

REPORT FROM:	PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER
TO:	SPECIAL POLICY AND RESOURCES COMMITTEE
DATE:	30th January 2020

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

POLICY AND RESOURCES COMMITTEE ON 30 JANUARY 2020

Application Ref: 19/0740/REM

Proposal: Reserved Matters: Major: Erection of 98 dwelling houses (Phases 1-3), with open space provision, estate roads, landscaping and emergency access road with access from Marsden Hall Road (Appearance, Layout, Landscaping and Scale) of Outline Planning Permission 17/0427/OUT.

At: Land At Further Clough Head, Bamford Street, Nelson

On behalf of: PEARL Together Ltd

Date Registered: 01/10/2019

Expiry Date: 31/12/2019

Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is a 10.4Ha parcel of open land to the south of Messenger Street, Wickworth Street and Pinewood Drive in Nelson. There is open land to the south, and east, Pendle Industrial Estate to the west and dwellings and allotments to the north. The site would be accessed from Marsden Hall Road South with a second emergency access point from Windsor Street. Public footpath Nos. 72 and 73 run along the north boundary of the site, No.70 runs alongside the proposed access road and 65 runs from the east boundary of the site to the allotments in its centre. The site is within the settlement boundary of Nelson and the eastern boundary of the site is adjacent to the boundary of the Southfield Conservation Area.

This is a reserved matters application for the remaining reserved matters of appearance, layout, landscaping and scale following the approval of an outline planning application for access only for the erection of up to 200 dwellings on the land in 2017. This application relates to the first three of 6 proposed phases of the development with 98 dwellings proposed on the north western end of the site.

Relevant Planning History

17/0427/OUT - Outline: Major: Erection of up to 200 dwelling houses, with open space provision, estate roads, landscaping and emergency access road with access from Marsden Hall Road (Access only) (Re-Submission).Approved.

Consultee Response

LCC Education – Condition 21 of the outline permission should be supported further by any reserved matters decision.

PBC Conservation - The settings of two designated heritage assets are potentially affected by this development. The northern boundary of the site lies close to the Grade II listed Further Clough Head Cottage, and the eastern site boundary adjoins the Southfield Conservation Area. The CA at this point consists of open fields which provide a farmland setting for the historic hamlets at the heart of the CA. There are several listed buildings within these small historic farming hamlets but these are located at some distance from the development site.

A Heritage Statement was submitted at outline stage which set out the heritage significance of Further Clough Head Cottage and the Southfield CA and the contribution made by their settings to this significance. The Statement also assessed key views in the area that may be affected by the development, with particular reference to the CA and the public footpaths within it. The Heritage Statement does not appear to have been submitted with this application and is not referred to in the DAS; it would be useful to revisit and update this to indicate how the historic environment and in particular the designated heritage assets have been taken into account in the proposed design and layout of the site, and any potential harm mitigated. Some archaeological interest has also been identified on the site and this should be assessed in accordance with NPPF 189 and 199, with a desk-based archaeological assessment to be submitted and, if shown to be necessary, a field evaluation and recording.

The layout plan shows an existing area of woodland along Clough Head Beck, at the northern edge of the site, to be retained as a green corridor. This would effectively act as a buffer zone which would largely screen views between the listed Cottage and the housing development on the site. The LB is a typical vernacular farmhouse of the early 18thC; it does retain some feel of its original landscape setting with the mature trees around it, although modern housing development to the edge of Nelson has extended to its northern side. This has already compromised and curtailed its previously open rural setting. However the existing mature trees and proposed green corridor will screen views between the development site and the Cottage, and there is therefore likely to be little additional impact on its setting.

Southfield CA is a collection of historic farming hamlets situated on a shelf of the valley slope, and set within an attractive pastoral landscape. It is a locally valued heritage landscape containing a number of listed former farm buildings and quarry workers' cottages, characterised by dry stone walls and hedgerow field boundaries, with taller and more mature trees surrounding the individual settlements. The use of local stone and stone slate - quarried from the immediately surrounding hillsides - adds greatly to the heritage significance. The CA boundary has been widely drawn to include the open fields which contain the historic farming settlements, giving a sense of the original character of the area prior to the industrial expansion of Nelson.

