



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: POLICY AND RESOURCES COMMITTEE

DATE: 28TH AUGUST, 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO POLICY & RESOURCES COMMITTEE 28th AUGUST, 2018

Application Ref: 18/0362/FUL

Proposal: Full: Major: Erection of 34 dwellinghouses with associated access roads, car parking, open space, landscaping and other associated works with vehicular access via Beckside.

At: Land to the East of Beckside, Beckside, Salterforth

On behalf of: DDK Estates Limited and Seddon Homes Limited

Date Registered: 23 May 2018

Expiry Date: 22 August 2018

Case Officer: Kathryn Hughes

This application has been referred from West Craven Committee as Members were minded to refuse the proposal on the following grounds:

- Ribbon development;
- Not sustainable;
- Lack of infrastructure;
- Impact on landscape; and
- Housing numbers as Salterforth has fulfilled its requirement.

The site is bounded by development on three sides.

The site accord with Policy LIV1 of the Core Strategy as it is adjacent to the settlement boundary and in my professional view sustainable.

There is no objection on grounds of lack of infrastructure supported by any Statutory Consultees.

The site is not of high landscape value and it is surrounded by existing housing as well as a main highway.

The housing figures listed in Policy SDP3 of the Core Strategy are based on areas not settlements and Part 2 of the CS has not yet been through public examination and in any event these are not maximum figures.

Site Description and Proposal

Planning permission is sought for erection of 34 two, three and four bedroomed dwellinghouses on land off Beckside in Salterforth. The site is located outside the settlement boundary in Open Countryside and has no other designation in the Local Plan.

The proposal is for vehicular access off Beckside only and a pedestrian link/emergency access route only from Hayfields.

The proposal also includes public open space/attenuation area.

A Planning Statement, Design and Access Statement, Transport Note, Tree Survey, Geo-Environmental Site Assessment, Ecological Appraisal, Flood Risk Assessment and Drainage Strategy, Landscaping Plan and Topographical Survey have been submitted with the application.

Relevant Planning History

None relevant for this site.

Adjacent site:

13/11/0597P – Full: Major: Demolish existing building and erect 49 dwellinghouses with associated access roads; car parking open space, landscaping and associated works – Approved 14th May, 2012.

13/15/0284P – Full: Major: Variation of Condition: Vary conditions 2 and 9 of planning permission 13/11/0597P – Approved 6th August, 2018.

Consultee Response

Architectural Liaison Unit – requires the scheme to consider Secure by Design including relevant crime and security issues for the site whilst under construction and the completed development.

LCC Highways – The following comments are made to the proposed development of up to 34 dwellings with the Croft Transport Planning & Design Transport Note dated April 2018 and the DGL Associates Limited 'Site layout' 1202SHW/Sp2/PL01 Rev C drawn 23rd April 2018.

The proposed development is Phase 2 of the wider development currently under construction by Seddon Homes.

Site access – Vehicle, pedestrian and cycle

There are two points of vehicular access proposed to the development site – Beckside and Hayfields.

Beckside is the private estate road to Phase 1 of the Seddon Homes development which has a junction onto Kelbrook Road B6383. Hayfields is an unclassified adopted highway with a junction onto Earby Road C684.

Phase 1 Beckside has not been offered for adoption by the Highway Authority and subsequently the maintenance and management of the estate road and associated infrastructure is the responsibility of a third party which is assumed to be Seddon Homes currently and then a private management company thereafter.

The applicant must confirm that adequate measures for maintenance and management are agreed for both Phase 1 Beckside and Phase 2 Beckside, as the Phase 1 is necessary to provide access to Phase 2.

There is a concern that Phase 1 is not built to adoptable standards and that future residents will be liable for its maintenance. The applicant should submit additional information to allay these concerns.

It is essential to secure the management and maintenance of the estate road and infrastructure

with a planning condition, to protect the future residents, especially considering the primary vehicle access is a bridge over Salterforth Beck.

We are aware that the bridge is not built to adoptable standards and would require works to bring it up to standard.

The site layout plan proposes a vehicle access 3.5m wide at Hayfields with a priority give way signing and road marking scheme to give priority to vehicles exiting Becksides Phase 2 onto Hayfields.

The Highway Authority does not support this layout and it must be amended to provide a pedestrian and cycle access only at Hayfields. Vehicle movements at the 3m wide pedestrian cycle access will be prevented by socketed bollards that could be removed to provide an emergency vehicle access in the event that Becksides junction Kelbrook Road is closed in the event of an emergency or planned maintenance for example bridge maintenance and repairs. The priority give way signing and road markings are not required.

