



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES

TO: WEST CRAVEN COMMITTEE

DATE: 5th November 2019

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

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO WEST CRAVEN COMMITTEE 5th NOVEMBER, 2019

Application Ref: 19/0664/OUT

Proposal: Outline: Major: Residential development of up to 34 dwellinghouses (Use Class C3), associated access roads (Access only with all other matters reserved).

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

On behalf of: DDK Estates Limited and Seddon Homes Limited

Date Registered: 29 August 2019

Expiry Date: 28 November 2019

Case Officer: Kathryn Hughes

Site Description and Proposal

Planning permission is sought in outline for the erection of up to 34 dwellinghouses on land off Beckside in Salterforth. The site is located outside the settlement boundary in open countryside. It has no other designation in the Local Plan.

The proposal is for vehicular access off Beckside with potential emergency access from Hayfields.

The proposal also includes public open space and mitigation planting.

A Planning Statement, Design and Access Statement, Landscape, Townscape and Visual Appraisal, Tree Survey, Highways Note, Ecology Report and Flood Risk Assessment have been submitted with the application.

Relevant Planning History

18/0362/FUL – Full: Major: Erection of 34 dwellinghouses with associated access roads, car parking, open space, landscaping and other associated works. The application was refused by Pendle based on: Impact on landscape, Unacceptable increase in housing for Salterforth exceeding the scale of development appropriate for a village in policy SDP2 and an unsustainable location outside of the village boundary.

The subsequent appeal was dismissed based on: The landscape impact being significantly harmful, an inappropriate increase in new housing exceeding the scale of development identified in the development plan and the development being unsustainable including its impact on existing infrastructure and an increase in travel by car.

The appeal decision was the subject of a judicial review. The decision was quashed on the basis that the Inspector had failed to deal with the issue of the five year land supply. This meant that the Appeal had to be re-determined. The Appellant decided however not to continue with an appeal but to submit another planning application.

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.

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 – This application seeks outline permission with access only. The access arrangements propose Becks side as the main vehicle access.

Hayfields can support pedestrian and cycle movements only with emergency vehicle access from the site if required. The design and access statement does reflect this access arrangement.

It is essential to secure the management and maintenance of the estate road (Phases 1 and 2) and infrastructure with a planning condition, to protect the future residents, especially considering the primary vehicle access is a bridge over Salterforth Beck.

There is no agreement between the developer and the Highway Authority to formally adopt the roads and infrastructure therefore a private management company will be required to carry out this role.

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 – 200m desirable, 400m acceptable, 800m preferred maximum, includes food shops, public transport, primary schools, crèches, local play areas.

- Bus stop – 300m Kelbrook Road mainline services.
- Primary school – Salterforth Primary School 350m
- Salterforth Village Hall – 370m
- Local play area - 280m
- Convenience food shop - Exceeds distance

District facilities – 500m desirable, 1000m acceptable, 2000m preferred maximum, includes employment, secondary schools, health facilities, community/recreation 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 implemented under a S278 agreement for the Phase 1 Beckside 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 Beckside Phase 1. 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.

Conclusion

The Highway Authority raises no objection to the proposal subject to conditions relating to construction method statement, construction traffic, off site highways works and emergency/pedestrian/cycle link, vehicle access, full engineering, street lighting and constructional details, management and maintenance, porous materials for parking, cycle provision and electric vehicle charging points being attached to any grant of permission.

LLFA – No objection subject to appropriate conditions.

LCC Education – Requests a contribution towards 5 Secondary school places of £120,925.80.

Yorkshire Water – comments not received.

Earby & Salterforth Drainage Board – Application for works will be required and consent will be determined by the Board under Section 23 LDA and the Drainage Byelaws created under Section 66.

