

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

**TO:** POLICY AND RESOURCES COMMITTEE

**DATE:** 25<sup>th</sup> JUNE, 2020

**Report Author:** Neil Watson  
**Tel. No:** 01282 661706  
**E-mail:** [neil.watson@pendle.gov.uk](mailto:neil.watson@pendle.gov.uk)

## PLANNING APPLICATION

### PURPOSE OF REPORT

To determine the attached planning application.

## **REPORT TO POLICY AND RESOURCES COMMITTEE 25<sup>th</sup> JUNE 2020**

**Application Ref: 19/0952/REM**

**Proposal:** Reserved Matters: Major: Erection of 239 dwellinghouses (Use Class C3) (Appearance, Landscaping, Layout and Scale) with associated open space and infrastructure.

**At:** Land at Trough Laithe, Barrowford Road, Barrowford

**On behalf of:** Northstone Development Ltd

**Date Registered:** 19 December 2019

**Expiry Date:** 19 March 2020

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The site is located on the western edge of the settlement of Barrowford with existing housing to the northern boundary and western boundary which abuts Carr Hall/Wheatley Lane Road Conservation Area (1984).

The site slopes down from Wheatley Lane Road towards Riverside Business Park which lies on the southern boundary.

The proposed development is a major application for the erection of 239 units consisting of 2 and 2.5 storey houses with a mixture of house types including 27 no. 2 bed, 136 no. 3 bed and 76 no. 4 bedroom dwellinghouses with off street parking provision.

The site is 9.42ha with a net developable area of 6.41ha gross density of the scheme would be 25 dwellings per hectare whilst the net density is 37dph.

The principle of housing has been established on this site under planning application 13/15/0327P with vehicular access from Riverside Way.

A Flood Risk Assessment & Drainage Strategy, landscape design code, design compliance statement, ecological survey, arboricultural report and planning statement have been submitted in support of this application.

### **Relevant Planning History**

13/15/0327P – Outline: Major: Residential development of up to 500 no. dwellinghouses with associated infrastructure, open space and landscaping (access only off Barrowford Road – Approved with conditions 14<sup>th</sup> January, 2017.

20/0031/FUL – Full: Formation of a Haul Road and construction compound associated with development at Trough Laithe for residential development – Pending.

### **Consultee Response**

Barrowford & Western Parishes Committee:

- That the indication from the developer that a hedgerow would be planted in the garden for each house, to help wildlife and drainage, be welcomed.
- That an assurance be sought that the capacity of flood pipes/tanks would be able to accept all water on site without affecting the properties at Lower Clough.
- That the developer be asked to provide a convenience store and medical centre on the business park.
- That County Council be asked to carry out a road safety audit and introduce double yellow lines on Riverside Way, and a car park be created on the business park, leaving access free for the construction vehicles.
- That the new roads provided in Phase 1 should not be used by vehicles in the construction of Phase 2.

LCC Highways – I have viewed the plans, site layout NS004\_SL\_001j, Refuse vehicle tracking layout 30077-SUT-ZZ-00-DR-C-610-0001 Rev P03 and Refuse storage plan NS004\_SL\_003 and I have the following comments to make:

There are minor amendments requested below:-

1. The footway close to plot 41 should be placed around the radius rather than divergent from the main carriageway as shown.
2. The planting box/areas close to plots 145, 124 and 93 should be moved out of the service strip.
3. Each dwelling shall have an electric vehicle charging point and secure, cycle storage for at least 2 cycles.

Subject to the amendments, there is no objection to the proposal.

LCC (Education) – The latest information available at this time was based upon the 2019 School Census and resulting projections.

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 52 primary school places.

Calculated at the rate detailed in the S106, this would result in a claim of:

Primary places:

= £12,029.62 per place

£12,029.62 x 52 places = £625,540.24

As detailed in the S106 agreement the owner is not required to fund the provision of the first 81 primary school places generated by the wider development. Therefore, as this phase generates a primary yield of 52 places there would be no requirement under the S106 for this phase to contribute towards primary school places. Any further reserved matters applications on this site would have the remaining 29 place yield removed from their calculation of need as per the S106 agreement. Anything over the 29 place yield would generate a contribution requirement from future reserved matters applications on the larger site.

PBC Footpath Officer – Public footpath 25 runs near the south west edge of the site, public footpath 33 runs along the north west edge of the site, public footpath 31 runs along the north eastern edge of the site and footpath 28 runs along the southern edge near Riverside Business Park.

The main issues are: securing sufficient connections between the proposed housing and the existing rights of way, ensuring that these connecting paths are constructed to a suitable standard, safeguarding the future maintenance and protection of any new footpaths, having regard to the

impact of numerous additional footpath users to the wider rights of way network and the protection of existing rights of way during the development of the site.

The site layout plan shows numerous linking footpaths from the new estate roads onto the surrounding rights of way network and these are welcomed. However, to provide a convenient means of access for all of the new residents, additional linking paths should be provided near plots 157, 33 and 197.

Any planning permission granted should be conditional on the applicant entering into a Section 38 agreement with the highway authority to include all footpaths within the site and all linking footpaths as public footways. These should be constructed as tarmac surface footpaths to the same standards as footways alongside adopted carriageways. The rights of the public will be protected to the same standard as other recorded rights of way if the new linking footways are included in a Section 38 agreement.

