



REPORT FROM:	PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES
TO:	POLICY AND RESOURCES COMMITTEE
DATE:	20th AUGUST, 2020

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO POLICY AND RESOURCES COMMITTEE ON 20 AUGUST 2020

Application Ref: 20/0035/REM

Proposal: Reserved Matters: Major: Erection of 129 dwellings and associated roads, infrastructure and parking (appearance, landscaping, layout and scale) of Outline Planning Permission 13/16/0054P.

At: Site Of Former Barnsay Shed, Long Ing Lane, Barnoldswick, Lancashire

On behalf of: Seddon Homes Limited

Date Registered: 16/01/2020

Expiry Date: 31/08/2020

Case Officer: Alex Cameron

This application has been brought before Policy and Resources Committee as is for 60+ dwellings.

Site Description and Proposal

The application site is located to the east of the settlement Barnoldswick and to the south of Long Ing Lane. The west/southwest boundary of the site is formed by the Leeds Liverpool canal with the Silentnight factory beyond, then open land to the south and east of the site with to the north west the land rising up to both isolated farm properties and a residential area. Approximately half of the site, to the north east west side falls within the settlement boundary and is designated as protected employment land. This was the former site of Barnsay Mill.

This is a reserved matters application pursuant to an outline planning permission (access only) for up to 148 dwellings approved in 2016. The application relates to the reserved matters of appearance, landscaping, layout and scale for the erection of 129 dwellings. The proposed development would comprise a mix of 3 and 4 bed detached, semidetached and mews properties finished in reconstituted stone, with slate effect tile roofs and upvc windows and doors.

Relevant Planning History

13/81/0987P - Change of use of weaving shed to warehouse, construction of new vehicular access and vehicle park and construction of two overhead conveyor bridges at Barnsay Mill. Approved.

13/90/0619P - Outline: use of land for Business (B1), general industry (B2) and storage distribution, Barnsay Mill site. Refused.

13/93/0175P - Outline: industrial building of approximately 250,000 sq ft on the site of the former Barnsay Mill. Approved.

13/93/0381P - Reserved matters of 13/93/0175P. Approved.

13/00/0411P - Outline: Use of land for B1 (Business), B2 (General Industrial) & B8 (Storage or Distribution) development. Approved.

13/07/0242P - Reserved Matters: Major: Erection of 2000sqm B1, 9300sqm B2 and 1100sqm B8 of industrial floorspace and formation of access road, parking and landscaping. Approved.

13/16/0054P - Outline: Major: Residential development (5.07Ha) of up to 148 dwelling houses with access from Long Ing Lane and new access via footpath 10 (Access only) (Re-Submission). Approved.

Consultee Response

LCC Lead Local Flood Authority - No objection subject to the requirements of the conditions of the outline permission and an additional condition for a watercourse replacement scheme.

LCC Highways - No objections subject to details of refuse collection points, a vehicle restraint barrier system adjacent to the canal, widening of the access roads and provision of footways, an additional pedestrian cycle link and a structural survey of the culvert prior to commencement of the estate road. Proposed car parking is acceptable, each dwelling should have secure cycle storage and an electric vehicle charging point.

Lancashire Fire and Rescue – Comments relating to Building Regulations.

Lancashire Constabulary Architectural Liaison – General recommendations for security measures in accordance with Secured by Design principles.

Environment Agency - The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. However, further detailed information will be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority. In light of the above, the proposed development will be acceptable if a planning condition is included requiring further site investigation and alterations to the proposed remediation strategy as submitted with this application. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework. Without these conditions we would object to the proposal in

line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

United Utilities – Comments relating to surface water drainage, management and maintenance, supply of water and impact on United Utilities assets.

Yorkshire Water – No comments.

Natural England - No comments.

PBC Environmental Health -

PBC Public Rights of Way – Further access points to the canal should be provided and a note attached relating to obstruction of public rights of way.

Canal and River Trust – Request conditions relating to the structural integrity of the canal, further investigation of the culverts under the site, a full landscaping plan, the design of the proposed access to the canal towpath and a contribution towards improvement of the towpath.

Barnoldswick Town Council - The south west area of the development is at high risk of flooding. This is noted in the report of the LLFA. Houses in this area should be removed from the development. Appropriate drainage would be needed for the rest of the site.

