

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

**TO:** WEST CRAVEN COMMITTEE

**DATE:** 5<sup>th</sup> July 2016

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO WEST CRAVEN COMMITTEE ON 05 JULY 2016

**Application Ref:** 16/0303/FUL

**Proposal:** Full: Part demolition of school building and conversion to six 1 and 2 bed apartments and erection of two storey extension to rear, erection of single storey extension to rear of church.

**At:** St Andrews Methodist Church, Mosley Street, Barnoldswick

**On behalf of:** Rev. David Edmundson

**Date Registered:** 22 April 2015

**Expiry Date:** 22 June 2016

**Case Officer:** Mubeen Patel

### **Site Description and Proposal**

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

The application site relates to the St Andrews Methodist Church on Mosley Street in Barnoldswick. The site consists of a single storey church building a two storey school building with parking provided for 14 vehicles in the car park adjacent to the church.

The site is situated adjacent but outside of the Barnoldswick Conservation Area and the Barnoldswick town centre and is within the settlement boundary.

This application is for the part demolition of the existing school building and erection of a smaller two storey building. The main two storey prominent frontage of the school facing Mosley Street will be retained. The existing school and proposed extension would be converted to three 1 bed apartments and three 2 bed apartments. Parking has been provided for 6 vehicles where access will be taken off the side street which runs along the southern elevation. The two storey building would be constructed of reclaimed stone, blue slates for the roof and white upvc for the window frames.

The plans also show the existing church will be extended to the rear by way of a single storey flat roofed extension which will provide for a kitchen, store, toilets and seating area. This would measure 12.3m x 11.4m and will be 2.3m in height. The extension to the church would be of a render finish with stone head jams and mullions and upvc window frames. The parking for the church will remain as existing.

### **Relevant Planning History**

The site has no relevant planning history.

### **Consultee Response**

**LCC Highways;** Having considered the above application, the Highway Development Control Section have the following comments to make.

Regarding the proposed single storey rear extension to the church, the Highway Development Control Section does not have any objections regarding this proposed extension. We are of the

opinion that this element of the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

However, regarding the proposed conversion and erection of an extension to the rear to provide six apartments, we object to the proposal for the following reasons.

Whilst we welcome the provision of off-street parking for the apartments, the proposed access to the site along the unnamed side street between Mosley Street and Essex Street is too narrow and not suitable. During a site visit I noted that several vehicles were parked on this side street, and also at the back of Essex Street. Vehicles entering or leaving the proposed car park may not be able to carry out the manoeuvre due to parked vehicles. Furthermore an increase in traffic into and out of the street could lead to vehicles coming into conflict with each other or other highway users, to the detriment of highway safety.

There is already a high demand for on-street parking in the vicinity of this site. Should vehicles not be able to park in the car park or access it this could lead to undesirable vehicle manoeuvres and/or parking behaviour, which, again, would be to the detriment of highway safety in the area.

**PBC Environmental Health Services;** The property is located in an area where over 10% of properties are potentially affected by Radon. Full protective measures should be installed or a BR211 report should be carried out to determine if no basic or full protective measures are applicable.

### **Public Response**

**Twenty one neighbours were notified by letter and a Site Notice was posted on the nearest lamp post;** two responses have been received commenting on;

- Six number of spaces is too low for six dwellings, it is likely cars would be parked on surrounding streets
- Congestion should be considered
- Lack of sufficient parking that will be available
- The proposed access into the car parking spaces from the narrow back street and lack of manoeuvring space may prove to be difficult for tenants to park.

### **Relevant Planning Policy**

Code	Policy
ENV1	Protecting and Enhancing our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
LIV1	Housing Provision and Delivery
SDP1	Presumption in Favour of Sustainable Development
SDP2	Spatial Development Principles
LP 31	Parking

### **Officer Comments**

The main issues for consideration are compliance with policy, principle of development, impact on amenity, design and materials and highway safety issues.

#### **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.

## **Local Plan Part 1**

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

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.

Policy SDP2 (Spatial Development Principles) prioritises new development within settlement boundaries provided they are of a nature and scale that is proportionate to the role and function of that settlement.

Policy LIV1 (Housing Provision and Delivery) sets out the Council requirement to deliver new housing at a rate of 298 dwellings per annum. It states 'to further encourage significant and early delivery of the housing requirement, proposals for new housing development will also be supported where they accord with policies of the Core Strategy and are on non - allocated sites within a settlement boundary where they are sustainable and make a positive contribution to the five year supply of housing land.

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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.

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the highways section

## **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.

Paragraph 32 of the Framework requires developments to provide a safe and suitable access to the site.

## **Principle of Development**

The site is previously developed land and is located in a residential area within the settlement boundary of Barnoldswick. It is within walking distance of public transport where regular buses travel along Essex Street. The site has easy access to essential services given its location adjacent to the town centre. The property would be positioned on a non - allocated site within the settlement boundary, there is no policy directly relating to the site that would prevent the change of use and therefore the principle of development is acceptable

## **Impact on amenity**

The layout of the apartments shows two 1 bed and one 2 bed apartments at ground floor level and two 2 bed and one 1 bed apartments at first floor level.

The proposed two storey building would be smaller than the existing building which it would replace and therefore will not create overshadowing significantly more than existing. The windows in the north western side and north eastern rear elevations would be at a distance of more than

21m to neighbouring properties and are therefore acceptable. The existing windows in the front elevation of the building would now serve habitable rooms and would be at a distance of approximately 19m from the neighbouring properties opposite, although this does not meet the guidance of 21m contained within the Councils Design Guide it is acceptable given these are existing windows and there is no change in circumstances. The windows in the south eastern side elevation would face the blank side elevations of the terrace rows on Mosley Street and Essex Street.

The proposed extension to the church would be to the rear and be single storey in height. Given its positioning and height it would not impact on any neighbours in terms of overshadowing. Windows have been proposed in the rear elevation which would be a sufficient distance away from neighbouring properties on Essex Street not to lead to overlooking.

The development as it stands would not raise any undue impacts on neighbouring properties and therefore complies with the amenity standards set out in policy ENV2 and the Design Guide.

## **Design and Materials**

In terms of design the two storey block has been positioned to the rear of the main detailed frontage which will be retained. The building will be smaller and subservient to the main frontage facing Mosley Street and have a dual pitched roof design matching the existing school building. The new building will be constructed of reclaimed stone, however the plans state the new rear wall will receive a render finish which would not be in keeping with the character of the area or the original building and therefore a condition should be attached to any approval for materials to be agreed. The roof will be of blue slate matching the existing dwelling with white upvc windows.

The church building has a flat roof design and the proposed extension to the rear will also be flat roofed matching the existing building. The church building has been constructed from buff brick whilst the plans state the proposed new extension to be of a render finish, this would not be in keeping with the original building, furthermore the extension would clearly be seen from public vantage points and therefore a condition should be attached for the materials to be agreed.

Bin stores have been provided adjacent to the proposed car parking area.

The design of the extensions is acceptable however the materials proposed do not match those of the surrounding buildings and therefore a condition should be attached for the materials to be submitted and agreed by the Council given its location affecting the setting of a Conservation Area.