The land rises significantly towards the east of the site where it adjoins the CA, and this change in levels will go some way to screening the Southfield CA hamlets from the development site, as do the trees along field boundaries. However at this detailed design stage it is necessary to consider the height, massing and materials for the houses, particularly at the edges of the site closest to the CA boundary to ensure that the setting of the CA and the LB's within it are not compromised. Landscaping and boundary treatments will be particularly important to this eastern edge of the site to ensure that views and rural/urban transitions are softened, and in this regard the proposed open spaces around the road access from the NE will assist in preserving the setting of the CA at this point. The proposed Phases 1, 2 and 3 would be located further from the CA boundary, and it therefore appears that later phases 4 and 5 might have more impact on the setting of the CA than the current phases. If the later phases are not to proceed for some time it is recommended that additional open space and landscaping be provided along the eastern edge of the site in order to soften the transition to open countryside.

With respect to design and materials, contemporary house designs are generally supported, however it is recommended that these could appear more appropriate to the local context by including some consideration of local character and distinctiveness (NPPF 192) and to better enhance or reveal significance as per NPPF 200. This could include use of salvaged stone from dry stone walls, buff toned materials to reflect the local stone and slates, and relatively simple building and roof forms.

Response to the submitted archaeological assessment:

The Archaeological desk-based assessment has established the presence of archaeological deposits on the site, including a large earthwork enclosure which has potential to be of prehistoric date, and colliery deposits, coal mine shafts and tramway embankment all relating to the former Town House Colliery.

In view of these findings, archaeological interventions will be required in the form of field evaluation and appropriate recording prior to any development. Please attach a condition requiring a programme of architectural investigation and recording in accordance with an agreed Written Scheme of Investigation.

PBC Public Rights of Way – Footpath No.65 would form an important pedestrian access point to the site a suitable condition should be attached for improvements to the footpath from the end of Southfield Street. A 2m surfaced footpath should be constructed on the line of footpath 65 within the site. Please attach a note making the developer aware that the grant of permission does not include the right of obstruct or interfere with a right of way.

Coal Authority – No objection. It is noted that the submission is a reserved matters application in respect of outline planning approval reference 17/0427/OUT and that the proposed built development layout is unaffected by the two recorded mine entries.

On the basis that content of the submitted Phase 2 Geo-Environmental Assessment (August 2019, prepared by PWA Geo-Environmental Ltd) meets some of the criteria of Condition 20 (i.e. proposes what could be broadly considered an acceptable scheme of investigations for the mine entries) and that the remaining elements of the condition are able to be addressed as part of the discharge of condition application, which ultimately may ensure the investigation and treatment of the mine entries.

Environment Agency – No objection. Note that additional information will be required at the conditions discharge stage in relation to condition 7 of the outline approval. Concerns are raised in relation to this regarding the provision of a SUDS pond in the public open space area as this could mobilise contamination from the former Messenger Street landfill.

Lancashire Constabulary Architectural Liaison – Recommend that the following security measures are incorporated: cul-de-sac layout, reorientation of layout to improve natural surveillance of the emergency access road and adequate bollards, natural surveillance of open spaces and footpaths, back to back gardens, avoiding windowless elevations, external lighting, consideration of maintaining street lighting in landscaping, in-curtilage car parking, communal parking close to properties with good natural surveillance and lighting, boundary treatments to deter intruders, lockable gates, removal of potential climbing aids, secure window and door glazing and locks and restrictors, no windows to garages, utility meters close to the front elevations and intruder alarms.

Throughout the construction phase with adequate security measures, including; 2.4m anti-climb fencing with lockable gates, intruder alarm, CCTV, security lighting, security patrols and plant machinery must be immobilised when not in use and fitted with location tracking technology.

Natural England – No comments.

PBC Public Rights of Way – Objects on the basis that the development cannot be carried out without altering the ground levels to an extent that two public footpaths which cross the site will be made inconvenient for public use. The applicant should provide supplementary plans as part of the planning application which modify the proposals, if these show the current elevation profile of the affected footpaths through the site, an equivalent plan showing the proposals, and I am satisfied that the impact will not make the footpath inconvenient to the public. Alternatively a plan will need to be submitted to show how the footpaths can be diverted to a more commodious route.

LCC Highways - The site layout – Phases 1-3 A1837-LIB-XX-00-XX-AL 90-110 Rev D is acceptable and subsequently there is no objection to this application.

Lead Local Flood Authority - No objection to the proposed development subject to the requirements of Condition 10 of Outline Planning Permission 17/0672/FUL being satisfied in full.

