

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

**TO: WEST CRAVEN COMMITTEE**

**DATE: 4th February 2020**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO WEST CRAVEN COMMITTEE 4<sup>TH</sup> FEBRUARY 2020

**Application Ref:** 19/0620/FUL

**Proposal:** Full: Major: Erection of 12 No. semi-detached dwellings and associated hardstanding and landscaping.

**At:** Land To The West of The Playing Fields, Bailey Street, Earby

**On behalf of:** PEARL Together Ltd.

**Date Registered:** 23.08.2019

**Expiry Date:** 27.01.2020

**Case Officer:** Charlotte Pinch

### **Site Description and Proposal**

The application was deferred from the West Craven Committee on 7<sup>th</sup> January 2020, as more information was required regarding a drainage strategy for the site.

The application seeks permission for the erection of 12no. semi-detached dwellinghouses, with on plot parking and landscaping.

The application site is a greenfield site, designated as amenity greenspace, within the settlement boundary of Earby. It is bounded by housing to the rear on Wentcliffe Drive and to the south on Aspen Grove. Access to the site would be directly off Bailey Street, onto individual parking bays.

### **Relevant Planning History**

None relevant.

### **Consultee Response**

#### LCC Highways

Having considered the information provided, together with site observations on 20 September 2019, the Highway Development Support Section does not have any objections in principle regarding the proposed development at the above location, subject to the following comments being noted, further information being received satisfactorily, and conditions and note being applied to any formal planning approval granted.

#### **New vehicular crossings**

The formation of the new vehicle crossings from Bailey Street to the proposed dwellings would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the vehicular crossings to an appropriate standard, re-location of any highway gullies affected and a street lighting assessment.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process.

## **Car and Cycle Parking**

Two off-road parking spaces per dwelling have been provided, in line with recommendations in the borough council's 'Car & Cycle Parking Standards'. However it would appear from the Proposed Site Layout Plan (Plan 90-001 Rev C) that the off-road parking spaces proposed for Plot 5 would be accessed where there are currently traffic calming measures within the carriageway on Bailey Street. With this vertical deflection it may not be possible to enter and leave the parking spaces safely. The applicant should provide a further, larger scaled plan, showing the position of the traffic cushion in relation to the vehicular access for Plot 5, including differences in levels.

## **General**

Due to the site's location within a residential estate, and close to Earby Springfield Primary School, also accessed from Bailey Street, the developer should provide a Construction Method Statement. This should include timing of deliveries, which should be restricted to between 9.30am and 2.30pm, to ensure there is no conflict with traffic, both vehicular and pedestrian, on the surrounding highway network at peak times.

We note comments made by the borough council's Countryside Access Officer regarding a section of Public Footpath 16 (Earby) and an unrecorded footpath, both crossing the development site. We support his comments and recommendation that both of these should be extinguished through the appropriate processes, prior to any works taking place on site.

## Earby Town Council

Council would like to object to the above planning application based on the following observations:

1. There is a shortfall of green space in Earby, any previous calculations have included grass verges as part of the total green space, which is unsuitable. There are numerous brownfield sites which should be used before green space is considered. The proposal of building on green space is contrary to planning guidelines.
2. Earby is identified as an area with a high risk of flooding, with a requirement for costly flood relief measures in the future. The development of this land will push flood water from this area to others and will create further problems for residents. In addition to this, the existing utilities and sewerage system in the area is already at capacity and will be put under additional stress with the proposed development. The land identified in the planning application on Bailey Street is part of the Springfield area, which is within 20 metres of a water course and therefore a flood risk assessment should be included as part of the planning application.
3. Any additional traffic from this development will add to the current issues of congestion and parking in Earby. The proposed development is opposite a school and would cause issues for residents as the road would become very busy. It also must be considered that any building work will have serious safety issues for people getting to and from the school. There is currently a public footpath that runs through the proposed development area which is frequently used by children to gain access to the school without having to access busy roads, building on this site would mean the destruction of this footpath. The Council object to the closure of this footpath.
4. The drainage scheme proposed does not give sufficient detail. The surface water and foul drainage connections have not been confirmed. These should not be connected to the existing services at Bailey Street as these were put in as a specific sub-system for the development at Aspen Grove. The location of the suds tank is not given in the proposal.

## LCC Schools

The education contribution is directly linked to the development and would be used in order to provide education places within a reasonable distance of the development for the children

expected to live on the development. If the education contribution assessment identifies the need for a contribution to be provided Lancashire County Council is, in effect, objecting to the application. A developer contribution will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's request on its behalf, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed. (Please see page 10 of the Education Contribution Methodology).

An education contribution is not required at this stage in regards to this development.

This response is based on the latest information available at the time of writing.

### Lancashire Fire and Rescue

No objections.

### PBC Countryside Officer

#### **Unrecorded footpath**

The proposed development would affect a stone-surfaced footpath across the site leading between the top of Bawhead Road (point A) and a point on Bailey Street (point B). The footpath would become obstructed by plots 1, 2, 3 and 4, and therefore it would be necessary for the footpath to be diverted or extinguished for the development to be carried out. The footpath is extensively used for local journeys on foot, such as walking to the nearby primary school. The footpath is more convenient than the nearest alternative route on the existing footways of Aspen Grove and Bailey Street which add 25 metres to the trip between points A and B on foot.

The footpath running across the site is not recorded on the definitive map and statement as a public right of way, however the Council indicated its intention to dedicate the footpath as a public right of way in a decision taken by West Craven Committee on 3rd July 2007. My advice is that this footpath should be considered as if it were a public right of way because it is likely that deemed dedication has already taken place at common law and by virtue of Section 31 of the Highways Act 1980 (i.e. where a right of way can come into existence after 20 years of use by the public).

I had preliminary discussions with the applicant about a proposal to divert the footpath to run within the site boundary running adjacent to the existing culvert at the side of 57 Bailey Street. This proposal would have resulted in an increase in pedestrian journey times between points A and B by lengthening the path such that it would only be 10m shorter than the existing alternative route between the same points via the footway on Aspen Grove. In addition the diverted footpath would be more hidden from view with a dog-leg in the middle, and people could feel less safe in using it. It appears to me that a footpath with such minimal benefits and some disadvantages, compared to a slightly longer route via Aspden Grove, would serve little purpose for the convenience and enjoyment of pedestrians.

My preference would be that plots 1 – 4 are left undeveloped because the existing footpath passing through an area of open space is widely enjoyed. It is for the Council in its capacity as the planning authority to consider on planning grounds whether the existing stone-surfaced footpath should be retained because of the amenity value of the land and the convenience of the path, if it's view is that these should be retained then it should refuse the planning application. Presumably the applicant could submit a new application which avoided the need to divert or extinguish the footpath. However, I see no purpose in diverting the footpath to a new line at the edge of the

development site because the advantages of a diverted path compared to the existing alternative route on the footways would be so limited.

The grant of planning permission would not have the automatic effect of extinguishing the footpath, but it would make it likely to satisfy the criteria contained in Section 257 of the Town and Country Planning Act for an extinguishment order to be confirmed.

### **Public Footpath 16**

The proposed development also affects part of public footpath 16 running from the top of Bawhead Road (point A) along the western edge of the development site to a point level with the rear garden of 57 Wentcliffe Drive (point C). The footpath is recorded on the Definitive Map but the point where the footpath ends within the development site is not connected to another highway such as a road or another footpath. The planning application provides for the rear gardens to extend all the way to the existing boundary wall at the rear of Wentcliffe Drive and therefore it would be necessary for the footpath to be extinguished for the development to be carried out. The existing footpath does not appear to serve any purpose because it is a dead-end path. Therefore I have no objection to this aspect of the planning application which would facilitate the extinguishment of this section of footpath 16.

### **Informatives**

No work which affects either of these footpaths may commence until a separate extinguishment order has been made and confirmed.

### PBC Drainage

Response 7<sup>th</sup> January 2020: Provided the proposed scheme is implemented in accordance with the stated intentions and the LLFA are satisfied with the proposal, the revised drainage strategy should be acceptable.

### Yorkshire Water

Response 7<sup>th</sup> January 2020: Thank you for re-consulting Yorkshire Water regarding the above proposed development. We have the following comments:

### **Waste Water**

Based on the information submitted, no observation comments are requested from Yorkshire Water regarding the Reserved Matters since surface water is now going from soakaway to culvert.

### LCC Lead Local Flood Authority

Re-consultation was sent on 6<sup>th</sup> January 2020, to date no updated comments have been received.

No formal comments can be provided on the drainage scheme, as the following information is still outstanding:

**Confirmation of how surface water is currently drained within the application site** – *we need this information before we can assess the suitability of the applicant's surface water drainage proposals.*

**Information regarding the risk of ordinary watercourse flooding within the application site** – *we are specifically looking for an assessment into the risks associated with the watercourse that is located along the southern boundary of the site. This is to ensure that none of the dwellings are being placed at an unacceptable risk of flooding from the watercourse.*

**Details of any measures required to keep the development safe from**

**flooding over its lifetime; taking into account the vulnerability of its users –** *this is particularly important as the finished floor levels of the dwellings look to be set lower than the driveways and external highway (Bailey Street). If overlooked, there is potential for the dwellings to be placed at an increased risk of flooding from surface water runoff. To ensure that will not happen, we need to know how that risk will be managed through the re-development of the site. Should any of the dwellings be at risk of flooding from the adjacent watercourse, then we will need to know how those risks will also be managed through the re-development of the site.*

**A site plan that shows all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network –** *we need this information before we can assess the suitability of the applicant's surface water drainage proposals. If a plan can't be provided at this stage, then we will accept confirmation of the total impermeable area within the site, though a catchment plan will need to be provided at some point before the commencement of the development (this can be secured through an appropriately worded planning condition).*

**Surface water flow calculations for the proposed surface water drainage network. The calculations should show the network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return periods, plus an appropriate allowance for climate change and urban creep where applicable -** *we need this before we can assess the suitability of the applicant's surface water drainage proposals. Without this information, it is unclear whether sufficient storage is available within the site to ensure that surface water can be safely managed up to and including the 100 year return period (plus an allowance for climate change and urban creep).*

In the absence of the above information, I am still unable to provide you with a substantive response at this time. Please can you bring this to the attention of the applicant and ask for further information to be provided in this regard.

I have noted from the latest surface water drainage layout plan that a pump may need to be provided to allow surface water to be discharged to the adjacent watercourse. In accordance with standard 12 of the non-statutory technical standards for sustainable drainage systems, pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity. I assume the applicant is still intending to proceed with a maximum surface water discharge rate of 3l/s as suggested in earlier plans. Any deviation from that rate would need to be fully justified through the submission of a greenfield runoff assessment for the existing site.

