

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

**TO:** WEST CRAVEN COMMITTEE

**DATE:** 6<sup>th</sup> February, 2018

**Report Author:** Neil Watson  
**Tel. No:** 01282 661706  
**E-mail:** neil.watson@pendle.gov.uk

## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## WEST CRAVEN AREA COMMITTEE REPORT 06 FEBRUARY 2018

**Application Ref:** 17/0691/OUT

**Proposal:** Outline: Major: Erection of up to 10 Dwellinghouses (Access only) (Re-Submission).

**At:** Land Off Cob Lane and, Old Stone Trough Lane, Kelbrook

**On behalf of:** Mr A. Parker and Miss E. Parker

**Date Registered:** 16/11/2017

**Expiry Date:** 15/02/2017

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

This proposal is brought to Committee as a major development.

The application site is an agricultural field to the south of Cob Lane. The site is located to the south east of the main village and is outside of, but adjacent to the defined settlement boundary. To the west is Yellow Hall, a row of listed dwellings, to the south and east is open land. The land slopes upwards from Old Stone Trough Lane, as Cob Lane rises away to the east. It is designated as Open Countryside in the Local Plan.

The site was subject to a planning application for up to 17 dwellings in 2016. This was refused and dismissed at appeal.

This is an outline application for the erection of up to 10 dwellings, the only matter being applied for is access, which is proposed from Cob Lane, all other matters are reserved for later consideration.

### **Relevant Planning History**

13/86/0832P – erection of 2 dwellings on land adjacent to Yellow Hall – Refused

16/0488/OUT - Outline: Major: Application for up to 17 dwellings (Access only) – Refused and Appeal Dismissed. The appeal was against the development of 17 houses. The Inspector did not raise any objections to the scheme on highway grounds, amenity, loss of wildlife, highway safety, drainage, housing land supply or infrastructure provision.

### **Consultee Response**

**PBC Conservation** - The application is accompanied by a comprehensive Heritage Statement which addresses the significance of the two Grade II listed buildings close to the site – Yellow Hall and Stoops Farm – together with the contribution made by their settings. The impact of the proposals on this significance is fully assessed, with reference to the Historic England Advice on the Setting of Heritage Assets.

Yellow Hall is a row of four early C19th houses built in a vernacular but distinctive style, with some earlier architectural features in the heavily moulded stone mullioned windows, the symmetrical front elevation and elaborate roofline with copings, kneelers, ball finials and prominent chimney stacks. The front elevation is prominent along Old Stone Trough Lane, the building forming an impressive and characterful group with the Grade 2 listed Stoops Farm almost opposite. Together these two listed buildings impart a distinctive and attractive vernacular character to the Lane at this

point. Stoops Farmhouse has historic significance as a farmhouse and attached barn dating from the C18th or even earlier. Although altered over the years it still retains features of interest in the local stone and stone slate of its construction, its typical lathe house plan form, and some early chamfered door and window surrounds. The open field opposite Stoops makes a significant contribution to the setting of both buildings, not only as an attractive rural green backdrop, but also as a reminder of Stoops Farm's historic links with its fields. The amended scheme would leave this field undeveloped, which will preserve the setting of Stoops Farm.

The unchanged open aspect of the field opposite Stoops Farm in the amended scheme would effectively preserve the pastoral setting of the important front elevation of Yellow Hall, together with the historic and currently semi-rural character of Old Stone Trough Lane. With effective landscaping along the south western edge of the site, the new houses should not be overly visible from the Lane at this point.

The main impact of the scheme will be on the currently open setting of Yellow Hall when the rear elevation is seen from the approach downhill along Cob Lane. Although the main significance of the Hall lies in its distinctive front elevation onto Old Stone Trough Lane, the rear elevation also has notable features, including the horizontal sweep of the stone slate roof with its tall chimney stacks, and the prominent gabled outriggers which are clearly visible at first floor level above the green swathe of field in the foreground. The informal nature of the dry stone field walls and the grass verges add to the character of this view.

Though the development would have clear impacts on these existing views of the listed building, this could be mitigated, and any harm to significance minimised, by careful and contextual design at the detailed stage. The indicative layout incorporates a larger buffer zone between the rear of Yellow Hall and the nearest house. The setting back of the new houses from the Cob Lane edge would preserve both long and close-up views of the rear elevation of Yellow Hall. By retaining the dry stone wall, natural green verge and keeping the landscaping reasonably low along this approach, maybe with the occasional taller tree to give more screening to the new houses, the setting could remain more open and views of Yellow Hall preserved.

**LCC Highways** – The site layout plan 15.142-04-Rev D has been amended to provide a visibility splay of 2.4x43m at the Cob Lane / new estate road junction which is in accordance with the advice in the Manual for Streets.

The low amount of development traffic will have a negligible impact on highway capacity and safety on the surrounding network.