The vehicle traffic from the development should be provided via Becksides and Kelbrook Road which is the distributor road linking to the wider strategic network. Vehicle access onto Hayfields is not supported as this would encourage usage of Earby Road to travel north to access the wider network by both the Phase 1 and 2 development traffic and possible traffic from the wider network.

I note that Phase 1 provides pedestrian access to footpath 10 which runs alongside Salterforth Beck and is temporarily closed until August 2018.
The trip rates are not disputed.

Subject to the amended layout the development traffic will have a negligible impact upon the operation and safety of the highway network; therefore there are no objections to the proposal.

Sustainability

The site is considered sustainable in terms of its location to local and district facilities. The only exception is the distance to the local convenience shop which is not within walking distance.

Local facilities –

- Bus stop – 300m Kelbrook Road mainline services.
- Primary school – Salterforth Primary School 350m
- Salterforth Village Hall – 370m
- Local play area – Snig Hole 450m
- Convenience food shop - Exceeds distance district facilities.
- Employment - 2km Barnoldswick Town Centre
- Secondary school - 1.3km
- Health facilities – Barnoldswick Health Centre 1.8km
- Community/recreation – Sports Centre 1.3km

The site is located close to national cycle route 68 which runs along the Leeds and Liverpool canal tow path and could replace private car commuter journeys. This increases the sites sustainability credentials which is in line with the NPPF policies.

There are bus stops located in both directions on Kelbrook Road which currently have fully enclosed stone/concrete built bus shelters and road markings. The provision of DDA compliant bus

border kerbs should be provided at the NB and SB bus stops under an agreement with the Highway Authority.

The provision of a toucan crossing on Kelbrook Road, a reduction in the speed limit to 30mph and a vehicle activated sign has been secured under a S278 agreement for the Phase 1 Becksides Seddon Homes development. This ensures that pedestrians and cyclists from the site can easily cross Kelbrook Road to access the footway on the south side of Kelbrook Road which connects the site to Barnoldswick and Kelbrook, to the NB bus stop, canal towpath and play area. The reduction in the speed limit and vehicle activated sign will make a positive contribution to highway safety.

Construction traffic

The construction traffic should be via Kelbrook Road and Becksides Phase. Construction traffic should not use Earby Road and Hayfields.

Internal Layout (including parking)

The internal estate roads should be built to adoptable standards however as stated above it will not be possible for the Highway Authority to formally adopt the estate road under S38 unless Phase 1 is brought up to adoptable standards and offered for adoption.

All the proposed garage sizes measure 5.5 x 2.7m internally which is smaller than the recommended 6m x 3m and therefore they should not be counted as parking spaces.

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

Conclusion

The Highway Authority raises no objection to the proposal subject to an amendment to the vehicle access points on the plan and conditions relating to construction method statements, construction traffic, off site highway works, engineering details, management and management, driveways and parking areas, cycle storage, electric vehicle charging point being attached to any grant of permission.

LLFA – No objection subject to appropriate conditions.

LCC Education – Requests a contribution towards 3 Secondary school places.

Yorkshire Water – Separate systems for foul and surface water systems. Clarification required on Flood Risk Assessment and Outline Drainage Strategy. Some concerns regarding the outflow to the beck and that they stand by the 5 l/s discharge this can be dealt with by appropriate conditions.

Earby & Salterforth Drainage Board – No comments received.

Airedale NHS Trust – Requests a contribution towards unplanned hospital admissions.

Salterforth Parish Council – Objection:

- i) This further development will have a major effect on the greenfield landscape at the "gateway" approach to Salterforth Village and beyond.

- II) This is an unacceptable ribbon development into the agricultural landscape. That this application will move development along the B6383 towards Kelbrook which is neither wanted nor acceptable and, as stated, is most definitely a ribbon development in the normally accepted terms. It is outside the settlement boundary and on greenfield not brownfield land.
- III) This Development is clearly located at the extreme limits of sustainable development. For instance, the only School in the village is primary, no pre-school or secondary education. There are no shops, amenities etc. Barnoldswick is the nearest sustainable centre which becomes even further away should this development be allowed.
- IV) The exit through the Hayfields would clearly result in additional traffic through the village, where traffic is already very heavy. The exit is at a well-known bottleneck and it is on an extreme blind corner, on a road that is a recorded black spot.