#### PBC Environment Officer

The ecology report is adequate. The landscaping shown at this stage is sufficient, with some planting at the rear. Some trees to the front would be beneficial and further landscaping of the culvert area would be required. A condition requiring a detailed landscaping scheme would be required.

#### Earby and Salterforth Drainage Board

The application is not near any of our waterways and there is no plan to discharge into a waterway, therefore no objections are raised.

An application for consent would be required if it was decided to discharge into one of our waterways and there should be no obstruction within 7 metres of the edge of the watercourse.

## NHS East Lancashire

This proposed development comprises of 12 dwellings and based on the 2011 Census average household size per dwelling, we have calculated that this development will accommodate a population of 29 residents. This means that this residential development will generate 66 interventions for the Trust based on the average calculation above. The consequences of that number of interventions and the costs of them are set out in Appendix 4. The contribution requested is based on this calculation and by that means ensures that the request for the relevant landowner or developer to contribute towards the cost of health care provision is directly related to the development proposals and is fairly and reasonably related in scale and kind. Without the contribution being paid the development would not be acceptable in planning terms because the consequence would be that there would be inadequate healthcare services available to support it and it would adversely impact on the delivery of healthcare for others in the Trust's area.

As a consequence of the above and due to the payment mechanisms the Trust is subject to, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling. The Trust will receive no commissioner funding to meet each dwelling's healthcare demand in the first year of occupation due to the preceding year's outturn activity volume based contract and there is no mechanism for the Trust to recover these costs in subsequent years. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area.

Therefore, the contribution requested for this proposed development is £16,840.00. This contribution will be used directly to provide additional services to meet patient demand

Having considered the cost projections, and phasing of capacity delivery we require for this development it is necessary that the Trust receive 100% of the above figure on the implementation of the planning permission. This will help us to ensure that the healthcare services are delivered in a timely manner.

## Public Response

The nearest neighbours were notified by letter, in addition to a site and press notice being posted. 34 letters of objection were received from neighbouring occupiers, in addition to a petition which included 342 signatures, their comments can be summarised as follows:

- The site has a natural spring which works to prevent flooding and is home to variety of wildlife.
- Disturbing the site would lead to flooding and surface water runoff elsewhere.
- Earby has a deficit in amenity green space, more will be lost as a result of this development.
- Danger to school children who pass the site daily, due to construction traffic and increase in the number of cars.
- Existing brownfield sites and empty homes within Earby that should be considered first.
- Additional investment is needed in Earby's infrastructure to support further development.
- Loss of an existing off road footpath, which is commonly used by school children.
- Concerns regarding the drainage and sewerage on the site, whether the existing systems can cope.
- Disturbance to wildlife, including birds, bats, frogs and toads.
- Lack of additional planting and trees to make up for the loss of green space.
- Would result in tensions between neighbours, walkers and those using the sports pitches nearby.
- The proposed houses do not assist in the diversity of housing stock for a range of occupants, nor does it indicate that any will be affordable.

- Lack of parking provision in the area.
- The proposed 12 houses is overdevelopment for a site of this size.
- Privacy issues from the proposed dwellings overlooking existing properties to the rear.

## **Officer Comments**

### **Policy**

Section 38A of the Planning and Compulsory Purchase Act 2004 requires that when determining planning applications regard has to be had to the development plan the application must be determined in accordance with the Plan unless material considerations indicate otherwise.

### **Local Plan Part 1: Core Strategy**

Policy SDP1 (Presumption in Favour of Sustainable Development) the decision maker will take a positive approach to development, working proactively with the applicants to jointly find salutation, to secure development that improves the economic, social and environment conditions in the area.

Policy SDP2 (Spatial Development Principles) seeks to prioritise new development within settlement boundaries, particularly to serve a localised catchment in local service centres such as Earby.

Policy SDP3 (Housing Distribution) details where the location of new housing should be focused, which should follow a settlement hierarchy.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 (Achieving Quality in Design and Conservation) 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. The proposals compliance with this policy is addressed in the design and amenity sections.

Policy LIV1 (Housing Provision and Delivery) sets out the housing requirements for 2011 to 2030 and how this will be delivered. It allows for sustainable development outside of settlements to come forward until the part 2 plan has been approved.

Policy LIV3 (Housing Needs) provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 (Affordable Housing) sets out the targets and thresholds required to contribute towards the provision of affordable housing.

Policy LIV5 (Designing Better Places to Live) requires that layout and types of development reflect the site and the surroundings, to meet borough-wide requirements for housing stock.

### **Replacement Pendle Local Plan**

Policy 16 (Landscaping in New Development) requires that developments provide a scheme of planting which is sympathetic to the area.

Policy 31 (Parking) which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.



Policy 33 (Existing Open Space) advises that the loss of open space will only be permitted where it involves poor quality space in areas where there is surplus provision in the particular ward area.

### 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.

Section 2 of the Framework refers to achieving sustainable development. Paragraph 11 states that plans and decision should apply a presumption in favour of sustainable development, part (d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Or, 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.

Paragraph 97 of the Framework highlights that where a development would result in the loss of open space, applicants must demonstrate that the open space is surplus to requirements or would be replaced with equivalent at a suitable location.

Paragraph 98 details that planning policies and decision should protect and enhance public rights of way and access. Taking opportunities to provide better facilities for users.

Section 12 of the Framework relates to design and makes it clear that design is a key aspect of sustainable development. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 59 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA was updated in support of the publication of the Core Strategy.

The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 year supply.

### **Principle of the Development**

The application site is identified within the Pendle Open Space Audit 2019 as Amenity Greenspace.

Open space is defined in the NPPF as being all open space of public value which offer important opportunities for sport and recreation and can act as a visual amenity. This land formed part of the Open Space assessment examined as part of the EIP into the Local Plan, which was found to be sound.

The application site is 0.265 hectares with a quality score of medium (31/49). Overall the Earby ward has a surplus of amenity greenspace of 0.13ha. Therefore, the loss of this site would result in a deficit of -0.13ha.

The Council seeks to protect those areas of designated open space. Policy 33 of the Replacement Pendle Local Plan states that the loss of open space will only be permitted where; there is the loss of poor quality amenity open space in areas where there is a surplus provision, or replacement open space provision is provided as compensation.

Similarly in accordance with the National Planning Policy Framework, the applicant must meet one of the defined exceptions, in Paragraph 97 of the NPPF, as follows:

- 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.

The application site is one of 27 amenity greenspace sites within the Earby ward. There are two alternative amenity greenspace sites, AG063 and AG075, which is close to the application site and more easily accessible to existing properties.

The site is significantly constrained by its proximity to a residential road, surrounded by dense residential development and lack of fencing. This makes it unsuitable for ball games or walking of dogs off a lead. The majority of the site is underused, apart from the footpath which runs diagonally across the site.

The 2019 OSA places a low priority on increasing the provision of amenity green space within Earby and the societal benefits of 12no. residential dwellings would outweigh the loss of the existing amenity greenspace.

Moreover, the application site lies within the settlement boundary of Earby, amongst existing residential development. Therefore, development within the settlement boundary is sustainable.

Furthermore, in accordance with Paragraph 11 of the NPPF decision making must apply a presumption in favour of sustainable development. Permission should be granted unless policies within the Framework which protect assets of importance provide a clear reason for refusal or adverse impacts of the development would demonstrably outweigh the benefits.

In this case, Pendle does not benefit from a 5 year housing land supply, therefore additional weight is given to the public benefits of the development of 12 additional residential dwellings. The site is not within a protected area or detrimentally affects assets of particular importance. Therefore, the public benefits of the development far outweigh any harm and the application should be approved.

In this instance the proposed site would be sustainable and the principle of housing acceptable, which accords with Policy LIV1.

## **Design**

The proposed scheme comprises of 12no. semi-detached properties, all with private garden areas to the rear and double driveways to the front. All are set within a reasonable size plot, with side access and reasonable planting.

Concerns were raised that 12no. dwellings is overdevelopment of the site. This has been considered in the design of the scheme. Each dwelling has sufficient space about it not to appear cramped, with a reasonable front and rear garden. The dwellings are of suitable design and allow for good separation distances so as to create a terracing effect. This proposal would not be deemed overdevelopment of the site.

Two house types are proposed, which are distributed evenly throughout the development, all comprising of two storey dwellings with 3no. bedrooms. House type A consists of one large rendered front gable feature, and a central shared porch with the adjoining property. House type B

has a small eaves pitched roof feature to the front, with a separate porch on the outer edge of the front elevation. Both house types have similar rear elevations, which are simple in design.

House type A is to be predominantly constructed of off white colour render to the front and rear, with a small portion on reconstituted stone on the front elevation. House type B comprises of reconstituted stone on the front elevation and off white colour render on the side and rear elevations. All the dwellings will use slate effect concrete roof tiles on the roof.

The style, design and materials for the properties aim to reflect that of dwellings in Aspen Grove, which are the most recent development in the area and are readily visible from the application site. The proposed dwellings would be sited adjacent to Bailey Street and visible from the school and sports pitches to the east. Nevertheless, the properties simplistic design and use of sympathetic materials to the locality, would not appear obtrusive within the street scene.

Therefore, the design, materials and layout of the proposed development would be acceptable in accordance with Policy ENV2 and the NPPF.

### **Residential Amenity**

The application site is located within the settlement boundary of Earby, amongst a predominantly residential area. To the east is a primary school sports pitch, to the west the rear of properties on Wentcliffe Drive. To the south is the Aspen Grove residential development and to the north a large car park serving a local business.

The proposed dwellings would be sited in a slightly staggered form, however all retain a minimum of 9.5m separation distance from the rear garden boundary and 22m from the rear elevation of properties on Wentcliffe Drive. The Design Principles SPD requires that a minimum distance of 21 metres must be maintained between habitable room windows in properties that are directly facing each other. The proposed development will exceed these distances with existing dwellings on Wentcliffe Drive and therefore would not result in significant detrimental overlooking or overbearing impacts on neighbouring occupiers.

Moreover, all Type A proposed dwellings do not have any side facing windows. Type B proposed dwellings have one first floor side facing window which serves a landing. Although this will be facing onto a blank elevation, to future proof the development, a condition will be applied to ensure that this is obscure glazed.

The front and rear elevations of the proposed dwellings are to be broadly in line with each other, therefore ensuring no intervisibility between the properties. The properties would be located over 23m from the school sports pitch to the east of Bailey Street. Taking into account this is a residential area and the sports pitch is readily visible from a number of public vantage points, this development would not result in detrimental overlooking impacts.

### **Drainage**

Sufficient drainage information has not yet been submitted to the LPA, nor have substantive comments on such a scheme been provided by the Lead Local Flood Authority or PBC Drainage Engineers.

