the basic formula for calculating Stopping Sight Distances (SSD) in table 10.1 from Manual for Streets 2, and the 85th percentile speed of 39 mph.

The applicant should provide accurate details of the required sight line requirement, before determining the application, ensuring the entire sight line requirement is fully over land within the applicants control and/or over the adopted highway and to fully show all works which would be required to provide the sight lines.

From observations on site and the information provided on the applicant's site location plan the sight line requirement is not fully achievable over the applicants land and the existing adopted highway.

The required sight line requirement may be reduced if the applicant can provide an acceptable traffic study, which indicates the 85th percentile traffic speeds are less than detailed above. The traffic study would need to be carried out over a full week by an approved specialist showing the 85th percentile wet road traffic speeds in both directions, the numbers of vehicles, types of vehicles and the speed of vehicles passing the proposed new access.

Where acceptable sight lines at the junction are not provided the Highway Development Control Section would raise an objection to the development in the interest of highway safety, due to the high volume of fast moving vehicles passing the site.

Yorkshire Water - The previous comments below from Yorkshire Water are still relevant.

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

(To ensure that no surface water discharges take place until proper provision has been made for its disposal).

Public Response

Sixteen neighbours were notified by letter, no comments have been received.

Relevant Planning Policy

Code	Policy
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
LIV 1	Housing Provision and Delivery
LIV 5	Designing Better Places to Live
SDP 1	Presumption in Favour of Sustainable Development
SDP 2	Spatial Development Principles

Officer Comments

The main focus of this resubmission is the impact the proposal will have on flooding alongside

Policies within the Local Plan Core Strategy Part 1 which was adopted in December 2015 which supersedes the Replacement Pendle Local Plan.

Policies

There is a presumption in favour of sustainable development defined as those policies contained at paragraphs 18 – 219 of the National Planning Policy Framework. Planning should proactively drive and support development and that authorities should meet in full their objectively assessed housing, business and other development needs. In addition, the National Planning Policy Framework (NPPF) states that Local Authorities should approve applications where practical to do so and attach significant weight to the benefits of economic and housing growth.

The NPPF also states "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

Paragraph 47 of the National Planning Policy Framework (NPPF) requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The current housing land supply information contained in the draft Housing Implementation Strategy which forms part of the main modifications to the Core Strategy sets out the most up-to-date five year housing land supply calculation and indicates that the Council can demonstrate a 5.4 year supply of land (based on the housing requirement figures set out in the Core Strategy).

Paragraph 49 of the NPPF states that 'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.

The following Local Plan Core Strategy Part 1 policies are relevant here:

Policies SDP1, ENV1, ENV2, LIV1 and LIV5 of the Core Strategy Part 1 are all relevant in the determination of new housing applications.

Policy SDP1 (Presumption in Favour of Sustainable Development) is set out to secure development that improves the economic, social and environmental conditions in the area.

ENV1 addresses issues such as biodiversity, the protection of designated landscapes and impacts on open space.

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

LIV1 states that to encourage significant and early delivery of housing, proposals for new development will be supported on non-allocated sites within the Settlement Boundary which are sustainable. The Policy goes further to state that until the Council adopts the Pendle Local Plan Part 2 (Site Allocations and Development Policies) sustainable sites outside but close to a settlement boundary which make a positive contribution to the 5 year supply of housing land will be supported.

LIV5 advises that the types and sizes of new dwellings to be provided should help to diversify the existing housing stock and achieve a better, more balanced mixed of dwellings in the borough.

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

This is addressed in the Highways section below.

Principle of Housing

The Framework requires housing applications to be considered in the context of presumption in favour of sustainable development and deliver a wide range of high quality homes and create sustainable, inclusive and mixed communities.

Therefore applications for sustainable new housing development will be considered favourably having regard to the policies in the Framework, in particular Paragraphs 7, 17 and 56.

Paragraph 7 states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.

Paragraph 56 attaches great importance to the design of the built environment.

Although the Council can demonstrate a five year supply of land, sites which would make a positive contribution to the supply of housing land and are within a sustainable location (e.g. within a settlement boundary) would still be acceptable for housing development in principle (Local Plan Policy 1 – Proposals for new development should be located within a settlement boundary). The Framework paragraph 49 indicates that housing applications should be considered in the context of the presumption in favour of sustainable development.

