



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

TO: COLNE & DISTRICT COMMITTEE

DATE: 08TH SEPTEMBER 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AN DISTRICT COMMITTEE ON 08 SEPTEMBER 2022

Application Ref: 22/0242/VAR

Proposal: Full: Variation of Condition: Major: Remove condition 18 (Affordable housing) of Planning Permission 20/0865/FUL.

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

On behalf of: Trawden Water Ltd

Date Registered: 22/04/2022

Expiry Date: 22/07/2022

Case Officer: Alex Cameron

This application has been brought before Committee as it is seeking to vary a major planning permission, the application was deferred from Committee in August.

Site Description and Proposal

The application site is the site of an approved housing development for 20 houses at Dean Street, Trawden.

The planning permission included a requirement for four affordable houses to be provided. This application seeks to vary condition 18 to remove the requirement for the provision of four affordable dwellings:

Condition 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.

Relevant Planning History

20/0865/FUL - 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. Approved

Consultee Response

Trawden Forest Parish Council – Objects. Pendle Borough Council seeks an Affordable Housing contribution in accordance with Policy LIV 4 of the Pendle Local Plan Part 1 Core Strategy, adopted in December 2015. The developer should have known this and factored into their proposal prior to submission.

The cost of buying property is ever increasing (with Trawden in particular). Affordable housing is needed to ensure those currently living in the village can buy their first homes.

As per Policy 3 para 4.3.4, It is important that as many affordable homes are delivered as possible in the parish, in line with the Policy LIV4 as quoted above.

Public Response

Press and site notices posted and nearest neighbours notified. Responses received objecting on the following grounds:

- This would set a precedent for future removal of affordable housing provision from approved developments.
- The removal of the affordable housing would be contrary to policy.
- The affordable housing needs to be provided to give people the chance to buy their first home in a desirable village.
- The developer should have considered the affordable housing requirement from the start.
- Lack of profit should not be considered in a planning application.
- There is no link between the applicant and a developer so where is the link to the final development profit?
- The company Trawden Water is based in Salford.

Officer Comments

Policy LIV4 of the Core Strategy requires that affordable housing provision is made at a level of 20% for developments of 5 or more dwellings in Rural Pendle.

Where up to date policies set out required contributions they are assumed to be viable, however, paragraph 58 of the National Planning Policy Framework allows for the submission of a viability appraisal by an applicant to demonstrate whether such contributions would result in an individual development being unviable. If that is the case an affordable housing contribution cannot be required.

The applicant has submitted a viability appraisal which concludes that the cost of delivering the affordable housing provision would result in the development not being viable. This is in part due to the constraints of developing this steeply sloping site. National Planning Guidance advises that a 15-20% profit over gross development value may be considered a suitable return for developers, the submitted appraisal estimates a profit level before the cost of affordable housing provision of just 6.43%.

On the basis of the conclusions of the viability appraisal the requirement for any affordable housing would result in the development not being financially viable.

The submitted appraisal has been assessed by Liberata property services and determined that its conclusion is reasonable.

The applicant has provided a further response to the Committee's concerns raised at the last meeting that the Council's affordable housing policy has adopted after public examinations which would have taken on board viability as required in the NPPF, that confirm that affordable housing can be economically delivered in Trawden and that the applicant agreed to the provision of affordable housing.

They have responded detailing that viability assessment at the plan making stage is necessarily generic and site specific appraisals will more accurately determine the viability of individual developments. Furthermore, there have been significant changes in economic circumstances since Pendle's most recent viability study in 2019 with a significant increase in build costs which

has outstripped increases in house prices and it is widely considered that the UK is now entering a recession.

They state that a viability assessment was not undertaken until after the planning application was approved so was not aware at that stage that it would not be viable to provide affordable housing. The application was first submitted in December 2020 and since that time there has been an increase in building costs as measured by the BCIS all-in Tender Price Index of 15%.

It has been robustly demonstrated that the affordable housing requirement would jeopardise the viability of the development, the Framework is clear that planning contributions cannot be required in such that circumstance. It is recommended that the variation of condition to remove the affordable housing requirement is approved.

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 variation of condition is acceptable in all relevant regards. 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 26/10/2021.

