

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

**TO:** WEST CRAVEN COMMITTEE

**DATE:** 9<sup>th</sup> January, 2018

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO WEST CRAVEN COMMITTEE ON 9<sup>th</sup> JANUARY, 2018

**Application Ref:** 17/0465/OUT

**Proposal:** Outline: Major: Residential development of 5.44ha (Access only)

**At:** Land to the North East of Meadow Way, Skipton Road, Barnoldswick

**On behalf of:** Future Habitats Limited

**Date Registered:** 24 October, 2017

**Expiry Date:** 23 January, 2018

**Case Officer:** Kathryn Hughes

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

### **Site Description and Proposal**

The application site is a 5.44ha parcel of agricultural land located in Barnoldswick and lies outside the settlement boundary within Open Countryside.

The site sloped from Skipton Road along the south eastern boundary towards the canal which runs along the sites north western boundary from approximately 160m AOD to 149m AOD. It is bounded by housing on Meadow Way to the south, the Leeds/Liverpool Canal to the west, Skipton Road to the east with open fields to the north.

Access to the dwellinghouses would be via a new estate road from Skipton Road.

This application seeks outline consent for the erection of up to one hundred and two dwellinghouses with access only. Details of appearance, landscaping, layout and scale will be dealt with at a later stage under the Reserved Matters submission.

An indicative layout plan has been submitted to illustrate how the proposed development could be accommodated on the site.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways – The following comments are made to the proposed development of 101 dwellings with the submitted Transport Assessment Encon Associates Revision A dated October 2017 and the proposed site plan Clendon Architecture Proposed site plan A2 AAH Planning.

#### Traffic Impact

The trip rates and growth are not disputed. The traffic distribution should be based upon the turning movements at the Valley Drive junction rather than the background traffic flows on Skipton Road which are skewed due to the employment site Rolls Royce to the north of the site off Skipton Road.

A further assessment of the Skipton Road B6252, Gisburn Road mini roundabout junction is required to ensure that adequate capacity exists to accommodate the development traffic. During site observations queues were present on certain arms which raises a concern.

An Arcady assessment should be provided with base, development and 5 year growth flows presented.

#### Sustainability

The nearest primary school is located 1.3km and local food shop 1.1km from the site and these local facilities exceed the walking distance which a concern.

There are two bus services running along Skipton Road, the X43 and 280 and there are school services V44 and 110.

There are bus stops located in both directions on Skipton Road within an acceptable walking distance of the development site in accordance with the IHT guidelines. However as stated under 'off-site highway works', the bus stop infrastructure requires upgrading to ensure that a quality facility is provided for bus passengers to maximise the potential usage.

In terms of the Council's accessibility questionnaire, the site scores a low accessibility score overall with access to local and district facilities being located further than the recommended walking distances. It is likely that the residents of this development site will be reliant on the private car to access all facilities which does not accord with the principals contained within the NPPF.

Measures of mitigation are required to improve the sustainability of this site. A measure to be considered is the provision of 3 month bus passes and cycle vouchers for each new resident as part of the welcome pack within the Travel Plan.

#### Travel Plan

There is no framework Travel Plan submitted with the application. We would expect the following to be set out in a Framework TP and then followed with a Full TP annually for 5 years.

- ☐ Commitment to appoint a Coordinator
- ☐ A time-frame for the development of the Full Travel Plan including a survey. (i.e. survey within 3 months of occupation and the Full Travel Plan within 3 months of the survey)
- ☐ Details of cycling, pedestrian and public transport links to and within the site
- ☐ Details of the provision of cycle parking for those properties/units where suitable space is not available
- ☐ Outline Objectives
- ☐ Outline Targets
- ☐ List of proposed measures to be introduced
- ☐ Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years

#### Site access

The position of the proposed site access on Skipton Road and the use of a simple priority junction arrangement with no associated mitigation measures is disputed by the Highway Authority and requires re-assessment.

The primary site access should be re-positioned at a more southerly point to ensure that the proximity to the existing 30mph speed limit terminal is minimised.

The visibility splays required for 85%ile speeds NB 53.5mph and SB 53.6mph are X-2.40 metres and Y-168 metres in both directions to the nearside kerb.

This appears achievable within the adopted highway grass verges on Skipton Road, however there will be some loss of vegetation and trees.

The Highway Authority would request that the visibility splay at the site access is confirmed to be achievable given the vertical alignment of Skipton Road on this section.

The existing 30mph speed limit should be extended to cover the site access and the associated gateway signage and road markings will require moving with a system of street lighting being installed.

The right turning development traffic at site access priority junction should be protected with a central ghost island or carriageway widening to create a nearside passing lane subject to a detailed design, swept path analysis and road safety audit. A simple priority junction within the existing carriageway width and with no associated measures would be unacceptable on highway safety grounds.

#### Secondary access

The provision of a secondary vehicular access is necessary to maintain access to the development in the event of a planned or emergency closure of the site access on Skipton Road.

The secondary access shall be constructed to adoptable standards via Meadow Way and the estate road Meadow Way is adopted highway up to the site boundary.

A vehicular access onto Coates Lane is not supported by the Highway Authority due to it being unlit and without separate footways.

A separate pedestrian and cycle access onto Coates Lane should be provided to allow direct access to the canal towpath and Greenberfield Lane.

#### Off-site highway works

The nearest NB bus stop on Skipton Road (approximately 70 metres south of the junction of Valley Drive) requires quality bus stop infrastructure including DDA compliant bus border kerbing and bus shelter.

The SB bus stop on Skipton Road (reference 2500IMG1593) meets the current standards. To allow a safe and suitable access to the south bound bus stop, a new section of footway should be constructed on the south easterly side of Skipton Road between Ghyll Lane and the SB bus stop. This new footway will lie within the adopted highway grass verge. There will be no loss of vegetation as a result.

The applicant proposes to construct a new footway along the north westerly side of Skipton Road, between the new site access and Valley Drive. This will connect to the existing footway. This new footway will lie within the adopted highway grass verge. There will be some loss of vegetation that lies within the grass verge and any overhanging trees from the private gardens will need cutting back to ensure that adequate provision is provided for pedestrians. The provision of the footway is necessary to provide a walking route for pedestrians and to provide an active frontage to the development site which will encourage the reduction of vehicle speeds on Skipton Road.

The position of the site access onto Skipton Road is discussed above under the heading 'Site access' in detail and the agreed position of the site access will determine the introduction of the range of measures that are required on Skipton Road to make the site access safe and suitable for the development traffic. These measures will include a reduction of the national speed limit on Skipton Road to 30mph with associated road markings, signage and street lighting.

The design of the site access and associated measures to reduce the speed limit will be subject to an independent Road Safety Audit to ensure the suitability. Any recommendations to amend the scheme will be incorporated into the design.