This proposal is for six dwelling houses and therefore the proposed development would make a contribution to meeting the Borough's housing needs by increasing the supply of housing land.

This site is located in Earby which is a Local Service Centre within the settlement boundary.

The site is in a sustainable location, in walking distance of services, facilities, schools and public transport.

Impact on Conservation Area

Housing proposed within this site which has residential properties adjacent would not impact on the character, setting and appearance of the Conservation Area. In this case the principle of housing at this site, provided that the details of materials and design are adequately addressed at the Reserved Matters stage would accord with Policy ENV2 of the Local Plan Core Strategy Part 1.

Impact on Amenity

All matters have been reserved in this application; therefore the plans provided as part of the submission are only indicative at this stage. Any specific details regarding design and layout would be considered as part of any future application.

Skipton Road contains a mixture of older and newer properties. Subject to a suitable final design, the introduction of two storey dwelling of different sizes in this location would not raise any undue concerns in terms of the overall appearance of the street scene.

Due to the nature of the application, no detailed elevations are required at this stage. Therefore the exact position of windows and other openings is not finalised at this time. Indicative plans have been provided to show how the site may be developed and possible design solutions.

The neighbouring property 'Dalesway' has a window in its side elevation which faces the application site and a conservatory to the rear. A distance of 4.5m would remain between the side elevation of 'Dalesway'. Any detailed design would need to ensure that neighbours and future residents are not unduly overlooked in terms of room/window configurations and overshadowed in term of distances between elevations. The Design Principles SPD acknowledges that "regard must

be had to existing street patterns and the existing interface distances between properties characteristic in an area".

The final assessment on the appearance, layout and scale of the proposed development would be addressed at the reserved matters stage, but the general form and design of the dwellings as indicated in this submission are acceptable.

Therefore, the proposal on this site would be acceptable and compliant with Policy LIV 5 of the Local Plan Core Strategy Part 1.

Highways Issues

The site would be accessed via a new access on to Skipton Road. Skipton Road is classified as the A59 road and has a speed limit of 30 mph fronting the site. The proposed development does not affect any public rights of way.

Adequate parking and turning facilities can be provided within the site for each dwelling

The garages will need to be a minimum of 5.5m in length in order to count as parking spaces.

Plans submitted by the applicant show that visibility can be achieved at the site where existing walls and fences could be reduced in height to achieve greater visibility when trying to exit the site in both directions. The plans received shows the maximum visibility achievable at the site would be more than the site line requirement based on the sight line calculation from Manual for Streets.

Therefore in principle, whilst the sight lines will be formally assessed at the reserved matters stage, the indicative details show that a suitable layout and achieving an acceptable number of off-street parking provision is possible, in compliance with the requirements of Policy 31.

Impact on Trees

The site has a strip of Broad leaves woodland along its eastern boundary. The plans submitted show these trees will be retained at the site where the positioning of the properties would be more towards the west of the site facing Skipton Road.

Some parking spaces as indicated would extend into the protected zone and would need to be constructed using no-dig specification. This can be controlled by an appropriate condition.

As such the significance of any loss of green space would be negligible and in accordance with Policy ENV1 of the Local Plan Core Strategy Part 1.

Flooding

The application site lies within Flood Zone 1 as defined by the Environment Agency Flood Map as having less than 1 in 1000 annual probability of flooding from river or sea. The Environment Agencies risk of flooding from surface water map shows that large areas of Earby village are susceptible to flooding.

Given the reason for refusal in the last application a Flood Risk Assessment has been submitted with this application. A response to this is awaited from the Environment Agency as to whether this addresses the concerns.

Yorkshire Water did not object to the scheme in the last application and indicated that a suitable condition requiring details of drainage to be submitted at the reserved matters stage would be appropriate.

Summary

In light of the issues above, this revised outline application is acceptable and complies with the

aforementioned policies set out in the Local Plan Core Strategy Part 1 subject to a response from the Environment Agency in relation to surface water flooding. Once these comments are received the Committee will be notified by the subsequent update report. Based on the information provided thus far, the recommendation for this application is to approve.

