

**REPORT FROM:** PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER

**TO:** COLNE & DISTRICT COMMITTEE

**DATE:** 9<sup>TH</sup> JANUARY, 2020

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To comment on the attached planning application.

## REPORT TO COLNE & DISTRICT COMMITTEE 9<sup>th</sup> JANUARY, 2020

**Application Ref:** 19/0801/FUL  
**Proposal:** Full: Erection of 79 houses and associated external works  
**At:** Land off Harrison Drive, Colne  
**On behalf of:** Pearl Together Limited  
**Date Registered:** 26th November 2019  
**Expiry Date:** 25<sup>th</sup> February 2020  
**Case Officer:** Neil Watson

### **Site Description and Proposal**

The application is made in full for the erection of 79 affordable houses. The site is broadly rectangular and is an unmanaged grass area. It slopes in a generally north west to south east direction with the highest north western section on ground that rises steeply towards the boundary.

There are pedestrian access points in each corner except the southern one which has a pedestrian access further east on Harrison Drive.

Access into the site is proposed via the demolition of one dwelling on Harrison Drive – number 62.

Under the constitution of the Council an application for housing which comprises of 60 or more units falls to be determined by the Policy & Resources Committee. The application is brought to Committee in order for Committee to be able to pass their comments and/or recommendations to Policy & Resources Committee for consideration.

### **Relevant Planning History**

None

### **Consultee Response**

LCC Highways –

Colne Town Council: We welcome this proposal and strongly support. We would wish to see permeable surfaces introduced.

Lancashire Constabulary: Refers to prevailing policy and legislation relating to crime and planning. Main points:

- Site should promote natural surveillance. Deep porches should be avoided.
- Open spaces are important but there should be natural surveillance. There is a concern about the footpath which would have little natural surveillance.
- A plan for the boundary treatment should be provided.

- Link footpaths to cul-de-sacs should be avoided.
- Back to back gardens will help to keep the area more secure.
- Avoid windowless elevations
- Landscaping to avoid obscuring light sources
- Parking spaces to be located in the curtilage of dwellings
- Fit intruder alarms
- Doors to be PD6662.2017 and glazing to BS EN 356 2000.
- Advice on securing the site in the construction phase.
- Blocked pipes have resulted in human waste flooding a property

## **Public Response**

Comments received up to the point of writing this report

- Need to address congestion on Harrison Drive. Should be assessed in morning and night time rush hours.
- Congestion on Harrison Drive
- Calming methods exaggerate the problems
- There has been recent flooding with human sewage running down Harrison Drive. There needs to be a larger diameter pipe
- Destruction of wildlife habitat for endangered species including hedgehog, toads and bats
- Demolition of an existing family house
- Additional noise, air and light pollution
- Concern that the development would devalue houses by at least 20%.
- Attending to assess traffic on a weekday lunch is inadequate and it should be assessed in rush hour periods at morning and night.

A 65 petition has been received. The petition states: “We, the undersigned OBJECT to the PROPOSED building of houses on the common land, playing field area between Harrison Drive, Tennyson Road and Slater Avenue, Colne.”

## **Officer Comments**

The application site is an area of grass that is surrounded by housing on all four sides. It has in the past been used for informal recreation as well as football matches. The formal use of the site ceased circa 12 years ago. The site has since not been used for any formal activities but has been used for informal recreation.

The site is not designated for any purpose in the Local Plan but is defined as Open Space.

## **Planning Policy**

The starting point for any planning application is the development plan for the area which in this case is the adopted Part 1 Local Plan – Core Strategy. The Planning & Compulsory Purchase Act 2004 requires that in making decisions on applications the decision should be made in accordance with the development plan unless material considerations indicate otherwise.

Policy SDP 1 sets out the overall position in making decisions and that there will be a positive presumption in favour of sustainable development.

Policy SDP2 sets out the overall spatial distribution of development in the Borough. The M65 corridor is the location that should receive the majority of growth with the towns of Barnoldswick, Nelson and Colne designated as Key Service Centres.