Public Response

Site and press notices posted and nearest neighbours notified by letter. 162 responses have been received objecting to the proposals on the following grounds:

- Landscape impact extending the village along its eastern boundary;
- Highway impacts in terms of other development and bottlenecks. Any new route will create additional traffic and it would appear that this has not been factored into any modelling;
- Social infrastructure is under severe pressure already;
- The FRA data is out of date or not provided and developers claim that SuDs drainage will improve or maintain any situation and this may be true if maintenance and associated costs are configured into the SuDs;
- We do not want or need any more houses in the village;
- We were promised a crossing but it has not materialised whilst two have been put in, in Colne;
- The old mill has planning permission for 14 flats and as yet to be developed, this should be done first;
- This is greenbelt and wildlife and fauna are disappearing in the area;
- The access road down Hayfields is not suitable as there are already 17 cars on this road with some parking on the pavement making it single track;
- The gradient of the land is higher which will result in the development being overbearing;
- The well-used public footpath has already been closed due to on the ongoing development;
- Earby Road is heavily used by buses, HGV's, tractors, horses, cyclists and pedestrians alike;
- There are no footpaths from the bus stop on Kelbrook Road to the school;
- The sewage from Salterforth goes to Earby and the existing sewage pipes cannot cope and are in desperate need of replacing;
- The village will lose its identity;
- The building work could lead to an Increase in crime with no full time manned police station in Barnoldswick;
- The villagers in the new houses are not allowed to object as it is in their deeds;
- Salterforth is an historic area within a rural area and wish it to remain so;
- The village car park now has fewer spaces and any more development will result in residents having difficulty finding spaces – some residents do not have their own spaces so use this facility;
- Article 8 of The Human Rights Act would be seriously breached;

- The proposed development would seriously affect privacy, light and noise to the 10 allotments adjacent to the site;
- Sandhills Close are 6 sheltered housing units and this development would leave it wedged between elevations to the front and rear;
- The view is amazing and rises to the peak of Kelbrook Moor;
- The elderly retired residents of Sandhills Close are mostly confined to their homes and gardens and each has a bench to front to enjoy the views. Taking this away is contrary to the Humans Rights Act, 1998 which states that everyone has the right to respect private and family life and homes; and
- There is absolutely a loss of landscape of high value and therefore a justification for refusal on landscape impact grounds.

Officer Comments

1. Policy

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

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are objectives to achieving sustainable development: economic, social and environmental.

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

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

Policy SDP2 places Salterforth as a Rural Village that can accommodate to primarily meet local needs and ensure land and resources are effectively used. Where greenfield land is to be developed then it should be in a sustainable location and well related to an existing settlement.

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

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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.

Policy LIV4 sets out the requirements for affordable housing in the Borough with developments of 15 or more dwellings in Rural Pendle requiring 20% provision. As this proposal is for up to 34 dwellings provision is required for 6 dwellings.

Saved Replacement Pendle Local Plan policy 4C/4D seeks to protect biodiversity and wildlife corridors.

National Planning Policy Framework

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

Paragraph 108 states:

"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."

2. Principle of Housing

The site is located outside but adjacent to the settlement boundary for Salterforth. Policy LIV1 allows for sustainable sites to come forward outside of the settlement boundary until the site allocation is undertaken for housing sites in Part 2 of the Core Strategy. The application site therefore is in principle one that can be considered under Policy LIV1.

In terms of housing requirements in Salterforth the Scoping Report and Methodology for the Local Plan Part 2 sets out a need in Salterforth to provide a minimum of 46 dwellings up to 2030. Figures are allocated on a settlement not area basis and are not maximums. In some settlements additional housing may be required to order to meet the overall housing needs of the Borough. It is important that additional housing is provided in a sustainable manner. The policies in both the Framework and Local Plan do not preclude development based on an increase in numbers of houses as set out in a Scoping and Methodology Paper which has not yet been to examination.

3. Impact on Residential Amenity

The nearest residential properties are those on the new development at Becksides to the west, Hayfields and Sandhills Close to the north and Sykes Close to the East. Although properties on Earby Road and Harry Street will be able to see the properties the distances and highways in between will ensure no impact on these.

No. 6 Hayfields and the approved dwelling adjacent to No. 7 Hayfields would have side boundaries abutting the site. No. 6 has windows in the gable facing the site these are sufficient distance from the nearest plots (5 & 6) to not unduly impact on amenity.

The new dwelling adjacent to no. would have its main elevation facing on the site with a four pane door at ground floor and a Juliette balcony at first. However, the distances between this and the nearest plot (34) is over 21m to a gable which has no habitable room windows and which has a double garage between this plot and the approved dwelling.

The properties on Becksde have gardens which back onto the proposed gardens of plots 29, 31, 32 and 34 at distance of 21m rear to rear elevations this is acceptable.

The nearest properties on Sandhills Close are over 35m whilst the nearest properties on Sykes Close are 35m away both of which is acceptable.

There the potential impact on residential amenity is acceptable.

4. Highway Safety

The main vehicular access will be via Becksde which is unadopted.

LCC have no objections to the proposed scheme as amended subject to conditions.