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 development is acceptable in principle and accords with Policies SDP1 SDP2, ENV2, LIV1 and LIV5 of the Core Strategy Part 1. 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. An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three 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 access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development 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:
Location Plan 1:1250.

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

4. Before development commences a Construction Method Statement shall be submitted to the Local Planning Authority for approval in writing and shall thereafter be adhered to at all times during the construction period.
The Statement shall provide for:

1. Storage of plant and materials used in constructing the development
2. Measures to control the emission of dust and dirt during construction

Reason: To protect the amenities of neighbouring properties.

5. A scheme for the disposal of foul and surface water shall be submitted to and approved in

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

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



Application Ref: 13/16/0064P

Ref: 19300

Proposal: Outline: Erection of 6 two storey dwellings (All matters reserved) (Re-Submission).

At: MORRIS ING SKIPTON ROAD EARBY BARNOLDSWICK BB18 6JL

On behalf of: Mrs J Beecroft

REPORT TO WEST CRAVEN COMMITTEE ON 29 MARCH 2016

Application Ref: 13/16/0054P

Ref: 19286

Proposal: Outline: Major: Residential development (5.07Ha) of upto 148 dwelling houses with access from Long Ing Lane and new access via footpath 10 (Access only) (Re-Submission).

At: FORMER BARNSAY SHED AND ADJ FIELD LONG ING LANE
BARNOLDSWICK

On behalf of: Mr R Sutton

Date Registered: 8 February 2016

Expiry Date: 4 April 2016

Case Officer: Alex Cameron

Site Description and Proposal

The application site is located to the east of the settlement Barnoldswick and to the south of Long Ing Lane. The west/southwest boundary of the site is formed by the Leeds Liverpool canal with the Silentnight factory beyond, then open land to the south and east of the site with to the north west the land rising up to both isolated farm properties and a residential area. Approximately half of the site, to the north east west side falls within the settlement boundary and is designated as protected employment land. This was the former site of Barnsay Mill.

This is an outline application for access only for a residential development of up to 148 houses. The vehicular access would be taken from two existing access points onto Long Ing Lane.

Relevant Planning History

13/81/0987P - Change of use of weaving shed to warehouse, construction of new vehicular access and vehicle park and construction of two overhead conveyor bridges at Barnsay Mill. Approved.

13/90/0619P - Outline: use of land for Business (B1), general industry (B2) and storage distribution, Barnsay Mill site. Refused.

13/93/0175P - Outline: industrial building of approximately 250,000 sq ft on the site of the former Barnsay Mill. Approved.

13/93/0381P - Reserved matters of 13/93/0175P. Approved.

13/00/0411P - Outline: Use of land for B1 (Business), B2 (General Industrial) & B8 (Storage or Distribution) development. Approved.

13/07/0242P - Reserved Matters: Major: Erection of 2000sqm B1, 9300sqm B2 and 1100sqm B8 of industrial floorspace and formation of access road, parking and landscaping. Approved.

Consultee Response

LCC Lead Local Flood Authority - No objection subject to conditions requiring the submission and implementation of a surface water drainage scheme and management and maintenance plan, details of surface water pollution prevention, the carrying out of further investigations on the culvert proposed for surface water discharge. Detailed comments:

Surface water drainage:

The applicant intends to discharge surface water to an ordinary watercourse. Whilst other preferable runoff destinations should be considered first, namely infiltration to ground, it is noted that the Flood Risk Assessment does indicate that infiltration based SuDS techniques are unlikely to prove feasible for this site. For this reason, the Lead Local Flood Authority considers discharge to an ordinary watercourse to be acceptable, subject to sufficient evidence of permeability testing for the site and subject to an appropriate point of discharge being identified.

Flood risk: Section 4.0 of the FRA indicates that there is a significant risk of flooding along the south western boundary of the site should the canal infrastructure fail during the lifetime of the development. The FRA suggests that the main reason for this is that the topography of this area is generally at a level below that of the canal. Whilst it is noted that the probability of an infrastructure failure is likely to be relatively low, the LLFA feels that the potential impact that this may have on the development would be significant. It is also noted from Section 4.5 of the FRA, that the south west corner of the site is also shown to experience a medium to high probability of surface water flooding. Therefore, it is anticipated that some flooding may occur within this area during medium to high intensity rainfall periods.

