

**REPORT OF:** THE PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

**TO:** BRIERFIELD AND REEDLEY COMMITTEE

**DATES:** 9<sup>th</sup> May 2017

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To comment on the attached planning application.

## REPORT TO BRIERFIELD AND REEDLEY COMMITTEE ON 09 MAY 2017

**Application Ref:** 17/0008/OUT

**Proposal:** Outline: Major: Erection of 70 dwelling houses with access off Moorside Avenue with ancillary works (Access and Layout only).

**At:** Land To The East Of Moorside Avenue, Brierfield

**On behalf of:** Admergill SASS Avalon SASS

**Date Registered:** 10/03/2017

**Expiry Date:** 09/06/2017

**Case Officer:** Alex Cameron

This application is for a housing development of more than 60 houses and as such must be determined by Development Management Committee. The application has therefore been brought before Brierfield and Reedley Committee for comments rather than determination.

### **Site Description and Proposal**

The application site is a field located adjacent to the settlement boundary of Brierfield. The land is within the open countryside and of no designation in the Replacement Pendle Local Plan. To the west is the rear of Waverley Close, to the south is open land, to the east is Nelson Golf Course and to the north is open land with the rear of Heather Close approximately 80m beyond. The land slopes up from west to east and south to north and is crossed by five public footpaths Nos. 19, 21, 22, 29 and 30.

This is an outline planning application for access and layout only for the erection of 70 dwellings. The proposed layout is for detached and semi-detached linked by garages dwellings arranged in 5 cul-de-sacs around a central estate road with extensive green spaces between, the routes of the existing footpaths would run through those green spaces.

This application was previously brought before Committee in March, since the previous meeting amended plans have been received revising the boundary of the application site and addressing issues relating to the Wildlife Trust comments.

### **Relevant Planning History**

None.

### **Consultee Response**

**PBC Environmental Health** – Please attach standard contaminated land condition.

**LCC Education** - The latest information available at this time was based upon the 2016 School Census and resulting projections. Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 13 primary and 6 secondary school places.

Calculated at the current rates, this would result in a claim of: 13 primary places (£175,168.89) and 6 secondary places (£121,821.54).

**Lancashire Constabulary Architectural Liaison** - The number of public footpaths within the site gives serious cause for concern in the setting of a housing development. There are 5 public

footpaths entering the site which then split to form numerous routes within – this is appropriate to open land used for walking however not appropriate for within a housing development. Crime risks are increased where a development is too permeable – the number of access and escape routes available make this a comfortable environment for an offender to target and this is further complicated as these routes are concealed footpaths only, not roads with passing traffic. Due to the number of footpaths within this site and the crime and anti-social behaviour risk they pose to the new development, on behalf of Lancashire Constabulary I object to planning permission being granted for the development in its current form, as it is in conflict with Policy ENV2 of the Pendle Core Strategy, National Planning Policy Framework and Section 17 of the Crime and Disorder Act.

Despite my objections, should Pendle Borough Council decide to grant planning permission for this application, I ask that the following conditions are attached to the decision; construction site security and CCTV, public footpath planting, boundary treatments.

**PBC Public Rights of Way** – The application site contains 5 public rights of way including the route of the Pendle Way. As a result of the impacts of the development on the footpaths the developer should be required to enter into an agreement either to carry out works on the footpaths or pay a sum of £11,950 towards works to them. A condition should be included that no hedge or tree is planted within 2m of the centre of the footpaths and a note should be included regarding obstruction of the footpaths.

**Wildlife Trust** – The Ordnance Survey map of the area (South Pennines OL21) shows a pond in the southeastern corner of the field and the ecological report accompanying the application identifies a small area of heathland on the site. Both of these habitats are habitats of principal importance in England (also known as ‘priority habitats’) and, if the Council is minded to approve the application, should be conserved and enhanced, or reinstated, as part of the landscaping of the site.

**United Utilities** – No objection subject to foul and surface water drainage and sustainable urban drainage management conditions.

**Lead Local Flood Authority** – No objection subject to the following conditions:

Reserved Matters to include an appropriate surface water drainage scheme.  
Surface Water Lifetime Management and Maintenance Plan.

