



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

**TO:** BRIERFIELD AND REEDLEY COMMITTEE

**DATE:** 6<sup>th</sup> March 2018

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## PLANNING APPLICATIONS

### **PURPOSE OF REPORT**

To determine the attached planning applications

## **REPORT TO BRIERFIELD AND REEDLEY COMMITTEE 6<sup>th</sup> MARCH, 2018**

**Application Ref:** 17/0611/OUT

**Proposal:** Outline: Major: Erection of dwellings (Access only)

**At:** Land to the South of Wood Clough Platts Brierfield

**On behalf of:** Cross Construction

**Date Registered:** 13 November 2017

**Expiry Date:** 12 February 2018

**Case Officer:** Kathryn Hughes

### ***Site Description and Proposal***

Outline planning permission is sought (access only) for the erection of 48 dwellinghouses on land to the south of Woodclough Platts in Brierfield. The site is located within the settlement boundary and of no special designation in the Local Plan.

The proposal is for access only off Quakers View. Whilst an indicative layout plan has been submitted consideration of details such as appearance, landscaping, layout and scale are reserved at this stage and will be subject to a future application should outline permission be granted.

### ***Relevant Planning History***

None.

### ***Consultee Response***

LCC Highways –The site is located approximately 800 metres from Brierfield Town Centre which offers all local facilities and mainline bus services. The nearest mainline bus stops on the A682 Colne Road accord with the quality bus stop standard.

To improve the walkability at the site additional lengths of footway are required on Clitheroe Road.

Off-site highway works

It will be necessary to provide DDA compliant bus border kerbs at the nearest bus stop on Clitheroe Road to accommodate the needs of those residents with restricted mobility and prams. The location is not suitable for the provision of a bus shelter.

A new footway should be provided on the south side of Clitheroe Road between Wood Clough Platts and Quakers View to provide maximum walkability from the site to the surrounding network. The land is currently a grass verge which is adopted highway in the most part, with a section of land owned by Lancashire County Council.

### **Site access and Layout**

Quakers View provides vehicular access for 52 existing properties and 54 are proposed under this application which results in more than 100 dwellings off a single access. Where a single access is proposed for over 100 dwellings we would seek a secondary access.

To conclude the Highway Authority would raise no objection to the proposed development subject to the provision of a secondary access point at Wood Clough Platts and appropriate conditions relating to construction method statement, site access and off-site highway works, internal estate road, travel plan, phasing and completion plan, future management and maintenance, porous surface materials, cycle stores and electric charging points.

LCC have agreed that due to the reduction in number the secondary access road previously requested is not now required.

LLFA – Objected to the development proposed development initially but on receipt of further information as revised their comments as follows:

As noted in our letter dated 19 January 2018, the LLFA originally objected to the proposed development on the grounds of an inadequate flood risk assessment (FRA). The applicant has since responded to this objection with a revised FRA and proposed site layout. The LLFA has considered this revised information and is satisfied that the previous objection can now be withdrawn, subject to the above recommended condition.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will still need to provide further information at Reserved Matters to ensure that the proposed development can go ahead without posing an unacceptable flood risk.

#### **Surface water management:**

The applicant has provided indicative post development surface water runoff rates and storage requirements within their revised flood risk assessment. The LLFA would like to clarify that it is unable to agree to the suitability of these rates and volumes until the final site layout has been agreed at Reserved Matters. This is because the amount of impermeable area within the site is still subject to change.

LLFA would also like to highlight that the intended surface water discharge point is Pendle Water which is classed as a Main River. Whilst higher priority discharge points should be considered first, namely into the ground (infiltration), it is recognised from the FRA that this option is unlikely to be suitable due to existing ground conditions. The LLFA considers this justification to be acceptable in principle, subject to evidence of test results being provided at Reserved Matters to confirm infiltration rates. Whilst it would normally be the LLFA that would comment on surface water management, the LPA is advised to also consider consulting the Environment Agency in this regard as the proposed surface water outfall location is on a Main River.

The proposed surface water outfall is located outside the red line boundary of the site. It is understood however that this piece of land is within the ownership of the applicant and therefore the LLFA has no adverse comment to make in this regard. The LLFA would however recommend for the LPA to check the land ownership of this piece of land and if minded to do so, to also add an appropriate condition or informative in order to secure the right of access for the construction, operation and future maintenance of the pipe/outfall.