Consent Conclusion:

- All proposed works are within 7m of the edge of the watercourse, and/or proposed works within a watercourse;
- Surface water discharge requires restricting to 1.4ls/ha;
- The LDA was amended in 1991 to accommodate environmental regulations;
- Separate consent required for permanent works and for temporary works;
- 2 month determination period;
- Within the application detailed final design drawing would be required including cross sectional drawings of the watercourse illustrating the structure, a longitudinal drawing and general site layout. Assisting this would be an EAI incorporating any [protected species noted within the site any associated mitigation measures in accordance with the current Government guidance.

From the IDB perspective, the fact an IDB was created here, advises everyone this is an area with special drainage needs. The Board's systems are a network of drains and pumping stations development over generations when much of the land was agricultural. These systems are not designed to accommodate surface water exceeding the green field run-off rate.

The Flood & Water Management Act provides a duty for all Risk Management Authorities to operate together and reduce flood risk to people and property now, and in the future. On land

requiring special drainage need, reducing that risk is by ensuring adequate protection is given to access for watercourse maintenance.

Two recent photos of phase one of the scheme show the compensation storage basin, scouring the existing watercourse and flooding the nearby public footpath and indicating unsuitable access for heavy tracked plant preventing watercourse maintenance works and any improvement works in the future. Increasing flood risk.

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

Lancashire Fire & Rescue – advice on access in relation to Building Regs.

Salterforth Parish Council – Cllrs unanimously objected to the proposal:

- Frustration that another application has been submitted despite having gone through the whole process once, including the PI dismissing the case;
- Landscape and herniate impact;
- Loss of openness being detrimental to the quality and character of the settlement and area;
- It will diminish the sense of transition between the settlement and the countryside;
- The impact on the existing infrastructure;
- Flooding – concerns with the beck which is now at full capacity as water from the original development discharges into the beck;
- Waste water being discharged when the waterways now are struggling to cope;
- Further development have already been approved and this additional one will set a precedent for even further development;
- Increase in travel and traffic with no facilities within the village;
- Shortage of school places, hospitals and doctor places;
- Sewerage and waste water concerns;
- Shortage of parking and concerns with the bus on Earby Road having to reserve causing pedestrian safety concerns;
- Loss of wildlife;
- Loss of countryside;
- Sustainability
- Lack of services in Salterforth;
- Impact on the environment
- Visual impact

Public Response

Site and press notices posted and nearest neighbours notified by letter. 104 responses have been received objecting to the proposals on the following grounds:

- Previous reasons still apply;
- The access is not suitable for another 34 houses and could leave the bridge under extreme pressure to the point of collapse and it would be unsafe to add a second entrance due to speed of cars travelling up and down this road;
- The local area cannot sustain this type of further development;

- The final house on this initial development was only sold earlier this year despite being completed around a year ago. Is there a real demand for these houses in the area or would these houses be left empty and unoccupied once complete;
- The developers have got themselves a bad name so I think some people would stay clear;
- The pond area has been left an absolute disgrace as it's a mass of weeds;
- Sheep can get through the damaged fence from the field and fence has not been repaired;
- The mill has not yet been developed for 14 apartments;
- This is a greenfield site and we believe that the Inspector made the correct decision to turn this down. We are very surprised and disappointed that the Inspector's decision can be ignored;
- The site is a valuable wildlife link and over the summer period I have recorded 4 species of bats it is strange the previous wildlife audit did not – suggest an independent bat expert is brought in done at the right time of year;
- When I bought my house I was assured by the salesman that there were no plans to build and next building phase was planned for the Skipton area;
- The view from my house will be blighted if more houses are erected and spoil the entire concept of being tranquil;
- There is no provision for visitors parking or disability parking bays and hence many visitors have to park on the pavement;
- Seddon Homes leave the site dirty and do not clean up with house alarms going off and the road signage is wrong and Seddon homes have refused to change this;
- Another 34 houses would cause years of disruption for residents with mud, plant machinery and dust as well as noise factors;
- The drainage around the pond area has not been sufficiently dealt with and the side of my house and no.'s 40 and 39 was flooded;
- There is not access to the lifebuoy at the pond or for residents to walk around the pond;
- There is not sufficient local amenities and it isn't sustainable. Salterforth has a pub and a school with little capacity and a bus stop all other facilities are in Barnoldswick;
- If flooding is a risk then it will be flagged up on the floodline which it isn't as present and would devalue homes and increase insurance;
- Salterforth is a rural village and further development will ruin local wildlife and countryside;
- The footpath from Salterforth to Kelbrook is a very pleasant and rural delight a further encroachment into this farmland will undoubtedly change the character of the village;
- Parking is already difficult for many residents and another 34 dwellings will bring in more visitors and tourists;
- There is no shop and the school is too small and the village has become to criminals. I see no benefit from the new build other than to satisfy government housing targets and profit the builders;
- The development would be contrary to policy ENV1 Pendle Local Plan part 1 : Core Strategy 2011 – 2030;
- The proposed access road onto the site is on a dangerous narrow bend with poor vision if pulling out;
- The village car park is now full most evenings and weekends with visitors using this facility and discarded cars left with no attempt of them being removed;
- Traffic has increased significantly in the last six years and the since the traffic lights have been installed it is difficult for tractors to gain access and the school run;