## **Highways**

Regarding the proposed single storey rear extension to the church, LCC Highways does not have any objections regarding this proposed extension. As existing there are 14 spaces available for both the church and the school building, the proposal is to demolish the school building which would considerably reduce the number of parking spaces required for the church and the proposed extension. Holistically the site including the proposed apartments will now provide 20 spaces rather than 14 which would be an increase in parking that would be sufficient and acceptable for the proposed development.

Concerns have been raised by LCC highways in relation to the 6 car parking spaces provided for the proposed apartments. The spaces themselves are adequate and cars would be able to enter and exit in a forward gear. The side street is narrow but it is lightly trafficked and where some visibility would be provided.

Furthermore, the flats are near a town centre location where many amenities are provided within walking distance and where buses can be used quite easily. It is anticipated that given the number of flats and their location near to the town centre that the number of car journeys to and from the

site in any given day would be low and therefore would not significantly impact on existing highways safety. The proposal will lead to some highways impacts when cars are trying to join onto Mosley Street and Essex Street and a vehicle is trying to enter the side street; however these conflicts would be small in number and would not be significant to warrant a refusal on the application.

For the reasons set out above, the proposed development would not have an adverse impact on highway or pedestrian safety around the site. The proposed development would accord with Policy 31 and the National Planning Policy Framework (paragraph 32) which requires developments to provide a safe and suitable access to the site.

## **Landscaping**

The plans submitted show the trees along the north eastern side boundary will be retained, this also includes the grassed area however no details have been submitted. A condition should be attached for a landscaping scheme to be submitted and approved.

## **Conclusion**

The proposed development is acceptable in terms of housing development on this site which would contribute towards the housing land supply and would not adversely impact on amenity and highways safety. Details of landscaping and materials can be controlled by appropriate conditions.

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

## **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design and would not be detrimental to the impact on amenity and highways safety, details of landscaping and materials can be controlled by condition and adequate off-street car parking has been provided. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 03, 04, 05, 06, 07.

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

3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in

writing by the Local Planning Authority. Development shall be carried out strictly in accordance with the approved details.

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

4. The proposed development shall not be brought into use unless and until all car parking spaces for the dwellings have been constructed, surfaced, sealed, drained and marked out in accordance with the details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

**Reason:** In the interest of amenity.

5. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing by the Local Planning Authority. Such works shall be carried out concurrently with the rest of the development and in any event shall be finished before the building is occupied.

**Reason:** In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

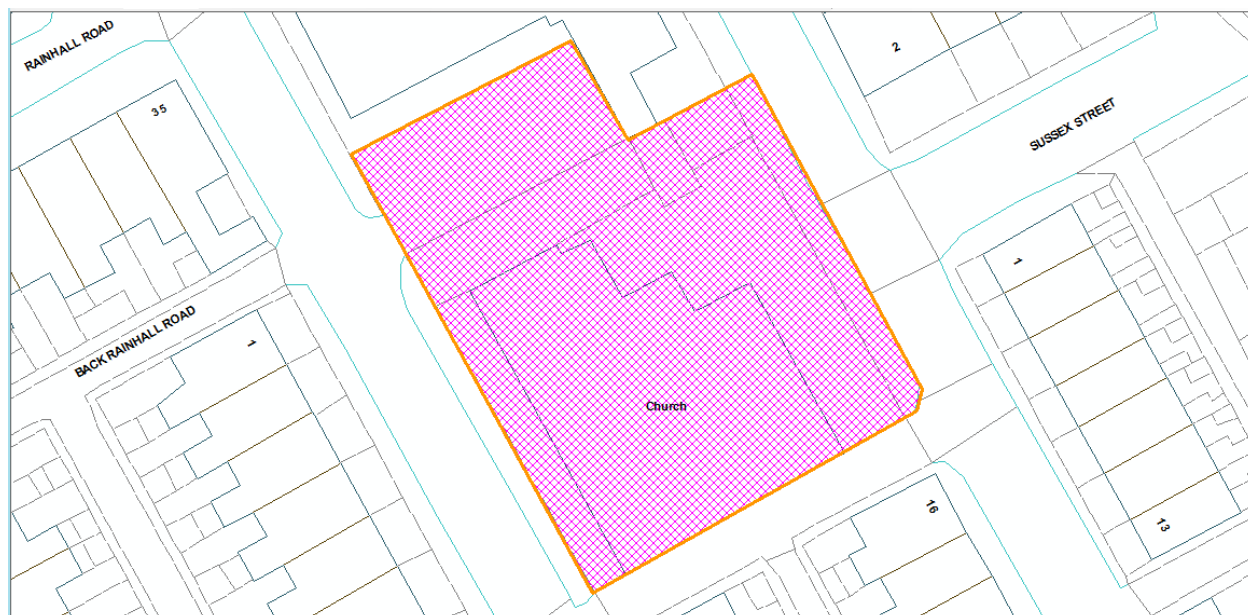
6. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
  - a. the exact location and species of all existing trees and other planting to be retained;
  - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
  - c. all proposed boundary treatments with supporting elevations and construction details;
  - d. all proposed hard landscape elements and pavings, including layout, materials and colours;

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

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

7. Before a dwelling unit is occupied waste containers shall be provided in the bin/cycle storage area.

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



**Application Ref:** 16/0303/FUL

**Proposal:** Full: Part demolition of school building and conversion to six 1 and 2 bed apartments and erection of two storey extension to rear, erection of single storey extension to rear of church.

**At:** St Andrews Methodist Church, Mosley Street, Barnoldswick

**On behalf of:** Rev. David Edmundson



## REPORT TO WEST CRAVEN COMMITTEE ON 05 JULY 2016

**Application Ref:** 16/0380/FUL

**Proposal:** Full: Erection of a detached dwelling house.

**At:** LAND BOUNDED BY QUEEN STREET, WESTGATE AND MALHAM VIEW  
CLOSE BARNOLDSWICK BB18

**On behalf of:** Mr Brian Taylor

**Date Registered:** 25/05/2016

**Expiry Date:** 20/07/2016

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

This application has been brought before Committee at the request of a Councillor.

The application site is a remnant piece of land to the North East of Malham View Close. The piece of land is irregular in shape and is sandwiched between terraced houses on Queen Street to the South and East, the car park to the rear Malham View Close with Westgate and the boundary of Barnoldswick Conservation Area to the North. The land falls away steeply from Malham View Close and the terraces to the south.

The proposed development is the erection of a two storey house with an L shaped footprint of 10m x 11m. The house would be split level, having two storeys to the rear facing Westgate and appearing only single storey to the front. The front of the house would have an eaves level of 2.5m and a ridge height of 4.7m, the rear would have an eaves height of 6.5m and a ridge height of 8.6m. The walls would be constructed from natural stone with a natural blue slate roof and timber windows and doors.

The proposed development also involves forming two car parking spaces on the upper level of the site accessed from the parking area to the rear of Malham View Close and creating flights of steps down to the first floor level of the house and further steps down to the ground level.

This application is a resubmission of an identical application granted planning permission at appeal in 2012 which has since expired.

### **Relevant Planning History**

13/07/0154P - Erection of a detached dwelling. Refused, 01/05/2007.