United Utilities

Nelson Town Council

Nelson Area Committee – The Committee resolved that Policy and Resources Committee be recommendation to defer the application until the following information has been submitted and once submitted it go back to Nelson committee for comments:-

1. Environmental Agency response
2. Badger Survey
3. GP and School places
4. Green Fields Sites
5. Road Access
6. Zebra crossing updated
7. Pendle Council to adopt grassed areas
8. Developers contribute to travel plan

These matters are fully addressed in the relevant sections of the officer comments below. As detailed in the officer comments this is a Reserved Matters application and other than point 7, which is addressed in the Landscaping section, all the points relate to the Outline Planning Permission rather than the matters to be considered in this application.

Public Response

Site and press notices posted and nearest neighbours notified by letter. Responses received objecting on the following grounds:

- Brownfield sites should be developed before this greenfield site.
- No need for new housing in the area.
- Traffic congestion and highway safety.
- Lack of turning provision for large vehicles.
- Marsden Hall Road South is inadequate to accommodate the additional traffic from the development.
- Additional vehicle emissions.
- The land is used by walkers, dog walkers and for other public amenity uses.
- Added strain on local education, health and other facilities.
- Additional strain on utilities.
- Harm to the open countryside
- Risks of contamination and to children from the proposed SUDS pond.
- Impacts on public rights of way from levels changes.
- The development is contrary to current views on combating climate change.
- Impacts of wildlife and the natural environment.
- The design does not reflect the heritage of the area.
- Insufficient information provided to determine the application.

- Noise, dirt and dust impacts during construction.
- If built in phases it could take up to ten years to complete.
- Increase risk of off-site flooding.
- The escape road will be used as a short cut.
- High levels of anti-social behaviour and crime in the area.
- The land is unstable and unsuitable for development.
- This is not affordable social housing.
- The site is of archaeological value.
- Impact on the value of nearby dwellings.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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 identifies housing distribution for the M65 Corridor as 70%, the amount of development proposed here is not disproportionate to the level of housing development Brierfield would be expected to provide, as a minimum, over the plan period.

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies.

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For the M65 Corridor the target for 15 or more dwellings is 0%.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

Replacement Pendle Local Plan

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 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework (The Framework)

Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. 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 (including where a local planning authority cannot demonstrate a five year supply of deliverable housing sites), 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 (including policies relating to designated heritage assets); 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 Council's most recent monitoring figures have established a housing supply figure of 4.6 years. This is below the 5 year threshold and therefore paragraph 11(d) applies to this development when considering matters other than the impacts on designated heritage assets.

Principle of the development

The principle of the acceptability of developing the land for up to 200 houses, including the impacts on services, facilities and infrastructure, including schools and medical facilities has been established by the outline approval.

Visual Amenity and Landscape Impact

The development would be of relatively low density with a green spaces throughout. The design of the dwellings would be contemporary. The surrounding housing is a mixture of styles and in this context the proposed design of the development is acceptable.

The site is located on sloping rural land which rises from Clough Head Beck sloping up to the south east, the development would involve cutting into the existing landform to create level areas for the proposed dwellings and access road, stepped down with small retaining walls of under 1m. The low retaining walls throughout the site would not result in unacceptable visual impacts.

The most prominent public view across the site would be from Windsor Street / Messenger Street, the approach to the site from the main entrance off Marsden Hall Road South and the public footpaths between the site and Barkerhouse Road to the east. Beyond these points the site would be likely to be completely screened by the existing landform, trees and buildings.

The existing trees and proposed open space to the north would provide a visual buffer and some level of screening with appropriate landscaping in views from the north. In views from the east the development would appear as a natural extension of the existing development, set against existing adjacent residential and industrial development.

The proposed development does not result in any unacceptable landscape or visual amenity impact in accordance with policies ENV1, ENV2 and LIV5.

Heritage Impact

The settings of two designated heritage assets are potentially affected by this application. The northern boundary of the development site lies close to the Grade II listed Further Clough Head Cottage, and the eastern site boundary adjoins the Southfield Conservation Area. The Conservation Area at this point consists of open fields which provide a farmland setting for the historic hamlets at the heart of the Conservation Area. There are several listed buildings within these small historic farming hamlets but these are located at some distance from the development site.

The open space area to the north of the site and surrounding trees would act as a buffer and screen views of the development site from the setting of Further Clough Head Cottage. This would ensure that the development would not result in harm to the significance of the Listed Building.