As previously noted, the proposed 1.8m wide footpaths fronting the applicant's site is necessary and supported in the interest of pedestrian safety and the promotion of sustainable forms of transport and protection to the sight lines is necessary. The construction of the footway to be carried out under a section 278 with Lancashire County Council at the same time as the formation of the site access point.

Please attach the following conditions: estate road adoption/maintenance, wheel wash, vehicle turning, estate road construction, visibility splays, car parking and manoeuvring, cycling facilities, highway survey, traffic management plan, estate street phasing and completion, highway construction details.

**LCC Schools Planning Team** – An education contribution towards the provision of one secondary school place is necessary.

**Lead Local Flood Authority** – No objection. Please attach a condition requiring the reserved matters to include surface water drainage scheme.

**Environment Agency** – No objection.

**Yorkshire Water** – Please attach the following conditions: separate foul and surface water drainage systems, surface water drainage scheme.

**Natural England** – No comments.

**PBC Public Rights of Way** –

**Kelbrook and Sough Parish Council** – Strongly object for the following reasons:

1) Highway safety on Cob Lane - It has been established unequivocally that two Bank Holidays were included in the period for which the applicant has presented data upon which the Highways Authority had relied for the original application 16/0488/OUT. This is contrary to planning guidance and as such the analysis of vehicle volumes cannot be relied upon. In addition, it has also been established unequivocally that the ATC device on Cob Lane was not “approximately the location of each access”, but was, in fact over 30 metres away from the access x-line, not adjacent to the applicants plot and very close to the junction of Cob Lane and Old Stone Trough Lane. Once again, the Highways Authority had relied upon the vehicle speed data which the applicant has now and did previously put forward in the original application 16/0488/OUT. Given that there is no reliable vehicle speed data or vehicle volume data, the Parish Council believes that the visibility splays should be in accordance with the ‘Manual for Streets’ for a 30mph road.

2) Housing Supply - Pendle has sufficient housing supply to meet its five year requirement and this site is not required within the development plan.

3) Damage to Wildlife and Protected Species - The applicant has suggested that the wildlife in the fields, which includes roosts of bats in the trees lining the watercourse, will not be disturbed and this would be achieved by imposing a buffer zone which runs down both sides of the water course running through the fields in question. This buffer zone is shown on the plans. However, the plans also show the proposed development encroaching on this buffer zone with the plots of land reaching as far as the stream. This development would impact upon wildlife within the buffer zone.

4) Heritage - Stoops Farm and Yellow Hall are both listed buildings with particular historical importance within the context of a rural community surrounded by open countryside. The amendments to the original application are insufficient to outweigh the comments made by the inspector in her appeal ruling, which states, “....*the historical evidence is that Yellow Hall was once surround by open countryside. It is important that these historic buildings are retained in the open countryside. Therefore, this countryside is of high importance to the setting of the building. Closing off the remaining open setting to the rear would cause some harm to the setting of this building*”. The inspector goes on to state that in the case of Stoops Farm, “*these fields*”, plural, “*are exceptionally important to the setting of this rural building. The appeal site provides a visual connection between the former farmstead and farmland. Furthermore, there is a partial view of the front of the building over the fields from Cob Lane. The proposed development would remove the remaining countryside around the house and for this reason, the setting of this building would be significantly harmed....*”. The plans in this application would not permit any view of Stoops Farm from Cob Lane and would serve to encroach upon the open field setting and thereby cause significant harm.

5) Highways Network -This development would severely impact upon the road network, namely Waterloo Road and Main Street in the village of Kelbrook, which always suffers severe congestion.

### **Public Response**

Site and press notices posted and nearest neighbours notified. Over 80 responses received objecting on the following grounds:

- The surrounding roads are inadequate to accommodate the addition traffic from the development.
- The site access would result in adverse highway safety impacts.
- The traffic surveys carried out were inadequate and were carried out at times when traffic levels are low.
- The bus service information is out of date.
- Safety of children accessing the nearby primary school.
- On-street parking problems in Kelbrook would make access difficult.
- The site is beyond the limit of current winter gritting schemes.
- Harm to adjacent listed buildings.
- The development would dominate the existing village.
- Pendle has sufficient housing supply to meet its five year requirement and this site is not required within the development plan.
- Housing needs for this area have been met.
- New housing should first be directed to brownfield land.
- The site is not within the settlement boundary.
- The application does not meet sustainability criteria.
- The affordable housing should be provided within the parish.
- Flood risk.
- The drainage in the area is inadequate to cope with the additional volume of water from the development.
- Inadequate water supply.
- Frequent problems with power cuts in the area.
- Inadequate telecommunications capacity for additional households.
- The area is rich in wildlife including protected species.
- There should be a 5m buffer zone around the watercourse to protect wildlife.
- The development would result in the loss of a hedgerow.
- This is a greenfield site and should be protected.
- If granted further applications for residential development of other sites outside of the settlement boundary would be likely to follow.
- Noise, disturbance and loss of privacy.
- The local primary school is oversubscribed.
- Impact on value of adjacent properties.