#### **Lead Local Flood Authority (LLFA) Position**

The LLFA wishes to withdraw its objection to the proposed development subject to An appropriate condition requiring the Reserved Matters to include surface water drainage scheme to be agreed.

Canal & River Trust – The main issues relevant are:

- a) Impact on the structural integrity of the canal embankment due to the proximity of the building works to the canal.
- b) Account of potential flood risk from the canal.
- c) Impact on the character of the waterway corridor.

On the basis of on the information available our advice is that suitably worded conditions are necessary to address these matters. Our advice and comments are detailed below:

#### Impact on the Structural Integrity of the Canal Embankment

Additional information is required to ensure that the proposed development would not compromise the structural stability of the canal embankment to the south of the site. This embankment is up to 5m in height above the site, and supports the canal.

Changes to ground levels, and construction works (including vibrations and loading from machinery) in proximity to the base of the embankment can affect the stability of the structure. We therefore request that details of the extent of excavation works (including foundation works) and a Construction Management Plan should be provided prior to the commencement of construction works in order to demonstrate that the proposals will be designed to limit the risk to the embankment. These details could be reserved by condition.

In addition, without sufficient drainage installed at the bottom of the cutting, the new buildings could trap water at the bottom of the embankment, which could pool and affect the integrity of the supporting structure. Given the age of the canal, water might also seep from the canal into this area, exacerbating this issue. We therefore request that drainage measures are incorporated at the toe of the embankment to carry water away from this area. This could be reserved by condition.

#### Flood Risk from the Canal

We note that the submitted Flood Risk Assessment does not acknowledge the presence of the canal, and we would advise that threats from the canal should be taken into account as part of the assessment. For example, the possibility that the canal may leak or breach through the site, and potential mitigation measures.

A report to cover this matter could be reserved by condition.

#### Impact on the character of the Waterway Corridor

We request that details of the landscaping proposals to the rear of the properties facing the canal should be provided as this will impact upon the appearance of the adjacent waterway corridor. We note that the proposals include the removal of some trees in this area, and we would welcome the inclusion of appropriate planting to help ensure that a well landscaped buffer can be maintained between the site and the canal. This would be important for screening any rear boundary treatments for housing. These details can be provided at reserved matters stage.

We also request that maintenance for the landscaped area between the canal and the development, within the site boundary, is considered. Due to the proximity of new housing, and proposed new planting, there is a need to ensure that this area is well managed in order to prevent litter accumulation and to manage vegetation growth.

We request that such details are reserved by condition.

The proposed scheme, in proximity to the embankment, would need to accord with the Trust's Code of Practice for Third Party Works.

The Coal Authority – Originally raised a Fundamental Concern as the application site falls partly within the defined Development High Risk Area.

#### Re-consultation - The Coal Authority Response: **Material Consideration**

The applicant has submitted a Coal Mining Risk Assessment in support of the planning application.

Based on a review of appropriate sources of coal mining and geological information, the report acknowledges that a coal seam is likely to be present beneath the site at shallow depth. However, it concludes that this seam is unlikely to have been mined and in any case benefits from sufficient overlying competent rock cover to ensure ground instability in the unlikely event that workings are present. The report also concludes that coal gas poses negligible risk to the proposed development. On this basis, no further remedial or mitigatory measures are proposed.

The Coal Authority welcomes the precautionary recommendation for the undertaking of a watching brief during ground works to identify any unexpected or unusual features which could be attributable to past coal mining activity.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient and therefore withdraws its objection to the proposed development. However, further more detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent Building Regulations application.

Natural England – No comments.

United Utilities

Brierfield Town Council

### ***Public Response***

Nearest neighbours notified by letter. 13 letters, emails/webcomments received objecting to the proposal on the following grounds as well as a petition containing 51 signatures:

- Construction traffic will cause disturbance, noise and damage, dirt and deliveries of materials, damage to road and services and increased risk of accidents to children, pets and residents;
- Will double the amount of traffic at the proposed access road at Quakers View, junction of Clitheroe Road, safety issues caused by restricted view caused by canal bridge and parked cars and possibility of increased speeding on estate road;
- Noise of plant machinery entering and existing the proposed access road, noise of increased vehicular traffic, loss of bordering countryside for existing residents, on-going construction work on opposite side of Clitheroe Road, changing character if established residential estate;
- Loss of green fields;
- Quakers View was not designed for an additional 200 journeys per day and is not wide enough;
- No facilities in the area of younger children and 54 new family homes will increase the number of young children who will have nowhere to play except the street;
- The development will impact on wildlife including deer and foxes;
- The junction with Clitheroe Road is dangerous to both drivers and pedestrians because of vision restrictions over the canal bridge;

- When we purchased the property we were told the adjacent derelict field was Brown Belt and could not be built on for a minimum of fifty years;
- I am lead to believe there is a coal mine below this site;
- The trees in the field had preservation orders on them yet someone has cut them down and said they were dead; and
- There are numerous brownfield sites in the locality which appear to be ripe for development and are in line with present Government Policy.