13/11/0030P - Erection of detached dwellinghouse. Refused, 03/03/2011

13/11/0483P - Erection of detached dwellinghouse (resubmission). Appeal allowed, 29/08/2012.

### **Consultee Response**

**United Utilities** - No objection to the proposal and therefore request no conditions are attached to any approval. A public sewer crosses this site and we may not permit building over it.

**LCC Highways** – No objections in principle regarding the proposed erection of a detached dwelling house at the above location, and have noted that this would be accessed from a privately maintained road. We are of the opinion that the proposed development should have a negligible

impact on highway safety and highway capacity in the immediate vicinity of the site, subject to the following comments being noted and conditions being applied to any formal approval.

Based on the car parking recommendations in the Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards we are of the opinion that the applicant has provided adequate off-road parking provision for this type and size of development. However, the parking spaces would be partly bounded by a wall and should, therefore, be of minimum dimensions 3m wide x 5m long each to ensure that two standard sized vehicles can be accommodated with sufficient distance to open doors adequately. We have also noted the proposed provision of cycle storage. The applicant should ensure that this is of sufficient size to securely store two cycles.

Conditions: access surfacing, car parking surfacing, cycle storage.

## **Public Response**

A press and site notice have been posted and 32 neighbours notified. The notification period ends 14<sup>th</sup> July - One response has been received objecting to the proposed development on the following grounds:

- Close to adjoining properties
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Loss of light
- Loss of privacy
- Noise nuisance
- Will massively impact on our privacy

## **Officer Comments**

### **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 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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

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 less than 15 dwellings in West Craven towns this is 0%.

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.

#### Replacement Pendle Local Plan

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 the Development**

The application site falls within the settlement boundary of Barnoldswick, this is a sustainable location for the proposed dwelling.

Concerns have been raised regarding the need for new housing within Barnoldswick. However, there is no requirement with local or national policy to demonstrate that there is a need for new housing development in this circumstance and in any event this proposal is only for one dwellinghouse.

#### **Design**

The proposed dwelling would be located adjacent to Barnoldswick Conservation Area in an elevated position. It would be constructed from natural stone, with natural slate roofing and timber windows and doors. The materials and design of the proposed dwelling would be appropriate to the setting of the Conservation Area, more-so than the houses on Malham View which are constructed from artificial materials. The site would also be largely screened by the dense belt of trees along the banking sloping down to Westgate. It would only be likely to be clearly visible through one area of lower trees and bushes. Once established, the proposed landscaping would further screen the development at this point.

Taking these factors into account, the proposed development is acceptable in terms of design and visual amenity and would preserve the character and appearance of the adjacent Conservation Area. The proposed development therefore accords policies ENV1 and ENV2 and guidance set out in the Conservation Area Design and Development SPD.

## **Amenity**

The first floor kitchen / dining room window in the south east elevation would overlook the rear garden of 9 Queen Street separated by 3.5m and a first floor landing window in the same elevation separated by 8m. An obscure glazing condition is required for these windows to ensure that they would not detrimentally impact upon the privacy of this garden.

The remaining windows in the south east elevation would either be at ground floor level and therefore would not have a view over the existing boundary fence or would be over 9m from the boundary which would be a sufficient distance to preserve the privacy of the garden.

Windows in the rear of the proposed dwelling would be located a minimum of 26m from habitable room windows in the front of Westgate. This distance would afford an acceptable level of privacy to these windows.

The proposed dwelling would also be a sufficient distance from adjacent properties to ensure that it does not result in an overbearing impact upon or unacceptable loss of light to those properties.

Therefore, with the above obscure glazing condition, the proposed development is acceptable in terms of amenity in accordance with policy ENV2.

## **Highways**

Two on-site parking spaces would be provided to the front, although LCC Highways have raised concerns about their width size there would be more than enough space on the drive to park two cars in tandem. The proposed car parking provision would be sufficient for the proposed three bedroom dwelling. The proposed development is therefore acceptable in highway terms.

## **Ecology**

No important habitats or biodiversity features have been identified on the site. The proposed development is acceptable in terms of ecology.

## **Drainage**

United Utilities have noted that a sewer crosses the site that they would not allow building over. The easement for this sewer is shown in the layout plan and would not be affected by the proposed development.

## **Summary**

This application is a resubmission of an identical proposal granted permission on appeal in 2012.

The proposed development remains acceptable in terms of policy, design, amenity and highway terms and would preserve the character and appearance of the adjacent Conservation Area. It is therefore recommended that the approval of the application is delegated to the Planning, Building Control and Licensing Manager.

## **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 terms of policy, design, amenity and highway safety and would preserve the character and appearance of the adjacent Conservation Area. The development therefore complies with the development plan. There is a positive

presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

**Reason:** In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2409/6.0C, 2409/6.1C, 2409/6.2C, 2409/6.3.

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

3. Samples of external wall and roofing materials shall be submitted to the Local Planning Authority for written approval within two weeks of the commencement of the development. The development shall be carried out using only the agreed materials.

**Reason:** In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. Within two weeks of the commencement of the development full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include finished levels and ground preparation; boundary treatments; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; planting plans; written specifications for soft landscaping (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; an implementation, management and maintenance programme. The scheme of landscaping works shall be submitted at a scale of 1:200 and shall be implemented in its entirety within the first planting season following completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size during the first available planting season following the date of loss or damage.

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

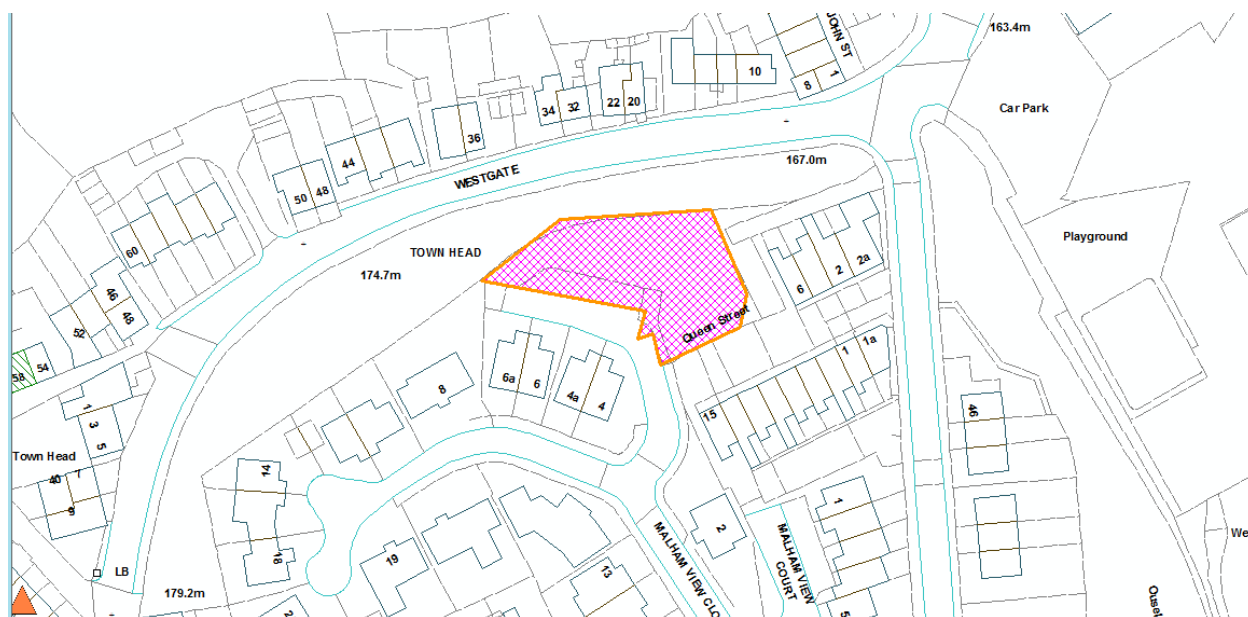
5. The first floor dining room and landing windows in the south east elevation of the development hereby permitted shall at all times be glazed only with obscure glass of a type and degree of obscurity to be first agreed in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of an equal degree of obscurity to that which was first approved. The windows shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