The proposed housing is likely to place an additional burden on the adjoining rights of way and therefore it is suggested that any planning permission granted is subject to a Section 106 Agreement which provides for the necessary improvement work to be carried out. For the first phase the section of footpath 28 running adjacent to the footpath should be upgraded to a surfaced footpath. This lies within the red line boundary of the site and therefore the developer should carry out this work itself.

There are various rights of way at risk from the direct impact of construction work.

Therefore could you please include a note on any planning permission which is granted.

United Utilities – It should be noted that we have previously commented on the Outline Application, Planning Ref: 13/15/0327P to which the above application relates.

Drainage Comments – Following our review of the revised information, we can confirm the proposals are not acceptable to United Utilities and we request further information and investigations regarding the approach to drainage prior to the determination of this reserved matters application.

Further to our review of the submitted Proposed Drainage Layout Ref: 30077-SUT-ZZ-00-DR-C-655-0001, Rev: P3, Dated: 17. 12.2019, the plans are unacceptable in principle to United Utilities.

This is because the foul drainage from the site outfalls within a proposed 225mm diameter foul pipe and communicates with an existing 150mm diameter public foul sewer within Riverside Way. United Utilities will not accept larger pipes communicating with our existing network. In addition, the peak foul flows emanating from the site may result in an increased risk of flooding on the receiving network. As a result, an alternative point of connection will be required or the receiving 150mm diameter public foul sewer will need to be upsized at developer cost to the point where it upsizes to a 450mm diameter public combined sewer.

We would request that the applicant submits an amended drainage layout addressing the issues raised above. The applicant must prepare any supporting drainage layout in line with Building Regulations Part H that states no developments should create new hydraulic lows on our network.

Only after sufficient evidence has been provided in an updated FRA/Drainage Strategy, which addresses the approach to foul and surface water, can we provide updated comments to the application in question.

It should be noted by the Local Planning Authority and the applicant that we only hold the position outlined above as it is in response to a reserved matters application. A condition would usually

suffice to address drainage details. It is our opinion that an amendment to the drainage layout is required prior to determination.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

Natural England – No objection.

LLFA – The LLFA has no objection to the above development proposal, subject to the requirements of Conditions 7, 10 and 11 of Outline Planning Permission 13/15/0327P being satisfied in full.

The LLFA also recommends for the inclusion of an additional condition relating to watercourse division/replacement scheme.

Architectural Liaison Unit – Effective security measures and crime prevention strategies should be incorporated into the design at the earliest possible opportunity.

Environment Agency – No further comments.

PBC Conservation Officer – At outline stage I noted the potential for housing development to encroach on both the immediate and wider setting of the listed Laund Farmhouse. A landscaped area is shown adjacent to the LB, however this is not as large as that indicated at outline stage, and houses would come close to the W edge of the site, where both close-up and longer views of the important south elevation of the LB can be seen from the public footpaths. This could alter the view and setting of the farmhouse from a predominantly rural and secluded character to more of a 'suburban' one, and it is important that the existing landscaping along this edge is retained and reinforced in order to mitigate this. The provision of a more generous buffer zone of open land to the SE side of the listed building and along the western site boundaries, together with reinforcement of the existing trees and hedgerows by new planting, would help to preserve the settings of both LB and CA. To the south of Laund Farm effective screening along the track to Riverside Way will be important in order to break up and soften the lines of the buildings.

The houses proposed to this western edge of the site should complement the historic character and vernacular of the adjoining area. Due to the importance of this edge I would welcome submission of visuals to more clearly indicate elevational details and materials for these house types, also annotated elevations indicating materials and design details. The houses closest to the site boundary do incorporate some natural stone in their designs, however this appears to be confined to the ground floor elevations only, where it is used in conjunction with brick. Cedral cladding (dark grey?) appears to be proposed for the upper floors. My initial view is that the textures created by natural stone and brick will be sensitive to the context, however the use of dark grey cladding at upper levels, particularly for the prominent gabled roof forms, have potential to appear stark against the softer tones and textures of the stone and brick. Visuals would assist in assessing how these materials would work together within the context. My preference would be for stone to be used for both ground and first floors for at least some of the units along this edge. Plots 3, 4, 5 and 6 would also benefit from stone to their front elevations, being located at the entrance to the site.

Careful selection and design of house types, building forms, roofscapes and materials, will be crucial to ensure that the development beds into its context, and contributes to local character and distinctiveness, particularly given that this sloping site will be visible in both nearer and long distance views. Overall, a contemporary approach to house design is welcomed, and the different types and textures of buff brick should work well together, with details such as the plain eaves and verges, and recessive colours of the grey slate roofs and pale grey aluminium windows, helping the development to recede into the landscape. Care particularly needs to be taken with the roofscapes, and it is noted

that many of the house types have steeply gabled frontages, which when clustered together in the streetscene might be unduly prominent when seen in longer views. The house types with roofslopes facing to the road, with windows sitting just beneath the eaves, are a more locally characteristic form. The strong eaves line is another locally distinctive vernacular feature, and it is for this reason that the dropped eaves houses, where windows project above the eaves line with heavy surrounds, tend to stand out within the streetscene. There are relatively few of these types overall, and they do assist in orientation; however a more recessive colour for the surrounds would be preferable. The 2.5 storey type (type 1151) have a strong vertical emphasis and visuals would assist in assessing the proportions of these.