## ***Policy***

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

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

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

The following Local Plan policies are relevant to this application:

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

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 ENV5 seeks to minimise air, water, noise, odour and light pollution and to address the risks arising from contaminated land, unstable land and hazardous substances.

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

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

## **National Planning Policy Framework**

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development.

Of particular relevance to this proposal which seeks approval of access only, is paragraph 32. This states that planning decision should take account of whether safe and suitable access can be achieved for all people. Development should only be refused where residual cumulative impacts of the development are severe.

Also relevant is paragraph 120 which relates to land stability.

## **Principle of Housing**

The site is located within the settlement boundary on a site allocated for housing. The housing allocation establishes that the principle of development on the site is acceptable.

## **Officer Comments**

The primary issues for consideration in this proposal are highway safety, landscape impact, ecology, trees, canal stability and drainage. Matters of appearance, layout, landscaping and scale are reserved at this stage. Indicative plans have been provided, however detailed analysis of these and relationships within neighbours would be assessed as part of any future submission.

### **Highway Safety**

A single site access is proposed from Quakers View which is an adopted highway leading off Clitheroe Road.

The application has been accompanied by a transport assessment that looks at the capacity of the road network and junctions to accommodate the development. LCC have commented on the application and made comments on it as outlined below.

The site is close to Brierfield Town Centre which offers local facilities as well as mainline bus services. To improve on the sustainability of the site additional lengths of footways will be required along sections of Clitheroe Road along with improvements to the bus border kerbs to the nearest bus stop on Clitheroe Road. These will form part of the off-site highway works for the site.

Although LCC Highways had requested a secondary access from Wood Clough Platts this is not within the applicant's ownership and therefore following a reduction in the proposed number of unit from 54 to 48 which reduces the total number of units to be served from this access from 106 to 100 which is acceptable and negates the need for a second access. LCC Highways have confirmed that this acceptable.

The proposed visibility splays are acceptable and the road layout should be constructed to adoptable standards.

On-site parking should be provided in line with the requirements of policy 31 and secured bicycle storage provided as well as electric vehicle charging points.

The development is therefore acceptable in terms of highway impacts.

### **Landscape Impact**

The site is not within any designated landscape and although there are public viewpoints into the site from the Canal path this proposed housing development would not result in the loss of any landscape of particular value.

Whilst the proposed development will lead to the loss of a greenfield, wooded site there is some scope to provide more appropriate tree planting to provide screening which would result in some ecological improvement along the canal path and views from Pendle Water would be screened by the existing Woodland.

### **Ecology**

An ecological assessment has been submitted as part of the application. The Canal is a biological heritage corridor and it is therefore important that an effective landscaping scheme is submitted in order to maintain. This will form part of the Reserved Matters application.

The assessment advises that some of the trees on the site may provide suitable habitats for bats. These trees have now been removed. It therefore recommends that appropriate bat and bird

boxes are provided within the site in order to mitigate for the potential loss of habitats in the future development of the site.

The report contains recommendations to provide appropriate housing within the site for bats and birds and these can be controlled by an appropriate condition and the development thereby accords with Policy ENV1.

## **Trees**

The scheme will result in the removal of several trees on the site, however, none of these are protected by Tree Preservation Order and none are deemed worthy of such protection. The site is not within a Conservation Area and some clearing of trees, shrubs and vegetation has already been undertaken.

Some of the trees felled were in extremely poor condition and an Arboricultural Report has been submitted which states that none of the tree are of a particular high value.

Additional planting to compensate for some of the trees can be controlled as part of the landscaping scheme at Reserved Matters stage.

## **Stability of the Canal**

Concerns have been raised by the Canal & River Trust regarding the potential impact of the development on the stability of the Canal. An assessment has been submitted as part of the application and the Canal & River Trust are satisfied with this subject to appropriate conditions to control excavations of the foundations and machinery located close to the Canal infrastructure.

