

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

TO: POLICY AND RESOURCES COMMITTEE

DATE: 19th MARCH, 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO POLICY & RESOURCES COMMITTEE ON 19th MARCH, 2019

Application Ref: 18/0865/REM

Proposal: Reserved Matters: Major: Erection of 82 dwellinghouses and associated infrastructure (Appearance, Landscaping, Layout and Scale) (planning application 13/14/0580P – Appeal APP/E2340/W/15/3131974).

At: Land to the East of Windermere Avenue, Colne.

On behalf of: McDermott Homes Ltd

Date Registered: 4 December, 2018

Expiry Date: 5 March, 2019

Case Officer: Kathryn Hughes

This application is for a housing development of more than 60 houses and as such must be determined by Policy and Resources Committee.

The application was referred to Colne & District Area Committee for comments which were as follows:

The error in the proposed site layout plan whereby an extra four properties (Plots 46, 67, 68 & 78 all fall inside, or on the boundary of, the Lidgett and Bents Conservation Area (CA).

Councillors believe that these properties should have the same, higher quality, architectural treatment and material palette as the other proposed properties in the CA.

The sharp definition between the architectural treatment and material palette deployed in the CA and that used on the adjacent properties just outside the CA and those running along the eastern boundary. Councillors believe this lack of consideration has a negative impact on the CA. There should be a transition zone to protect views into and out of the CA. The properties affected are:

- Plots 79, 80-82 and possibly 66 & 45 immediately abutting the CA; and
- Plots 60-64 and 49 along the eastern boundary.

It was noted that planning officers have discuss some of these properties with the developer but no formal documentation has been presented of the agreed plan and several of the above properties have not been covered.

Site Description and Proposal

The application site is a 3.9ha parcel of agricultural land located between Skipton Old Road, Favordale Road and Windermere Avenue, on the north east side of Colne. The site lies within the settlement boundary and is in the Lidgett and Bents Conservation Area.

This application seeks approval of reserved matters for the erection of eighty two dwellinghouses for appearance, landscaping, layout and scale. Access from Windermere Avenue has been approved on Appeal at Outline stage.

A Planning Statement, Heritage, Design and Access Statement, Landscaping and Drainage scheme have been submitted with this application.

This Reserved Matters submission runs in parallel with applications to discharge the conditions placed on the outline consent. Whilst there are two technical processes running clearly both can have impacts on each other as for example changes in layout for this submission may have drainage, landscaping or other implications.

Relevant Planning History

13/14/0580P – Outline: Major: (Access only from Skipton Old Road and Windermere Avenue) Erection of up to ninety dwellinghouses including estate roads, footways and open space provision – Refused – Allowed on Appeal.

Consultee Response

LCC Highways – The layout has been updated in accordance with the principles of Manual for Streets whereby loop roads are provided rather than a series of cul-de-sacs from a spine road. However, the developer has responded that they are trying to keep the site informal and minimise traffic on the western boundary.

Traffic calming measures, footpaths to access ways, refuse vehicle tracking and bin waiting area have all been provided on the amended plan

LCC Highways have confirmed that all the highway concerns have been addressed.

Environment Agency – We have no objection to the proposed development as responsibility for the assessment of surface water flooding and drainage has since transferred to the Lead Local Flood Authority and therefore they should be consulted on the proposed surface water drainage arrangements.

Lead Local Flood Authority – has no objection to the scheme subject to the requirements of condition 5 being satisfied in full and a condition being attached to any grant of reserved matters for maintenance and management. The LLFA have been asked to look at additional comments on the drainage scheme submitted to discharge condition 4 of the Appeal decision and so the decision on that application has not yet been issued.

United Utilities – It should be noted that we have already commented on the Outline Application.

We recommend the Lead Local Flood Authority along with any other statutory consultee, is also consulted on the proposal.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact.

We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

We recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition.

Lancashire Fire and Rescue – The proposed application has been noted and the Fire Authority gives its advice in respect of access for fire appliances and water supplies for firefighting purposes to the site.

Recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application.

The Local Authority Building control/Approved Inspector and Fire Service should be consulted at the earliest opportunity where more specific advice can be offered.

Architectural Liaison Unit – The Crime Impact Statement takes into account local crime figures and incidents reported to the police and community knowledge gathered from local policing teams. It is with this knowledge and policing experience that the recommendations made are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.

The Unit has made generic comments about the need to plan out crime and have specified some BS practice guidance the scheme should adhere to. No useful specific comments have however been made looking at the merits of this scheme.

PBC Public Rights of Way – a footpath is shown running north of plots 49 to 53 and falls short of an existing right of way (footpath 139). The owner of the land to the east would be entitled to erect fences which would prevent the public crossing the gap to the footpath. I would welcome linking the footpath to give new and existing residents an easy link to the wider public rights of way network to allow benefits and reduce car use. This link should be provided by an appropriate condition.

Update – The link is now proposed to connect up to the Public Right of Way.

PBC Conservation Officer – A comprehensive Heritage Statement accompanied the outline application which fully set out and analysed the significance of the heritage assets affected together with their settings. This included an assessment of the likely impact of the scheme on that significance. The assets affected are the listed buildings at No 3 Lidgett and at Standroyd, and in particular the Lidgett and Bents Conservation Area. The scheme was amended at the outline stage to address concerns about the impact of the scheme on the setting of the listed house at Standroyd, and the impact of a main vehicular access into the site from Skipton Old Rd. The setting back of the proposed housing from the Lidgett cottages and Skipton Old Rd frontage, and provision of a buffer landscaping zone up the green slope to the rear of the cottages addressed concerns about the impact on the character and appearance of the CA at that point, as well as the listed buildings at Standroyd and No 3 Lidgett.

However the overall success of the scheme in relation to its impact on heritage assets will depend on the detailed layout and design of dwellings and the quality of landscaping, which is now to be fully addressed at the reserved matters stage. The DAS needs to build on the information within the original HS, justify why particular designs have been chosen, and assess their impact, with reference particularly to the CA and its setting.

The Inspector's decision refers to the Planit document, which sets out design parameters aimed at minimising any adverse effects on the significance of the CA and its open setting. These parameters are set out in the DAS, and indicate a relatively open grain of development along the top of the embankment to Skipton Old Rd, and a landscaped strip along the footpath forming the E. boundary of the site. The Inspector also refers to the strong vernacular character of the cottages along Lidgett, and how the surrounding fields clearly 'root' them in a rural setting; this direct relationship with agricultural land being an important part of their significance and that of the CA as a whole. The southernmost part of the development site falls within the CA boundary, with the wider site also contributing to its setting, being experienced both in shorter and more distant views of the CA. The Inspector concluded that '*with careful design and layout*, the harm identified.....would be outweighed by the benefits arising from the scheme.'

Accordingly the DAS indicates that particular care will be taken with the design and layout of those houses lying within the CA boundary. Most of these dwellings are therefore proposed to be architect-designed bespoke house types, reflecting a 'farmstead/workhouse' aesthetic to reflect the rural character and history of this part of the CA, and to assist the transition with the surrounding countryside. The DAS states it should be read in conjunction with the Planit document; it would therefore be helpful if the applicants could submit this to accompany the DAS, in order to give more background to the design process and detailed development of the layout and house designs.

Design/layout of plots within the CA boundary

The proposed dwellings to the S edge of the site (plots 69-77) 'seek to celebrate' the nearby listed buildings, creating a rural farmstead setting which reflects the wider character of the CA. They are intended to replicate the building relationship that would be found on a typical farm estate, comprising of 'farmhouse', 'barn', 'workhouse' and 'cottage' type properties, which differ in style and alignment. They would be in natural stone and slate, and clustered together informally beyond a landscaped buffer zone to the rear of the Lidgett cottages. They would generally face outwards, set back behind generous open lawns. A rear internal courtyard would accommodate garages within simple vernacular style outbuildings, and further areas of open parking edged with dry stone walls. The gradient of the site and informal layout would avoid too much uniformity and enable rooflines to vary in shape and height. This part of the site would therefore have a more organic layout in contrast to the more regular layout of dwellings to the remainder of the site beyond the CA boundary.