Houses do generally face outwards, and natural stone boundary walls along the W edge would be welcomed; the reuse of stone salvaged from the site should be conditioned, together with design details for the boundary walls. Colours and detailed designs for front door canopies, window frames, doors, and window surrounds to dropped eaves houses also need to be conditioned, together with materials samples.

Similarly the development should incorporate and enhance existing landscape elements such as dry stone walls, stone gateposts, stone stiles and wrought iron gates to create a more locally distinctive public realm. Floorscape should preferably be in grey or buff tones.

#### Amended Scheme

The proposed house designs and materials have been supplemented with a design rationale and 3D tour which clarifies the design details, materials and colours; the quality of the materials is a lot better than I previously thought, and there are various options with colours etc. High quality aluminium windows are proposed throughout the scheme, not just to the western edge. Similarly, the dark timber effect boarding is aluminium not UPVC and will appear more recessive and subtle in reality than comes across in the 3D. There is also a natural wood colour option. I actually prefer the dark colour as it provides a nicer contrast with the stonework – this to be reclaimed from stone walls on site and supplemented with local salvaged stone. I think the dark colours and shapes along this edge would be quite neutral when glimpsed through the trees, particularly as the detailing is purposely kept simple, with no fiddly details at eaves and rooflines that would stand out.

The fairly neutral colours used throughout the scheme would I think fit well into the local context and landscape. It would result in a more contemporary design of scheme than the usual typical pastiche estate houses.

PBC Environment Officer – Concerns have been raised regarding the amount of trees proposed to be removed on the site including the five protected trees and a numerous category A and B trees within the site. This has been raised with the Agent.

The proposed replacement trees and landscaping proposals are not considered appropriate for the site and need to be reconsidered.

The submitted Ecology Assessment and mitigation measures proposed during and after constructed are acceptable and these can be controlled by an appropriate condition.

#### Amended Scheme

The scheme broadly acceptable. I still have concerns with regards to the street trees within the development. The character zoning of the development is based on a single species of tree within an area of the development. This leads to distinct monocultures throughout the development. This will mean that if one tree becomes infected with a pathogen then it is likely that all the trees will be infected and we lose a landscape feature. In addition to this monocultures are not good for biodiversity.

Whilst I am not overly keen on the character zone planting schemes throughout the development it is a design statement which could date pretty quickly and there will be limited control of the management of the planted areas once properties are occupied.

We have discussed this with the agent and they wish to keep this aspect of the scheme.

The applicant has addressed some of my concerns and has improved the woodland planting on the northern elevation of the site to include large, native landscape scale trees. These areas are made up of large standard trees and smaller whips which will provide longevity of the planting scheme well in to the future. This with the additional changes to the western elevation will greatly reduce the impact of the development within the landscape.

I also welcome the changes made to the feature greenspaces within the electricity line easement. The blue corridors has been altered to include marginal wetland planting and mixed coppices instead of monocultures. This will be beneficial to wildlife and provide an attractive landscape feature.

Overall, from my point of view, the scheme is now acceptable.

Barrowford Parish Council – wishes to make the following comments to the planning application.

The developer held a consultation meeting with Borough & Parish Councillors at Holmefield House on Thursday 21<sup>st</sup> November 2019. The Parish Council had previously forwarded its thoughts on mitigation of impact as a result of the loss of this large greenfield site and on how to reduce the development's impact on the road infrastructure through improved non-vehicular access to local services and amenities.

These thoughts were expanded at that meeting concentrating on:

1. Improving non-vehicular access into Barrowford and the wider surrounding area using the existing network of public rights of way (PROW).
2. Green wildlife corridors through the site linking the river to the land above Wheatley Lane Road utilising both existing PROW's and the line of electricity pylons and their requisite easement corridor.
3. The provision of energy efficient and well insulated housing with the provision of vehicle charging points.
4. A 20% element of affordable housing.
5. Surface Water run-off and attenuation schemes.
6. Local infrastructure problems including highways and services.

Lexington Communications responded to the Parish Council's submission to the consultation held in November 2019 (appendix 2). The response covered all the points raised and explained which points Northstone could materially incorporate within their development and which they could not.

The Parish Council would like to make the following comments regarding this application:

1. The proposed new pedestrian routes shown in the plan provided by Northstone (appendix 3) would greatly improve connectivity throughout the site and into the surrounding footpath network, but these need to be hard surfaced and preferably wide enough to accommodate both cyclists and the disabled. The use of a hard surface is essential for these paths to be seen as all year-round non-vehicular connections into the wider area and not just for summer use.

2. The proposal to mitigate the impact on the ecology of the site by planting new boundary hedgerows and the creation of new habitats within the green corridors and unmanaged areas of the site is welcomed. The writing of a Biodiversity Management Plan for the site is essential as a reference to work to be carried out to improve the biodiversity of the site. The proposed planting scheme with its blocks of different colour and the use of predominantly ornamental species is at odds with the need for this large development to blend into the natural landscape of this sloped site, which is seen from large parts of Nelson.