## **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 (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 SDP2 identified Kelbrook as a 'Rural Service Centre'. These settlements are to be the focus for growth in Rural Pendle. It also advises that where Greenfield land is required for new development, it should be in a sustainable location and well related to an existing settlement.

Policy SDP3 indicates that new housing provision and distribution will be guided by the settlement hierarchy within the policy. Rural Pendle (inc. Kelbrook) is expected to account for 12% of the Borough's supply over the plan period. It should be noted that this figure is not a fixed limit, it is a representation of the projected housing distribution.

Policy ENV1 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 drainage and flood risk section.

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

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

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

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

### Replacement Pendle Local Plan

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

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

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The Council's 2016/17 AMR, demonstrates a 5.1 year housing supply.

Paragraph 132 states that 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

## **Principle of Housing**

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

This site is located immediately adjacent to the settlement boundary of Kelbrook, which is a Rural Service Centre. Kelbrook has a variety of services and facilities and is accessible by means of both public and private transport and also has established links with the larger West Craven Towns.

The proposed site is a sustainable location for new development. The principle of housing is therefore acceptable and accords with policy LIV1.

Numerous objections to the development state that the Council has sufficient sites to meet its five year housing supply and this site is not included within those sites in the SHLAA. The SHLAA identifies housing sites that are potentially deliverable but is not an allocations document nor is it a complete list that would preclude the delivery of any other suitable site.. The development of this site would make a positive contribution to the delivery of the Council's five year housing supply and is acceptable in principle.

## **Design and Visual Impact**

The layout, scale and appearance of the proposed development are reserved for consideration at the reserved matters stage, however, a landscape and visual impact assessment has been submitted which acceptably demonstrates that, in principle, a development of up to ten dwellings could be accommodated on the site without unacceptable visual amenity impacts in accordance with policies ENV1 and ENV2.

## **Heritage Assets**

The previous appeal for 17 dwellings on this site was dismissed solely due to its impact upon the setting of the adjacent listed buildings Stoops Farmhouse / Barn and Yellow Hall.

In relation to Stoops Farmhouse and Barn the inspector found that its setting would be significantly (but less than substantially) harmed, stating that:

"The appeal site is directly opposite the farmhouse and it is only from the appeal site that a good full view of the front elevation of the house is possible. These fields are exceptionally important to the setting of this rural building. The appeal site provides a visual connection between the former farmstead and farmland. Furthermore, there is a partial view of the front of the building over the fields from Cob Lane. The proposed development would remove the

remaining countryside around the house and for this reason, the setting of this building would be significantly harmed by its enclosure by the proposed development.”

The inspector also found that there would be limited harm to the setting of Yellow Hall:

“Yellow Hall is set at the edge of other built development and has fields to the rear. I saw at my visit that the rear of the building can be seen clearly from along Cob Lane. As dwellings would be constructed behind the building, its rear elevation would be obscured from view. However, due to the alterations, the interest of the building from long range views along Cob Lane has been somewhat diminished. That said, the historical evidence is that Yellow Hall was once surrounded by open countryside. Therefore, this countryside is of high importance to the setting of the building. Closing off the remaining open setting to the rear would cause some harm to the setting of this building.”

“There would be limited harm to the setting of Yellow Hall and there would be significant harm to the setting of Stoops Farmhouse and Barn. The harm to the heritage assets would be less than substantial and in accordance with paragraph 134 of the Framework, the harm should be weighed against any public benefits of the proposal.”

The previous application for 17 dwellings proposed development on both the field to the rear of Yellow Hall and the field opposite Stoops Farmhouse and Barn. This application only proposed development on the field to the rear of Yellow Hall.

The primary harm to the setting of Stoops Farmhouse and Barn in the previous application resulted from the proposed development on the field opposite that listed building, with the inspector noting that it is only from the appeal site that a good full view of the front elevation of the house is possible. It is only from the field opposite that this would be the case as the views from the field adjacent to Cob Lane, and Cob Lane itself are partially obscured by trees and/or Yellow Hall. This application does not proposed development on that land. Whilst the development would partially affect the setting of Stoops Farmhouse and Barn from Cob Lane and the adjacent field, the harm resulting from this would be limited and would be reduced by the proposed buffer which would maintain the partial visibility of Stoops Farmhouse and Barn from Cob Lane.

The Inspector assessed the level of harm to the setting of Yellow Hall from the previous proposal as limited. The indicative layout submitted with this application indicates that an open buffer could be created to the rear of Yellow Hall to maintain views of the listed building and reduce the impact of the development. The proposed development would still have a limited harmful impact upon the setting of Yellow Hall, however, this would be reduced from that of the previous proposal.