The applicant is working with a drainage consultancy to obtain the required information, for which updates will be provided to the committee.

## **Highways and Access**

No significant concerns have been raised by LCC Highways in relation to highway safety and access to the site. New vehicle crossings will need to be agreed with the Highway Authority and a construction method statement submitted prior to the commencement of development to minimise highway disturbance during the construction period. These aspects can be secured by condition and do not warrant refusal of the application.

The application proposes two on plot parking spaces per dwelling, sited to the front of the properties directly off Bailey Street. In accordance with Policy 31 this would be adequate parking provision for the 3no. bedroom properties proposed.

## **Ecology and Landscaping**

A preliminary ecological appraisal has been submitted as part of the application, it concluded that the site comprised of hedgerows of little value, marshy grassland and scattered trees. A low number of pipistrelle bats were recorded and a number of priority and protected bird species. However, given the small size of the site and disturbed nature of the habitats, it is not considered that the site is of high value. Some recommendations and mitigation measures are provided, which will be secured by condition.

The proposed landscaping details are adequate, with some planting areas to the front and private rear gardens. A landscaping condition will be applied requiring further details of planting and species to be submitted, prior to development.

## **Public Rights of Way**

The application site comprises of two established footpaths, one a public footpath and the other an unrecorded footpath.

Public footpath 16 runs along the western edge of the development site and would interfere with the proposed rear gardens of the development. Due to previous residential developments in the area the footpath now leads to a dead end and therefore does not serve an important purpose. As a result no objections are raised to the loss of this footpath to allow for the proposed residential development.

Moreover, the unrecorded footpath runs diagonally across the site from Bailey Street to Bawhead Road. This would interfere directly with plots 1-4 of the proposed development. This route is used frequently by pedestrians accessing the local primary school from surrounding properties. There is an existing alternative route along pavement through Aspen Grove and Bailey Street, which is 25m longer.

Re-routing the existing footpath around the edge of the site, to avoid the proposed dwellings, would only be 10m shorter than the existing pavement alternative route and would result in a footpath which is hidden from view and therefore raises some safety concerns.

As a result, diverting the footpath around the edge of the site would have limited benefits over and above the existing pavement option. Moreover, the pavement route is insignificantly longer than the existing unrecorded footpath, therefore would not cause significant inconvenience to pedestrians. The benefits of new residential development on this site far outweighs the harm due to loss of the unrecorded footpath, especially when there is an existing adequate alternative route.

## Affordable Housing

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing. The application site is located within the settlement boundary of Earby.

As a result, the development would be associated with Earby, as a West Craven Town, therefore as only 12 dwellings have been proposed on the site, a 0% affordable housing contribution would be required, in accordance with Policy LIV4.

## NHS Contribution Request

Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:

Section 106 of the 1990 Act provides as follows:

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106C as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—

- (a) restricting the development or use of the land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way; or
- (d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.

(2) A planning obligation may—

- (a) be unconditional or subject to conditions;
- (b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and
- (c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

The relevant parts of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”) are as follows:

- (1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.
- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
  - (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.

Section 216(1) of the Planning Act 2008 together with Regulation 59 of the CIL Regulations requires charging authorities to apply CIL payments to “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”.

Section 216(2) defines “infrastructure” as follows:

“infrastructure” includes—

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces”

The request for contributions for health care services does in my view overall fit into a category of infrastructure that could, if necessary to make the development acceptable, fall within a category of infrastructure that can be funded through a section 106 agreement. However that does not mean to say that the contribution being requested meets the tests set out in the CIL Regulations detailed above.

Case law is clear that planning permissions cannot be bought or sold hence any sum to be paid to a planning authority must be for a planning purpose which should in some way be connected with the land in which the developer is interested.

The issue for Committee is whether the funding has a direct connection to the development and whether this would be fairly and reasonably related in scale and kind to the development.

Robust evidence is required to support a request for a contribution. In London for example a model has been produced which attempts to provide robust and up to date evidence on the need for a contribution. The model is referred to as the HUDU model. This looks at the specific circumstances of each development in its own location reflecting the population characteristics of the area.

The evidence supplied with this request does not in my view go far enough to support the view that the impacts of the individual development is directly related to healthcare deficiencies. A flat rate is applied to all developments which will inevitably result in some developers over providing and some underproviding. The model does not factor in demographic modelling of the area and does not for example look at any percentage of the population that may move into the developments and that they are already resident in the area thus not increasing the demand on services.

Whilst more accurate evidence could be provided were the model to be finessed as it stands it is not sufficiently robust to prove the level of contribution fairly reflects the impact the development would have on acute services.

This is an important issue that will arise in other developments in the Borough. In order to get an independent view on this we have obtained Counsel's opinion on this. That advice is legally privileged but supports the view that the evidence is not sufficiently robust to be able to support a requirement for the contribution requested.

Committee are therefore recommended not to require a contribution as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development.

## **Education Provision**

Thorough assessment of the proposal by Lancashire County Council Education Authority deemed there is sufficient capacity in the area to accommodate additional school pupils, without the requirement for an education contribution. Therefore, no objections are raised.

## **Other Issues**

Concerns have been raised regarding the utilisation of brownfield sites and empty homes within Earby, as opposed to new development on a green field site. The LPA cannot require brownfield sites or privately owned properties to come forward for development. Equally, valid submitted applications must be assessed and determined on their own merits in accordance with planning policies. In addition, the types and sizes of the proposed dwellings are not something that can be stipulated by the LPA, unless those proposed have wider design or residential amenity impacts. In this case, semi-detached two storey properties are appropriate for this site.

As a result of this development, concerns have been raised regarding the capacity of infrastructure and services within the area. As part of this application drainage and highways infrastructure has been addressed and relevant consultees have not raised any objections. Moreover, the capacity of hospitals and schools have been satisfactorily considered and addressed in this report.

## **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 accords with the Local Plan and National Planning Policy Framework. 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: That the application is delegated to the Planning, Economic Development and Regulatory Services Manager to approve subject to satisfactory drainage details being received.**

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: A1828-LIB-AL-90-004, A1828-LIB-AL-90-002 RevA, A1828-LIB-AL-90-001 RevD, A1828-LIB-B1-AE-20-002 RevC Type A, A1828-LIB-B1-AE-20-002 RevC Type B, A1828-LIB-B1-AL-20-001 RevA Type B, A1828-LIB-B1-AL-20-001 RevA Type A and A1828-LIB-AL-90-003 RevD.

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

3. Prior to the commencement of development samples of the materials to be used in the construction of the dwellings 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. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. Prior to the commencement of development samples of all the boundary and retaining walls and all hard surfacing of the development hereby approved, 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 materials and details.

**Reason:** To ensure a satisfactory form of development in the interest of visual amenity of the area.

5. Prior to any above ground works, a detailed landscaping scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed 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 approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

**Reason:** To ensure appropriate landscape design and in the interests of the visual amenities of the area.

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from clearance and construction works
- viii) Details of working hours
- ix) Timing of deliveries
- x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

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

**Reason:** To ensure that adequate measures are in place to protect the environment during the construction phase(s).

7. Prior to first occupation each dwelling shall have a secure cycle storage facility.

**Reason:** For the promotion of sustainable forms of transport.

8. Prior to first occupation each dwelling shall have an electric vehicle charging point.

**Reason:** To encourage sustainable travel.

9. No development shall commence unless and until a scheme for the construction of the vehicular accesses and off-site works of highway improvement have been submitted to and approved in writing by the Local Planning Authority. All works must be implemented in accordance with the approved details prior to first occupation of the development.

**Reason:** In order to satisfy that the final details of the highway scheme/works are acceptable before works commence on site.

10. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (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 of Part 1 and Class C of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

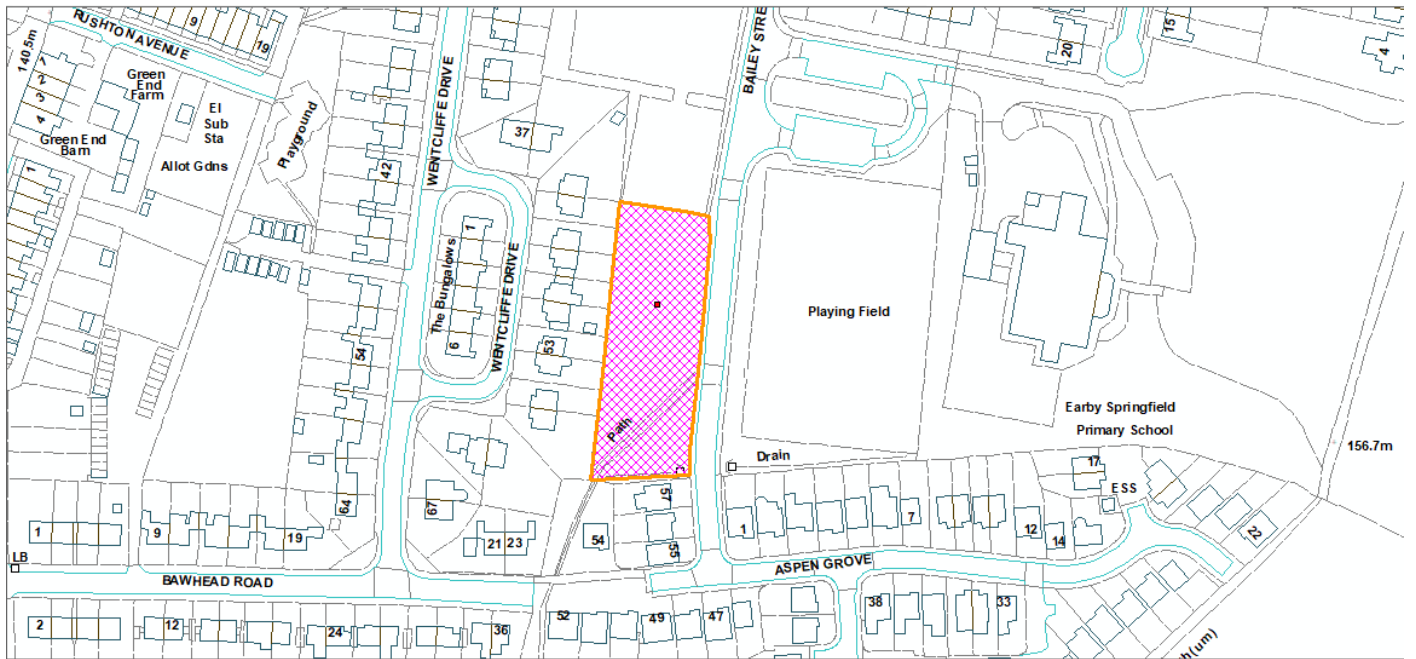
**Reason:** To enable the Local Planning Authority to control any future development on the site in order to safeguard the character of the area.