*The Parish Council considers that the proposed Biodiversity Management Plan should be considered as a material document to the planning application and, after approval, adhered to; that the planting scheme should be reconsidered in both concept and species choice, including more of the scarce indigenous species in order to create a more natural local landscape by blending height and colour, producing a natural carpet which changes through the seasons across the whole site, enhancing the setting of the site whilst preserving both the visual amenity of the listed Laund Cottages and the nearby Carr Hall and Wheatley Lane Road Conservation Area and preserving the setting of the Green Belt above the Strategic Housing Site.*

3. The measures outlined in the response to the consultation regarding carbon impact of construction and energy efficiency measures including exceeding Building Regulations for energy efficiency standards, the use of large window openings to south facing aspects with smaller openings to north facing aspects, the incorporation of smart meters and the reuse of heat from shower water will all help but should be quantified to allow comparison.

The use of solar panels is being 'explored' and the use of ground source heat pumps is being considered by the developers. *But as a large number of houses on new developments are sold off plan the Parish Council believes these green technologies should be offered as an option, as installation at the construction stage is more cost effective than retro fitting.*

*The Parish Council considers the provision of infrastructure for car charging points during the construction phase as essential future proofing and should be installed to all properties including the 20% affordable. Although this may not meet what LCC would like, it is a useful compromise until all cars are fitted with a standardised charging system.*

4. *The Parish Council is happy that 20% affordable housing has been included in the proposed development, but this needs to be guaranteed and not removed by a future variation of granted permission or removal of condition application at a post approval stage.*

*If a subsequent application to remove the affordable housing element is considered at a later stage a substantial sum should be sought vigorously for the provision of affordable/social housing elsewhere within Barrowford*

5. Surface Water run-off and water attenuation schemes: A comprehensive water run-off and attenuation scheme was submitted with the scheme report going into great detail. But the Parish Council does not have the technical qualifications to assess this scheme expertly. The Council supports the use of large diameter under road pipes as holding tanks linked through SWALES to each set of tanks as a means of reducing the rate of surface water discharge into the river; this method of maintaining current run-off flow into the river would appear adequate for this section of the development in isolation.

*The Parish Council asks that the Planning Officer gauge the suitability of this scheme and its water flow figures in the context of being linked to additional surface water run-off and water attenuation measures needed for the second phase of the development to the Wheatley Lane Road end of the*



*site. Consideration should also be given to how the proposed scheme would discharge across the land contained in the approved Business Park and then into the river.*

6. Local infrastructure problems including highways and services: Although all major infrastructure concerns should have been dealt with at the Outline Planning Stage, this does not mean that minor improvements and tweaks cannot be requested at the Reserved Matters Stage.

*The Parish Council raised concerns in its response to the Northstone Consultation, and considers an undertaking to improve non-vehicular access to the wider area will help reduce short car journeys to local services. The Parish Council asked if the developer had considered a small convenience store/newsagent to service the 500 houses when the site is finally finished, which again would reduce the need for car journeys for everyday essentials and thus reduce vehicle movements on the A6068 villages by-pass and the roundabout at Junction 13.*

*The original increases in peak time traffic envisaged by this development should now be considered in conjunction with the proposed Lomeshaye Industrial Estate expansion which will also be accessed off the A6068 by-pass, close to the access to this site.*

The flexibility of thought shown by Northstone and their apparent willingness to positively address some of the Parish Council's concerns is to be welcomed.

## **Public Response**

Site and press notices posted and nearest neighbours notified by letter. 4 responses have been received objecting to the proposal on the following grounds;

- As it is too late to stop the decimation of the rural landscape and greenfield I would like to see a positive outcome in relation to the finished scheme;
- Trees have been removed and construction of the haul road has started before planning permission has been obtained;
- No objection to a substantial landscaping buffer zone between the site and Listed Buildings and Conservation Area- boundary treatments should be rural in design rather than urban;
- Support green routes and high level of tree planting;
- There are some anomalies regarding the plot numbers on the coloured layout plan and site layout plan NC004\_SL\_001j;
- The house types on the western boundary, although listed as stone, appear to have very little stone which seems to be cladding wrapped around the lower part of the house frontages only. I do not see how this would complement the existing environment as the rear views of these dwellings are brick/timber and more typical of urban developments;
- This development should never have been passed and is totally inappropriate for Barrowford. This is the view of Pendle's MP. I agree. Barrowford is not large enough with the appropriate infrastructure to support it:
  - The road system is gridlocked;
  - There will be too many cars congesting the roads;
  - Pollution not considered and associated health risks;
  - No schools to support the development;
  - No health care to support the development;
  - Killing of wildlife;
  - Increase risk of flooding;
- I did not buy my house to live next to a building site and the catastrophic effect on the view and outlook from my house as well as pollution, risk of earth movement and impact on value of my property;