The detailed designs of these houses have drawn from traditional local elements such as stone chimneys, straight gable ends with coping stones and kneelers to stone slate roofs, stone quoins and mullioned windows with stone surrounds. Windows and doors would be timber painted in darker more recessive colours. This overall concept should work well, with some of the features in individual house designs simplified in order to better relate to the immediate context of the cottages along Lidgett, which are relatively plain and simple designs in the local vernacular. The Farmhouse and Cottage property types should generally work well within this context, the Barn/Workhouse type is now less elaborate in form, with the apparent symmetry of the design with its prominent gables and expressed chimney stacks improved in this prominent position closest to Skipton Old Rd. The gable end of house 75 has been amended to remove the uncomfortable door/window relationship as this would have been particularly prominent. This block has been amended and angled slightly towards Skipton Old Road to soften the building line.

The Farmhouse type (plots 73 and 74) works well; relationship with plot 72 is tight, with plot 73 requiring a relatively blank rear elevation, and an over-symmetrical gable end, which could appear incongruous. Grey slate should be carefully selected to work with the parapet verges.

The Cottage type is simple and should work well and the bridge link over the road has been narrowed and well recessed and therefore should not be overly prominent.

Conditions should require stone, slate/stone slate and pointing samples, detailed design of doors, windows, depth of reveal, metal rwg, etc.

Design/layout of plots along the SE edge of the site

It is the southern and eastern edges of the lower part of the development that will be particularly prominent in relation to the setting of the CA, when seen from Skipton Old Rd and from the footpath and open fields to the east. It is therefore important that all the houses along this edge (plots 75-79, 60-64 and 49) are appropriate in design and materials, to present a 'softer' more natural edge to the open countryside. To assist in this transition plots 78 and 79, immediately adjacent to the CA, are now bespoke house types in natural stone and slate, to naturally follow on from those within the CA. Additional care has been taken with the quality of materials and design for plots 60-64 and 49 with substituted housetypes and a mix of natural and reconstituted stone proposed along this edge.

Design of other dwelling types

Simplified house designs have been produced throughout the site.

Updated Scheme – The submitted amended layout, house designs and materials addresses the concerns raised and I have no objections to the amended scheme in terms of the heritage assets.

PBC Environment Officer – Recommended the initial plans be amended and various improvements to the landscaping proposals made as well as bird and bat boxes on appropriate trees and panels on dwellings.

There are two Tree Preservation Orders (TPO) on the site. These mainly relate to trees on the north and western boundaries of the site. They are listed as:

- TPO/NO8/1981 – Favordale Road, Colne
- TPO/NO15/1998 – Windermere Avenue Colne

The landscape management plans has been updated to include more details for the protected trees as well as those within the conservation area and a more substantial landscaping plan has been submitted which includes a higher hedge along the western boundary and changes to species and layout along the southern boundary to Skipton Old Road.

The landscaping has been updated and is now an appropriate scheme for the site.

Colne Town Council – The sharp definition between the architectural treatment and material palette deployed in the Lidgett and Bents Conservation Area and that used on the adjacent properties just outside the CA. Councillors believe that this lack of consideration has a negative impact on the CA. There should be a transition zone to protect views into and out of the CA.

The insufficient buffer between the existing properties on Favordale and the cycle path, leading to compromised privacy for those properties.

The insistence on vehicular access via the Skipton Old Road site entrance. Councillors believe vehicular access via this entrance should be removed, unless the emergency services require it. The Councillors also stressed the importance of all the traffic mitigation measures (Appeal Condition 17) being implemented.

The strong likelihood of the Curlew (a Red Listed bird) nesting on The Lower Rough which, if confirmed after an expert survey in March/April, should delay tree felling or vegetation clearance or any other works until August (Appeal Condition 12).

