

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 09th SEPTEMBER 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 9th SEPTEMBER 2021

Application Ref: 20/0758/FUL

Proposal: Full: Major: Demolition of existing disused B2/B8 units and erection of 13 No. 3 and 4 bedroomed dwellings, new access road and associated landscaping works.

At: Weston Electric Units Ltd Station Road Foulridge Colne

On behalf of: Sutton Family Trust

Date Registered: 4 December 2020

Expiry Date: 5 March 2021

Case Officer: Kathryn Hughes

This application was deferred from the last meeting to allow for further information on drainage, highways and landscaping to be submitted. The information on drainage and the response from LLFA has now been received and any further updates will be given at the meeting.

Site Description and Proposal

The proposal is to demolish the existing commercial buildings on the site and erect thirteen dwellinghouses with access off Station Road and Whitemoor Lane including formation off estate roads and associated landscaping.

The site would comprise a mixture of housetypes including a row of five terraces, 6 semi-detached and two detached. The two detached units would be accessed via a modified existing highway access which serves the Weston's car park located off Whitemoor Lane.

A new access would be created off Skipton Road to serve the rest of the development.

A Flood Risk Assessment, Ecology Bat Survey, Tree Survey and Design and Access Statement has been submitted in support of the application.

Relevant Planning History

13/15/0171P – Full: Major: Demolition of commercial buildings, erection of twenty two dwelling houses (3 terraced, 16 semis and 3 detached) accessed off Station Road and Whitemoor Lane including estate roads - Approved

Consultee Response

United Utilities – In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);

2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

The applicant should be aware of water mains in the vicinity of the proposed development site. Whilst this infrastructure is located outside the applicant's proposed red line boundary, the applicant must comply with our 'Standard Conditions for Works Adjacent to Pipelines'. We provide this information to support the applicant in identifying the potential impacts from all construction activities on United Utilities infrastructure and to identify mitigation measures to protect and prevent any damage to this infrastructure both during and after construction. This includes advice regarding landscaping in the vicinity of pipelines

Yorkshire Water – Waste Water If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical; b) evidence of existing positive drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change. (To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage)

1). The Flood Risk Assessment prepared by Paul Waite Associates (Report dated September 2020) requires amendments, but if planning permission is granted, the matter can be dealt with via condition.

In summary, sub-soil conditions and the potential for infiltration have not been considered. Surface water will discharge to public sewer via storage with restricted discharge of 20.3 litres/second. The point of connection whether to public combined or surface water sewer is not considered.

Evidence of positive connectivity is not presented within the report either.

The means of surface water management has not been properly considered within the drainage report. Yorkshire Water requires further information regarding the means of draining surface water from the development

2). The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of

physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

LCC Highways – The site was visited on 22 December 2020.

The development site now submitted previously had planning consent as part of a larger development, approved under planning permission 15/0171P. Having considered the information submitted, together with site observations, the Highway Development Support Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted, revised plans being received satisfactorily, and conditions and note being applied to any formal planning approval granted.

Site access – Station Road

Station Road (U20930) is an unclassified road and is categorised as a local access road with a maximum speed limit of 20 mph fronting the development site access.

Visibility splays

For a road with a speed limit of 20mph a Stopping Sight Distance (SSD) of 25m would be required. Visibility splays of 2.4 x 25m should therefore be provided. From observations on site these sight lines are fully achievable over land within the applicant's ownership and/or the existing adopted highway network.

An amended site layout plan with revised visibility splays should be submitted.

The formation of the new vehicle access from Station Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Details of the works required are outlined later in this response.

Site access – Whitemoor Road

Whitemoor Road (B6251) is a classified road and is categorised as a secondary access road with a speed limit of 30 mph fronting the site access. However the proposed access is adjacent to the transition point where the speed limit changes to 50mph to the west of the site boundary.

Visibility splays

The Proposed Site Masterplan (Drawing No 15.108 02 K) shows visibility splays of just 30m in both directions, which would only be applicable for 85th percentile speeds of 23mph. No traffic data has been submitted to support these speeds and visibility splays, which are considered substandard. The visibility splays are also not shown over land within the applicant's ownership and/or the adopted highway network and need amending.

However, visibility splays of 2.4 x 59m at this access were previously approved under planning permission 13/15/0171P. These would be considered acceptable, although they would need to be shown on the proposed site plan. An amended plan would need to be submitted.

The formation of the new vehicle access from Whitemoor Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Details of the works required are outlined below.

Section 278 works

The construction of the new access on Station Road and amended access on Whitemoor Road, together with off-site highway improvement works, 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 following:

Station Road:

- Construction of access 5.1m wide; kerbed radii; buff coloured, tactile paved dropped pedestrian crossings both sides of the access; re-location of a highway gully; street lighting assessment;
- Construction of a new footway to an appropriate standard from the gable end of 2 Wilson Street to the new vehicular site access and along the frontage of Plots 1 to 5, including a radius kerb at the gable end of Plot 5, with buff coloured, tactile paved dropped pedestrian crossings both sides of the access of the unnamed road along the gable end of 14 Station Road.

Whitemoor Road:

- Construction of a dropped vehicle crossing to an appropriate standard;
- Construction of 2m wide footway to full kerb height along frontage of Plots 12 and 13.
- 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

The construction of Plots 1-5 would result in the loss of existing, informal off-road parking on Station Road. Maximum Parking Standards should therefore be applied to ensure vehicles associated with the development can be wholly accommodated within the site.

For dwellings with three bedrooms, two adequately sized parking spaces should be provided.

For dwellings with four bedrooms, three adequately sized parking spaces should be provided.

To count as one parking space a single garage should have minimum internal dimensions of 6 x 3m, which would also provide secure storage for two cycles.

The integral, single garages proposed for Plots 6 and 7 are sub-standard in size and cannot be counted as a parking space. As these plots are at the entrance to the development vehicles parked on the carriageway, or footway, may cause an obstruction to other vehicles or pedestrians. Amended parking provision for these two plots should be submitted.

Secure cycle storage for at least two cycles can be provided in the garages proposed.

The drive to Plot 13 should be a minimum of 5.6m wide to provide both vehicular and pedestrian access.

Internal layout

The private access drive serving Plots 4, 5, 10 and 11 would not be considered for adoption and would remain private. However this should still be constructed to an adoptable standard.

The applicant should provide details of the proposed arrangements for the future management and maintenance of the proposed estate road within the development until such time as a legal agreement (Section 38) has been entered into with the highway authority. This should also include the private access drive serving Plots 4, 5, 10 and 11.

The highway authority considers that the proposed turning head, as submitted on Drawing No 15.108 02K, is acceptable, and would allow refuse, emergency or large delivery vehicles to enter and leave the site in forward gear.

Footpath

The highway authority notes, and supports, the Countryside Access Officer's comments, dated 10 December 2020, regarding the footpath through the site leading from the car park on Whitemoor Road to the unnamed access by the gable ends of 26 and 28 Station Road.

The developer has proposed a revised route along the western and northern boundaries of the site. However this is a more indirect and longer route, with 90o turns limiting forward visibility, which may cause users to be feel vulnerable, particularly during periods of limited daylight.

During the site visit it was noted that part of the group of trees to the West of Plot 13, and shown as being retained on the Proposed Masterplan, had been felled. If Plot 13 was moved towards the western boundary this may allow the path to be routed between Plots 12 and 13.

Other, alternative locations for a new path could be along the gable end of Plot 11 if the plots were re-located nearer to the sub-station. Or from the turning head by the sub-station onto Whitemoor Road. Both of these would, of course, be dependent on appropriate gradients being achievable within the site, and also being an acceptable alternative to the existing route.

Electric vehicle charging points

To ensure that the development supports sustainable transport modes electric vehicle charging points should be provided at each dwelling.

Timing of deliveries

Station Road provides the only vehicular access to a number of side roads serving residential and business premises. Deliveries to the site by large construction vehicles should only be accepted between 9.30am and 2.30pm to avoid peak traffic on the surrounding highway network, both vehicular and pedestrian.

Telegraph pole

There is an existing telegraph pole adjacent to Plot 6 and the applicant would need to consider future access arrangements for its maintenance. The applicant would also be responsible for any expense incurred for its re-location.

Subject to a suitably amended site layout plan with revised visibility splays and footpath, if the local planning authority is minded to approve this application conditions should be attached to any grant of planning permission relating to construction site accesses, construction method statement, engineering, drainage, street lighting and constructional details for internal roads, future management and maintenance of estate road, construction of estate road, parking provision, garages, electric vehicle charging points and off site highway works.

The following comments are made with reference to the amended proposed site layout plan received (Proposed Masterplan – Drawing No 15.108.02.O). These should also be read in conjunction with the highway authority's response to Drawing No 15.108.02.K dated 4 January 2021.

Comments on Amended Plans

The following amendments have been made from the previously submitted plan (Drawing No 15.108.02.K).

Plots 1 – 5 have been set back further into the site. The off-road parking for Plots 2 – 5 is now proposed to be accessed directly from Station Road. Whilst this formed part of the off-road parking for the previous industrial use of the site, this access and use would likely to have been outside peak demand for on-road parking from the surrounding residential properties. The layout now proposed may increase the risk of conflict between vehicles manoeuvring and vulnerable highway users, such as pedestrians and cyclists, on the immediate highway network, particularly if vehicles are parked outside the properties on Station Road.