Whilst Salterforth does not have a defined village centre it does have a public house, Parish Hall and primary school and the site is relatively close to Earby and Barnoldswick Town Centres which offer further local facilities which can be reach via the mainline bus services provided and therefore this can be considered to be a sustainable site.

The visibility splays are already in place and the provision of a crossing on Kelbrook Road has been agreed and scheduled with LCC Highways in the next few months. The proposed road layout extension from Becksde would be constructed to adoptable standards.

Adequate on-site parking would be provided on site as some of the parking and garages spaces are slightly below the requirements. The applicant has provided an updated layout plan which accurately reflects the plot sizes in terms of bedrooms and car parking requirements. The applicant has confirmed that although the double garages are less than the required size to count as two parking spaces all of the four bed units have 3 parking spaces (two on the drive and one in the double garage) and all the two and three bed units have two off-street parking spaces on the driveway.

These are in line with the requirements of policy 31 and a condition requiring the provision of electric vehicle charging points.

A contribution towards improvements to bus stops was requested but is not necessary for this development.

The development is therefore acceptable in terms of highway impacts.

5. Landscape Impact

The site is not within any designated landscape and whilst there are public viewpoints into the site

from public vantage points along the footpath to the south and bridleway to the east the proposed housing development would not result in the loss of any landscape of an identified high value.

The site is framed by the housing developments to the west and north and the former railway line embankment to the east. These features give the site a high degree of self-containment.

The views of the site that are potentially more open are to the south and south west. Both along two public footpaths and the B6368. There would be clear views of the site from the footpaths. From the B6368 the site has a row of roadside trees that provide a good degree of screening.

As detailed above whilst the site is in open countryside it is not a highly conspicuous landscape nor one that has high landscape value. Its value is the intrinsic value of being open countryside. The loss of open countryside per se is not sufficient to justify refusing a planning application.

In the absence of any loss of landscape of high value the development would not be justified being refused on landscape impact grounds.

6. Ecology

An ecological assessment has been submitted as part of the application. No notable or protected species were recorded on the site.

The vegetation to be cleared is of low ecological significance and the trees outside of the development area are low quality. However as the vegetation may be used by nesting birds any clearance should take place outside of the breeding season March to September.

Whilst the proposed development will lead to the loss of a greenfield site and a number of trees there is some scope to provide more appropriate tree planting to provide screening which would result in some ecological improvement.

Whilst bats are unlikely to use the area for foraging they may occur in the area. Roosting by bats have not been found to be present on the site.

Mitigation measures are proposed for badgers, bats, birds and invertebrates including protecting the beck, providing bat boxes on site and no clearance from March – September.

The development thereby accords with saved policies 4C and 4D of the Replacement Pendle Local Plan.

7. Landscaping and Trees

The trees on the site boundary would be protected and the proposed landscaping includes new hedgerows.

Tree protection fencing shall be erected along the north east and southern boundaries in order to protect the retained boundary trees.

Some of the boundary trees will require pruning but all are proposed to be retained.

The proposed landscaping scheme has appropriate replacement tree planting as well as the open space area to the south which incorporates the attenuation measures.

Subject to a detailed landscaping condition including appropriate boundary treatments this is acceptable.

8. Drainage and Flood Risk

A Flood risk assessment has been prepared as part of the supporting documents. At the time of writing we have not had responses from all the consultee bodies. An update on this will be given to Committee.

Yorkshire Water raised some observations on the proposed drainage scheme with regard to the surface water discharge to public sewer via storage with restricted discharge of 14.5 litres/second.

The agent has provided information that the new diverted foul sewer will carry existing flows and minimal additional flows from the new development and will reconnect to the existing foul sewer at the southwest corner of the site. The new diverted surface water sewer will carry both existing flows and the additional flow from the new development and will not reconnect to the existing surface water sewer as this will become redundant but will reuse the existing outfall discharging to Salterforth Beck. This will be limited to 14.5l/s (Qbar for existing greenfield site). Oversized pipes will be used within the highway to ensure no flooding for the 1 in 30 year event and a storage used to ensure no site flooding for up to the 1 in 100 year + 40% climate change event.

The existing calculated greenfield run-off rates for the undeveloped site are 24.6 l/s for the 1 in 30 year event, and 30.2 l/s for the 1 in 100 year even for which the proposed 14.5 l/s is a significant betterment.

Comments are expected from either the Lead Local Flood Authority and/or Earby and Salterforth Drainage Board IDB are expected and subject to appropriate conditions requiring details to be submitted this would accord with paragraph 163 of the Framework and paragraph 80 of the Planning Practice Guidance document.