The risk of the Japanese Knotweed detected on the western border spreading into the brook, to other parts of The Lower Rough or to the wider area via roads (Appeal Condition 13).

Public Response

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

53 responses received objecting on the following grounds:

- Serious issue with drainage proposals and risk of flooding;
- The construction phasing contradicts the requirements for nesting birds;
- The contractors parking and storage of materials is very close to houses;
- The paths and driveways to the west will invade the privacy of the older dwellings;
- The fence panels would be out of keeping in the conservation area;
- There is no reference to knotweed or other invasive species;
- The buildings in the conservation area just look like standard modern houses out of keeping with the area;
- This development will have a serious impact on our community and road infrastructure and the environment in general;
- The development will cause extra traffic on an already busy area around Venables Avenue, Windermere Avenue, Langdale Rise, Skipton Old Road, Castle Road and all roads leading to Park School which is already horrendous at school time;
- Local facilities are busting at the seams and local schools are full;
- This Greenfield site is totally unsuitable for a development of this scale, why can't they use brownfield sites first;
- It will spoil the character of the area that contributes to our well-being and enjoyment of our community. The development will negatively affect the views across Boulsworth and will have a negative impact on our ability to enjoy the natural surroundings;
- The development will have a negative impact on local wildlife and decrease biodiversity;
- The plan to have a cycle route on the boundary to Favordale Road will invade on the resident's privacy and the levels of noise from the cyclists is not acceptable so close to the houses;
- Garth House plot 23 facing Favordale Road will impose on the privacy of Gadshill and Ing Dene Houses. Its elevation will also mean it imposes on these houses and views will be directly into these houses;
- No clear details on the screening along the boundary between plot 23 and Gadshill and Ing Dene;
- No clear information on noise pollution caused by building the plots near to current houses in the area;
- There is a risk to the health of local residents from air and noise pollution coming from machinery and lorries used to deliver and mover materials in this location;

- We have had repeated culvert failures/collapses and the building works require proper water run off drainage. UU have not managed the situation or repairs;
- The current access at Windermere Avenue and Castle Road is not substantial to take the extra traffic;
- There should be two access points Windermere Avenue and Skipton Old Road i.e. 50/50 with road calming measures on Windermere Avenue, Coniston Grove and Thirlemere Avenue;
- Windermere Ave is a small estate road and wagons are going to create congestion, dirt and dust over three years this is asking a lot of residents;
- The plans show a collection tank at the bottom of the development with an outlet into the stream opposite my entrance to my cellar. The banking of the stream has been planted to provide protection from erosion after heavy rain. There is no contingency plan for the tank when it's at capacity and the Victorian culvert is already in a poor state and has collapsed recently;
- The appearance of the Lidgett Triangle and the surrounding vista will be detrimentally affected by the building of these houses;
- Part of the development is in the conservation area and the proposed properties in this area must be a suitable design/construction. The proposed properties in the non-conservation area of the development must blend appropriately with the period/traditional established properties in both Favordale Road/Lidgett as well as the proposed new properties in the conservation area;
- I need reassurance that the planning conditions set by the Government Inspector have been fully implemented in this planning proposal;
- Our town can not take hundreds of extra people or the extra pollution which will be caused by them. It is obvious to all local people that our town infrastructure is crumbling with limited services from doctors, hospitals , dentists and schools, water and sewage as well as refuse collection which is abysmal;
- The extra vehicles and limited car parking facilities will put an extra burden on all local residents and add to the horrendous slow queues of traffic;
- The proposed site is served by roads which are narrow and built for horse drawn carts in poor repair and deterioration is marked and now in a dangerous state;
- This development would despoil the countryside and views and most town residents do not want to see three storey town houses which is out of keeping with the traditional mullioned local houses;
- The development is profit driven and will not be of benefit or affordable to local people who need a first home;
- This site will not stop at 82 dwellings and if it is accepted the problems will be unimaginable and the community charge payer of this town can not afford the future penalties of pollution and maintaining infrastructure;
- Coniston Grove will be used as a rat run for all the extra cars;
- 200-300 children use Venables Ave with little or no road sense and a complete disregard to traffic;
- The pedestrian crossing at the Morris Dancers needs to be automated and another automate crossing as Keighley roundabout;
- The sharp definition between the architectural treatment and material palette deployed in the Lidgett and Bents Conservation Area and that used on the adjacent properties just outside the CA. Councillors believe that this lack of consideration has a negative impact on the CA. There should be a transition zone to protect views into and out of the CA.
- The insufficient buffer between the existing properties on Favordale and the cycle path, leading to compromised privacy for those properties.
- The insistence on vehicular access via the Skipton Old Road site entrance. Councillors believe vehicular access via this entrance should be removed, unless the emergency services require