- The government attaches great importance to Greenfield sites, the fundamental aim of which is to prevent urban sprawl thereby preventing neighbouring towns and villages merging into one another. By preserving Greenfield sites we are assisting urban regeneration by encouraging the recycling of derelict properties and other brownfield land – Salters mill is a good example of this and our local area has no shortage;
- The government has stated that development on Green field land should only be considered in exceptional circumstances – the current application shows no changes made and illustrates no exceptional circumstances;
- If PBC has not met its housing targets should it not enforce the applications that have been passed already and not been built?
- The land would have a significantly harmful effect as the land crowns and undulates so the quality of the landscape would be severely diminished and would not enhance a lovely greenfield site;
- Concerned about the sewerage system as it regularly blocks and would need an upgrade if this goes ahead;
- Traffic and speeding through the village is a massive problem and safety concerns as narrow roads have no pavements and blind corners to navigate to cross the roads;
- There have been several accidents near the location of the proposed housing development;
- Under the Human Rights Act (Article 8) my family and I have the substantive right to respect for out private and family life this development if it goes ahead will breach this article;
- I own two allotments directly adjacent to the site it the new properties are built they will impact on light on these gardens that is paramount to growing fruit and vegetables;
- The landscape and heritage of the village would be hugely detrimentally affected. The proposed land is on a higher aspect and therefore would tower over, overshadow and overlook existing properties, there would be a huge loss of privacy for houses in the vicinity. Views and open aspects would be blocked from far afield. This land would become ribbon development towards Kelbrook and Sough and would immensely negatively affect the character, identity, appearance and quality of the landscape of the village contrary to policy ENV1 of the Pendle Local Plan. Any approval set a precedent for further applications of this kind in a way that is not in conformity with the emerging local plan;
- The proposed houses would ruin the open views across the fields to Weets Hill and would be detrimental to the open aspect of the neighbourhood and indeed that area. The open aspects are crucial to everyone's wellbeing;
- We are almost 200 secondary school places short over the next 5 years;
- What jobs will support the influx of new families with job losses at Rolls Royce and the uncertain future of Silent Night;
- The beck has been contaminated in parts and blocked in areas with the pond a dangerous eyesore;
- Can evidence be provided for all future costs/impact consideration for future remedial works and support the need for new housing and that infrastructure can support it;
- The increase in houses exceeds the scale of development appropriate for the village as per policies SDP2 and SDP3 of the Pendle Local Plan Part 1;
- The proposed development would create a division in the village as it would effectively be one large housing estate separate from and isolated in character from the small rural village;
- The plan appears to show an emergency exit through the small development of Hayfields which would be totally unsuitable for traffic emerging onto Earby Road;