- What screening will be in place and what is the size/height of the houses adjacent to my property? My grave concern is the height will be greater than my house;
- Our property is one of the few that shares a boundary with the proposed development. On the plans it is unclear if the stone wall is to remain and therefore we are concerned for our privacy if this is removed and replaced with hedgerow or grass verge;
- The new footpath from Lower Laithe Drive is causing us great concern;
- Parking is extremely limited for the existing residents and we feel that adding to this access could give the potential for residents from the development to park on Lower Laithe Drive to avoid driving through the estate increasing the already overburdened parking;
- The green space that was to be left by our cottages is now being replaced with a large car park – the number of spaces unclear on the plans. This again causes us concern with security, noise levels, privacy and lighting issues. Due to the lie of the land this will mean our back garden and rear bedrooms will be on eye level of the car park;
- What is proposed with the existing natural water course that runs down the boundary of the development and across the back of our shared boundary wall? Could the removal of this increase the risk of flooding to our property?
- Only a few years ago these fields were designated greenbelt;
- Our main concern is the South Easterly corner of the development which borders our property. The current plans are not clear and show 3 properties and not the 4 cottages?
- Currently our properties are secluded and quiet being isolated and surrounded on 3 sides by fields – creating a car park brings potential for crime, drug use and anti-social behaviour;
- The plans show the majority of social housing will be places in the lower South East corner of the development next to the majority of existing properties. Can someone please clarify if this is the equivalent of affordable housing?
- Why destroy the local green spaces when so many brownfield sites are available;
- The houses would be built on a flood plain with the road flooding problems on Wheatley lane road being made worse by the housing development; and
- Wheatley Lane Road is dangerous enough with cars speeding through Church Street and then up on the main road without more people using it as a rat run;

28 responses have been received supporting the proposal on the following grounds:

- The area is in need of new build houses and will improve the area. How many affordable houses will there be as many young adults and families interested;
- Would move back to Barrowford if house prices were more affordable;
- This development would bring more money to the businesses in Barrowford;
- I hope there will be a good mixture of housing including bungalows for older people;
- Area is in need of 2/3/4 bed accommodation; and
- Lack of big family homes in Barrowford.

## **Officer Comments**

The main issues to be considered with this application are impact on visual amenity, impact on residential amenity, impact on conservation area, layout, design and materials, open space, landscaping/protected trees, flood risk/drainage and highways/public rights of way.

### **1. Relevant Planning Policies**

#### **Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030):**

Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) seeks to ensure a high design standard that preserves or enhances the character and appearance of the area and its

setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum;

Policy ENV2 (Achieving Quality in Design and Conservation) 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 the wider locality.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused;

Policy ENV7 (Water Management) states that proposals within a designated flood zone should seek to eliminate or reduce the potential for flooding to occur, by demonstrating that further investigation of the extent of risk, and the feasibility of options for prevention or mitigation, have been considered;

Policy LIV5 (Design Better Places to Live) states that the layout and design of new housing should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Saved Policy 31 (Parking) of the Replacement Local Plan which sets out appropriate parking standards for new housing developments is also relevant here.

### **National Planning Policy Framework (NPPF)**

National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied and is a material consideration in determining planning applications, particularly where local plans are silent on an issue. Of relevance to this application is that there is a presumption in favour of sustainable development and that it seeks to deliver a wide choice of high quality homes. In addition, the NPPF states that Local Authorities should approve applications where practical to do so and attach significant weight to the benefits of economic and housing growth.

The NPPF also states: "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where a local planning authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to designated heritage assets); or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Section 15 deals with conserving and enhancing the natural environment in particular paragraph 175 regarding harm to biodiversity and paragraph 175 (c) relating to irreplaceable habitats such as ancient woodland and ancient and veteran trees is relevant here.

## 2. Principle of Housing

This site has been allocated for housing in Policy LIV2 of the Pendle Local Plan: Core Strategy Part 1 and therefore forms part of the housing land supply.

This site is located in Barrowford and is the Strategic Housing Site for Pendle and therefore the principal of housing on this site has already been established by the allocation in policy LIV2 and the granting of Outline planning permission under 13/15/0327P.

This reserved matters submission needs to be read in the context of the planning permission granted in outline and the conditions attached to it. The outline also included the requirements for the provision of infrastructure which has been the subject of requests as detailed in the public response and consultee response comments above.

## 3. Impact on Visual Amenity

The detailed design process for the reserved matters has resulted in some alteration to what was envisaged in the parameters plan submitted at the outline stage. Trees along the boundary of the development have been retained where possible. Instead of the 'Green Spine' proposed in the Parameters Plan there is a buffer of tree planting on the northern boundary. The scheme now proposes larger long-term species of trees within the core of this phase of the development. We have engaged external landscape consultants to help us assess the scheme and this has resulted in changes being made from the initial plans.

Four units have been removed and more space devoted to green areas and/or gardens to allow for the planting of some larger long-term species of trees within this phase of the development as well as on the boundaries; and the species/specification of trees along the north western boundary have been amended to provide a matrix of short term and long term tree cover; this combination is more in the spirit of the Parameters Plan and there would be more adequate replacements for the loss of mature landscape features on the site.

The topography of the site has resulted in some terracing of the rear gardens to some houses. The concerns we had were to ensure that visually this did not lead to a development that was discordant and visually harmful to the landscape and visual character of the area over and above what was originally envisaged at the outline stage. Changes have been made and the developer has produced a visualisation walk through which has aided in assessing the impact. Views into the site from surrounding areas, once the boundary planting has been established would be acceptable.