Paragraph 134 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The proposed development would result in public benefits in the provision of ten new dwellings, which would make a positive contribution towards the Councils five year supply of housing, and a contribution towards the provision of affordable housing within Pendle. The limited harm to the setting of Yellow Hall and Stoops Farmhouse and Barn would be outweighed by these public benefits.

The proposed development is therefore acceptable in terms of heritage impact in accordance with Paragraph 134 of the Framework and policies ENV1 and ENV2.



## Highway Safety

It should be noted that the one of the two reasons for refusal of the previous application on this site was adverse highway safety impact. That scheme sought permission for two accesses, one serving eleven houses in a similar position to that now proposed. That reason for refusal was considered by the Inspector in determining the appeal and although the appeal was dismissed on the ground of heritage impact, in relation to highway safety the inspector concluded that:

“the proposed development would not harm highway or pedestrian safety. Consequently, I find no conflict with Policy ENV4 of the Pendle Core Strategy which seeks to protect highway safety. Neither do I find conflict with Paragraph 32 of the National Planning Policy Framework (“The Framework”) which indicates that development should provide safe and suitable access to a site.”

Concerns have been raised by both the public and LCC Highways regarding the validity of the traffic survey submitted by the applicant. The purpose of the traffic survey was to establish the average speed of passing traffic to justify a reduction in the required visibility splays at the access to the development. It does not affect the overall acceptability of the development from a highway safety perspective.

In response to LCC Highways concerns amended plans have been voluntarily submitted by the Applicant showing adequate visibility splays of 2.4m x 43m in each direction.

LCC Highways have requested a condition for a highway survey to be carried out before and after the development and intervening damage to the highway repaired. This condition does not meet the tests of being reasonable, precise and relevant to the development as it could not be known that damage to the highway is as a direct result of the development, from other road users or just general wear and tear.

The proposed development is for a smaller scheme than the previous development and would therefore reduce its potential highway safety impact. It is an important material consideration that the highway safety implications of the previous application were assessed by the Planning Inspectorate and found to be acceptable. With no increase in potential harm or change in circumstances to resist this proposal on highway grounds would put the Council at risk of costs at appeal.

The proposed development is acceptable in terms of highway safety in accordance with policy ENV4 and paragraph 32 of the Framework. The acceptability of having an access in this location and its impacts have been tested recently at appeal and the results of that need to be considered as part of the decision making on this application. That Appeal found the highway impacts of that scheme to be acceptable and in the context of this application there is nothing of any material difference that would lead to a highway objection to the application.

## Drainage and Flood Risk

A Flood Risk Assessment and Outline Drainage strategy have been prepared to support the application.

The site is within Flood Zone 1 and as such is deemed low risk from fluvial flooding. Policy ENV 7 sets the standard that greenfield sites will have to achieve in terms of surface water run-off which is a maximum run off rate of 5lts/sec per hectare. This would be based on a 1:100 year + 30% storm event.

The report advises that attenuation via a SuDS scheme is achievable to meet these requirements. This can be controlled by a condition requiring details of a drainage scheme to be approved before any development commences on site.

Comments have been received that localised flooding has occurred around the site. That can be addressed in a formalised drainage plan for the site and dealt with under a condition, resulting in an improvement for the surrounding area.

### **Residential Amenity**

The proposed development would be separated from dwellings on Cob Lane by the existing highway network. Any future layout could be designed in such a way that acceptable separation distances are achieved between buildings.

The relationship is slightly different with those dwellings at Yellow Hall and Spring House which share a boundary with the site. Again with suitable design, scale and window positioning, the amenities of existing and proposed residents can be protected.

### **Natural Heritage and Ecology**

Concerns have been raised regarding impacts of protected species. An extended Phase 1 Habitat Survey has been undertaken as part of the proposal. The assessment found some areas of ecological value (trees, hedges and the watercourse) within the site and recommends that they are retained and protected in any future development. Recommendations are made in line with best practice and can be conditioned as part of any approval.

The development thereby accords with Policy ENV1 and saved Policy 4C.

### **Trees**

A Tree Survey has been undertaken in order to assess the nature and constraints of those currently on site. The report finds that development could take place whilst retaining a number of trees. The indicative layout subsequently shows the required root protection areas free from development.

Whilst landscaping is reserved at this stage, those existing trees could be supplemented with additional planting to help soften the impacts of the new built form.

### **Open Space**

Policy LIV5 requires all proposals for residential units to provide open space/green infrastructure in the following order of priority;

1. On-site provision;
2. Contribution to off-site provision;
3. Enhancements of existing facilities in the area.

The amount and type of open space is dependent on the size of development, existing provision and density. This would therefore be addressed at reserved matters stage and incorporated in to any layout final designs.

### **Affordable Housing**

Policy LIV4 advises that proposals in rural Pendle such as this should incorporate 20% of affordable housing units in to the scheme.

The applicant advises that due to the small scale of the development the on-site provision would be prohibitive. Whilst on-site is the preferred method of supply, LIV4 also states that a financial contribution to the acquisition and refurbishment of redundant and empty homes may also be made. This is the applicant's preferred approach and would need to be controlled by planning obligation.