- The land is grade 3a good quality agricultural land capable of supporting crops and is not a vacant field as indicated in the report;
- With the publication of the new NPPF it has become clear that the new methodology for calculating objectively assessed housing need (OAN) will have a major impact on the five year housing land position. Initial estimates for Pendle showed that that five year housing land supply position could change from the current 5 years to in excess of 13 years when the new methodology is applied, resulting in a massive reduction in the number of new homes needed in this area;
- As the proposal would not be sustainable development and therefore would be contrary to policy LIV1 of the Pendle Local Plan;
- The level of development indicated for Salterforth already represents a significant over provision and the plan period still has more than 10 years remaining. The nature and scale of the proposed development would constitute a substantial and unacceptable increase in the amount of new housing in the settlement and would exceed the identified scale and requirement for housing in Salterforth albeit that is a minimum level as set out in the Pendle Local Plan. Moreover, it would result in a disproportionate scale for the character of the village;
- Salterforth has already exceeded the current housing targets for the whole of Pendle Rural Area;
- We have two areas on the edge of our border with Earby with planning for 34 and 12 houses. The old mill has planning for 14 properties plus 4 more buildings have planning for development. 10 buildings have been converted into houses plus Dalesview have extended their site plus the 49 at Seddons that have been built. I am not sure how much more the village can take, the whole character of our once small settlement is changing beyond recognition;
- The field is on a hill and the houses will be on the skyline and will be seen from the surrounding hillsides changing the whole character of the village;
- Work has been done on the sewerage pipes but this has only meant a sleeve within the pipes which reduces the circumference and limits the flow adding the problem;
- Earby beck has been identified as one of the top 10 contributing catchments towards flooding in Leeds. This will result in the flow slowing and areas like Salterforth at higher risk of flooding;
- Tourism will suffer as people will not come to look at poorly designed and built new build houses;
- The existing style and build of Becksides is detrimental to the character of the existing houses, generic in style no hint of blending in with the existing properties, is a real eye sore. This new estate will create a vast urban/ribbon development. I thought lessons had been learnt from past mistakes;
- Cars parked ad hoc in the village due to most of the car park being built on, are a danger to other drivers, pedestrians and road users. So extra traffic will be horrific;
- Bus service is not great and nearest railway is Colne or you have to drive 8 miles to Skipton;
- How can this go through the same process as the previous planning application rejected by the High Court?
- The Council has a sufficient five year housing land supply and the housing requirement will be significantly reduced when the newly published NPPF guidelines are put into effect. As there is plenty of land available in Pendle there is no justification for building new houses in

open countryside outside the settlement boundary and would conflict with Policy SDP2 of the Local Plan; and

- The supporting documents claim the development will deliver local open space in benefit new and existing residents. The opposite is true as a green field in the middle of the village used for farming will be turned into a housing estate.

Officer Comments

1. 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.

Housing Requirements, Scale of Development and Sustainability

The Local Plan sets out the overall scale of development required in Pendle. Policy SDP2 sets out a hierarchy for settlements in Pendle based on evidence of the scale of the settlement and their ability to accommodate different levels of growth. All settlements identified should contribute towards the 5,662 requirement of housing units over the plan period.

The provision should, however, be made in accordance with the settlement hierarchy set out in SDP2. That provides for 4 tiers of settlement with villages being the smallest at tier 4. Provision within villages should be primarily for local needs as set out in point 4 in the policy. This recognises the scale of the villages, levels of available services and the ability of those settlements to accommodate larger levels of new development.

SDP 2 does not set out prescriptively how much development each settlement should accommodate. It does clearly however give roles to settlements and direct growth to Key Service Centres first which should be the focus for growth, these being supported by Local Service Centres. In rural locations, as Salterforth is, Rural Service Centres should provide the focus for growth with Rural Villages primarily, but not exclusively, there to meet local needs. Salterforth is designated in the development plan as a Rural Village and it is clear from SDP 2 that these villages are not intended to see significant growth as they are not best placed to accommodate that growth.