Compared to the consented Parameters Plan and the outline permission, there is:

- More open space at the entrance and southern corner of the site, provided that there are large scale trees or valued landscape elements proposed in this area this can contribute towards compensating for the loss of the mature landscape features.
- There is less open space and tree planting in the 'Green Spine', which in the Parameters Plan indicated retention of some existing mature trees and planting of new trees to compensate for some of those lost. As a result, the 'Green Spine' will not become a long-term landscape feature, as indicated in the Parameter Plan. However, the concept of a new footpath and watercourse beneath the pylons is included in the latest proposal.

- The north western boundary of the site includes more significant tree planting and in time would become more of a long-term landscape feature which is above what is proposed in the Parameters Plan. The tree species has been amended and re-specified so that there is a better mix of both the smaller and shorter lived trees as well as a variety of longer term larger growing species to contribute to compensation of loss of mature trees and landscape features.
- The DAS of the outline permission indicates there would be a 'LEAP' (Locally Equipped Area for Play) in green space at the north eastern side of the development as a whole.
- The DAS also mentions that 'street trees planted along primary roads would create a hierarchy of streets', including in some places 'formal tree arrangement in tree grills where necessary', but nearly all trees within the development are proposed to be birch in front gardens and there is little or no legibility of streets to be gained by the current tree planting proposal.

The pattern of development is very rectilinear, instead of curvilinear as in the Parameters Plan. However, the proposed layout does follow the natural landform and matches with adjacent development and therefore would be in keeping with the area.

In terms of cut and fill and the fit of the development on the site, the potential for retaining walls within rear gardens was anticipated as potentially being necessary in the outline application and Parameters Plan. This allows for level access between the road and the front door, which fits modern accessibility standards.

Length ways there is limited cut and fill, due to the form of development proposed across the slope. This means that all the adjustment in slope across the site would be accommodated largely within rear gardens or where rear gardens face towards the outside of the development on parts of the boundaries. However, this is unlikely to be noticeable in views into the development from outside, as this would be screened by the dwellings themselves or by retained trees or tree planting on the boundaries within a few years. Overall the scheme does not result in any substantive issues in terms of impact on amenity with the slight reduction in unit numbers and increased variety of tree planting to allow for more, larger long-term trees to be located within the development enhancing the scheme.

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

#### 4. Impact on Residential Amenity

In terms of impacts on nearest residents the following have been assessed:

There would be no adverse impacts in terms

The proposed development would not result in any unacceptable impacts on privacy, overbearing impacts or loss of light to adjacent dwellings subject to control of finished floor levels.

#### 5. Impact on Conservation Area and Listed Building

There is potential for the housing development to impact on both the immediate and wider setting of the listed Laund Farmhouse.

The houses proposed to this western edge of the site should complement the historic character and vernacular of the adjoining area. The design, layout and materials now proposed will provide a good context with the conservation area and are acceptable.

The listed building is separated from the site with a landscaped area providing a buffer. The setting of the listed building will be adequately preserved with the design and layout proposed.

There are no heritage impacts that would lead to a conclusion that the application should be rejected due to the impact on heritage assets.

## 6. Layout, Design and Materials

The initial design of the development was linear in nature but was generally acceptable. There were some concerns regarding the layout which the applicant was asked to improve. The agent has provided additional information on these issues

The design of the houses on the western boundary is different to the houses on the remainder of the site in order to respect the relationship with the conservation area. The remainder of the site comprises of modern housing. There is no specific built context for the development to respect in terms of design except for the relationship with the conservation area. A modern housing estate with appropriate landscaping is an acceptable design solution for the site.

In terms of materials a simple palette of buff brickwork with varying shades and textures chosen to form subtle character changes within the scheme together with slate grey coloured roof tiles with grey fascia's, soffits and black rainwater items is proposed.

Window frames would be a light grey colour with slender aluminium profile and flush seal with the external window frame having a 10mm shadow line around the entire window producing a sharp and modern appearance. The fenestration is important on a development and the contemporary design would work well on the site.

Dry-stone walling is also proposed for limited use as an external cladding (constructed from reclaimed material) in addition to an aluminium cladding system.

Subject to an appropriate condition to control the materials and submit samples for approval the scheme would be acceptable and accord with policy.

## 7. Highways and Public Rights of Way

The principle of the acceptability of the development in terms of access and its residual impacts of the highway network was dealt with at the outline stage with the access being approved at that point.

The highway matters to be considered in this application relate to the design of the internal roads and car parking layout. LCC Highways have requested some minor changes to this development and these have been provided. Subject to appropriate condition there are no objections to the scheme on highway grounds.

### **Public Rights of Way**

Whilst none of the PRoW are directly affected some linkages and improvements through the site can be provided. One of the links proposed through from the western side cannot be provided due to the land level differences. However, the improvements proposed will provide sufficient links to the site from existing routes and provide opportunities for public access through the site.

## 8. Open Space and Landscaping/Trees

Full details of proposed landscaping have been submitted. This has been assessed and the increased loss of protected, category A and B trees over and above that envisaged in the parameters plan has been raised with the developer.

The agent has responded stating that the site cannot be feasibly developed by reducing tree loss due to changes in the levels which arises from the necessary engineering works needed to be able to develop the site.