Additional information is required to ensure that the proposed development would not compromise the structural stability of the canal embankment to the south of the site. This embankment is up to 5m in height above the site, and supports the canal.

Changes to ground levels, and construction works (including vibrations and loading from machinery) in proximity to the base of the embankment can affect the stability of the structure.

In addition, without sufficient drainage installed at the bottom of the cutting, the new buildings could trap water at the bottom of the embankment, which could pool and affect the integrity of the supporting structure. Given the age of the canal, water might also seep from the canal into this area, exacerbating this issue. We therefore request that drainage measures are incorporated at the toe of the embankment to carry water away from this area. This could be reserved by condition.

Details of the landscaping proposals to the rear of the properties facing the canal will impact upon the appearance of the adjacent waterway corridors. Appropriate planting will ensure that a well landscaped buffer is maintained between the site and the canal. This would be important for screening any rear boundary treatments for housing.

Comments from The Canal & River Trust on the updated flood risk assessment are awaited and will be reported to the meeting. The land stability of the Canal is acceptable subject to appropriate conditions to control the development and accords with Policy ENV5.

## **Drainage and Flood Risk**

The Lead Local Flood Authority removed their objection to the proposal subject to appropriate condition requiring more details to be submitted. This accords with paragraph 103 of the Framework and paragraph 80 of the Planning Practice Guidance document.



One outstanding issue is that the outflow for the discharge of the surface water lies outside of the red edge of the application site but on land which is within the ownership of the applicant and therefore this needs to be addressed in order to ensure that this can be maintained as part of the future management of the site.

Subject to the above the details submitted are sufficient to satisfy the requirements above as well as those of Policy ENV7.

## **Summary**

The proposed outline scheme for 48 dwellinghouses is acceptable in terms of highway safety, landscape impact, ecology, trees, canal stability and drainage subject to appropriate conditions and clarification on the future maintenance of the outflow.

## ***RECOMMENDATION: Approval***

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, landscaping, layout and scale 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 and landscaping (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:

CROS23/DWG 01 and CROS23 Dwg 02.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. The development shall be carried out in strict accordance with the recommendations set out in the Extended Phase 1 Habitat Survey & Protected Species Survey/Assessment compiled by Pennine Ecological dated May, 2017.

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

8. No part of the development shall be commenced unless and until a Construction Code-of-Practice method statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
  - b) The areas and methods of loading and unloading of plant and materials.
  - c) The areas for the storage of plant and materials.
  - e) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
  - h) Location and details of site compounds
  - i) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
  - j) Noise-monitoring to be carried out for the construction period.
  - k) Parking area(s) for construction traffic and personnel
  - L) Details of the provision and use of wheel washing on the site
  - M) Site security

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

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

9. No development shall commence unless and until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority before any works commences on site.

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

10. No development shall commence unless and until a scheme for the site access points and off-site highway works to facilitate the development have been submitted to and approved in writing by the Local Planning Authority. This shall include DDA compliant bus border kerbs at the bus stop on Clitheroe Road and the construction of a new footway on the south side on Clitheroe Road and the construction of a new footway on the south side of Clitheroe Road between Wood Clough Platts and Quakers View. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwellinghouse.

**Reason:** To ensure the site is accessible for all users.

11. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level to each

plot before any development commences on that plot. The final wearing course shall be completed to each plot within 2 years of the substantial completion of each plot or within one week of the substantial completion of the final house on site whichever shall occur first unless another timescale is agreed in writing by the Local Planning Authority. If an alternative timescale is agreed the completion of the highway shall be undertaken in strict accordance with the agreed timescale.

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

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

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

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

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

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

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

15. No commencement of developments shall take place unless and until details of the proposed drainage at the base of the canal embankment have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be constructed in accordance with the approved details.

**Reason:** In the interests of ensuring the land stability of the adjacent embankment, in line with the requirements of paragraphs 109 and 121 of the National Planning Policy Framework.

16. Prior to the commencement of development, a works method statement for the works proposed to the canal embankment shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the proposed excavation works including foundations and details of the location of construction equipment on site to demonstrate how the structural integrity of the canal retaining embankment shall be protected during the course of the construction works. Construction shall thereafter be in accordance with the approved details.

**Reason:** In the interests of ensuring the land stability of the adjacent embankment, in line with the requirements of paragraphs 109 and 121 of the National Planning Policy Framework.

