

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

**TO:** DEVELOPMENT MANAGEMENT COMMITTEE

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

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning application

## REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 25 JULY 2016

**Application Ref:** 13/16/0054P

**Ref:** 19286

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

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

**On behalf of:** Mr R Sutton

**Date Registered:** 24 February 2016

**Expiry Date:** 25 May 2016

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

This item has been deferred from the previous Development Management Committee on 27th June 2016.

At a meeting of West Craven Committee on 10th May 2016 the decision to refuse this application was referred as a recommendation to this Committee as the decision represented a significant risk of costs.

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

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

### **Relevant Planning History**

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

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

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

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

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

13/07/0242P - Reserved Matters: Major: Erection of 2000sqm B1, 9300sqm B2 and 1100sqm B8 of industrial floorspace and formation of access road, parking and landscaping. Approved. This development has been implemented. The area of the consent covers that of the current planning application.

## **Consultee Response**

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

Surface water drainage:

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

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

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

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

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

Section 5.3 of the FRA indicates that there is an existing 225mm dia culvert located on the eastern boundary of the site. This is believed to be fed by a series of existing land drains in and around the development site. Following an assessment of this culvert, the FRA has concluded that the existing pipe does not have sufficient capacity to cope with flows generated during higher magnitude rainfall events and therefore, it is suggested that in its present state the limited capacity

of the culvert may lead to surface water flooding at this location. Furthermore, whilst it is believed that the culvert emerges close to the southern corner of the site, it is noted that the discharge point to the watercourse or canal has yet to be identified.

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

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

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

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

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

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

**LCC Highways** - No objections in principle to the proposed housing development providing the recommendations referred to in this report are provided.

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

This housing application is to replace the commercial planning application 13/07/0242P for B1, B2 and B8 use. As part of planning application 13/07/0242P, the Highway Development Control Section commented that they would not raise an objection where the commercial development

generated in the region of 200 vehicles using the site each day. The Transport Assessment shows that the new housing development will generate significantly more than 200 vehicle movements per day. The traffic movements created by a residential development are outbound in the AM peak and inbound in the PM peak, this would be opposite to the direction of traffic created by industrial units. This change in direction would have an impact on the way the traffic signals operate by changing the demand on the arms, especially in the AM peak. The traffic signals should be subject to a capacity analysis (LinSig) and mitigation offered if capacity is seen to be reduced.

With the information available the Development Support Section is of the opinion that the proposed housing development will have a severe impact on the traffic signals at the B6283/Rainhall Road by increasing queue lengths and delays at the junction at the detriment to highway safety and congestion. The Development Support Section therefore recommends the applicant provides a scheme to provide "MOVA" at the signals, through a section 278 agreement with Lancashire County Council.

The proposed housing development will generate more pedestrian movements from the site towards the centre of Barnoldswick to access the local facilities. To support sustainable forms of transport and aid social inclusion the Development Support Section is of the opinion that the existing traffic signals at the B6283/Rainhall Road should be redesigned to be more pedestrian orientated by removing the barriers, relocating the traffic signal posts and providing facilities for mobility impaired and partially sighted etc. The Development Support Section therefore recommends the applicant provides an improvement scheme the traffic signals at the B6283/Rainhall Road, through a section 278 agreement with Lancashire County Council.

Contributions should also be made for public footpath improvements and road narrowing at the corner with Long Ing Lane and Coates Avenue to support sustainable forms of transport and aid social inclusion.

The development should have a negligible impact on highway safety in the immediate vicinity of the site providing the proposed traffic signal improvements are provided; a 3.5m cycle path is provided for the frontage of the site with Long Ing Lane and to continue round the bend to link with the footway on Coates Lane and continues into the northern access; the northern access is suitable for a twin axel refuse vehicle and the proposed build out is provided at the corner with Long Ing Lane and Coates Avenue.

The Lancashire County Council tendered bus service review date the 8<sup>th</sup> March 2016 indicates bus service B1/B2 Barnoldswick Town Services will operate with minor some tweaks to the timetable, where additional funding can be secured through a section 106 contribution, the current service could remain.

The two bus stops near the site to be upgraded to quality bus stops with shelters to support social inclusion and the promotion of sustainable forms of transport.

This development is in excess of our Travel Plan submission threshold. We would therefore request that a Framework Travel Plan covering all elements of the development should be submitted prior to any development commencing and that this be secured by a condition of planning.

