



REPORT FROM:	PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER
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TO:	POLICY AND RESOURCES COMMITTEE
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DATE:	26th June 2018
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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 applications.

REPORT TO POLICY & RESOURCE COMMITTEE ON 26th JUNE, 2018

Application Ref: 18/0248/OUT

Proposal: Outline: Major: Residential development of 3.40ha (Access only) (resubmission)

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

On behalf of: Future Habitats Ltd

Date Registered: 9 April, 2018

Expiry Date: 9 July, 2018

Case Officer: Kathryn Hughes

The application stands to be determined by this Committee but has been to the West Craven Area Committee for comment.

Site Description and Proposal

The application site is a 3.40ha parcel of agricultural land adjacent to the northern settlement boundary of Barnoldswick. It lies outside the settlement boundary within open countryside.

The site slopes generally from Skipton Road along the south eastern boundary towards the canal which runs along the site's north western boundary from approximately 160m AOD to 149m AOD. It is bounded by housing on Meadow Way to the south, the Leeds/Liverpool Canal to the west, Skipton Road to the east with open fields to the north. There are four listed structures to the west and north of the site.

Access to the dwelling houses would be via a new estate road from Skipton Road with an emergency exit route proposed onto Meadow Way.

This application seeks outline consent for the erection of up to sixty three dwelling houses with access only not reserved for future consideration.

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

Relevant Planning History

17/0465/OUT - Outline: Major: Residential development of 5.44ha (Access only) – Refused.

Consultee Response

West Craven Area Committee

Acknowledges that this land is included in the Strategic Housing Land Availability Assessment and forms part of the five year housing supply for the borough, however, considers that recent decisions on applications in Barnoldswick almost meet the full housing requirement in the Core Strategy for the lifetime of the Local Plan; therefore, the development of over 60 additional houses isn't necessary to fulfil the obligations for new housing in the town.

The proposed development would extend into a very sensitive area of open countryside and could not be considered as 'rounding off' or infill. With the availability of sites better related to the existing built form of the town, the application site scores poorly in any sequential and sustainable test.

There must be special regard to the desirability of preserving the setting of listed buildings in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). This statutory duty is reflected in the Framework in paragraph 132. The Framework identifies that significance can be harmed by alteration or destruction of the asset or development within its setting.

Development of this land would dominate the skyline of listed structures on the Leeds and Liverpool Canal. Greenberfield Locks is itself considered to be the finest example of canal construction in the country. The importance of this asset is therefore of national, as well as local, significance.

Development of this land would be an unacceptable impact on the character and appearance of the area with the views from the public highway overlooking the site being destroyed by the development. Views of the drumlin field and the surrounding high ground of the Bowland Fells and hills of the Yorkshire Dales would also be lost.

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

There is also concern about the capacity of the foul sewers to accommodate additional waste from a development of over 100 new houses with a constrained sewer running underneath the canal. Although UU have raised no objection, local knowledge indicates that the sewer beneath the canal is barely adequate for current flows and would be inadequate for additional houses.

Surface water drainage also represents a significant constraint to development with dozens of homes repeatedly flooded due to the inadequate capacity of the culvert. Any further development in this vicinity must require an increase in capacity of the single culvert taking surface water from this area. Committee note the intention to discharge

surface water into the canal, but point out that in flood conditions, this would discharge from the canal via the emergency sluice opposite, leading to an intensification of flooding along Greenberfield Lane.

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

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

LCC Highways – The following comments are made to the proposed development of up to 65 dwellings with the submitted Transport Assessment, the 'Access arrangements & visibility splays' drawing A3399-01-Rev B dated 20.09.17 and the Clendon Architecture Proposed site plan A2.

The additional assessment of the Skipton Road B6252, Gisburn Road mini roundabout junction shows sufficient capacity to accommodate the development traffic.

Sustainability

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

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

There are bus stops located in both directions on Skipton Road within an acceptable walking distance of the development site in accordance with the IHT guidelines.

The bus stop infrastructure requires upgrading to ensure that a quality facility is provided for bus passengers to maximise the potential usage.

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

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

Travel Plan

We would require a Framework Travel Plan followed with a Full Travel Plan annually for 5 years.

Site access

The Skipton Road site access drawing 'Access arrangements & visibility splays' A3399-01-Rev B is acceptable in principal and will be subject to a detailed design under a S278 agreement with Lancashire County Council.

The visibility splay to the south of the proposed site access requires the full extent of the highway grass verge and it should be noted that currently the trees and vegetation from the rear gardens of 16 – 22 Green Bank are overhanging the verge and will require removing at low level.

Secondary access

The provision of a secondary vehicular access is now not necessary due to the reduction in the number of houses served from a single access, however a 3 metre wide pedestrian-cycle access to Meadow Way is still necessary for connectivity to the adjoining estate and this will also serve as a vehicle access if it is required in the event of an emergency at the primary site access.