17. No development shall commence unless and until the following details have been submitted to, and approved in writing by, the Local Planning 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-changeallowances>), 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 an ordinary watercourse will only be considered where infiltration is proved to be unsuitable.

g) Details of water quality controls, where applicable.

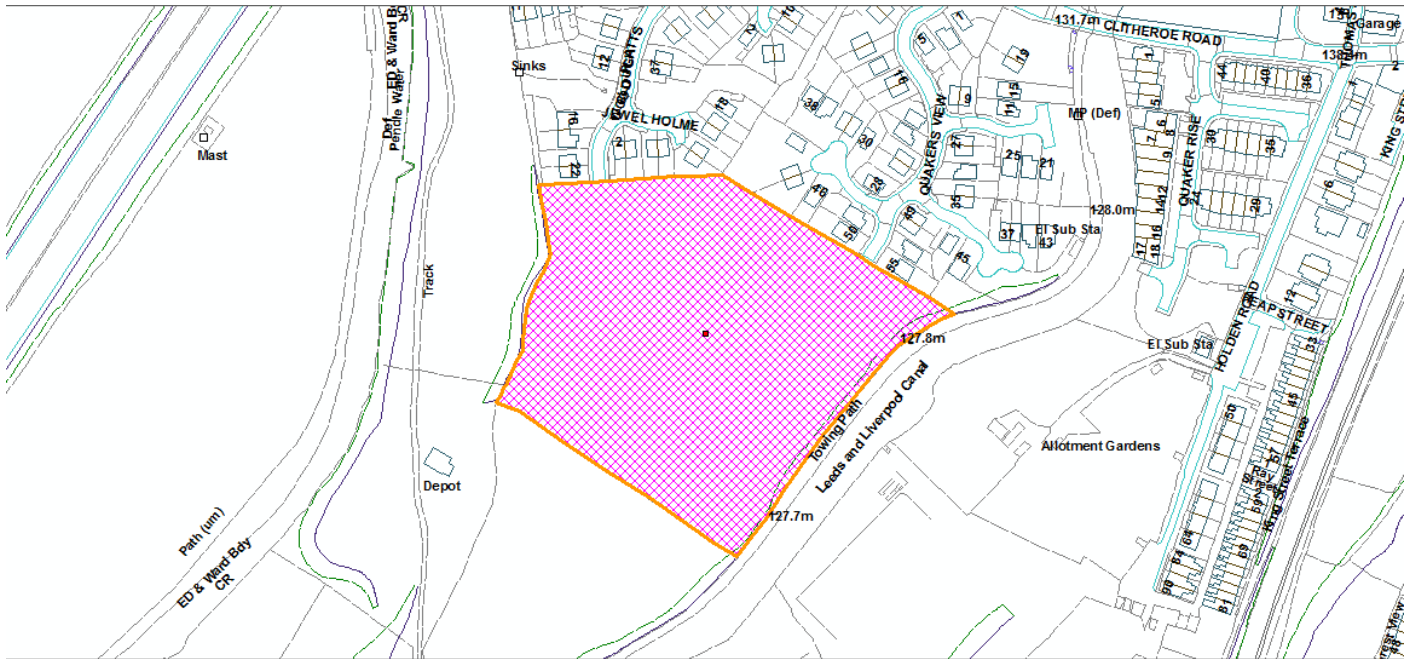
The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

**Reason:** To ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development and that water quality is not detrimentally impacted by the development proposal

## Informatives

1. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk) in the first instance to ascertain the details of such an agreement and the information to be provided.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)
3. The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and

that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust.



**Application Ref:** 17/0611/OUT

**Proposal:** Outline: Major: Erection of 48 dwellings (Access only)

**At:** Land to the South of Wood Clough Platts Brierfield

**On behalf of:** Cross Construction

## REPORT TO BRIERFIELD AND REEDLEY COMMITTEE 6<sup>th</sup> MARCH, 2018

**Application Ref:** 18/0028/FUL

**Proposal:** Full: Erection of a single, two storey dwelling.

**At:** 59 Pennine Way, Brierfield (land to the rear of)

**On Behalf of:** Miss Isma Kausar

**Date Registered:** 11 January, 2018

**Expiry Date:** 08 March, 2018

**Case Officer:** Christian Barton

### ***Site Description and Proposal***

The application site is an area of domestic garden found to the west of 59 Pennine Way. The land sits off Parsonage Drive, a residential street lined with properties of varied styles and frontages. The site is surrounded by residential property to all sides and has an electricity substation immediately adjacent to the west. The site currently houses derelict glass houses and sheds and is planted with trees and shrubs of a variety of species.