11. The recommendations detailed in the Preliminary Ecological Appraisal undertaken by Appletons dated April 2019, shall be carried out prior to any above ground works at the site. Any further necessary mitigation measures identified should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any further development. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

**Reason:** To protect natural species and their habitats.

### **INFORMATIVE**

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the vehicle crossings to an appropriate standard, re-location of highway gullies affected and a street lighting assessment. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.



**Application Ref:** 19/0620/FUL

**Proposal:** Full: Major: Erection of 12 No. semi-detached dwellings and associated hardstanding and landscaping.

**At:** Land To The West of The Playing Fields, Bailey Street, Earby

**On behalf of:** PEARL Together Ltd.

## REPORT TO WEST CRAVEN COMMITTEE ON 4<sup>th</sup> FEBRUARY, 2020

**Application Ref:** 19/0815/OUT  
**Proposal:** Outline: Major: Residential development (1.48ha) (Access only).  
**At:** Land to the North East of Meadow Way, Skipton Road, Barnoldswick  
**On behalf of:** Future Habitats Limited  
**Date Registered:** 11 November, 2019  
**Expiry Date:** 10 February, 2020  
**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The application site is a 1.48ha parcel of agricultural land adjacent to the northern settlement boundary of Barnoldswick. It lies outside the settlement boundary within open countryside.

The site slopes generally from Skipton Road along the south eastern boundary towards the canal which runs along the site's north western boundary from approximately 160m AOD to 149m AOD. It is bounded by housing on Meadow Way to the south, the Leeds/Liverpool Canal to the west, Skipton Road to the east with open fields to the north. There are four listed structures to the west and north of the site.

Access to the dwelling houses would be via a new estate road from Skipton Road with an emergency exit route proposed onto Meadow Way.

This application seeks outline consent for the erection of up to thirty three dwelling houses with access only not reserved for future consideration.

An indicative layout plan has been submitted to illustrate how the proposed development could be accommodated on the site.

### **Relevant Planning History**

17/0465/OUT - Outline: Major: Residential development of 5.44ha (Access only) – Refused.

18/0248/OUT – Outline: Major: Residential development 3.40ha (Access only) (Re-submission) – Refused and Appeal Dismissed.

### **Consultee Response**

LCC Highways – The following comments are made to the proposed development of up to 30 dwellings with the submitted econ Associates Transport Assessment Revision B dated 5<sup>th</sup> July 2019, the 'Access arrangements & visibility splays' drawing A3399-01-Rev C dated 21.02.18 and the Clendon Architecture Indicative site layout CAL020417-02 dated 18.07.19.

These comments are essentially the same as comments made to previous applications 18.0248 for 65 dwellings and 17.0465 for 200 dwellings.

### **Traffic Impact**

The trip rates, growth and distribution are not disputed.

The additional assessment of the Skipton Road B6252, Gisburn Road mini roundabout junction shows sufficient capacity to accommodate the development traffic.

### Sustainability

The nearest primary school is located 1.3km and local food shop 1.1km from the site and these local facilities exceed the walking distance which a concern.

There are two bus services running along Skipton Road, the X43 and 280 and there are school services V44 and 110.

There are bus stops located in both directions on Skipton Road within an acceptable walking distance of the development site in accordance with the IHT guidelines. However, as stated under "off-site highway works", the bus stop infrastructure requires upgrading to ensure that a quality facility is provided for bus passengers to maximise the potential usage.

In terms of the Council's accessibility questionnaire, the site scores a low accessibility score overall with access to local and district facilities being located further than the recommended walking distances. It is likely that the residents of this development site will be reliant on the private car to access all facilities which does not accord with the principals contained within the NPPF.

Measures of mitigation are required to improve the sustainability of this site. A measure to be considered is the provision of 3 month bus passes and cycle vouchers for each new resident as part of the welcome pack within the Travel Plan.

### Travel Plan

There is no framework Travel Plan submitted with the application. We would expect the following to be set out in the Framework TP and then followed with a Full TP annually for 5 years.

### Site access

The Skipton Road site access drawing 'Access arrangements & visibility splays' A3399-01-Rev C is acceptable in principal and will be subject to a detailed design under a S278 agreement with Lancashire County Council.

The visibility splay to the south of the proposed site access requires the full extent of the highway grass verge and it should be noted that currently the trees and vegetation from the rear gardens of 16 – 22 Green Bank are overhanging the verge and will require removing at low level.

### Secondary access

The provision of a secondary vehicular access is now not necessary due to the reduction in the number of houses served from a single access, however a 3 metre wide pedestrian-cycle access to Meadow Way is still necessary for connectivity to the adjoining estate and this will also serve as a vehicle access if it is required in the event of an emergency at the primary site access.

A vehicular access onto Coates Lane is not supported due to it being unlit and without separate footways.

### Off-site highway works

The off-site highway works will be completed under a S278 agreement with Lancashire County Council and designed to adoptable standards, including street lighting, surface water drainage and tactile paving at pedestrian dropped kerb crossing points.

### Construction traffic

It will be necessary to prepare a detailed construction traffic management plan prior to the commencement of any works on site. The construction traffic will be restricted by a condition to a site access off Skipton Road.

### Reserved matters - Internal Layout (including parking)

The indicative layout raises some concerns particularly for the parking layout at plots 9 – 14. At reserved matters the layout will be commented upon in detail.

The internal estate roads should be built to adoptable standards and subsequently dedicated to the Highway Authority for formal adoption under Section 38 of the Highways Act 1980.

The estate roads shall be designed to keep vehicle speeds at or below 20mph with suitable visibility splays. The vehicle parking should be provided in accordance with the Pendle BC parking standards 2 spaces for 2/3 bedrooms and 3 spaces for 4+ bedrooms. Garages should have internal dimensions of 3m x 6m.

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

### Highway Drainage

Planning approval relates only to the powers under the Town and Country Planning Act including the recommendations of the Lead Local Flood Authority. It does not provide any consent or approval under other act, enactment, bylaw, order or regulation including the highway adoption under section 38 of the 1980 Highways Act, the surface and foul water adoption under section 104 of the Water Industry Act 1991 or the Land Drainage Consent to discharge water into a water course under the Land Drainage Act 1991 etc.

With regard to drainage systems within the highway, where the applicant is proposing to offer the highways for adoption, the applicant is advised to begin early discussions between the section 38 officers at Lancashire County Council, the Lead Local Flood Authority at Lancashire County Council and United Utilities as advised in the Department of Transport Advice Note "Highway Adoptions" "The adoption of roads into the public highway (1980 Highways Act)", published in April 2017.

Highway surface water drainage systems must not be used for the storage of any flood waters from the adoptable Yorkshire Water surface water system or any private surface water drainage system etc.

A suitable outfall should be sought with an appropriate 104 agreement with the local water authority (United Utilities/Yorkshire Water).

### Conclusion

The Highway Authority raises no objection to the proposal subject to appropriate conditions being attached to any permission relating to construction code of practice, construction access limited to Skipton Road, site access construction scheme, off-site highway works, internal estate road construction, travel plan, phasing plan, management and management of streets, bound porous materials and use of parking areas, secure cycle storage and provision of electric charging points.

LCC Education – An education contribution is not required at this stage in regards to this development.

Natural England – No comments.

Canal & River Trust – Suitably worded conditions are necessary.

We note that the reduction in the site area would reduce the direct visual impact on the waterway. We request that the Local Authority carefully consider whether this is sufficient, alongside any future on-site mitigation, to ensure that the impact on the setting of these assets is acceptable; in line with the aims of policy ENV1 from the Core Strategy 'Protecting and Enhancing Our Natural and Historic Environments'.

We welcome the submission of indicative proposals, which include the provision of wide landscaped areas to the canal, and upon the northern boundary. These could help mitigate the impact of built development on the wider landscape. We note, however, that the scale, design and layout of the development are reserved matters, and do not form part of the submission. As a result, we advise that, if consent for the outline proposals are granted and principle of development be considered acceptable, any future layout submitted at reserved matters stage should ensure that the building heights are of a sufficiently low scale, and that sufficient landscaped areas are provided to ensure that the impact on the waterway corridor and setting of listed structures is minimised to an appropriate degree.

We advise that, should the scheme be developed further, details of the planting within the landscaped areas, and management/maintenance of these spaces should be provided. We recommend that any new planting incorporates native species, and that houses on site are designed to an appropriate scale in order to limit the potential impact of the proposal upon the local landscape character. We also advise that the stone boundary wall to the east of the site, which can be viewed from the canal, should be retained, as it does presently enhance the character and appearance of the landscape next to the waterway.

### **Water Quality**

The scale of development could result in contamination towards the canal during construction. For example, through the deposit of dust or the runoff of silty water. Consideration should be given towards the provision of a Construction and Environmental Management Plan, which should include measures to protect the canal from pollution. This detail could be reserved by the use of an appropriately worded condition.

### **Surface Water Drainage**

We request that details of the proposed surface water management for the site, including details of any sustainable drainage systems proposed, should be provided prior to the commencement of development on site. Such detail could be reserved through the use of an appropriately worded condition.

We advise that surface water management of the site should utilise oil interceptors prior to any surface water drainage going into the canal, in order to limit the runoff of hydrocarbons from the new roads on site to the waterway. We also advise that details of any surface water management scheme for the site should include a long-term management plan for the maintenance of the SuDS swales, the attenuation pond and the oil interceptor shown.

Should the applicant wish to discharge surface water to the canal the agreement from the Trust would be required. We request that the applicant makes suitable enquiries on this, prior to the submission of a reserved matters application, in order to ascertain whether such a solution

The applicant should be aware that the Trust is not a statutory drainage authority and is not obliged to accept discharges to the network.

### **Impact on Coates Lane Culvert**

The revised site plan does increase the risk that any surface water discharge from site could enter an existing watercourse, which runs under the canal via culvert. Additional discharges into the

culvert could impact the structural integrity of this structure, increasing the risk to the stability of land below the canal.

Land stability is a material planning consideration, as highlighted by paragraph 170 (part e) and 178 of the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (e.g. Paragraph 001 Reference ID: 45-001-20140306). We consider that this advice and guidance clearly identifies that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

We therefore advise that the provision of details requested above are also relevant to ensure the final surface water drainage system is designed to prevent any harmful flows to the culvert.

### Landowner Comments

In our capacity as landowner, the applicant is reminded of the need to ensure that all necessary consents are obtained from the Trust as navigation authority and landowner of the Leeds & Liverpool Canal.