The off-site highway works will be completed under a S278 agreement with Lancashire County Council and designed to adoptable standards, including street lighting, surface water drainage and tactile paving at pedestrian dropped kerb crossing points.

#### Construction traffic

It will be necessary to prepare a detailed construction traffic management plan prior to the commencement of any works on site. The construction traffic will be restricted by a condition to a site access off Skipton Road.

#### Reserved matters - Internal Layout (including parking)

It is acknowledged that the internal layout is a reserved matter, however I must highlight that the indicative layout does accord with the design theories of Manual for Streets, subject to the position of site access and secondary access points being agreed.

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 estate roads shall be designed to keep vehicle speeds at or below 20mph with suitable visibility splays. The vehicle parking should be provided in accordance with the Pendle BC parking standards 2 spaces for 2/3 bedrooms and 3 spaces for 4+ bedrooms. Garages should have internal dimensions of 3m x 6m.

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

#### Highway Drainage

Planning approval relates only to the powers under the Town and Country Planning Act including the recommendations of the Lead Local Flood Authority. It does not provide any consent or approval under other act, enactment, bylaw, order or regulation including the highway adoption under section 38 of the 1980 Highways Act, the surface and foul water adoption under section 104 of the Water Industry Act 1991 or the Land Drainage Consent to discharge water into a water course under the Land Drainage Act 1991 etc.

With regard to drainage systems within the highway, where the applicant is proposing to offer the highways for adoption, the applicant is advised to begin early discussions between the section 38 officers at Lancashire County Council, the Lead Local Flood Authority at Lancashire County Council and United Utilities as advised in the Department of Transport Advice Note "Highway Adoptions" "The adoption of roads into the public highway (1980 Highways Act)", published in April 2017.

Highway surface water drainage systems must not be used for the storage of any flood waters from the adoptable Yorkshire Water surface water system or any private surface water drainage system etc.

A suitable outfall should be sought with an appropriate 104 agreement with the local water authority (United Utilities/Yorkshire Water).

#### Conclusion

The Highway Authority have concerns relating to the assessment of the development traffic on the surrounding network and the site access that requires further assessment and amendment to the site plan as detailed above.

Conditions relating to construction method statement, construction traffic, site access, off-site highway works, internal estate roads, Travel Plan, estate phasing plan, secondary access,

pedestrian and cycle link, management and maintenance, materials for driveways and parking area, cycle storage and electric vehicle charging points.

LCC Education – An education contribution is not required at this stage in regards to this development.

Natural England – No comments.

Lead Local Flood Authority – 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 the following conditions, in consultation with the Lead Local Flood Authority.

#### Condition 1:

Reserved Matters to include surface water drainage scheme to be agreed - As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority.

Surface water drainage scheme which as a minimum shall include:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change – see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
- b) The drainage scheme should demonstrate that surface water run-off must not exceed the existing pre-development runoff rate for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required on or off-site to ensure the adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment or removal of any existing watercourses, culverts, headwalls or unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing where applicable;
- f) Site investigation and test results to confirm infiltrations rates. If infiltration is shown to be a viable option for the disposal of surface water, then this should then be used as the primary method for disposing of surface water from the site. Disposal via a surface water body will only be considered where infiltration is proved to be unsuitable.
- g) 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.

#### Reasons:

1. To ensure that the proposed development can be adequately drained.

2. To ensure that there is no flood risk on or off the site resulting from the proposed development
3. To ensure that water quality is not detrimentally impacted by the development proposal

Site specific advice:

Flood vulnerability:

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

Sustainable Drainage Systems:

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

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

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

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

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

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

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

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

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.

#### Other advice:

Comment 1: Although the LLFA is satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk on or off site. The applicant would be expected to provide a detailed surface water drainage strategy as part of any reserved matters application and prior to the commencement of any development. This must comply with Paragraph 103 of the National Planning Policy Framework and Standards 2, 4, 7, 8 and 9 of the non-statutory technical standards for sustainable drainage systems; March 2015.

Comment 2: It is noted from the applicant's Flood Risk Assessment (FRA) (Ref: 78954, Dated: September 2017, By: Flood Risk UK) that the preferred method of surface water disposal for this site is infiltration. However according to sections 5.7 and 5.8 of the FRA, this option is not thought to be viable due to existing ground conditions and site characteristics. The applicant has therefore put forward an alternative option which would involve surface water runoff being discharged to a surface water body – the Leeds and Liverpool Canal. The LLFA would be satisfied with this in principle, subject to the agreement of the Canal and Rivers Trust and also subject to evidence being provided at Reserved Matters to confirm the unsuitability of infiltration on this site.

Comment 3: It is noted from the information provided in sections 4.9 and 4.10 of the FRA that there are isolated areas of the existing site that are at risk of surface water flooding. The LLFA would strongly recommend that any residential development is avoided within these areas, unless appropriate flood alleviation measures are put in place by the developer to sufficiently reduce the risk of flooding to property. It is essential for any such measures to be included within the detailed surface water drainage strategy for the site.

Comment 4: Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of those systems with the local highway authority. For the avoidance of doubt, the LLFA does not comment on the suitability for future highway adoption under Section 38 of the Highways Act 1980. This is for the Local Highway Authority to comment on.

#### 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 subject to appropriate conditions.

Yorkshire Water – A water supply can be provided under the terms of the Water Industry Act, 1991. There is a private pipe on site that will require diverting or abandoning at the developer's expense. There are no public water mains affected by the proposed works.

Barnoldswick Town Council – Comment: The town council acknowledges that the majority of this land is included in the Strategic Housing Land Availability Assessment and forms part of the five



year housing supply for the borough. However, recent decisions on applications in Barnoldswick almost meet the full housing requirement in the Core Strategy for the lifetime of the Local Plan; therefore, the development of over 100 additional houses isn't necessary to fulfil the obligations for new housing in the township.

Although identified in the SHLAA, development of this site must still be considered against the development plan as a whole and all material considerations. There must be special regard to the desirability of preserving the setting of listed buildings in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). This statutory duty is reflected in the Framework in paragraph 132, which maintains that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation, the weight being dependant on the importance of the asset. The Framework identifies that significance can be harmed by alteration or destruction of the asset or development within its setting.

Development of this land would dominate the listed structures on the Leeds and Liverpool Canal, namely, lock no. 44 (listing reference 1258894), bridges 156 (listing 1258851) and 157 (listing 1361702), which form the eastern end of the summit pound of the canal.

Greenberfield Locks is the 'jewel in the crown' of the Leeds and Liverpool Canal, which itself is considered to be the finest example of canal construction in the country. The importance of this asset is therefore of national, as well as local, significance. The harm from this scheme would represent conflict with Core Strategy Policies ENV1 (which seeks conservation of heritage assets within the Borough), LIV1 and the Framework.