Subject to no adverse comments from the LLFA/Earby and Salterforth Drainage Board IDB then the details submitted are sufficient to satisfy the requirements above as well as those of Policy ENV7.

9. Layout, Design and Materials

The proposed layout is acceptable and would create a spacious layout with appropriate planting and open space within the site as well as

The scheme is very similar in terms of design and materials to that of the nearly completed Beckside adjacent.

The palette of materials and designs of the housetypes are acceptable in this location and accords with policies ENV1 and ENV2.

10. Contributions

A contribution towards secondary education places of £71,211.84 has been requested by LCC.

A contribution towards unplanned hospital visits at Airedale of £2,484.11 has also been requested.

The agent has confirmed that they will undertake the requirements for these requests.

11. Human Rights

With regards to Human Rights a balance must be struck between allowing land to be developed for planning purposes and the need to protect the interests of those who are affected and in this case the privacy distances are acceptable and therefore any potential impact would be limited.

12. Summary

The proposed scheme is for a residential scheme of 34 dwellinghouses which is acceptable in terms of impact on residential amenity, highway safety, landscape impact, ecology, landscaping, drainage and design and materials subject to no adverse comments from the LLFA, appropriate conditions and any requirements for contributions being fulfilled.

RECOMMENDATION: Approval

Subject to the following conditions:

1. The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

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

1202SHW/Sp2/LP01 Rev D, SSL: 11482E:2001:2, SSL:11482E:200:2:2, 1202SHW/Sp2/S102, 1202SHW/Sp2/S101, H5114-AHL-001, V2 Bow-01, V2 Bow 1 -01, V2 Bre-01, V2 BRI /01, V2 BRI1 01, V2 Clg-01, V2 Clg2-01, V2 Law – 01, V2 Mar 01, V2 Mea – 01, V2 Mea1 – 01, V2 She – 01 & 5678.02 rev B.

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

3. No development shall take place unless and until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (or any subsequent provision equivalent to that Section) relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the person(s) submitting the said planning obligation in writing that it is to the Local Planning Authority's approval. The said planning obligation will provide for education facilities and NHS provision at Airedale Hospital.

Reason: To ensure that there are sufficient education places available in the area of these additional dwellinghouses and provide for an acceptable health care provision at Airedale NHS Foundation Trust.

4. 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 6 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.

5. Within two weeks of the commencement of development, a plan and written-brief detailing the proposed phasing of the site shall have been submitted to and agreed in writing by the Local Planning Authority. 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.

Reason: To secure the proper development of the site in an orderly manner and to limit the number of access points to the highway.

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 in order to prevent contamination of the controlled waters.

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

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
- b) The drainage strategy should demonstrate that post development surface water run-off from the application site will not exceed the existing surface water 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) A site layout plan showing flood water exceedance routes, both on and off site – these must be directed away from property and critical infrastructure;
- d) A timetable for implementation, including phasing as applicable;
- e) 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.

8. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

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

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

9. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

10. The development shall be carried out in accordance with the mitigation plan set out in the "Ecological Appraisal Kelbrook Road, Salterforth" dated April 2018 for envirotech. The development shall then only commence and be completed in accordance with the agreed details.

Reason: To ensure no net loss of biodiversity as a result of the development.

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

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- e) Details of wheel-washing facilities including location
- g) Measures related to construction waste management
- i) Soil resource management including stock-pile management

- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- l) Measures to ensure that there is no burning of waste.
- n) Location and details of site compounds
- o) Hoarding details during construction
- p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- s) A Construction Waste minimisation Strategy.
- t) A Construction-Risks Education plan/programme
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

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

Reason: To ensure that adequate measures are in place to protect the environment during the construction phases.

12. No part of the development shall be commenced 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.

The scheme shall include (among other things) details of routes to be used by construction traffic and periods during the day when trips to and from the site may be undertaken.

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

13. The estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any other development (in that phase) takes place within the site, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. The estate road (as it relates to that phase) shall have been completed in its entirety, including the wearing course, before the first occupation of any dwellings in that phase.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

14. No vehicular access onto Hayfields shall be permitted at any time including for construction vehicles, except for emergency vehicles unless otherwise agreed in writing with the Local Planning Authority. Details of the bollards to be erected to the pedestrian/emergency access link shall be submitted to and approved in writing by the Local Planning Authority prior to be erected on site.

Reason: In order to satisfy the Local Planning Authority that the details of the highway works are acceptable.

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

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

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

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

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

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

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings and retains existing trees and hedgerows where possible.

17. Prior to the commencement of development samples of all materials to be used on the external elevations including window, doors, surfacing and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials.

Reason: In the interest of the visual amenity of the area.

18. The windows and doors shall be set back from the external face of the walls by at least 75mm in depth.

Reason: To ensure the continuation of a satisfactory appearance to the development.