Lead Local Flood Authority – has no objection to the proposed development subject to appropriate conditions.

### **Flood vulnerability:**

It is evident that the proposed development will result in a change in Flood Risk Vulnerability Classification from Less Vulnerable to More Vulnerable under Paragraph: 66 of the Planning Practice Guidance.

### **Surface Water Drainage Scheme:**

The surface water drainage scheme outlined in the applicant's flood risk assessment (ref: 78954, dated: August 2019) is only a preliminary issue and may be subject to change following further detailed design and investigation. The applicant will therefore be expected to provide a final surface water drainage scheme for the site once the detailed design and investigation work has been completed. The final strategy will need to be submitted to and approved by the LPA prior to the commencement of any development, and must comply with the requirements of the National Planning Policy Framework and the non-statutory technical standards for sustainable drainage systems; March 2015. The strategy must also be accompanied by an appropriate management and maintenance plan that details how the surface water drainage network will be managed and maintained over the lifetime of the development. The LLFA is satisfied that these details can be secured through the inclusion of the above recommended planning condition.

### **Sustainable Drainage Systems:**

The LLFA encourages the applicant to maximise the use of sustainable drainage systems (SuDS) when designing the surface water drainage scheme for the development site. This is because sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk.

Sustainable drainage systems can attenuate the rate and quantity of surface water run-off from a site, and they can also absorb diffuse pollutants and promote groundwater recharge. Ponds, reed beds and seasonally flooded grasslands are also particularly attractive features within public open space. The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Some SuDS features, for example rainwater harvesting and permeable paving used on roads and driveways, must not be included as part of the hydrological calculations for the site. This is because occupants may change or remove these features in the future and this could have the

potential to increase surface water runoff from the site. Where SuDS features such as rainwater harvesting and permeable paving are included in the hydrological calculations, the local planning authority would be advised to consider the removal of permitted development rights.

### **Construction Phase including enabling works:**

It is critical that flood risk is appropriately managed during the construction phase(s) of the development. Compaction of the soil is likely to speed up the run-off rate whilst the site is cleared and the permanent drainage systems and/or attenuation systems are constructed and brought into use.

The developer should identify the flood risk associated with this phase of the development and provide details of how surface water will be managed during construction, including any mitigation. The LLFA is satisfied that these details can be secured through the inclusion of the above recommended planning condition.

### **Highway Drainage / Highway Adoption:**

This response does not cover highway drainage, matters pertaining to highway adoption (s38 Highways Act 1980) and/or off-site highway works (s278 Highways Act 1980). Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of those systems with the local highway authority.

The applicant is also encouraged to discuss the suitability of any overland flow routes and/or flood water exceedance with the local highway authority should they have the potential to impact the public highway network and/or public highway drainage infrastructure (either existing or proposed).

United Utilities – No objection subject to appropriate conditions.

Yorkshire Water – A water supply can be provided under the terms of the Water Industry Act, 1991. There is a private pipe on site that will require diverting or abandoning at the developer's expense. There are no public water mains affected by the proposed works.

Lancashire Fire & Rescue – raise issues relating to Building Regulations Approved documents.

PBC Conservation Officer – The proposed development has to be assessed in terms of its potential to affect the settings of several Grade II listed buildings within the Leeds-Liverpool canal corridor, which together form an important and distinctive group of locks and bridges at Greenberfield. This revised application includes a detailed Heritage Statement which addresses the significance of the heritage assets affected, and analyses the contribution of their settings to that significance. An analysis of the significant views involving each heritage asset is also included, which assists in identifying the extent to which the proposed housing development will be visible within the setting of the listed locks and bridges, and how any negative impacts on setting could be mitigated. However the submitted LVIA does not appear to include photo-montages showing the proposed development as seen from key heritage assets, which assisted in assessing the previous application.

All the listed structures, as below, would be located at some distance from the northern boundary of the now reduced development site:

- Greenberfield Bridge No 156, Leeds and Liverpool Canal  
A road bridge of 1794 in the distinctive Leeds-Liverpool single-arch style in ashlar stone, with parapet and curving abutments. One of three road bridges at Greenberfield, it lies at the southern end of the group of listed canal structures. It is the nearest canal structure to the development site, and most likely to suffer adverse impacts on its setting. However the indicative plan shows the housing development set well away from the bridge, adjacent to the existing developed edge of the



town, and leaving the current setting of rising open agricultural land largely intact. It is likely that new housing would be seen beyond the open field, however this would be seen as part of the existing backdrop of housing, and a landscaped buffer zone indicated along the northern and western site boundaries would further assist in softening the existing transition from urban to rural. The houses would be well-screened once the intervening landscaping had matured, and any harm to significance would be minor.

- Bridge No 157, Leeds and Liverpool Canal

Another similar road bridge, but of later date, built in 1817 concurrently with Greenberfield Locks. It is significant in views on the main approach to Greenberfield off Skipton Road, where the rising open land forms a green backdrop to the bridge, locks and canal. The bridge is located well away from the site. As the new housing would be well set back beyond the ridgeline of the open fields, houses would be largely concealed by the topography, with perhaps the rooflines being partially glimpsed on the horizon from the highest point of the bridge, as is the existing development. The provision of enhanced landscaping offers the potential to add further screening to soften the existing urban edge. Any harm to significance would be minimal.

- Lock No 44, Leeds and Liverpool Canal

The main locks at Greenberfield, dated 1817, picturesquely located between the two bridges, and also a very popular visitor location with associated public car park and open grassed picnic area. The site would again be at some distance from the canal, with the rising open land largely concealing the new development behind the ridgeline of the open field. The open green backdrop to the lock would be preserved.

- Lock No 43, Leeds and Liverpool Canal

Another locks of 1817 located just to the north of bridge 157, it is mainly viewed from the road and towpath together with the bridge, with the rising open land beyond the canal forming the backdrop. It is unlikely the houses would be seen from this point, and the setting would therefore be preserved.

- Haystacks Bridge, Greenberfield Lane

A former road bridge built in 1794 over the canal, however the arch is now blocked and the bridge has been dry since 1817 when the locks were built and the canal course was changed slightly. It still has significance as a road bridge on Greenberfield Lane, and the stone parapet borders the open grassed picnic area adjacent to the locks. From the bridge there is a clear view across the picnic field to the canal with the open green field rising behind. Again, it is unlikely the houses would be seen from this point, and the setting would therefore be preserved.

There are other listed buildings and locks located further away from the site but all are of sufficient distance to ensure their settings would not be affected by the proposed development. Greenberfield farmhouse, listed Grade II, is located across the canal, however is far enough away from the site to ensure that its existing open setting and significant views of it would be preserved.

In addition to the LB's listed above there are unlisted buildings within the Greenberfield canal grouping that also have heritage interest and make a strong contribution to the significance and understanding of the group as a whole. These are the lock keeper's cottage and the adjacent sluice house; both can be seen as non-designated heritage assets which have a functional historic relationship to the listed structures, as well as a visual relationship. They are located between the main Greenberfield locks and Bridge 156, close to the locks, and their existing open rural setting would be preserved.

The Leeds Liverpool canal itself can also be seen as an important heritage asset. The topography of the open field adjoining the site is important in that the land rises from the southern canal bank, enabling the canal and all its infrastructure to be seen, appreciated and understood, within an open and rural green setting. Although the existing urban development of Barnoldswick to the south is

relatively close, it is not readily seen from the main public area around the canal and locks, and is only glimpsed from Coates Lane bridge to the south. Thus the canal corridor and all the linked structures along it are currently experienced within a traditional rural landscape of open fields, trees and hedgerows. It therefore retains its original historic character and appearance as a canal meandering through open countryside, and this would remain largely unchanged.

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. Also important, particularly in this case, is the relationship between different heritage assets of the same period or function, or with the same designer. Together, all these canal-related assets are not only aesthetically attractive and historically important but also derive greater significance due to their grouping, and their open rural setting which remains almost as it was at the time the canal was constructed.

The Local Plan notes the importance of the canal and its heritage assets, and their settings, to the character and distinctiveness of Pendle. Policy ENV 1 states that the historic environment and heritage assets of the Borough, and their settings, will be conserved and should be enhanced in a manner appropriate to their significance, especially those elements that make a particular contribution to the character and distinctiveness of Pendle, such as '*the Leeds Liverpool canal corridor and its associated assets, including locks, bridge and warehouses.*'

The development would largely preserve this open setting along the canal, enabling the locks, bridges and related infrastructure to continue to be experienced essentially within its existing open rural landscape. Though any harm to significance would likely be minimal, there would need to be close attention to the design of houses, materials, and landscaping at the detailed stage, particularly at the edges of the site. Existing stone boundary walls should be retained. New boundaries should be of stone or native hedgerow to preserve the rural character at the edge of the town. Rooflines and roof shapes should be simple in form and detailing, with materials predominantly natural and in recessive colours. Elements such as barge boards at eaves and verges tend to stand out in views, particularly if white in colour. This would assist in integrating the development into its context and preserving local distinctiveness in terms of the character of the local vernacular and heritage assets.

The Archaeological Assessment submitted indicates that there is a low/moderate potential for historic remains to survive beneath the site. It would therefore be advisable to attach a condition requiring further archaeological investigation to be carried out prior to development.

PBC Public Rights of Way – This development does not have any direct impact on public rights of way but indirectly new housing is likely to increase the number of people using the network in the area surrounding the site. Therefore I wish to object to the application unless a contribution was made towards the improvements of public footpaths. A sum of £8,000 before the first house is occupied towards Footpath 9 may be suitable for improvements.

Barnoldswick Town Council – Objects: The main issues are whether the proposal would preserve the setting of a number of listed buildings associated with the Leeds and Liverpool canal and Greenberfield Farmhouse. The effect of a setting of a number of non-designated heritage assets associated with the canal and the effect on the landscape character and appearance of the area.

There is a firm build edge to the town where it abuts the site boundary and beyond this point, the site essentially projects in to the countryside. The site's character is, therefore, markedly greater informed by its countryside context and forms part of what is an attractive rural landscape setting to the town. The proposal would substantially alter the physical attributes of the site by the way of the loss of its largely undeveloped open character. As it would extend well beyond the existing

edge of the town, it would constitute a significant encroachment in to the countryside and the associated landscape character.

Concerns have been raised around the location of the access road and this is much closer to the Valley Drive junction than in previous applications. The speed of traffic on the surrounding roads is a concern and there is a risk of road safety issues.

