

REPORT FROM:	PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER
TO:	DEVELOPMENT MANAGEMENT COMMITTEE
DATE:	25 September 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO DEVELOPMNET MANAGEMENT COMMITTEE ON 25 SEPTEMBER 2017

Application Ref: 17/0301/FUL

Proposal: Full: Change of use of children's farm building (use class D2) to a dwelling house (C3), demolition of attached building and external alterations (re-submission).

At: Rigg Of England Farm, Heights Lane, Fence

On behalf of: Mr Jake Sanderson

Date Registered: 26/06/2017

Expiry Date: 21/08/2017

Case Officer: Alex Cameron

This application has been referred to Development Management Committee as its approval would result in a significant departure from the Development Plan and would not be consistent with a previous decision of the Council.

Site Description and Proposal

The application site is a former farm building with extant planning permission for use as a mixed educational / recreational childrens' farm visitor centre and ancillary café. The building is located within an elevated position within the open countryside and AONB. The building is clad in natural stone with a poly-coated sheet roof and timber fenestration and there is an attached timber clad agricultural livestock building.

The proposed development is the change of use of the main building to a three bedroom dwelling, the demolition of the attached livestock building and formation of a garden to the rear. The external alterations would comprise the insertion of three windows in the side elevations and four rooflights.

Relevant Planning History

13/11/0624P - Full: Change of use from agriculture to a mixed educational and recreational use as a childrens farm and farm visitor centre with ancillary coffee shop, partial demolition and external alterations including stone cladding and formation of window and door openings (Re-Submission). Approved.

17/0122/FUL - Full: Change of use of children's farm building (use class D2) to a dwelling house (C3), demolition of attached building and external alterations. Refused, 16/05/2017.

Consultee Response

LCC Highways – Having considered the information submitted for the above application, based on the car parking recommendations in the 'Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards' the applicant has provided adequate parking provision for this type and size of development.

However, I've noted that there's unlikely to be adequate manoeuvring space behind the back edge of the parking spaces, particularly as the central, ramped pathway is bounded by low level walls and there is a difference in ground levels as shown in the 'Planning Statement' photos 2 and 3. Ideally there should be 6m behind the parking spaces to allow manoeuvring. The applicant should,

therefore, ensure that, in particular, a vehicle using the parking space to the south of the pathway can properly manoeuvre into/out of and park in it.

Public Response

Nearest neighbours notified. One response received from the National Farmers Union in support of the proposed development.

Officer Comments

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 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.

National Planning Policy Framework (The Framework)

Paragraph 32 of the Framework states that decisions should take account of whether safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council's Annual Monitoring Report for 2016 demonstrates a 5.1 year supply of housing in accordance with the requirements of paragraph 47.

The site is located outside of a settlement boundary. Paragraph 55 of the Framework states:

"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".

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."

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 states that new development should be within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy LIV1 sets out the Council requirement to deliver new housing at a rate of 298 dwellings per annum.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG, or its replacement. In determining proposals which affect the Forest of Bowland Area of Outstanding Natural Beauty (AONB) great weight will be given to conserving its landscape and scenic beauty.

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

Principle of the development

The application site is located over 1.2km walking distance from the settlement boundary of Fence and 1.3km walking distance to the nearest bus route along narrow national speed limit roads with no pedestrian footway or unmade public rights of way across agricultural fields. It does not have adequate access to essential services and facilities such as shops, schools and medical services without an unacceptable level of reliance on private motor vehicles. This is an isolated countryside location for the purposes of paragraph 55 of the Framework.

Paragraph 55 states that Local planning authorities should avoid new isolated homes in the countryside unless they meet one of the following special circumstances:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside.

This application has not been made on the basis that the dwelling would meet an essential need for an agricultural worker's dwelling.

- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

The building proposed for conversion to a dwelling is not a heritage asset; prior to its recladding in stone under planning permission ref: 13/11/0624P it was a steel portal framed concrete block and timber clad agricultural building.

- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

Although the building is not in use, this does not in itself result in harm to the immediate setting. In addition, the domestic character and paraphernalia associated with a domestic use would itself cause some level of harm to the rural character of the immediate setting. Therefore, the proposed use as a dwelling would not enhance the immediate setting.

The permitted use of the building may result in similar impacts in terms of outdoor paraphernalia and potentially a greater number of vehicular journeys to and from the site than a single dwelling. However, the permission is for a mixed educational / recreational use as a children's farm with ancillary coffee shop which was justified under local and national policy as an appropriate use in this location.

In addition, bullet point 3 of paragraph 55 requires that the conversion is of a redundant or disused building and therefore the impacts of the potential use of the building are irrelevant to the assessment of compliance with this part of paragraph 55. It is only the impact of the building in its current unused status that is relevant.

- the exceptional quality or innovative nature of the design of the dwelling.

The proposed conversion of the building would not result in a dwelling of exceptional quality or innovative nature.

The proposed development therefore does not meet any of the circumstances for allowing a new dwelling in an isolated countryside location set out in the Framework and is therefore contrary to paragraph 55 and SDP2.

Design

The proposed external alterations to the building would be relatively minor and would have no adverse visual impact and the adjoining building to be demolished is of no visual amenity value.

The conversion of the building to a dwelling would include the formation of a domestic curtilage, with domestic paraphernalia associated a domestic use. This would not be in keeping with the rural character of its setting.

Amenity

The proposed development would not raise any adverse residential amenity issues and is therefore acceptable in terms of amenity.

Highways

Adequate parking provision could be provided within the site and with a condition to ensure that the proposed passing places are formed the access would be acceptable to accommodate the proposed dwelling. The proposed development is therefore acceptable in terms of highway safety.

RECOMMENDATION: Refuse

For the following reasons:

The proposed dwelling would be in an isolated and unsustainable countryside location and would not meet any of the special circumstances for the erection of new dwellings as set out in paragraph 55 of the National Planning Policy Framework. Therefore, the proposed development would be contrary to policy SDP2 of the Pendle Local Plan Part 1: Core Strategy and paragraph 55 of the National Planning Policy Framework.



Application Ref: 17/0301/FUL

Proposal: Full: Change of use of children's farm building (use class D2) to a dwelling house (C3), demolition of attached building and external alterations (re-submission).

At: Rigg Of England Farm, Heights Lane, Fence

On behalf of: Mr Jake Sanderson

REPORT TO DEVELOPMNET MANAGEMENT COMMITTEE ON 25 SEPTEMBER 2017

Application Ref: 17/0355/FUL
Proposal: Full: Change of use of stone barn to four bedroom dwellinghouse (C3)
At: Admergill Pasture, Gisburn Road, Blacko
On behalf of: Mr John Kay
Date Registered: 06/07/2017
Expiry Date: 31/08/2017
Case Officer: Alex Cameron

This application has been referred to Development Management Committee as its approval would result in a significant departure from the Development Plan and would not be consistent with a previous decision of the Council.

Site Description and Proposal

The application site is a barn located adjacent to a small cluster of dwellings within the open countryside. The original building was a breeze-block asbestos clad pole barn with two breeze-block extensions. In 2011 the walls of the building were re-built in stone and it was re-roofed in slate.

The proposed development is the conversion of the building to a four bedroom dwellinghouse.

Relevant Planning History

13/04/0704P - Convert barn to single dwelling – Refused & Appeal Dismissed

13/15/0497P - Certificate of Lawfulness (Section 191): External alterations to farm building – Approved.

16/0354/FUL - Full: Change of use of stone barn to four bedroom dwellinghouse (C3) – Refused.

Consultee Response

LCC Highways - The proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

Based on the car parking recommendations in the Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards the Highway Development Control Section is of the opinion that the applicant has provided adequate off road parking provision for this type and size of development, including secure cycle storage.

Footpath 10 and 11 (Pendle – Brogden) run along the access track (FP10) and adjacent to the proposed development site (FP11). From a site visit I noted that there was a redundant cattle grid at the bottom of the access track near the junction with Gisburn Road. We would ask the applicant to remove this and make good the surface to provide a larger and safer manoeuvring area.

The access track being used by large, agricultural machinery. As the lane is single track there was no room for passing by another vehicle. Therefore I would ask for the provision of two passing

places on the lane should planning approval be granted - one on the lower section, the other on the upper section – to provide improved access along the track.

Please attach the following conditions: removal of cattle grid, passing places, turning space. Please attach a not relating to the footpath.

Environmental Health – Attach the following note: The development is located within a rural area, which appears likely to be served by a private (i.e. non-mains) water supply. The applicant is advised to ascertain the quality and sufficiency of the water supply. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661199.

Blacko Parish Council - In light of the positive comments from Residents and LCC Highways, Blacko Parish Council support this application.

Public Response

A press and site notice were posted and nearest neighbours notified. :

In its present state the barn does not provide any visual amenity to the surrounding countryside and is, in effect, something of an eyesore.

It appears to be redundant as an agricultural barn and risks falling into disrepair.

I would support its sympathetic conversion to a single private dwelling.

That would have minimal visual impact from a distance due to the location of the site and would serve to enhance the site when viewed from the adjacent footpath.

It would also fit in with the existing residential development in the immediate vicinity, all the other buildings having previously been converted to residential use.

Officer Comments

Pendle Local Plan Part 1: Core Strategy

Policy SDP2 states that proposals for new development should be located within a settlement boundary as defined on the Proposals Map(73). These boundaries will be reviewed as part of the preparation of the Pendle Local Plan Part 2: Site Allocations and Development Policies in order to identify additional sites to meet development needs where necessary. Proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle

Policy ENV1 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 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 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.

National Planning Policy Framework

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

Paragraph 55 of the Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include the conversion of buildings where it would represent the optimal viable use of a heritage asset or would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

Principle of the Development

The main consideration in terms of the principle of the development is whether it would accord with paragraph 55 of the Framework. The first consideration in relation to paragraph 55 is whether the location is an isolated or a sustainable one in terms of access to essential services and facilities and public transport.

The statement submitted with the application references a nearby bus service and primary school in justification. The nearest bus stop for this service is approximately 1.8km by foot away. Blacko Primary School is approximately 2km away, (not 500m as stated). The site is not within walking distance of essential services and facilities such as shops, schools, medical facilities and public transport links, it is inevitable that residents would use motor vehicles to access these facilities. The site is an isolated and unsustainable location for the purposes of paragraph 55 of the Framework.

The second consideration is whether the proposed development meets one of the special circumstances for a allowing a new dwelling in an isolated location in the open countryside set out in paragraph 55. These special circumstances are:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside.

No justification has been made of there being an essential need for an agricultural worker's dwelling.

- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

The building has no heritage value as it was an asbestos/concrete block barn that has recently been re-clad in stone and slate.

- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting;

The building itself is in good condition having been recently re-clad in stone and slate. There are currently building materials and machinery stored on the site, it is therefore not disused. Any adverse impact of this storage is a consequence of how the site is being operated rather than an issue of the building itself harming the immediate setting. It should be noted that the Council has powers under Section 215 of the Town and Country Planning Act to take action against untidy buildings and land which are causing harm to the amenity of an area if necessary.