The eastern boundary of the site abuts fields falling within Southfield Conservation Area. Taking into account that the application site rises steeply up to this eastern boundary the proposed development would not be visible/prominent in views from the

wider Conservation Area. Appropriate boundary treatments and use of sympathetic materials on the plots adjoining the Conservation Area could be ensured by condition. The development would preserve the significance of the adjacent Conservation Area.

An archaeological assessment has been submitted and this identifies the presence of archaeological deposits on the site. In view of this a condition is necessary requiring a programme of architectural investigation and recording to be approved prior to the development commencing.

The reserved matters are therefore acceptable in terms of heritage impact in accordance with policies ENV1 and ENV2.

Residential Amenity

The proposed development would not result in any unacceptable impacts on privacy, overbearing impacts or loss of light to adjacent dwellings. The proposed layout would also provide an acceptable living environment for future residents of the proposed dwellings.

Concerns have been raised in relation to residential amenity impacts of construction works. These would be acceptably controlled by the construction management conditions of the outline permission.

The development is therefore acceptable in terms of residential amenity in accordance with policies ENV1 and LIV5.

Ecology

An additional bat survey has been submitted with the application, this identifies that the site is frequently used for commuting and foraging bats. Mitigation measures are proposed including limiting external lighting, installation of bat roosting features and surveys of trees before removal. The mitigation measures can be ensured by condition.

Concerns have been raised in relation to other wildlife. The ecology of the site was fully assessed at the outline stage with the submission of a habitat survey. The need for additional bat surveys in relation to the layout of the development where it would affect trees with potential for bat roosting was identified by that report and mitigation recommendation to avoid ground clearance in the bird breeding season without a check for nesting birds first being undertaken, this is controlled by the conditions of the outline permission. There were no issues identified in relation to badgers or any other protected species. The development is therefore acceptable in terms of its impacts on ecology in accordance with policies ENV1 and 4D.

Landscaping

Full details of proposed landscaping have not been submitted acceptable details of landscaping, including details of arrangement for its long term maintenance, can be ensured by condition.

Open Space

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The proposed layout plan shows public open space areas throughout the site, the proposed public open space provision is in accordance with policy LIV5.

Drainage and Flooding

Concerns have been raised regarding the safety of the proposed Sustainable Urban Drainage System (SUDS) in relation to children. SUDS are an established form of urban drainage and, implemented in accordance with the relevant guidance, do not raise unacceptable safety issues.

Flood risk was assessed at the outline state and conditions attached to that permission to control foul and surface water drainage.

Contamination

Concerns have been raised by the EA in relation to the potential for the SUDS pond in its originally proposed position to mobilise contamination from a former landfill site.

The details of drainage and any necessary remediation of contamination are controlled under conditions of the outline permission, therefore, this is not a matter which affects the determination of this reserved matters application. Amended plans have been submitted removing the proposed suds pond from that area.

Education

It was demonstrated at the outline stage that a contribution towards the provision of school places would unacceptably impact upon the viability of the development. A condition was attached requiring this to be periodically reassessed prior to the completion of the development. This is a matter controlled under the conditions of the outline permission.

Affordable Housing

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For the M65 Corridor the target for 15 or more dwellings is 0%. There is therefore no requirement for affordable housing to be provided on this site.

Highways

The principle of the acceptability of the development in terms of access and its residual impacts of the highway network has been established by the outline approval and conditions for necessary off-site highway works, the submission of a travel plan and access controls for the emergency access link are attached to that permission.

The highway matters to be considered in this reserved matters application relate to the design of the internal roads and car parking layout only. The proposed internal road layout and car parking provision area acceptable and LCC Highways have no objection to the development.

The reserved matters are therefore acceptable in highway terms in accordance with policies ENV4 and 31.

Public Rights of Way

Concerns have been raised by the Council's Countryside Access Officer in relation to the impact of the development on Public Footpath No. 70 which runs along the entrance to the site and to the east. The changes in levels proposed would result in a steeper gradient along the current route of the footpath.

This has been discussed with the applicant and amended plans are being prepared that will provide for a diversion to the footpath that will result in a betterment in terms of gradient over the existing footpath. This has been discussed with the Countryside Access Officer who has indicated that this would acceptably resolve his concerns relating to the impact of the footpath.

Summary

The principle of the acceptability of a housing development of up to 200 dwellings on this site with access from Marsden Hall Road has been established by the outline planning permission. The subject to amended plans detailing the works to divert footpath No. 70, the submitted details of reserved matters of appearance, layout and scale are acceptable and full details of landscaping can be acceptably controlled by condition.