There is a concern about the proposed noise cancelling fencing and would encourage the developers to either replace or add more natural sound barriers along the towpath. Concern about the reduction in trees on the north side. Could the perimeter have trees added to it?

Lack of 1 and 2 bedroom units on the site.

We would like to see a widening to the Rainhall Farm track and provision of a footpath. There are concerns for road safety between the site and the play area. Could the Coats Avenue calming measures or a crossing be added?

West Craven Committee –

- Serious concerns about the impact on flooding in this area of Barnoldswick, from losing the capacity for storage of water on the green field beyond the former mill site. Also concerns of how this loss of soakaway will impact on the drainage systems in Salterforth and Earby. The scheme does not provide enough attenuation to address the amount of water there.
- Only 4.6% of the development is affordable housing, so the 5% affordable homes requirement has not been met.
- Desire for green space in the heart of the development, not just the periphery of the site.

- Request for appropriate conditions/Code of Practice to reduce nuisance and regulate acceptable operating hours during the construction phase and for this to be enforced, to minimise the impact on residents.
- Request for pedestrian crossing at the access to the site.
- Request for improved landscaping scheme – extensive tree planting to benefit residents, mitigate the loss of wildlife and help with flooding.

Public Response

Press and site notices have been posted and nearest neighbours notified. The following responses objecting the proposed development have been received:

- Concerns relating to flooding affecting the development and access road.
- Impact on wildlife.
- Noise impact from Silentnight.
- Impact of the development on air quality in the area.
- Highway safety issues relating to traffic from the development.
- Concerns relating to the capacity of the canal bridge to accommodate additional traffic from the development.
- Concerns relating to the stability of the culvert running under the site.
- Level of affordable housing proposed.
- Development of a greenfield site.
- Impact of the development on local health and education services.
- The noise survey submitted with the application and proposed mitigation measures are inadequate to deal with the noise coming from the Silentnight factory. The proposed development will have serious implications on the existing and future operations of the factory.
- Residents are likely to be affected by dusts from the Silentnight factory yard.

Officer Comments

As this is a reserved matters application, only matters related to the appearance, scale, layout and landscaping of the development at to be considered in determining this application, the principle of the acceptability, including access, of up to 148 dwellings on the site has been approved by the outline permission.

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the roles each settlement category will play in future growth. Barnoldswick is a key service centre which provide the focus for future growth and will accommodate the majority of new development.

Policy SDP3 identifies housing distribution in West Craven Towns as 18%. The total housing requirement for Pendle at the present time is 5662. The amount of development proposed here is not disproportionate to the amount Barnoldswick could expect to accommodate over the 15 year plan period.

Policy ENV1 of the Replacement Pendle Local Plan seeks to ensure a particularly 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 of the Pendle Local Plan Part 1 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.

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

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

Policy LIV4 sets targets and thresholds for affordable housing provision. For 15 or more dwellings in West Craven towns this is 5%.

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

Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

Policy 22 (Protected Employment) This policy states that it is concerned with re-using employment premises in an attempt to reduce the amount of greenfield land required for employment.

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

National Planning Policy Framework

National Planning Policy Framework (The Framework)

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

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

The Council's most recent monitoring figures have established a housing supply figure of 4.6 years. This is below the 5 year threshold and therefore paragraph 11(d) applies to this development when considering matters other than the impacts on designated heritage assets.

Visual Amenity

The design and layout of the proposed housing would be similar to other modern housing developments in the area, finished in reconstituted stone, with slate effect tiles and upvc windows and doors. The Design and Access Statement demonstrates that the development has been designed in accordance with Building For Life 12 principles and would be sympathetic to the surrounding area in accordance with policies ENV2 and LIV5.

Residential Amenity

The proposed development would provide an adequate level of privacy and living environment for the proposed dwellings in relation to spacing between the buildings and windows.

The Silentnight factory to the west has the potential to cause noise that could affect the amenity of residents of the proposed development, that in turn could affect the operation of the factory. A noise assessment has been submitted with the application addressing this potential impact and proposing mitigation measure. However, we have received a response from Silentnight raising concerns relating to the timing and methodology of the survey.

Environmental Health have advised that further noise survey work is required to address the issues raised. It has been accepted that that this can be resolved in principle in the approval of the outline permission, however, it could potentially require alterations to the layout and/or design of the dwellings and so this could not be dealt with by condition.