Furthermore, the proposed conversion to a dwelling would not lead to an enhancement in the immediate setting as it would introduce additional domestic character and paraphernalia in a rural setting. In support of this conclusion an appeal decision for a similar proposal at Higher Graystones Barn in Roughlee was dismissed with the Inspector stating that:

“I agree with the Council that the use of the building as a dwelling would inevitably result in the domestication of the new curtilage, introducing an inappropriate suburban feature in the landscape, albeit one that is relatively small in scale which is likely to have only a limited harmful impact in views from within the public realm. In this respect, the consequential removal of existing materials etc associated with the appellant’s building business would produce little net gain.”

In addition, the Inspector in dismissing the previous appeal for conversion of the building to a dwelling in 2005 stated that:

“the appeal proposal would contribute to an extension and consolidation of the existing scatter of dwellings across the open countryside in the surrounding area. In these circumstances I conclude that the appeal proposal would have a materially harmful effect upon the character and appearance of the area.”

- the exceptional quality or innovative nature of the design of the dwelling.

The proposed dwelling would not be of exceptional quality or innovative nature.

Therefore, the proposed dwelling does not meet any of the special circumstances for allowing a new dwelling in an isolated unsustainable location and is contrary to policy SDP2 and paragraph 55 of the Framework.

Design

The proposed conversion would involve few external alterations to the existing building given that many of the window openings are already in place. The proposed conversion is acceptable in terms of design and visual amenity in accordance with policy ENV2.

Amenity

The proposed development would provide an adequate level of privacy and residential amenity for the occupants of the dwelling and would raise no adverse residential amenity issues in accordance with policy ENV2.

Highway Safety

Subject to conditions requiring passing places, parking and turning provision and the removal of the cattle grid the proposed development is acceptable in terms of highway safety.

Ecology

A bat survey has been submitted and found no evidence of use by bats, it concludes that no further survey work or mitigation is required. Therefore, the proposed development is acceptable in terms of its ecology impact.

RECOMMENDATION: Refuse

For the following reason:

1. The building is located in an unsustainable isolated location that would result in residents being reliant on private vehicles to access essential services and facilities. The proposed development does not meet any of the special circumstances for allowing a new dwelling in such a location and therefore the proposed development is contrary to Policy SDP2 of the Pendle Local Plan Part 1: Core Strategy and paragraph 55 of the National Planning Policy Framework.



Application Ref: 17/0355/FUL

Proposal: Full: Change of use of stone barn to four bedroom dwellinghouse (C3)

At: Admergill Pasture, Gisburn Road, Blacko

On behalf of: Mr John Kay

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 25 SEPTEMBER 2017

Application Ref: 17/0362/FUL

Proposal: Full: Major: Development of existing open land for the erection of 55 dwellings of mixed type, with vehicular access from Red Lane and pedestrian/cycle link to The Meadows, including provision of public open space and site drainage measures.

At: Land to the North of The Meadows, Colne

On behalf of: Beck Developments

Date Registered: 10 July 2017

Expiry Date: 11 October 2017

Case Officer: Kathryn Hughes

This report has been referred to Development Management as Colne & District Committee were minded to refuse the application based on poor design.

Site Description and Proposal

The application site comprises an irregular shaped layout with vehicular access from Red Lane. It is situated on the northern fringe of Colne. The site is a field that slopes from the south to the north towards Red Lane and is outside the settlement boundary. The site is bounded by houses on the south side and Sacred Heart school on its east. Great House Farm a Grade II listed building lies to the north of the site with a field on the western side.

The site would be accessed from Red Lane with the entrance to the site opposite a residential property on Red Lane, Highcliffe.

The land is primarily designated as a 'Protected Area' in the Replacement Pendle Local Plan under policy 3A with an area of Green Belt land circa 1800 sq.m. also within the site. The total site area equates to 2.75 hectares.

The application is submitted in full for the erection 55 no. dwellings which would include 50 houses and 5 bungalows with various house types. A parcel of land in the North West area of the site would be developed as open space and this includes the area of Green Belt.

The application is accompanied by a Planning Statement, Design & Access Statement, Heritage Statement, Ground Investigation Report, Ecological Survey, Tree Survey, Flood Risk Assessment, Transport Statement and Travel Plan.

This application principally differs from the previous application on the following points:

- The adjacent site at Red Lane has been included and this allows for the vehicular access to be located directly off Red Lane;
- The mix of housetypes has been changed;
- The layout of the plots and the estate road and access to the open space has changed;
- Additional tree planting is shown;
- A new watercourse is shown along the western boundary; and
- A footpath link to shown along the western boundary with a footpath/cycle link to The Meadows.

Relevant Planning History

13/13/0529P – Outline: Major: Erection of seventeen dwellinghouses (Access only) - Withdrawn.

13/14/0154P - Full: Major: Erection of 36 dwelling houses with access from The Meadows - Refused 25th June, 2014.

13/14/0547P – Full: Major: Erection of 36 dwellings with access from The Meadows – Refused 26th February, 2015 – Appeal Dismissed on design grounds.

Consultee Response

LCC Highways – The following comments are made in response to the Transport statement reference J341/TS dated March 2017 prepared by DTPC, the planning layout reference J341/access/fig1 and with reference to appeal APP/E2340/W/15/3035915.

Traffic Impact

The trip rates and distribution are not disputed and have previously assessed in appeal APP/E2340/W/15/3035915 by the Inspector.

Since the previous application the North Valley Corridor has continued to suffer high levels of congestion at peak times and continues to be a priority for the Highway Authority to try and improve journey times for all. There are currently improvement schemes in preliminary stages of development with potential funding streams being secured.

The Highway Authority deem measures necessary at the Langroyd Road junction of North Valley Road to mitigate the development traffic. The number of vehicles are low in comparison to the background numbers however the cumulative residual impact is considered severe. Please see paragraph 'Off site highway works' for the details of the minor works requested.

The development traffic will increase the number of vehicles past the Sacred Heart Primary School on Red Lane and this has been previously assessed in appeal APP/E2340/W/15/3035915 by the Inspector.

It has been demonstrated that there is spare capacity along Red Lane to accommodate the development traffic and that the peak period for the residential traffic movements does not conflict with the school peak periods. Therefore the number of vehicles passing the school during the peaks is unlikely to cause additional harm to highway safety.

There has been one recorded collision within the previous 5 years on Red Lane between Langroyd Road and the point at which the road narrows significantly and changes from a 30mph to a National Speed limit. There are no trends or clusters that would raise a safety concern that would require mitigation measures.

Construction traffic

It will be necessary to prepare a detailed construction traffic management plan prior to the commencement of any works on site. This should include a restriction on HGV movements/deliveries during school picking up and dropping off times. This will be a condition of any planning approval.

Site access junction Red Lane

The visibility splay at the site access is acceptable (X-2.4m x Y-57m) based upon the traffic count undertaken September 2016 and included within the Transport Statement. A short section of the wall will be rebuilt to accommodate the splay, shown red on the drawing J341/access/fig1.

A detailed design will be required at condition discharge stage as part of the S278 agreement and should include the provision of pedestrian dropped kerb crossing points with tactile paving on Red Lane across the site access and surface water drainage measures where necessary.

The street lighting columns on Red Lane are located on the northerly side of Red Lane. Due to the mature trees which overhang Red Lane on the south side it will be necessary to increase the level of lighting at the site access junction for highway safety. A street lighting design will be required and the works will be implemented as part of the Section 278 agreement with the Highway Authority. This will be a condition of any planning approval.

There is no on-street parking on Red Lane, close to the proposed site access, generated by the parents of the school pupils or other nearby residential or other sources that would result in the need for any parking controls to protect the visibility splay.

Layout

The internal estate roads should be built to adoptable standards and subsequently dedicated to the Highway Authority for formal adoption under Section 38 of the Highways Act 1980.

The following amendments are required to the plan.

1. The gated access to plots 1 – 4 should be set-back 5 metres from the access road.
2. The service strip along the frontage of plots 32, 34, and 46 should be provided as footway to complete the link onto The Meadows.
3. The pedestrian cycle link onto The Meadows should be formally adopted to secure the link for the future. The route should be ungated (there is a detail on the plan which is unclear)
4. The rumble strips should be omitted. Tactile paving at all pedestrian dropped crossing points throughout the estate.
5. A 20mph speed limit will be implemented under the agreement.

Parking

The vehicle parking is provided in accordance with the Pendle BC parking standards. There would be no overspill parking on Red lane from the development site.

Garages should have internal dimensions of 3m x 6m.

Each dwelling should have a secure, covered cycle store and electric vehicle charging point.

Sustainability

The bus service 95 (which provide a 30 minute service are hail and ride services) are within a 400m distance from the site which would be an acceptable distance to walk. These services are routed along Burrel Avenue, Birtwistle Avenue, Red Lane and Regent Avenue and it is possible to hail a bus in Red Lane between Birtwistle Avenue and Langroyd Road.

The mainline bus stops on Skipton Road for services X43, M1, 120 are located approximately 700 metres from the site, which is an acceptable distance.

There are no bus shelters or raised kerb provision at any of the nearest bus stops and due to several restricting factors at the bus stop locations, there is little possibility of providing upgrades to quality bus stops without detriment to the nearby residents. This lack of provision diminishes the value of the bus services to the potential residents of the site which is a concern.

Service 95 is a LCC subsidised bus service which has been at risk in previous years due to funding cuts. The service is currently secured until March 2018 whereby it will be again reviewed. A contribution of £20,000 towards the cost of running the service into future years would be requested by LCC to support the sustainability of the site. This contribution is considered reasonable in scale as it reflects the approximate cost of the provision of 2 quality bus stops.

The framework Travel Plan meets the submission criteria and a full Travel Plan is necessary in accordance with the timetable contained within to support the sustainability of the site and promote public transport, walking and cycling links.

Off-site highway works

North Valley Road is a primary strategic route for the area which suffers congestion at peak and off peak periods. The route is under continual monitoring and investigation to secure various schemes to ease congestion and improve journey times. Notwithstanding any schemes that might be secured for the future, the Highway Authority deem it necessary to provide interim mitigation measures at the junction of Langroyd Road and North Valley Road to minimise the impact of the development traffic.

The minor works would comprise of the optimisation of the MOVA software at the traffic signals at the junction of Langroyd Road and North Valley Road following occupation of the site. This will optimise and maximise the traffic flows for the development traffic.

It is necessary to maximise the flow at this junction to support the use of the strategic route, rather than residents using the Birtwistle Avenue estate routes to by-pass the congestion on North Valley Road whilst travelling to and from the M65.

Conclusion

To conclude the Highway Authority would raise no objection to the proposal subject to the mitigation measures detailed above under 'off-site highway works', the contribution to the local public transport service and conditions relating to construction method statement, HGV traffic movements, visibility splays, site access details, internal estate roads, off-site highway works, travel plan, restriction on garages and materials for driveways and parking area, secure cycle stores and electric vehicle charging points.

LCC Education – requested a contribution towards secondary and primary school places for 14 primary school places and 6 secondary resulting in a total contribution of £327,581.96.

Lead Local Flood Authority - 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.

Lead Local Flood Authority (LLFA) Position

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of conditions relating to final surface water drainage and management and maintenance plan.

Site specific comments:

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 LLFA 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.

It should be noted that some SuDS features, for example rainwater harvesting and permeable paving used on driveways, must not be included as part of the hydrological calculations for the

development proposal. This is because occupants may change or remove these features in the future - this could have the potential to increase surface water runoff which was previously unallocated for in the design of the sustainable drainage system. Where SuDS features such as rainwater harvesting and permeable paving are included in the hydrological calculations of a development proposal, the local planning authority is advised to consider the removal of permitted development rights for permeable paving.