Development of this land would also be an extension of the built area of Barnoldswick into the open countryside and be an unacceptable impact on the character and appearance of the area.

Development would create an extended tongue of land into open countryside well beyond the settlement boundaries of the town which would be highly visible from Greenberfield Locks and represent an unacceptable damaging impact on the landscape.

Development of the field for housing would also create conflict with the large dairy farm on the opposite side of the canal with the likelihood of complaints about noise and odours

There is also concern about the capacity of the foul sewers to accommodate additional waste from a development of over 100 new houses with a constrained sewer running underneath the canal.

Surface water drainage also represents a significant constraint to development. Downstream of this field, dozens of homes have repeatedly flooded due to the inadequate capacity of the culvert carrying surface water from this part of the catchment beneath the canal. Most recently, on Boxing Day 2015 further flooding to many homes was only avoided by a huge community effort to dam the flow and pump it overland with large capacity mobile pumps. Nevertheless, some properties were flooded due to runoff from the application site. Any further development in this vicinity must require an increase in capacity of the single culvert taking surface water from this area.

Additional concerns are the impact on local services and schools from these additional houses; the impact on road safety from additional traffic generated by the proposal and the impact on residential amenity of the people currently living adjacent to the field.

Therefore, the town council resolves to strongly object to this proposed development for the reasons set out above.

## **Public Response**

Site and press notices posted and nearest neighbours notified by letter.

84 letters, web comments and emails received objecting to the proposal on the following grounds:

- The housing would overlook and abut the Leeds/Liverpool canal which is a designated heritage asset and the three Greenberfield locks and canal bridges and Greenberfield farmhouse which are all grade 2 listed structures;
- The canal path has been improved for access to all and hundreds of people walk along this stretch of canal and enjoy the open views of the countryside and is visited daily by walkers, cyclists, children and families as well as numerous visitors by boat throughout the year and offers panoramic views overlooking the Aire/Ribble gap and the drumlin fields;
- It is important we maintain and preserve these open spaces so that it contributes to the health and well-being of its residents along with attracting people to the area;
- The development would be outside the current settlement boundary, is on greenfield land and would seriously impact on the landscape;
- Would increase traffic on the B6252 and potentially create 200 extra residents;
- In the Strategic Housing Market Assessment of September 2014 the indicative number of dwellings is 65. Why now are there 102 proposed which is almost 55% increase?
- The site also has a problem with drainage and flooding occurs regularly adjacent to Coates Lane;
- The site also has archaeological potential;
- I disagree that the infrastructure can cope with these extra dwellings. Primary schools are already at capacity and NW ambulance reports major risks due to high demand, hospitals face increased demand for services and local doctors surgeries are at capacity. These demands are due to be stretched further because of other planning applications in Barnoldswick to build a large number of new houses;
- The new entrance on Skipton Road is not ideal many people already go through the estate because of the speed of traffic. Even if the 30mph was extended further up the road it would be a very busy junction;
- Building on what has always been considered Green Belt land has the effect of turning a little country town into a meandering urban area;
- If further housing is required and you have genuinely used up all other areas of the town, have you considered the lesser impact by using the field on the opposite side of Skipton Road. Ghyll Lane could be widened and only has one cottage which would be undisturbed;
- If all objections are ignored or not counted or other issues which I am not aware of and the Hawthorn tree on the rear boundary be protected?
- There was concern that the culvert under the canal would be unable to cope and should the proposed estate use this then during heavy rain the water will back up, flow rates will fall and more flooding will occur. Pressure of the water will force water up and out of the culvert's manhole and drains and flood properties;
- The field floods every winter for a couple of months and spills onto the road with no drains on the canalside. The houses need to be well away from the wall, at least 30m and a solution to the flooding found;
- In accordance with the National Planning Policy Framework I ask that you take account the impact on the farm business. I operate a dairy business which necessitates early mornings, cows being milked, cattle being moved around the site and vehicles regularly entering and exiting the site. Domestic properties in close proximity may allege nuisance from noise and odour;
- The area to the North North East of the site is not included in the Strategic Housing Land Assessment which is only 5.04ha and not 5.4ha that is being considered;

- The land is not poor agricultural land but is good grazing land we are reliably informed. Loss of valuable farmland is totally unacceptable. This land is still used for grazing cattle and sheep and gives at least two cuts of silage per year;
- There are high voltage power lines dissecting the site. Are these to be moved?
- Light pollution will affect the numerous bats and other wildlife;
- There are presently 90 houses unsold in the town;
- There are three footpaths in this area 13-1-FP7, FP8 and FP9 which connect several listed buildings whose settings must be preserved;
- Poor level of public transport in this area. At best buses run hourly and the nearest train service is 11.2km away in Colne or 17.7km in Skipton. The medical centre, post office and high school are all 3.2km, 3.2km and 3.9km by the shortest routes. The landowner has clearly chosen the “crow flies” method of measurement;
- The parking arrangements for the estate are wholly inadequate;
- Building here will adversely affect the amenity of local residents and their access to green spaces all which is contrary to Pendle’s Core Strategy;
- There is limited demand for this kind of housing in the town. Pendle’s five year supply of housing (including a 20% buffer) has been met. The DCLG has proposed a reduction in the target for Pendle from 298 homes a year to 165, a reduction of 45%. As an alternative to this proposal, I would support the construction of new houses on brownfield sites contained within Pendle’s Brownfield Register;
- Policy 1 – Development in the Open Countryside – this proposal does not comply with the eight circumstances given and new dwellings are not generally permitted;
- 30 dwellings per hectare is the minimum requirement with up to 50dph in highly accessible area – anywhere between 162 and 270 dwellings could sit on this site;
- NPPF requires the same weight to be given to environmental and social factors as to the economic dimension to ensure the planning system delivers the sustainable development promised. Should this proposal be passed there would be major impact on the area as the building work progressed for probably two years or more there would be construction traffic, air pollution, light pollution and noise pollution. Properties will already be blighted just by this application;
- The land proposed for building on is one of the most beautiful views in Barnoldswick, an iconic view of the locks, seen on calendars, postcards and the internet this is simply not the place to build and will ruin the most picturesque part of or town forever;
- It seems that all the political parties are against this development so why are we even discussing it? Are the proposed houses intended for social rent or first time buyers? If not this application doesn’t come in line with government guidance so again this application shouldn’t be considered;
- There is no or little spare employment within Barnoldswick and no rail system, the nearest A&E is Airdale 21 miles away;
- There are abandoned developments in the Robinson Fold area that never been completed, why is this development not completed prior to more planning is considered;
- Will the tenants be told they are going to live in an area that is 500m away from one of the biggest chemical plants in Europe with a minimum of 200 liquid tonnes of highly toxic acid on site at any one time. The facility was built to protect the residence in case of an incident;
- This is an historical site which has remained largely unchanged for 200 years and is rightly regarded by visitors and boaters alike as the picturesque site on the entire Leeds-Liverpool