Whilst the amended parking layout raises highway safety concerns it is not to a level to raise an objection. However, the highway authority's preferred layout is that shown on Drawing Nos 15.108.02.K and O, where all vehicular movements are within the site.

It should also be noted that as only four properties would be served by the internal estate road – Plots 4, 5, 10 and 11 being served by a private access drive – this would not now be considered for adoption. As the internal road would remain private the developer should provide details of the proposed arrangements for the future management and maintenance of the road. These should include the establishment of a private management and maintenance company.

The footway along the front of the site is only 1.5m wide. This should be a minimum of 1.8m wide.

Plot 1 - parking is now on the opposite side of the new access road. This is considered of adequate size to provide two parking spaces and manoeuvring area.

Plot 6 – there is only 3m hardstanding in front of the proposed detached garage. A minimum of 5.6m should be provided where a roller shutter style door is fitted, or 6m where an up and over style door is fitted. This would require the garage being set back further into the site to ensure the minimum length in front of the garage is provided to allow a vehicle to draw fully off the carriageway.

Plot 7 - has been re-located and house type changed from 7 to 3, which is a three bed dwelling. The single integral garage now proposed is of an adequate size to provide one parking space. Two off-road parking spaces are also provided in front of the dwelling. However a roller shutter style garage door would need to be fitted and not an up and over style as the hardstanding in front of the garage is less than the 6m minimum required to fully accommodate a vehicle off-road and allow the garage door to be opened with a vehicle in front.

The line of the pathway through the site from White Moor Road to the unnamed road at the gable ends between 26 and 28 Station Road has been amended in consultation with the borough council's Countryside Access Officer. No details of the surfacing material have been submitted. Given the site's gradient down towards the rear of Station Road a suitable means of collecting surface water run-off and draining it internally to the site should be provided on the site's northern boundary with the croft areas to the rear of Station Road.

Visibility splays – Station Road

For a road with a speed limit of 20mph a Stopping Sight Distance (SSD) of 25m would be required. Visibility splays of 2.4 x 25m should therefore be provided. From previous observations on site these sight lines are fully achievable over land within the applicant's ownership and/or the existing adopted highway network.

As these visibility splays have not been shown on the latest amended site layout plan (Drawing No 15.108.02.O) they would need to be controlled by condition.

Visibility splays – Whitemoor Road

Whitemoor Road (B6251) is a classified road and is categorised as a secondary access road with a speed limit of 30 mph fronting the site access. However, the proposed access is adjacent to the transition point where the speed limit changes to 50mph to the west of the site boundary.

The Proposed Site Masterplan (Drawing No 15.108.02.O) shows visibility splays of just 30m in both directions, which would only be applicable for 85th percentile speeds of 23mph. No traffic data has been submitted to support these speeds and visibility splays, which are considered substandard. The visibility splays are also not shown over land within the applicant's ownership and/or the adopted highway network and need amending.

However, visibility splays of 2.4 x 59m at this access were previously approved under planning permission 13/15/0171P. As these visibility splays have not been shown on the latest amended site layout plan (Drawing No 15.108.02.O) they would need to be controlled by condition.

Canal & River Trust – No comments.

LCC Flood Risk Management Team – The LLFA is currently unable to provide you with a substantive response as insufficient information has been submitted with this application.

Further information as now been provided and updated comments are below:

Please find attached the LLFA's response to the planning application 20/0758/FUL. The documents the applicant has submitted satisfy the requested information set out in the LLFA's previous responses. While the drainage strategy is acceptable, the proposed discharge rates are significantly higher than greenfield runoff estimates for the site, and so do not meet standard S3 of Defra's technical standards. While this does not warrant an objection in of itself, the final discharge rate will have to be agreed during the discharge of conditions in order to satisfy the requirements of standard S3 under condition 2. I have included this in a comment within the official response. Under the Flood and Water Management Act 2010 the LLFA is the responsible 'risk management authority' for managing 'local' flood risk which refers to flood risk from surface water, groundwater or from ordinary watercourses. The LLFA is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015. It is in this capacity this response is compiled.

Comments provided in this representation, including conditions, are advisory and it is the decision of the Local Planning Authority (LPA) whether any such recommendations are acted upon. The comments given have been composed based on the current extent of the knowledge of the LLFA and information provided with the application at the time of this response.

LLFA Comments

Peak Discharge Rate – Sections 4.5 and 5 of the submitted flood risk assessment (September 2020, Ref: 20123-PWA-00-XX-RP-C-1000, Paul Waite Associates) states runoff should be restricted to a 30% betterment on brownfield rates, while Appendix C states a proposed discharge rate of 20.3 l/s. Standard S3 of Defra's technical standards for sustainable drainage systems states that the peak runoff rate for brownfield sites must be as close as reasonably practicable to the greenfield runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, but should never exceed the rate of discharge from the development prior to 2 redevelopment for that event. The proposed discharge rate of 20.3 l/s for the 0.209 ha impermeable area does not meet this standard, as this is significantly higher than the greenfield runoff rate for the entire 0.6 ha site.

Lead Local Flood Authority (LLFA) Position

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of appropriate conditions relating to Flood Risk Assessment, Final Sustainable Drainage Strategy, Construction Phase Surface Water Management Plan and Operation and Maintenance Plan & Verification Report of Constructed Sustainable Drainage System

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).

Cadent Gas – There are apparatus in the vicinity of the proposed works which may be affected by the activities specified.

Architectural Liaison Unit – Site should meet the Secured by Design Homes 2016 design and observations and recommendations are given.

East Lancashire Hospitals NHS Trust – Request a contribution towards non-recurrent and recurrent infrastructure costs as a direct result of the new housing of £22,185.00.

LCC Education – Request a contribution towards 1 secondary school place of £23,061.75.

PBC Environmental Health – Conditions should be attached to any grant of approval for contamination and constructions code of practice.

PBC Footpaths – There is a footpath within the site running from the Weston Electric Units employee car park on Whitemoor Road to Station Road. The footpath varies between 2-3 metres in width comprising a tarmac surface and a grass verge. There is a Pendle Council dog waste bin part way down the footpath and a number of 1m high lighting columns, at least one of which was damaged. The footpath is not recorded on the definitive map for Lancashire, nor is it shown as having any recorded highway status on Lancashire County Council's Mapzone service.

It is unclear from the application whether the applicant accepts that the footpath is a public right of way. In question 8 of the application form the answers indicate that there are no new public rights of way to be provided within or adjacent to the site and the proposals do not require the diversion of any public rights of way. But the location plan indicates the footpath and is labelled as "existing unadopted footpath". The term "unadopted" is usually used when describing a highway which is not maintainable at public expense (and the term "highway" in this context means a public footpath, bridleway, restricted byway, byway open to all traffic or carriageway). The proposed masterplan indicates that this indeed requires diverting in order for the development to be carried out.

I object to these proposals on the grounds explained in my comments below (sections a and b). But I have suggested modifications to the plans which would lead me to reconsider these objections (section c below).

Amended Plans

I can confirm that the proposed layout of the footpath answers my concerns regarding the earlier layout plan and therefore I withdraw my earlier objection.

PBC Environment Officer – Tree survey has been submitted. There are trees on the site particularly along the south and west boundaries, the trees to the west being a significant group of larger trees. Such a survey should inform the design/layout.

Most of the trees are worthy of retention and protection and most are shown for retention due to them being separated from the development by topography and consequent retaining walls.

Habitat survey submitted. This has been prepared by suitably qualified and experienced personnel. The survey brief was for Phase 1 habitat survey and did not include the buildings but these have been specifically addressed in a separate bat survey. No habitats are of Principal Importance. No protected species or signs thereof were found either within or immediately adjacent to the site. Site has high potential for nesting birds and for roosting and foraging by bats. Any vegetation removal should avoid the nesting season (February to September) unless pre-checked by an appropriately qualified/experienced ecologist. Any trees to be removed which exhibit suitable features for bats also need pre-check.

Recommendations should be conditioned.

Bat survey submitted. Three dusk emergent surveys done and both internal and external features examined for roost occupation; conclusion that there is no evidence of bats in the buildings. As a precaution, it should be conditioned that care should be taken when removing the asbestos roof and under-drawing in case a roost is found, in which case work must stop and an ecologist consulted. Trees on the site were found to have little or no potential to support bats. Recommendation for bat boxes should be conditioned. All recommendations and mitigation at paragraph 5 should be conditioned.

A detailed landscape scheme should be conditioned.

Foulridge Parish Council – the amended landscape plan is somewhat confusing e.g. the footpath appears to show different routes on the documents uploaded to the planning portal. As a result, The Parish Council feels it is unable to make appropriate and effective consideration of the planning application until the route is clearly defined.