For the reasons stated above, the LLFA would strongly recommend that any residential development is avoided within this area of the site, unless appropriate flood alleviation measures are put in place by the developer to sufficiently reduce the risk of flooding to property and / or infrastructure.

Section 5.2 of the FRA indicates that the existing surface water sewer and culverted watercourse located through the centre of the site, will need to be diverted via a green corridor located between the south side of the proposed access road and the Leeds and Liverpool Canal. It is noted from the FRA, that this culvert will be upsized to 450mm dia in size, in order to match the largest existing pipe along the watercourse. It is also noted that further investigations are planned on the existing culvert to ensure that all live connections are accounted for and that the culvert is sufficiently sized to cope with the estimated flows through the site.

Whilst it is encouraging to see that the developer intends to increase the capacity of the culvert, the applicant would still need to provide appropriate hydrological calculations at Reserved Matters, to adequately demonstrate that the proposed culvert is sufficiently sized to cope with existing flows, along with any additional flow generated from the development site, without resulting in 6 flooding on or off site. The application would also need to provide details of any investigations carried out on or off site for the purpose of assessing the capacity, condition and discharge point of the downstream section of the culvert.

Section 5.3 of the FRA indicates that there is an existing 225mm dia culvert located on the eastern boundary of the site. This is believed to be fed by a series of existing land drains in and around the development site. Following an assessment of this culvert, the FRA has concluded that the existing pipe does not have sufficient capacity to cope with flows generated during higher magnitude rainfall events and therefore, it is suggested that in its present state the limited capacity of the culvert may lead to surface water flooding at this location. Furthermore, whilst it is believed that the culvert emerges close to the southern corner of the site, it is noted that the discharge point to the watercourse or canal has yet to be identified.

The LLFA is concerned by this and notes that section 5.4 of the FRA indicates that the applicant intends to connect a new 150mm dia filter drain to the culvert to intercept overland flows along the north eastern boundary of the site. This is a mitigation measure proposed by the developer to reduce the risk of surface water flooding from the adjacent higher land. Should the culvert be unable to drain sufficiently, either due to its capacity or due to its condition or outfall, then we feel that the risk of flooding to the site would be high and therefore, this would potentially be grounds for an objection.

It is noted however, that the FRA recommends for further investigations to be carried out on the culvert and for discussions to be held with the adjoining landowner regarding the prospect of 'day lighting' the culvert to increase its capacity and to reduce the risk of flooding to the site. As an engineered solution has been proposed by the applicant, the LLFA feels that an objection is not required at this stage.

In regards to the 150mm filter drain mentioned above, the LLFA would like to clarify that the peak runoff rate for the 1 in 1 year, 1 in 30 year and 1 in 100 year rainfall event (+30% allowance for climate change), should not exceed the peak greenfield runoff rate for the same event. The same principle would apply for all surface water drainage systems that are required for the purpose of disposing surface water to an ordinary watercourse.

Whilst it is noted that estimated greenfield run off rates and attenuation volumes have been provided within the FRA, the LLFA would require detailed calculations to be provided at Reserved Matters, in order to confirm the details provided are appropriate for the site. A formal detailed surface water drainage strategy would also need to be submitted to and approved in writing by the local planning authority, prior to the commencement of any development. This is to ensure that the proposed development can be adequately drained without resulting in an increased flood risk on or off site.

It is noted from the preliminary surface water drainage layout (attached as Appendix K of the FRA), that the applicant intends to build within 8 metres of a watercourse. Construction within 8 metres of any watercourse is not advised as access for maintenance purposes is restricted and it has the potential to pose an undue flood risk to structures. It is therefore advised that the applicant modifies the proposed surface water drainage layout to ensure that no structures are constructed within 8 metres of a watercourse.

Whilst it is evident from the Flood Risk Assessment that various SuDS techniques have been considered for the site, the LLFA recommends for the applicant to also explore the use of other SuDS features in order to further reduce the rate and volume of surface water draining from the site. Please note that some SuDS features may require certain permitted development to be removed from land on or within close proximity to where it is located. It is advised that the Local Planning Authority take note of this and if minded to approve, an appropriate informative is attached to the formal Decision Notice.