**Reason:** To protect the privacy of the occupants of the adjoining dwelling.

#### **Note:**

The property is located in an area where 3% - 10% of properties affected by Radon. Basic protective measures should be installed or a BR211 report should be carried out to determine if no protective measures or basic protective

measures are applicable. For further advice, contact the Pollution Control Section of the Environmental & Recreation Services department on (01282) 661199 or [environmental.pollution@pendle.gov.uk](mailto:environmental.pollution@pendle.gov.uk).



**Application Ref:** 16/0380/FUL

**Proposal:** Full: Erection of a detached dwelling house.

**At:** LAND BOUNDED BY QUEEN STREET, WESTGATE AND MALHAM VIEW  
CLOSE BARNOLDSWICK BB18

**On behalf of:** Mr Brian Taylor

**Application Ref:** 16/0329/OUT

**Proposal:** Outline: Major: Erection of 34 dwellinghouses (1.26ha) (Access and Layout only).

**At:** Land at field number 0087, Earby Road, Salterforth

**On behalf of:** Cross Construction

**Date Registered:** 3 May 2016

**Expiry Date:** 2 August 2016

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

This application seeks outline for the erection of thirty four dwellinghouses with access and layout to be considered at this stage. Details of appearance, landscaping and scale would be dealt with at a later stage under the Reserved Matters submission.

The application site is agricultural land located in the parish of Salterforth on the west side of Earby and lies outside the settlement boundary in Open Countryside.

The site is a triangular piece of land which measures 1.26ha and slopes down to the east. It is bounded by housing on Kennilworth Drive to the East, Open Countryside to the South and Earby Road to the North.

The scheme would consist of eleven 2 bed bungalows in four blocks with parking spaces, ten 3/4 bed semi-detached units with parking spaces and thirteen 3/4 bed detached units with garages and parking spaces. Six of the proposed units would be social units.

Access to the thirty four dwellinghouses would be off Earby Road.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways – The site was visited on the 9th June 2016 at 12:15

The Highway Development Control Section does not have any objections in principle to the proposed 34 dwellings providing the sight lines can be protected and the pedestrian facilities are provided along Earby Road as described in the report.

The Highway Development Control Section understands the current planning application is concerned with the principle and access to the site only and as such only provisional highway comments have been made regarding the internal layout of the site.

The proposed development is to provide 34 new dwellings on an undeveloped field with no permitted development and as such the land currently generates very small numbers of traffic movements. The applicant is proposing to access the site with a new access on to Earby Road. Earby Road is classified as the C684 road and is categorised as a secondary access road with a speed limit of 40 mph fronting the site access.

The planning application is for less than 50 new dwellings and as such the applicant does not need to provide a transport assessment or Travel Plan.



As part of the planning application the applicant has provided a Transport Statement by DTPC consultants dated August 2015. The statement indicates:-

The average weekday daily traffic flow is 429 vehicles northbound and 786 vehicles southbound

The average weekday morning peak traffic flow between 9am and 10am is 54 vehicles northbound and 57 vehicles southbound.

The average weekday evening peak traffic flow between 6pm and 7pm 77 vehicles northbound and 68 vehicles southbound

The average weekday and full week 85th percentile speed in both directions is  
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 221 two way vehicular movements a day.

The Transport Statement by DTPC consultants has provided a morning and evening peak period TRICS assessment for this development. The TRICS report by Transport Statement by DTPC consultants indicates the development will generate an estimated 19 additional two-way traffic movements at the morning peak traffic flow between 9am and 10am and 20 additional two-way traffic movements at the evening peak traffic flow between 6pm and 7pm.

The Highway Development Control Section is of the opinion that Transport Statement by DTPC Consultants has demonstrated that the proposed development would not have a severe 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 10th June 2016. The data based indicates:-

Two incidents to the west of the proposed site access, one of the incidents was a pedestrian being struck by a passing vehicle and the other incident is a vehicle losing control.

One incident to the east of the site access involving a dog running in front of a cyclist, the Highway Development Control Section is of the opinion that this is not related to the highway.

Three incidents near the junction of Earby Road and Colne Road, these include a shunt, passenger falling on a bus and a pedestrian being struck by a car reversing.

Whilst any accident is regrettable, the junction with Earby Road and Colne Road is considered to have a good accident record and indicates there is no underlying issue which the proposed development would exacerbate.

Using the basic formula for calculating Stopping Sight Distances (SSD) from Manual for Streets and the traffic 85th percentile speed survey information, from the Transport Statement by DTPC Consultants, of 33.5 mph the sight lines of 2.4 x 50m. Avalon drawing CROS/19/Dwg 02 "Proposed Site Plan" shows acceptable sightlines and the offset from the kerb line to the west of the site access is acceptable based on the guide lines from Manual for Streets 2.

From observations on site and the sight lines information provided on Avalon drawing CROS/19/Dwg 02 "Proposed Site Plan" some of the hedge fronting the site is outside the adoptable highway and as such there is an issue of the future maintain of the hedge fronting the site, to prevent the hedge from growing into the sight lines at the detriment to highway safety.

The highways maintenance section can take action on the owner of the hedge to cut back the hedge overhanging the adopted highway but do not have powers over land outside the adopted highway. The Highway Development Control Section is of the opinion that the applicant should



provide details of how the hedge outside the adopted highway will be maintained for perpetuity to ensure the shown sight lines are not obstructed.

The Highway Development Control Section is of the opinion that the location of the proposed new site access is acceptable providing the sight lines issues can be protected as detailed above.

The Highway Development Control Section is of the opinion that the carriageway geometry of the site access is to prescribed design standards.

The Highway Development Control Section is of the opinion that a 2m wide footpath should be provided on the west of the site access and to continue a minimum of 3m past the tangent point. This would provide safer locations for pedestrians to cross the new access and also get on/off the Earby Road carriageway.

The Highway Development Control Section is of the opinion that a 2m wide illuminated footpath should be provided on the east of the site access, to follow the carriageway channel line and to continue to the junction with Kenilworth Drive in the interest of highway safety, to promote sustainable forms of transport and the aid social inclusion. It is accepted that part of the footpath will be below the recommended width of 2.0m and the path would need to be widened around the trees. The footpath following the carriageway channel line would be used by the new residents and walkers along Earby Road. The footpath following the carriageway channel line would also protect the sight lines to the east.