## **Education**

LCC Schools Planning Team have submitted an assessment demonstration that a contribution towards the provision of one secondary school place is necessary to mitigate the impact of the development on local education services.

## **Other Issues**

Concerns have been raised regarding the provision of services and infrastructure. Where this is a material consideration it is considered by relevant bodies, such as LCC Schools Planning Team and utilities providers. Subject to the contribution detailed above there have been no objections to this application from the relevant bodies.

Concerns have been raised that the development would adversely impact upon the value of nearby dwellings. This is not a material consideration in a planning application.

## **Summary**

The appeal against the refusal of the previous application for 17 houses on this site was dismissed solely on the basis that the public benefits of the development did not outweigh the harm to the setting of the adjacent listed buildings. The indicated revision to the scheme, reducing the number of houses to up to 10 and creating a buffer between the dwellings and Yellow Hall reduce the harmful impact of the development to an acceptable level when weighed against the public benefits of the development. The access and principle of the proposed development is therefore acceptable.

## **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. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and

Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 15.142.01B, 15.142.04D, 15.142.05D.

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

4. No part of the development shall take place until a Planning Obligation pursuant to section 106 of the Town & 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 to the provision of affordable dwellings and education.

Reason: In order to ensure that adequate provision is made for affordable housing and education services and to offset harm to the setting of adjacent listed buildings.

5. The first submission of reserved matters shall include details of the proposed ground levels and a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

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

6. The first submission of reserved matters shall include details of the provision of on-site open space.

Reason: In order to provide appropriate on-site open space provision for this development in accordance with policy LIV5.

7. The first submission of reserved matters shall include details of a 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 + an appropriate allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
- b) The drainage scheme should demonstrate that the surface water run-off must not exceed the existing greenfield rate for the corresponding rainfall 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 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.
- h) Details of finished floor levels.

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

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

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

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

9. 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 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 sustainable drainage system shall be managed and maintained in accordance with the approved details.

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

10. A scheme for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. 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.

11. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- e) Details of wheel-washing facilities including location
- n) Location and details of site compounds
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

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

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

12. The development shall be carried out in accordance with the recommendations set out in the Habitat Survey Report dated March 2016.

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

13. Unless and until 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 as detailed in the Tree Report dated 6th April 2016 and as shown on drawing 15.142 03 D (notwithstanding the position of any dwellings as indicated). 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 protect trees and shrubs as essential elements in the development.

14. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud

and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

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

15. 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 for residents and construction vehicles.

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

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

17. No part of the development shall be commenced unless and until visibility splays measuring 2.4 metres by 43 metres in both directions, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Cob Lane, have been provided in accordance with plan No. 15.142.04D. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

18. No development shall be commenced unless and until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed. The Estate Street Phasing and Completion Plan shall set out dates for entering of the section 38 agreement of the Highways Act 1980 and/or the establishment of a private management and Maintenance Company.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential financial security and highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

19. No development shall be commenced until the estate street fronting the property has been completed in accordance with the Estate Street Development Plan.

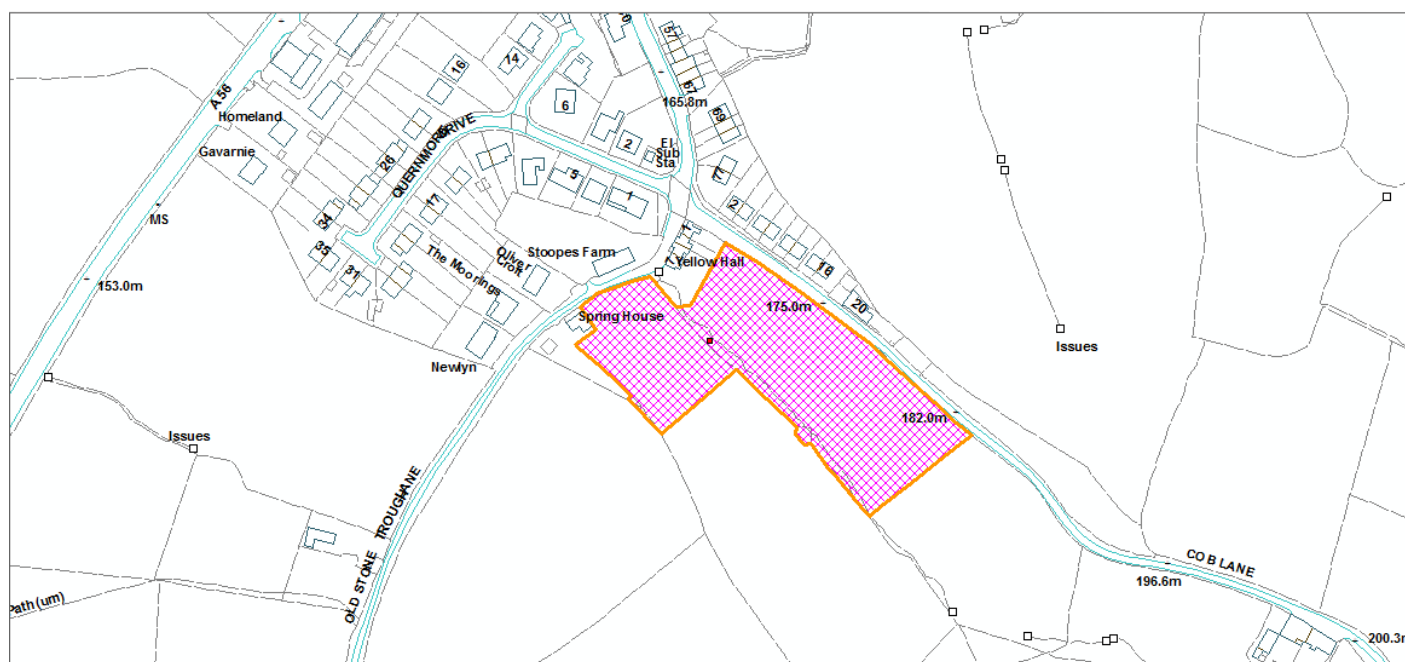
Reasons: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