### **Public Response**

Press and site notices has been posted and nearest neighbours notified – Numerous responses have been received objecting to the development on the following grounds:

Moorside Avenue is unsuitable access for the proposed development and for construction traffic and will result a detrimental impact upon exiting residents and an adverse highway safety impact.

Moorside Avenue is not gritted and can become inaccessible during bad winter weather.

Noise and disruption during construction will adversely impact upon the amenity of residents.

The additional traffic generated by the development would adversely impact upon air quality in the area.

Brownfield sites should be developed before greenfield sites such as this.

Concerns that the proposed development will lead to an increased risk of surface water flooding of adjacent properties.

The development would increase the risk of crime in the area.

The development will have a major impact on local services. Existing schools and medical services are over-subscribed.

The development will result in the loss of existing recreational greenfield land and would reduce access to the open countryside.

The footpaths through the site include the route of the Pendle Way and are extensively used by walkers. The footpaths will effectively be off limits during construction and the development would result in walkers having to cross the roads within the development which will lead to danger for the walkers.

The proposed development will result in the loss of habitats for birds, bats and other wildlife

The development will result in additional light pollution.

The proposed development would result in an unacceptable impact upon the landscape.

The development would adversely impact upon views from adjacent properties.

The development would adversely impact upon the privacy of adjacent properties.

The development would result in loss of light to adjacent properties.

The land is not allocated for housing in the Local Plan.

The development conflicts with the guidance of the Development in the Open Countryside SPG.

The site is within the green belt.

Burnley and Pendle have a surplus of housing.

The development could open the flood gates for future development of the area.

The public open space areas within the site would require extensive maintenance. The developer should be required to undertake a 20 year maintenance plan.

Houses backing onto the golf course are likely to attract stray golf balls and result in complaints and claims from residents.

I am interested to know if the 70 proposed properties will now be linked to potential development at the adjacent golf course.

### **Officer Comments**

The issues for consideration are compliance with policy, principle of housing, impact on amenity, ecology, drainage and highways issues.

### **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. Nelson (including Brierfield) is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 identifies housing distribution for the M65 Corridor as 70%, the amount of development proposed here is not disproportionate to the level of housing development Brierfield would be expected to provide, as a minimum, over the plan period.

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

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

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

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

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For the M65 Corridor the requirement for developments of 15+ dwellings is 0% affordable housing.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

## Replacement Pendle Local Plan

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

## Development in the Open Countryside SPG

This document has been highlighted in some neighbour responses. This guidance document was published in 2002 and was prepared under previous government guidance which has since been superseded by the National Planning Policy Framework. Under previous planning policy and guidance housing development beyond settlement boundaries was generally unacceptable unless it met specific exceptions, this is no longer the case. Although the SPG is still of some weight in decision making, its weight is limited and more applicable agricultural developments etc. Its

guidance holds very limited weight in determining an edge of settlement housing development such as this.

### National Planning Policy Framework

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

### Housing supply

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

Paragraph 55 of the Framework states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

### **Principle of Housing**

The application site abuts the settlement boundary of Brierfield, taking this and its proximity of services and facilities in nearby Barrowford into account, it is not an isolated site for the purposes of paragraph 55 of the Framework. Therefore, in location terms and in terms of the development's contribution to the economic role of sustainable development the proposed development accords with the Framework.

The site is adjacent to the settlement boundary of Brierfield, in a sustainable location. Pendle Borough Council has demonstrated in the Strategic Housing Land Availability Assessment a five-year supply of deliverable housing sites. This site had been included in this assessment as an additional site in the 6-15 year period. Taking into account the contribution the proposed development would make to the delivery of the Council's five year housing land supply, it being brought forward at this stage is not unacceptable.

### **Visual Amenity**

This application is in outline for access and layout only, the design scale and landscaping of the development would be considered in a separate reserved matters application. The proposed layout would be relatively low density with large open green spaces between the proposed housing.