Canal. The field in question overlooks the top lock and is feeding and nesting ground for the numerous swans, ducks and other wildlife which nestle on the banks of the canal;

- There will be a substantial adverse effect on our property by the building of houses on higher ground immediately to the rear of your property. This will result in loss of privacy and overshadowing of your property and loss of long distance views as well as significantly reducing the saleable value of the property, for which no compensation will be forthcoming or even a consideration;
- Although the plan is not finalised it shows a road will end at the boundary of our garden, there is no designated green buffer area and this will lead to disruption from increased traffic and noise and will also lead to increased rainwater flowing on to our property;
- Barnoldswick appears to be bearing the brunt of new development in Pendle no doubt due to its appeal as an affordable, well established, vibrant and friendly local community. There would appear to be very little demand for any extra new developments in this town and the proposal to build an estate of this size is both ethically and morally wrong and tantamount to environmental vandalism;
- Currently there is a problem with youths resulting in nuisance and criminal damage at times. Any increase in the youth population would increase the potential for nuisance;
- The Heritage Report should not be taken into consideration as the dates are incorrect and many details show a complete lack of historic understanding of the locality;
- The Transport Report also appears to be of poor quality as it does not recognise all the public transport in the area;
- The suggested access next to the canal bridge will increase the chances of damage to the bridge structure with repairs usually falling on the Canal & River Trust;
- Although more housing is probably required by Pendle to comply with government demands, this is not the place as there are certainly better sites within the Borough;
- Negative impact on tourism and businesses in the area;
- Excavation of land will add to major local subsidence issues;
- Loss of open space when better alternatives are available;
- Building on the scale proposed would have a vastly negative effect on these designated heritage areas as it would severely impact on the countryside setting;
- Since I heard about a planning application for 102 houses I have tried to imagine the changes that this development would bring. Anyone must acknowledge that this is a destructive plan for this setting. Sitting having a quiet lunch/picnic or walking the towpath with the lawn mowers, power tools and general noise that this development, just 50 yards away, will bring. I find it disgraceful that people are actually considering taking a much-valued leisure area of tranquil beauty away from the residents of Barnoldswick and visitors to our area;
- The design of the proposed development does not afford adequate privacy for the occupants of our home and of adjacent residential properties, particularly with their right to the quiet enjoyment of garden amenities. We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life;
- The applicant may propose that a degree of privacy can be achieved through the construction of walls, erection of fencing or planting of trees, but as previously stated, this

proposed development is on a higher level than our property, so any offers to overcome this will only block our natural light. Although the right of light is not a legal entitlement, the right is generally 'acquired' when light has been enjoyed through a defined aperture of a building for an uninterrupted period of 20 years, or in the case of our property, the potential of overshadowing and loss of natural light after 50+ years; and

- Part of the site adjacent to Coates Lane and the canal for a depth of 40m should be conditioned out of the development and the applicants required to lay this out as a planted wildlife area to provide some mitigation for the proposal.

Three comments in support of the proposal:

- It can only enhance the area and the town giving much needed housing and council tax income;
- More family house is needed to free up smaller and cheaper homes for first time buyers;
- As long as the building is sensitive and in keeping it could even be an asset to the town;
- We are looking at moving up the property ladder and these would be ideal;
- planning was granted for the building behind the listed farmhouse which is not sympathetic to the surroundings;
- The lower part of the land does occasionally flood but no houses are proposed to be built there; and
- There is no view to obstruct as this has already been done by the large farm buildings, the view from the canal is of Skipton Road.

### **Officer Comments**

The issues for consideration are principle of housing, impact on Open Countryside, impact on Heritage Assets, impact on landscape character and ecology, flooding and drainage and highways issues.

- Policy

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

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

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

The following Local Plan policies are relevant to this application:

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

Policy SDP2 sets out the roles each settlement category will play in future growth. Nelson is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 sets out the housing distribution for Pendle.

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

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere. The proposal's compliance with this policy is addressed in the flooding and drainage section.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and allows for sites to come forward for housing outside of the settlement boundary prior to the site allocations being adopted and where the site is sustainable and close to a Settlement Boundary and can make a positive contribution to the five year supply of housing land.

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

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing. Developments in West Craven are expected to provide 5% affordable housing.

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

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

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

#### National Planning Policy Framework

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

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA was updated in support of the publication of the Core Strategy.

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

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

Para 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design it should be refused. There is no balancing exercise to be undertaken with other sections of the Framework as poor design is not sustainable development and the requirement under paragraph 14 is to allow sustainable development to come forward.

Paragraph 173 states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

## 1. Principle of Housing

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

This site is Greenfield land which lies within the town of Barnoldswick outside of the settlement boundary.

Taking into account that this area is directly adjacent to the settlement boundary, that the site has been deemed sustainable via its allocation in a Local Plan and the proximity of services and facilities, it is not an isolated site for the purposes of paragraph 55 of the Framework. Therefore, in location terms and in terms of the development's contribution to the economic role of sustainable development the proposed development accords with the Framework.

Pendle Borough Council has demonstrated in the Strategic Housing Land Availability Assessment a five-year supply of deliverable housing sites. The majority of this site is included in this assessment.

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

Whilst the site lies outside the settlement boundary the site is immediately adjacent to the settlement boundary and is not an isolated site for the purposes of paragraph 55 of the Framework.

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

- Impact on Amenity

This application is in outline for access only, the design, scale and landscaping of the development would be considered in a separate reserved matters application. An indicative layout has been submitted which shows a relatively low density development with limited green spaces proposed to the north of the site and to the west along the canal.

The application site is wholly outside the settlement boundary which lies along the boundary to the southern side. The housing along this boundary and Skipton Road to the east would form a natural boundary to this site.

The majority of residential are on the estate located to the south with some residential properties located across the canal to the western side.

The indicative layout would result in a density of approximately 30dph which is acceptable and provides for a spacious layout which benefits this location outside of the settlement boundary.

It is clear from the indicative plans that a residential development of the scale proposed could be accommodated on the site without unacceptable impacts on privacy, overbearing impacts or loss of light to adjacent dwellings. An acceptable degree of residential amenity could also be assured for future residents of the proposed dwellings.

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

Subject to appropriate conditions and details of the appearance, scale and landscaping this layout would be acceptable in terms of impact on residential properties.

- Impact on Heritage Assets

Historic Environment Good Practice Advice Note 3 'The Setting of Heritage Assets' makes it clear that the setting of a heritage asset is the surroundings in which the asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements such as key views, character, history, culture, context, as well as visual aspects can all contribute to setting. Also important, particularly in this case, is the relationship between different heritage assets of the same period or function, or with the same designer. Together, all these canal-related assets are not only aesthetically attractive and historically important but also derive greater significance due to their grouping, and their open setting which remains almost as it was at the time the canal was constructed.