20. No development shall be commenced unless and until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established].

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential financial security and highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

23. No development shall be commenced unless and until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway



**Application Ref:** 17/0691/OUT

**Proposal:** Outline: Major: Erection of up to 10 Dwellinghouses (Access only) (Re-Submission).

**At:** Land Off Cob Lane And, Old Stone Trough Lane, Kelbrook

**On behalf of:** Mr A. Parker and Miss E. Parker



## REPORT TO WEST CRAVEN COMMITTEE ON 6<sup>TH</sup> FEBRUARY 2018

**Application Ref:** 17/0741/FUL

**Proposal:** Full: Erection of a single dwellinghouse and improvements to access (re-Submission)

**At:** Land to South East of The Anchor Inn, Salterforth Lane, Salterforth.

**On behalf of:** Mr Norman Whiticker

**Date Registered:** 07.12.2017

**Expiry Date:** 01.02.2018

**Case Officer:** Charlotte Pinch

### **Site Description and Proposal**

The application is brought to Committee as it was called in by a Councillor.

The application site is an area of disused land, located to the rear of the Grade II Listed Anchor Inn, off Salterforth Lane and within close proximity of the Leeds-Liverpool Canal to the south west. It is located within Open Countryside.

The proposed development is for the erection of a two storey detached dwellinghouse, to be accessed by a track off Salterforth Lane, adjacent to Salterforth Bridge. The proposed dwelling would have a maximum width of 16.5 metres, depth of 7.5 metres and height of 7.2 metres.

It would be constructed of natural stone and blue slate roof tiles, comprising of four bedrooms and two bathrooms over two storeys.

### **Relevant Planning History**

17/0221/FUL

Full: Erection of single dwelling house and improvements to access.

Application Withdrawn. 2017.

### **Consultee Response**

#### **LCC Highways**

Having considered the information submitted for the above application, the Highway Development Support Section has noted that there appear to be no material changes to the access details to those submitted under application 17/0221. Our response at that time (dated 23 May 2017) was one of objection on highway safety and sustainability grounds. The Highway Development Support Section again raises an objection and recommends refusal on highway safety and sustainability grounds.

Visibility at the junction with Salterforth Lane is poor, especially to the left when exiting. There is one collision recorded in the last five years at the junction, which resulted in a slight personal injury. The highway authority has concerns that increasing traffic movements at this junction, however minor, would have a detrimental effect on highway safety. Whilst the applicant has indicated the installation of traffic mirrors opposite the exit Lancashire County Council, as the highway authority, would not consider these to be an acceptable measure to improve visibility and

highway safety. Nor would the highway authority agree to the installation of such mirrors within the public highway.

The proposed development would lead to the intensification of use of the access track leading from Salterforth Lane and could lead to conflict with other users. Part of the Pennine Cycleway (Route 68 – High Lane) passes along the track, with links to the public footpath along the adjacent canal tow path, both of which are well-used routes by both cyclists and walkers.

Based on the car parking recommendations in Pendle Borough Council's Car and Cycle Parking Standards we are of the opinion that the applicant has not provided adequate off-road parking provision for this type and size of development. Whilst they have shown two off-road spaces within their curtilage three car parking spaces for dwellings with four or more bedrooms should be provided. This under-provision could also lead to vehicles parking in the proposed passing place. In turn this could lead to the conflict of vehicles entering/leaving Salterforth Lane, to the detriment of highway safety.

In terms of sustainability, there are a lack of facilities/basic services in the vicinity which would lead to a reliance on the use of private vehicles.