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-202, NN751-PL-203 Rev B, NN751-PL-204 Rev B, 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 Rev A, 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 A, NN751-PL-223, 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 UPVC fenestration materials shall not be used, 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 Within three months of the commencement of the development a detailed landscaping scheme shall have 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 front (west) elevation window of plots 2 and the southmost first floor front (west) elevation window of plot 3 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 windows 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 an education contribution for three secondary school places and an off-site open space contribution.

Reason: To offset the impact of the development in education services and to ensure adequate public open space provision.

- 19 The development permitted by this planning permission shall be carried out in accordance with the principles set out within the submitted drainage strategy (July 2021, ref: 20207873, BDI Structural Solutions).

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.

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

- 20 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 and indicative sustainable drainage strategy 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;

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.

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

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

- 21 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 with the Lancashire County Council LLFA.

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.

Reasons: 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.

- 22 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 a 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.

- 23 Prior to the commencement of work on each plot the road to that plot shall have been constructed to at least base course level.

Reason: To ensure adequate access for construction in the interest of highway safety.

Application Ref: 22/0242/VAR

Proposal: Full: Variation of Condition: Major: Remove condition 18 (Affordable housing) of Planning Permission 20/0865/FUL.

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

On behalf of: Trawden Water Ltd

REPORT TO COLNE AN DISTRICT COMMITTEE ON 08 SEPTEMBER 2022

Application Ref: 22/0333/FUL
Proposal: Full: Erection of two detached dwellings.
At: Land To The West Of Garfield, Keighley Road, Colne
On behalf of: DVL Properties Ltd
Date Registered: 05/01/2022
Expiry Date: 02/03/2022
Case Officer: Alex Cameron

This application has been brought before Committee due to the number of objections received.

Site Description and Proposal

The application site is a field located within the Green Belt to the south of the settlement boundary of Laneshawbridge. To the north is the former Hartley Hospital site including the Grade 2 Listed almshouses, gate and gardens. To the west are dwellings on Spring Grove, to the east is a pair of semi detached dwellings and a new residential development under construction, to the south is a wooded area with Colne Water beyond and the boundary of the Trawden Forest Conservation Area.

The proposed development is the erection of two detached four bedroom dwellings with attached triple garages. The proposed dwellings would be of a split level design cut into the hillside with sedum green roofs and natural stone walls with sections of cedar cladding.

Relevant Planning History

13/03/0667P - Erect 3 detached dwellings

Consultee Response

LCC Highways – No objection subject to the necessary visibility splays being achievable.

United Utilities – No objection subject to drainage condition.

Growth Lancashire Conservation - Firstly, I note the proximity of the site to both Lidgett and Bents and Trawden Forest Conservation Areas. However having visited the site I do not regard the site to be visually connected to either conservation area and agree with the comments made in the Planning Statement (5.28-5.29) that the setting to these conservation areas would not be harmed by the development as proposed.

In relation to the listed buildings which lie directly opposite, the issue from a heritage viewpoint the issue is whether the current site contributes to the significance of those assets and whether the development, as proposed, would diminish that contribution.

In the advice provided by Historic England's Planning Note 3 (second edition) The Setting of Heritage Assets (2017) describes setting as being the surroundings in which a heritage asset is experienced. It discusses how views can contribute to the significance of an asset and the importance of relationships between buildings. As such the guidance explains that the influence of setting may be far more extensive than its immediate curtilage and need not be confined to areas,

which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places.

The Hartley Homes Almshouses and Lychgate are very important heritage assets and have a high architectural significance and this is added too by the historic association to the founder, Sir William Pickles Hartley. Both buildings are highly visible from the road and are a striking example of high quality early C20th design. The almshouses are still serving their original purpose of providing social housing to older people with a long connection to the area.

The almshouses were essentially designed to be viewed from the roadside, with the three independent blocks forming the sides of an enclosed landscaped garden to the front (south) elevation. The lychgate forms a central entrance into the gardens with a pathway which leads up to the 3 storey clock tower, which is the principle feature on the rear (northern) range. The almshouses form a frame on three sides around a garden, with the lychgate as a central feature on the road, mirrored by the clocktower at the rear. The landscaped, terraced garden is a major part of the overall design, and is described in the listing.

These views will not change as a result of the proposed scheme. The properties are far enough removed not to impact on the appreciation of the listed almshouses and lychgate and key roadside views of those assets are not harmed.