The shown footpath behind the hedge would not be considered for future highway adoption due to the maintenance issues associated with verges and planting and we would not accept a private strip of land preventing access to the adopted footpath behind.

Following discussions with our traffic section the relocation of the change in speed limit would have a minimal advantage to the scheme. The relocation of the change in speed is therefore not required.

The new site access and associated off-site works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for 278 agreement.

The Highway Development Control Section is of the opinion that the proposed development should have a negligible impact on safety in the immediate vicinity of the site providing the sight lines can be protected and the pedestrian facilities are provided along Earby Road as described in the report.

From our mapping system "Mapzone", the proposed development is near definitive footpath 13-5-FP48 and a connection from the site should be investigated as part of the reserved matters application.

The Highway Development Control Section is of the opinion that site has a low to medium accessibility score and to support sustainable transport and improve social inclusion within the vicinity of the site, the Highway Development Control Section recommends a section 106 highway contribution of £22,000 to upgrade the two bus stops near the site to quality bus stops,

The Highway Development Control Section recommends the local planning authority attaches conditions requiring the applicant to provide details of the proposed arrangements for future management and maintenance of the proposed streets within the development and to include

dates for the phasing of entering either a section 38 agreement of the Highways Act 1980 or the establishment of a private management and Maintenance Company.

As part of any future reserved matters application the applicant is advised to consider the following provisional comments regarding the internal highway layout:-

1. The minimum internal single garage size to be 6x3m and this includes integral garages.
2. All private drives fronting garages to be a minimum of 6m long, this must not include any of the required 2m wide service verge or footpath. This can be reduced to 5.5m if roller shutters are fitted and conditioned as part of the planning decision.
3. The highway associated with plots 1 to 11 is not adoptable see adoption comments below.
4. The highway associated with plots 1 to 11 to have 6m manoeuvring space to reduce over running of the opposite parking bays and reduce the likely hood to parked cars.
5. At plot 19 and 26 the turning head is not adoptable as shown, see adoption comments below.
6. The Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards - recommends two to three bedroom properties to have 200% parking and four to five bedroom properties to have 300% parking. From the details provided this requirement affects plots 1 to 11.
7. At plots 32 to 34 the second parking bay is not the splayed and the dropped crossing to be provided for the full width of the drive.
8. The trees within 2m of the carriageway channel line to be removed as this will affect the future adoption of the highway and the trees are to be outside the sight lines from the drives. The recommended sight lines from the drives to be 2.0x11m based on an estimated 85th percentile design speed of 15mph

The following provisional comments are regarding the future highway adoption under a section 38 agreement with Lancashire County Council and the applicant is advised to consider these comments as part of any future reserved matters application, where they wish to offer the road for adoption. Where the recommendations below are not implemented the highways may not be suitable for adoption. Further guidelines regarding highway adoptable layout can be found on the Lancashire County Council Residential Road Design Guide and the construction of the highway to be to the Lancashire County Council Specification for Estate Roads 2011 edition:-

1. All trees should be removed from the service verge, as they are not performing a highway function and they are a highway maintenance and safety issue which the highway authority is not willing to accept. The trees would only be permitted within the adoptable highway if a section 96 agreement of the 1980 Highways Act is entered with the district authority and they accept full liability for the trees for perpetuity. The section 96 agreement would need to be entered with the district authority before the section 38 agreement is entered. Where the district authority is willing to accept liability for the trees the sight lines from private drives to be considered, based on the guide lines from Manual for Streets and an estimated 85th percentile speed of 15mph.
2. A service verge is required on both sides of the new carriageway. A 2m wide service verge is required for locating statutory undertakes equipment and should be provided where buildings front onto the road. The minimum width of the remaining service verge can be reduced to 0.5m providing no street lighting. If street lighting is required on the narrow service verge the minimum width is 800mm. From Lancashire County Council Residential Design Guide. Please note - the car parking spaces must not be over the service verge area.

The Highway Development Control Section recommends conditions be attached to any grant of permission relating to wheel washing, layout of the development to allow vehicles to enter and leave the highway in forward gear, construction of estate road, visibility splays, car parking and manoeuvring, restriction on garages, off site highway works, traffic management plan, completion of estate roads and full details of engineering, drainage, street lighting and constructional details of street of adoption.

Architectural Liaison Unit

Natural England - No comments.

Environment Agency – No comments.

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.

**Flood vulnerability:**

It is evident that the proposed development will result in a change in Flood Risk Vulnerability Classification from Less Vulnerable to More Vulnerable under Paragraph: 66 of the Planning Practice Guidance.

**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 as the site area is larger than 1 hectare. The Lead Local Flood Authority advises that flooding from local sources should be appropriately assessed within the FRA, in addition to the 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')

The Lead Local Flood Authority (LLFA) has reviewed the FRA provided (Ref: B1867 Earby Road FRA, Dated: 13th April 2016) and has the following comments to make:

**Comment 1:** As this is an outline application, it is recognised that the final proposals for the formal surface water drainage strategy are yet to be finalised. It is essential therefore, that a formal detailed surface water drainage strategy is 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 and that there is no flood risk on or off the site resulting from the proposed development. The LLFA would ask to be formally consulted on all subsequent drainage strategies for this proposed development.

**Comment 2:** Whilst it is evident from the FRA that various SuDS techniques have been considered for the site, the Lead Local Flood Authority 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.

It should also be noted that some SuDS features such as permeable paving, water butts and planted beds **must not** be included as part of the hydrological calculations. The reason for this is that occupants may change or remove these in the future and this has the potential to increase surface water runoff which was previously unallocated for in the design of the sustainable drainage system. Where these are included in the hydrological calculations of a development proposal, the local planning authority is advised to consider the removal of permitted development rights.

### **Surface water discharge:**

The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a SuDS approach:

*Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- *into the ground (infiltration);*
- *to a surface water body;*
- *to a surface water sewer, highway drain, or another drainage system;*
- *to a combined sewer*

It is evident that the applicant intends to discharge surface water to the New Cut watercourse (designated as a Main River). Whilst other preferable runoff destinations should be considered first, namely infiltration to the ground, it is noted from section 3.0 of the FRA that the site is located in an area with low permeability. For this reason, the Lead Local Flood Authority considers discharge to the watercourse to be acceptable, subject to sufficient evidence of permeability testing for the site and subject to agreement from the Environment Agency.

### **Sustainable Drainage Systems:**

Paragraph 103 of the National Planning Policy Framework (NPPF) and Written Statement on Sustainable Drainage Systems (HCWS161) requires that surface water arising from a developed site should, as far as it is practical, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account.

The Lead Local Flood Authority encourages that site surface water drainage is designed in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems and Planning Practice Guidance, including restricting developed discharge of surface water to greenfield runoff rates making suitable allowances for climate change and urban creep, managing surface water as close to the surface as possible and prioritising infiltration as a means of surface water disposal where possible.

Regardless of the site's status as greenfield or brownfield land, the Lead Local Flood Authority encourages that surface water discharge from the developed site should be as close to the greenfield runoff rate as is reasonably practicable in accordance with Standard 2 and Standard 3 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open space.