Public Response

Site and press notices posted and nearest neighbours notified by letter. Three responses received raising the following issues:

- I agree that the proposed diversion of the footpath could raise safety and/or security concerns. However, I disagree with the proposed alternative on the grounds of safety. A cycle safety barrier would assist here. I understand that other local residents would not object if the footpath was removed as it would reduce security, ASB, Litter and dog fouling problems;
- Confirm that Plots 12 and 13 will not have negative impact on the water drainage/flood risk of gardens on Station Road;
- The legality of plots 12 and 13 windows and balconies overlooking properties on Station Road;
- Two different versions of the masterplan one for 15 units and one for 13 please confirm which is proposed;
- Flood risk not up to date as properties have been built since 2015;
- The application states contamination is not an issue but both factories carried out engineering processes for approximately 50 years therefore an appropriate assessment should be submitted prior to considering the proposed plans;
- There is a well used footpath which the public have used for over 30 years which should be a dedicated public right of way;
- The proposal to create a 2m wide path would result in a dark, enclosed alleyway with a dog-leg, not all the gardens are the same length and clarification of the re-routed path is required;

- The pathway should be viable for wheelchairs and mobility scooters as the existing path is;
- The drystone wall to the west should be retained;
- Many of the trees were planted around 1970 many of these are now in poor condition. Of the 17 trees 8 are proposed to be felled some of those marked on the masterplan to be retained have been felled. Replacement mature trees of a suitable species should be planted;
- The crossroad junction of B6251, Warehouse Lane and Towngate is already unsafe. Parked cars restrict vision and narrow the carriageway. Parking restrictions and double yellow lines are ignored;
- The site has been derelict and undisturbed for many years and it has become an haven for birds and bats feeding;
- The proposed development will dominate the two storey, stone terraced, Victorian properties of Wilson Street and Station Road. These houses will be overlooked and overshadowed. The development of the field side with plots 12 and 13 will be detrimental. Plots 8- 11 are out of character with the vernacular and traditional architecture of the village and the 3 storey design will have a detrimental effect on the village character of the surrounding area;
- Foulridge has a deficit of green open space and this will be further reduced and therefore does not accord with Council policy;
- The development does not make a positive contribution to the conservation and interpretation of our natural and historic environment nor does it safeguard or enhance the landscape character of the area contract to Pendle Local Plan; and
- Due the steady increase in residential properties the gritting priority should now be changed.

Officer Comments

The issues for consideration are principle of housing, layout and impact on amenity, design and materials, highway issues, flooding and drainage issues, contamination, trees/ landscaping, ecology, contributions and affordable housing units.

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.

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

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 how this will be delivered.

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.

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

The following saved policies from the Replacement Pendle Local Plan are also relevant:

Policy 4D 'Natural Heritage – Wildlife Corridors. Species Protection and Biodiversity' seeks to protect Wildlife Corridors and encourage the re-establishment of habitats and species population to help maintain and enhance biodiversity.

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 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.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

Paragraph 74 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

Para 134 of the National Planning Policy Framework states that Development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design. If a development is poor in design then it should be refused.

Principle of the development

Whilst this site has no specific designation in the Pendle Local Plan Core Strategy: Part 1, the site falls within the settlement boundary of Foulridge and is considered a sustainable location within walking distance of public transport and access to essential services.

A similar scheme for residential development was approved with conditions in 2015.

Therefore, the principle of residential development of the site is acceptable in policy terms.

Design and Visual Amenity

The proposed scheme accommodates dwellinghouses with appropriate separation distances between existing and proposed dwellinghouses.

There are a variety of different housetypes including a terrace row of five, a row of three, semi-detached and detached units proposed. There are ten, three bedroom and three, four bedroom units proposed and all but two are two storey properties. Two units would be split level with three storey to the front (northern) elevation and two storey to the rear (southern) elevation. This is to take account of the topography of the site which rises steeply from the north (Station Road) to the south (Whitemoor Road).

All the housetypes proposed are acceptable in design terms and would be constructed in natural materials including random coursed natural stone with quoins, natural blue slate tiles, timber doors and windows with stone surrounds, lintels and mullions and black upvc rainwater pipes and gutters.

The layout proposed is spacious and accommodates the number of dwellinghouses in an appropriate setting subject to amendments to provide adequate off-street parking and landscaping provision and appropriate conditions.

The proposal therefore accords with policies EBV1 and ENV2.

Residential Amenity

Plots 1-5 lie adjacent to Station Road with driveways to the front and parking for plot 1 on the opposite side of the new access road and would be a similar style to the existing terrace properties. These properties would face existing terrace properties on the opposite side of Station Road and would be set back from the highway in order to accommodate driveways to the front this would result in separation distance of between 17.5m and 18.5m which taking into account the existing distances of 15m between existing terraces is acceptable.

Plot 6 is located to the rear of 4-14 Wilson Street and has been revised to avoid any windows in the side elevation facing the rear of the properties. The plot would achieve between 10 and 15m from the rear of the properties on Wilson Street with no windows/doors proposed in that gable it is just about acceptable.

Plots 7 – 11 are sited to the rear of plots 1 to 5 and would be split level at a higher level of 2.5m with distances of around 22m this is acceptable.

Steps would provide access to the rear externally and retaining structures would be required to provide a level platform for the houses.

There is a distance of 4m from the gable of plot 5 to the gable of no. 14 Station Road. Whilst plot 5 has no windows proposed in this gable no. 14 does have three small existing windows in the gable, one at second floor and two at ground floor level. However, the separation distance is acceptable between gable and gable and based on size of the windows they are unlikely to be severely impacted upon. The second floor window will serve an attic room and the ground floor are likely to be secondary windows to the main habitable rooms

Plots 12 and 13 comprise of two detached split level units with balconies to the rear elevation. These units would be located to the far south of the site and would have a three storey element to the north (front) elevation and two storey to the southern (rear) elevation. An outside terrace is proposed to the north elevation on both of these units. Both of these units are sited over 33m from the rear elevations of 14 – 24 Station Road and the properties at Waller Hill are over 21m away across Whitemoor Lane even with the land level differences this would be acceptable.

All the proposed units would have provision for at least two parking spaces within the curtilage. The split level units all have integral garage spaces whilst plot 7 would have a detached single garage.

In terms of impact on amenity this would be minimal. The separation distances are acceptable and the housetypes proposed offer a variety to the existing terraced housing provision.

The proposal therefore accords with policies ENV1 and ENV2.

Highways Issues

As the proposal is for less than 50 units a transport assessment is not required. Station Road is unclassified and is categorised as a local access road with a speed limit of 20mph fronting the site. Based on the traffic speeds and an estimated 85th percentile speed of 25mph sight lines of 2.4m x 25m should therefore be provided onto Skipton Road. These sight lines are achievable over land within the applicant's ownership and the existing highway.

Whitemoor Road is classified as the B6251 road and is categorised as a Secondary Access road with a speed limit of 30mph fronting the site access. There is a change in the speed limit to 50mph to the west of the site boundary. Based on the traffic speeds and an estimated 85th percentile speed of 37mph sight lines of 2.4m x 59m are acceptable as previously approved onto Whitemoor Road. These sight lines are achievable over land within the applicant's ownership and the existing highway.

The construction of the accesses involving works within the highway will require a section 278 agreement with Lancashire County Council and this can be controlled by condition.

The proposed development does not affect any public rights of way. There is a well-used footpath leading from the parking area off Whitemoor Road to Station Road and this is now proposed to remain.

Based on the TRICS trip generator the proposed development would have less traffic impact than the existing commercial units if fully utilised.

LCC Highways is of the view that the two units in phase two would have a limited impact on the traffic movements on Whitemoor Road. I concur with that view.

The overall development would have a negligible impact on highway capacity in the immediate location of the site subject to appropriate conditions.

Whilst off-street car parking has been accommodated on the site some of the driveways are too short in length and therefore the agent has been requested to address this in order to accord with policy 31.

Trees and Landscaping Proposals

There are numerous trees on the site particularly along the south and west boundaries. The trees to the west being a significant group of larger trees. Most of the trees on the site are worthy of retention and protection. However, whilst the scheme indicates that most will be retained some of these have already been removed. The agent has been provided an updated tree report and a detailed landscape scheme can be required by an appropriate condition in order to accord with policy.

Ecology

A Habitat survey has been submitted which is acceptable subject to a condition requiring the recommendations to be implemented.

A Bat survey has been submitted which is acceptable subject to a condition requiring the recommendations. Three dusk emergent surveys done and both internal and external features examined for roost occupation; conclusion that there is no evidence of bats in the buildings. Trees on the site were found to have little or no potential to support bats.

An updated ecology report has been provided and subject to all recommendations and mitigation at paragraph 5 can be controlled by appropriate condition in order to accord with policy 4D.

Drainage and Flood Risk

The application is supported by a Flood Risk Assessment, a Drainage Assessment and a survey of ground conditions. As now required nationally for major schemes, the development has considered the provision of some sustainable urban drainage systems (SuDS), although site characteristics make the use of certain infiltration techniques more difficult.

Lancashire County Council as the Lead Local Flood Authority (LLFA), United Utilities (UU) and Yorkshire Water (YW) have all commented on this application.

The primary source of flood risk would be from an increase in surface water run-off resulting from the development.

A preliminary drainage design has been submitted which includes a preliminary drainage strategy plan and calculations.