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

Off-site highway works

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

Construction traffic

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

Reserved matters - Internal Layout (including parking)

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

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

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

Highway Drainage

Planning approval relates only to the powers under the Town and Country Planning Act including the recommendations of the Lead Local Flood Authority. It does not provide any consent or approval under other act, enactment, bylaw, order or regulation including the highway adoption under section 38 of the 1980 Highways Act, the surface and foul water adoption under section 104 of the Water Industry Act 1991 or the Land Drainage Consent to discharge water into a water course under the Land Drainage Act 1991 etc. With regard to drainage systems within the highway, where the applicant is proposing to offer the highways for adoption, the applicant is advised to begin early discussions between the section 38 officers at Lancashire County Council, the Lead Local Flood Authority at Lancashire County Council and United Utilities as advised in the Department of Transport Advice Note "Highway Adoptions" "The adoption of roads into the public highway (1980 Highways Act)", published in April 2017.

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

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

Conclusion

The Highway Authority raises no objection to the proposal subject to appropriate conditions being attached to any permission relating to construction code of practice, construction access limited to Skipton Road, site access construction scheme, off-site

highway works, internal estate road construction, travel plan, phasing plan, management and management of street and provision of electric charging points.

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

Natural England – No comments.

Canal & River Trust – Suitably worded conditions are necessary. The development site would be visible from Greenberfield Bridge and, from a further distance, Greenberfield Locks, which are both grade II listed structures. The canal and associated structures, from which the development would also be seen, also form important non-designated Heritage Assets.

We note that the reduction in the site area would reduce the direct visual impact on the waterway. We request that the Local Authority carefully consider whether this is sufficient, alongside any future on-site mitigation, to ensure that the impact on the setting of these assets is acceptable; in line with the aims of policy ENV1 from the Core Strategy 'Protecting and Enhancing Our Natural and Historic Environments'.

We welcome the submission of indicative proposals, which include the provision of wide landscaped areas to the canal, and upon the northern boundary. These could help mitigate the impact of built development on the wider landscape. We note, however, that the scale, design and layout of the development are reserved matters, and do not form part of the submission. As a result, we advise that, if consent for the outline proposals are granted and principle of development be considered acceptable, any future layout submitted at reserved matters stage should ensure that the building heights are of a sufficiently low scale, and that sufficient landscaped areas are provided to ensure that the impact on the waterway corridor and setting of listed structures is minimised to an appropriate degree.

We advise that, should the scheme be developed further, details of the planting within the landscaped areas, and management/maintenance of these spaces should be provided. We recommend that any new planting incorporates native species, and that houses on site are designed to an appropriate scale in order to limit the potential impact of the proposal upon the local landscape character. We also advise that the stone boundary wall to the east of the site, which can be viewed from the canal, should be retained, as it does presently enhance the character and appearance of the landscape next to the waterway.

Impact on Protected Species

The Leeds & Liverpool canal is a habitat for White Clawed Crayfish, which is a protected species. In line with our previous comments, we advise that a survey to identify the potential presence of White Clawed Crayfish and any necessary mitigation measures required to prevent any harm to this species should be undertaken to inform the final design of the proposals, prior to the submission of reserved matters.

Water Quality

The scale of development could result in contamination towards the canal during construction. For example, through the deposit of dust or the runoff of silty water. consideration should be given towards the provision of a Construction and Environmental Management Plan, which should include measures to protect the canal from pollution. This detail could be reserved by the use of an appropriately worded condition.

Surface Water Drainage

We note that the Flood Risk Assessment highlights that Surface Water Discharge to the canal is being considered. Any discharge to the canal would require the consent of the Trust, and would need to be designed to ensure that it did not adversely impact on navigation.

We request that details of the proposed surface water management for the site, including details of any sustainable drainage systems proposed, should be provided prior to the commencement of development on site. Such detail could be reserved through the use of an appropriately worded condition.

We advise that surface water management of the site should utilise oil interceptors prior to any surface water drainage going into the canal, in order to limit the runoff of hydrocarbons from the new roads on site to the waterway. We also advise that details of any surface water management scheme for the site should include a long-term management plan for the maintenance of the SuDS swales, the attenuation pond and the oil interceptor shown.

The applicant is reminded of the need to ensure that all necessary consents are obtained from the Trust as navigation authority and landowner of the Leeds & Liverpool Canal.

Lead Local Flood Authority – has no objection to the proposed development subject to appropriate conditions.

Flood vulnerability:

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

Sustainable Drainage Systems:

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

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

Other advice:

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

United Utilities – No objection subject to appropriate conditions.

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

PBC Conservation Officer – The proposed development has potential to directly affect the settings of 5 Grade II listed buildings within the Leeds-Liverpool canal corridor, which together form an important and distinctive group of listed structures at Greenberfield. The revised application includes a fully-detailed Heritage Statement which addresses the significance of the heritage assets affected, and analyses the contribution of their settings to that significance. An analysis of the views to and from each heritage asset is also included, which together with photomontages set out within the Landscape and Visual Review Document, assists in identifying the extent to which the housing development will be visible within the setting of the listed locks and bridges, and how any negative impacts could be mitigated.