it. The councillors also stressed the importance of all the traffic mitigation measures (Appeal Condition 17) being implemented.

- The strong likelihood of the Curlew (a Red Listed bird) nesting on The Lower Rough which, if confirmed after an expert survey in March/April, should delay tree felling, vegetation clearance or any other works until August (Appeal Condition 12).
- The risk of the Japanese Knotweed detected on the western border spreading into the brook, to other parts of The Lower Rough or to the wider area via roads (Appeal Condition 13).

Officer Comments

The main issues for consideration are impact on amenity, impact on Heritage Assets, impact on landscape character and ecology, flooding, landscaping, drainage and parking requirements.

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 Part 1 Local Plan is fully up to date and has been adopted with the NPPF as the prevailing national planning policy document.

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

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

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

Policy SDP3 sets out the housing distribution for Pendle.

Policy 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 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 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 the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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.126). 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. 127).

Para 130 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 is should be refused.

Para's 193 – 196 assess considering the potential impact on heritage assets.

Paragraph 196 states that where there would be harm, but that harm would be less than substantial harm, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

1. Principle of Housing

The principle of housing on this site has already been established on appeal for up to 90 dwellinghouses on this site – decision date 28th September, 2016.

2. Impact on Amenity

The submitted layout shows 82 dwellinghouses in a relatively low density development with green spaces proposed to the south and west of the site and a link to the footpath to the north east and a cycle path to the south and east. There would be vehicular access from Windermere Avenue as well as an emergency access to Skipton Old Road.

The site is bounded by residential properties to the south and western side. Open fields lie to the east.

The proposed houses have adequate separation distances from existing houses. At the request of a resident a cross section showing the relationship of houses on the site and Favourdale Road has been produced. This has helped to confirm that there would be no adverse impacts on privacy or amenity due to height differentials.

Details of boundary treatments have been submitted with the hedgerows along the eastern and western boundaries and the existing stone walls retained to the lower edge of the eastern boundary.

Subject to appropriate conditions this proposal would be acceptable in terms of impact on residential properties.

A key concern when housing sites are being developed is the method of construction. This is the subject of a condition discharge submission but there have been changes made to the initial proposal on that separate submission to ensure that impacts are minimised. It is not a matter for consideration for this application however.

3. Impact on Heritage Assets

Historic Environment Good Practice Advice Note 3 'The Setting of Heritage Assets' makes it clear that the setting of a heritage asset is the surroundings in which the asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements such as key views, character, history, culture, context, as well as visual aspects can all contribute to setting. This issue formed a major part of the consideration of the merits of the appeal proposal. The parameters of what could be acceptable on site were looked at in detail as part of that process and the Inspector concluded that for this site a scheme would be arrived at that would be acceptable but not on the larger site on which a spate appeal was dismissed. The Inspector clearer concluded that there were different impacts and characteristics relating to the larger and smaller appeal sites.

A comprehensive Heritage Statement accompanied the outline application which fully set out and analysed the significance of the heritage assets affected together with their settings. This included an assessment of the likely impact of the scheme on that significance. The assets affected are the listed buildings at No 3 Lidgett and at Standroyd and the Lidgett and Bents Conservation Area. The indicative scheme was amended at the outline stage to address concerns about the impact of the development on the setting of the listed house at Standroyd, and the impact of a main vehicular access into the site from Skipton Old Rd. The setting back of the proposed housing from the Lidgett cottages and Skipton Old Rd frontage, and provision of a buffer landscaping zone up the green slope to the rear of the cottages addressed concerns about the impact on the character and appearance of the Conservation Area at that point, as well as the listed buildings at Standroyd and No 3 Lidgett.