This scheme results in the loss of mature trees, including veteran trees. The amendments to the landscape design presented with this submission would result in three fewer veteran trees being removed than previously shown (trees T42 and T49 as these in fact fall outside of the site boundary and T92 due to changes to the proposal reflected in the submitted revised landscaping scheme enclosed). Four out of eight surveyed such trees are now being removed (one due to its condition). This represents a significant enhancement on the position previously reported.

The initial tree planting scheme was inadequate. We have asked for changes to the scheme which have been made. The number and species of trees to be planted is now acceptable.

There are still some concerns with regards to the street trees within the development. The character zoning of the development is based on a single species of tree within an area of the development. This leads to distinct monocultures throughout the development whereby if one tree becomes infected with a pathogen then it is likely that all the trees will be infected and a landscape feature could be lost. In addition to this monocultures do not lead to good biodiversity.

The character zone planting schemes throughout the development it is a design statement which could date pretty quickly and there will be limited control of the management of the planted areas once properties are occupied.

This has been discussed with the agent and the developer wishes to keep this aspect of the scheme.

The applicant has improved the woodland planting on the northern elevation of the site to include large, native landscape scale trees. These areas are made up of large standard trees and smaller whips which will provide longevity of the planting scheme well in to the future. This with the additional changes to the western elevation will greatly reduce the impact of the development within the landscape.

The changes made to the feature greenspaces within the electricity line easement and the blue corridors being altered to include marginal wetland planting and mixed coppices instead of monocultures will be beneficial to wildlife and provide an attractive landscape feature.

Overall the scheme is now acceptable subject to appropriate conditions.

It is clear that the proposed landscaping whilst substantial would not mitigate for the removal of so many mature and substantial veteran trees which would help to mitigate the housing scheme. This would seem to be contrary to the parameters plan submitted at Outline stage and would not create an effective landscaping or screening plan for this development.

## Open Space

Six landscaped areas with a total of 2.784ha of public open space are proposed with a linear green space along the northern edge of the site incorporating existing or enhanced public rights of ways and natural informal play areas around the site.

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The proposed layout plan shows public open space areas throughout the site with some used as informal green areas and others as play areas whilst these spaces tend to be in areas where built form would not be allowed i.e. drainage areas and power lines. The total amount equals 2.784ha which is acceptable and accords with policy LIV5.

## 9. Ecology

An Ecology survey was submitted with the Outline application which identified the potential impacts and recommended appropriate mitigation measures that can be controlled by condition.

The Biodiversity Management Plan recommends management activities to be undertaken to ensure that ecological on the site is not unduly effected and that there is no loss of biodiversity on the site and includes amphibian fencing, felling of trees with bat roost potential, provision of bat boxes, bat roosts in buildings, unnecessary light spillage, protect nesting birds and provision of bird boxes and protection of badgers and allow movement of hedgehogs.

Whilst this formed condition 19 on the Outline the details have been updated to take account of the proposed housing layout with specific recommendations for the location of wildlife enhancements and therefore this updated version supersedes that.

## 10. Drainage and Flooding

Flood risk was assessed at the Outline stage and conditions attached to that permission to control foul and surface water drainage. A full scheme was required to be submitted as part of the Reserved Matters application. This has been done.

UU previously objected to the scheme, however the agent has provided an amended plan which includes an upgrade to the 150mm sewer to the south of the site to accommodate a connection from the 225mm foul sewer into the UU system.

LLFA have no objections to the scheme but request an additional condition relating to watercourse diversion/replacement.

This is acceptable and together with the conditions attached on the Outline permission will lead to an acceptable drainage scheme that takes potential flooding on and off the site into account.

## 11. Other Issues

A number of issues have been raised via the consultation process. Requests have been made to provide a medical centre and shop on site as well as providing a car park on the Riverside Business Park. These are matters that needed to have been addressed at the outline stage and cannot now be dealt with at this reserved matters stage.



## Education

It was demonstrated at the outline stage that a contribution towards the provision of school places would be acceptable. A condition was attached requiring this to be part of the contributions included in the S.106 therefore this matter is controlled under the Outline planning permission.

## Affordable Housing

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For this site it would be 20%. This was agreed at the Outline stage. A total of 48 affordable units are proposed and all of these would be provided on site within this application. This results in 20.1% which is acceptable and accords with policy LIV3.

## Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The details submitted accord with Local Planning Policy and the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Approve Subject to the Following Conditions:**

1. This notice constitutes an approval of matters reserved under Condition 2 of Planning Permission No. 13/15/0327P and does not by itself constitute a planning permission.

**Reason:** The application relates to matters reserved by Planning Permission No.13/15/0327P.

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

626-0002-P03, 6000-0001, 6001-001-P03, 6002-0001, 615-0001-P03, 617-00001-P01, 617-0002-P01, 655-0001-P03, 656-001-P03, 656-002-P03, 656-0003-P03, Housing Type Plans & Elevations dated February 2020, Stone dated February 2020, House Type Schedule February 2020, NS004\_SL\_001J Site Layout, NS/MAN/TL/RSD, NS004\_LP\_001A Site Location Plan, NS004\_SL\_002A, NS004\_SL\_0003, NS004\_SL\_004A, P19-0369, Phasing Plan, Street Scenes, P19-0369 002 Character Area Plan, P19-0369 003 D, P19-0369 004 C, P19-0369 005 C, P19-0369 006 C, P19-0369 007 C, P19-0369 008 C, V01, V02, V03 & V04 Street Scenes, Boundary Treatment Plan, 30077-SUT-ZZ-00-DR-C-626-00003 P01 Site Cross Section, 30077-SUT-ZZ-00-C-610-0001 P03 & 30077-SUT-ZZ-00-DR-C-655-0001 P04.