Land drainage consent:

The proposal indicates that the applicant is intending to carry out works to divert an existing ordinary watercourse that is located along the western boundary of the site. The proposal also indicates that the applicant is intending to connect two existing springs to this proposed diversion.

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), the applicant must apply for consent from the Lead Local Flood Authority before carrying works of this nature. As a minimum, the applicant will be expected to:

- Carry out a catchment study to determine the rate and volume of water that is to be conveyed through the culvert/watercourse. Any upstream restraints should be omitted from this study as these can be removed in the future.
- Undertake an examination of the downstream condition and implications of the proposal, and;
- Demonstrate that the proposal will not result in an increased risk of flooding on/off site.

As per Lancashire County Council Consenting and Enforcement Policy, it should be noted that the Lead Local Flood Authority will generally refuse consent applications which seek to culvert an existing ordinary watercourse. This is in line with Environment Agency guidance on protecting watercourses.

The applicant should contact the Flood Risk Management Team at Lancashire County Council to obtain Land Drainage Consent. Information on the application process and relevant forms can be found via the following link:

<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given.

Construction within 8m of an ordinary watercourse:

The submitted site layout plan indicates that the applicant intends to build within close proximity to an ordinary watercourse (in particular plot 53). Construction within 8 metres of an ordinary watercourse (open or culverted) is not advised as it can restrict access for future maintenance and it can have the potential to pose an undue flood risk to those structures.

The Lead Local Flood Authority would therefore recommend for the applicant to check the proposed layout to ensure that no structures are to be constructed within 8 metres of an ordinary watercourse (open or culverted). If structures are proposed within 8 metres of an ordinary watercourse, then the applicant will be required to demonstrate that this will not interfere with the future maintenance of the watercourse for the lifetime of the development.

Presence/potential presence of protected species in a watercourse:

The Lead Local Flood Authority recommends that where there is any potential for the existing habitat of protected species (for example great crested newt, native white clawed crayfish, water

vole, bats or otter species) on the proposed development site, the applicant should undertake an appropriate ecological assessment by a competent ecologist prior to starting works on site.

It is an offence to undertake works which adversely affect any legally protected species or habitat without appropriate mitigation measures in place.

Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected as development that encroaches on to it has a potentially severe impact on their ecological value. Retaining and enhancing coherent ecological networks adjacent to watercourses will help to ensure the biological and chemical quality of watercourses is not reduced as a result of development, which is a requirement of the Water Framework Directive.

Surface water discharge:

It is evident from the flood risk assessment that the applicant intends to discharge surface water to a public surface water sewer. Whilst other discharge options should be considered first, namely into the ground (i.e. infiltration) and to a surface water body (i.e. to a watercourse), it is noted that these options have been discounted by the applicant due to existing ground conditions and due to the existing flood risks associated with the culverted watercourse. The Lead Local Flood Authority has reviewed the justification provided by the applicant and considers the proposed surface water discharge point to be acceptable, subject to the recommended conditions listed above.

The Lead Local Flood Authority would however like to highlight an error that has been made in the applicant's flood risk assessment. In brief, information provided within the drainage overview and in section 5.03 indicates that the Lead Local Flood Authority has already reviewed and approved the proposed surface water drainage scheme and runoff destination. However, as shown in Appendix G of the flood risk assessment, these discussions have been with officers from Pendle Borough Council rather than the Lead Local Flood Authority.

Material changes:

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.

United Utilities – No objection to the proposed development provided appropriate conditions are attached to any approval. The submitted Drainage Strategy is acceptable in principle.

Architectural Liaison Unit - The Crime Impact Statement is formed based on local crime figures and trends, incidents reported to the police and community knowledge gathered from local policing teams. It is with this knowledge and policing experience that the recommendations made are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.

Designing out future crime in real terms, means that for some people you are preventing their home being broken into, preventing their car being damaged or preventing an elderly resident being victim of a bogus official burglary. Making minor changes to the design and layout of a development by turning a house round slightly so that the front overlooks the neighbours drive or omitting a footpath from a cul-de-sac can mean that the area is less attractive to potential intruders, and can reduce the fear of crime for residents and visitors.

During the past 12 months there have been high volumes of recorded crimes and incidents within this semi-rural police incident location, which encapsulates the proposed development. This includes burglary, vehicle crime, criminal damage, assaults and anti-social behaviour, such as nuisance issues. In general, burglary patterns indicate that rear ground floor doors and windows

are most vulnerable to attack by prising open doors, via glazing or snapping the door locks. Also, garages and sheds can be often targeted for burglary where bicycles, household and garden tools are stolen.

However, it is most beneficial to address any crime and security issues as early as possible in the design process. This allows crime prevention strategies to be more effectively integrated into the overall development. I would therefore recommend that this development is built to Secured by Design „Homes 2016“. Further guidance on this is available on www.securedbydesign.com or via this office. As a minimum requirement I would recommend that the following security measures are carefully considered and attached to any planning decision;

- The layout should promote natural surveillance by varying the orientation of the dwellings and allowing clear views across the open space. Cul-de-sac arrangements help to deter casual intruders looking for opportunist crime as they would be more likely to stand out and be observed or challenged.
- The proposed link footpath (see below) increases the permeability into and out of the site, thus compromising the security initially gained by the layout for both these and existing „The Meadows“ dwellings. Link footpaths can provide access and escape routes and also a legitimate „reason“ for being there i.e. „I was just passing through“. The Design and Access Statement makes reference to the footpath, as follows; *‘Plot 29 has been designed so that the Southern elevation has the front door and Plot 29 overseeing the link footpath via The Meadows development*

Example of concealed front door with limited natural surveillance

2No windows to ensure surveillance to the footpath/cycle link from The Meadows’. However, there is reliance on one property in terms of natural surveillance, which could compromise the security of the overall development and consideration should be taken to remove this feature.

- Back to back gardens help to keep the area secure and deter intruders as they restrict access and intruders are more likely to be seen.
- Boundary treatments should be sufficient height and design to deter intruders. A height of 1.8m close boarded fencing is usually suitable for the perimeter of rear gardens with dividing fences reducing to 1.5m, if preferred. The fencing should be capable of raking/stepping to maintain height over different terrain.
- Where side access is required to the rear of premises then access should be restricted by introducing a 1.8m lockable gate as close to the front building line as possible to promote natural surveillance.
- A number of the proposed house types, such as the Oakhill, Oxford and Moorland etc., are designed whereby some front doors appear very recessed, which may provide opportunities for concealment and affect natural surveillance (see below). These properties could become more vulnerable to crime, especially those that face away from the main development or are in a secluded position. Therefore, I would ask that where this is a factor then these dwellings are oriented to improve natural surveillance, wherever possible.
- It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces; this type of elevation, commonly at the end of a terrace, tends to attract graffiti, inappropriate loitering and ball games.

- Lighting is required to each dwelling elevation that contains a doorset, such as photoelectric „dusk until dawn“ fitments. Good, even coverage of street lighting will enable views within the development when natural light is minimal.

- Landscaping should be designed so that trees will not grow to obscure lighting columns or impede natural surveillance as they mature or be utilised as a climbing aid to the rear of dwellings. Site and front garden planting of feature shrubbery and suitable trees (e.g. open branched or light foliage or columnar fastigiated habit) should be considered.
- Where rear gardens abut public spaces, woodland or countryside, then defensive planting such as native hawthorn, can be planted as an effective deterrent to intrusion as an addition to the 1.8m boundary fencing. These dwellings are more vulnerable as a concealed/less visible approach is available which makes them more likely to be targeted for crime.
- Routes for pedestrians, cyclists and vehicles should be integrated to provide a network of supervised areas to reduce crime and anti-social behaviour. The proposed pedestrian/cycle link could compromise security of the development; however, if they are to be retained then I would recommend that they are designed to be straight, well lit, devoid of hiding places, well overlooked by surrounding buildings and maintained, to enable natural surveillance along the paths and their borders.
- The provision of the public open amenity space, as an integral part of residential developments, can make a valuable contribution towards the quality of the development, resident well-being and the character of the neighbourhood. Unfortunately, open spaces also have the potential to generate crime, the fear of crime and anti-social behaviour. Therefore, they should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. There should also be a clear on-going maintenance policy for the proposed open space.
- In curtilage parking reduces the opportunity for auto-crime and should be applied to the development wherever possible. However, where communal car parking areas are necessary they should be in small groups, close and adjacent to homes and must be within view of the „active“ rooms within these homes i.e. rooms in building elevations from which there is direct and regular visual connection between the room and the street or parking court. Such visual connection can be expected from rooms such as kitchens and living rooms. It may be necessary to provide additional windows to provide the opportunity for overlooking of the parking facility. Communal car parking facilities must be well lit and certified to the relevant lighting levels, as recommended by BS 5489:2013.
- All external doors (including patio, bi-folding, French doors, conservatory/sun room doors etc.) must be certified to PAS 24:2012 (16) (or an alternative accepted security standard). This is now a requirement of Building Regulations Approved Document Q. A door viewer and door chain should be installed to doorsets where visitors are likely to be received.
- Those dwellings that can be accessed internally via an interconnecting door from a garage should have a certified PAS 24:2012 (16) (or an alternative accepted security standard) interconnecting doorset. .
- All ground floor and other accessible windows (including roof lights and conservatory/sun rooms) must be certified to PAS 24:2012 (16) security standard in compliance with Building Regulations Approved Document Q.
- Glazing incorporated within the design of garages can provide a clear view of valuables stored inside; this should be avoided as it can make the contents potential targets for crime.
- Pedal cycles can be an attractive commodity to criminals; therefore, the proposed bicycle provision should include stands with secure anchor points or secure cycle stands and be well lit using suitable vandal resistant fittings. The design of the rack should facilitate the option of locking

both wheels and the crossbar to a stand rather than just the crossbar. Compliance can be demonstrated by products certificated to LPS 1175 Issue 7.2 (2014) Security Rating 1 or 2, or alternatively Sold Secure (Bronze, Silver or Gold). Ideally, bicycle rack and stores should be viewed from „active“ rooms to enhance natural surveillance i.e. living room/kitchen area. External containers specifically designed for the secure storage of bicycles and other property must be certificated to LPS 1175 SR 1 or Sold Secure.

Utility meters should be located as close to the front elevation as possible so access into secure/private areas should not be required to read meters.

Site security – Construction phase

Unfortunately, there have been a large number of reported thefts and burglaries at construction sites across all areas of Lancashire. High value plant and machinery and white goods and boilers are targeted as the dwellings are nearing completion. This is placing additional demand on local policing resources. Therefore, the site must be secured throughout the construction phase to include robust perimeter fencing and a monitored alarm system (with a response provision) for site cabins where tools, materials and fuel could be stored. Should planning permission be granted for this application, I ask that the following condition is attached to the decision;

Condition: The site must be secured throughout the construction phase as part of the construction management plan. The site should be secured at the perimeter with security fencing and gates as well as other measures such as monitored CCTV accredited with either National Security inspectorate (NSI) or Security Systems & Alarm inspection Board (SSAIB).