Policy SDP 3 looks at overall levels of housing distribution with the M65 Corridor having 70% of the overall housing identified as being delivered in it.

Policy ENV 1 considers the protection and enhancement of the natural and historic environments. It states that existing open spaces will be protected from development except in accordance with the National Planning Policy Framework (“the Framework”) in the former paragraph 74. Paragraph 74 has been replaced by paragraph 97 of the revised Framework.

Policy ENV2 considers design and design quality. It seeks to achieve the highest possible standard of design reflecting the history and development of place.

ENV 4 seeks the promotion of sustainable patterns of travel.

Policy ENV 5 considers pollution and unstable land. Emissions and public exposure to pollution are required to be minimised.

Water management is considered in ENV 7. It sets out a sequential approach to site selection for flooding and the use of sustainable urban drainage systems. Surface water run off systems have to mimic the natural discharge process.

Policy LIV 1 sets out the minimum level of housing the Borough should achieve over the life of the Plan. It sets a minimum of 298 units to be delivered each year.

Policy LIV 4 sets out affordable housing targets. There is no requirement of affordable housing in the M65 corridor.

### **National Planning Policy Framework (“the Framework”)**

The Framework sets out the overall policy framework for planning in England. It sets out that there are 3 overall objectives to sustainable development environmental, social and economic aspects.

There is a presumption in favour of sustainable development as set out at paragraph 11:

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 for determining the application are out-of-date<sup>7</sup>, 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 proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Framework re-emphasises the law in indicating that the starting point for assessing development is the development plan.

Section 5 is devoted to delivering a sufficient supply of homes.

Paragraph 73 requires LPAs to have sufficient land to deliver a five year supply of land including the relevant buffer (20%). The latest figures are that there is a 4.6 year supply in Pendle. That is assessed against the annual requirement of 298 units per annum.

There is a presumption in favour of sustainable development as set out in paragraph 11. Applications that conform to the development plan should be approved. Where policies are out of date development should be approved unless the policies in the Framework provide a clear reason for refusing (the policies which apply are set out in footnote 6) or any adverse impacts of approving would significantly and demonstrably outweigh the benefits. This is commonly referred to as “the tilted balance”.

In broad terms a five year supply of housing is calculated by assessing how many units are required per annum, adding or subtracting houses delivered or under delivery, adding in the appropriate buffer for under delivery and then assessing how many houses can be brought forward within 5 years on sites. Pendle currently has a 4.6 years supply of land. The tilted balance is therefore applicable to housing schemes.

Open space is referred to at paragraphs 96 to 101.

Paragraph 97 states:

97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of *quantity and quality in a suitable location*; or

c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

Highways

Section 9 looks at national policies on transport. The emphasis is to promote sustainable methods of transport and manage patterns of growth accordingly.

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

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Section 12 seeks to achieve well-designed places with developments functioning well and add to the quality of the area and be visually attractive.

## **Open Space Audit**

The OSA was updated and agreed by the Policy and Audit Committee in May 2019.

Harrison Drive is identified as being amenity greenspace but of poor quality with a high need of enhancement. Vivary Bridge is shown to have lost 19.88 ha of open space between the 2008 OSA and the 2019 OSA. However that has been the result of double counting of woodland and is not reflective of the actual position.

The number of opens space sites between the two OSAs has remained at 52. In terms of the amount of open space there is surplus of 3.33 ha in Vivary Bridge above the norm for all Wards in Pendle.

## **The Development and Comments**

The Area Committee is asked for their comments and/or recommendations on the application to be included in the report to the Policy & Resources Committee.

The following outlines some of the issues involved:

The application is for the erection of 79 houses all of which will be affordable.

Access is proposed off Harrison Drive with access being created by the demolition of an existing house.

The development will have open space provided within it but will also result in the loss of some open space. The land was last used formally to play football on over 10 years ago. That land is currently used for informal recreation.

The drainage strategy proposes to provide an attenuation and at the lower end of the site and restrict run off rates.

The Council is in a situation where it does not have a 5 year supply of housing and hence the provisions of paragraph 11 of the Framework apply. This is referred to as the “Tilted Balance”.