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

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

20. Notwithstanding the submitted plans all garage doors shall be located at least 5.5m back from the highway boundary at all times and the garages/driveways thereafter kept clear for the parking of a private motor vehicle and cycle.

Reason: To ensure satisfactory off street parking arrangements are reserved at all times.

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

Reason: To ensure satisfactory off street parking arrangements do not lead to an increase in flooding.

22. Prior to the commencement of development details of any proposed earthworks and retaining wall to be erected shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the volume of material to be imported to/exported from the site, the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, the exact position of retaining wall, heights and materials, the relationship of proposed mounding and retaining walls to existing vegetation and surrounding landform together with a management plan of the earthworks and the timing of the works and construction. The development shall be carried out in accordance with the approved details.

Reason: In the interest of maintaining the amenity value of the area

23. A scheme for the management (including maintenance) of the open space area, sustainable drainage scheme and highways 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.

24. Prior to fist occupation each dwelling unit shall have an electric charging point.

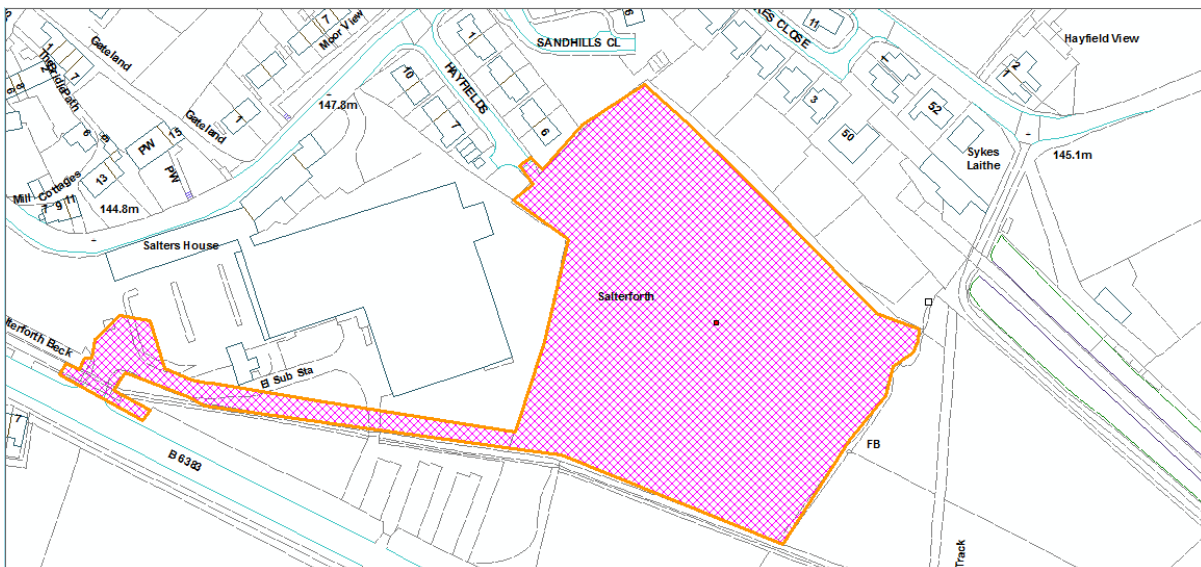
Reason: To ensure that the development provides for sustainable modes of travel.

25. 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.

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 applicant should be advised to contact Lancashire County Council, Highway Development Support email – developeras@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.
2. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Bridleway 12 (Salterforth) may be affected by the development



Application Ref: 18/0362/FUL

Proposal: Full: Major: Erection of 34 dwellinghouses with associated access roads, car parking, open space, landscaping and other associated works with vehicular access via Beckside.

At: Land to the East of Beckside, Beckside, Salterforth

On behalf of: DDK Estates Limited and Seddon Homes Limited

POLICY AND RESOURCES COMMITTEE REPORT 28 AUGUST 2018

Application Ref: 18/0358/FUL

Proposal: Full: Change of use from Industrial to Mixed Use with Office (Use Class B1), Storage and Distribution (Use Class B8) and Assembly and Leisure (Use Class D2).

At: Unit 5A The Foundry, Riverside Mill, Greenfield Road, Colne

On behalf of: Mr P. Robinson

Date Registered: 17/06/2017

Expiry Date: 11/09/2018

Case Officer: Alex Cameron

This application was referred from Colne and District Committee. The Committee resolved to approve the application and this would represent a significant departure from policy.