Rationale - To reduce crime, the fear of crime and create safer communities in accordance with Pendle Council Core Strategy 2011 to 2030

PBC Drainage – commented on the previous scheme that the land in question is very wet and has springs and watercourses in it and there has been flooding of existing properties on The Meadows. The existing properties must be protected from flooding when the development is completed and also temporary protection must be in place before the top soil is stripped. The properties are at present protected by a drainage ditch in the land to be developed. This ditch must be maintained or replaced with a similar approved system. The proposed properties must be protected from run off from higher land. Due to unusual circumstances relating to the site, it has been suggested that the surface water can be connected to the public SW sewer. I understand that this has been provisionally agreed with UU. However, the flow attenuation for the site must still be designed as it was connecting directly to a watercourse. This is because the SW sewer is only a short length before joining a culverted watercourse off site.

The design must include suitable access to the watercourses for maintenance purposes. Any modification of the existing watercourse may need approval of The Lead Local Flood Authority (LCC). There is also a private drain (or 2) running through the land which will have to be considered.

PBC Environment Officer - Trees will need to be removed to accommodate the proposed vehicular access from Red Lane and facilitate the turning head and estate road this is acceptable subject to suitable replacements within the site. Additional landscaping should be provided along the north west boundary in order to screen the mass of housing development from the nearby nature reserve.

Recommendations in the ecology report should be conditioned.

PBC Conservation Officer – There are no known heritage assets within the application site, however beyond the north west boundary of the site is Great House Farm, a Grade II listed

building which lies adjacent to Red Lane. It is a typical stone farmhouse of the 17th century with a main range and rear wing, originally a farmhouse and two cottages. It is laid out in a T-shaped plan with the projecting rear wing close to Red Lane. The gable end of this rear wing is visible above the stone boundary wall onto the road, framed to both sides by mature trees. The original front of the building faces southwards away from Red Lane and overlooks a large garden which is enclosed by a timber fence, hedges and mature trees. Beyond the southern garden boundary lies the development site, on land which slopes downhill away from the garden. In recent years a stone annexe has been built adjacent to the eastern gable of the listed building and a substation beyond this which fronts onto Red Lane. The stone walls and pitched roof construction of the annexe sit reasonably well with the character of the listed building, however the functional appearance of the substation is less sensitive to the context.

There would be no physical impact from the proposed development on the listed building or its grounds, however due to the proximity of the application site boundary there is potential for development of the site to impact on the setting of the listed building. NPPF 132 advises 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

A Heritage Statement has been submitted which assesses the significance of the listed building and its setting. This traces the evolution of the listed building from its origins as a working farmstead to its current purely residential function, including the demolition over the years of the large barn and other farm buildings originally located to the west of the house. The surrounding area was originally open agricultural fields up until the industrial expansion of Colne during the 19th century, when between the 1890s and the 1930s Red Lane was subject to piecemeal development of large detached houses for the wealthier middle classes. The enclosed garden of Great House Farm is now seen as providing the setting for the historic building, with the trees screening it, particularly to the south and east sides. The setting is thus considered to be effectively domestic and to have been previously degraded through loss of the associated farm buildings to the west and the construction of modern buildings to the east.

The main significance of the listed building lies in its early date, the local stone and stone slate of its construction, and typical vernacular features such as the projecting chimney breasts to the gables and the impressive ranges of stone mullioned windows particularly to the original south front. In respect of its setting, the house is most prominent when seen from the adjacent section of Red Lane. Though relatively secluded and surrounded by trees, there are close-up views of the rear wing from Red Lane, with glimpses through vegetation of mullioned windows to the wing as well as those to the rear elevation of the main range. The trees and other vegetation greatly restrict views into and out of the curtilage, including into the development site beyond. The large enclosed garden means that the important south front is not generally visible from Red Lane nor from an adjacent public footpath which runs south west from the road. The physical setting of the building is therefore mainly defined by the boundary treatment and the land within the garden. The greatest contribution made by the setting to the significance of the listed building is mainly confined to the curtilage of the house itself. Although there is also likely to have been a historic farming connection with the more open setting of the surrounding fields, the enclosure of the curtilage by planting over time can be seen to have reduced this connection, and the contribution of the open farmland is now largely superseded.

Nevertheless the extent of change from open pasture to housing development would inevitably have some impact on the setting of the building. The eastern approach along Red Lane, currently lined with trees with open views beyond, would change from a semi-rural character to more suburban in nature. There could also be other impacts on the setting such as light pollution, traffic noise and more activity generally. The proposed access road lies near to the curtilage of the listed building, but the modern substation and annexe together with the intervening vegetation should

provide an adequate visual screen from the listed building if existing boundary planting can be reinforced here. The character of Red Lane at this point is attractive, lined with stone walls and mature trees, with a general pattern of large detached houses in spacious grounds. The proposed houses nearest to Red Lane are shown set well back from the road frontage, which should enable mature trees to be retained. Again, it will be important to reinforce this existing planting to provide a more effective visual screen from the road. In addition, the four houses proposed here, though large, are positioned very close together, and it would be more appropriate to the context to reduce the number to enable larger garden areas to be provided around each house. Particular attention should also be paid to the design and materials for these houses at the front of the site. Natural stone and slate would better reflect the character of the surroundings, as would straight gable roofs rather than hipped. The existing stone boundary wall along the frontage is distinctive and should be retained and repositioned as necessary to curve around and enclose the entrance to the site. Such careful attention to detail in design and layout at the front of the site would enable the proposal to better integrate with its context, and to be seen more as a continuation of the historic expansion of suburban development along Red Lane rather than as an overtly modern housing estate.

From the western approach the listed building will retain its aspect onto open fields. The proposed houses along the western boundary of the site would be set back behind a buffer of open space with new planting, which will lessen their visual prominence when seen across open fields from Red Lane. Again, particular attention should be paid to landscaping, and the design and materials of the houses in this part of the site in order to visually soften the boundary with open countryside.

With such mitigation measures and careful attention to detail at the site boundaries any adverse effect on the setting of the listed building, and hence on the significance of the heritage asset, could be minimised.

Colne Town Council – No comment.

Public Response

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

- Increase from 36 to 55 dwellings?
- Do not want or need the cycle link as it will cause accidents with children on bikes and people walking on The Meadows which does not have footpaths;
- Problems with vehicles reversing to turn around in the slip road;
- The plan is better as there is no car access but the pedestrian/cycle way is still a concern;
- Require guarantee that there will be no provision of footpaths along the Meadows;
- Major concern is increase in traffic on Red Lane which is congested at times, the large amount of properties with an average of 2 cars per property would suggest an existing 100 cars using Red Lane which would add to congestion issues;
- Clearly the application has been strategically timed whilst the school is on holiday and traffic levels are reduced;
- 90% of the vehicles approaching the school do so from Birtwistle Ave end and turn in my driveway which is directly opposite the proposed access to the 55 house estate. This will result in some cars completing the turn in one manoeuvre causing chaos;
- If provision is not made for this turning within the site there are bound to be serious traffic implications;
- This proposal would create more urban sprawl and decimate a beautiful area of Pendle;

- Would prefer no development to the rear, however, the Planning Inspectorate is likely to overrule and grant permission;
- This proposal has the least impact on the residents of The Meadows and the main objection is to the footpath/cycleway link between 32 and 34 The Meadows, This would increase the risk of crime and reduce security for residents of The Meadows and the new estate. Lancashire Constabulary's comments state "Link footpaths can provide access and escape routes and also a legitimate reason for being there". They recommend removal of this feature;
- The proposed three bed semi-detached houses (plots 27 to 32) will overlook the bungalows on The Meadows which are lower down adding to the overall dominance;
- These units will also overlook our garden at an angle and affect our privacy. These should be amended to bungalows and the additional footprint used from the removal of the proposed footpath/cycle link;
- The site is adjacent to a Grade II listed building and the proposed development would wrap around the listed building on two sides and will have an impact on the setting of the Heritage Asset;
- National planning policy seeks to protect Green Belt and prevent urban sprawl. An 840 cubic metre storage tank is proposed underneath the open space in the Green Belt. There are many cases that refer to openness in relation to underground development. This is inappropriate and contrary to the Framework;
- There are concerns in relation to noise and residential amenity with a turning head proposed to be located within 30m of Great House Farm;
- It is clear that the Inspector in the previous appeal consider the site to be a "valued" landscape. The loss of the section of walls and trees will impact significantly on this character of the area;
- The addition of a site access and vehicles from a further 55 dwellings will exacerbate the existing problems to a point where there is a severe cumulative impact on the highway network;
- Great House Farm and the adjacent cottage are not connected to mains drainage. They have a septic tank which is relatively new and do not wish to replace. This could potential contaminate the garden areas;
- The proposed development fails to meet the definition of sustainable development because of the adverse heritage, landscape and transport impacts and because specific policies in the Framework indicate development should be restricted;
- It is disputed that this application is consistent with the Building for Life 12 standards and therefore contrary to Policy LIV5;
- The site is designated under Policy 3A and therefore it is clear that this site should only come forward through a Local Plan Review;
- The Council's latest published position as of December, 2016 is that a five year supply (5.1 years) can be demonstrated;
- The adverse impacts on the character of the settlement and the environment of the school, "valued" local landscape; severe residual cumulative traffic impact and the design significantly and demonstrably outweigh the benefits of providing new homes based on para 85 and 32 of the NPPF;
- The application site is not in the settlement boundary nor is it specifically identified in the Core Strategy to help meet strategic growth needs in the Borough contrary to policy SDP2;
- Given the distances from facilities and services the site is not in a sustainable location;

- Para 128 of the NPPF requires an applicant to describe the significance of any heritage assets affect. Whilst para 132 states that when considering the impact on the significance great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

One response has made commenting on the proposed scheme:

- The plans shows pavements and footpaths although the Meadows does not have any which is popular with residents and these should be reconsidered;
- The blank junction to the rear of Great House Farm is unnecessary and should be removed;
- There is a weight limit on Langroyd Road and the development should be aware of this for access and Red Lane to Barrowford;
- Footpaths and cycleways interconnecting with the development are unnecessary and should be closed off; and
- Planning gain through S.106 or Community Infrastructure Levy should be used to assist traffic flow on this section of Red Lane and used to provide a car park for the Nature Reserve and turning place for cars and buses for the school.

The Agent has responded to some of the objections received as follows:

Response received from the Agent regarding objections to the scheme as follows:

- Kirkwell's have stated that the proposal is flawed in respect of NPPF and sustainable development and does not comply with local planning policies and is premature development and is no need for the Council to release these peripheral sites at the present time. These matters have been addressed by previous applications, appeal decision and pre-application discussions during which time the application has been fined tuned and improved.
- A number of specific points have been made which are misleading or inappropriately made. It was agreed in the Statement of Common Ground that the site is an acceptable housing location in principle and that were the appeal to be allowed the development would be in a viable location, is deliverable and could be brought forward.
- The SoCG also confirmed that the proposal was consistent with policy LIV1 and would be allowed by the Council providing it constitutes a sustainable development. The issue was not whether this was or was not a sustainable location but rather whether the development proposed satisfied all the design qualities expected by para 64 of the NPPF. There is no suggestion in the Inspector's report that he questioned the suitability of the site or its location for residential development.
- The revised approach seeks to address the previous claimed layout flaws by combining the two (SHLAA identified) sites in a manner which improves the house mix, design and orientation in a manner which meets the aspirations of Building for Life 12.
- Scheme density has also been raised claiming that the site is cramped. This is not the case with density being lower than previously proposed at 23 dph now 26 dph (appeal) which the Inspector stated would be lower than The Meadows.