The scale of the development and the ability of the settlement to accommodate it needs to be considered as set out in Policy SDP 2. In the absence of the part 2 Plan being in place, which will designate sites in a way proportionate to the role of settlements, Committee need to reach a judgement on whether the development is of a scale that would be able to be accommodated without having detrimental impacts on the settlement with regard to matters such as the ability of the infrastructure to accommodate that growth.

The Applicant has submitted a planning statement which sets out their views on how the development complies with national and local planning policy. The conclusions are that the settlement can accommodate the growth and the development is policy compliant.

In 2016 a Scoping Report and Methodology was undertaken which considered a number of issues relating to all settlements and looked at what level of development may be appropriate for them. 9 specific criteria were considered and conclusions reached about the scale of development appropriate for each settlement. This was also based on the roles of the settlements as set out in the Part 1 Local Plan. This document was consulted on but does not form part of the development plan and cannot be considered as such. It is however a document that can help inform Committee

of some of the issues relating to Salterforth that can help Committee come to a decision on the appropriateness of the development proposed.

The settlement has limited facilities. It has a public house and primary school. The applicant indicates it also has a village hall, Baptist church, playing field and public toilets. All other services have to be accessed in other towns. Table 3.18 in the Scoping Report Methodology Report shows that Salterforth lies second from the bottom in terms of the sustainability factors for settlements set out in that report. It is accepted that the document is not part of the development plan but it shows that Salterforth does not have a large range of facilities leading to it being a more sustainable settlement.

It is also reasonable to consider existing completions and commitments for housing in Salterforth in order to assess what permissions are already in place and what further development is committed.

Beckside is the recently completed development which adjoins this site. It was a former factory site and was a brownfield redevelopment. There is also the adjacent Mill site which is currently for sale and being marketed for residential this can accommodate 14 units albeit the permission has expired. This is currently being marketed for development. This would bring the total completed to 53 and commitments to 37.

If this site was also approved then this could result in 124 new residential units for Salterforth.

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 46 dwellings up to 2030. This figure has not been tested and is not part of the development plan. However it gives a good indication of the likely level of development that the settlement could accommodate.

The settlement does not have a good range of services. That is reflected in its designation as a Rural Village in Policy SDP 2. Residents would have to visit other areas for services such as shopping, GPs gyms etc. and would rely on using cars to do so as the most convenient method of transport. There are also limited employment opportunities in the settlement so people would need to travel to Barnoldswick as the nearest employment centre or further afield to work.

The public house would benefit from more trade. The Local Education Authority are not asking for a contribution to primary school places. This is based on there being overall capacity for primary school places in the West Craven area (Barnoldswick, Earby, Salterforth, Kelbrook). However there are 114 pupils anticipated for Salterforth by 2024 with 105 places being available. The pupil yield from the new homes would not be able to be accommodated in Salterforth primary school. They would have to be taken to other locations hence increasing the need to commute out by car as junior school children would not be likely to be able to catch a bus unaccompanied.

The development would be of a scale that would place a strain on services, would lead to many journeys out of the village for everyday items and would overall not be sustainable.

2. Impact on Residential Amenity

The nearest residential properties are those on the new development at Beckside 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, however, these plots would be at a sufficient distance not unduly impact on amenity.

The properties on Beckside have gardens which back onto the site, however, appropriate distances of 21m can be achieved and therefore 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.

Therefore there is limited potential for impact on residential amenity which is acceptable.

3. Highway Safety

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

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 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.

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 Beckside would be constructed to adoptable standards.

LCC have no objections to the proposed scheme as amended subject to conditions. However, some of these refer to the detailed scheme and therefore are appropriate to the reserved matters application and not the outline under consideration here.

They have also requested DDA compliant bus border kerbs be provided for both bus stops on Kelbrook Road. This was considered previously and is not necessary for the scheme.

The development is therefore acceptable in terms of highway impacts.

The applicant has indicated that there are regular bus services serving the settlement and that bus stops are in walking distance. They point to Colne railway station being 3.9 miles away. It is likely that some journeys would be by bus but with the modern propensity to use cars it is more probable that the majority of journeys out of the settlement would be by car.