Further information has been provided in relation to the proposed development and drainage and LLFA is satisfied that although the proposed drainage strategy is acceptable, the proposed discharge rates are significantly higher than greenfield runoff estimates for the site, and so do not meet standard S3 of Defra's technical standards. While this does not warrant an objection in of itself, the final discharge rate will have to be agreed during the discharge of conditions in order to satisfy the requirements.

Appropriate conditions can be attached to any grant of permission to ensure that satisfactory drainage proposals are designed for the site and future management and maintenance are achieved.

UU have no objection subject to conditions relating to separate surface and foul water discharge.

Yorkshire Water have stated that the Flood Risk Assessment is not satisfactory and that the report should consider other options for surface water disposal and that only when these other options have been discounted upon provision of evidence should the public sewer be considered and then restricted to a flow rate of a maximum of 5 litres per second.

At the very least permeable paving should be installed on all driveways and hard standing areas including footpaths and parking areas and rainwater harvesting undertaken in order to reduce the amount of surface water entering the public sewer.

The detailed drainage scheme can be controlled by appropriate conditions.

Foul drainage will link into existing UU foul sewers adjacent to the site.

Subject to appropriate conditions then this proposal would accord with policy ENV7.

Viability

A Viability Appraisal of the site has not been submitted and therefore it is recommended that a request for four affordable houses be attached to any grant of approval in order to provide 20% of affordable dwellinghouses on the site. This can be achieved by an appropriate condition.

Contributions

Education

An assessment of the proposal by Lancashire County Council Education Authority, taking into account all approved applications within the local area, concluded that one secondary school place is required this can be controlled by an appropriate condition via a S.106 obligation.

Health Authority 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.

Open Space

The site lies within Foulridge Ward which has a deficit in open space.

The applicant has been requested to provide open space on the site, however, due to the topography of the site and the layout this can not be achieved and therefore the proposal does not propose to provide this. However, the scheme does retain the footpath through the site which provides some public benefits and the site provides ample private amenity space with ample provision for an enhanced landscaping scheme particularly to the upper southern edge subject to an appropriate landscaping scheme being submitted.

Other Issues

The existing footpath will remain in the ownership of the developer and be maintained by them.

Contamination is a technical matter which can be addressed by an appropriate condition.

Summary

The principle of housing on this site is accepted. The proposed design and impact on visual amenity is acceptable subject to appropriate conditions. The impact on residential amenity is acceptable and impact on trees and habitat can be controlled by appropriate conditions. The

drainage system can be addressed by appropriate conditions and highway issues can be addressed subject to further information being submitted and appropriate conditions.

In the absence of a viability assessment a requirement can be conditioned to provide four affordable units on the site. No public open space is to be provided on the site.

One education place can be provided by means of a legal agreement and no required for any NHS contribution is required.

The scheme therefore accords with the policies in the Pendle Local Plan Part 1: Core Strategy and saved policies 4D and 31 of the Pendle Replacement Pendle Local Plan.

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 is acceptable in terms of design and layout and would not adversely impact on amenity or highway safety.

Drainage, contamination, landscaping and ecology can be addressed by appropriate 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 subject to amended plans to address the parking requirements within the site.

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: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

15.108.02P, 15.108.03A, 15.108.05A, 15.108.06A, 15.108.12C, 15.108.14D, 15.108.01B, 21126-PWA-00-XX-RP-C-1000 P01, 21126-PWA-00-XX-DR-C-1000 P01, 21126-PWA-00-XX-DR-C-1001 P01, 21126-PWA-00-XX-DR-C-1002 P01, 21126-PWA-00-XX-DR-C-1003 P01, 21126-PWA-00-XX-DR-C-1004 P01, D & A Rev B and Tree Report updated July, 2021.

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

3. Prior to the commencement of development a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (or any subsequent provision equivalent to that Section) relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the person(s) submitting the said planning obligation in writing that it is to the Local Planning Authority's approval. The said planning obligation will provide for contributions towards education provision.

Reason: In order for the development to contribute towards education provision in the area.

4. 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 Annex B of PPS 3 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 20% 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: In order for the development to contribute to the supply of affordable housing in accordance with the need identified in the Strategic Housing Market Assessment.

5. 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 in order to prevent contamination of the controlled waters.

6. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the submitted flood risk assessment (September 2020, Ref: 20123-PWA-00-XX-RP-C-1000, Paul Waite Associates). The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

7. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

The sustainable drainage strategy shall be implemented in accordance with the approved details.

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

8. 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.

Those details shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance. The development shall be constructed in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere and to ensure 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.

9. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained.

10. 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:

- 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.

- d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
- e) Details of wheel-washing facilities including location
- f) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
- g) Measures related to construction and demolition waste management
- h) Pollution prevention to include odour suppression, temporary drainage measures and measures such as cut-off trenches to control gas migration.
- i) Soil resource management including stock-pile management
- j) Compliance with BS5228: Part 1 1997 to minimise noise
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- l) Measures to ensure that there is no burning of waste.
- m) Demolition Management Plan/Programme
- n) Location and details of site compounds
- o) Hoarding details during construction
- p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- q) Vibration monitoring to be carried out for the construction period.
- r) Noise-monitoring to be carried out for the construction period.
- s) A Construction and Demolition-Waste minimisation Strategy.
- t) A Construction-Risks Education plan/programme
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

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).

11. The accesses shall be completed to base course level, including visibility splays, to the satisfaction of the Local Planning Authority prior to the commencement of any other works. The estate roads shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up the entrance of the site compound before any other development takes place. The estate roads shall be laid out, surfaced, sealed and completed in its entirety prior to occupation of the first unit on each phase.

Reason: To ensure adequate access for construction vehicles and that satisfactory access is provided to the site before the development hereby permitted becomes operative.

12. Prior to the commencement of development, a scheme for the construction of the off-site works of highway improvement shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development (or phase) hereby approved shall be occupied until the approved scheme has been constructed and completed in accordance with the details agreed.

For the avoidance of doubt works shall include, but not be exclusive to:

Station Road:

- Construction of access 5.1m wide; kerb radii; buff coloured, tactile paved dropped pedestrian crossings both sides of the access; re-location of a highway gully; street lighting assessment;
- Construction of a new footway to an appropriate standard from the gable end of 2 Wilson Street to the new vehicular site access and along the frontage of Plots 1 to 5, including a radius kerb at the gable end of Plot 5, with buff coloured, tactile paved dropped pedestrian crossings both sides of the access of the unnamed road along the gable end of 14 Station Road.

Whitemoor Road:

- Construction of a dropped vehicle crossing to an appropriate standard;
- Construction of 2m wide footway to full kerb height along frontage of Plots 12 and 13.
- Street lighting assessment.

Reason: To satisfy the Local Planning Authority that details of the highway scheme/works are acceptable before work commences.

13. No part of the development associated with the Skipton Road access hereby permitted shall be commenced until the visibility splays measuring 2.4m x 25m in both directions have been provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Station Road to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0m in height above the height at the centre line of the adjacent carriageway.

Reason: to ensure adequate visibility at the street junction or site access in the interest of highway safety.

14. No part of the development associated with the Whitemoor Road Access hereby permitted shall be commenced until the visibility splays measuring 2.4m x 59m in both directions have been provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Whitemoor Road to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0m in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety.

15. No development shall be commenced until full engineering, drainage, street lighting and constructional details to adoptable standards (to Lancashire County Council's specification) of the internal road have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the internal road is constructed to an acceptable standard in the interest of highway safety.

16. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed estate road within the development have been submitted to and approved by the local planning authority. The estate road shall thereafter be maintained in accordance with the approved management and maintenance.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.

17. Prior to first occupation of any dwelling the parking provision shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials. The parking provision shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

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.

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

Reason: to ensure that the development supports sustainable transport modes.

19. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been 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 replacement trees, 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 that the development is adequately landscaped so as to integrate with its surroundings.

20. Prior to the commencement of development samples of the materials to be used in the construction of the development 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.

21. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, E(a) & (b), F of Part 1 and Classes A & B 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.

Part 1

A) no extensions shall be erected

E(a)) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the buildings

E(b)) no containers for the storage of oil or gas for domestic heating purposes shall be installed within the curtilage of the buildings

F) no hard surface shall be provided within the curtilage of the buildings

Part 2

A) no gates, fence or wall structures shall be erected within the curtilage of the buildings

B) no means of access shall be constructed to the curtilage of the buildings

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

22. The garages hereby permitted shall not at any time be used for any purpose which would preclude its use for the parking of a motor car.

Reason: To ensure that there is adequate off-street parking provision within the site to prevent on-street car parking that would be inimical to highway safety.

23. Before a dwelling unit is occupied waste containers shall be provided in the bin/cycle storage areas on each plot.

Reason: To ensure adequate provision for the storage and disposal of waste.

24. No part of the development hereby permitted shall be commenced until details of the proposed ground levels have been submitted to and approved in writing by the Local Planning authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess how the development will accommodate the varied land levels and control the final form.

25. The development shall be carried out in accordance with the mitigation plan for bat boxes set out in the Site Specific Bat Survey dated September 2020 and the mitigation proposed in the updated Ecology Report Paragraph 5. The development shall be completed in strict accordance with these details.