- The current scheme is closer to Great House Farm (Listed); however, a professional assessment has been made by a qualified heritage consultant who concludes that no material impact would result upon its setting with existing changes to the southern and eastern boundaries.
- Mention has also made for the foul drain which serves Great House Farm and this should meet the General Binding Rules (Water Resources Act) and how this affects the spring water and filtration onto Council land. The applicant has offered to connect Great House Farm or the tank to the foul water system but this has not been taken up.
- The Council is well aware of the difficulties and need to provide a range of housing on site which are commercially attractive.

Officer Comments

The main issues for consideration are principle of development, Green Belt, design and layout, impact on amenity, trees/landscaping, ecology, impact on historic buildings, contaminated land, flood risk and highways & parking.

1. Policy

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

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

Pendle Local Plan

The relevant adopted Pendle Local Plan Part 1: Core Strategy 2011 - 2030 policies for this proposal are:

Policy SDP1 requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (the Framework).

Policy SDP3 sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

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

ENV4 seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV7 consider the impacts of flood risk on and from new development.

Policy LIV1 sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV3 encourages the support and provision of a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds to contribute towards the provision of affordable housing. Where the relevant target cannot be met a financial viability assessment should be provided to allow for negotiation and adjustment accordingly.

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 be built at a density appropriate to its location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

The following saved policies also apply:

Policy 3A had designated the site as a Protected Area, no development will be permitted which would prejudice the open character of the area or its potential for long term development, during the plan period up to 2016.

Policy 4D of the Local Plan refers to the safeguarding of legally protected species.

Policy 16 'Landscaping in New Development' requires that all development proposals which involve new building include a landscaping scheme sympathetic to the site's character.

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

National Planning Policy Framework

Paragraph 32 states that all developments which generate significant amounts of movement to be supported by a Transport Statement and provide a safe and suitable access.

Whilst paragraph 35 requires developments to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

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 preparation of the Core Strategy.

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.

Paragraph 81 indicates that once green belts have been established Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt including to provide opportunities for outdoor sports and recreation, visual amenity and biodiversity.

Paragraph 85 of the Framework states that Local Planning Authorities should make clear that safeguarded land is not allocated for development at the present time. Planning permission for the development of safeguarded land should only be granted following a Local Plan review which proposes the development.

Paragraphs 87 and 88 indicates that inappropriate development is by definition harmful to greenbelt and development should not be approved unless in very special circumstances. Very special circumstances will not exist to justify development in green belt unless the potential harm is clearly outweighed by other considerations.

2. Principle of Development

The principle of the development of the site is affected by a number of interlinked and sometimes competing issues, all of which are referred to in detail in this section of the report.

Housing Supply

The Frameworks expects LPAs to have a 5 year supply of deliverable sites (para. 49) that provide for a full range of market and affordable housing, with an additional buffer of 5%. The buffer should be increased to 20% for authorities who have persistently under delivered against their targets and, although there is some debate regarding what constitutes "persistent under delivery", the view is taken that the Council falls within this category as there has been consistent under delivery.

The site is included in the SHLAA as a site that will contribute to the provision of housing to meet the needs of the Borough.

The SHLAA has been regularly reviewed to ensure it reflects the most up to date position on the available supply of housing, as required by paragraph 47 of the Framework. Each of the sites included in the SHLAA was individually appraised against a set of detailed criteria.

Although the recent appeal for 36 dwelling houses at this site was dismissed, the Planning Inspectorate accepted that the Council could demonstrate a five year supply of housing land. This supply was made up of sites identified in the SHLAA and incorporated some which were located outside of the settlement boundary, including this site. At that time the Council could demonstrate a 5.4 year supply of housing land.

The Council's Authority's Monitoring Report (AMR) provides the latest position in terms of the five year supply of housing land. The AMR shows that the Council can currently demonstrate a 5.1 year supply of housing land (as of 1st April 2016). The application site is included in the supply and makes a notable contribution.

The previous decisions were not refused on the principle of development and taking into consideration the position set out in this section of the report there would be no policy justification for refusing the application simply because it lies outside of a settlement boundary.

Colne has a strategic importance that makes it a sustainable place in which to locate the additional market and affordable housing required. Furthermore the site is well related to the existing residential developments situated along the northern flank of Colne and to existing shops, schools, bus routes and local employment areas and thus would represent a sustainable form of housing development in terms of travel patterns and relationship to the major settlement of Colne.

Colne is a Key Service Centre in the M65 Corridor which is an area identified in policy SDP2 to accommodate the majority of new development and focus for future growth in the Borough.

Protected Area Status

The majority of the site is designated as a protected area (Policy 3A) which would be developed and the land allocated to open space which is green belt land.

The intention of the Protected Areas policy is to retain the openness of the area during the plan period, presenting a choice for possible development to meet future long term requirements. The policy is nearing the end of its life span as the Local Plan is planned up to 2016. The timing of the publication of the Framework in March 2012 and the housing needs that the Council faces, which has increased with another year of under delivery, places significant weight in bringing forward this site for development to meet the housing needs of the Borough.

The Council has underperformed in reaching housing supply numbers in recent years and this is reflected in the clear need to bring additional sites forward including some in Protected Areas. Paragraph 85 of the Framework indicates that protected sites should not be brought forward unless it is part of a local plan review. The Council has taken a holistic view of the development needs of the area in terms of the Core Strategy and has considered via the SHLAA and the strategic housing site proposed how best to meet the five year housing supply necessary for the Borough. A fundamental part of this is the inclusion of some sites that have been protected in the extant Local Plan for consideration for future development to meet the existing housing needs of the Borough. The housing position is that without these sites the Council would not be able to meet its five year needs.

In any event the recent Appeal decision the Planning Inspectorate has clearly stated that whilst the proposal would not maintain the open character of the Protected Area not its potential for longer term development. Nevertheless, the 2016 deadline has past and the scheme would not conflict with policy 3A.

3. Green Belt

The scheme proposes the provision of community open space in the area. This needs to be assessed against policy and its conformity with section 9 of the Framework. The fundamental aim of the policy is to prevent urban sprawl by keeping land permanently open. No buildings are proposed on this land and the landscaping plan for this area includes mown grass with trees, shrubs and hedges along the boundaries.

It would define the edge of the development and the green belt. This aspect of the proposal would maintain the openness of the green belt, provide open space for the enjoyment of the community and would be appropriate development.

An underground storage tank is proposed to be located within this area beneath the open space provision in order to provide water storage facilities for the drainage system. Whilst this is not ideal it would not, in my view, undermine the fundamental aim of the openness of the Green Belt nor unduly impact on the provision of the open space.

4. S.106 Contributions and Viability

The Framework maintains the principle of creating sustainable, inclusive and mixed communities and calls for local planning authorities to set policies for meeting identified affordable housing needs on site unless off-site provision or a financial contribution of broadly equivalent value can be

robustly justified (para. 50). Policy LIV4 sets out the targets and thresholds for housing development in the Borough. There is no required within the M65 corridor.

A viability assessment has been submitted which sets the financial position with regards to the development.

LCC Education have requested a contribution towards secondary and primary school places for 14 primary school places and 6 secondary resulting in a total contribution of £327,581.96.

A contribution of the amount would render the scheme unviable and therefore this could not be supported in terms of viability.

A contribution of £20,000 toward continuing the bus service 95 has been proposed by LCC Highways instead of replacement bus shelters and this has been accepted the agent as acceptable and would not result in the scheme being unviable. This can be controlled by an appropriate condition.

The Highway Authority deem measures necessary at the Langroyd Road junction of North Valley Road to mitigate the development traffic. The number of vehicles are low in comparison to the background numbers however the cumulative residual impact is considered severe. A contribution of £5,000 towards this work is requested. This has been disputed with LCC as this work should have been undertaken as part of the Lidl development scheme previously agreed.

5. Design & Layout

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). Policy ENV2 of the Local Plan seeks to achieve good quality design which is in conformity with the Framework.

The site has a social housing estate to the south interspersed with the modern development along The Meadows. To the north east is a primary school. From Colne the context of the site is heavily influenced by modern housing and the site is visually well related to this. It is not a site that is prominent from a townscape perspective from the southern directions.

There are two public footpaths in the vicinity which cross Red Lane and it is proposed to provide a footpath link from public footpath 148 located to the north across the site onto The Meadows. The land rises quickly to the north and the site is situated on land generally lower than Red Lane and is not visually prominent. The development would sit comfortably into the landscape and townscape setting from northern vantage points.

The housing on The Meadows comprises bungalows on the northern side and two storey houses opposite laid out in a linear format. The properties are constructed in buff artificial stone with grey concrete tiles with various styles of roof pitches and fenestration. In all, the houses are traditional in form and appearance and represent a suburban housing estate.

The proposed two storey housing design would be similar to this in appearance and continue the urban design of house type currently evident on The Meadows which is acceptable in maintaining the existing character. Five bungalows are proposed to the rear of existing bungalows on The Meadows.

Materials proposed are artificial sandstone and concrete tiled roof with black upvc windows and doors which would relate to the nearby properties on The Meadows, however, those properties nearest to the listed building and the large detached stone properties on Red Lane could be enhanced by a more natural palette of materials.

The agent has agreed that the building materials for plots 1-4, 53 and 55 will be faced in natural stone with slate roofs which is more appropriate for these particular plots close to the listed farmhouse and fronting onto Red Lane.

Samples of appropriate materials to be approved can be controlled by condition.

It would be important to define the fenestration of the houses and a recess for windows and doors in order to ensure that the houses have a high quality finish. This can be secured by condition.

The housing provision has been revised in order to provide a more varied layout and housetypes and the provision of appropriate site drainage. As with the previous scheme this maintains adequate separation distances to houses on The Meadows. This scheme improves the orientation of the houses toward the on-site open space provision with changes to the estate road layout making this more accessible.

The proposal offers an acceptable density of housing with a mix of housetypes to be constructed in appropriate materials which will complement the existing estate. Policy LIV5 requires all new housing to be designed and built in a sustainable way to order to meet the needs of the population, create sustainable communities, increase energy efficiency, reduce CO2 emissions and help to adapt to climate change.

There are a mixture of terrace, semi-detached and detached properties and five bungalows proposed which would provide an adequate mix of housing with larger detached houses along the Red Lane frontage which will relate well to the existing large detached houses on the opposite side of the highway.

Therefore although the proposal would involve a degree of landscape change the design, materials and scale are acceptable in this location.

The housing development includes an area of open space which would be grassed and planted with trees. This area would provide an adequate level of open space for the site area.

The Council's Open Space Audit 2008 states that Vivary Bridge ward has a deficiency of play areas in the ward at -0.258. Policy 21 of the Local Plan seeks to improve upon deficiencies of open space in the Borough. In this case the provision of a grassed area would enhance this shortage and thus would be policy compliant. A maintenance agreement would need to be secured to ensure the open space it maintained and available in the future and this can be controlled by condition.

The site includes existing on-site landscaping along Red Lane, around Great House Farm and the open space as well to gardens of house plots. Each plot has adequate on-site parking provision by the means of driveways and garages to provide sufficient off-street car parking and there is an adequate amount of garden space allocated to each plot and arranged in an acceptable manner.