The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Prior to designing site surface water drainage for the site, a full ground investigation should be undertaken to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body, sewer system or other means. For example, should the applicant intend to use a soakaway, they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

The LLFA also strongly encourages that the developer should take into account designing drainage systems for exceedance working with the natural topography for the site. Should exceedance routes be used, the applicant must provide a site layout plan with these displayed, in line with Standard 9 of DEFRA's Technical Standards for SuDS.

Flow balancing SuDS methods which involve the retention and controlled release of surface water from a site may be an option for some developments at a scale where uncontrolled surface water flows would otherwise exceed the pre-development greenfield runoff rate. Flow balancing should seek to achieve water quality treatment as part of a treatment train and amenity benefits as well as managing flood risk.

#### **Lead Local Flood Authority (LLFA) Position:**

The Lead Local Flood Authority has **no objection** to the proposed development subject to the inclusion of the following conditions, in consultation with the LLFA:

#### **Condition 1 – Reserved Matters to include an appropriate surface water drainage scheme:**

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. As a minimum, the surface water drainage scheme 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 14.72 litres/second. 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 the refurbishment of any existing culverts and headwalls, the removal of any unused culverts where relevant and the construction of any new surface water drainage systems off-site);
- 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.

h) Details of finished floor levels.

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.

**Reasons:**

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development, elsewhere and to future users.
3. To ensure that water quality is not detrimentally impacted by the development proposal.
4. To ensure a satisfactory standard of development.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk on or off site.

**Condition 2 - Surface Water Lifetime Management and Maintenance Plan:**

No development shall commence 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.

**Reasons:**

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

**Condition 3 - No Occupation of Development until completion of SuDS in accordance with agreed SuDS Scheme and Management & Maintenance Plan:**

No development hereby permitted shall be occupied 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.

**Reasons:**

1. To ensure that the drainage for the proposed development can be adequately maintained.
2. 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.

**Condition 4 - Construction Phase Surface Water Management Plan Approval:**

No development shall commence 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.

**Reasons:**

1. To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere;
2. 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.

If there are any material changes to the submitted information which impact on surface water, the local planning authority is advised to consider re-consulting the LLFA. The LLFA also wishes to be formally consulted on all subsequent drainage strategies for this proposed development.

LCC Education – No comments received on the application.

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

**No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.**

**(To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network)**

**Drainage**

**SURFACE WATER** - The public sewer network does **not** have capacity to accept any discharge of surface water.

It is noted that the planning application form states 'SUDS' for surface water disposal. Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged and the LPA's attention is drawn to NPPF. The developer and LPA are advised to seek comments on the suitability of SUDS from the appropriate authorities. The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals.

The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.

The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

**Water Supply**

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

## PBC Footpaths

PBC Environmental Health – Request conditions be attached to any grant of permission for constructions, dust and electric vehicles.

PBC Environment Officer –

Earby Parish Council – Council holds many concerns about this development as follows:

- The access, egress and line of sight are very poor, particularly on a road that is a well-known black spot where deaths have occurred.
- There are no footpaths into towns/villages posing a major threat to foot traffic.
- The infrastructure is at or near saturation point, particularly the water and sewage systems.
- This was illustrated dramatically over the Christmas/New Year period in Earby where the flooding caused widespread disruption and much damage.
- This will be made worse when the development at the old Silentnight site comes on line and worse still if the nearby mill site on the outskirts of Barnoldswick is successful at appeal.
- Schools, doctors surgeries, pharmacies etc. are stretched to full capacity given the many developments recently undertaken in both Salterforth and Earby.
- There are brownfield sites in the area available for development so there is no need to build here.
- Council see this as overdevelopment and outside the settlement boundary.

### **Object on the grounds given above.**

Salterforth Parish Council – Council holds many concerns about this development as follows:

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- There are brownfield sites in the area available for development so there is no need to build here.
- Council see this as overdevelopment and outside the settlement boundary.

### **Object on the grounds given above.**

## **Public Response**



Site and press notices posted and nearest neighbours notified by letter. 16 responses received objecting on the following grounds:-

- Affect on local ecology;
- Close to adjoining properties;
- Increased danger of flooding;
- Increase in traffic;
- Increase in pollution;
- Loss of light;
- Loss of privacy;
- Noise nuisance;
- Not enough info given on application;
- Over development;
- Stain on existing community facilities;
- Traffic or highways;
- General dislike of proposal;
- Inadequate access;
- Inadequate parking provision;
- Inadequate public transport provisions;
- Potentially contaminated land;
- Development too high;
- Out of keeping with character of area;
- Residential amenity;
- Conflict with local plan;
- This will damage the view we have and devalue our property;
- The access would be an issues on a busy dangerous country road;
- The farmer uses pesticides on the farm land;
- The field has severe drainage issues and out garden has a stream running through it when heavy rain , our neighbour has a large puddle which nearly flooded the house during the Boxing Day rains;
- The primary school is full and there are no buses to Skipton through Earby, no bank or council office;
- We will overlook a building site for months on end;
- Do not want more housing here. The Council have cut use off from everything. No banks, no proper bus services, no choice of shops, no ATM, garage, post office, police station or council office.
- Further development would increase the pressure on the existing drainage systems in Earby and inevitably have repercussions for the rest of Earby;
- Earby Road has been the sight of many accidents some fatal. Increased traffic on this perilous road would be an accident waiting to happen especially as a new road access would be required;
- The development itemised 8 three storey properties overlooking Kennilworth Drive with no mention of screening;
- Earby surgery is at capacity and serves Earby, Salterforth, Kelbrook and Sough. These new development would seek to put more pressure on the service and would make it harder to get an appointment;
- I was of the understanding that the field was Green Belt and couldn't be built on;

- I object to building on agricultural land when there are so many brownfield sites available for regeneration;
- This is another example of urban spread and it is only a matter of time before our villages are joined together and the countryside ruined;
- There is no footpath and it's already dangerous for people to walk along without more traffic. Many young children live on the road side and play in the park;
- If the HGV for the building site come from Salterforth it has a blind bend and will cause congestion and danger to the school children;
- All the lovely wildlife needs to be taken into consideration and the many trees that will be torn down;
- The natural cycle of birds breeding will be disturbed and the farmer who rents the land off the owners will not be able to keep an eye on his sheep during lambing time;
- Buses can not pass on Salterforth Road as the road is too narrow and have to step to let each other pass on the regular basis;
- The reduction in public transport will increase the amount of traffic;
- On a boundary issue where will Earby parish finish and Salterforth start;
- Noise levels will increase as it travels in the wind and 34 houses to the rear will cause more as well as traffic noise;
- You will lose the open feeling and not being looked upon as well as security with properties to your rear fence;
- Are the HGV's going to be able to turn into the site or are they going to be abandoned on the road and unloaded there;
- There is very little for young people in Earby and this can cause anti-social behaviour and more housing will not help this issue;
- I know full well that the deadline will pass by months before a single brick is laid;
- Building site dust and noise is a major factor;
- The proposed bungalows will run along the edge of my property and make me feel claustrophobic;
- Pollution levels will increase as vehicles will sit with engines running waiting to turn into the main road. This road is narrow and has blind spots and tight bends. Speed restrictions are frequently broken. There will be increased noise pollution from vehicles going to and from properties and the parking spots are close to the boundary walls causing further disturbance to the residents of Kenilworth Road;
- These people are most likely to use the facilities in Earby free of charge whilst true Earby residents will continue to pay the yearly precepts on their council tax bills to support these services;
- Can Salterforth Primary School accommodate a further 68 pupils (assuming each household has 2 children) along with children from the new Silentnight site at Salterforth?
- Mobile phone and internet connections in Earby are poor and this would put a further strain on the service - not just usage but building blocking signals;
- The type and style of houses proposed do not fit with current house styles. There are no bungalows, detached or three storey properties on Kenilworth Drive;
- The assessment on the field was done in April, 2014 – 18 months prior to the great Earby flood of December, 2015;
- The water pressure in this area is low and the initial water and sewage systems were installed in the 1950's; and