Outwardly, the design incorporates an upper terrace with extensive views across to the Colne Water valley to the south. Whilst development has occurred in the area alongside Keighley Road and roadside trees have impinged onto the views, the essence of the original intention in the design and the importance of the location and wide landscape views can still be appreciated. In this respect I assign some, albeit limited value, to the appreciation of the wider southern view to the significance of the almshouses, which includes the application site.

The applicant and architect have clearly designed these new dwellings to minimise the impact beyond the site and the low profile split level design with flat roofs offer a minimal profile to the roadside. The use of natural stone also assists in blending the new designs into the landscape. Beyond this I have no comments to make regarding the design.

The provision of the new entrance drives/gates will largely sit within the site and will not impinge on the important views of either listed building.

As noted above I am mindful that roadside vegetation/trees now form the northern boundary of the application site and that it is intended to maintain these as a landscaped boundary screen in the scheme. Whilst the two new properties will be seen through the newly formed entrance drives/gates, largely views will be very limited and when approaching the site along Keighley Road, both properties, will be essentially unseen behind the frontage vegetation.

In this context, I think the level of harm to the setting will be very limited and will not amount to it being any discernible level and overall the significance of the listed almshouses and lychgate will remain unharmed. Therefore, in my view the LPA is not required to undertake a balancing exercise as per P.202 of the NPPF.

Clearly, it will be important to retain the trees and the enclosure afforded the new properties along the roadside boundary and I would want to limit any losses through the formation of the access drives.

As I am required to do so, I have given the duty's imposed by s.66(1) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments.

As I do not consider that, the proposal would cause any substantial harm or loss of significance to the designated assets identified in my assessment the proposal meets the statutory test 'to preserve'. As such, the proposal would conform with the national planning advice contained in Chapter 16 of the NPPF and meet the requirements of Policy ENV 1 and Policy ENV 2 of the Pendle Local Plan (2011-2030).

I would recommend that if the Council is to approve the application that suitable conditions are added re the approval of facing materials.

PBC Environmental Health – Please attach a construction method statement condition and contamination note.

Colne Town Council -

Public Response

Press and site notices posted and neighbours notified – Responses received objecting on the following grounds:

- Concerns regarding the height of fencing and landscaping to the west boundary impacting on views from and light to properties on Spring Grove.
- Concern about changes to ground levels along the eastern boundary.
- Harm to the openness of the Green Belt for which there are no very special circumstances demonstrated.
- Impact on the adjacent listed buildings.
- The design is not in keeping with nearby dwellings.

Response received raising no objection subject to accordance with the submitted plans and commenting that the proposed houses will be stunning.

Officer Comments

Policy

Policy ENV1 of the Replacement Pendle Local Plan seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability. Developments 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.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy ENV7 (Water Management) states that the design of all new developments (Policy ENV2) must consider:

1. The potential flood risk to the proposed development site.
2. The risk the proposed development may pose to areas downslope / downstream.
3. The integrated, or off-site, use of Sustainable Drainage Systems (SuDS) to help reduce surface water run-off from the development.
4. The availability of an adequate water supply and disposal infrastructure.

Policy LIV1 (Housing Provision and Delivery) states that until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land will be supported.

Replacement Pendle Local Plan

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

National Planning Policy Framework

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include limited infilling in villages.

Principle of the Development

The proposed dwelling is located in a sustainable location with nearby access to services facilities and public transport and therefore is acceptable in principle in accordance with policy LIV1.

Green Belt

The Framework allows limited infilling within villages as development that is not inappropriate in the Green Belt.

In assessing this application the settlement limits are governed by the Local Plan, the settlement boundary of Lanshawbridge runs along the full length of the frontage of the site, within Policy SDP2 this location would be categorised as part of the rural village of Laneshawbridge.

The proposed development would infill an area between the dwellings at Spring Grove and Garfield and the proposal is for two dwellings, although individually large would constitute a limited level of development.

The development would therefore meets the exception for limited infilling within villages and therefore is not inappropriate development.

The dwellings would be set down the hillside in on a split level spacious plots and although large in footprint they would be largely single storey with flat green roofs, with a split-level two storey element only to the south side. This together with the open space around the plots would minimise their impact on the openness of the Green Belt.