LCC Highways

LCC Education - An education contribution is not required at this stage in relation to the application above. However a recalculation would be required at the point at which the application is considered for decision. It is therefore the responsibility of the planning authority to inform LCC at this stage and request a recalculation in order to obtain a definitive figure. There may be a request for a contribution from the LCC Highways and Sustainable Transport teams in relation to the proposal. However, the level of such a contribution has not yet been determined, and will be submitted in due course.

Environment Agency - No objection subject to a contaminated land condition.

United Utilities - No objection subject to foul and surface water drainage conditions.

Yorkshire Water - A water supply can be provided under the terms of the Water Industry Act, 1991.

There are private water supply pipes and fire hydrants present within the site boundary, including the

existing supply pipe to Higher Barnsay Farm. Any private supply pipes and fire hydrants which are no longer required will need to be disconnected from the YW public main infrastructure. The costs are unlikely to be excessive. Refer to United Utilities (North West Water) for sewerage comments.

Natural England - No adverse comments.

PBC Environmental Health - The noise assessment indicates that noise from the nearby industrial site will be mitigated by appropriate glazing and ventilation which reduces noise levels to or near to the recommended limits. We recommend in addition that layout of the properties is revised to minimise the number of openings contributing to elevated noise levels within the properties. Please attach contaminated land and construction method conditions.

Canal and River Trust - To ensure that the proposed works do not have a detrimental impact on the canal and its infrastructure, we recommend a condition requiring details of proposed foundations to be submitted. Should the scheme proceed as per the indicative layout, the scheme will fail to fully address the waterfront location as the indicative layout turns its back on the canal, exposing side elevations and parking bays which fail to enhance the waterway corridor. We also note the Applicants intention to reduce the visual impact of the development upon the canal with a proposed green buffer separating the development from the canal.

However, we considered that this visual buffer could be strengthened by widening the buffer strip and incorporating extra vegetation. Therefore, we recommend that the Applicant amends the indicative layout in order to re-orientate the proposed housing so that they face the canal and strengthen the canal side buffer strip. Such amendments to the scheme will help to ensure that the development is visually attractive and suitably landscaped when viewed from the canal as required by paragraph 58 of the NPPF.

Furthermore, we note that no pedestrian or cycle links are proposed from the application site to the canal towpath. The towpath provides a sustainable transport link, offering future residents a car free transport option and opportunities for leisure, recreation and exercise. Therefore, we recommend that the site is connected to the towpath and welcome future discussions to finalise this matter.

During construction and operation of the site, the Trust would require the works, handling, storage and disposal of waste generated by construction and operation to be carried out in accordance with relevant legislation and regulatory requirements. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided.

We note that the Environmental report / phase 1 survey included in the application has recorded and assessed habitats and species found within or adjacent to the site and requires that further survey work is required during the spring / summer to allow further assessment to be made.

We would recommend this approach and advise that the updated assessment considers the impact of the proposed development on the canal ecology, this should include direct impact as well as impact through potential pollution or run-off that may enter the canal during construction of the access route.

Public Response

Press and site notices have been posted and 68 neighbours notified. The notification period expires on 7th April. The following responses objecting the proposed development have been received:

The surrounding roads are not adequate to accommodate the additional traffic that would be generated by the development.

The bridge over the canal is not strong enough to accommodate additional traffic that would be generated by the development and construction vehicles.

The increase in traffic would adversely impact on highway safety in relation to the children's play area opposite the site.

The development would increase on-street parking in the area.

The site is vulnerable to flooding.

The development would increase the risk of flooding on adjacent farmland.

The existing single track access road though the site is heavily used by walkers, farm vehicles and milk tankers. This would be incompatible with housing proposed adjoining the access road. This would adversely impact upon the operation of Rainhall Farm.

The development would put more pressure on already busy local services and infrastructure.

There is insufficient shopping provision in the area.

A large variety of birds, bats and other wildlife use the site and would be harmed by the development.

A water course runs from the former landfill site on Ben Lane past our property and though the site and disruption to this may cause us problems.

Concerns were raised on the previous application by the Canal and River trust in relation to the effect of ground works on the canal.

Building on green field sites should not be allowed.

The development may undermine adjacent properties.