A Design and Access Statement has been submitted with the application which includes a section on the designs for the south of the site and the aim to create the feel of a rural farmstead setting to reflect the

Lidgett & Bents Conservation Area. These include designs of the Farm House, The Barn, Workhouses and the Cottages. The overall designs have been simplified from those originally submitted with this application and to make the layout more organic. In order to improve the transition between the conservation area and the rest of the site Plots 78 and 79 have also been amended to simplify them and to ensure there is a design appropriate from the bespoke designs on the lead up to the site from Skipton Old Road to the more modern elements of the estate.

Additional information has been submitted of design improvements of the houses, materials and landscaping particularly at the edges of the site to the open countryside and Favordale Road. Existing stone boundary walls would be retained and new boundary treatments be provided in appropriate materials or native hedgerows in order to preserve the rural character. Rooflines and roof shapes would be simple in form and detailing with materials predominately natural and in recessive colour palette.

The layout would also aim to preserve views out to the surrounding countryside this will assist in integrating the development into its context and preserving local distinctiveness.

The use of materials has been raised at Colne Area Committee with regard to the houses that are in or straddle the conservation area boundary (46, 67, 68) behind the bespoke design of houses around Skipton Old Road. Also that the houses 60-64 and 49 on the east boundary. The concerns are that these should be natural stone.

The use of materials should be appropriate to the circumstances. The materials used anywhere need to be the correct ones for the design of the location they are in and to respect the setting of other buildings or designations.

The houses behind 68-79 will be framed from approaches from the north by modern houses. Their materials will have little or no impact on the setting of the conservation area from the north. From the approaches along public highways the houses will not be seen. When approached from the east they will be at lower heights to 68-79 and these will form a strong visual barrier to them. The materials will therefore have no impact other than when you stand immediately next to them. They will not therefore have any detrimental impact on the setting or character of the conservation area and a requirement for stone is not justified.

Units 75-79 will be made of natural stone and slate with units 78 & 79 lying outside of the conservation area and forming the main setting to it. These are a bespoke but more modern design to the units lying in the conservation area. There is therefore a design transition appropriate to protect the conservation area. Units 60-64 and 49 are a further transition between the conservation area into the non-designated land. They are of modern design and will have to be made of acceptable materials to compliment the stone built structures inside of the CA and on –plots 78 & 79. A requirement for them to be stone would not be justified based in their impact on the conservation area.

The development in and next to the conservation area would harm it. That harm would be in the less than substantial category. The scheme that has been designed is an appropriate one and minimises the harm that would result.

As part of the heritage balance the public benefits for the proposal need to be considered. These would include:

- New housing for the Borough;
- 5% affordable housing on the site;

- Economic benefits in the construction stage in terms of jobs and expenditure;
- Increased revenue spending from new residents;
- Habitat creation.

The Planning Inspector concluded that Appeal A (this site) would result in the lower end of less than substantial harm, and that this would be outweighed by the benefits arising from the scheme.

Nothing has changed which affects the thrust of the Inspector's views on this. The scheme would cause less than substantial harm but there are substantial public benefits from providing housing and these would outweigh the harm.

This site is not crossed by footpaths and is enclosed to the south and west and a close relationship with the more modern development to Favordale Road and Windermere Avenue and surround estate establishes a more urban character. The introduction of modern housing, irrespective of the quality of design or layout would result in the loss of the direct interrelationship between the cottages at Lidgett and the fields and some erosion of the rural setting of the original settlements; it would be harmful to both the Conservation Area and its setting. This harm would be less than substantial with careful design and layout, at the lower end of that scale.

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 ENV2 and para 196 of the National Planning Policy Framework.