Site Description and Proposal

The application site is an industrial unit within the former Riverside Mill. The unit subject to this application is at first floor and comprises approximately 500 square metres divided into a central circulation area three rooms of approximately 90 square metres each and four smaller rooms. The site is located within Greenfield Conservation Area and on land designated as a Protected Employment Area. The previous use of the unit was as a karate school but this appears to have been unauthorised and for less than 10 years and so it appears that the authorised use of the unit is general industrial use.

This application is for the retrospective change of use of the unit to arts centre. The proposed use falls within use class D2 (assembly and leisure), although office and storage and distribution uses have also been specified on the forms these would be ancillary to the main D2 use. The details submitted with the application state that the use would involve:

- Hiring rooms out to community groups/wellbeing groups as meeting/workshop space;
- Hiring equipment storage space out to bands, artists and musicians;
- Enabling workshops for the community in relation to community radio, cooking, music, stage building, performing arts, well-person clinics and a Cinema Club;
- Storage area for food bank/food collections.

Relevant Planning History

None.

Consultee Response

LCC Highways – The Highway Development Support Section does not have any objections regarding the proposed change of use at the above location. This site has good links to the local public transport network and in our opinion it is unlikely to have a negative impact on highway capacity in the immediate vicinity of the site.

Lancashire Constabulary Architectural Liaison - In relation to the above planning application, it is important that crime and security measures be considered at an early stage of the design phase to mitigate crime risks. I would recommend that the scheme is designed to Secured By Design 'Commercial 2015' security specifications.

National grid – Please attach a note relating to in relation to gas pipelines identified on site.

Colne Town Council - The information provided is not sufficient to define which uses are intended for which areas and we are concerned that multipurpose permission will provide scope for conversion into single use leisure purpose that may not be appropriate for nearby residential properties.

Public Response

Nearest neighbours notified and press notice published. No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

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

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Policy WRK2 (Employment Land Supply) states that within the Protected Employment Areas only employment generating development proposals falling within Use Classes B1, B2 and B8 will be permitted, with the exception of a small allowance for the provision of public open space, shops and leisure facilities to serve the immediate needs of the area and reduce the need to travel.

Policy WRK4 (Retailing and Town Centres) states that applications for retail and main town centre uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

Replacement Pendle Local Plan

Policy 22 (Protected Employment Areas) states that within the Protected Employment Areas (mixed use) planning permission will be granted for B2 development. Permission will be granted for B1 development provided this does not result in an excess of 25% of total floorspace in the Protected Area at any one time. Planning permission will be granted for B8 use provided this does not result in an excess of 10% of total floorspace in the Protected Area at any one time.

Proposals for development other than for business or general industry (B1, B2 or B8) will be resisted. However, all developments will be considered suitable if they meet the requirements of all other Policies and where:

1. The premises can be shown to be obsolete for industrial, business AND storage use, and
2. Evidence demonstrates that the premises have remained vacant for over four years (continuous);
3. There would be a significant benefit to the local economy.
4. The proposal is for the sale of goods manufactured or related to the manufacture of goods on the site and would be ancillary to any B1/B2/B8 activity (Policy 25).

Principle of the development

Town Centre Impact

The proposed assembly and leisure use is a main town centre use as defined in Annex 2 of the Framework. For such a use to be acceptable in an out of centre location such as this it must be demonstrated that there are no suitable available sites in sequentially preferable locations, with the Colne town centre being the highest priority followed by any edge of centre sites.

A sequential assessment has been submitted, this discounts a number of properties. Amongst the properties discounted is 22 Keighley Road. This is a prominent town centre building with retail at ground floor currently available and marketed. This property has been discounted because it is stated to be too large for proposed use and accommodation across three floors would be difficult to operate for elderly and disabled community members. However the building at 733 square metres of floorspace is only marginally larger than the 500 square metres. It should be noted that the arts centre has also been using the unit immediately to the south of 5A, comprising approximately 250 square meters floorspace, as a storage area/workshop and so the 500 square metres unit 5A does not comprise the entirety of the their use. This property cannot be discounted as being too large for the proposed use.

It should also be noted that unit 5A is at first floor level accessed via a staircase, 22 Keighley Road would allow for ground floor uses and therefore would have greater potential for access to elderly and disabled community members.

The reasons given for discounting 22 Keighley Road are not acceptable. This is an available property within the Town Centre with no specific planning policy restrictions affecting it that would preclude its change of use to a use such as this.

45 Market Street has been discounted because the property is not available through any local agents. No sales board etc. Access and parking is a problem for disabled users and no funds are available to renovate the building.

The owners could be identified via a land registry search and contacted, access and parking are not an issue given its town centre location and lack of funds for renovation are not sufficient reason to discount this town centre property.