Additional landscaping has been provided to the boundaries with Great House Farm and along the western boundary adjacent to open countryside to address the views from the nature reserve.

Plot 53 has been moved further away from Great House Farm to allow for additional landscaping.

The design and layout of the proposal would raise no adverse policy issues and subject to appropriate conditions the proposal would be policy compliant.

6. Impact on residential amenity

Paragraph 59 of the Framework requires that design policies should "concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally". Policy ENV1 of the Local Plan states that housing development should reflect site surroundings and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

The housing has been laid out to take account of neighbouring bungalows on The Meadows on the south side of the site. The separation distance to the boundaries of No.'s. 20-26 is 14m and the total distance to the bungalows is between 18 and 21m at an angle. Which is acceptable. No's 28 and 30 The Meadows would have two storey houses to the rear at a distance of 14m to the boundary and 21m in total distance.

No. 32 The Meadows would back onto the proposed cycle link and car parking spaces whilst No. 34 would have gardens to the rear neither of which would raise any undue amenity concerns. No.'s 36 and 38 would have two storey dwellings at a distance of 13/12m to boundaries and 19m and 21m at an angle.

The land slopes upwards gradually from The Meadows northwards with the difference in land levels changing approximately 2m from the existing properties on The Meadows to the proposed dwelling as indicated on the submitted cross section plan. Despite the ground level indifference, the relationship to the bungalows would be suitably designed to prevent any adverse impact on resident amenity.

However, I have some concerns regarding the relationship of the proposed two storey dwellings and existing bungalows.

The separation distance from plots 27 and 28 (house type Dorchester & Chelmsford) to the bungalows is 21m but with the difference in levels and heights this raises some concerns over impact and overlooking for the living conditions on these properties.

The separation distance from plots 37 and 38 (house type Elsworth and Oxford) to the bungalows is 19m and 21m respectively but with the difference in levels and heights this raises some concerns over impact and overlooking for the living conditions on these properties.

The agent has been requested to provide sections with datum levels to allow the impact to be fully considered.

On the eastern side of the site there is a school building with outside play areas. The school is situated approximately 16m from the side gables of the nearest plot no. 11 which is an acceptable separation distance and there would be no adverse relationship. There would be an appropriate boundary fence which would protect the privacy of occupants of houses and users of outdoor play areas. Whilst some first floor windows of the houses would face the school, given the separation distances and boundary treatment, this would be an acceptable relationship. In any event, the use of outdoor play areas is an ancillary function of the school and there would be no adverse harm to the use of these areas as a result of the proposed development. The juxtaposition of the school and residential properties is not an unusual one. There are no material planning issues with the relationship between the development and the school.

Amended plans and sections have been provided which increase the interface distances between plots 25 – 28 and plot 37 and the existing bungalows on The Meadows by 1-2m. These distances are now acceptable.

The development complies with the amenity standards set out in the Council's Design SPD.

7. Air Quality

The Council declared an Air Quality Management Area within the Borough (Colne) in April 2011 due to measured exceedances of the NO₂ annual mean air quality objective. The AQMA includes properties along Windsor Street and Skipton Road, between the junction with Windsor Street/Byron Road and Temple Street/Oak Street and Townley Street. The AQMA is some 0.7miles from the entrance to the site, however, there is a strong likelihood that residents of the housing development would use these routes to other destinations going east on Windsor Street/Byron Road or west via North Valley Road.

The level of traffic that would be added onto the highway network which would affect the AQMA would be small. They would not have any detrimental impact on air quality that would lead to the conclusion that the development should be refused on air quality grounds.

No contribution to the Air Quality Management Action Plan would pass the test of being necessary and should not be required.

8. Ecology

Policy 4D of the Local Plan refers to the safeguarding of legally protected species. Paragraph 118 of the Framework requires LPAs to conserve and enhance biodiversity by refusing planning permission where significant harm resulting from a development cannot be avoided, mitigated or compensated for.

The application is supported by an overall assessment of ecology contained in an Extended Phase 1 Habitat Survey and Protected Species Survey carried in December 2016. It notes *that a sparse line of mature trees run in a north westerly line parallel to the south west boundary of the site. Lines of trees can potentially provide a foraging route for bats however the end points and the fact that there are numerous dense groups and lines of trees in the locality which provide a more suitable habitat.* The survey concludes that these trees are not providing a habitat for bats and that the development would not impact on any bat population. Therefore overall, it is concluded that the development would be unlikely to have a detrimental effect on the conservation status of local bat populations.

The Habitat Survey has been undertaken to inform the impact on the land and wildlife. The site is dominated by improved/poor semi improved species-poor sheep grazed pasture. An intermittently wet ditch/defunct hedge line with mature trees is present towards the western boundary. In the south west corner a spring emerges and flows as a shallow ditch in a southerly direction to the southern site boundary. A mature beech tree at the southern end of the defunct hedge line supports a hole within the main trunk around 2.5m height. A line of mature trees extends along the northern boundary on Red Lane from Great House Farm to the school and includes sycamore, wych elm, horse chestnut, beech, Norway maple and birch and lime trees. The school has a wildlife area and is semi-formal garden with paths and include native trees and shrubs.

A badger survey was undertaken on the site and found no setts on the site and thoroughly searched for badger pathways and signs of foraging with no sign of badger activity.

The survey also checked for evidence of great crested newts and water vole and concludes that the species are not evident in the area. The trees and shrubs on site have potential to support

breeding birds. However, the open space provision and proposed landscaping plan suggested, the impacts of this would be reduced. There are also said to be opportunities for other species to thrive such as Starlings and House Sparrow which tend to fare well following the introduction of new developments.

There are no ecological issues that would mitigate against refusing the application.

9. Trees and Landscaping

The Arboricultural Assessment confirms that a number of trees will need to be removed as part of the proposals. Three of these trees are along Red Lane to allow for the vehicular access to be created. More trees are proposed to be removed to facilitate the realignment of the beck and the formation of the turning head. Four of the trees proposed to be removed are of moderate or better quality.

The trees proposed to be lost can be offset by the planting scheme proposed on the site and around the community open space.

A landscaping scheme for the proposed development. Amended plans have been received which provide additional planning along the western boundary of the site to provide a buffer when viewed from the nearby nature reserve. This would soften the appearance of the site. Details and specifications can be controlled by an appropriate condition. This is acceptable and accords with policy.

10. Flood Risk, Foul and Surface Water and Water Supply.

Policy ENV7 of the Pendle Local Plan does not allow for development that would be at risk of flooding or would increase the risk of flooding elsewhere. The Framework sets out a strategy for dealing with flood risk in paragraphs 93-108 inclusive. This strategy involves the assessment of site specific risks with proposals aiming to place the most vulnerable development in areas of lowest risk and ensuring appropriate flood resilience and resistance; including the use of SUDs drainage systems. In this case the site is located within Flood Zone 1.

A drainage scheme has been submitted showing that the surface water drainage is proposed to enter the main surface water sewer system via the Sustainable Drainage System rather than drain into the culvert which passes under the community centre. United Utilities and Lead Local Flood Authority have accepted this provided the run-off rate can be controlled to an acceptable level. This would need to be controlled by condition.

A Flood Risk Assessment has been submitted and found to be acceptable by The Lead Local Flood Authority and subject to conditions the development would not adversely pose a concern of flood risk in the area provided the run-off rate can be controlled to an acceptable level. This would be controlled by the condition mentioned previously.

The site would have a full drainage system installed and this would drain all of the hard surfaced areas. A storage tank would be accommodated on the site to manage the run-off rate at an appropriate level.

There are private drains which cross the site relating to the school these will be accommodated within the site or diverted to the proposed system. The beck which runs through the site would be re-aligned along the western boundary.

Subject to appropriate conditions restricting the run-off rate to an appropriate level then this is acceptable and accords with policy.

11. Contaminated Land

Paragraph 109 of the Framework introduces on contamination and suggests that “the planning system should contribute to and enhance the natural and local environment by [amongst other things] preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”.

Paragraph 120 expands upon this and suggests that “to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

In addition Paragraph 121 states that planning decisions “should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including:
 - land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.”

A Desk Study Report was submitted with the application and concludes that there would be relatively low risk from contamination at the site. However, in line with Environmental Health Services advice a land contamination condition can be secured to carry out intrusive investigation work and would be necessary for the development to proceed.

12. Historic Buildings

As with all applications the statutory requirement is that the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration of the application must also be in accordance with primary legislation. The Planning (Listed Buildings and Conservation Areas) act 1990 („the Act“) states in section 16:

In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The role the historic environment plays in society and in planning is principally dealt with in Part 12 of the Framework. Opportunities should be taken for sustaining and enhancing the significance of heritage assets ("HA") and the social, cultural and environmental benefits that conserving the historic environment brings is recognised.

The Framework sets out the mechanism for how heritage assets need to be assessed in planning applications. Applicants must assess the significance of the heritage asset with the detail being proportionate to the importance of the asset. The particular significance of the asset needs to be assessed.

In making a decision on the application account needs to be taken of:

- The desirability of sustaining and enhancing the significance of the assets and putting them to a viable use consistent with their conservation.

- The positive contribution assets can make to sustainable communities
- The desirability of new development making a positive contribution to local character and distinctiveness

Great weight should be given to be given to the asset's conservation when the impact on the significance of a designated asset is considered. The more important the asset the greater that weight should be.

Harm to assets is not precluded from happening but this needs clear and convincing justification. If there is substantial harm or loss of a grade II listed building the justification for that should be exceptional.

Less than substantial harm to a designated asset should not be allowed unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefit that outweighs that harm unless the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

There would be public benefit to the development in terms of economic activity and potentially securing the future use of the building.

Great House Farm a Grade II listed building is located to the north of the site on Red Lane. This building is enclosed with a timber fence and mature trees. The setting of the building is thereby defined by the boundary treatment and land contained within the garden of the building. A Heritage Statement has been undertaken which assesses the potential impact of the proposed development on the significance of the Heritage Asset. The enclosed garden of Great House Farm is now seen as providing the setting for the historic building, with the trees screening it, particularly to the south and east sides. The setting is thus considered to be effectively domestic and to have been previously degraded through loss of the associated farm buildings to the west and the construction of modern buildings to the east.

The main significance of the listed building lies in its early date, the local stone and stone slate of its construction, and typical vernacular features such as the projecting chimney breasts to the gables and the impressive ranges of stone mullioned windows particularly to the original south front. In respect of its setting, the house is most prominent when seen from the adjacent section of Red Lane. Though relatively secluded and surrounded by trees, there are close-up views of the rear wing from Red Lane, with glimpses of mullioned windows as well as the rear elevation of the main range. The trees and other vegetation greatly restrict views into and out of the curtilage, including into the development site beyond. The large enclosed garden means that the important south front is not generally visible from Red Lane nor from an adjacent public footpath which runs south west from the road. The physical setting of the building is therefore mainly defined by the boundary treatment and the land within the garden. The greatest contribution made by the setting

to the significance of the listed building is mainly confined to the curtilage of the house itself. Although there is also likely to have been a historic farming connection the enclosure of the curtilage by planting over time can be seen to have reduced this connection, and the contribution of the open farmland is now largely superseded.