For completeness my previous comments on the significance of each LB affected are re-stated below. All are located along the northern boundary of the site:

- Coates Lane or Greenberfield Bridge No 156, Leeds and Liverpool Canal
A road bridge of 1794 in the distinctive Leeds Liverpool single-arch style in ashlar stone, with parapet and curving abutments. One of three road bridges adjacent to the site, it lies at the southern end of the group of listed canal structures at Greenberfield. The revised plans show the housing development set further away from the bridge behind an intervening landscaped buffer zone. Montage 3 shows that the houses would be clearly visible from the bridge, though would be well-screened once the intervening landscaping has matured.

- Bridge No 157, Leeds and Liverpool Canal

Another similar road bridge, but of later date, built in 1817 concurrently with Greenberfield Locks. At the far northern point of the site, it is significant in views on the main approach to Greenberfield off Skipton Road, where much of the site can be seen on rising open land forming a green backdrop to the bridge, locks and canal. As the new housing has now been well set back just beyond the ridgeline of the open land, houses would be only partially glimpsed on the horizon above the rising open field, and well screened by trees.

- Lock No 44, Leeds and Liverpool Canal

The main locks at Greenberfield, dated 1817, picturesquely located between the two bridges, and also a very popular visitor location with associated public car park and open grassed picnic area. The site currently forms the open rural setting to the southern canal bank; the revised indicative site plan shows houses well set back from the canal to ensure that the new development would not dominate the ridgeline of the open field. Montage 1 shows that rooflines and gables would be partially visible above the green ridge, though would be well screened and broken up by landscaping over time. The immediate open green backdrop to the lock would be preserved.

- Lock No 43, Leeds and Liverpool Canal

Another locks of 1817 located just to the north of bridge 157, it would be viewed from the road and towpath together with the bridge, with the rising open land of the site forming the backdrop. Again, the houses could be glimpsed in the distance from this point, though would be well screened.

- Haystacks Bridge, Greenberfield Lane

A former road bridge built in 1794 over the canal, however the arch is now blocked and the bridge has been dry since 1817 when the locks were built and the canal course was changed slightly. It still has significance as a road bridge on Greenberfield Lane, and the stone parapet borders the open grassed picnic area adjacent to the locks. From the bridge there is a clear view across the picnic field to the canal with the open green field rising behind. Montage 2 again shows the potential for rooflines to appear in the distance on the horizon, though these would be well screened over time.

There are other listed buildings located further away from the site but all are of sufficient distance to ensure their settings would not be affected by the proposed development. In addition to the LB's listed above there are unlisted buildings within the Greenberfield canal grouping that also have heritage interest and make a strong contribution to the significance and understanding of the group as a whole. These are the lock keeper's cottage and the adjacent sluice house; both can be seen as non-designated heritage assets which have a functional historic relationship to the listed structures, as well as a visual relationship. They are located between the main Greenberfield locks and the Coates Lane bridge, again directly across the canal from the site, where the revised plan indicates they would be facing onto the open green field with housing set back beyond a landscaped strip in order to preserve the immediate rural setting.

The Leeds Liverpool canal itself can also be seen as an important heritage asset. The currently green and open aspect of the site forms an important part of the setting of all these designated and non-designated heritage assets. The topography of the site is important in that the land rises from the southern canal bank, enabling the canal and all its infrastructure to be seen, appreciated and understood, within an open and rural green setting. Although the urban development of Barnoldswick to the south is relatively close, it is not seen from the main public area around the canal and locks, and is only glimpsed from Coates Lane bridge to the south. Thus the canal corridor and all the linked structures along it are currently experienced within a traditional rural landscape of open fields, trees and hedgerows. It therefore retains its original historic character and appearance as a canal meandering through open countryside.

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

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

The revised layout would largely preserve the immediate open setting along the canal, so that the new development would not be unduly prominent once landscaping has matured. There would inevitably be some harm to significance, though the proposed mitigation measures would mean that the locks, bridges and related infrastructure would continue to be experienced essentially within the original open rural landscape. NPPF 134 advises that any harm to significance should be weighed against the public benefits of the proposal.

There would need to be close attention to the design of houses, materials, and landscaping at the detailed stage, particularly at the edges of the site. Existing stone boundary walls should be retained. New boundaries should be of stone or native hedgerow to preserve the rural character at the edge of the town. Rooflines and roof shapes should be simple in form and detailing, with materials predominantly natural and in recessive colours. Elements such as barge boards at eaves and verges tend to stand out in views, particularly if white in colour. The layout should aim to preserve important

views out to the surrounding countryside, as recommended in the Landscape and Visual Review Document. This would assist in integrating the development into its context and preserving local distinctiveness.

The Historic Environment/Archaeological Assessment submitted indicates that there is a low/moderate potential for historic remains to survive beneath the site. It would therefore be advisable to attach a condition requiring further archaeological investigation to be carried out prior to development.

PBC Public Rights of Way – This development does not have any direct impact on public rights of way but indirectly new housing is likely to increase the number of people using the network in the area surrounding the site. Therefore I wish to object to the application unless a contribution was made towards the improvements of public footpaths. A sum of £8,000 before the first house is occupied towards Footpath 9 may be suitable for improvements.