- The hedges do sustain insect and bee population and the decaying tree by the gate could be a potential roost for bats. I have noticed an increase in bat activities in recent years but don't know where these bats roost. The survey was carried out in April, 2014 at a time when many aspects of nature lay dormant. Why wasn't the survey done during summer months.

## **Officer Comments**

The issues for consideration are policy issues, layout and impact on amenity, impact on Open Countryside, flooding and drainage, ecology and highways issues.

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

### **Local Plan Part 1: Core Strategy**

The following Local Plan policies are relevant to this application:

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

Policy ENV2 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. The proposal's compliance with this policy is addressed in the design and amenity sections.

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. The proposal's compliance with this policy is addressed in the flooding and drainage section.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered. This includes allowing sites outside of settlements which are sustainable and contribute towards the supply of housing to come forward in advance of the Local Plan part 2.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their

location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

The following saved policies from the Replacement Pendle Local Plan are also relevant:

Policy 16 'Landscaping in New Development' requires that developments provide a scheme of planting which is sympathetic to the area.

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which is relevant to this proposal.

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.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 56). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 58). It is also proper to seek to promote or reinforce local distinctiveness (para. 60).

Para 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 character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design it should be refused. There is no balancing exercise to be undertaken with other sections of the Framework as poor design is not sustainable development and the requirement under paragraph 14 is to allow sustainable development to come forward.

#### Policy Position and Five Year Supply of Land

The National Planning Policy Framework ("the Framework") sets out the approach to be taken to considering planning applications. It confirms that the development plan is the primary consideration in determining applications for planning permission. The Development Plan also has the backing of primary legislation which requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The Framework deals with the issue of how policies are to be treated in situations where there is not a demonstrable 5 year supply of housing land in place. Paragraph 49 states that where there is not a five year housing supply then the policies on housing in the development plan must be considered to be out of date and decisions on housing schemes should then be taken in accordance with paragraph 14.

Pendle is no longer in a situation where it can show a five year supply of housing land. In this situation paragraph 14 requires applications to be granted planning permission unless **“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole”**.

The weight to be given to the disbenefits of granting planning permission are thus given a higher than normal bar to overcome in order to justify refusal. There must be significant and demonstrable adverse impacts in order to be able to justify a refusal.

## 1. Principle of Housing

This site is greenfield land which although it lies with the parish of Salterforth is immediately adjacent to the settlement boundary for Earby and has a much closer relationship to the facilities in Earby rather than the settlement of Salterforth.

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a settlement boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement.

This site would be as sustainable as the surrounding residential housing and would be accessible in terms of public transport, local shops, primary school and pubs and has two play areas located close by.

In this instance the proposed site would be sustainable and the principle of housing acceptable and accords with policy LIV1.

- Layout and Impact on Amenity

The application site is wholly outside the settlement boundary which lies along the boundary to the eastern side. The housing along this boundary and Earby Road to the North would form a natural boundary to this site.

The nearest properties are to the development are to the east. The site proposes a mix of houstypes and although the details of the scale and design have not been applied for the layout indicates that acceptable distances between existing and proposed units can be achieved.

The site is accessible in terms of distance from public transport routes

Six of the 34 dwellings are proposed to be affordable and offered for social rent or through another mechanism.

Plots 1 – 11 would be 2 bed bungalows in two blocks of three and a pair of semi-detached. These units would be sited to the north east part of the site close to the access and to the rear of properties on Kennilworth Drive. A total of 19 parking spaces would be provided for these units. Which equates to 1.5 spaces per unit. Units 1-6 are proposed as affordable units.

Plots 12-21 would be 3/4 bed three storey semi-detached units with two parking spaces per unit. These units would be sited to the south east part of the site with units 12-19 sited to the rear of properties on Kennilworth Drive. Whilst plots 20-21 are located to the west of the access road.

Plots 22 -23 would be 3/4 bed two storey detached with a single garage and two parking spaces per unit. These units would be sited to the west of the access road around the middle of the site.

Plots 24-29 would be 4 bed detached properties with a double garage and two parking spaces per unit. These units would be sited to the south west of the site.

Plots 30-34 would be 3/4 bed two storey detached with a single garage and two parking spaces per unit. These units would be sited to the north of the site close to Earby Road and the access.

The site is not prominent in terms of views, however, details of heights, design and materials for the proposed housing will be essential in terms of how this development would affect the landscape and visual amenity of the area.

Details of boundary treatments have not been submitted and can be controlled by condition at the reserved matters stage if necessary.

Subject to appropriate conditions and details of the appearance, scale and landscaping this layout would be acceptable in terms of design and impact and accords with policies ENV1 and ENV2.

- Impact on Open Countryside

Although the site is in Open Countryside as mentioned above it lies immediately adjacent to the settlement boundary of Earby which lies to the East. The site is not over prominent and views and is limited in terms of its landscape value.

The proposed layout would result in a density of 27 dph which is acceptable and provides for a spacious layout which benefits this location outside of the settlement boundary.

All the properties would have garden areas and off-street parking provision as well as a green zone to the southeast of the site and new hedge along Earby Road to compensate for that removed.

A number of existing trees will remain and further details of the proposed landscaping of the scheme can be controlled as part of the Reserved Matters.

Therefore the proposed development is acceptable in terms of impact on the Open Countryside and accords with policies ENV1, ENV2 and LIV1.

- Flooding and Drainage

The site lies within Flood Zone 1. A Flood Risk Assessment has been submitted as the site is above 1 hectare in size.

In terms of drainage this scheme proposes that a Sustainable Drainage System will be installed and details of this can be controlled by an appropriate condition at this stage. Drainage issues are technical ones which can be resolved and will result in betterment than the existing drainage situation and reduce fluvial flooding issues.

Both the Lead Local Flood Authority and Yorkshire Water have no objections to this scheme subject to conditions relating to appropriate drainage scheme which will need to be agreed.

Provided that plans are submitted to show an acceptable drainage scheme prior to development commencing then the development is acceptable in terms of flood risk and accords with policy ENV7,

- Ecology

An ecology report has been submitted which is acceptable, however, it is dated April, 2014. The agent has been requested to provide an update on this issue prior to the meeting.

- Highways Issues

The proposed development proposed an acceptable access from Earby Road to accommodate the amount of development proposed and subject to appropriate conditions would not result in any adverse impact on highway safety issues.