Reason: To ensure no net loss of biodiversity as a result of the development.

26. The development shall be carried out in strict accordance with the Tree Report 27 November 2020. The development shall then only commence and be completed in accordance with the agreed details. No vegetation shall be removed during February to September unless a report detailing pre-checks for nesting birds by a qualified ecologist has been submitted to and agreed in writing by the Local Planning Authority. Any trees to be removed shall be pre-checked for habitation prior to removal. All trees to be removed shall be replaced as part of the proposed landscaping scheme.

Reason: To ensure no net loss of biodiversity as a result of the development.

Notes:

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer. 2. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. 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 is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".³ It is assumed that Lancashire County Councils Highways Maintenance will be consulted regarding the approval of street works details. 4. The applicant the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

Application Ref: 20/0758/FUL

Proposal: Full: Major: Demolition of existing disused B2/B8 units and erection of 13 No. 3 and 4 bedroomed dwellings, new access road and associated landscaping works.

At: Weston Electric Units Ltd Station Road Foulridge Colne

On behalf of: Sutton Family Trust

REPORT COLNE AND DISTRICT COMMITTEE ON 09 SEPTEMBER 2021

Application Ref: 20/0865/FUL

Proposal: Full: (Major) Demolition of outbuildings/sheds and erection of 20 no. 3 & 4 bed properties comprising 3 terraced, 14 semi-detached and 3 detached dwellinghouses with associated parking and vehicular access from Dean Street and Skipton Road.

At: Land To The West Of Brookside Garage, Dean Street, Trawden

On behalf of: Trawden Water Ltd

Date Registered: 25/02/2021

Expiry Date: 03/08/2020

Case Officer: Alex Cameron

This application has been brought before Committee as it is a major development.

Site Description and Proposal

The application site is an area of sloping open land dotted with small dilapidated garages and sheds to the west of Skipton Road and North of Dean Street, Trawden. There is a motor vehicle repair garage to the north eastern side, dwellings to the south east and south west and open land / domestic outbuildings to the east. The site is within Trawden Forest Conservation Area.

The proposed development is the demolition of the existing sheds and garages on the site and erection of 20 dwellings. The proposed dwellings would be a comprise:

- 4 detached 3 storey houses with 4 bedrooms
- 1 detached 2 storey house with 3 bedrooms
- 10 semi-detached 3 storey houses with 4 bedrooms
- 2 semi-detached 3 storey houses with 3 bedrooms
- 3 attached 2 storey houses with 3 bedrooms

The 3 storey houses would be split level being two storeys to the west facing up the hill and three storeys to the east facing Skipton Road. The east facing elevations would have large areas of glazing with bifold doors and wide mullioned windows and two of the plots would have balconies. The proposed houses would be finished in natural stone to unobstructed elevations and render to side elevations obscured by neighbouring houses with slate roofs, grey uPVC windows and composite doors.

Relevant Planning History

None

Consultee Response

Lead Local Flood Authority - The LLFA is currently unable to provide you with a substantive response as insufficient information has been submitted with this application. The following is required:

An assessment of pre-development surface water runoff rates and volumes.

A sustainable drainage strategy that shows how surface water will be safely managed over the lifetime of the development.

Evidence of compliance with the drainage hierarchy.

Proposed surface water flow calculations.

Plans of surface water catchment areas and overland flow routes.

Details of drainage management and maintenance.

Environment Agency - The majority of the development site is located in Flood Zone 1, however plots 16 & 17 are accessed only from Dean Road which is located in Flood Zones 2 & 3. The flood zone encroaches into the site boundary slightly and therefore, the application should be accompanied by a Flood Risk Assessment (FRA).

As no built development is proposed in the Flood Zone, the requirement for a FRA may not be considered proportionate to the potential risk. We therefore have no objection to the proposal, however we do have the following advice regarding access and egress to plots 16 & 17 for the applicant and LPA.

Additional advice relating to flood warning and emergency response.

United Utilities – The submitted drainage documents do not demonstrate that the drainage hierarchy has been thoroughly investigated. Request that foul and surface water drainage conditions and drainage management and maintenance conditions are attached, note relating to investigating potential impacts on UU infrastructure.

LCC Highways – No objection. The nearest bus stops (references NB 2500LAA00178 & SB 2500LAA16002) need upgrading to DDA bus border kerbing. We would seek to secure these works as an off-site highway works condition to be delivered under a S278 agreement with Lancashire County Council.

These are minor works which include bus border kerbing and road markings only and are requested to ensure that all users are provided with quality infrastructure to support the sustainability of the site.

The proposed 2m wide pedestrian link to Hall Meadows has been removed from the scheme. This reduces the connectivity of the site to the surrounding network and does not support sustainable travel.

Please attach the following conditions: Construction management, off site highway works, management and maintenance of estate road, construction of estate road, parking, cycle storage, electric vehicle charging.

Lancashire Fire and Rescue – Comments related to building regulations for access and facilities for the Fire Service.

LCC Schools Planning – A education contribution for 3 secondary school places is necessary.

East Lancashire Hospitals NHS Trust - Request a contribution to provide additional services to meet patient demand when the dwellings are first occupied.

Trawden Forest Parish Council – The Parish Council have included this site in the adopted Neighbourhood Plan but have some concerns about the proposed plan:

The NHP states that 20% of new developments over 5 properties should be affordable housing.

The Councillors feel that the proposals for the site are over-development. The suggested number in the draft NHP was 13. This is more in-line with the expectations of the Parish Council.

There are concerns about the volume of traffic exiting onto Dean Street, which serves Trawden Forest Primary School. Is there a possibility of another access from Skipton Road?

The doors and windows should be made from wood as we are in a conservation area. There needs to be more than sufficient parking for a new development. Residents do not use their garage for their car, so the Parish Council can already foresee problems with multiple cars at properties and nowhere to park.

Is it a possibility of widening the access road and car parking bays being marked to indicate overflow parking?

In the NHP, there is an increase parking allocation per property to alleviate some of the parking problems. The Parish Council would like to see these being adhered to.

Is there sufficient space between properties so that maintenance can safely take place up to the roof height?

A Wheel Wash could be necessary.

The balconies are not in-keeping with the surroundings.

Natural slate roofs should be included.

As Dean Street is incredibly busy at school drop off and collection times, the Parish Council would expect movement restrictions being part of the conditions of any approval of this site.

Public Response

A press and site notice posted and neighbours notified. One response received objecting on the following grounds:

- Impact on ecology and wildlife including protected species.
- Lost of a mature tree.
- The development does not conform to the overall grain of the Conservation Area.
- The proposed materials are not characteristic of the Conservation Area.
- Harm to the visual amenity of the area.
- Disruption to local residents during construction.
- Detrimental impact upon residential amenities.
- Detrimental impact on already busy and dangerous roads.
- Additional excess traffic in village.
- Adverse impact on green spaces.
- Overshadowing/loss of light.
- Privacy impacts.
- Highway safety, inadequate parking and access.
- Highway safety risk to children from nearby school.
- The plans do not include electric car charging points.
- Ground stability
- Flooding and drainage.
- Inadequate school and doctor's capacity in Trawden.

- Contrary to housing number in the Trawden Forest Neighbourhood Plan.
- Is there a need for 20 new family dwellings in Trawden?
- Inadequate information relating to the ownership and maintenance of the western site boundary.
- Overdevelopment of the site.
- Lack of topographical information.
- Lack of detail of proposed retaining walls.

Officer Comments

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. Trawden is defined as a Rural Service Centre which will provide the focus for growth in Rural Pendle.

Policy SDP2 states that proposals for new development should be located within settlement boundaries. Proposals to develop outside of settlement boundaries will only be permitted for those exceptions outlined in the Framework.

Policy SDP3 identifies housing distribution for Rural Pendle as 12%. This is not a limit, but a guide as to the level of development envisaged over the plan period.

Policy ENV1 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 states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets. This is supported by the guidance set out in the Conservation Area Design and Development Guidance SPD.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

Replacement Pendle Local Plan

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

Trawden Forest Neighbourhood Plan

Policy 1 states that outside the settlement boundaries of Trawden and Cotton Tree, development involving the construction of new buildings, which is not specifically allowed for by other policies in this Plan or the Pendle Local Plan, will only be permitted in the following circumstances:

(1) Where it requires a countryside location for tourism related purposes and complies with Policy 5, or will support agricultural and other land-based rural businesses; or

(2) Where it is in a sustainable location adjacent to the settlement boundary and complies with all other policies in this Neighbourhood Plan and the Pendle Local Plan.