The application seeks to erect a two storey, domestic property with three bedrooms. The formation of new access off Parsonage Drive is also proposed along with a tarmac hardstanding to the east of the proposed dwelling. The house is to have a footprint of 10m x 8m with a porch also proposed for the front (north) elevation.

The house is to have dormers on both the front and rear roofslopes of the property with a ridgeline height of 6.7m. The materials proposed for the build are off-white rendered finished walls, grey slate roofing tiles, dark grey timber cladding and dark grey uPVC doors and windows. 1.8m panelled fencing is also proposed for the boundaries of the property along with retained shrubbery.

### ***Planning History***

No relevant planning history.

### ***Consultee Response***

LCC Highways - From the information submitted, including a revised proposed site plan (Drawing No 8030-05A), and a site visit on 1 February 2018 at 10.30am, the **Highway Development Support Section does not have any objections** in principle regarding the proposed erection of a single, two storey dwelling at the above location. We are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site, subject to the following comments being noted, and conditions and note being applied to any formal planning approval granted.

Recommendations in the 'Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards' are that 'at least one secure cycle space should be provided for single bedroom residential properties and two where more than two bedrooms are to be provided.' The developer should therefore be asked to provide secure, covered storage for two cycles within the site's curtilage. Due to the development site's location within a residential estate, and close to Reedley Primary School on Reedley Road, the timing of deliveries should be restricted to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times.

This development would require the construction of a new vehicle access from the site onto Parsonage Drive. Lancashire County Council as Highway Authority must specify the works to be carried out. The developer should be advised that only the Highway Authority, or a contractor approved by the Highway Authority, can carry out these works.

If the local planning authority is minded to approve this application we would ask that the following conditions and note are applied to any formal planning approval granted.

### **Conditions**

1. No deliveries shall be made before 9.00 am and after 3.00pm to avoid conflict with traffic (vehicular or pedestrian) attending the local primary school and/or entering/leaving the estate. Reason: In the interest of highway safety.
2. 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.
3. The cycle storage facilities to be provided in accordance with a scheme to be approved by the Local Planning Authority and the cycle storage facilities to be provided in accordance with the approved plan, before the premises hereby permitted is first occupied and permanently maintained thereafter. Reason: To promote sustainable forms of transport and aid social inclusion.

### **Note**

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>

United Utilities - With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region:

### **Drainage Comments**

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.



A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk) as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

## **Water Comments**

The level of cover to the water mains and sewers must not be compromised either during or after construction. A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers.

## **General comments**

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and we recommend the applicant contact our Property Searches Team at [Property.Searches@uuplc.co.uk](mailto:Property.Searches@uuplc.co.uk) to obtain maps of the site.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Brierfield Town Council – No comments received.

## **Public Response**

Comments have been received from neighbours relating to;

- Loss of light
- Unsuitability of the design
- Potential to encourage similar developments
- Loss of views
- Loss of trees/habitats and implications for local wildlife
- Issues with the access and highway safety
- Loss of residential privacy
- Increased on-street parking.

## **Officer Comments**

The main considerations for this application is the principle of the development, any potential impacts on residential amenity, the design, off-street parking and highway safety and drainage.

The Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) is the starting point for considering planning applications. Policies that conform to the National Planning Policy Framework and are up to date must be given full weight when planning applications are considered. Other relevant material considerations are then set against the Policies of the Local Plan and contribute to the decision making process.

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

Paragraph 47 of the Framework specifies that Local Planning Authorities (LPAs) should identify a supply of deliverable housing sites to provide five years' worth of land for housing requirements. Paragraph 49 of the Framework states that that relevant polices that relate to housing land supplies should not be considered up-to-date if the LPA is not able to demonstrate a five-year supply of deliverable housing sites. The most recent Annual Monitoring Review (AMR) has demonstrated a five-year housing supply and as such the Policies from the Core Strategy apply.

Section 7 of the Framework relates to the design of developments with emphasis placed on the linkages between good design and sustainable development. Paragraph 64 of the Framework states that planning permissions should be refused where development exhibits a poor design and fails to take opportunities to improve the character and quality of an area and the way that area functions.