Due to increased traffic flows generated by the development, to aid highway safety, to support sustainable transport and improve social inclusion within the vicinity of the site, the Highway Development Control Section recommends a highway contributions towards: -

To support sustainable transport and improve social inclusion, upgrade the two bus stops, estimated costs £10,000 per bus stop and £1,000 per bus shelter for commuted sums to cover future maintenance.

To support sustainable transport a contribution to support bus service B1/B2 Barnoldswick Town Services.

A contribution of £6,000 to enable Lancashire County Council Travel Planning team to provide a range of Services Section as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008.

Various improvements to definitive footpaths 13-1-FP-10, 13-1-FP-7, cycle route 68 and Bridle way 13-1-BW-10 as detailed in the report.

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

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

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

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

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

**Natural England** - No adverse comments.

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

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

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

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

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

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

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

### **Public Response**

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

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

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

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

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

The site is vulnerable to flooding.

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

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

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

There is insufficient shopping provision in the area.

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

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

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

Building on green field sites should not be allowed.

The development may undermine adjacent properties.

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

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

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

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

The proposal is an inappropriate overdevelopment of the site.

Harm to view from adjacent properties.

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

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

### **Officer Comments**

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

### **Policy**

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

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

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

Policy SDP3 identifies housing distribution in West Craven Towns as 18% of the total required in the Borough over the Plan lifetime.. The total housing requirement for Pendle is 5662 which equates to 298 units per annum. The amount of development proposed here is not disproportionate to the amount Barnoldswick could expect to accommodate over the 15 year plan period.

Policy ENV1 of the Local Plan seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of



new developments on the natural environment, including biodiversity, should be kept to a minimum.

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

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

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

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

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

### Replacement Pendle Local Plan

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

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

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

### National Planning Policy Framework ("the Framework")

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

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

### **Principle of Housing**

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

Pendle Borough Council has demonstrated in the Strategic Housing Land Availability Assessment a five-year supply of deliverable housing sites, this includes sites that fall outside of settlement

boundaries. Although this site has not been included in this assessment, it would contribute towards the delivery of the Council's five-year housing supply and this weighs strongly in its favour.

The north western part of the site falls within a protected employment area. This is the former site of Barnsay Mill and has had a number of permission granted over the past 20 years for redevelopment for industrial use. There has been a technical start on site to implement the development which remains extant. The area covered by the industrial consent covers that now proposed for development.

Therefore, the principle of the proposed development is acceptable.

### **Affordable Housing Provision**

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

### **Visual Amenity**

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

### **Residential Amenity**

Adequate separation distances could be provided between the proposed housing and existing housing to the north east.

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

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

Further statements have been received addressing the differences in interpretation of predicted noise levels by the applicant's and Silentnight's noise consultants. This relates to the level of the additional noise that needs to be factored into the modelling.

However irrespective of this difference in interpretation it is clear that with a suitable layout and design, acceptable noise levels and hence levels of amenity can be ensured for occupants of the proposed housing. Those elements would be considered at the reserved matters stage.

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

## **Ecology**

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

## **Open Space**

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

## **Drainage and Flood Risk**

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

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

Concerns were raised at the first Committee meeting in April relating to a culvert called 'the Bowker drain' which it was suggested runs somewhere under the site. An investigation report of the Bowker drain has been submitted, this concludes that the drain is located on the opposite side of the Canal from the site and the development would therefore not directly impact upon it. It is also thought to be improbable that the existing 300mm diameter culvert running through the site from Little Cut has a direct connection to the Bowker drain. Additional on-site investigation in the form of a CCTV survey has been recommended during the detailed design stage to evaluate connectivity and structural stability of the on-site culvert structure and any additional mitigation that may be required.

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

## **Highways**

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

Concerns have been raised regarding the level of car parking proposed and impacts on the access road to Higher Barnsley Farm. With the density proposed adequate parking provision could be made, full details of car parking provision would be provided at the reserved matters stage. The

comments appear to assume that the access road would remain at its current single track width. This is a matter that would be resolved at reserved matters stage but there are no known reasons why the width of the track could not be increased. The internal road layout shown is indicative at this stage and would be considered fully at reserved matters.