Barnoldswick Town Council

Public Response

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

Over 30 letters, web comments and emails received objecting to the proposal on the following grounds:

- housing would overlook and abut the Leeds/Liverpool canal, Greenberfield locks and canal bridges and Greenberfield farmhouse which are listed structures;
- important we maintain and preserve open spaces that contribute to the health and well-being of its residents along with attracting people to the area;
- The development would be outside the current settlement boundary, is on greenfield land and would seriously impact on the landscape;
- Would increase traffic and potentially create 200 extra residents;
- The site has problems with drainage and flooding occurs regularly adjacent to Coates Lane;
- The site has archaeological potential;
- Infrastructure cannot cope with these extra dwellings. Primary schools are at capacity and hospitals face increased demand for services and local doctors surgeries are at capacity. These demands are due to be stretched further because of other planning applications in Barnoldswick to build a large number of new houses;
- The new entrance on Skipton Road is not ideal many people already go through the estate because of the speed of traffic. Even if the 30mph was extended further up the road it would be a very busy junction;
- If further housing is required and you have genuinely used up all other areas of the town, have you considered the lesser impact by using the field on the opposite side of Skipton Road. Ghyll Lane could be widened and only has one cottage which would be undisturbed;

- If all objections are ignored or not counted or other issues which I am not aware of can the Hawthorn tree on the rear boundary be protected?
- Concern that the culvert under the canal would be unable to cope and should the proposed estate use this then during heavy rain the water will back up, flow rates will fall and more flooding will occur. Pressure of the water will force water up and out of the culvert's manhole and drains and flood properties;
- In accordance with the National Planning Policy Framework I ask that you take account the impact on the farm business. I operate a dairy business which necessitates early mornings, cows being milked, cattle being moved around the site and vehicles regularly entering and exiting the site. Domestic properties in close proximity may allege nuisance from noise and odour;
- The land is not poor agricultural land but is good grazing land we are reliably informed. Loss of valuable farmland is totally unacceptable. This land is still used for grazing cattle and sheep and gives at least two cuts of silage per year;
- There are high voltage power lines dissecting the site. Are these to be moved?
- Light pollution will affect the numerous bats and other wildlife;
- There are three footpaths in this area 13-1-FP7, FP8 and FP9 which connect several listed buildings whose settings must be preserved;
- Poor level of public transport in this area. At best buses run hourly and the nearest train service is 11.2km away in Colne or 17.7km in Skipton. The medical centre, post office and high school are all 3.2km, 3.2km and 3.9km by the shortest routes. The landowner has clearly chosen the "crow flies" method of measurement;
- Parking arrangements for the estate are inadequate;
- Building here will adversely affect the amenity of local residents and their access to green spaces all which is contrary to Pendle's Core Strategy;
- There is limited demand for this kind of housing in the town. Pendle's five year supply of housing (including a 20% buffer) has been met. The DCLG has proposed a reduction in the target for Pendle from 298 homes a year to 165, a reduction of 45%. As an alternative to this proposal, I would support the construction of new houses on brownfield sites contained within Pendle's Brownfield Register;
- Policy 1 – Development in the Open Countryside – this proposal does not comply with the eight circumstances given and new dwellings are not generally permitted;
- 30 dwellings per hectare is the minimum requirement with up to 50dph in highly accessible area – anywhere between 162 and 270 dwellings could sit on this site;
- NPPF requires the same weight to be given to environmental and social factors as to the economic dimension to ensure the planning system delivers the sustainable development promised. Should this proposal be passed there would be major impact on the area as the building work progressed for probably two years or more there would be construction traffic, air pollution, light pollution and noise pollution. Properties will already be blighted just by this application;
- The land proposed for building on is one of the most beautiful views in Barnoldswick, an iconic view of the locks, seen on calendars, postcards and the

internet this is simply not the place to build and will ruin the most picturesque part of or town forever;

- There is no or little spare employment within Barnoldswick and no rail system, the nearest A&E is Airdale 21 miles away;
- There are abandoned developments i.e. Robinson Fold that never been completed, why is this development not completed prior to more planning is considered;
- Will the tenants be told they are going to live in an area that is 500m away from one of the biggest chemical plants in Europe with a minimum of 200 liquid tonnes of highly toxic acid on site at any one time. The facility was built to protect the residence in case of an incident;
- This is an historical site which has remained largely unchanged for 200 years and is rightly regarded by visitors and boaters alike as the picturesque site on the entire Leeds-Liverpool Canal;
- There will be a substantial adverse effect on our property by the building of houses on higher ground immediately to the rear of your property. This will result in loss of privacy and overshadowing of your property and loss of long distance views as well as significantly reducing the saleable value of the property, for which no compensation will be forthcoming or even a consideration;
- Barnoldswick appears to be bearing the brunt of new development in Pendle no doubt due to its appeal as an affordable, well established, vibrant and friendly local community. There would appear to be very little demand for any extra new developments in this town and the proposal to build an estate of this size is both ethically and morally wrong and tantamount to environmental vandalism;
- Negative impact on tourism and businesses in the area;
- Excavation of land will add to major local subsidence issues;
- Loss of open space when better alternatives are available;
- Building on the scale proposed would have a vastly negative effect on these designated heritage areas as it would severely impact on the countryside setting;
- We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life; and
- The applicant may propose that a degree of privacy can be achieved through the construction of walls, erection of fencing or planting of trees, but as previously stated, this proposed development is on a higher level than our property, so any offers to overcome this will only block our natural light. Although the right of light is not a legal entitlement, the right is generally 'acquired' when light has been enjoyed through a defined aperture of a building for an uninterrupted period of 20 years, or in the case of our property, the potential of overshadowing and loss of natural light after 50+ years.