The area is allocated for employment use and falls beyond the settlement boundary of Barnoldswick and is not acceptable for development.

The development of this employment site for housing is inappropriate when viewed against the original plan for industrial use and the longer term benefit of potential employment choice within Barnoldswick.

Only one car parking space is shown for each dwelling, this is insufficient.

The land is structurally unsound as there is a tunnel to Rainhall Rocks running under it. There is monitoring of methane at the filled tip running through Rainhall Rocks and out into the site. What effect would the proposed building have if the water course is changed.

The proposal is an inappropriate overdevelopment of the site.

Harm to view from adjacent properties.

The land to the north and south of the farm track should be used for screening as in the previous industrial unit permission.

The target noise level in the noise survey is too low and will give an inadequate level of acoustic attenuation, which could lead to noise complaints being made against the adjacent Silentnight factory.

Officer Comments

As this is an outline application for access only the only matters to be considered in details at this stage are the provision of access and the principle of the development.

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP2 sets out the roles each settlement category will play in future growth. Barnoldswick is a key service centre which provide the focus for future growth and will accommodate the majority of new development.

Policy SDP3 identifies housing distribution in West Craven Towns as 18%. The total housing requirement for Pendle at the present time is 5662. The amount of development proposed here is not disproportionate to the amount Barnoldswick could expect to accommodate over the 15 year plan period.

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

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

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

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

Policy LIV4 sets targets and thresholds for affordable housing provision. For 15 or more dwellings in West Craven towns this is 5%.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

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

Policy 22 (Protected Employment) This policy states that it is concerned with re-using employment premises in an attempt to reduce the amount of greenfield land required for employment.

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

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

Principle of Housing

The application site falls partially within the settlement boundary of Barnoldswick. Although approximately half of the site falls outside of the settlement boundary, taking its proximity to the settlement and its services and facilities into account it is a sustainable location for the proposed housing development.

Pendle Borough Council has demonstrated in the Strategic Housing Land Availability Assessment a five-year supply of deliverable housing sites, this includes sites that fall outside of settlement boundaries. Although this site has not been included in this assessment, it would contribute towards the delivery of the Council's five-year housing supply and this weighs strongly in its favour.

The north western part of the site falls within a protected employment area. This is the former site of Barnsay Mill and has had a number of permission granted over the past 20 years for redevelopment for industrial use, however, none of these permission have been implemented and it appears unlikely that this site would now come forward for employment use. Policy 22 of the RPLP allows the development of protected employment land for other uses where the site has remained vacant for over four years. This site has remained vacant for more than 20 years and taking this into account, the proposed residential development does not conflict with Policy 22.

Therefore, the principle of the proposed development is acceptable.

Affordable Housing Provision

Policy LIV4 sets a target of 5% affordable housing for developments of this scale in this location. The applicant has indicated that a proportion of affordable housing will be provided on site, this details and level of this provision are to be dealt with at the reserved matters stage.

Visual Amenity

The proposed development would appear as a natural extension of the existing settlement between the Silentnight factory and Rainhall Crescent. Concerns have been raised by the Canal and River Trust regarding the relationship of the housing with the canal on the indicative plan, however this is merely indicative and their issues would be addressed at the reserved matters stage. Subject to appropriate design, materials and landscaping, which would be considered at the reserved matters stage, the proposed development would not result in an unacceptable impact on the character and visual amenity of the area in accordance with policies ENV2 and LIV5.

Residential Amenity

Adequate separation distances could easily be provided between the proposed housing and existing housing to the north east and the proposed development would not otherwise unacceptably impact upon highway safety.

The Silentnight factory to the west has the potential to cause noise that could affect the amenity of residents of the proposed development. A noise assessment has been submitted with the application addressing this potential impact. The assessment concludes that internal noise levels can be made acceptable with glazing and ventilation to offer soundproofing of potentially affected dwellings. A representative of Silentnight has raised concerns regarding the interpretation of the noise readings in the report and that unacceptable impact may result irrespective of the proposed mitigation, which could impact on the operation of the factory.