The Core Strategy notes the importance of the canal and its heritage assets, and their settings, to the character and distinctiveness of Pendle. Policy ENV 1 states that the historic environment and heritage assets of the Borough, and their settings, will be conserved and should be enhanced in a manner appropriate to their significance, especially those elements that make a particular contribution to the character and distinctiveness of Pendle, such as *'the Leeds Liverpool canal corridor and its associated assets, including locks, bridge and warehouses.'*



The proposed development has the potential to directly affect the setting of five Grade II listed buildings within the Leeds-Liverpool canal corridor, which together form an important and distinctive group. These are all located along the northern boundary of the site:

- Coates Lane or Greenberfield Bridge No 156, Leeds and Liverpool Canal

A road bridge of 1794 in the distinctive Leeds Liverpool single-arch style in ashlar stone, with parapet and curving abutments. One of three road bridges adjacent to the site, it lies at the southern end of the group of listed canal structures at Greenberfield, and would lead directly into the site. The indicative site plan shows houses built right up to the bridge at this point.

- Bridge No 157, Leeds and Liverpool Canal

Another similar road bridge, but of later date, built in 1817 concurrently with Greenberfield Locks. At the far northern point of the site, it is significant in views on the main approach to Greenberfield off Skipton Road, where much of the site can be seen on rising open land forming a backdrop to the bridge, locks and canal.

- Lock No 44, Leeds and Liverpool Canal

The main locks at Greenberfield, dated 1817, picturesquely located between the two bridges, and also a very popular visitor location with associated public car park and open grassed picnic area. The site currently forms the open rural setting to the southern canal bank; the indicative site plan shows houses built up to the canal with rear gardens facing onto the locks at this point.

- Lock No 43, Leeds and Liverpool Canal

Another locks of 1817 located just to the north of bridge 157, it would be viewed from the road and towpath together with the bridge, with the rising open land of the site forming the backdrop.

- Haystacks Bridge, Greenberfield Lane

A former road bridge built in 1794 over the canal, however the arch is now blocked and the bridge has been dry since 1817 when the locks were built and the canal course was changed slightly. It still has significance as a road bridge on Greenberfield Lane, and the stone parapet borders the open grassed picnic area adjacent to the locks. From the bridge there is a clear view across the picnic field to the canal with the development site rising behind.

There are other listed buildings located further away from the site but all are of sufficient distance to ensure their settings will not be affected by the proposed development. In addition to the Listed Building's listed above there are unlisted buildings within the Greenberfield canal grouping that also have heritage interest and make a strong contribution to the significance and understanding of the group as a whole. These are the lock keeper's cottage and the adjacent sluice house; both can be seen as non-designated heritage assets which have a functional historic relationship to the listed structures, as well as a visual relationship. They are located between the main Greenberfield locks and the Coates Lane bridge, again directly across the canal from the site, where the site plan indicates they would be facing onto rear garden boundaries. The Leeds Liverpool canal itself can also be seen as an important heritage asset.

The currently green and open aspect to the site forms an important part of the setting of all these designated and non-designated heritage assets. The topography of the site is important in that the land rises from the southern canal bank, enabling the canal and all its infrastructure to be seen, appreciated and understood, within an open and rural green setting. Although the urban

development of Barnoldswick to the south is relatively close, it is not seen from the main public area around the canal and locks, and is only glimpsed from Coates Lane bridge to the south. Thus the canal corridor and all the linked structures along it are experienced within a traditional rural landscape of open fields, trees and hedgerows. It therefore retains its original historic character and appearance as a canal meandering through open countryside.

This important character would be significantly altered by the proposed development. The indicative site plan shows some landscape zones along the canal but these are very narrow and are not continuous. The southern canal bank would be lined by rear garden boundaries along most of its length. Landscape screening could be provided but due to the rising land beyond, any development would inevitably be prominent. These effects on the setting of the heritage assets would lead to harm to their significance. As this would be less than substantial harm then National Planning Policy Framework para 134 advises that any harm to significance should be weighed against the public benefits of the proposal.

Although there would be public benefits from this proposal including:

- Provision of mixture of new housing;
- Provision of 5% affordable housing;
- Provision of Open Space;
- Income from Council Tax; as well as
- Employment for building trade and local tradesmen/businesses,

these benefits would not achieve the substantial public benefits required to outweigh the harm caused by the proposed scheme and therefore permission should be refused.

Based on the above it is clear that the proposed development would not be acceptable in terms of impact on the heritage assets and would fail to accord with policies ENV1 and LIV1 and para 134 of the National Planning Policy Framework.

- Impact on Landscape and Ecology

The site is prominent in terms of views, therefore details of heights, design and materials for the proposed housing will be essential in terms of how this development would affect the landscape and visual amenity of the area.

Bowland Area of Outstanding Natural Beauty lies over 5km to the west of the site and Stonehead Beck (Gill Beck) Site of Special Scientific Interest is over 6km to the south east of the site.

There are a number of footpaths around the site including along the northern edge of the Canal Footpath 7 which runs along the line of the former canal tow path and Footpaths 9 and 8 approximately 400 east of the site and connect the Canal with Ben Lane.

Whilst the site is not located within any nationally valued landscaped para 109 of the National Planning Policy Framework seeks to protect and enhance valued landscapes and this area is clearly of local importance to the residents as well as the many visitors to this area.

Although the access to the site is through an existing gate way, this would have to be widened by a substantial amount meaning a loss of mature mixed native hedgerow. Although not classed as important, the hedgerow is in excess of 20 metres long and is next to land used for agriculture and therefore is protected by the Hedgerow Regulations 1997.

The landscape character of the site is classed as '13a Gargrave Drumlin' in the Lancashire Landscape Strategy. The strategy advises that avoidance of 'ribbon development which may detract from the characteristic dispersed patterns of groups of buildings in a rural setting.' Due to the nature of the site and the fact that it butts up to the settlement boundary this will have the effect of creating a ribbon style development.

From the canal the site slopes upwards towards Skipton Road. The hills and fields beyond this cannot be seen due to the layout of the land. This in effect creates a localised ridge line which the proposed development would dominate and detract from the feeling of being in the drumlin type of landscape. In fact the landscape strategy states 'shelter built development within the undulating landform - avoid ridgelines or hill tops.'

The development would prevent open views from Skipton Road to the locks and the wider countryside and detract from the feeling of being in an important rural environment.

Due to the slope of the site, even if trees were planted on the canal elevation; those houses close to Skipton Road would have their roof line (and possibly top floor) above the height of the trees. This would detract from the overall setting of the fields, canal, locks and wider countryside. It would also have a detrimental effect on the amenity value of the area.