4. Landscape Impact

There are public viewpoints into the site from public vantage points along the footpath to the south and bridleway to the east and whilst the proposed housing development would not result in the loss of any landscape of an identified high value views into and out of the site need to be considered.

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 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.

Whilst the site is not within any designated landscape the site lies within National Character Area 35 'Lancashire Valleys'.

The agent has completed and submitted a Landscape, Townscape and Visual Appraisal which states that the landscape is not designated and would not meet the criteria of 'Valued Landscape'. The report concludes that the development would have a negligible effect on wider landscape setting of the site; a minor adverse effect on the local landscape setting of the site and a moderate beneficial effect on the landscape features of the site.

Regard has to be made to the previous appeal and the Inspector's conclusion of the impacts on its immediate surroundings and the Inspector refers to views into and out of the settlement being limited but that its character would be significantly adversely affected. That was not contested in the Judicial Review as not being a sound assessment. Moreover, the Inspector considered that the previous development would have had an unacceptable harmful effect on landscape quality as an area of transition between the built form and the open countryside and that this would result in material harm contrary to Policy ENV1.

Committee need to determine this application based on its own individual planning merits. The previous appeal decision was for another scheme and the conclusion drawn relate to that development. Nevertheless the Inspector recognised that there were issues with the site being developed in terms of landscape impact and Members need to ensure that the impacts of this scheme are carefully considered.

The application is in outline. It is proposed that up to 34 dwellings be developed. The development would occupy a large area of land on the edge of the village and this would alter the character of the area. Whilst recognising that the development is in outline the impact would not be so substantially different to the previous scheme as to lead to a different conclusion on impact. Committee have previously concluded that the development would harm the landscape of the area. Notwithstanding that the applicant has submitted a new landscape appraisal that concludes that the development would not unacceptably harm the area the evidence before me does not lead to that conclusion. The development would encroach into the open countryside in a way that would harmfully affect the landscape of the area, this being from local and not distant views. The landscape quality would be significantly diminished by the development.

5. 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.

6. 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.

7. Drainage and Flood Risk

A Flood Risk Assessment has been prepared as part of the supporting documents. LLFA have raised no objections subject to appropriate conditions for full details to be submitted and agreed being attached to any grant of permission.

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 have been submitted by Salterforth Drainage Board IDB which deal mainly with consent and access. The details submitted are sufficient to satisfy the requirements above as well as those of Policy ENV7.

8. Layout, Design, Materials and Landscaping.

The scheme is outline only and therefore details of any proposed layout, appropriate planting and open space within the site as well as materials will be considered in more detail at the reserved matters stage although the Design and Access Statement indicates that this is likely to replicate the housing styles, materials and details on Phase 1 of the development already built out.

However, the submitted Design & Access Statement outlines the principles and parameters for this development which includes additional mitigation planting along the southern and eastern boundaries as well as areas of public open space to allow for retention and enhancement of existing trees and hedgerows on the eastern field boundary, creation of a water retention area, creation of public open space, new native tree planting, new semi-native grassland and wetland habitat and new footpath links through the site.

9. Contributions

A contribution towards secondary education places of £120,925.80 has been requested by LCC.

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

The agent has been requested to confirm that they will undertake the requirements for these requests.

10. Human Rights

With regards to neighbour comments relating 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.

11. Five Year Supply

The latest calculation of a supply of housing land shows that the Council has a 4.6 year supply. Therefore in accordance with the Framework the application needs assessing including the "tilted balance" as set out in paragraph 11 of the Framework.

12. Policy

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

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

National Planning Policy Framework

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

Paragraph 73 sets out the requirements for Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements or against their local housing need where the strategic policies are more than five years old. Where there is not a five year supply of land the Framework states at paragraph 11 that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important are out of date, granting permission unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or
 - ii. Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, then assessed against the policies in this Framework taken as a whole.

The settlement has limited facilities. It principally has a public house, village hall, park and primary school. All other services have to be accessed in other towns.