Environmental Health have assessed this and advised that, although noise levels are likely to be very close to maximum acceptable levels at the closest properties, changes to the indicative layout could ensure that there would be no unacceptable impacts on the proposed development and therefore no adverse impact on the operation of the Silentnight factory. This can be fully addressed at the reserved matters stage.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

Ecology

A phase 1 walkover survey of the site has identified that the site is likely to be used by protected species including bats and breeding birds. However, the impacts these and other wildlife can be acceptably mitigated by further survey work which would potentially influence the layout and phasing of the development. This would be considered at the reserved matters stage.

Open Space

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The applicant indicative plans show potential public open space areas running through the site, details of the type and extent of public open space would be considered at the reserved matters stage.

Drainage and Flood Risk

A number of concerns have been raised regarding drainage and flooding. A flood risk assessment has been submitted with the application and both the Environment Agency and Lead Local Flood Authority have raised no objection to the development on the basis of this. Further investigations of the culvert proposed for surface water discharge is required to establish its capacity and what works may be required to ensure that it is adequate and full details of the surface water drainage scheme will need to be submitted. The indicated layout may also need to be revised at the reserved matters stage to move properties out of an area at risk of flooding from the canal. However, these are matters of detail and design that can be appropriately resolved at the reserved matters stage rather than matters that affect the principle of the acceptability of the development from a drainage and flooding point of view.

United Utilities have also raised no objections to the principle of provision of foul drainage for the development.

Therefore, subject to appropriate conditions, the proposed development would not be at unacceptable risk of flooding or unacceptably increase the risk of flooding off-site and is therefore acceptable in terms of drainage and flood risk.

Highways

Acceptable visibility would be provided at the proposed access to the site and their use would not result in an unacceptable highway safety impact.

Concerns have been raised regarding the ability of the surrounding road infrastructure to cope with additional traffic generated by the proposed development both during and after constructions. It should be noted that planning permission has been granted in the past for an industrial/warehouse development on this site, the transport statement submitted with this application demonstrated that the proposed development would be likely to have less impact on the highway than the previous permission in terms of trip generation and clearly a significantly lower number of goods vehicles trips.

Concerns have also been raised regarding the level of car parking proposed and impacts on the access road to Higher Barnsay Farm. It is clear at the density proposed that adequate provision could be made, full details of car parking provision would be provided at the reserved matters stage. The comments appear to assume that the access road would remain at its current single track width, however it appears likely that it would be increased in width and access to Barnsay Farm would not be adversely affected, the number of trips by large vehicles likely to be generated by the farm would also not unacceptably impact upon residents of the proposed houses. The internal road layout shown is indicative at this stage and would be considered fully at reserved matters.

Taking this into account the proposed development is acceptable in principle terms of highway safety. LCC Highways detailed comments are awaited and will be reported together with any conditions and off site highway works they advise to be necessary.

Other issues

Concerns have been raised regarding the ability of local services and facilities to cope with any increase in demand as a result of this development. In relation to school provision LCC Education have raised no objection and have not requested any contribution towards school provision. The Council's housing supply targets are based on projections of future population growth and demographic changes in the borough, projections are also used by public service providers to plan and prepare for the public services needed for demographic and population changes.

Summary

The proposed access and principle of the development are acceptable, it is therefore recommended that the approval of the application is delegated to the Planning, Building Control and Licencing Manager for the expiry of the notification period.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent Subject to the following conditions:

1. An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping * of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three 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 access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development 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: 07.113 01A, 07.113 08E.

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

4. As part of any reserved matters application and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority.

1. Surface water drainage scheme which as a minimum shall include:

- a) 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;
- b) The drainage scheme should demonstrate that the surface water run-off must not exceed the peak greenfield runoff rate for same event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing where applicable;
- f) Site investigation and test results to confirm infiltrations rates;
- g) 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.

5. No development hereby permitted shall be occupied unless and until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

6. No development shall commence unless and until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

7. No 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.

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.

8. No development shall take place until further investigations are carried out to establish the location, capacity, condition and discharge point of the culvert referred to in Section 5.3 of the FRA (Ref: '15196'; Dated: 'October 2015'; By: 'David Emmott'). The surface water drainage strategy and FRA should be revised to accommodate findings as appropriate. Prior to commencement of development, the revised surface water drainage strategy should be

submitted to and approved by the Local Planning Authority in consultation with Lancashire County Council in their role as Lead Local flood Authority.