The development as proposed would have a negative impact on the landscape of this area. There are too many properties and not enough greenspace. More consideration needs to be given to how the development interacts with the canal and its associated heritage features and the wider landscape. The proposal needs to be set back in order to allow for woodland type planting scheme closer to the boundary with the canal and along Skipton Road in order to create a rural setting as you enter Barnoldswick on this approach and provide sufficient screening from the canal.

In terms of ecology the canal and the associated fields provide ecological corridors for the movement of wildlife. The development would like to cause disturbance to these and any harm would need to be mitigated.

Although bats will not be roosting on the site, it is highly likely that bats will use parts of the sites for foraging. In particular Daubentons bats are likely to use the canal corridor and would be susceptible to disturbance and the effects of artificial light on the area.

The proposed development is not acceptable in terms of impact on the landscape character of the area and fails to accord with policies ENV1 and LIV1.

- Flooding and Drainage

The site lies within Flood Zone 1. A Flood Risk Assessment has been submitted.

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

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

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

- Highways Issues

The Highway Authority have concerns relating to the assessment of the development traffic on the surrounding network and the site access that requires further assessment and amendment to the site plan as detailed above.

It is understood that the agent is arranging for further assessments to be carried in order to address the concerns raised.

Conditions relating to construction method statement, construction traffic, site access, of-site highway works, internal estate roads, Travel Plan, estate phasing plan, secondary access, pedestrian and cycle link, management and maintenance, materials for driveways and parking area, cycle storage and electric vehicle charging points.

The scheme would need to provide adequate off-street car parking in accordance with policy 31.

- Open Space and Landscaping

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

Whilst the site layout does provide ample private amenity spaces for the plots it lacks sufficient green amenity space which would help to soften the scheme and provide sufficient screening for this size of development. In particular the area bounding the Canal needs to create some visual interest in the overall layout and reduce the amount of built form overall.

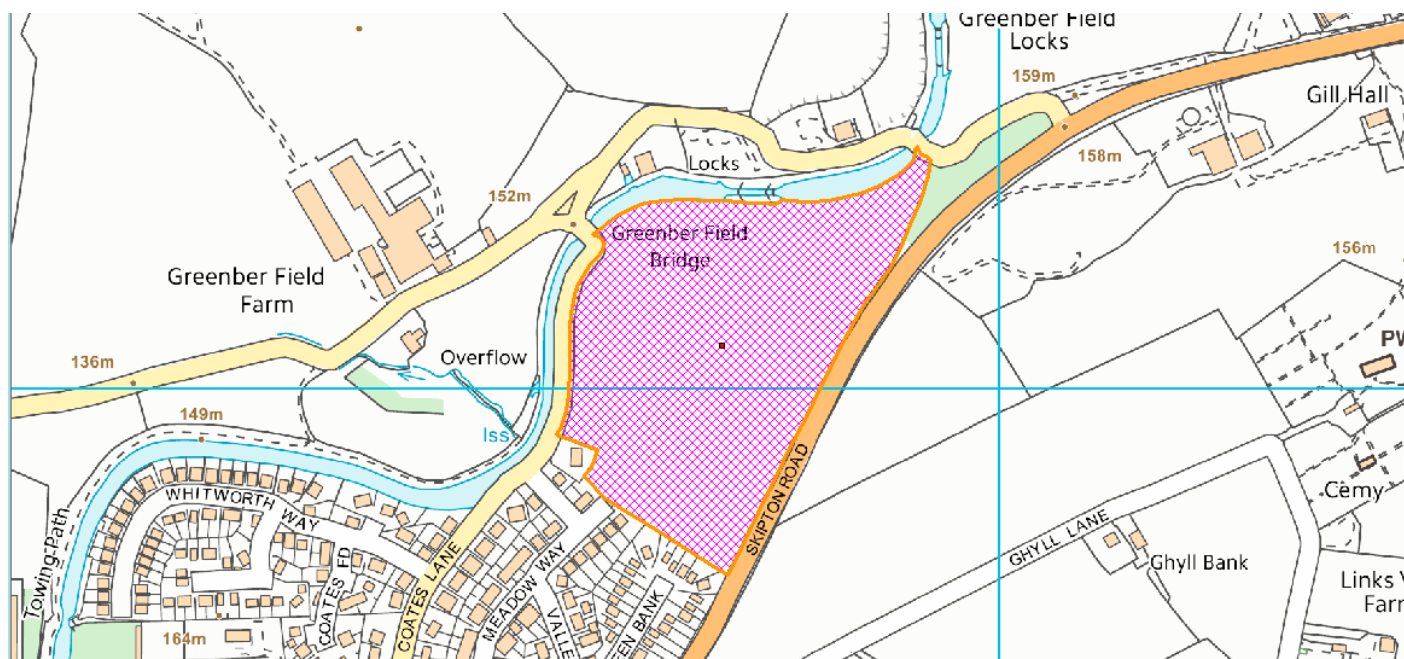
- Contributions

No request for any education contribution has been requested by LCC.

A 5% provision of affordable housing is proposed for the site which accords with policy LIV4.

## **Recommendation**

The application is brought before the Area Committee for comment. Those comments will feed into the final report which will make a recommendation to the Development Management Committee. Members are asked therefore to make a resolution incorporating the Committee's comment on the application.



**Application Ref:** 17/0465/OUT

**Proposal:** Outline: Major: Residential development of 5.44ha (Access only)

**At:** Land to the North East of Meadow Way, Skipton Road, Barnoldswick

**On behalf of:** Future Habitats Limited

## WEST CRAVEN AREA COMMITTEE REPORT 09 JANUARY 2018

**Application Ref:** 17/0651/FUL

**Proposal:** Full: Erection of 3 No. bungalows and creation of new vehicular access from Green End Road (Re-Submission).

**At:** Land Adjacent Heather View, Green End Road, Earby

**On behalf of:** Mr Michael Firth

**Date Registered:** 25/10/2017

**Expiry Date:** 20/12/2017

**Case Officer:** Alex Cameron

This application is brought to Committee following the receipt of public objections.

### **Site Description and Proposal**

The application site is a domestic garden to the side of a semi-detached located in a residential area within the settlement boundary of Earby and also within the Earby Conservation Area.

The proposed development is the erection of three bungalows and formation of a new vehicular access to Green end Road.

This is a resubmission of an application for four bungalow on the site refused and dismissed at appeal earlier this year. The design of the bungalows and layout of the site has been revised in response to that decision.

### **Relevant Planning History**

16/0799/FUL Full: Erection of 4 bungalows and creation of new vehicular access from Green End Road. Refused and Appeal Dismissed.