The applicant has also not shown any provision for cycle storage. Parking Standards state that two secure, covered cycle storage spaces should be provided for residential properties with two or more bedrooms.

Given the above concerns, particularly regarding highway safety, we reiterate our objection and recommend refusal.

### Canal and River Trust

We made comments with regards to the previous application (your ref: 17/0221/FUL) on 30th May 2017, where we identified that the main issues relevant to the Trust as statutory consultee on this application concern:

- a) Water runoff from the proposed foul water drainage;
- b) Impacts of the proposals upon the character and appearance of the waterway corridor; and
- c) Agreement required from the Trust for works on our land.

We understand that the amendments from the original submission concern the submission of vehicle manoeuvring plans. As such, the above issues remain relevant.

Foul Water Run Off; The proposal seeks to discharge water to a septic tank. Such systems usually dispose treated liquid effluent to a septic drain field. We request that full details of the specification and location of this drain field are provided.

Impact on the Character and Appearance of the Waterway Corridor; Although access drawings have been provided, these do not provide sufficient detail upon the proposed improvements to the access track to the site. The works here could impact upon the setting of Salterforth Bridge and/or the adjacent Anchor Inn, both grade II listed structures. In addition, there are risks that the works here could result in an additional risk of vehicle strikes of the bridge parapet, unless the access works and mirror placement are suitably designed.

Land Ownership; The access road to the site is owned by the Trust, and provides access to the canal towpath as well as the neighbouring cottage and application site. Agreement by the Trust would be required for the works to be carried out on the access road. This would be via our 'Code of Practice for Works affecting the Canal & River Trust'.

## **Public Response**

Two letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- Dangerous access at the junction with Salterforth Lane. Very little visibility.
- Previous applications at a neighbouring site, Canal Cottage, have had applications refused due to the access.
- Detrimental impact on protected pub and bridge.
- A large number of pedestrians and cyclists use this access to reach the towpath, causing a danger to vehicles.
- The access should be used for agricultural access only.
- Loss of residential amenity, due to overlooking and close proximity to Roughts Barn.
- Property out of character with the surroundings.
- Impact on the canal as a designated heritage asset.
- Disruption to livestock in neighbouring barns.

## **Officer Comments**

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.

### **Policy**

#### **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.

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 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".

### Local Plan Part 1: Core Strategy

Policy SDP1(Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy LIV1 (Housing Provision and Delivery) 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 the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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

### Replacement Pendle Local Plan

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

### **Principle of the Development**

Policy LIV 1 deals with housing provision and delivery. Although it aims to encourage significant and early delivery of the housing requirement, proposals for new housing development will also be supported where they are current non-allocated sites, however they must be within or very close to a Settlement Boundary, have a sustainable location and make a positive contribution to the five year supply of housing land.

The application site is located immediately adjacent to the settlement boundary of Salterforth, a 170m walk to the nearest bus stop and a 300m walk to the local Primary School.

Furthermore, the application site is located off a short access track, adjacent to other existing residential properties and immediately to the rear of the Anchor Inn. In addition, it would contribute an additional property to the five year supply of housing land within the borough.

As a result, the principle of new housing development on this site is therefore acceptable.

### **Design**

Paragraphs 47 through to 68 of the NPPF contains guidance on providing a wide variety of homes and requiring good design. Policies ENV2 of the Local Plan Part 1 reiterates these points and are relevant in the determination of this application.

The Design Principles SPD advises that materials such as stone and roof tiles should match that of surrounding properties. In addition, window styles should match those of neighbouring dwellings and any regular spacing between dwellings should be respected, with adequate garden area.

The site is located set down and back from Salterforth Lane, directly behind the two storey 'Anchor Inn', which would significantly screen the proposed dwelling from view. In addition, to the south of the site is 'Canal Cottage', a two storey dwelling of a similar scale to that proposed. The proposed dwelling would be of appropriate scale in relation to surrounding buildings and be of a simple design which reflects the traditional character of the area.

The dwelling respects the detached character and fairly spacious nature of plots in the area, providing reasonable garden space and maintaining an adequate buffer with vegetation to the sides of the site.

The dwelling would be constructed of natural stone, painted timber windows and doors and blue slate roof tiles. These would be in keeping with the materials common in the area.

As a result the development would not cause an unacceptable impact on the character and visual amenity of the area in accordance with Policy ENV2.

## **Amenity**

The proposed dwelling is two storeys in height, with a single storey element on the southern side elevation of the property. It is set back from the rear of The Anchor Inn, to the north of 'Canal Cottage' and south of 'Rough Barns'.

The dwelling is set centrally within the plot, retaining a reasonable separation distance with each side boundary. Consideration has been given to the amenity of 'Canal Cottage' as the dwelling is set sufficiently away from the boundary and features a single storey element on the side elevation, mitigating any potential overbearing impacts.