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

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

**Reason:** In order to ensure the materials are appropriate to the locality and allow the Local Planning Authority to control the external appearance of the development.

4. The development shall be carried out in strict accordance with the fully annotated landscape plans P19-0369 002 Character Area Plan, P19-0369 0003 D Schedules, Specification and Maintenance, P19-0369 0004 C, P19-0369 0005 C, P19-0369 0006 C, P19-0369 0007 C, P19-0369 0008 C submitted on the 7<sup>th</sup> May, 2020 unless otherwise approved in writing by the Local Planning Authority. Further details including:

d. details and plans of all proposed boundary treatments with supporting elevations and construction details; and

e. all proposed hard landscape elements and pavings, including samples, layout, materials and colours;

shall be submitted and agreed in writing by the Local Planning Authority prior to any planting being undertaken.

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

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

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

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

6. The development shall not commence unless and until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include a programme and methodology for site investigation and recording, a programme for post investigation assessment, the provision to be made for analysis of the site investigation and recording, the provision to be made for publication and dissemination of the analysis and records of the site investigation, the provision to be made for archive deposition of the analysis and records of the site investigation, and the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation. No development shall take place other than in accordance with the approved Written Scheme of Investigation.

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

7. No development shall take place on the site unless until a scheme for the diversion and replacement of the on-site watercourses has been submitted to and agreed in writing by the local planning authority. This shall include a phasing scheme for the work to be undertaken.

The development shall thereafter be undertaken in strict accordance with the approved details.

**Reason:** To ensure there is no flood risk on or off the site resulting from the proposed development.

8. No individual dwelling shall be occupied unless and until the off street car parking associated with that dwelling has been constructed, laid out and surfaced in bound porous materials. The parking areas shall thereafter always remain available for parking of vehicles.

**Reason:** In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

9. Prior to first occupation each dwelling shall have a secure cycle store for at least 2 cycles.

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

10. Prior to the occupation of any individual dwelling that dwelling shall have an electric vehicle charging point provided to serve it.

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

11. All windows shall be set back by at least 50mm from the plain of the wall in which they are placed unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To provide an appropriate set back in the interests of good design.

12. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work 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.

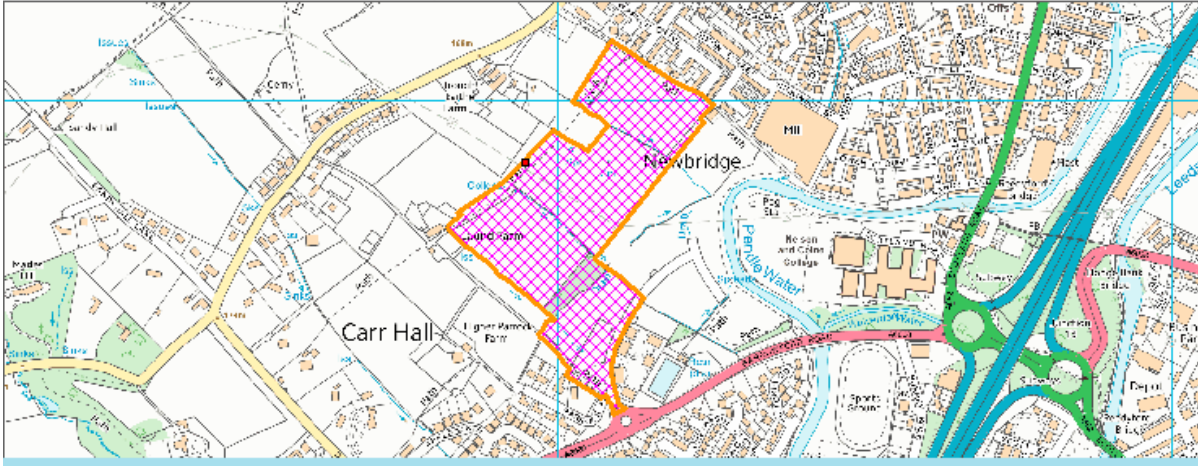
**Reason:** To prevent trees or hedgerows on site from being damaged during building works.

13. The Mitigation measures contained in the Biodiversity Management Plan updated February 2020 shall be implemented in full prior to any occupation on site unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to provide appropriate biodiversity and ecological protection measures on the site.

14. Prior to the first occupation of each dwelling provision shall be made for waste containers to be provided within the curtilage.

**Reason:** To ensure that storage of waste is provided for each plot.



**Application Ref: 19/0952/REM**

**Proposal:** Reserved Matters: Major: Erection of 239 dwellinghouses (Use Class C3) (Appearance, Landscaping, Layout and Scale) with associated open space and infrastructure.

**At:** Land at Trough Laithe, Barrowford Road, Barrowford

**On behalf of:** Northstone Development Ltd