### The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:

- CS Policy ENV2 relates to the achievement of good design in new developments
- CS Policy LIV5 echoes these requirements but with specific relevance to housing
- CS Policy SDP1 sets out the presumption in favour of sustainable development which runs through the Core Strategy.
- CS Policy SDP2 relates to spatial development principles, the role of individual settlements and the selection of sites for new development.
- CS Policy SDP3 seeks to direct new housing to the most sustainable places. The largest percentage will be located in the M65 corridor, which includes Brierfield.
- CS Policy LIV1 supports new residential development which accords with other policies within the Core Strategy, particularly when located on non-allocated sites within a settlement boundary where they are sustainable.

### Other policies and guidance's are also relevant:

- Saved Replacement Local Plan Policy 31 that sets out the parking standards for developments.
- The Design Principles Supplementary Planning Document (SPD) applies to new build homes and sets out the aspects required for good design.

## 1. Principle of Housing

The site is located within the settlement boundary of Brierfield, taking its proximity in relation services and facilities and lies in a residential area. There are no objections to the principle of development.

## 2. Impacts on Amenity

The properties that could be affected by the development are 59 and 61 Pennine Way and 22 and 27 Parsonage Drive. The other neighbouring properties are far enough away from the development to not be effected.

22 and 27 Parsonage Drive are found to the north and west of the site. These two neighbouring properties are sufficiently separated from the proposed dwelling to prevent any adverse effects on the living conditions of the occupants of those properties. Dense screening on the west perimeter of the site would prevent any adverse losses of privacy for occupants of number 27 in relation to the kitchen window proposed for the side (west) elevation. Number 22 is separated 27m from the north perimeter of the site with these distances are in line with the guidance in the adopted Design Principles SPD, this is acceptable.

The dwelling is proposed for part of the rear garden of 59 Pennine Way, located to the east of the site. The east elevation of the proposed dwelling is proposed to be a blank elevation which would negate any loss of privacy for the neighbours to the east. The rear elevation of number 59 contains windows that serve main habitable areas and would be 9m from the side (east) elevation of the proposed dwelling. Minimum distances of 12m are advised in the adopted Design Principles SPD between principle windows and two storey elevations. This relationship would normally be unacceptable unless there were any specific circumstances which would lead to it being considered acceptable. There are none here and the relationship would lead to an unacceptable overbearing impact on the occupants of the existing house at number 59. This is in the knowledge that the applicant is the owner of 59.

61 Pennine Way is found to the south of the site with the rear garden adjoining. The proposed house would be 9.5m from the rear elevation of number 61 which in turn has large windows serving main habitable areas facing. The scheme would also have adverse effects on the living conditions of the occupants of number 61. The rear elevation of the proposed dwelling is 4m from the south perimeter of the site with two bedroom windows proposed at first floor level. Views from those windows would be directed towards to main rear garden areas of number 61, the development presents adverse issues in relation to losses of residential privacy and this is unacceptable.

## 3. Design

The existing street scene of Pennine Way and Parsonage Drive consists of a mix of both one and two storey properties constructed from pale coloured brickwork with some rendered houses also. The predominantly off-white rendered property would be a suitable addition to the varied street scene of the immediate vicinity.

Dark grey timber cladding is proposed for the porch of the dwelling along with the elevations of the roof dormers. The frontages of the existing dwellings in the vicinity of the site have been subject to range of alterations with use of different modern materials. As such the modern design proposed would blend acceptably with the existing appearance of the area and is acceptable.

#### 4. Highway Safety

Concerns have been raised from neighbours in relation to localised losses of highway safety. The development presents no adverse concerns in relation to highway safety and the 'Highway Development Support Section does not have any objections' to the proposal. The location of the access is suitable with visibility splays sufficiently extending in both directions of traffic flow. The scheme details two off-street parking spaces for the three bedroom property; this level of provision complies with the guidance of Policy 31 and is acceptable.

#### 5. Drainage

A main sewer spans the site extending from the rear elevation of number 59 to the north-west corner. The Applicant has forwarded information from a United Utilities Network Engineer confirming a build over agreement of the sewer in principle. Any drainage infrastructure issues are resolved post application at the Building Regulations stage when Part H4 of the Regulations has been satisfied.