The development would harm the landscape character of the area and that impact would be severe in the local context. It would thus be contrary to policy ENV 1 of the adopted Local Plan.

In terms of impact on services it is clear that the scale of this development together with others committed would have an impact on the limited services that this rural village can substantiate. Salterforth is positioned in the lowest defined level of settlement. The scale of development would

be disproportionate to the size of settlement and would be unsustainable development in terms of access to services. The settlement does not have an adequate range of services to cater for the level of new housing and the majority of activities and services would have to be accessed in other settlements. This would lead to a high level of car borne journeys in order to use those services. The development would not be sustainable in would be out of scale for the settlement contrary to the settlement hierarchy as set out in Policy SDP 2 of the adopted Local Plan.

Policy LIV1 sets out the amount of new housing required to meet the Borough's Objectively Assessed Needs (OAN) over the plan period (2011-2030). It sets out the annual housing requirement and sets the housing numbers against which the provision of deliverable sites to meet the five year housing land supply will be assessed.

Until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Documents Policies then sustainable sites for housing developments outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, including those in the Strategic Housing Land Availability Assessment (SHLAA) will be supported.

The policy sets a minimum amount of housing to be brought forward. It provides for a positive mechanism to bring forward housing prior to the adoption of part 2 of the Local Plan.

To further encourage significant and early delivery of the housing requirement, proposals for new housing development will also be supported where they accord with other policies of the Core Strategy and are on:

- Non-allocated sites within a Settlement Boundary where they are sustainable and make a positive contribution to the five year supply of housing land;

And until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies:

- Sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, including those identified in the Strategic Housing Land Availability Assessment (SHLAA).

This policy allows sites to come forward outside of settlements but only where they are sustainable. I have concluded above that the development would not constitute sustainable development.

In order to undertake the balancing exercise set out in Paragraph 34 of the NPPF and any wider balancing exercise pursuant to Paragraph 11, the wider benefits of the scheme need to be identified. The applicant has set these out in part 6 of their planning statement and I concur that the benefits set out are direct benefits. The public benefits would be:

- Delivery of a high quality development in a sustainable location;
- Contributing to the Council's five year housing land supply position, and assisting in the longer term delivery of housing;
- Contribution towards national policy to increase housing;
- Economic benefits through New Homes Bonus;
- Deliver affordable units on site;
- Delivery of local open space to benefit new and existing residents;
- Proposed new tree planting and protection of important trees and hedgerows;

- Provision of Sustainable Urban Drainage Scheme; and
- Economic benefits in terms of construction jobs and local spend.

Part 5 of the Framework deal with housing and the delivery of a choice of homes. The development would deliver up to 34 houses. Should the site not be developed it would not have a significant impact on the overall delivery on the number of houses needed although it would contribute towards achieving the required amount of new homes

Planning Balance

In terms of harm this significant and demonstrable and would outweigh the benefits set out above. Whilst we agree with the benefits set out we conclude that this would result in unsustainable development with significant landscape impacts that can be demonstrated. In applying the “tilted balance” the disbenefits would have an unacceptable impact.

When considered against the development plan this does infringe on policies ENV1 and SDP2.