Officer Comments

The application is to develop a residential housing estate outside of a settlement in open countryside. There are listed buildings along the canal adjacent which is a well-used tourist attraction. There are a range of issues that need to be considered including the issues raised in the comments from West Craven Area Committee.

There was a previously refused application on a site that incorporated this site and the area in between the site and the canal to the north. The applicant has submitted this scheme, and a revised evidence base to try to resolve the concerns over the impacts of that wider development. This application is a new application and must be considered on its own individual planning merits.

1. Policy

The development plan sets the planning context for determination of all planning applications. The law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. 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 Local Plan was adopted in 2015 and is fully compliant with the Framework. The following Local Plan policies are relevant to this application:

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

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

Policy SDP3 sets out the housing distribution for Pendle.

Policy SDP6 aims to deliver the infrastructure necessary to support development within the Borough. Contributions will be sought towards improving local infrastructure and services.

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

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

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

Policy LIV1 sets out the housing requirements for 2011 to 2030 and allows for sustainable sites to come forward for housing outside of the settlement boundary prior to the Part 2 Site Allocations Local Plan being adopted. Developments must be sustainable and close to a settlement boundary and can make a positive contribution to the five year supply of housing land.

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

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

SUP2 seeks to improve the health and well-being of people in the Borough.

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

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

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

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

National Planning Policy Framework ("the Framework")

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. We maintain a Strategic Housing Land Availability Assessment which demonstrates what land is available for development. Without a range of sites, including sites outside of a settlement we would not be able to demonstrate an available 5 year supply.

The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 year supply. Pendle includes a 20% buffer.

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

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

Para 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design it should be refused.

Paragraph 173 states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should,

when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

1. Principle of Housing

The application site lies adjacent to but outside of the settlement boundary of Barnoldswick. Policy LIV1 allows for sites that are adjacent to settlements to be developed provided that they are sustainable developments.

The site is on the periphery of the town but has the ability to convey people into town by a range of transport options.

The site is in a location that would comply with the locational principles set out in policy LIV1. The overall principle of development is therefore acceptable. That does not necessarily mean development on it would constitute sustainable development. The other material issues that the development brings up must be considered set against prevailing policy to determine if it is or is not sustainable development.

2. Impact on Residential Amenity

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

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

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

The indicative layout demonstrates that a development with an acceptable relationship to the houses to the south could be achieved and thus residential amenity protected. Other dwellings potentially affected are sufficiently far away that their amenity would not be adversely affected.

It is clear from the indicative plans that a residential development of the scale proposed could be accommodated on the site without unacceptable impacts on privacy, overbearing impacts or loss of light to adjacent dwellings. An acceptable degree of residential amenity could also be assured for future residents of the proposed dwellings. Details of boundary treatments have not been submitted and can be controlled by an appropriate condition at the reserved matters stage if necessary.

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

3. Impact on Heritage Assets

There are a number of heritage assets that are potentially affected by the development. These comprise of three listed bridges, two listed locks and the listed Greenberfield Farmhouse. These are designated heritage assets and are all grade 2 listed. There is also the non-designated heritage asset of the Leeds and Liverpool Canal itself, together with the Lock keeper's Cottage and Sluice House.

The site is not in a conservation area and is not near to one.

Impacts on Heritage Assets can manifest themselves in two ways; those of a direct impact on the assets themselves, and impact on their setting. There are no direct impacts but there is the potential to impact on their settings. The setting of a Listed Building is required to be considered for any development under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

The proposed revised development has potential to directly affect the setting of five Grade II listed buildings within the Leeds-Liverpool canal corridor, which together form an important and distinctive group. The revised application includes a fully detailed Heritage Statement which addresses the significance of the heritage assets affected and analyses the contribution of their settings to that significance. An analysis of the views to and from each heritage asset is included which together with the photomontages assists to identify the extent to which the housing development will be

visible within the setting of the listed buildings. The assessment also looks at how any negative impact could be mitigated.

The listed buildings are all located along the northern boundary of the site and consist of the following:

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

A road bridge built in 1794 in the distinctive Leeds Liverpool single-arch style in ashlar stone, with parapet and curving abutments. One of three road bridges adjacent to the site, it lies at the southern end of the group of listed canal structures at Greenberfield. The indicative site plan shows the housing development set further away from the bridge behind an intervening landscaped buffer. Montage 3 shows that the housing would be clearly visible from the bridge, though this would be well-screened once the intervening landscape has matured.