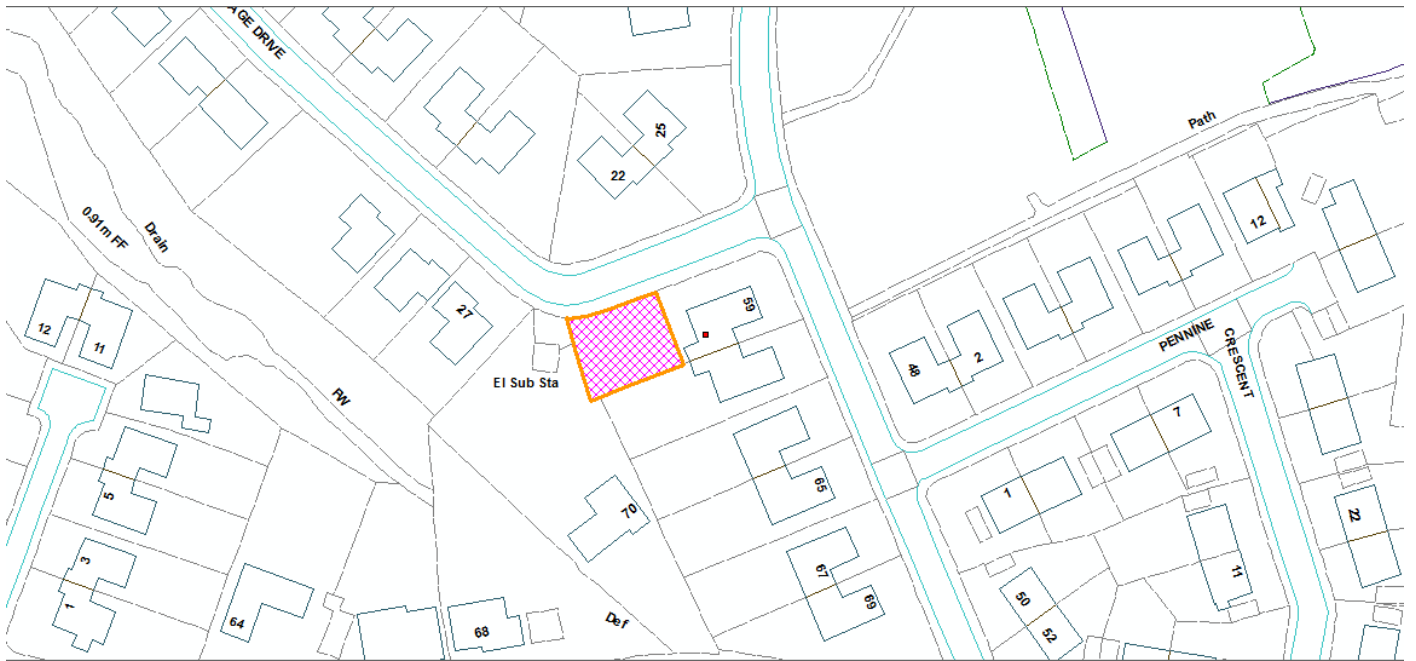
#### 6. Summary

The application seeks to erect a two storey domestic property with three bedrooms along with the formation of a new access of Parsonage Drive and associated works. The development is acceptable in principle with the design, implications for highway safety, drainage and effects on the residential amenity of some of the neighbouring properties also being suitable. The scheme therefore complies with Policies LIV1, LIV5, SDP1, SDP2 and SPD3 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) and Policy 31 of the Saved Replacement Local Plan.

The proposal would however result in unacceptable effects on the living conditions of the occupants 59 and 61 Pennine Way. The scheme would also result in adverse effects on the residential privacy of some of the neighbouring properties with a particular emphasis on the domestic garden areas to the south of the site. The scheme is therefore unacceptable in this location and fails to comply with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) and the Design Principles Supplementary Planning Document.

### ***RECOMMENDATION: Refuse***

1. The proposed dwelling would severely and unacceptably impact on the residential amenity and privacy of the neighbours to the south and east (59 and 61 Pennine Way). The dwelling would have an overbearing and unacceptable impact on the living conditions of the occupants of these houses. The scheme as proposed is therefore unacceptable and fails to comply with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030) and the Design Principles Supplementary Planning Document.



**Application Ref: 18/0028/FUL**

**Proposal:** Full: Erection of a single, two storey dwelling.

**At:** 59 Pennine Way, Brierfield (land to the rear of)

**On Behalf of:** Miss Isma Kausar

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 26th February 2018**