## **Public Response**

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

34 letters, web comments and emails received from 26 different properties objecting to the proposal on the following grounds:

- The area has Barn Owl hunting over it and has other flora and fauna;
- The proposed development would cause harm to the significance of the heritage assets and their setting contrary to policies ENV1 and LIV1;
- The proposed development would result in the unacceptable loss of a prominent greenfield site which makes a significant contribution to the landscape character and quality of the area contrary to policies ENV1 and LIV1;
- The site has problems with drainage and flooding;
- We have to pay for our drains to be pumped out and cleared as frequently as once a year, as they feed into sewers which are collapsing despite recent major culvert work;
- Housing is not needed in Barnoldswick and there are plenty of affordable houses for sale in the town for a little as £80k;
- Infrastructure cannot cope with these extra dwellings. Primary schools are at capacity and hospitals face increased demand for services and local doctors surgeries are at capacity. These demands are due to be stretched further because of other planning applications in Barnoldswick to build a large number of new houses;
- The type and size of housing suggests they will be unaffordable to many current local residents and instead will be bought by people who work away. Although some prosperity may be added for cafes and restaurants at weekends during the week the burden and costs to services is likely to be greater;
- The addition of trees will change the vista and setting of the heritage elements as they mature will shade the site blocking out the setting sun and reducing the evening ambience of the canal
- Concern that the culvert under the canal would be unable to cope and should the proposed estate use this then during heavy rain the water will back up, flow rates will fall and more flooding will occur. Pressure of the water will force water up and out of the culvert's manhole and drains and flood properties;
- Concerned about reduction of leisure activities including fishing, walking and boating to both local and visitors which rely on this green landscape in enhance their fitness and emotional health and well-being;
- The land is not poor agricultural land but is good grazing land we are reliably informed. Loss of valuable farmland is totally unacceptable. This land is still used for grazing cattle and sheep and gives at least two cuts of silage per year;
- Poor level of public transport in this area. At best buses run hourly and the nearest train service is in Colne or Skipton;
- Building here will adversely affect the amenity of local residents and their access to green spaces all which is contrary to Pendle's Core Strategy;
- As an alternative to this proposal, I support new houses on brownfield sites contained within Pendle's Brownfield Register;
- NPPF requires the same weight to be given to environmental and social factors as to the economic dimension to ensure the planning system delivers the sustainable development

promised. Should this proposal be passed there would be major impact on the area as the building work progressed for probably two years or more there would be construction traffic, air pollution, light pollution and noise pollution. Properties will already be blighted just by this application;

- This is an historical site which has remained largely unchanged for 200 years and is rightly regarded by visitors and boaters alike as the picturesque site on the entire Leeds-Liverpool Canal;
- There will be a substantial adverse effect on our property by the building of houses on higher ground immediately to the rear of your property. This will result in loss of privacy and overshadowing of your property and loss of long distance views as well as significantly reducing the saleable value of the property, for which no compensation will be forthcoming or even a consideration;
- Barnoldswick appears to be bearing the brunt of new development in Pendle no doubt due to its appeal as an affordable, well established, vibrant and friendly local community. There would appear to be very little demand for any extra new developments in this town and the proposal to build an estate of this size is both ethically and morally wrong and tantamount to environmental vandalism;
- Building on the scale proposed would have a vastly negative effect on these designated heritage areas as it would severely impact on the countryside setting;
- We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life;
- The emergency access on Meadow Way is not an option as a strip of land at that point is privately owned and not available for use;
- Nothing has changed since the last application was refused by the Planning Inspector except a lowering of houses proposed and planting a few trees. I suggest the reasons for dismissing the Appeal are still relevant;
- The applicant may propose that a degree of privacy can be achieved through the construction of walls, erection of fencing or planting of trees, but as previously stated, this proposed development is on a higher level than our property, so any offers to overcome this will only block our natural light. Although the right of light is not a legal entitlement, the right is generally 'acquired' when light has been enjoyed through a defined aperture of a building for an uninterrupted period of 20 years, or in the case of our property, the potential of overshadowing and loss of natural light after 50+ years;
- There are other concerns with regards to additional traffic joining the B6252 and to the claim that the location would not have to rely solely on private vehicles to access services, education and employment;
- Although the numbers have been reduced I feel this is a ploy to persuade planning officers that it won't disturb or encroach on these heritage assets. Once part of this area is developed, planning applications will be submitted until they achieve the original 100+ houses;
- The land is at its highest point adjacent to Skipton Road and this is where the two storey houses are proposed visible from the surrounding landscape, including the canal and Ghyll Lane;
- The visibility splays would require the removal of existing grass verge/vegetation;
- Pendle already has a 5 year housing land supply. The applicants dispute this and claim a 0.22 year shortfall – this would not justify a development on a greenfield site outside the agreed development limits for Barnoldswick;
- What mitigation measure are proposed from existing properties;
- Will the emergency access have a barrier or is this road which will lead to increase traffic on a residential estate;

- The increase in volume of traffic on the surrounding road network would contravene ENV4 of the Pendle Local Plan and para 32 of the National Planning Policy Framework;
- DLC proposed a reduction in the target for Pendle from 298 to 165 so why the need for this unpopular and unwanted build?;
- If I am not mistaken the Council already have a 5 year supply of deliverable housing sites available;
- The revised plans appear to assume a right of access via Meadow Way to this planned development. The fence and small strip of land which separates the end of Meadow Way and the site is owned by ourselves;
- Should not all of the estate been notified about the development and not just those along the boundary?;
- The land should be removed from the SHLAA as pledge at the last local elections;
- Andrew Stephenson is opposed to greenfield housing development and has called on Pendle Council to reduce their housing targets; and
- What percentage have Barnoldswick, Earby, Salterforth, Kelbrook and Foulridge contributed to the target with all the recently passed housing its obvious locally that we taking more than our fair share.

### **Officer Comments**

The application is to develop a residential housing estate outside of a settlement in open countryside. There are listed buildings along the canal adjacent which is a well-used tourist attraction. There are a range of issues that need to be considered.

There have been two previously refused applications (including an appeal on the second refusal which was subsequently dismissed) on larger sites that incorporated this site and the area in between the site and the canal to the north. The applicant has submitted this scheme, and a revised evidence base to try to resolve the concerns over the impacts of that wider development. This application is a new application and must be considered on its own individual planning merits.

#### **1. Policy**

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

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

#### **Local Plan Part 1: Core Strategy**

The Local Plan was adopted in 2015 and is fully compliant with the Framework. 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 LIV1 sets out the housing requirements for 2011 to 2030 and allows for sustainable sites to come forward for housing outside of the settlement boundary prior to the Part 2 Site Allocations Local Plan being adopted. Developments must be sustainable and close to a settlement boundary and can make a positive contribution to the five year supply of housing land.

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.

Policy LIV5 (Designing Better Places to Live) requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and be built at a density appropriate to its location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

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")

The Framework states that the purpose of the planning system is to contribute to the

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.

### Principle of Housing

The application site lies adjacent to but outside of the settlement boundary of Barnoldswick. Policy LIV1 allows for sites that are adjacent to settlements to be developed provided that they are sustainable developments.

The site is on the periphery of the town but has the ability to convey people into town by a range of transport options.

The site is in a location that would comply with the locational principles set out in policy LIV1. The overall principle of development is therefore acceptable. That does not necessarily mean development on it would constitute sustainable development. The other material issues that the development brings up must be considered set against prevailing policy to determine if it is or is not sustainable development.

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 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 public benefits would be:

- Contribute towards the Council's five year housing land supply and assist in the longer term delivery of housing;
- Contribute towards national policy on increase housing;
- Provision of mixture of new housing;
- Provision of affordable housing on site;
- Provision of Open Space and new tree planting on site;
- Income from Council Tax;
- Employment for building trade and local tradesmen/businesses and the supply train; and
- Provision of Sustainable Urban Drainage Scheme.

Part 5 of the Framework deal with housing and the delivery of a choice of homes. The development would deliver up to 30 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.

### Previous Appeal Decision

An Appeal was submitted and dismissed for the previous application 18/0248/OUT. The Planning Inspectorate came to the view that the public benefits would not outweigh the less than substantial harm caused to the heritage assets and moreover the effect on landscape character and appearance would count against this proposal.

Each planning application must be considered on its own planning merits. The conclusions of the previous Appeal should be noted and taken on board as they will assist in clarifying the nature of the issues involved but this application is different to the last one and needs to be assessed on its own merits.

The site proposed here is smaller at 1.48ha rather than the 3.40ha for the Appeal. The proposed built form would be sited further away from the heritage assets and the proposed mitigation would provide for screening which would reduce the potential impact to an acceptable degree when taking into account the benefits as set out.

The impact on heritage assets, landscape and the character of the area however remain issues that need to be considered on their own merits.

## 2. Impact on Residential Amenity

This application is in outline for access only, the design, scale and landscaping of the development would be considered in a separate reserved matters application. An indicative layout has been submitted which shows a relatively low density development with green spaces proposed to the north of the site and to the west along the canal.



The indicative layout demonstrates that a development with an acceptable relationship to the houses to the south could be achieved and thus residential amenity protected. Other dwellings potentially affected are sufficiently far away that their amenity would not be adversely affected. There are no objections to the scheme in terms of impact on the amenity of neighbours.

### 3. Impact on Heritage Assets

There are a number of heritage assets that are potentially affected by the development. These comprise of three listed bridges, two listed locks and the listed Greenberfield Farmhouse. These are designated heritage assets and are all grade 2 listed. There is also the non-designated heritage asset of the Leeds and Liverpool Canal itself, together with the Lock keeper's Cottage and Sluice House.

The site is not in or near to a conservation area.

Impacts on Heritage Assets can manifest themselves in two ways; those of a direct impact on the assets themselves, and impact on their setting. There are no direct impacts but there is the potential to impact on their settings. The setting of a Listed Building is required to be considered for any development under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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. Also important, particularly in this case, is the relationship between different heritage assets of the same period or function, or with the same designer. Together, all these canal-related assets are not only aesthetically attractive and historically important but also derive greater significance due to their grouping, and their open setting which remains almost as it was at the time the canal was constructed.

The Core Strategy notes the importance of the canal and its heritage assets, and their settings, to the character and distinctiveness of Pendle. Policy ENV 1 states that the historic environment and heritage assets of the Borough, and their settings, will be conserved and should be enhanced in a manner appropriate to their significance, especially those elements that make a particular contribution to the character and distinctiveness of Pendle, such as *'the Leeds Liverpool canal corridor and its associated assets, including locks, bridge and warehouses.'*

The proposed development has potential to directly affect the setting of five Grade II listed buildings within the Leeds-Liverpool canal corridor, which together form an important and distinctive group. The application includes a fully detailed Heritage Statement which considers the significance of the heritage assets affected and analyses the contribution of their settings to that significance. An analysis of the views to and from each heritage asset is included which together with the photomontages assists to identify the extent to which the housing development would be visible within the setting of the listed buildings. The assessment also looks at how any negative impact could be mitigated.