Policy 2 (Housing Site Allocations) identifies five sites, including, this one for development to meet the housing requirement for Trawden. It states that proposals for the development of the sites should:

- i) Reflect local distinctiveness and be readily assimilated particularly in terms of: the extent and amount of development; scale; layout; open spaces; appearance; and material;
- ii) Respect and enhance the historic environment of the parish and its heritage and natural assets;
- iii) Ensure that locally important views and vistas are maintained or enhanced; these are described in Policy 7 (Areas of Townscape Character);
- iv) Retain and enhance open spaces, walls, hedgerows and trees which are important to the local character;
- v) Not lead to increases in flood risk or drainage problems;
- vi) Take account of information and design guidance included in the Pendle Core Strategy (Policy LIV5) and where appropriate the Character Appraisal for the Trawden Forest Conservation Area and Policy 7 in this plan;
- vii) Incorporate features to improve environmental performance and/or reduce carbon emissions, unless it is demonstrated to be not practicable and viable;
- viii) Produce a cohesive and high quality design in which detailing such as car parking, boundary treatments, bin stores, meter boxes, and lighting are all provided for in a harmonious and inclusive design;
- ix) Not result in the loss of any community building or heritage asset unless it can be demonstrated that it is no longer viable, adhering to the approach given in policy ENV1 of the Pendle Local Plan;
- x) Be compatible with and do not prejudice any intended use of adjacent sites and land uses;
- xi) Provide 20% of the site as affordable homes (for sites of 5 or more dwellings).

Principle of the development

The site is within the settlement boundary of Trawden and is allocated for housing development in the TFNP. This is a sustainable location for the proposed housing development and is acceptable in principle in accordance with Policies SDP2 and LIV1 of the LPP1 and Policy 2 of the TFNP

Design, Landscape and Heritage Impact

The proposed development is located on a steep valley side prominently visible from, Dean Street, Hall Road, Skipton Road and from public rights of way on the opposite valley site.

The initial submission did not include existing and proposed levels of the development, these were required in order to fully assess the landscape, visual and heritage impacts of the development. Those details have now been received.

The proposed dwellings running along the valley side would be split level two storey to the front and three storey to the rear, to achieve this the development would be cut into the hillside. Although this lowers the overall height of the buildings and as such reduces their visual impact. The proposed houses would be seen in the context of the existing modern three storey housing development fronting Skipton Road and would be reflect the character of the area with their staggered linear layout. The design would generally be in keeping with the existing new houses adjacent to the site, although the proposed dwellings would have more contemporary glazing to the rear. The previously proposed balconies have been removed and the large areas of glazing in the basement levels would not be excessively prominent due to the presence of the existing and proposed buildings fronting Skipton Road. Taking this into account the design of the dwellings are acceptable.

A large retaining wall is proposed to the western boundary of the site. This would be largely hidden behind the proposed houses in views from Skipton Road and across the valley and taking that into account would not be excessively prominent and would not result in an unacceptable visual and landscape impact.

uPVC windows are proposed and details of those proposed windows have been submitted. The frames shown are relatively wide, and it does not appear that they would be acceptable, a more slender style of frame would be necessary. Therefore a condition is necessary to control the materials, finish and design of the fenestration.

The submitted Heritage Statement concludes that the development would not result in harm to the significance of the Conservation Area. However, we disagree with that conclusion, there would be some harm to the significance of the Conservation Area, as is inevitably going to be the case with any new development of this scale. However, that harm would be less than substantial, taking into account the above the harm resulting from the proposed development would be minor and would be outweighed by the clear economic and social benefits of providing new housing.

The proposed development is therefore acceptable in terms of design, landscape and heritage impacts in accordance with Policies ENV1, ENV2 and LIV5 of the LPP1 and Policies 1 and 2 of the TFNP.

Amenity

The plans have been amended to provide 21m distance between facing windows of the proposed houses and windows in the rear of properties of Skipton Road, concerns have been raised that the separation distances should be greater than 21m given the difference in levels, whilst guidance in the Design Principles SPD, which relates to extensions rather than new housing, suggests that distances should be increased where there is a significant difference in levels, it also states that characteristic street patterns of an area should be taken into account. Separation distances of less than 21m are characteristic of the surrounding area, with nearby properties on Skipton Road separated by 14m-18m and Hall Meadows / Hall Road by 18m, taking that into account the separation distances are acceptable. Windows in the front of plots 2 and 3 would face habitable room windows in the side of No.20 Dean Street separated by approximately 18m, the facing upper floor windows are proposed to be obscure glazed and therefore the development would not result in an unacceptable loss of privacy. Ground floor windows would not unacceptably impact due to the height difference.

The rear gardens of those plots would not be above the existing land levels and, taking that into account, would not result in unacceptable impacts, subject to conditions to control permitted development rights.

The rear of plots 18, 19 and 20 would face the rear of properties on Hall Road separated by 18m. The difference in height and offsets would be sufficient to ensure that those dwellings would not unacceptably impact upon the privacy of properties of Hall Road.

The proposed development would also result in no unacceptable loss of light to or overbearing impact upon any adjacent property.

The impacts of construction could be acceptably controlled by condition.

The development is acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

Highways

LCC highways have made comments requesting additional details which have now been submitted and we are awaiting response to. The matters raised predominantly relate to issues around internal layout and adoption which could be addressed by condition should any further clarification be required.

The proposed access points from Dean Street and Skipton Road are acceptable and an acceptable level of car parking provision is proposed.

The development is therefore acceptable in highway terms in accordance with policy ENV4.

Drainage

Additional information has been requested by the Lead Local Flood Authority to fully assess the risk of surface water flooding. That additional information has been submitted and is being assessed by the Lead Local Flood Authority.

The Environment Agency have commented that a small part of the site on the Skipton Road frontage falls within the high risk flood zone of Trawden Beck, that relates only to the access to Skipton Road and not the dwellings themselves.

Ecology

An ecology survey had been submitted and this demonstrates that the development would not result in an unacceptable impact upon ecology and protected species in accordance with policy ENV1.

Affordable Housing

The development falls within the threshold set out in policy LIV4 for the provision of affordable housing at a level of 20%.

Contributions

Affordable Housing

Affordable housing is required at a rate of 20% for all major housing developments within Trawden, provision is required for four affordable housing units.

Education

An education contribution for the provision of three secondary school places is necessary to offset the impact of the development on local schools.

Open Space

No on-site public open space or green infrastructure is proposed, the constraints of the site would make this unfeasible, a contribution towards the provision or enhancement of off-site open space or green infrastructure is therefore necessary.

NHS

A request has been made from East Lancashire Hospitals NHS Trust for a contribution towards the cost of acute healthcare interventions it calculates will be generated by the residents of the 20 dwellings in the first years of their occupation, for which there is a funding gap.

In terms of health service contributions there are a number of concerns about the request and justification for those requests. 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.

We have also raised a concern about the timing of funding and that developments can take several years in order to come to fruition. From the information supplied to us it appears that once a development is known about then financing is included in the next budgetary year. The issue therefore is that if developments take several years to come forward and they are included in financial planning after year 1 then the developer would be paying for services already funded in the standard funding formulae.

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 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 to the NHS 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. The level of contribution would also undermine the already low level of profitability and would jeopardise whether or not the scheme would proceed. The provision of affordable housing is a major need within Pendle and significant weight should be attached to providing that housing.

Conclusion

It is recommended that the approval of the application, and any conditions necessary, be delegated to the Planning, Economic Development and Regulatory Services Manager subject to the receipt of comments from the Lead Local Flood Authority withdrawing their objection.

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 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

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: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: NN751-PL-101, NN751-PL-201 Rev D, NN751-PL-205 Rev B, NN751-PL-206, NN751-PL-207 Rev A, NN751-PL-208, NN751-PL-209 Rev A, NN751-PL-210 Rev C, NN751-PL-211 Rev C, NN751-PL-212 Rev A, NN751-PL-213 Rev D, NN751-PL-214, NN751-PL-215 Rev A, NN751-PL-216, NN751-PL-218 Rev A, NN751-PL-219 Rev A, NN751-PL-220 Rev A, NN751-PL-221 Rev D, NN751-PL-224.

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 hereby approved samples of the materials of the external walls, retaining walls and roofs of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity and to preserve the character and appearance of the Conservation Area.

4. Notwithstanding any indication on the submitted plans and application forms, prior to the installation of windows and doors details of the materials, finishes and design and reveals of the windows and doors shall have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed and thereafter at all times be maintained in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the Conservation Area.

5. The development shall be carried out in strict accordance with the recommendations of the submitted Extended Phase 1 Habitat Survey & Daytime Bat Survey dates June 2021. Prior to the occupation of the first dwelling a scheme of ecological enhancement shall have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in strict accordance with the approved scheme.

Reason: to ensure the ecology of the site is enhanced and protected species are not harmed by the development.

6. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- 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 demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety and residential amenity.

7. Within 3 months of commencement a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.
 - a. Skipton Road vehicular crossing to plots
 - b. Upgrade to bus stops on Skipton Road (references NB 2500LAA00178 & SB 2500LAA16002).

Reason: In the interest of highway safety and to ensure acceptable accessibility to essential services and facilities.

8. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: To ensure that the estate road is acceptably maintained and managed in the interest of highway safety.

9. Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

10. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

11. Prior to the occupation of each dwelling the driveways and parking areas serving that dwelling shall be constructed in a bound porous material and made available for use and thereafter maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate car parking provision in the interest of highway safety.

12. Prior to the occupation each dwelling the dwelling shall have a secure cycle storage provided at a ratio of 2 cycle spaces per dwelling.

Reason: To ensure adequate provision for sustainable transport.

13. Prior to the occupation of each dwelling the dwelling shall have an electric vehicle charging point installed. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.