The setting of this bridge already includes the existing housing estate to the south. It represents an area that is the transition from the urban area to rural. This benefits from an open setting to the north towards the locks and other listed bridge. It is set in a mixed setting influenced by buildings and open countryside. Its setting would be affected by the development. This would be mitigated by the buffer zone and landscaping and the setting is already influenced by the modern urban form to the south.

- Bridge No 157, Leeds and Liverpool Canal

Another similar road bridge, but of later date, built in 1817 concurrently with Greenberfield Locks. At the far northern point of the site, it is significant in the views on the main approach to Greenberfield off Skipton Road, where much of the site can be seen on rising open land forming a backdrop to the bridge, locks and canal. The revised scheme has the housing well set back beyond the ridgeline and therefore housing would be partial glimpsed on the horizon above the rising open field and well screened by trees.

- Lock No 44, Leeds and Liverpool Canal

The main locks at Greenberfield, dated 1817, picturesquely located between the two bridges, and also a very popular visitor location with associated public car park and open grassed picnic area. The site currently forms the open rural setting to the southern canal bank; the revised indicative site plan shows houses well set back from the canal which ensures the new development would not dominate the ridgeline of the open field. Montage 1 shows the rooflines and gables would be partially visible above the green ridge, though would be well screened and broken up by landscaping over time. The immediate open green backdrop to the lock would be preserved.

- Lock No 43, Leeds and Liverpool Canal

Another locks of 1817 located just to the north of bridge 157, it would be viewed from the road and towpath together with the bridge, with the rising open land of the site forming the backdrop. Again the houses would be glimpsed in the distance from this point, though there would be intervening screening.

- Haystacks Bridge, Greenberfield Lane

A former road bridge built in 1794 over the canal, however the arch is now blocked and the bridge has been dry since 1817 when the locks were built and the canal course was changed slightly. It still has significance as a road bridge on Greenberfield Lane, and the stone parapet borders the open grassed picnic area adjacent to the locks. From the bridge there is a clear view across the picnic field to the canal with the open green field rising behind. Montage 2 again shows the potential for rooflines to appear in the distance on the horizon, though these would be well screened over time.

There are other listed buildings located further away from the site but all are of sufficient distance that their settings would not be affected by the proposed development. In addition to the Listed Building's listed above there are unlisted buildings within the Greenberfield canal grouping that also have heritage interest and make a strong contribution to the significance and understanding of the group as a whole. These are the lock keeper's cottage and the adjacent sluice house; both can be seen as non-designated heritage assets which have a functional historic relationship to the listed structures, as well as a visual relationship. They are located between the main Greenberfield locks and the Coates Lane bridge, again directly across the canal from the site, where the revised plan indicates they would be facing onto the open green field with housing set back beyond a landscaped strip in order to preserve the immediate rural setting.

The Leeds Liverpool canal itself can also be seen as an important heritage asset. The currently green and open aspect to the site forms an important part of the setting of all these designated and non-designated heritage assets. The topography of the site is important in that the land rises from the southern canal bank, enabling the canal and all its infrastructure to be seen, appreciated and understood, within an open and rural green setting. Although the urban development of Barnoldswick to the south is relatively close, it is not seen from the main public area around the canal and locks, and is only glimpsed from Coates Lane bridge to the south. Thus the canal corridor and all the linked structures along it are currently experienced within a traditional rural landscape of open fields, trees and hedgerows. It therefore retains its original historic character and appearance as a canal meandering through open countryside.

The revised layout would largely preserve the immediate open setting along the canal, so that the new development would not be unduly prominent subject to appropriate

landscaping which has then matured. There would inevitably be some harm to significance, though the proposed mitigation measures would mean that the locks, bridges and related infrastructure would continue to be experienced essentially within its original open rural landscape.

Comments have been made that the locks are the finest example of lock building in the country. The importance of the locks are essentially reflected in their listing. These are grade 2. Others, for example Five Rise at Bingley, are grade 1. It is important to give the weight to the status and nature of the heritage asset it merits. The locks here are important but are not the finest in the country.

The effects on the setting of the heritage assets would lead to some harm to their significance. This would be less than substantial harm and would be at the lower end of the less than substantial scale. The National Planning Policy Framework, para 134, advises that any less than substantial harm to significance should be weighed against the public benefits of the proposal.

The public benefits that would arise from this proposal include:

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

The proposed scheme would provide for new housing and would have the generally acknowledged public benefits associated with that. This would be balanced against the limited and less than substantial harm to the heritage assets. On balance the public benefits would outweigh the harm to the heritage assets.

The Historic Environment/Archaeological Assessment submitted indicates that there is a low/moderate potential for historic remains to survive beneath the site. It would be appropriate to attach a condition requiring further archaeological investigation to be carried out prior to any development being undertaken.

Based on the above the proposed development would be acceptable in terms of impact on the heritage assets and would accord with policies ENV1 and LIV1 and para 134 of the National Planning Policy Framework.

4. Impact on Landscape

The importance of the site in landscape terms has been the subject of many comments made by the public. The site sits in the National Lancashire Valleys Landscape Area and in the class '13a Gargrave Drumlin' in the Lancashire Landscape Strategy.