There are no properties located immediately to the front or rear of the proposed dwellinghouse, therefore the proposed windows would not cause a detrimental overlooking impact. No ground or first floor windows are proposed on the south side elevation. Two first floor windows are shown on the north side elevation, however given the siting of the dwelling, these would look to the east of 'Rough Barns' and not have a direct impact.

Therefore, the proposed development is acceptable in terms of residential amenity and complies with Policy ENV2.

## **Highways and Access**

Paragraph 32 of the NPPF states 'Plans and decisions should take account of whether: safe and suitable access to the site can be achieved for all people.'

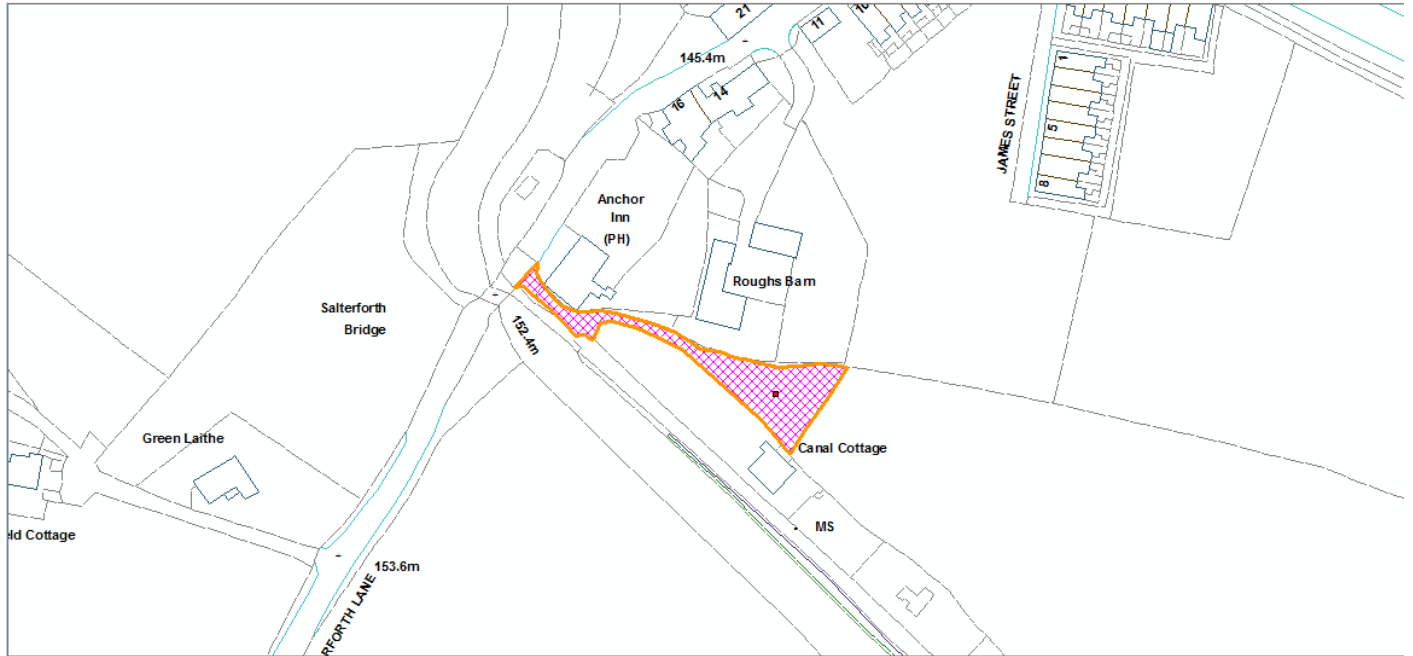
The proposed access to the site would be off Salterforth Lane, to the immediate west of the Anchor Inn. This is a relatively narrow access, from which visibility is significantly reduced by the rising humpback bridge to the west and the Anchor Inn to the east. This access is situated directly adjacent to the Leeds-Liverpool Canal and Pennine Cycleway. These are well-used routes for visitors and pedestrians, who regularly use both the road and the footpaths.

LCC Highways have raised an objection to the proposal, highlighting concerns of poor visibility at the junction with Salterforth Lane, especially to the left when exiting due to the humpback bridge. Any increase to traffic movements at this junction would have a detrimental impact on highway safety; furthermore the installation of any such mirrors would not mitigate this situation.

As a result, this is not a safe and suitable access and therefore does not comply with Para. 32 of the NPPF.

## **RECOMMENDATION: Refuse**

1. The development is served off a dangerous and substandard access, with inadequate visibility. The increase in traffic using this access generated by this proposal would result in a significant detrimental impact on highway safety. This would be contrary to Saved Policy 31 of the Replacement Pendle Local Plan.



**Application Ref: 17/0741/FUL**

**Proposal:** Full: Erection of a single dwellinghouse and improvements to access (re-Submission)

**At:** Land to South East of The Anchor Inn, Salterforth Lane, Salterforth.

**On behalf of:** Mr Norman Whiticker

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 25th January 2018**