The listed buildings are all located along the northern boundary of the site and consist of the following:

- Coates Lane or Greenberfield Bridge No 156, Leeds and Liverpool Canal

The indicative site plan shows the housing development set away from the bridge behind an intervening landscaped buffer. Whilst the proposed housing would be visible from the bridge, this would be well-screened once the intervening landscape has matured and is at some distance. Unlike the previous scheme it would be visually distinct from the asset.

The setting of this bridge already includes the existing housing estate to the south. It represents an area that is the transition from the urban area to rural. This benefits from an open setting to the north towards the locks and other listed bridge. It is set in a mixed setting influenced by buildings and open countryside. Its setting would be affected by the development. This would be mitigated by the buffer zone and landscaping. The setting is already influenced by the modern urban form to the south.

- Bridge No 157, Leeds and Liverpool Canal

At the far northern point of the site, it is significant in the views on the main approach to Greenberfield off Skipton Road, where much of the site can be seen on rising open land forming a backdrop to the bridge, locks and canal. The revised scheme has the housing set back beyond the ridgeline and therefore housing would only be partial glimpsed and would be well screened by the buffer of trees. This impact would be marginal and would not affect its significance.

- Lock No 44, Leeds and Liverpool Canal

The site currently forms the open rural setting to the southern canal bank; the revised indicative site plan shows houses well set back from the canal which ensures the new development would not dominate the ridgeline of the open field. The rooflines and gables would be well screened and broken up by landscaping over time. The open green backdrop to the lock would, therefore, be preserved.

- Lock No 43, Leeds and Liverpool Canal

The site would be viewed from the road and towpath together with the bridge, with the rising open land of the site forming the backdrop. Again the houses would be glimpsed in the distance from this point, although there would be intervening screening which would assist in mitigating this once matured.

- Haystacks Bridge, Greenberfield Lane

From the bridge there is a clear view across the field to the canal with the open green field rising behind. The rooflines in the distance would be well screened over time.

There are other listed buildings located further away from the site but all are of sufficient distance that their settings would not be affected by the proposed development.

In addition to the Listed Building's listed above there are unlisted buildings within the Greenberfield canal grouping that also have heritage interest and make a strong contribution to the significance and understanding of the group as a whole. These are the lock keeper's cottage and the adjacent sluice house; both can be seen as non-designated heritage assets which have a functional historic relationship to the listed structures, as well as a visual relationship. They are located between the main Greenberfield locks and the Coates Lane Bridge, again directly across the canal from the site, where the plan indicates they would be facing onto the open green field with housing set back beyond a landscaped strip in order to preserve the immediate rural setting.

The Leeds Liverpool canal itself can also be seen as an important heritage asset. The currently green and open aspect to the site forms an important part of the setting of all these designated and non-designated heritage assets. The topography of the site is important in that the land rises from the southern canal bank, enabling the canal and all its infrastructure to be seen, appreciated and understood, within an open and rural green setting. Although the urban development of Barnoldswick to the south is relatively close, it is not seen from the main public area around the canal and locks, and is only glimpsed from Coates Lane bridge to the south. Thus the canal corridor and all the linked structures along it currently experience a traditional rural landscape of open fields, trees and hedgerows. It therefore retains its original historic character and appearance as a canal meandering through open countryside.

The proposed layout would largely preserve the immediate open setting along the canal, so that the new development would not be unduly prominent subject to appropriate landscaping which has then matured.

The effects on the setting of the heritage assets would lead to some harm to their significance. This would be less than substantial harm and would be at the lower end of the less than substantial scale. The National Planning Policy Framework, para 134, advises that any less than substantial harm to significance should be weighed against the public benefits of the proposal.

The public benefits that would arise from this proposal include:

- Contribute towards the Council's five year housing land supply and assist in the longer term delivery of housing;
- Contribute towards national policy on increase housing;
- Provision of mixture of new housing;
- Provision of affordable housing on site;
- Provision of Open Space and new tree planting on site;
- Income from Council Tax;
- Employment for building trade and local tradesmen/businesses and the supply train; and
- Provision of Sustainable Urban Drainage Scheme.

The proposed scheme would provide for new housing and would have the generally acknowledged public benefits associated with that. This would be balanced against the limited and less than substantial harm to the heritage assets. On balance the public benefits would outweigh the less than significant harm to the heritage assets.

The Historic Environment/Archaeological Assessment submitted indicates that there is a low/moderate potential for historic remains to survive beneath the site. However, it would be appropriate to attach a condition requiring further archaeological investigation to be carried out prior to any development being undertaken.

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 LIV1 and para 134 of the National Planning Policy Framework.

#### 4. Impact on Landscape

The importance of the site in landscape terms has been the subject of many comments made by the public. The site sits in the National Lancashire Valleys Landscape Area and in the class '13a Gargrave Drumlin' in the Lancashire Landscape Strategy.

The applicant has provided an assessment of the landscape value of the site including short range and long range views of the site.

The Forest of Bowland Area of Outstanding Natural Beauty lies over 5km to the west of the site and Stonehead Beck (Gill Beck) Site of Special Scientific Interest is over 6km to the south east of the site.

The site sits on the edge of the settlement and would extend the built up area into open countryside. Beyond the site there are expansive views of drumlin fields and distant hills. The site is however not visually prominent from long distance views due to a mixture of topography, existing buildings and existing landscape features.

The intrinsic landscape quality of the site is limited. It is open green field with no distinctive features within it. It also displays no specific features that give it a special quality. Its value is for the local setting and this is the main element of its landscape quality.

The previous applications encompassed a larger site with the first application including a lower field than the application site. This was prominent and was important for the setting of the listed buildings. It was also important for the area which is a local tourist attraction.

The proposal now smaller again is sited on elevated land which would significantly screen development from the approaches along the canal to the north. There would be some views of the roofs of the houses but this could be mitigated by landscaping.

There are a number of footpaths around the site including along the northern edge of the Canal Footpath 7 which runs along the line of the former canal tow path and Footpaths 9 and 8 approximately 400 east of the site and connect the Canal with Ben Lane.

Whilst the site is not located within any nationally valued landscaped para 109 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 access to the site would result in the loss of 12m of mature mixed native hedgerow. Although not classed as important, the hedgerow is next to land used for agriculture and therefore is protected by the Hedgerow Regulations 1997. However, significantly more hedgerow would be replanted than that proposed to be removed.

From the canal the site slopes upwards towards Skipton Road. The hills and fields beyond this cannot be seen due to the layout of the land and the existing hedgerows. This in effect creates a localised ridge line. The proposed development would be set back from this and therefore the potential impact would be significantly reduced in accordance with the landscape strategy which states 'shelter built development within the undulating landform - avoid ridgelines or hill tops.'

The development would retain open views from Skipton Road to the locks and the wider countryside and lessen the impact on this important rural environment to an acceptable degree.

The development as proposed would not result in a negative impact on the landscape of this area due to the points raised above and additional viewpoints have been provided which show that the impact will be limited and not extend to longer term viewpoints. As the site is adjacent to an existing housing estate it would not result in undue harm to the wider landscape and viewpoints into and out of the site would be limited.

The number of properties proposed are appropriate and the amount of greenspace and planting has been significantly increased and the buffer to the northeast boundary increased to allow more mature and in depth planting to be undertaken.

The development has now been set back in order to allow for woodland type planting scheme closer to the boundary with the canal and along Skipton Road in order to create a rural setting as you enter Barnoldswick on this approach and provide sufficient screening from the canal.

There would be no loss of the open character as the development would be further away from the canal and would relate to the town setting rather than the rural landscape. The proposed development would not extend well beyond the existing edge nor would it be a significant encroachment into the countryside due to its reduced size and built form. As submitted the proposed development is acceptable subject to appropriate screening and limitations to the built form which can be controlled by appropriate conditions and as part of the Reserved Matters submission in due course.

## 5. Ecology

Although bats will not be roosting on the site, it is highly likely that bats will use parts of the sites for foraging. In particular Daubentons bats are likely to use the canal corridor and would be susceptible to disturbance and the effects of artificial light on the area.

In terms of ecology the canal and the associated fields provide ecological corridors for the movement of wildlife. The development would like to cause disturbance to these and any harm would need to be mitigated in accordance with the recommendations set out in the submitted report.

The indicative landscape strategy allows for greenspace, an attenuation pond and tree planting which has the potential to deliver a biodiversity net gain.

The proposed development would be acceptable in terms of impact on the landscape character of the area and accord with policies ENV1 and LIV1 subject to appropriate conditions.

## 6. Flooding and Drainage

The site lies within Flood Zone 1. A Flood Risk Assessment has been submitted.

In terms of drainage this scheme proposes that a Sustainable Drainage System will be installed and details of this can be controlled by an appropriate condition at this stage. Drainage issues are technical ones which can be resolved and will result in betterment than the existing drainage situation and reduce fluvial flooding issues.

Both the Lead Local Flood Authority and Yorkshire Water have no objections to this scheme subject to conditions relating to appropriate drainage scheme which will need to be agreed prior to commencement of development.

Whilst the Canal & River Trust have commented on the culvert and stability of the canal in their comments on this application this can be achieved by an appropriate drainage scheme being designed which takes this into account.

Provided that plans are submitted to show an acceptable drainage scheme prior to development commencing then the development is acceptable in terms of flood risk and accords with policy ENV7.

## 7. Highways Issues

LCC Highways raises no concerns relating to the assessment of the development traffic on the surrounding network and the site access has been amendment and acceptable visibility splays can be achieved.

### Site access

The Skipton Road site access is acceptable in principal and will be subject to a detailed design.

The visibility splay to the south of the proposed site access requires the full extent of the highway grass verge and it the trees and vegetation from the rear gardens of 16 – 22 Green Bank which overhang the verge will need to be removed at low level.

## Secondary access

The provision of a secondary vehicular access is not necessary due to the reduction in the number of houses served from a single access, however a 3 metre wide pedestrian-cycle access to Meadow Way is required for connectivity to the adjoining estate and this can be controlled by an appropriate condition.

A resident has raised the issue that they own a fence and strip of land which prevents access to Meadow Way no evidence has been submitted to confirm that and the agent has stated that the applicant is assured that they own all the land necessary to connect with the highway at Meadow Way. LCC Highways have been requested to confirm that this is the case.

Conditions relating to construction method statement, construction traffic, site access, of-site highway works, internal estate roads, Travel Plan, estate phasing plan, secondary access, pedestrian and cycle link, management and maintenance, materials for driveways and parking area, cycle storage and electric vehicle charging points.

The scheme would also need to provide adequate off-street car parking in accordance with policy 31 which would be a consideration at the Reserved Matters stage.