Reason: To ensure adequate provision for sustainable transport.

14. The development shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

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

The approved scheme shall be implemented in its entirety within the first planting season following the commencement of the use 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 preserve the character and appearance of the Conservation Area.

15. The development shall not be commenced unless and until 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 has been submitted to and approved in writing by the Local Planning Authority. 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.

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

16. The first floor rear elevation window of the side extension hereby approved shall at all times be fitted with obscure glazing to at least level 4 or above, unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to the adjacent residential property.

17. Notwithstanding the provisions of Article 3 and part 1 of the second Schedule of the Town & Country Planning (General Permitted Development) 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, E, F & G of Part 1 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 and appearance of the Conservation Area and residential amenity.

18. No part of the development shall commence unless and 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 four affordable dwellings, an education contribution for three secondary school places and an off-site open space contribution.

Reason: To contribute towards the identified need for affordable housing provision in the area, to offset the impact of the development in education services and to ensure adequate public open space provision.

Application Ref: 20/0865/FUL

Proposal: Full: (Major) Demolition of outbuildings/sheds and erection of 20 no. 3 & 4 bed properties comprising 3 terraced, 14 semi-detached and 3 detached dwellinghouses with associated parking and vehicular access from Dean Street and Skipton Road.

At: Land To The West Of Brookside Garage, Dean Street, Trawden

On behalf of: Trawden Water Ltd

REPORT TO COLNE AND DISTRICT COMMITTEE 9TH SEPTEMBER 2021

Application Ref: 21/0530/FUL

Proposal: Full: Use of detached garage as a granny annexe.

Address: Will O Th Moor Farm, Burnley Road, Trawden

On behalf of: Mr John Campain

Date Registered: 21/06/2021

Expiry Date: 16/08/2021

Case Officer: Laura Barnes

This application has been called in by a Councillor

Site Description and Proposal

The application site is a farm house, located off Burnley Road, Trawden. It is located beyond the settlement boundary within the open countryside and is within the Trawden Forest Conservation Area.

The application seeks planning permission to use part of the existing garage / storage building as residential accommodation in the form of an annex to the main dwelling. This involves internal alterations including sub-division to incorporate a bedroom, a kitchen / living area and bathroom. The proposed conversion would require external alterations to three of the four sides of the building, to provide windows and doors. However, the majority of these are to be inserted where there are existing openings. To the front elevation there is to be a set of bi-folding doors, serving the lounge in addition to a set of full height windows, these are both in place of the existing garage doors. To the front elevation there is also to be a small window serving the bathroom, where a window currently exists. The front entrance door is also in the same location as an existing timber door, serving the garage / store. To the side elevation there is to be a window in the position of an existing window, this would serve the lounge. To the rear elevation there is to be one window, serving the bedroom which is a new opening and one patio door serving the lounge, which is a new opening. The windows and doors are to be UPVC, to match with the existing farmhouse.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

Having considered the information submitted, the Highway Development Control Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted, and condition being applied to any formal planning approval granted.

The proposal is for the conversion of a detached garage to a one-bed annexe. One parking space would need to be provided for the annexe in addition to parking for the main dwelling. Although no parking layout has been submitted the site layout plan would appear to indicate that an adequate

level of parking can be provided for both the main dwelling and annexe. To ensure that this is maintained, the following condition should be applied to any formal planning approval granted.

Condition

The detached annexe hereby approved shall only be used ancillary to the enjoyment of the existing dwelling and shall not be used by way of sale or sub-letting to form separate residential accommodation. Reason: To avoid the creation of separate dwellings which may be substandard in terms of parking provision and/or vehicular manoeuvring area.

Environmental Health

The development is likely to be served by a private (i.e. non-mains) water supply. The applicant is advised to ascertain the quality and sufficiency of the water supply. If the water is used in a commercial or public activity, or if it is rented to tenants, it must be tested every year by the Council. If there is no commercial or public activity but more than one property uses the same water source, it must be tested by the Council every five years. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661661.

Trawden Forest Parish Council

If this development is permitted, the Councillors would like to see a condition on the whole site that does not permit each dwelling to be sold separately. It must be retained as one plot.

The owners should also not be permitted to erect a replacement garage on the site under their 'permitted development rights'.

All parts of this development should have wooden windows and doors.

Conservation Officer

The application site is located within the Trawden Forest Conservation Area. However, this does not take a prominent position. It is noted that the existing farmhouse building has UPVC windows and doors. The use of UPVC windows and doors in this location on a modern conversion is not inappropriate and would have a neutral impact upon the Conservation Area.

Public Response

Nearest neighbours notified by post, a site and press notice have been displayed, without response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (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 its surroundings.

Replacement Pendle Local Plan

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

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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and developments, setting out the requirements for good design and protecting residential amenity.

Supplementary Planning Guidance: Development in the Open Countryside.

Principle Of Development

The proposal is to substantially convert an existing building to provide ancillary accommodation for a member of the family. Whilst there is a new dwelling being created it would not function as an independent unit and would be ancillary to the operation of the house. The development would not therefore result in a new independent dwelling being built in the open countryside which would be against established policy in this location. The principle of the development is therefore acceptable.

Heritage & Design

The proposed development is located within the Trawden Forest Conservation Area. However, this is a modern building which is currently used as a garage, serving the existing farmhouse. The existing farmhouse has UPVC windows and doors. The use of upvc would fit with the design of the existing house. The site is not prominent and there would be a neutral impact on the conservation area by the use of the proposed materials. It would not therefore harm the significance of the conservation area. As such it would be unreasonable to require timber windows and doors to the annex. As such, it accords with paragraph 202 of the National Planning Policy Framework, Policy ENV1 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

The proposed annex is already a building within the grounds of the farmhouse, albeit used for garaging / storage purposes. There are minor proposed changes to the external appearance to the south western elevation which would include the insertion of a UPVC window serving the bedroom and a set of patio doors serving the lounge. Although the proposal involves the use of UPVC within the Conservation Area, where this is not usually encouraged that existing farmhouse has UPVC windows and this is a modern building for conversion. As such, the proposed development conforms with Policies ENV1 & ENV2 of the Local Plan Part 1: Core Strategy.

Impact on Residential Amenity

Policy ENV 2 of the adopted Pendle Local Plan part 1 requires good design including impacts on privacy. The Design Principles SPD adds non-policy guidance on how this can be achieved and seeks to ensure that proposed developments do not as a result of their design, scale, massing and orientation have an unduly adverse impact on amenity.

The host dwelling is sited within a generous rural plot, with the nearest neighbours located a significant distance away. There would be no impact upon neighbouring dwellings.

The unit would be required only to be used by a member of the family and a condition is proposed not to allow it to be separated, sold or used independently of the main house. As it would operate as a part of the domestic arrangements of the existing house there is no requirement for separation of amenity areas or the provision of private garden.

As such, the proposed development accords with Policy ENV2 in this regard.

Highways

The Highways Authority have not raised any objections. A car parking plan has been submitted indicating that there is ample parking for the farmhouse and proposed annex. The proposal accords with Policy 31 in relation to the number of car parking spaces required.

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 would accord with Local Planning Policy and would be compliant with the guidance set out in the 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: Approve

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: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan, ref: TQRQM21137123148645
 - Site Plan ref: JR04
 - Proposed Floor Plan, ref: JR02
 - Proposed Elevation Plan, ref: JC04

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

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.

4. The accommodation hereby permitted shall at no time be separated, sold or used independent of the main dwelling to which it is related as shown on the approved location plan.

Reason: A separate dwelling in this location would be contrary to local and national planning policy on creating new dwellings in isolated locations away from settlements.

5. Prior to occupation a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

Reason: To control foul and surface water flow disposal and prevent flooding.

6. At least one vehicular car parking space shall be made available within the site for the sole use of the annex hereby approved at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that sufficient car parking is available for users of the annex

Application Ref: 21/0530/FUL

Proposal: Full: Use of detached garage as a granny annexe.

Address: Will O Th Moor Farm, Burnley Road, Trawden

On behalf of: Mr John Campain

REPORT TO COLNE AND DISTRICT COMMITTEE ON 09 SEPTEMBER 2021

Application Ref: 21/0570/FUL

Proposal: Full: Demolition of outbuildings and structures, and erection of a detached agricultural worker's dwelling and two agricultural buildings.

At: Land To The North Of Brookside Skipton New Road Foulridge
On behalf of: Mr Simon Mellin

Date Registered: 03/08/2021

Expiry Date: 09/09/2021

Case Officer: Alex Cameron

Site Description and Proposal

The application site is field located within the Green Belt to the east of the settlement of Foulridge, to the south are detached dwellings and to the west is Lower Broach Farm. There are existing small stables and sheds on the land and it is in mixed agricultural and equine use.

The proposed development is the demolition of the existing structures and erection of a detached agricultural worker's dwelling with detached garage / plant building and two agricultural buildings.

Relevant Planning History

13/94/0607P - Erect 2 unit stable block and use of land for horsiculture - Approved

Consultee Response

LCC Highways –

United Utilities – We have no wastewater assets in the area, notes in relation to water supply and working near United Utilities assets.