It is recommended that the approval of the application be delegated to the Planning, Economic Development and Regulatory Services subject to the receipt of amended plans detailing an acceptable proposal for diversion of the footpath.

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 details submitted accord with Local Planning

Policy and the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent

1. This notice constitutes an approval of matters reserved under Condition 2 of Planning Permission No.17/0427/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No. 17/0427/OUT.

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

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

3. Notwithstanding any indication on the approved plans and prior to the commencement of above ground works involved in the erection of the external walls of the development samples of external materials / finishes of the walls, roofs and retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development to preserve the significance of the Conservation Area.

4. No development shall commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

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

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

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings and to protect and enhance habitats.

5. A scheme for the management (including maintenance) of the public open space areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The management arrangements shall be implemented in accordance with approved scheme before the first dwelling is occupied and the public open spaces shall thereafter be managed in accordance with the approved scheme.

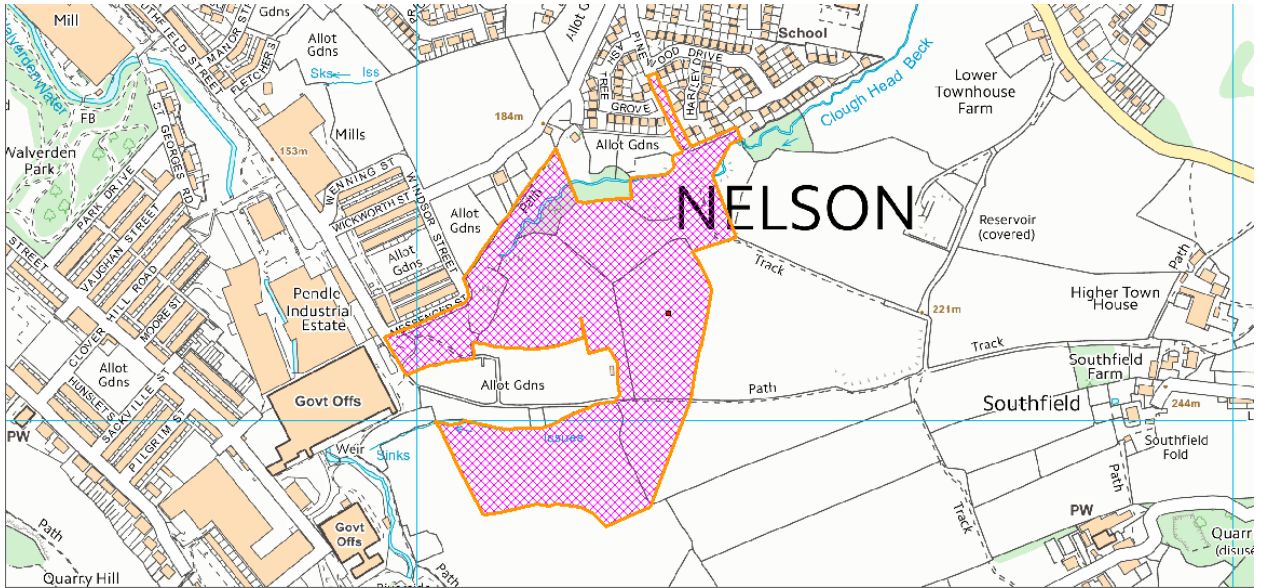
Reason: To ensure the site is properly maintained and managed in the interests of visual amenity.

6. The development shall not commence unless and until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme and methodology for site investigation and recording, a programme for post investigation assessment, the provision to be made for analysis of the site investigation and recording, the provision to be made for publication and dissemination of the analysis and records of the site investigation, the provision to be made for archive deposition of the analysis and records of the site investigation, and the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation. No development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To ensure that archaeological remains within the site are appropriately investigated and recorded.

7. The development shall only be carried out in strict accordance with the recommendations of the bat survey report received 07/10/2019. Details of bat roosting provision and an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The bat roosting provision shall be installed in accordance with the approved scheme prior to the occupation of each dwelling on which they are sited and any external lighting shall be in strict accordance with the approved external lighting scheme.

Reason: To ensure protection and enhancement of the bat habitats.



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At: Land At Further Clough Head, Bamford Street, Nelson

On behalf of: PEARL Together Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 21st January 2020