### **Consultee Response**

**LCC Highways** – Regarding the revised proposed site plan (drawing ref P(0)04 Rev H) this internal layout has addressed the issues raised previously and is now acceptable to the Highway Authority.

The site access arrangement has been reviewed and the Highway Authority are agreeable to the reduced kerb radii considering the small size of vehicles that will be using the site access.

The street lighting column must be moved to a suitable location on the adopted highway. Due to the re-alignment of the stone wall adjacent to the new site access the placement of the column does now not accord with an adoptable road layout. It is necessary to enter into a S278 agreement for the works with Lancashire County Council.

**PBC Environmental Health** – No adverse comments

**PBC Public Rights of Way** – the proposed development lies adjacent to public footpath 16. Please include a note to make the developer aware that the footpath should not be obstructed.

**Earby Town Council** - no objections to the last application, it was however stated that the pavement should not be cobbles. The plans have improved since the last application.

## **Public Response**

Nearest neighbours notified. Responses received objecting on the following grounds:

- Inadequate landscaping
- Poor design.
- Not in keeping with the Conservation Area.
- The proposed access will create additional traffic issues. New Road and Green End Road are busy roads and visibility is poor.
- Traffic issues during construction.
- Inadequate parking.
- Increase in on-street parking.
- The development may lead to an access onto Rushton Avenue in future. This would result in quality of live impacts including noise
- The area needs more 3 bedroom social housing, not 1-2 bedroom bungalows.
- The area is prone to flooding, the drainage system cannot cope as it is.
- Privacy impact on No.11.
- Timescale of the construction works

Responses received in support for the following reasons:

- The bungalows will fit in with their surroundings.
- The development will look very good and improve the area very much.

## **Officer Comments**

### **Policy**

The following Local Plan policies are relevant to this application:

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

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments (such as Conservation Areas).

Policy ENV2 seeks to encourage high standards of design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 advises that development should have regard to the potential impacts they may cause to the highway network. Where these impacts are severe, permission should be refused.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

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

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

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

### Replacement Pendle Local Plan

Policy 31 of the Replacement Pendle Local Plan details the current parking standards for new development.

### National Planning Policy Framework

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

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).

### **Principle of Housing**

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that to encourage significant and early delivery of the housing requirement, proposals for new development will be supported where they accord with other policies of the Core Strategy and are on;

"non-allocated sites within a settlement boundary where there are sustainable and make a positive contribution to the five year supply of housing land".

This site falls within this definition and would be as sustainable in terms of its location accounting for the proximity of local services and facilities in the nearby town.

The principle of housing is therefore acceptable and accords with policy LIV1.

### **Design & Heritage Impact**

The reason given for dismissing the previous Appeal on this site by the inspector were:

- The courtyard style layout would contrast sharply with the linearity of the surrounding terraces and would therefore be unsympathetic to the character of the area.
- The bungalows proposed had a relatively modern design that would bear little relation to the surrounding properties. Whilst the design incorporated some detailing, this would not reflect characteristic features of this part of the conservation area.
- The proposed render finish to the side elevation of Plot No 1 would have an alien appearance in the street.

The layout of the proposed development has been altered to a linear one, with all three proposed bungalows fronting Green Road and following the existing building line.



The design has been revised to better reflect the character of the area, reflecting features and detailing of the existing buildings to each side such as coping stone to the side of the roof. The materials would be coursed stone and natural slate, in keeping with the adjacent properties. Upvc windows are proposed, these are not appropriate in a Conservation Area setting, however, appropriate timber windows and doors can be conditioned.

The layout and design of the proposed bungalows are sympathetic to the character and appearance of the conservation area.

Policy LIV5 advises that residential development within the West Craven towns should help to rebalance the housing stock (i.e. limiting the provision of new terraced dwellings). The creation of bungalows here would add some variety to the housing stock at this end of the town and the proposal therefore broadly complies with the principle of LIV5.

The proposed development is therefore acceptable in terms of design and would not adversely impact on the special character or appearance of the Conservation Area in accordance with policies ENV1, ENV2 and LIV5.

### **Amenity**

The proposed bungalows would have kitchen windows in the side elevations. The north side would face a ground floor window in the side of No.11 separated by 6m. A public right of way passes between the two properties and a 1.8m fence is proposed on the boundary. With a condition to ensure this remains in place the proposed development would not result in an unacceptable loss of privacy to that property.

The window in the south elevation would face habitable room windows in the side of an extension to the site of the applicant's property, No.13, separated by 10m. This view would be across a shared access, which would already limit the level of privacy enjoyed by the kitchen, and both the applicant and potential purchasers would be aware of this relationship. Taking this into account, the proposed window is acceptable.

The proposed development would not result in any unacceptable loss of privacy, light or result in any overbearing impacts or issues of noise and disturbance and is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

### **Highways**

The proposed access would provide an acceptable level of visibility and is acceptable in terms of highway safety.

The amended plans show one parking space each for the 1 bedroom bungalows and two spaces for the 2 bedroom bungalow and two spaces plus and retained for the existing dwelling. This meets the maximum parking requirements of saved Policy 31 and therefore represent an acceptable level of car parking provision.

The repositioning of the existing boundary wall to the highway frontage means that the development will result in the creation of a public footway at either side of the proposed vehicular access point. The plans show that this would be finished in cobbled setts, however LCC have advised that this would not be pedestrian friendly and the Agent has been asked to consider alternatives.

Concerns have been raised regarding the potential for an access to be formed onto Rushton Avenue in future. A planning application would not be required to form a vehicular access to the

back lane of Rushton Avenue, either now or following the proposed development. However, this would not be likely result in any unacceptable highway safety or amenity impacts.

The proposed development is therefore acceptable in terms of highway safety in accordance with policies ENV4 and 31.

## **Drainage**

The site is not within a Flood Zone and a drainage scheme ensuring adequate separate surface and waste water systems can be controlled by condition.

## **Summary**

The design and layout of the proposed development fully addresses the reasons for dismissal of the previous Appeal on this site. The proposed development is acceptable in terms of all relevant considerations and is recommended for approval.

## **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. Taking into account all material considerations the proposed development would not result in any unacceptable impacts. 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: P(0)01 Rev B, P(0)02 Rev A, P(0)03 Rev B, P(0)04 Rev H, P(0)05 Rev C, P(0)07.

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

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
  - i) The parking of vehicles of site operatives and visitors
  - ii) The loading and unloading of plant and materials
  - iii) The storage of plant and materials used in constructing the development
  - iv) Wheel washing facilities
  - v) Details of working hours
  - vi) Routing of delivery vehicles to/from site.

Reason: In the interest of highway safety.

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access has been submitted to, and approved by, the Local Planning Authority and constructed in accordance with the approved scheme.