Concerns have also been raised regarding the ability of the surrounding road infrastructure to cope with additional traffic generated by the proposed development both during and after construction. Planning permission was been granted in 2007 for an industrial/warehouse development on this site and that development has been technically started and therefore is extant. The transport statement submitted with this application states that the proposed development would be likely to have less impact on the highway than the previous permission in terms of trip generation and clearly would have a significantly lower number of goods vehicles trips.

However LCC Highway's response states that due to the nature of and direction of traffic flows from the proposed residential development, it would be likely to have a severe impact on the traffic signals at the B6283/Rainhall Road by increasing queue lengths and delays at the junction at the detriment to highway safety and congestion. Therefore, LCC Highways have stated that it is necessary for the developer provide a contribution towards the provision of MOVA signals at that junction. However there needs to be a more detailed analysis of the junction requirements using LinSig or a similar model. A LinSig analysis has been carried out and submitted to LCC Highways, we are awaiting their response and this will be reported to Committee.

The development would also result in increased public transport demand. The Lancashire County Council tendered bus service review date the 8<sup>th</sup> March 2016 indicates bus service B1/B2 Barnoldswick Town Services will operate with some minor tweaks to the timetable. A contribution to maintain the current bus service would offset this impact of the development.

Off-site highway works are also requested for alterations to the road and footway to the front of the site.

Discussions are ongoing regarding these contributions, an update will be made to Committee.

Subject to off-site highway works and contributions that would acceptably offset its impacts, the proposed access is acceptable in principle terms of highway safety.

### **Other issues**

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

A query was raised regarding the ownership of the access track to Higher Barnsay Farm that runs through the site. Land registry plans have been submitted demonstrating that the section which runs through the application site is within the applicant's ownership.

### **Summary**

The proposed access and principle of the development are acceptable, it is therefore recommended that the approval of the application is delegated to the Planning, Building Control and Licencing Manager subject to the finalising of the s106 agreement.

## **Reason for Decision**

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

### **RECOMMENDATION: Delegate Grant Consent Subject to the following conditions:**

1. An application for approval of the reserved matters (namely the 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 appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 07.113 01A, 07.113 08E.

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

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

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

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
- b) The drainage scheme should demonstrate that the surface water run-off must not exceed the peak greenfield runoff rate for same event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing where applicable;
- f) Site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

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

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

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

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

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

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

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

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

7. No development shall commence unless and until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

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

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

strategy and FRA should be revised to accommodate findings as appropriate. Prior to commencement of development, the revised surface water drainage strategy should be submitted to and approved by the Local Planning Authority in consultation with Lancashire County Council in their role as Lead Local flood Authority.

- Reason:** To ensure that the watercourse does not pose a flood risk, on-site or off-site.
9. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
  - b) The areas and methods of loading and unloading of plant and materials.
  - c) The areas for the storage of plant and materials.
  - d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
  - e) Details of wheel-washing facilities including location
  - f) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
  - g) Measures related to construction and demolition waste management
  - h) Pollution prevention to include odour suppression, temporary drainage measures, control on re-fuelling activities and measures such as cut-off trenches to control gas migration.
  - i) Soil resource management including stock-pile management
  - j) Compliance with BS5228: Part 1 1997 to minimise noise
  - k) Measures to ensure that vehicle access of adjoining access points are not impeded.
  - l) Measures to ensure that there is no burning of waste.
  - m) Demolition Management Plan/Programme
  - n) Location and details of site compounds
  - o) Hoarding details during construction
  - p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
  - q) Vibration monitoring to be carried out for the construction period.
  - r) Noise-monitoring to be carried out for the construction period.
  - s) A Construction and Demolition-Waste minimisation Strategy.
  - t) A Construction-Risks Education plan/programme
  - u) Parking area(s) for construction traffic and personnel
  - v) Routeing of construction vehicles

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

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

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

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

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

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

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

**Advisory Notes:**

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

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

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

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

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

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

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



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

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

13. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

**Reason:** To prevent stones and mud being carried onto the public highway to the detriment of road safety.

14. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plans and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

**Reason:** Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.

15. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

**Reason:** To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

16. No part of the development hereby approved shall commence unless and until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.