PBC Environmental Health – Please attach a construction management condition and contaminated land informative.

PBC Countryside Access - My main concern with this application is with the access from the main road. The track is a public footpath 13-12-FP 26 but it is only narrow for shared use by pedestrians and larger agricultural vehicles. On one side the path is tight up to a fence, on the other there is only a narrow overgrown strip of land and then a steep sided drain/ stream. The application would be improved if the access could be widened, or if passing places were introduced. If the application cannot be improved to take account of this issue then the likely impact on rights of way users should be given serious consideration in the Council's decision on the application.

Foulridge Parish Council

TRAFFIC

The development would lead an increase in the volume of traffic, particularly heavy vehicles.

The access lane is unsuitable for heavy traffic due to;

- a) the narrow nature of the lane
- b) a lack of passing places
- c) the poor condition of the surface

d) access and egress at Skipton New Road is a road safety concern, particularly at school start and finish times, when parked vehicles serve to obscure sightlines.

NOISE AND DISTURBANCE

Due to the intensive farming approach of the proposed development, it is considered that the levels of noise and disturbance will greatly increase, due to the number of animals proposed, their movement by heavy goods vehicles, deliveries and the use of machinery, particularly given the close proximity of operations to existing residential properties.

ENVIRONMENTAL

There are concerns regards the environmental impact of both the development and the business operation plans as outlined below;

- a) the loss of trees, flora and fauna as part of the proposed development and the negative impact on wildlife.
- b) the discharge of sewage and effluent, in close proximity to a watercourse, which ultimately serves Lake Burwain, which holds fish stocks for the angling club, as well as supporting the sailing club and wild swimming activities.
- c) the potential for damage to the sewage pipes serving the septic tanks, due to increased levels of heavy goods traffic movements.
- d) increased levels of smell due to numbers of animals proposed

The area proposed for development is designated as greenbelt, as part of the local plan, and it is considered that this designation should be preserved with the refusal of residential development plans.

The Parish Council considers the application and proposals within the plans to be detrimental to residents and the wider community as outlined in the comments above, and wishes to register its formal objections against the application.

Public Response

Site notice has been posted and nearest neighbours notified – Responses received objecting on the following grounds:

- Traffic and highway safety impacts
- Exacerbation of existing parking issues related to the school
- The access track is not suitable for the proposed use
- Noise and odour impacts
- Concerns relating to air pollution and contamination of watercourses and the adjacent reservoir
- Health and safety concerns related to intensive farming
- Increase in flood risk
- The proposal is not suitable for a residential / village location
- The application does not include change of use back from equine to agriculture
- Loss of tree saplings planted on the land
- Impact on the value of nearby houses
- There are plenty of alternative sites available locally
- This unnecessary building on greenbelt land is simply a way to circumvent planning regulation to be able to build a luxury house

Responses received in support:

- It looks a well thought out use of the ground, removing the older, outdated buildings and installing newer buildings means higher animal welfare standards can be achieved on this property.
- This will add value to the area

- I am sure the farmer who has pigs on there already will be driving up and down the lane a few times a day, if anything the traffic will reduce
- We are in a farming location and should be embracing this application as it could have been for housing resulting in massive traffic increase continually
- It will incur limited additional traffic and the local school will be able to learn first hand about farm to fork
- This is a well investigated and planned out application
- Welcome any new farm in the area, that will hopefully create jobs and overhaul inefficiencies that exist in mature farms
- Climate change benefit
- This is looking at farming in 21st century approach utilising the dairy cow to also produce a premium beef product as well as milk, via embryo transfer. This will also stop dairy calves being culled at such a young age due to either no demand or no means of making a profit through farming. This could be the makings of a real breakthrough in British Farming
- It will make the area look that bit nicer with newer buildings up
- This development could maintain the agricultural nature of the area.

Officer Comments

Policy

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.

Pendle Local Plan Part 1: Core Strategy

Policy SDP2 states that proposals for new development should be located within a settlement boundary unless it is an exception identified in the Framework or the Development Plan.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced. The impact of new developments on the natural environment should be kept to a minimum.

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

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

ENV5 (Pollution and Unstable Land) states that new development should ensure that potential for noise, odour and light pollution is minimised.

Replacement Pendle Local Plan

Policy 31 (Parking) states that the Council will support new development in line with the maximum car parking standards.

National Planning Policy Framework

Paragraph 80 of the Framework states that local planning authorities should avoid the development of isolated homes in the countryside unless it meets one or more of five circumstances. The circumstances include development that would represent the optimal viable use of a heritage asset and re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt and sets out exceptions to this including:

- buildings for agriculture and forestry
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

Sustainability

The application site is located in a sustainable location approximately 80m from the settlement boundary of Foulridge and 240m walking distance from bus stops on the A56. Therefore this is not an isolated countryside location for the purposes of paragraph 79 of the Framework.

Green Belt

New buildings are inappropriate development unless they meet one of the exceptions set out in paragraph 149 of the Framework.

The proposed buildings are materially larger than the existing buildings on the site and the dwelling would be in a different use, therefore the development would not meet the exception for replacement buildings.

Buildings for agriculture are an exception, however, in relation to an agricultural worker's dwelling the assessment of whether it is for agriculture is a matter of fact and degree taking into account the scale and nature of the agricultural use.

In this circumstance both the existing and proposed agricultural uses are minor in scale. The agricultural holding is relatively small at approximately 2.2 hectares, a holding of that scale would not typically generate the need or income to support an agricultural worker's dwelling.

The applicant states that the proposed agricultural business model would be based around rearing cattle to a method they have developed which requires minimal land with a projected 200 calves per year and a projected total revenue of £300,000. There has been no evidence provided to

support these projections, typically an application for on-site accommodation to support a proposed or expanding agricultural business would be expected to be for temporary accommodation to establish evidence of the long term viability of the business.

Therefore, taking into account the small scale of the holding and the lack of evidence of functional need and long term viability, the applicant has failed to demonstrate that the primary use would be agricultural rather than residential.

Furthermore, as the proposed farming model purportedly requires little land there does not appear to be a specific necessity for this particular site to accommodate the proposed development. There are likely to be many other potential sites within the borough that are not within the Green Belt or other existing properties with adequate land to meet the needs of the proposed business.

It has also not been demonstrated that there are no available dwellings within Foulridge that could meet the needs of the proposed agricultural business.

Therefore, the proposed dwelling does not meet any exception, it is inappropriate development within the Green Belt.

The proposed dwelling would have a substantial impact on the openness of the Green Belt. Furthermore, the scale of the proposed dwelling is substantially beyond what is necessary to meet the needs of the proposed agricultural worker and their family. It effectively has six large double bedrooms (including a first floor room labelled as an office) and an unnecessarily large living area on the ground floor, plus a large detached domestic garage. Even if functional need and viability were demonstrated, the scale of the proposed domestic buildings would in itself cause unacceptable harm to the openness of the Green Belt.

It is proposed for the development to incorporate a number of features to increase energy efficiency and reduce carbon emissions, however this and other beneficial aspects of the development in terms of supporting agriculture and economic activity, would not result in very special circumstances to outweigh the harm to the openness of the Green Belt. The proposed development is therefore contrary to policy ENV2 and paragraphs 149 of the Framework.

Visual amenity

With conditions to control materials the proposed development would be acceptable in terms of design and visual amenity.

Residential Amenity

Concerns have been raised in relation to impacts from odours and noise, this is an existing agricultural field and the proposed agricultural buildings are a sufficient distance from nearby dwellings to ensure that they would not result in unacceptable impacts. The proposal would also not result in a level of traffic and other activity that would unacceptably impact upon the residents of nearby properties. The proposed development would not result in any unacceptable residential amenity impacts.

Trees and Ecology

There are no protected trees within the site, mature trees to boundaries would be retained other than one Ash tree adjacent to the entrance to the site in poor condition. The development would not result in an unacceptable impacts on trees.

With a condition to ensure that the recommendations of the ecology survey report are implemented the proposed development is acceptable in terms of its impact on ecology.

Highways

The site is accessed via a single width track of approximately 230m Skipton road with limited passing places, which is also the route of public footpath No.26. The track is the access for dwellings Lower Broach Farm and at least one other dwelling, the existing agricultural and equine uses also have the potential to generate traffic. Taking those factors into account the proposed development would not generate an unacceptable additional level of traffic and would not result in unacceptable highway and pedestrian safety impacts. Construction traffic impacts would be temporary and can be controlled by a construction management condition. The proposed development is therefore acceptable in terms of highway safety.

RECOMMENDATION: Refuse

For the following reasons:

1. It has not been demonstrated that there is the functional need and long term viability for an agricultural worker's dwelling in this location, the proposed development would constitute inappropriate development within the Green Belt, it would result in unacceptable harm to the openness of the Green Belt and no very special circumstances have been demonstrated that would outweigh that harm contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 147-149 of the National Planning Policy Framework.

Application Ref: 21/0570/FUL

Proposal: Full: Demolition of outbuildings and structures, and erection of a detached agricultural worker's dwelling and two agricultural buildings.

At: Land To The North Of Brookside Skipton New Road Foulridge
On behalf of: Mr Simon Mellin

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 12 August 2021