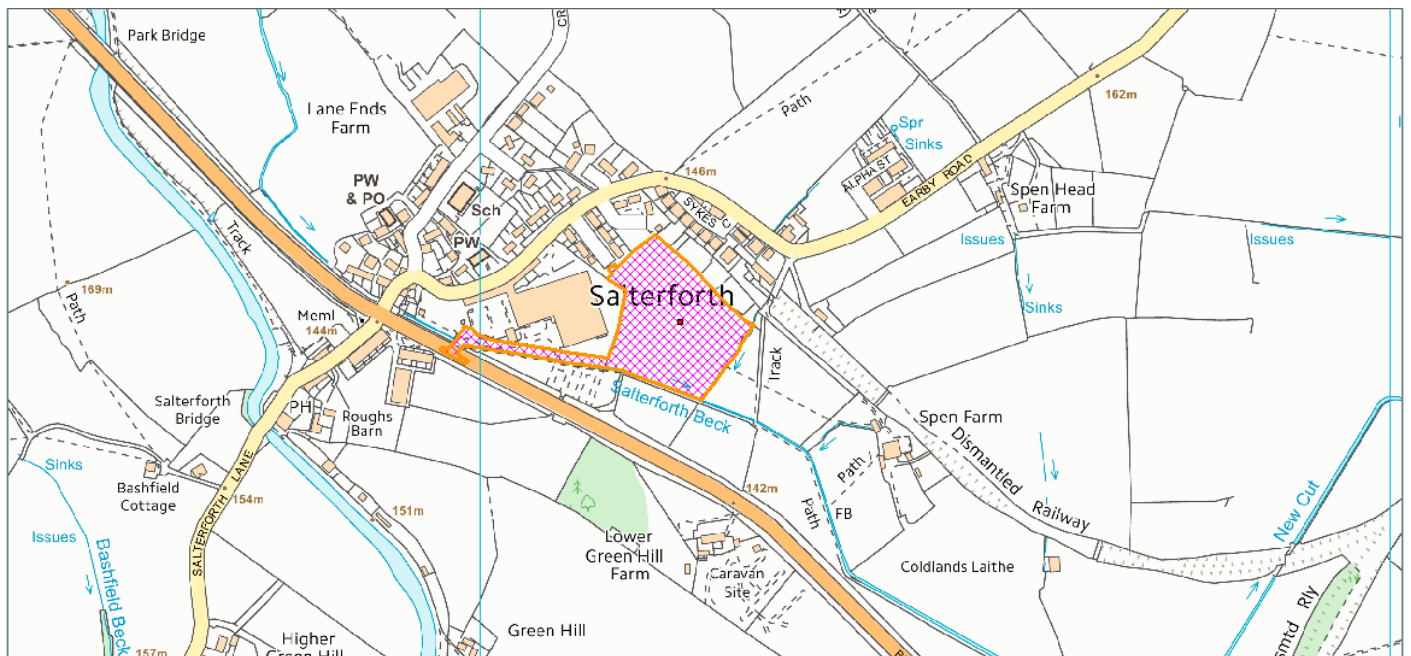
These impacts are significant in our view and therefore the “tilted balance” does not apply.

13. Summary

The proposed scheme is for outline residential development of up to 34 dwelling houses which would contribute towards Pendle’s five year housing land supply. However, there would be a detrimental impact on the landscape, character and visual amenity as well as an increase in the scale of development for Salterforth and this would need to be balanced against the benefits that this scheme would achieve. . Based on this the development whilst acceptable in terms of residential amenity, highway safety, ecology and drainage Would lead to unacceptable impacts outline above and therefore cannot be recommended for Approval.

RECOMMENDATION: Refuse

1. The proposed development would have an unacceptable impact on the landscape in terms of views out of, and into, the site and would be severely detrimental to the landscape quality of the area contrary to Policy ENV1 of the Pendle Local Plan Part 1: Core Strategy (2011-2030).
2. The proposed development would result in an unacceptable increase in housing for Salterforth exceeding the scale of development identified as being appropriate for the village in Policy SDP2, Policy SDP3 of the Pendle Local Plan Part 1: Core Strategy (2011-2030) and the figures set out in the Local Plan Part 2: Scoping Report & Methodology October, 2016. The development would be of a disproportionate nature and scale to the settlement harming its character.
3. The site is located in an unsustainable location outside of the settlement boundary contrary to Policy LIV1 of the Pendle Local Plan Part 1: core Strategy (2011-2030).



Application Ref: 19/0664/OUT

Proposal: Outline: Major: Residential development of up to 34 dwellinghouses (Use Class C3), associated access roads (Access only with all other matters reserved).

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

On behalf of: DDK Estates Limited and Seddon Homes Limited

Date Registered: 29 August 2019

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 28th October 2019