The applicant has been asked to provide an assessment of the landscape value of the site including short range and long range views of the site.

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

The site sits on the edge of the settlement and would extend the built up area into open countryside. Beyond the site there are expansive views of drumlin fields and distant hills. The site is however not visually prominent from long distance views due to a mixture of topography, existing buildings and existing landscape features.

The intrinsic landscape quality of the site is limited. It is open green field with no distinctive features within it. It also displays no specific features that give it a special quality. Its value is for the local setting and this is the main element of its landscape quality.

The previous application encompassed a lower field than the application site. This was prominent and was important for the setting of the listed buildings. It was also important for the area which is a local tourist attraction.

The proposal now is sited on elevated land which would significantly screen development from the approaches along the canal to the north. There would be some views of the roofs of the houses but this could be mitigated by landscaping.

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

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

The access to the site would result in the loss of 12m of mature mixed native hedgerow. Although not classed as important, the hedgerow is next to land used for agriculture and therefore is protected by the Hedgerow Regulations 1997. However, significantly more hedgerow would be replanted than that proposed to be removed.

However, from the canal the site slopes upwards towards Skipton Road. The hills and fields beyond this cannot be seen due to the layout of the land and the existing hedgerows. This in effect creates a localised ridge line. The proposed development would be set back and the impact thereby reduced in accordance with the landscape strategy which states 'shelter built development within the undulating landform - avoid ridgelines or hill tops.'

The development would retain open views from Skipton Road to the locks and the wider countryside and lessen the impact on this important rural environment to an acceptable degree.

The development as proposed would not result in a negative impact on the landscape of this area due to the points raised above and additional viewpoints have been provided which show that the impact will be limited and not extend to longer term viewpoints. As the site is adjacent to an existing housing estate it would not result in undue harm to the wider landscape and viewpoints into and out of the site would be limited.

The number of properties proposed are more appropriate and the amount of greenspace and planting has been significantly increased although the buffer to the northeast boundary could be increased in allow of more mature and in depth planting to be undertaken.

The development has now been set back in order to allow for woodland type planting scheme closer to the boundary with the canal and along Skipton Road in order to create a rural setting as you enter Barnoldswick on this approach and provide sufficient screening from the canal.

5. Ecology

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

In terms of ecology the canal and the associated fields provide ecological corridors for the movement of wildlife. The development would like to cause disturbance to these and any harm would need to be mitigated in accordance with the recommendations set out in the submitted report.

The proposed development would be acceptable in terms of impact on the landscape character of the area and accord with policies ENV1 and LIV1 subject to appropriate conditions.

6. Flooding and Drainage

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

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

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

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

7. Highways Issues

Updated information has been submitted to address the previous concerns the Highway Authority had relating to the assessment of the development traffic on the surrounding network and the site access has been amendment and acceptable visibility splays can be achieved.

Site access

The Skipton Road site access is acceptable in principal and will be subject to a detailed design.

The visibility splay to the south of the proposed site access requires the full extent of the highway grass verge and it the trees and vegetation from the rear gardens of 16 – 22 Green Bank which overhang the verge will need to be removed at low level.

Secondary access

The provision of a secondary vehicular access is not necessary due to the reduction in the number of houses served from a single access, however a 3 metre wide pedestrian-cycle access to Meadow Way is required for connectivity to the adjoining estate and this can be controlled by an appropriate condition.

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

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

8. Open Space and Landscaping

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

The site layout provides private amenity spaces for the plots as well as ample green amenity space which together with appropriate planting would help to soften the scheme and would provide sufficient screening for this development. In particular the area bounding the Canal would create some visual interest in the overall layout and reduce the amount of built form overall.

Subject to appropriate full landscaping scheme at the Reserved Matters stage this would be acceptable.

9. Tourism

The development is in a location that is locally important for tourism. The tourism draw is focussed mainly around the listed canal structures where the café is situated. The impact on these heritage assets has been discussed above and the conclusion has been that the impacts on setting would be acceptable. This is the same with landscape impact.

Going south from the locks the impact of the built up area of Barnoldswick is soon reached. This does not affect the tourism industry in the area. The main context and setting of the listed buildings would remain and although there would be some views of the roofs of the buildings this would not unduly impact on the tourist attraction the area currently is.

10. Contributions

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

A contribution of £8,000 has been requested towards the improvements of public footpaths in particular Footpath 9. This is not supported as it would not be necessary for the scheme.

A contribution has been requested for Airedale NHS Foundation Trust towards unplanned visits of £11,010.00 and the developer has been made aware of and has agreed to this contribution.

SUP2 seeks to improve the health and well-being of people in the Borough.

SDP6 aims to deliver the infrastructure necessary to support development within the Borough. Contributions will be sought towards improving local infrastructure and services.

A 5% provision of affordable housing is proposed for the site which accords with policy LIV4 and can be controlled by condition.