The extent of change from open pasture to housing development would inevitably have some impact on the setting of the building. The eastern approach along Red Lane, currently lined with trees with open views beyond, would change from a semi-rural character to more suburban in nature. There could also be other impacts on the setting such as light pollution, traffic noise and more activity generally. The proposed access road lies near to the curtilage of the listed building, but the modern substation and annexe together with the intervening vegetation provides adequate visual screening from the listed building and the existing boundary planting can be reinforced here. The character of Red Lane at this point is attractive, lined with stone walls and mature trees, with a general pattern of large detached houses in spacious grounds. The proposed houses nearest to Red Lane are shown set well back from the road frontage, which should enable mature trees to be retained. It is important to reinforce this existing planting to provide a more effective visual screen from the road.

Particular attention should also be paid to the design and materials for these houses at the front of the site. Natural stone and slate would better reflect the character of the surroundings, as would straight gable roofs rather than hipped. The existing stone boundary wall along the frontage is distinctive and should be retained and repositioned as necessary to curve around and enclose the entrance to the site. These details in the design and layout at the front of the site would enable the proposal to better integrate with its context, and to be seen more as a continuation of the historic expansion of suburban development along Red Lane rather than as an overtly modern housing estate.

From the western approach the listed building will retain its aspect onto open fields. The proposed houses along the western boundary of the site would be set back behind a buffer of open space with new planting, which will lessen their visual prominence when seen across open fields from Red Lane. Again, particular attention should be paid to landscaping, and the design and materials of the houses in this part of the site in order to visually soften the boundary with open countryside.

With such mitigation measures and attention to detail at the site boundaries any adverse effect on the setting of the listed building, and hence on the significance of the heritage asset, could be minimised.

Plot 53 has been moved further away from Great House Farm to allow for some additional landscaping and given this, the separation distances, defined boundary treatment of the listed building and topography of the land, the development would not adversely impact upon the setting of the listed building and Plot 52 has been amended to reflect this.

It has been agreed with the agent that Plots 1-4, 53 and 55 will now be faced in natural stone with slate roofs to reflect the character of Red Lane and the listed building.

The proposed alterations are sympathetic and would not result in harm to the designated heritage assets of the listed building and its setting. In accordance with para 131 of the Framework the significance of the heritage asset will be sustained and enhanced. The development would also satisfy the tests set out in paragraph 133 - 135 of the Framework.

In accordance with Section 66 of the Planning (Listed Buildings and Conservation) Act 1990, special regard has been made to the desirability of preserving the special historic or architectural interest of the building. The proposal does not materially affect the special historic or architectural interest of the building and as such accords with local and national policy requirements.

13. Highways & Parking

The proposal is to access the site off Red Lane. The National planning Policy Framework through paragraph 35 requires that:

“developments should be located and designed where practical to [amongst other things] give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; and should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones”.

A total of 137 car parking spaces have been provided for the scheme including double and single garages, driveway and car parking areas. Policy 31 requires a maximum of 139 spaces based on the number of bedrooms with proposal of 30 houses or more equalling 1.5 per dwelling this is acceptable.

Contributions towards improvements on North Valley Road have been requested as well as a contribution towards the continuation of the local bus service which is currently under annual review.

These minor changes to the scheme layout have been addressed in the form of amended plans.

The requirement for electric vehicle charging should also be provided on the site in line with paragraph 35 of the National Planning Policy Framework and this can be controlled by an appropriate condition.

LCC Highways have not objected to the proposed scheme and have advised of conditions that should be attached to any grant of planning permission these have been considered and included below where appropriate.

Some concern has been expressed over the proposed cycle/pedestrian link to The Meadows and whilst these have been noted it is important to acknowledge that the previous application dismissed on Appeal criticised the scheme for not providing connections to the wider area. This element seeks to address that.

A contribution towards the continuing the 95 bus service has been agreed, however, the contribution for the highway works on North Valley have been disputed and are not considered necessary for this scheme as other developments along North Valley have already contributed towards these improvements.

Subject to appropriate conditions the proposal would not unduly impact on highway safety and would provide sufficient off-street parking within the site.

14. Conclusion

The proposed development would be acceptable in terms of housing development on this site and subject to clarification in sections, would not adversely impact on amenity, ecology, air quality, the listed building or Green Belt. The design, materials and layout and proposed open space are acceptable and details of landscaping, contamination, drainage, highway requirements and contribution towards the bus service can controlled by appropriate conditions.

Adequate off street parking has been provided and the highway network can accommodate the additional vehicular traffic that will arise from this development.

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

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed 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: Approve

Subject to the following conditions:

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

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

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

7820/P/001, 002A, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024a, 025A, 026, 027, 028, 029, 030A, 031A, 032, 033, 034A, 035A, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 100, 101A and 102A.

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

3. No part of the development hereby approved shall take place until a Planning Obligation pursuant to section 106 of the Town and Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for a contribution towards providing a continued bus service for the area.

Reason: In order to ensure that the development is served by an adequate bus service provision.

4. Prior to commencement of development, a plan and written-brief detailing the proposed phasing of the site shall have been submitted to and approved in writing by the Local Planning Authority. Development shall not commence unless and until the scheme has been submitted and approved. Such detailing shall include details of the works involved in each phase and how each phase is to be completed in terms of the completion of roads, building operations, foul and surface water sewers and landscaping, and each phase shall be substantially completed before the next successive phase of the development is commenced. The approved scheme shall thereafter be carried out in strict accordance with the plan and brief.

Reason: To secure the proper development of the site in an orderly manner.

5. A scheme for the management (including maintenance) of the open space area shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The approved scheme shall be carried out in full accordance with the agreed scheme before the first dwelling is occupied.

Reason: To ensure the site is properly maintained and managed in the interests of visual amenity.

6. The access shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and 57 metres distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

Reason: In order to ensure satisfactory visibility splays are provided in the interests of highway safety.

7. 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.

8. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, 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 floor levels in AOD;
- b) The drainage strategy should demonstrate that the post development surface water run-off will not exceed 17l/s for rainfall events up to and including the 1 in 100 year return period. 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) A plan showing flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Details of water quality controls, where applicable.

The scheme 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 drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development

9. A management scheme for the maintenance and management of the Surface Water Drainage Scheme shall have been submitted and agreed in writing by the Local Planning Authority prior to the commencement of development and this scheme shall thereafter be implemented prior to the occupation of the first dwelling.

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.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development., 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.

10. The recommendations outlined in the Ecology Survey compiled by Pennine Ecological dated December, 2016 shall be carried out in full before development commences on the site.

Reason: To ensure protection of the habitat of bats which are protected under the Wildlife & Countryside Act, 1981.

11. No part of the development shall be commenced unless and until a Construction Code-of-Practice method statement 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, including likely vibration and noise levels at site boundaries, of the piling operations.
- h) Location and details of site compounds
- i) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- j) Noise-monitoring to be carried out for the construction period.
- k) Parking area(s) for construction traffic and personnel
- L) Details of the provision and use of wheel washing on the site
- M) Site security

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).

12. No construction work shall be carried out on the site outside the hours of 8:00 and 17:00 on weekdays and 8:00 - 12:00 on Saturdays.

Reason: In the interests of residential amenity and to safeguard local residents from noise and disturbance.

13. No development shall commence unless and 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.

14. No development shall commence unless and until a scheme for the off-site highway works to facilitate the development have been submitted to and approved by the Local Planning Authority including pedestrian drop kerb crossing on Red Lane and improved street lighting. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwellinghouse.

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

15. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level to each plot before any development commences on that plot. The final wearing course shall be completed to each plot within 2 years of the substantial completion of each plot or within one week of the substantial completion of the final house on site whichever shall occur first unless another timescale is agreed in writing by the Local Planning Authority. If an alternative timescale is agreed the completion of the highway shall be undertaken in strict accordance with the agreed timescale.

Reason: To ensure that satisfactory access is provided to the site before construction of the development hereby permitted commences.

16. The framework Travel Plan reference J341/FTP must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for a minimum of 5 years.

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

17. Prior to first occupation the garages, driveways and communal parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.

Reason: To ensure that the development does not lead to an increase in flood risk in the area.

18. Prior to first occupation each dwelling shall have an electric vehicle charging point.

Reason: To ensure that the development provides for sustainable modes of travel.

19. Within two weeks of the commencement of development samples of the materials to be used in the construction of the external surfaces of the development hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Plots 1-4, 53 and 55 shall be faced in natural stone with slate roofs.

The development shall then be completed in accordance with the approved details.

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

20. Windows and doors shall be set back from the external face of the walls of the units by at least 75mm in depth.

Reason: To ensure a satisfactory form of development.

21. The garages hereby permitted shall not at any time be used for any purpose which would preclude their use for the parking of a motor car.

Reason: To ensure that there is adequate off-street parking provision within the site to prevent on-street car parking that would be inimical to highway safety.

22. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

23. Notwithstanding the submitted landscaping plan, the development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed hard landscape elements and pavings, including layout, materials and colours;
- e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

24. Before a dwelling unit is occupied waste containers shall be provided on each plot.

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

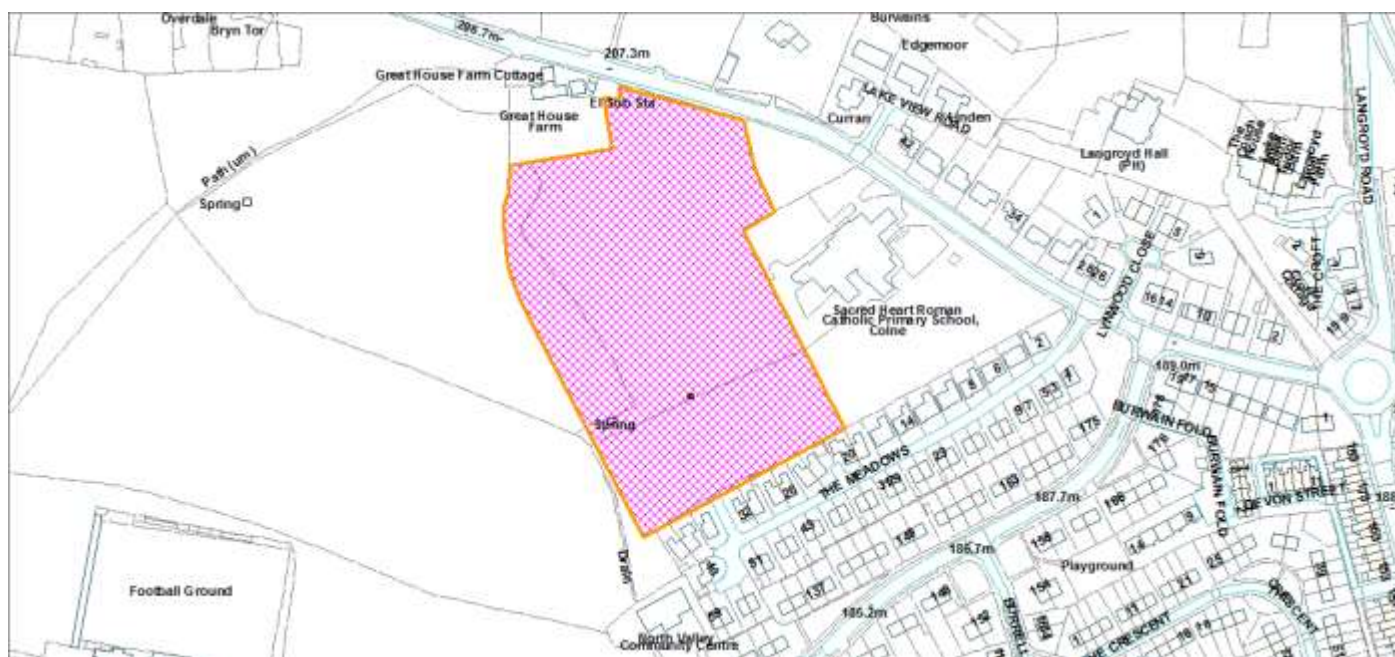
Note:

Informatives

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
2. The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with Lancashire County Council as Highway Authority. 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 should be advised to contact Lancashire County Council, Highway Development Control email – lhscustomerservice@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.
3. Response does not grant permission to carry out works to an ordinary watercourse: For the avoidance of doubt, this response does not grant the applicant permission to carry out works to an ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here:

<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>



Application Ref: 17/0362/FUL

Proposal: Full: Major: Development of existing open land for the erection of 55 dwellings of mixed type, with vehicular access from Red Lane and pedestrian/cycle link to The Meadows, including provision of public open space and site drainage measures.