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

5. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 0.9m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2m measured along the centre line of the proposed access road from the continuation of the nearer edge of the carriageway of Green End Road to points measured 17m in each direction along the nearer edge of the carriageway of Green End Road.

Reason: To ensure adequate visibility at the site access.

7. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in bound porous material.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

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

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

9. Car parking provision shall be made at the following level:

One bedroom bungalows: 1 space per dwelling

Two bedroom bungalow: 2 spaces

Heather View (13 Green End Road): 3 spaces

The car parking spaces and manoeuvring areas shall be laid out in accordance with the approved plan before the development hereby permitted is first occupied and maintained free from obstruction and available for parking and manoeuvring purposes at all times thereafter.

Reason: To allow for the effective use of the parking area.

- 10.** Prior to the occupation of each dwelling hereby approved an electric vehicle charging point shall be installed for that dwelling.

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

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

- 12.** Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Class B and C of Part 1 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

- 13.** Prior to the commencement of the erection of the external walls of the development a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

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

- 14.** Prior to the commencement of the erection of the external walls of the development samples of the external materials and finishes of the walls, roof, window and door surrounds, roof soffits, fascias and copings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

**Reason:** To ensure a satisfactory form of development in the interest of visual amenity of the area and character and appearance of the Conservation Area.

15. All rainwater goods and soil pipes shall be in cast iron or aluminium and painted black, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure an appropriate appearance to the building and preserve the character and appearance of the Conservation Area.

16. A solid fence or wall of not less than 1.8m in height shall be erected / maintained at all times along the north boundary of the site from the access gate to the north side of the proposed dwellings to for a distance of a minimum of 11m.

**Reason:** In order to ensure that the privacy of adjacent dwelling is acceptably preserved.

17. Notwithstanding any indication on the approved plans or application forms the windows and doors, and any subsequent replacement window and doors, shall be of timber construction and painted, and maintained thereafter, in a colour to be submitted to and agreed in writing by the Local Planning Authority prior to their installation.

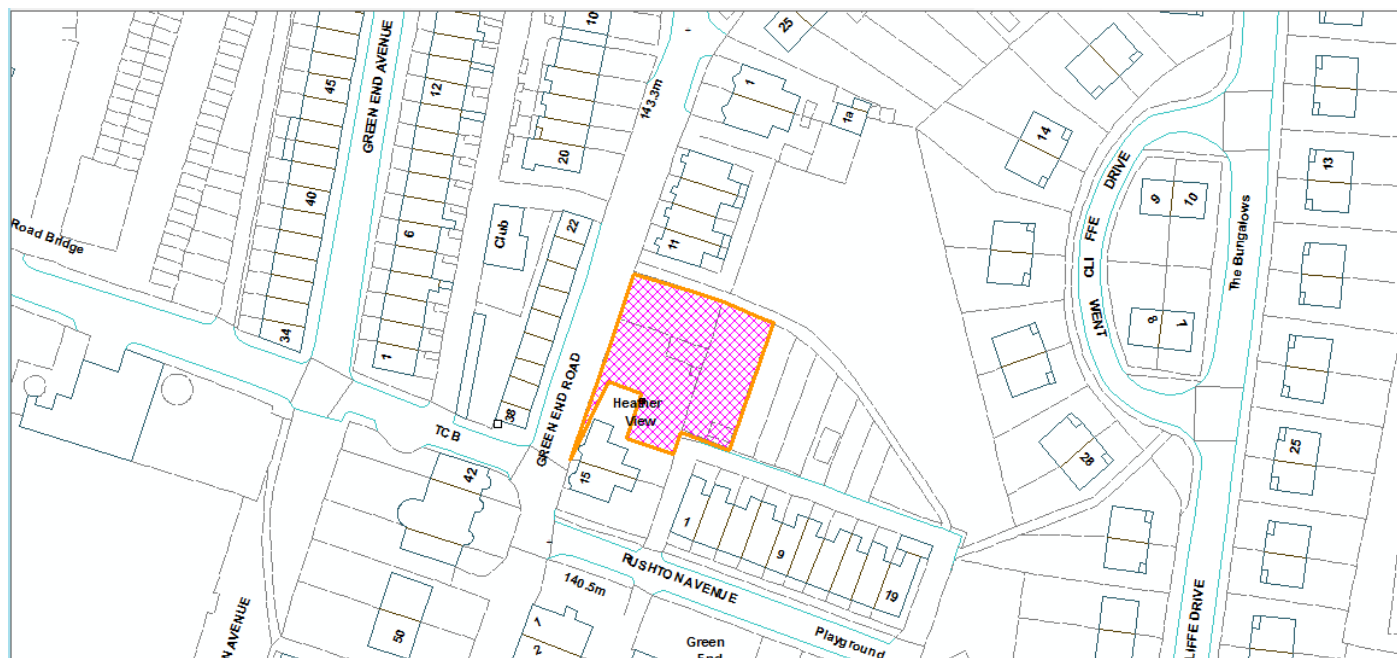
**Reason:** In the interest of the character and appearance of the Conservation Area.

Note:

The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the developer. Prior to the start of any works the developer should contact Lancashire County Council's Street Lighting section by e-mail on [highways@lancashire.gov.uk](mailto:highways@lancashire.gov.uk) to obtain further advice and a quotation and should quote the planning application reference number.

The grant of planning permission does not include the right to either permanently or temporarily obstruct or interfere with a right of way. The owner of the site and/or the developer may be liable to a fine for any offences under The Highways Act 1990 if a right of way is obstructed or interfered with as a result of the development work being carried out. An obstruction would include any encroachment into the width of the right of way in question. The position and width of the right of way may not be obvious, and may not be shown with any degree of accuracy by a local authority search (a search will only show the approximate position). Therefore, any development work which is proposed to take place near or adjacent to a public right of way should only commence after the Definitive Map and Statement has been checked. These documents are available for public inspection at Lancashire County Council's offices in Preston, or at Pendle Council's offices at Fleet Street Depot, Nelson, BB9 7YQ.

If by virtue of planning permission being granted any part of a public right of way is required to be permanently closed or diverted to allow the development to be carried out, then a formal order made by the Council will first need to come into operation in accordance with the appropriate legislation. Any enquiries about applying for a diversion should be sent for the attention of the Countryside Access Officer at Fleet Street Depot, Nelson, BB9 7YQ. If any part of a right of way is requires to be temporarily closed the any enquiries about applying for a temporary closure should be made to the Public Rights of Way Manager, Planning and Environment, Lancashire County Council, county Hall, Preston, PR1 0LD.



**Application Ref:** 17/0651/FUL

**Proposal:** Full: Erection of 3 No. bungalows and creation of new vehicular access from Green End Road (Re-Submission).

**At:** Land Adjacent Heather View, Green End Road, Earby

**On behalf of:** Mr Michael Firth

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 19th December 2017**