11. Conclusion

The proposed development would be acceptable in terms of housing development on this site and would not adversely impact on amenity, ecology, the listed buildings or Open Countryside. The design and materials, layout, scale and landscaping would be subject to a Reserved Matters application and details of drainage and highway requirements can be controlled by appropriate conditions.

Sufficient information has been provided to show that the highway network can accommodate the additional vehicular traffic that will arise from this development.

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

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. 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, 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:

1:2500 location plan; 1:1250 existing plan, A3399 01B and indicative plan 1:1250 Proposed Site Plan A2 received 30th May, 2018.

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 education facilities and NHS provision at Airedale Hospital.

Reason: In order to ensure there are sufficient education places available in the area for these additional dwellinghouses and provide for an acceptable level of provision at Airedale NHS Foundation Trust.

5. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 5% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the provision of a mix of tenure on the site appropriate for the requirements of the area.

6. 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.

7. The access shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and 168 metres distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

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

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

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

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

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the

agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

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

Advisory Notes: (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request. (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority. (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

9. Prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the Local Planning Authority.
- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
 - b) The drainage strategy should demonstrate that 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) Flood water exceedance routes, both on and off site;
 - d) A timetable for implementation, including phasing as applicable;
 - e) Site investigation and test results to confirm infiltration 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.

f) Details of water quality controls, where applicable.

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

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

10. The recommendations outlined in the Ecology Survey compiled by Quant Environmental dated September, 2017 for the canal, hedgerows and trees shall be carried out in full before any development commences on the site.

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

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

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method

Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

14. No development shall commence unless and until a scheme for the off-site highway works to facilitate the development have been submitted to and approved by the Local Planning Authority including but not limited to, relocation of 30mph signage, existing gullies relocated, tree and hedge removal, new right turn sign and 2m wide footpath to connect to bus stop and bus stop improvements. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwellinghouse.

Reason: To enable the development to be accessed safely and provide appropriate connectivity to other modes of transport.

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

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

16. Prior to the commencement of development an appropriate framework Travel Plan shall be submitted and approved in writing by the Local Planning Authority and shall be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for a minimum of 5 years.

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

17. No development shall take place until the implementation of a programme of archaeological investigation and recording in accordance with a written scheme of investigation which has been submitted to the Local Planning Authority and approved in writing and thereafter carried out in accordance with the approved scheme and timescales.

Reason: In order to provide an accurate historic record of the site by a competent person.

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

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

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

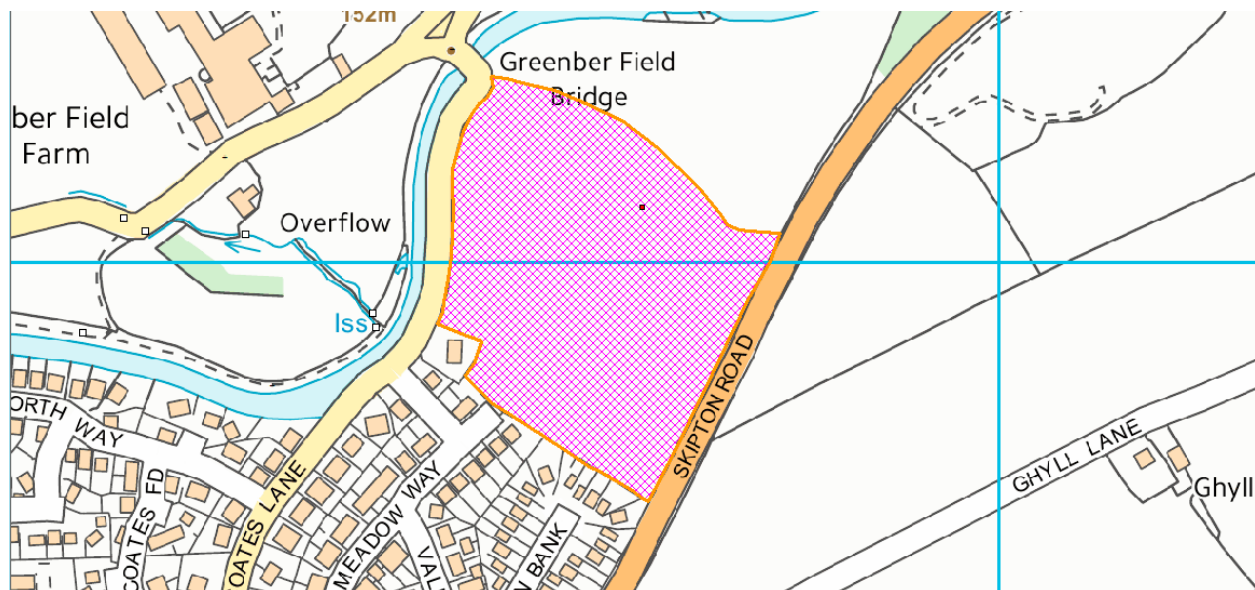
All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved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

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

Note:

Informatives

1. The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with Lancashire County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – lhscustomerservice@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.



Application Ref: 18/0248/OUT

Proposal: Outline: Major: Residential development of 3.40ha (Access only) (resubmission)

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

On behalf of: Future Habitats Ltd