Reason: To ensure that the watercourse does not pose a flood risk, on-site or off-site.

9. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
 - b) The areas and methods of loading and unloading of plant and materials.
 - c) The areas for the storage of plant and materials.
 - d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
 - e) Details of wheel-washing facilities including location
 - f) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
 - g) Measures related to construction and demolition 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 vehicle access of adjoining access points are not impeded.
 - l) Measures to ensure that there is no burning of waste.
 - m) Demolition Management Plan/Programme
 - 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) Vibration monitoring to be carried out for the construction period.
 - r) Noise-monitoring to be carried out for the construction period.
 - s) A Construction and Demolition-Waste minimisation Strategy.
 - t) A Construction-Risks Education plan/programme
 - u) Parking area(s) for construction traffic and personnel
 - v) Routeing of construction vehicles

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).

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

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

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

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

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

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

11. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

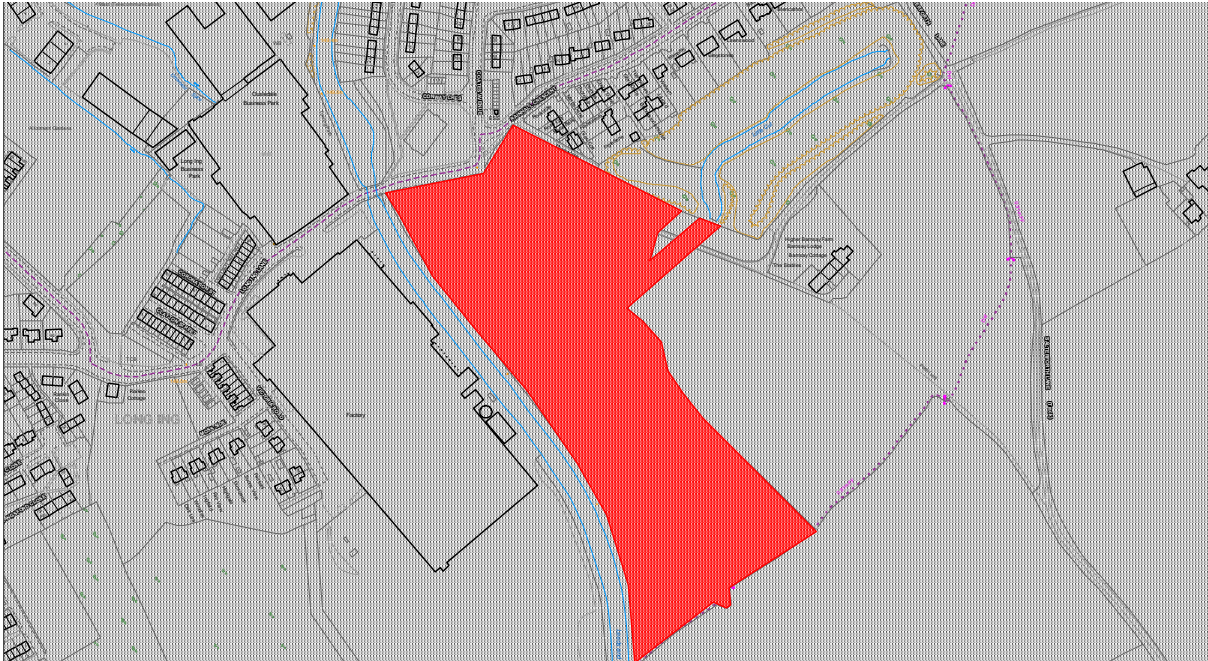
Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

12. No development shall commence unless and until details of the proposed foundations and excavations have been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out only in strict accordance with the agreed details.

Reason: In order to determine the impact of the works on the canal infrastructure.

Note:



Application Ref: 13/16/0054P

Ref: 19286

Proposal: Outline: Major: Residential development (5.07Ha) of up to 148 dwelling houses with access from Long Ing Lane and new access via footpath 10 (Access only) (Re-Submission).

At: FORMER BARNSAY SHED AND ADJ FIELD LONG ING LANE
BARNOLDSWICK

On behalf of: Mr R Sutton

LIST OF BACKGROUND PAPERS

Planning Applications

NW/HW

Date: 29th March 2016