At: Land to the North of The Meadows, Colne

On behalf of: Beck Developments

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 25 SEPTEMBER 2017

Application Ref: 17/0403/VAR

Proposal: Section 73: Variation of condition 16 of application 13/15/0178P to allow working on remediation only between 07:30 hrs and 18:30 hrs Monday to Friday (inclusive)

At: Land To The West Of, Knotts Drive, Colne

On behalf of: Miss Abigail Kos - Persimmon Homes

Date Registered: 27/07/2017

Expiry Date: 27/10/2017

Case Officer: Alex Cameron

Site Description and Proposal

The application site is the site of a planning permission for a residential development of 182 dwellings currently undergoing remediation works in association with that development.

This application is to vary condition 16 of the planning permission for this development to allow works to be carried out between 07:30 and 18:30 Monday to Friday during the period of the remediation works. The existing condition is as follows:

Condition 18 - No construction work shall be carried out on the site outside the hours of 8:00 and 17:00 on weekdays and 8:00 - 12:00 on Saturdays.

Reason: In the interests of residential amenity.

Relevant Planning History

13/15/0178P - Full: Major: Erection of 182 dwellings with associated highway, landscaping and drainage works. Approved, 17/07/2015.

Consultee Response

PBC Environmental Health – No adverse comments.

Colne Town Council – No comment.

Public Response

A press and site notice has been posted and nearest neighbours notified. Objections received raising the following concerns:

- At the moment a stream of site traffic starts arriving from as early as 6:30 am and work commences on the site earlier than the agreed 8.00am. If the site working hours are increased the developer would not adhere to them.
- The existing conditions have not been enforced.
- Many residents are being affected on a personal level which is having a detrimental effect on their wellbeing.

- Mud is being transferred to the road.
- The development is resulting in noise, pollution and residents being woken early and damage to roads.
- The application site address is misleading.
- Safety concerns due to additional traffic and speeding.
- The proposed hours of operation would cause congestion at time when residents are leaving for work / arriving home.
- Construction traffic is parking along Knotts Drive and in areas that restrict traffic flow and visibility.
- Residents are unable to open windows during working hours due to noise and dust.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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.

Residential Amenity

The proposed variation hours of works to 07:30 – 18:30 weekdays for the duration of the remediation works would remain within reasonable operating hours, with 07:30 being a time many residents would be getting up for work or school and 18:30 is a time where most residents would still be active rather than relaxing later in the evening. In addition, the increased hours would reduce the overall duration of the remediation works.

There have been complaints about the times of operation with work commencing on site prior to the 8am start time that is currently required on the planning permission. Critical issues in determining this application are the nature of the noise associated with the proposal and whether the times proposed lead to periods of disturbance that would be unacceptable to the residential amenity of residents.

The nature of the noise would be from two sources. These are of plant and machinery working on site and filling up the tipper vehicles as well as the vehicles themselves driving up and down the estate road.

The hours between 07:30 and 18:30 are daylight hours which are not associated with tranquil hours where people would normally sleep. There are no specific characteristics of the locality or of the work that would be undertaken that would lead to a conclusion that permission should be withheld and the times be restricted to those approved. There is also a consideration that the increased hours would reduce the number of days the work would be undertaken over.

In overall terms therefore there are no objections to the increased hours proposed.

Highways

The proposed variation in the hours of works would not have any different impact on the highway network over and above the approved scheme. Under the approved scheme the work to remodel the land has been approved. The proposal would not increase the intensity of movements per hour

but would allow for longer working times. The applicant is of the view that if they can avoid early morning traffic in particular they would be able to move vehicles more quickly through the highway network.

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 variation of condition accords with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: KDC-LP/01, KDC/JB/PL01, PH105/T100 B (Topographical Survey) Housetypes - The Chedworth; The Chedowrth hipped; The Clandon Plus; The Hatfield Clayton Semi; The Clayton Corner House; The Clayton; The Corby; The Gilby; The Hanbury; The Hatfield; The Kendal; The Leicester; The Modern; The Moseley; The Roseberry; The Rufford; The Souter; The Winster.

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

3. Prior to commencement of development, a scheme providing full details for the open space and ecological areas shown on approved drawing KDC/JB/PL01, to include the timing of provision and a schedule of maintenance, shall be submitted to and agreed in writing by the local planning authority. The scheme shall include:

- i) A description of features to be managed;
- ii) The aims and objectives of the Habitat Management Plan;
- iii) The management actions, including monitoring;
- iv) The means by which the plan will be rolled forward annually;
- v) Monitoring and remedial / contingency measures triggered by monitoring, and;
- vi) Details of the personnel responsible for implementation of the plan and the means by which it will be funded.

The approved scheme shall thereafter be completed in accordance with the agreed timing of provision, and the areas shall thereafter be maintained in accordance with the approved schedule.

Reason: To ensure that the ecological areas and open space are provided and suitably maintained.

4. Prior to commencement of development, full details of the proposed foul and surface water drainage, including;
- i) confirmation of surface water run off rates which shall not exceed pre-development greenfield rates;
 - ii) a scheme for future maintenance of the drainage infrastructure and implementation of sustainable urban drainage measures;
 - iii) confirmation of any improvement works to existing watercourses on site, the provision of temporary storage facilities, means of access for future maintenance and means of restricting flooding and pollution during construction;
 - iv) the provision of overland flow routes and flood water exceedance routes, directed away from dwellings and other critical infrastructure, within the application site;
 - v) confirmation of any proposed means of enclosure to the attenuation ponds adjacent to the northern boundary of the site;
 - vi) confirmation of any additional measures required in relation to surface or foul water discharge subsequent to the aforementioned assessments;

shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the drainage system to that property has been provided in its entirety

Reason: In order to prevent flooding and to ensure that the site is properly drained.

5. Prior to commencement of development, a detailed scheme for the improvements to the junctions between Knotts Lane and Burnley Road, and between Khyber Street and Knotts Lane, shall have been submitted to and approved in writing by the local planning authority. The schemes shall be implemented in strict accordance with the approved details prior to completion of the first 15 dwellings. In addition, the Puffin crossings at Albert Street and Queen Street and Burnley Road, near to Phillips Lane, shall be upgraded to a Toucan crossing, and a Puffin crossing shall be provided on the A56 between Knotts Lane and Greenfield Road, prior to completion of the 75th dwelling on the site.

Reason: In the interests of highway safety/

6. The car parking shown on each plot shall be provided prior to occupation of the dwelling it relates to. This shall include surfacing of the driveway in accordance with the materials to be agreed under condition 12. The spaces shall thereafter be retained at all times for the parking of cars in association with the occupants of the dwelling.

Reason: In the interests of highway safety and to ensure adequate on site parking.

7. The estate roads into the site shall be constructed in accordance with the Lancashire County Council specification for the construction of estate roads. The estate roads shall be completed to base course level to each plot before any work is commenced on that plot. The estate roads and footpaths on the site shall be completed in their entirety for each phase of the development (as set out under condition 8) within 3 months of the completion of that phase, or within 30 months of the commencement of the construction of any house in a phase.

Reason: In order to ensure that the development is served by an adequate highway network.

8. 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.

9. No development shall take place until a site investigation of the nature of land stability and extent of former coal mine workings has been carried out in accordance with a methodology which shall previously have been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If the requirement for any remedial work is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

Reason: In order to prevent land stability issues in relation to historic mine workings at the site.

10. Prior to commencement of development, a plan and written statement detailing the proposed phasing of the site shall be submitted to and approved in writing by the local planning

authority. The plan shall include details of the works involved in each phase, and how each phase is to be completed in terms of the completion of roads, building operations, foul and surface water sewers and landscaping. The plan shall also include details of the number of units in the phase that shall be completed prior to the commencement of the next phase of the development. The approved scheme shall thereafter be carried out in strict accordance with the approved plan and statement.

Reason: To ensure that the site is developed in an orderly manner.

11. Prior to commencement of development full details of the retaining structures to be provided on the site shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance and finish to the development.

12. Prior to commencement of development, details of the proposed levels on site and how the ground modelling will take place, shall be submitted to and approved in writing by the local planning authority. Thereafter, for each phase, the finished floor levels of all dwellings in that phase, shall be submitted to and approved in writing by the local planning authority, prior to construction of any dwelling in that phase. Development shall be carried out in strict accordance with the approved details.

Reason: In order that the Local Planning Authority can assess and control the height of the development in the interests of the visual amenity of the area.

13. Prior to commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be at a scale of 1:200 and shall include:

- i) The exact location and species of all existing trees and other planting to be retained;
- ii) An outline specification for ground preparation for landscaped areas outside of the ecological areas;
- iii) All proposals for new planting and turfing, indicating the location, arrangement, species, size, specifications, numbers and planting densities;
- iv) All proposed boundary treatments with supporting elevations and construction details;
- v) All proposed hard landscaping elements and paving, including layout, materials and colours;
- vi) The proposed arrangements and specifications for initial establishment maintenance and long term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its agreed form prior to the end of the first planting season following substantial completion of each phase of the development to which it is associated. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

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

14. Prior to commencement of development, samples of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

15. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) wheel washing facilities
- vi) measures to control the emission of dust and dirt during construction

Reason: In the interests of residential amenity.

16. During the period of remediation works no works shall be carried out on the site outside of the hours of 07:30 and 18:30 and 8:00 - 12:00 on Saturdays, following the completion of remediation works no construction work shall be carried out on the site outside the hours of 8:00 and 17:00 on weekdays and 8:00 - 12:00 on Saturdays.

Reason: In the interests of residential amenity.

17. The paths crossing the area of public open space and linear park/green walkway as set out in plan number KDC/JB/PL01, shall be constructed to allow use by cyclists and shall be maintained thereafter.

Reason: In order to ensure the site is accessible by a range of means of transport.

18. No vegetation clearance shall take place during the optimum period for bird nesting (March to July inclusive).

Reason: To ensure that nesting birds are not disturbed.

19. Prior to the commencement of development, a scheme for the use of sound insulation mitigation measures in the construction process including but not exclusively; glazing, ventilation and fencing details shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: In the interests of residential amenity.

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 14th September 2017