Therefore there appear to be at least two vacant / available two centre properties which could potentially accommodate the proposed use. If the proposed use were to be approved rather than bringing vacant premises in the town centre back into use it would harm the vitality and viability of Colne town centre contrary to policy WRK4.

Protected Employment

The site is located within a Protected Employment Area, policy 22 of the RPLP states that development other than for business or general industry (B1, B2 or B8) will be resisted in Protected Employment Areas. Although the application forms propose small elements of those uses, these are ancillary to the main D2 assembly and leisure use.

Such a use would only be acceptable in a circumstance where it has been demonstrated that the premises have been shown to be obsolete for B1, B2 or B8 uses and they have remained vacant and been actively marketed for over four years. The unit was used as a karate/dance school between 2011 and 2017, it has not been vacant for over four years.

The use would not result in economic benefits at a level that would outweigh the harm of the loss of this employment premises. The proposed use would therefore result in unacceptable detriment to the Borough's supply of employment sites contrary to policies 22 and WRK2.

Residential Amenity

Although not referred to in the statement submitted with the application night time music events have been hosted at the premises while it has been in operation, such events could potentially continue as part of an assembly and leisure use.

There are residential properties immediately opposite the site on Greenfield Road. Which could potentially be affected by noise and disturbance from such night time events. This could be acceptably controlled with a condition limiting hours of operation.

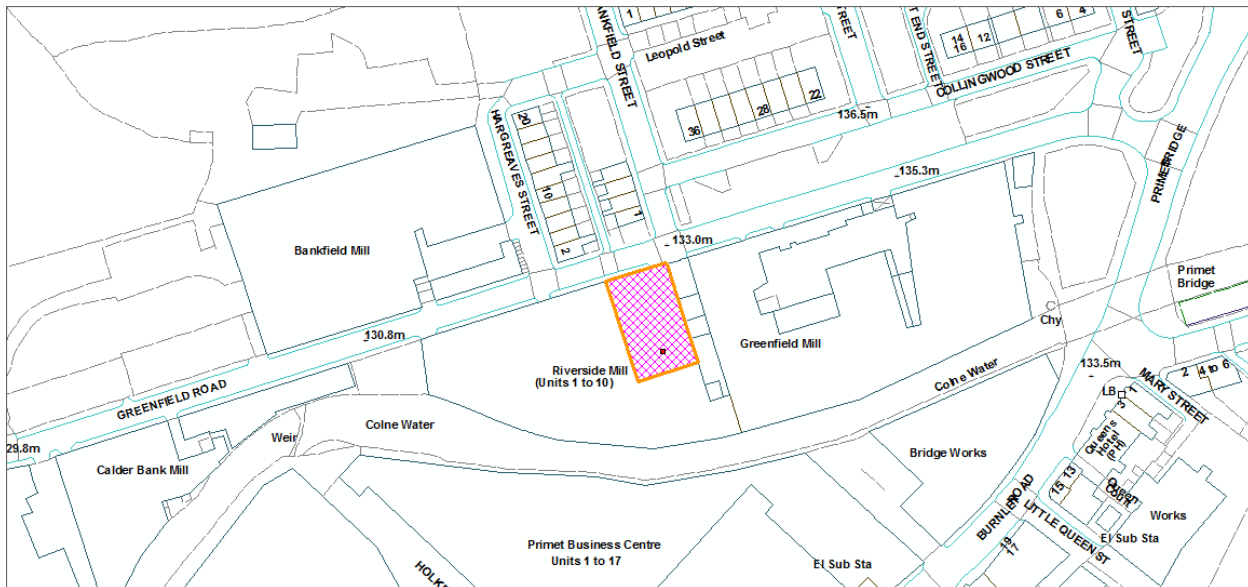
Highways

There is adequate public parking in the vicinity to serve the proposed use. The proposed use raises no unacceptable highway safety impacts.

RECOMMENDATION: Refuse

For the following reasons:

1. The applicant has failed to demonstrate that there is no suitable alternative site available within Colne town centre, the development would be detrimental to the vitality and viability of the town centre contrary to policy WRK4 of the Local Plan Part 1: Core Strategy.
2. The proposed use would result in the change of use of employment premises within a designated Protected Employment Area to a non-employment use (use classes B1, B2 and B8), this would detrimentally impact upon the availability of premises for such uses within the Borough contrary to policy 22 of the Replacement Pendle Local Plan and WRK2 of the Local Plan Part 1: Core Strategy.



Application Ref: 18/0358/FUL

Proposal: Full: Change of use from Industrial to Mixed Use with Office (Use Class B1), Storage and Distribution (Use Class B8) and Assembly and Leisure (Use Class D2).

At: Unit 5A The Foundry, Riverside Mill, Greenfield Road, Colne

On behalf of: Mr P. Robinson