## 8. Open Space and Landscaping

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 appropriate planting would help to soften the scheme and would provide sufficient screening for this development. In particular the area bounding the Canal would create some visual interest in the overall layout and reduce the amount of built form overall.

Subject to appropriate full landscaping scheme at the Reserved Matters stage this would be acceptable.

## 9. Tourism

The development is in a location that is locally important for tourism. The tourism draw is focussed mainly around the listed canal structures where the café is situated. The impact on these heritage assets has been discussed above and the conclusion has been that the impacts on setting would be acceptable. This is the same with landscape impact.

Going south from the locks the impact of the built up area of Barnoldswick is soon reached. This does not affect the tourism industry in the area. The main context and setting of the listed buildings would remain and although there would be some views of the roofs of the buildings this would not unduly impact on the tourist attraction the area currently is.

## 10. Contributions

No request for any education contribution has been requested by LCC.

A 5% provision of affordable housing is proposed for the site which accords with policy LIV4 and can be controlled by condition.

## 11. Planning Balance

In terms of harm this is less than significant and the benefits set out above would outweigh this. The impacts on landscape and the setting of the town would be acceptable. In terms of the development plan the development would conform to the provisions of the Part 1 Pendle Local Plan.

Pendle does not currently have a five year supply of housing. Therefore the provisions of paragraph 11 of the Framework, as detailed above, are applicable. Essentially the requirement is to consider the development in the context of the development plan and weigh the provisions of paragraph 11. This states that development should be approved unless the harm significantly and demonstrably outweighs the benefits assessed against the policies in the Framework taken as a whole. The development would not have impacts that would significantly and demonstrably outweigh the benefits.

## 12. Conclusion

The proposed development would be acceptable in terms of housing development on this site and would not adversely impact on amenity, ecology, the listed buildings or Open Countryside. The design and materials, layout, scale and landscaping would be subject to a Reserved Matters application and details of drainage and highway requirements can be controlled by appropriate conditions.

Sufficient information has been provided to show that the highway network can accommodate the additional vehicular traffic that will arise from this development.

The proposal therefore accords with local and national policy subject to appropriate conditions.

## **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 housing development would accord with Local Planning Policy and would be compliant with 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: Approve**

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, landscaping, layout and scale of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

**Reason:** In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

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

CAL020417 0 & A3399-01- Rev C.

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

4. No part of the development shall take place until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for education facilities.

**Reason:** In order to ensure there are sufficient education places available in the area for these additional dwellinghouses.

5. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 5% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason:** To ensure the provision of a mix of tenure on the site appropriate for the requirements of the area.

6. Prior to commencement of development, a plan and written-brief detailing the proposed phasing of the site shall have been submitted to and approved in writing by the Local Planning Authority. Development shall not commence unless and until the scheme has been submitted and approved. Such detailing shall include details of the works involved in each phase and how each phase is to be completed in terms of the completion of roads, building operations, foul and surface water sewers and landscaping, and each phase shall be substantially completed before the next successive phase of the development is commenced. The approved scheme shall thereafter be carried out in strict accordance with the plan and brief.

**Reason:** To secure the proper development of the site in an orderly manner.

7. The access shall be so constructed in accordance with drawing A3399-01 Rev C unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of any other works on site and thereafter be permanently retained.

**Reason:** In order to ensure satisfactory visibility splays are provided in the interests of highway safety.



8. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes: (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

**Reason:** In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

9. No development shall commence unless and until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);

b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus a 40% allowance for climate change and a 10% allowance for urban creep. The calculations must also demonstrate that the post development surface water run-off rate shall not exceed 6.8l/s;

- c) A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;
- d) Confirmation of how surface water is to be managed within the non-drained areas of the site, i.e. gardens and public open space;
- e) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;
- f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
- g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

**Reason:** To ensure that the proposed development can be adequately drained; that there is no flood risk on or off the site resulting from the proposed development; that water quality is not detrimentally impacted by the development proposal; and to ensure that appropriate maintenance mechanisms are put in place for the lifetime of the development.

- 10.** No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority.

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

- 11.** The recommendations outlined in the Ecology Survey compiled by Quant Environmental dated September, 2017 for the canal, hedgerows and trees shall be carried out in full before any development commences on the site.

**Reason:** To ensure protection of the habitat of bats which are protected under the Wildlife & Countryside Act, 1981.

- 12.** No part of the development shall be commenced unless and until a Construction Code-of-Practice method statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
  - b) The areas and methods of loading and unloading of plant and materials.
  - c) The areas for the storage of plant and materials.
  - e) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
  - h) Location and details of site compounds
  - i) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
  - j) Noise-monitoring to be carried out for the construction period.
  - k) Parking area(s) for construction traffic and personnel
  - L) Details of the provision and use of wheel washing on the site
  - M) Site security

For the duration of the construction period construction HGV traffic movements shall be via the site access off Skipton Road with the use of Meadow Way or Coates Lane not permitted.

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

**Reason:** To ensure that adequate measures are in place to protect the environment during the construction phase(s).

13. No construction work shall be carried out on the site outside the hours of 8:00 and 17:00 on weekdays and 8:00 - 12:00 on Saturdays.

**Reason:** In the interests of residential amenity and to safeguard local residents from noise and disturbance.

14. No development shall commence unless and until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

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

15. No development shall commence unless and until a scheme for the off-site highway works to facilitate the development have been submitted to and approved by the Local Planning Authority including but not limited to:

- relocation of 30mph signage, associated road marking signs and street lighting;
- new footway on the north-west side of Skipton road between the site access and Valley Drive; and
- upgrade of the NB bus stop on Skipton road and new footway on south east side of Skipton Road between Ghyll Lane and the SB bus stop including tactile paving and dropped crossings.

The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwellinghouse.

**Reason:** To enable the development to be accessed safely and provide appropriate connectivity to other modes of transport.

16. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level to each plot before any development commences on that plot. The final wearing course shall be completed to each plot within 2 years of the substantial completion of each plot or within one week of the substantial completion of the final house on site whichever shall occur first unless another timescale is agreed in writing by the Local Planning Authority. If an alternative timescale is agreed the completion of the highway shall be undertaken in strict accordance with the agreed timescale.

**Reason:** To ensure that satisfactory access is provided to the site before construction of the development hereby permitted commences.

17. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out the development phases (including the provision of the emergency access link), drainage, street lighting and standards for estate streets to be completed. Details of the proposed arrangements for future management and maintenance will be submitted until an agreement is entered in with the Highway Authority or a private management company has been established.

**Reason:** To ensure that the development provides sustainable transport options.

18. No development shall take place until the implementation of a programme of archaeological investigation and recording in accordance with a written scheme of investigation which has been submitted to the Local Planning Authority and approved in writing and thereafter carried out in accordance with the approved scheme and timescales.

**Reason:** In order to provide an accurate historic record of the site by a competent person.

19. Prior to first occupation each dwelling shall have an electric vehicle charging point.

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

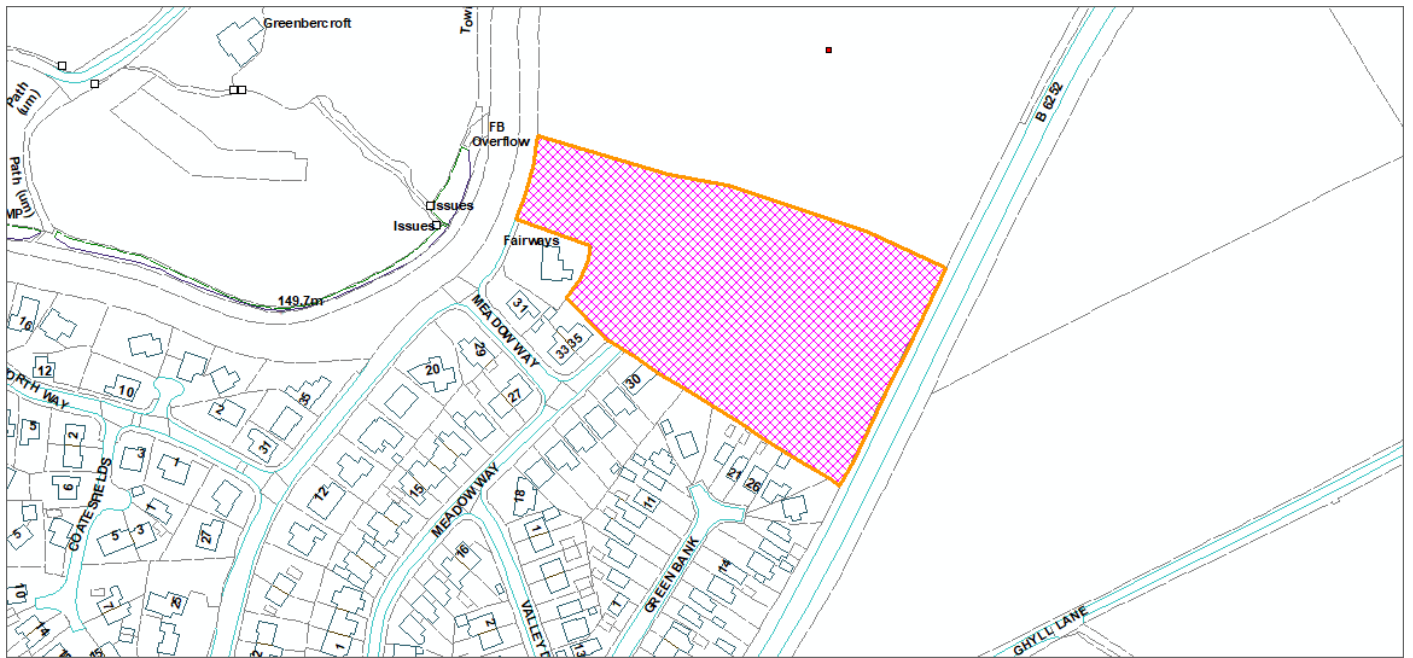
20. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work, or tree and hedge removal shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree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

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

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

#### Informatives

1. The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with Lancashire County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk) in the first instance to ascertain the details of such an agreement and the information to be provided.
2. The applicant/developer is advised to contact the Trust's Works Engineering Team on 0300 0404040 or [Enquiries.TPWNorth@canalrivertrust.org.uk](mailto:Enquiries.TPWNorth@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works will comply with the Trust's Code of Practice for Works Affecting the Canal & River Trust.



**Application Ref:** 19/0815/OUT

**Proposal:** Outline: Major: Residential development (1.48ha) (Access only).

**At:** Land to the North East of Meadow Way, Skipton Road, Barnoldswick

**On behalf of:** Future Habitats Limited

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date:** 23rd January 2019