4. Impact on Landscape and Ecology

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

Whilst the site is not located within any nationally valued landscaped para 170 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 potential landscape impact was considered as part of the appeal process and the Inspector concluded that this site would, over time and as a result of its current relative containment, represent limited change reflecting a fairly logical extension of the town eastward.

The development as proposed would not have an unacceptable negative impact on the landscape of this area. The proposed number of properties are appropriate and the amount of greenspace and planting has been significantly increased and improved.

A good landscaping scheme has been provided d details of which have been submitted as part of the conditions discharge application. However that landscaping must be seen in the context of the prosed development the subject of this application. It has been improved through the application process and now provides an acceptable proposal to deal with the entrance to the site from Skipton Old Road and along the eastern boundary of the site.

The remainder of the site is more self-contained but there is adequate internal landscaping to give the site a good quality environment on the southern and western boundaries have good proposed treatments.

In terms of ecology the associated fields provide ecological corridors for the movement of wildlife and the development would need to ensure that any harm would need to be mitigated. Again this forms part of the conditions attached to the outline at Appeal and are being considered as part of that application. The proposals however adequately deal with the ecological elements of the site.

The proposed development would be acceptable in terms of impact on the landscape character of the area and accords with policies ENV1 and LIV1.

5. Flooding and Drainage

The site lies within Flood Zone 1. A Flood Risk Assessment was submitted with the outline application and appropriate conditions attached to the appeal decision.

In terms of drainage this scheme proposes that a Sustainable Drainage System will be installed and details of this have been submitted for consideration as part of the conditions. The proposed drainage strategy has not yet been discharged as part of the process.

6. Highways Issues

The access has already been approved under the outline application allowed on appeal and therefore whilst minor changes may be required the principle of access has already been approved.

Minor changes to the estate layout were requested by LCC Highways and these have been addressed and no concerns over highway safety remain.

LCC have agreed that the emergency link onto Skipton Old Road can be a cycleway/pedestrian route only with a simple conservation style bollard or similar arrangement to be agreed.

Conditions relating to construction method statement and a street lighting scheme were attached to the outline appeal decision and a separate application has been submitted to deal with the discharge of these.

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

7. Open Space, Landscaping and Rights of Way

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 significant planting of trees, shrubs and hedges and the creation of a cycleway/pedestrian route through help to soften the scheme and would provide ample screening for this development. This will provide visual interest in the overall layout and reduce and screen the amount of built form on the site overall. The general way open and green space would be dealt with was agreed at the appeal stage and the scheme follows the broad principles established there.

The footpath officer has asked for a condition for the site to link to the footpath network to the north. This would require placing a condition on land the applicant does not own and a condition could not be enforced. One is therefore not included on the suggested conditions.

8. Contributions

These were agreed in a Unilateral Undertaking at the Appeal.

Summary

The scheme would be a sustainable development which has clear benefits which are outweighed by the harm. The scheme overall accords with the policies outlined in the Pendle Local Plan Part 1: Core Strategy.

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 development is appropriate in this location and would not unduly impact on residential amenity or the conservation area and subject to conditions would be acceptable in terms of parking, design and materials. 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. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No. 13/14/0580P and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No. 13/14/0580P.

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

LO-01, WA-SL.01 Rev d, WA-EPL.01, WA-ML01, PH-01-A, PS-1708-TS-3D, 8150 P(000)101B, 18376 P06, WIN 1.7a, RYD 1.7a, OAK 1.7a, MAI 1.7a, CHUR 1.7a, BROM 1.71a, BW 1.7a, ARNI 1.7a, ASH 1.7, BOU 1.7a, COW 1.7, GRA 1.7, P(000)069 Rev E, P(000)073 Rev I, P(000) 074 Rev E, P(000)075 Rev J, BTL-01 rev a, P(000)200 Rev A, P(000)201 Rev A, SGS D1, SD-SW 2A, SD-F1, DGS-D02, SS-01, NP01 Rev, S24-01, WA-NP01, 5704.01 Rev L, 5704.02 Rev L, 5704.03 Rev L, Landscape Management Plan JW/5704/LMP Rev h, 18376-C2010 P06, TPF-01, 8150 P(000)101B, WA-ML01 rev & BTL-01.