**Reason:** In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

17. The development shall not commence unless and until a Traffic Management Plan for the construction works has been submitted to be approved in writing by the Local Planning Authority. The Traffic Management Plan shall include:
- o The parking of vehicles of site operatives and visitors;
  - o Loading and unloading of plant and materials used in the construction of the development;
  - o Storage of such plant and materials;
  - o Wheel washing facilities;
  - o Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
  - o Routes to be used by vehicles carrying plant and materials to and from the site;
  - o Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall be carried out in strict accordance with the approved Traffic Management Plan.

**Reason:** to protect existing road users.

18. No development shall commence unless and until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter

be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

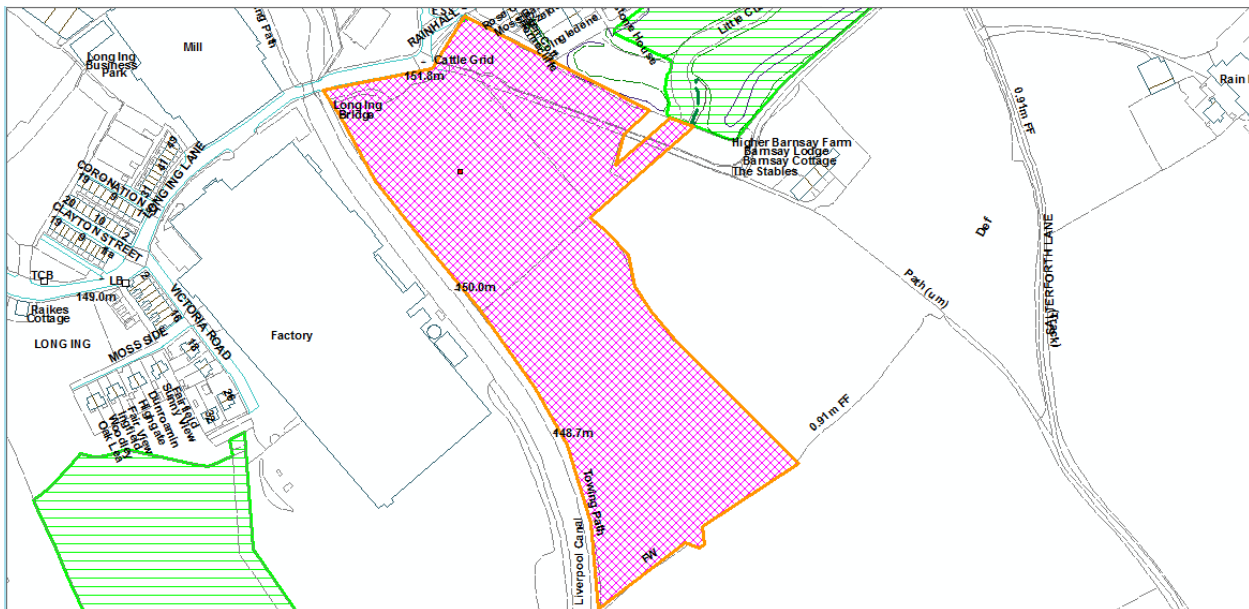
**Reason:** In the interest of highway safety.

19. No development shall commence until a Framework Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

The Framework Travel Plan must include a schedule for the submission of a Full Travel Plan within a suitable timeframe of first occupation, the development being brought into use or other identifiable stage of development.

Where the Local Planning Authority agrees a timetable for implementation of a Framework or Full Travel Plan, the elements are to be implemented in accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used for a minimum of at least 5 years.

**Reason:** To ensure that the development provides sustainable transport options



**Application Ref:** 13/16/0054P

**Ref:** 19286

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

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

**On behalf of:** Mr R Sutton

## REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 25<sup>th</sup> JULY, 2016

**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

This application has been referred from West Craven Committee as Members were minded to refuse the application on the following grounds:

- No safe pedestrian access to/from the site; and
- Salterforth has exceeded the 10% required for housing development in Rural Pendle.

### **Site Description and Proposal**

This application seeks outline for the erection of thirty four dwellinghouses with access and layout only. Details of appearance, landscaping and scale will 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 or 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 likelihood of 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 to be 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

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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- 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:-

- Effect 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 cannot 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.

### 1. Policy

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (the Framework) must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the 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.

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. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 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 is 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.

## 2. Principle of Housing

Proposals for new development should be located within a settlement boundary. These boundaries will be reviewed as part of the site allocations and development policies in order to identify additional sites to meet development needs where necessary.

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 rural village of Salterforth.