The site is located on sloping rural land which rises up above the existing residential development to the west. The land not designated or within the setting of any landscape or heritage designations. The landscape impacts of the development would be largely limited localised to views from within and immediately adjacent to the site, however the development would be unlikely to be visible from Higher Reedley Road or Kings Causeway or beyond. There could possibly be distant views of the site from opposite side of the valley towards Pendle Hill, however, these would be at a significant distance and, if visible, the proposed development would appear as a natural continuation of the existing development to the north and west.

## **Residential Amenity**

The houses adjacent to the boundaries of the site that abut existing residential properties would be a sufficient distance from those properties to ensure that they would not result in an unacceptable loss of privacy or light to those properties and would not result in an overbearing impact upon them.

Concerns have been raised relating to the amenity of properties on Hillsborough Avenue, however, these are separated by more than 80m from the boundary of the site.

Concerns have also been raised regarding the impact of the development on private views from nearby dwellings, provided that a development would not result in unacceptable loss of light or overbearing impacts, the impact on private view is not a material consideration in a planning application.

## **Ecology**

An ecology survey of the site has been submitted with the application. This found that the site has no features capable of supporting bat roosts, protected amphibians and no evidence of badger or water vole habitat and is unlikely to be used by ground nesting birds. It does however have good potential value for bat foraging. The report recommends mitigation measures to ensure that the site can continue to be used for bat foraging and to ensure any vegetation is removed outside of bird breeding season. With a condition to ensure these mitigation measures are implemented the proposed development is acceptable in terms of its ecology impact in accordance with policy 4D.

The wildlife trust have identified that the heathland and pond/ditch to the south east of the site should be maintained. The proposed layout plan has been amended to preserve these areas.

## **Open Space**

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The applicant proposes open green corridors throughout the site. This would provide acceptable an open space contribution in accordance with LIV5. Provisions for the long term maintenance of the open spaces would be ensured by condition.

Concerns have been raised regarding the loss of the recreational use of this land. The site is private land with no public open space designation and there are no public rights of access to the land beyond the routes of the public footpaths.

## **Drainage and Flooding**

The applicant has submitted a flood risk assessment for the site. This concludes that the site is not at unacceptable risk of flooding and the increase in surface water runoff from impermeable areas within the site can be attenuated with a sustainable urban drainage system.

## **Education**

An education contribution of 13 primary school and 6 secondary school places is necessary to offset the impact of the development on local schools. The applicant has agreed to provide a Section 106 contribution to meet the cost of the school places.

## **Highways**

Moorland Drive and Moorside Avenue are at least 5.5m wide, 4.8m would typically be the minimum width for an estate road, this is therefore a sufficient width for an access to the development.

A transport statement has been submitted with the application which demonstrates that the junction of Moorland Drive has sufficient capacity to accommodate the increase in traffic that would result from the proposed development. LCC have assessed the transport impacts of the development and advised that it is acceptable subject to the following off-site highway works:

- Replacing the highway verge to the front of 6 Moorside Avenue (approximately 3m in length) with a footpath to ensure a continuous footpath to serve the site.
- Giveway markings at all junctions onto Moorland Drive and Moorside Avenue
- An additional giveway sign at the junction of Moorland Drive with Higher Reedley Road.
- A centre line marking around the bend at No.1 Moorside Avenue.

An acceptable level of car parking provision is proposed; as this provision includes the proposed garages a condition is necessary to ensure that they are retained for car parking.

LCC Highways have requested a condition for a survey of Moorland Drive and Moorside Avenue before and after the construction of the development and for the developer to return the road to its pre-construction condition. This would not be a reasonable condition to attach as it could not be ensured that any damage to the road is as a direct result of the development rather than other general wear and tear and as such would fail the tests of an acceptable planning condition set out in the Framework.

### **Public Rights of Way**

The public footpaths crossing the site have been accommodated with the proposed layout. Works and additional signage are required to offset the impact of the development upon them; the developer has agreed to make a contribution to provide the works and signage.

### **Crime Prevention**

Concerns have been raised by Lancashire Constabulary Architectural Liaison that the five footpaths running through the site could make the development vulnerable to crime. This issue could be mitigated with conditions to control details of the landscaping and boundary treatments.

## **LIST OF BACKGROUND PAPERS**

Planning applications

NPW/KH

Date 27<sup>th</sup> April, 2017