The scheme had proposed changes to the existing highway signage and markings relating to speed restrictions, however, the advice from LCC is that this would not any significant reduction in traffic speeds and therefore is not warranted. Improvements to footpaths and pedestrian routes have been included in the scheme.

This scheme would provide off-street car parking for vehicles in a combination of garages and driveways.

This would provide a minimum of two off-street car parking spaces per dwelling which is in line with the car parking standards set out in the Replacement Pendle Local Plan.

This accords with policy 31.

- Open Space and Landscaping

The site lies within Salterforth Ward. Policy LIV5 requires all proposals for residential units to provide on-site open space which can take the form of Green Corridors and spacious layouts.

The site layout provides ample private amenity spaces for the plots and also some green amenity space which helps to soften the scheme and provide some visual interest in the overall layout.

The proposal therefore accords with this policy.

- Contributions

A request for £22,000 for improved bus stops has been requested by LCC Highways.

This is under consideration and an update on this will be provided prior to the meeting.

## Conclusions

The Framework recognises that there is a need to supply housing for all sections of the community and that this provides social and economic benefits to society. There are no adverse impacts that the scheme would have and even were there to be there is no evidence that these would significantly and demonstrably outweigh the benefits of having housing. This is particularly so as the Council has not delivered the quantum of housing that has been identified as being needed in the adopted Core Strategy. This is the test that this application needs to deal with and the advice to Committee is that the development would not have disbenefits and even were there to be these would not pass the higher threshold test required to be considered under paragraph 14 of the framework.

## Summary

The principle of residential development in this location is acceptable subject to appropriate drainage proposals and highway conditions and the submission for reserved matters in terms of design, materials and landscaping. The proposed development would not have a detrimental impact on Open Countryside or residential amenity and accords with the adopted policies of the Pendle Local Plan: Part 1.

## **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. Subject to conditions relating to an acceptable drainage scheme and highway conditions the development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Approve**

Subject to the following conditions:

1. 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: Drw 00, Dwg 0, Dwg 02

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

4. 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) Details of wheel-washing facilities including location
- e) Measures related to construction waste management
- f) Soil resource management including stock-pile management
- g) Compliance with BS5228: Part 1 1997 to minimise noise
- h) Measures to ensure that there is no burning of waste.
- i) Location and details of site compounds
- j) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- k) A Construction Waste minimisation Strategy.
- l) Parking area(s) for construction traffic and personnel

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).

5. The car parking areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

**Reason:** To allow for the effective use of the parking areas.

6. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority

**Reason:** To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

7. No part of the development hereby approved shall be occupied until all the off-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

**Reason:** In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

8. Prior to the commencement of development full details of the proposed surface and foul water drainage system including the phasing of its provision and long term maintenance shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the attenuation measures as set out in the submitted flood risk assessment to ensure that the maximum run off for the site does not exceed 14.72 litres/second. No property shall be occupied unless and until it is connected to the drainage system as set out in the approved details.

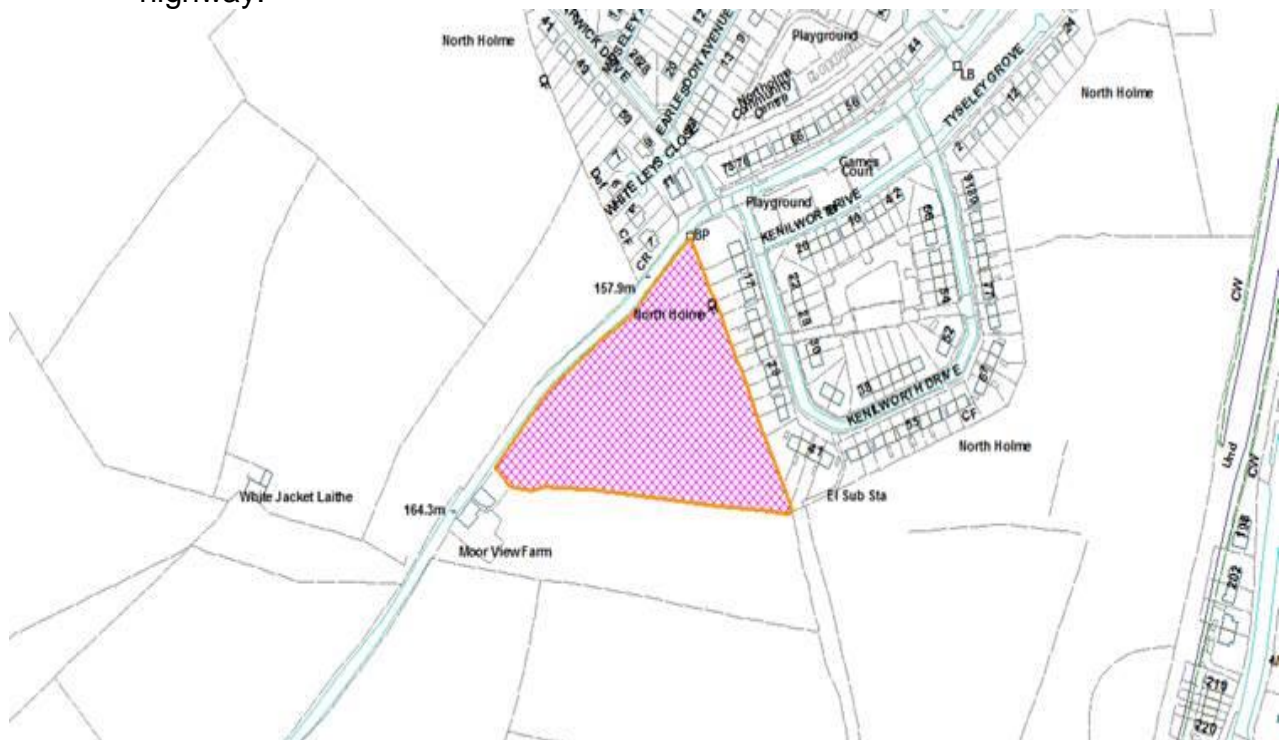
**Reason:** In order to ensure the site is adequately drained and in order to prevent pollution.

9. Prior to the commencement of development a scheme detailing the phasing of the provision of all of the highways works including access, estate road, footpaths and parking in each plot shall be submitted to and approved in writing by the local planning authority. This shall include details of the specification of the roads. The development shall thereafter be undertaken in strict accordance with the approved scheme.

**Reason:** In order to ensure the site has a satisfactory access completed to an acceptable standard.

10. The first works on site shall be the formation of the access with associated sightlines as set out on approved drawing Dwg 02. Nothing at any time shall be allowed to grow, be placed or form any obstruction in the visibility splay shown on the approved drawing. No other development shall be carried out unless and until the access is completed in its entirety.

**Reason:** In order to ensure the development is served by a safe access onto the public highway.



**Application Ref:** 16/0329/OUT

**Proposal:** Outline: Major: Erection of 34 dwellinghouses (1.26ha) (Access and Layout only).

**At:** Land at field number 0087, Earby Road, Salterforth

**On behalf of:** Cross Construction

**NW/HW**

**Date:** 28th June 2016