It is likely that if permission for housing was approved here that the site would be brought into the urban area as part of the settlement review.

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.

### 3. 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 housetypes 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.

### 4. 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.

#### 5. 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,

#### 6. 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.

#### 7. 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.

#### 8. 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.

## 9. 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.

### **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 appearance, 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 appearance, landscaping 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: Dwg 00, Dwg 01 & Dwg 02.

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

4. No part of the development hereby permitted shall be commenced until details of the proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

**Reason:** To enable the Local Planning Authority to assess how the development will accommodate the varied land levels and control the final form.

5. 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.
  - e) Details of wheel-washing facilities including location
  - g) Measures related to construction waste management
  - i) Soil resource management including stock-pile management
  - k) Measures to ensure that vehicle access of adjoining access points are not impeded.
  - n) Location and details of site compounds
  - o) Hoarding details during construction
  - s) A Construction Waste minimisation Strategy.
  - t) A Construction-Risks Education plan/programme
  - u) Parking area(s) for construction traffic and personnel
  - v) Routeing of construction vehicles

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

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

6. 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.

7. 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.

8. 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.

9. No 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.

**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.

10. 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.
11. 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.
12. 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:**

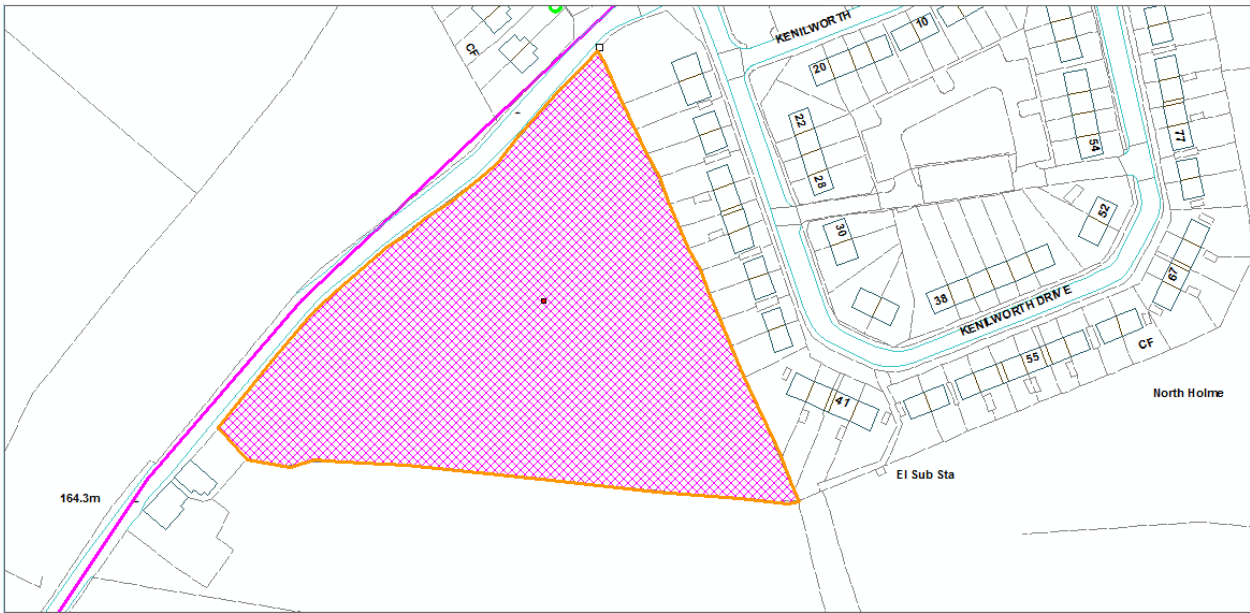
1. To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere;
  2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.
13. Within two weeks of the commencement of development details of a maintenance plan for the future management and maintenance of the green zone, footpaths and hedges and unadopted highway/footpaths shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the timescales and work required to be carried out on the site.

**Reason:** To ensure that the site is maintained in an appropriate manner.

14. 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 dwelling houses (1.26ha) (Access and Layout only).

**At:** Land At Field Number 0087, Earby Road, Salterforth, Lancashire

**On behalf of:** Cross Construction

## LIST OF BACKGROUND PAPERS

Planning Applications

NW/RS

Date: 12<sup>th</sup> July 2016