Silentnight have also raised concerns that dust from the operation of term unsurfaced service yard could adversely impact upon residents. The industrial use at Sitentnight is not one that by its nature would typically be expected to result in a large volume of dust, taking this into account it would be unreasonable to resist or impose restrictions on this application to account for the potential of nuisance dust from the operations at Sitentnight.

A further assessment with additional noise modelling has been submitted and is being assessed by our Environmental Health section. Their response will be reported to committee if received prior to the meeting.

West Craven Committee made comments that a construction code of practice condition should be attached, A comprehensive construction code of practice condition is attached to the outline permission, which include measures to control noise and vibration from the construction works.

Affordable Housing Provision

Policy LIV4 sets a target of 5% affordable housing for developments of this scale in West Craven. Six affordable housing units are proposed in accordance with the policy LIV4.

Concerns have been raised that the proposed affordable housing is 4.6% rather than 5%. It is standard practice to round down the affordable housing requirement, the proposed six units acceptably meet the 5% requirement.

The proposed affordable housing provision is acceptable, a condition requiring the provision of affordable housing is attached to the outline permission and no further controls are required.

Ecology

The ecology survey submitted with the outline application recommended that further survey work be undertaken prior to the submission of reserved matters in relation to bats and birds. Additional surveys have been submitted with this application.

The survey identifies an elm tree at the southern end of the north east boundary of the site as a potential bat roosting site, the site is also used by foraging and commuting bats. The elm tree is proposed to be retained in the proposed layout of the development and the report recommends mitigation measures relating to lighting and enhancements by the provision of bat boxes to ensure that there are no unacceptable impacts upon bats.

The survey concludes that the grassland habitats to be lost are of limited value to birds. It recommends a pre-development nesting bird check if within breeding season and bird boxes are installed around the site to mitigate for the loss of immature woodland habitats.

The report identifies the possibility that the adjacent canal is used by otters and water voles. Dependent on the drainage proposals, to be submitted as part of the conditions of the outline permission, further surveys may be required prior to the implementation of any outfall to the canal to establish whether mitigation measures are necessary in relation to otters and water voles. This can be ensured by condition.

Hedgehogs are likely to be present within the site and the report makes recommendations for mitigation to protect and enhance the sites habitat value.

The report concludes that the proposed development has the potential to provide significantly higher value habitats for wildlife than are currently present.

Taking into account the conclusions and recommendations of the report the details set out in the reserved matters are acceptable subject to conditions to require that the recommendations of the report are implemented.

Open Space and Landscaping

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The proposed layout includes areas of green space around the site and a green corridor running through the centre of the site to the canal, this would provide green infrastructure which the ecology report concludes, which other mitigation, would result in a significant enhancement in the ecological value of the site.

Concerns have been raised by West Craven Committee requesting extensive tree planting as part of the landscaping scheme and additional open space in the heart of

the site. Additional details of proposed landscaping have been submitted, this include proposals for planting 192 new trees throughout the site.

Policy LIV5 also allows for green infrastructure to be taken into account and the need for open space must be set against the existing provision in the area. Furthermore, green corridors are defined as an open space typology in Pendle's Open Space Audit.

The development existing children's play facilities directly opposite and an area of defined as natural greenspace immediately to the north east. The development makes provision for a green corridor through the heart of the site, and extensive green infrastructure throughout the site. The proposed open space / green infrastructure provision is therefore acceptable in accordance with LIV5 subject to a condition to ensure appropriate long term maintenance.

The details of the scheme are being assessed by our landscape officer, subject to any revisions found to be necessary the proposed landscaping of the site is acceptable.

Drainage and Flood Risk

A number of concerns have been raised regarding drainage and flooding. However, it should be noted that this is a reserved matters application dealing with the appearance, scale, layout and landscaping of the development only. The principle of the development in terms of drainage and flood risk was considered at the outline stage and the technical details of the provision of drainage are controlled under the conditions of that permission.

A drainage report has been submitted with this application including investigations of the culverts crossing the site. This concludes that some replacement/upsizing works will be required to ensure adequate surface water drainage capacity, further investigations will be necessary to establish the works that will be necessary, however that is a technical matter that can be controlled by condition.