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

3. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D and E(a) of Part 1 and Classes A and B of Part 2 of Schedule 2 of that Order shall be carried out on plots 46, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81 and 82 without express planning permission first being obtained from the Local Planning Authority.

Part 1

- A) no extensions shall be erected
- B+C) no alterations to the roof of the building shall be carried out
- D) no porches shall be erected
- E(a)) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the buildings
- (G) no installation or replacement of a chimney, flue or soil and vent pipes

Part 2

- A) no gates, fence or wall structures shall be erected within the curtilage of the buildings
- B) no means of access shall be constructed to the curtilage of the buildings
- C) the exterior of the building shall not be painted

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

4. Prior to any above ground works samples of all the materials (including elevations, roofs, rainwater goods, windows, doors, garage doors, etc) to be used in the construction and the surfacing of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. A sample panel of the approved stone (both natural and reconstituted) with quoins and appropriate pointing shall be erected on site for inspection and written approval prior to the commencement of development. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity and to preserved and protect the character of the Conservation Area.

5. Detailed plans and sections of the proposed windows and doors on plots 46, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81 and 82 at a scale not less than 1:20, and details of chimneys and rain water goods at an appropriate scale together with details of proposed finishes, shall be submitted to and approved in writing by the Local Planning Authority within two weeks of commencement of work on site.

The development shall thereafter at all times be carried out in strict accordance with the approved plans.

Reason: To enable the Local Planning Authority to control the detail of the work and in order to protect and preserve the character of the Conservation Area.

6. Prior to implementation detailed plans of the proposed bollard, footpath link, cycle/pedestrian path and access onto Skipton Old Road together with details of proposed finishes, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter at all times be carried out in strict accordance with the approved plans and completed in accordance with the phasing plan.

Reason: To enable the Local Planning Authority to control the detail of the work and in order to protect and preserve the character of the Conservation Area.

7. All windows, doors and garage doors on plots 46, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77 and 78 shall be of timber construction and shall be painted not stained in a colour scheme to be submitted to and agreed in writing by the Local Planning Authority within two weeks of the commencement of development on site.

Reason: To ensure a satisfactory form of development within the Conservation Area.

8. Notwithstanding the submitted plan details of the boundary treatments for plots 1 and 2 including height and type shall be submitted to and agreed in writing by the Local Planning Authority prior to erection on the site.

Reason: To ensure a satisfactory form of development within the Conservation Area.

9. Windows and doors shall be set back from the external face of the walls of the units by at least 100mm in depth.

Reason: To ensure a satisfactory form of development.

10. No development hereby permitted shall be occupied 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.

11. Prior to the associated dwellinghouse being occupied the car parking areas and driveways shall be surfaced or paved in accordance with a scheme including materials to be submitted to and approved in writing by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan.

Reason: To allow for the effective use of the parking areas and in order that the site is serviced by adequate car parking in the interests of highway safety.

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

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.

13. All soft landscape works shall be carried out in accordance with the approved landscaping plans 5704.01 Rev M, 5704.02 Rev M, 5704.03 Rev M and the Landscape Management Plan JW/5704/LMP REV H.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development except for the hedgerow along the western boundary which shall be implemented prior to any works commencing and the tree protection fencing then erected outside of this. 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 the provision, establishment and maintenance of a reasonable standard of landscape in the interest of visual amenity.

14. Details of hard landscaping including paths and driveway and patios shall be submitted to and approved in writing by the Local Planning Authority prior to implementation. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

15. 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.



Application Ref: 18/0865/REM

Proposal: Reserved Matters: Major: Erection of 82 dwellinghouses and associated infrastructure (Appearance, Landscaping, Layout and Scale) (planning application 13/14/0580P – Appeal APP/E2340/W/15/3131974).

At: Land to the East of Windermere Avenue, Colne.