Both the Environment Agency and Lead Local Flood Authority have raised no objection to the development in terms of flood risk, subject to the existing conditions of the outline being complied with and an addition condition requested by the LLFA to require that an acceptable scheme for the necessary replacement works is submitted.

United Utilities have also raised no objections to the principle of provision of foul drainage for the development.

Therefore, subject to appropriate conditions, the proposed development would not be at unacceptable risk of flooding or unacceptably increase the risk of flooding off-site and is therefore acceptable in terms of drainage and flood risk.

Contamination

The outline permission includes a contaminated land condition that requires the submission of an assessment of contamination and a remediation strategy to be submitted and approved before the commencement of the development.

A contamination report has been submitted with this application and the Environment Agency have made comments that they are not satisfied with the details of that report. However, that is a matter that is controlled by the conditions of the outline permission, the EA's response is clear that they believe it would not be reasonable to require further information from the applicant before the grant of planning permission.

A satisfactory assessment of contamination and remediation strategy is required to be submitted by the conditions of the outline and so the condition recommended by the EA is unnecessary.

Highways

The access has been approved by the outline permission, this application can only consider matters relating to the internal road and parking layout. Requests for additional off-site highway works, such as a pedestrian crossing, would not be sufficiently relevant to the reserved matters being determined in this application.

Amended plans have been received widening of the northern access to 5.2m and providing a footway and altering the levels to provide additional pedestrian access to the canal and showing acceptable bin storage arrangements. An acceptable level of car parking is proposed for each dwelling.

Subject to a condition for vehicle restraint barriers to the canal the development is acceptable in terms of highway safety.

Conclusion

It is recommended that the approval of the application be delegated to the Planning, Economic Development and Regulatory Services Manager subject to the noise assessment and mitigation measures being determined to be acceptable and any conditions necessary to ensure the mitigation measures.

Reason for Decision

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

RECOMMENDATION: Delegate Grant Consent

1. This notice constitutes an approval of matters reserved under Condition 2 of Planning Permission No.13/16/0054P and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No. 13/16/0054P.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 19-03-L01, 19-03-P07 Rev A, 19-03-P01 Rev A, 19-03-P03 Rev A, 19-03-P05 Rev A, 19-03-P04 Rev A, 19-03-P02 Rev A, 19-03-5S01, Barnoldswick - Level Differences (received 12/05/2020).

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of external materials / finishes of the walls, roofs, 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: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development to preserve the significance of the Conservation Area.

4. 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.

5. The development shall only be carried out in strict accordance with the recommendations of the Preliminary Ecological Appraisal ref: 80-217-r1-1. Prior to the commencement of the development a scheme of ecological mitigation measures in accordance with the recommendations of the recommendations of the Ecological Appraisal shall have been submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented prior to the occupation of the first dwelling, or in accordance with phasing to be agreed as part of the scheme, and maintained thereafter.

Reason: To ensure protection and enhancement of ecology.

6. Should a surface water outfall be proposed to the adjacent canal as part of the drainage scheme the outfall/s shall not be implemented unless and until Otter and Water Vole surveys of the section of the canal adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. Any mitigation measures recommended by the surveys reports shall be fully implemented prior to the implementation of the fallouts and maintained thereafter.

Reason: To ensure protection of the habitats of Otters and Water Voles.

7. No development shall take place on the site until a scheme for the replacement of the watercourses referred to in section 3.4.3.1 and 3.4.3.2 of drainage report C20280 Revision A (dated 19 December 2019) has been agreed in writing with the local planning authority and implemented in full.

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

8. Prior to the commencement of works to form the estate road a vehicle restraint barrier assessment for the carriageway adjacent to the canal shall have been submitted to and approved in writing by the Local Planning Authority. Any vehicle restraint barrier found to be necessary shall be installed in accordance with the approved assessment prior to the occupation of the first dwelling, or an alternative timescale that has been approved in writing by the Local Planning Authority, and maintained at all times thereafter.

Reason: In the interests of highway safety.

Application Ref: 20/0035/REM

Proposal: Reserved Matters: Major: Erection of 129 dwellings and associated roads, infrastructure and parking (appearance, landscaping, layout and scale) of Outline Planning Permission 13/16/0054P.

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On behalf of: Seddon Homes Limited