Taking these factors into account the development in not inappropriate development and would not result in an unacceptable impact on the Green Belt.

Design

The proposed dwellings would be of a contemporary design, with large sections of glazing but would also have green roofs and natural stone walls. The dwellings would be unlikely to be prominently visible from Keighley Road, being set down and back behind the existing line of trees

that would be largely retained other than to allow for the formation of the vehicular accesses. They would be visible from across the valley but would be set into the hillside and alongside exiting development and would not result in unacceptable landscape and visual impacts.

The proposed development is therefore acceptable in terms of design and visual amenity in accordance with Policy ENV2.

Heritage Impact

The site is located opposite the Hartley Hospital almshouses and gate which are Grade 2 Listed buildings. The development is set down on lower land below that site, due to this physical separation and the landscaping between the development would have a negligible impact upon the setting of the Listed Buildings and result in no harm to their significance.

The site is also adjacent to Trawden Forest Conservation Area approximately 60m to the south. Although the site would be visible in views out of the Conservation Area, for the reasons set out in the visual amenity section it would not result in harm to the significance of that or the nearby Lidgett and Bents Conservation Area.

The proposed development is therefore acceptable in terms of heritage impact in accordance with policies ENV1 and ENV2.

Impact on Amenity

The proposed dwellings would be a sufficient distance from adjacent dwellings to ensure that they would not result in any unacceptable loss of privacy, light or overbearing impact.

Concerns have been raised in relation to the potential impact of boundary fencing, landscaping and alterations to levels on the residential amenity of dwellings on Spring Grove facing the site.

Whilst landscaping and boundary treatments would be controlled by the recommended conditions this is for reason of visual amenity. Permitted fencing of up to 2m in height would not result in any unacceptable impacts upon the residential amenity of occupants of properties on Spring Grove. It would also not be reasonable or necessary to restrict the future planting of trees within the gardens of the proposed properties, the planning system does not protect private views such as those from Spring Grove across the site.

The plans do not indicate any proposed change in levels adjacent to the eastern boundary with Spring Grove, final details of levels and any retaining walls would be controlled by the recommended conditions.

The proposed dwellings would raise no unacceptable residential amenity impacts in accordance with policy ENV2.

Trees & Ecology

There are two protected trees within the site, protected under TPO No1. 1963 those are a Lombardy Poplar and Horse Chestnut on the northern boundary of the site, there is also a protected Alder adjacent to the south east end of the site and dense hedge running along the north boundary of the site.

The Lombardy Poplar is identified as being in poor condition in the tree survey and is recommended for removal irrespective of the development.

The hedge is identified by the ecology survey as being a species rich hedgerow. Two approximately 6m sections of the hedge would be removed to make way for the two accesses but the rest of the hedging is proposed to be retained. The ecology survey recommends that the loss of the sections of hedgerow can be acceptably mitigated by planting a new area of hedgerow along the western boundary of the site, this would also offer some additional screening of the development. With replacement trees, additional landscaping and control of final levels the proposed development would not result in an unacceptable impact upon trees.

The report identifies the potential for amphibian species to be present on and adjacent to the site, it advises that a condition for suitable a mitigation plan can ensure that there are no unacceptable impacts.

The ecology report also identifies potential for the site to provide habitat for protected reptiles, it recommends that further survey work is necessary to establish whether reptiles are present on site. The recommended timing requires visits in late August to late September. Those surveys are being carried out and the reports are awaited. Subject to the reports concluding that there would be no unacceptably impacts or impacts could be acceptably mitigated by conditions the proposed development would be acceptable in terms of its impact on ecology.

Highways and Access

The proposed accesses and car parking provision are acceptable. The development is acceptable in terms of highway safety.

Previous Decisions

An application was refused for three dwellings across this and the adjacent site now under development in 2003 on the grounds of inappropriate development in the green belt and open countryside, loss of protected trees and highway safety due to general concerns regarding proliferation of accesses due to ribbon development and precedent for other future development.

There have been changes in policy with regard to development outside of settlement boundaries, in relation to infill development within the Green Belt and highways impacts since the determination of that application. As detailed above the proposed development does represent acceptable development within the open countryside and Green Belt.

The proposed development is acceptable in terms of highway safety. Each application is dealt with on its own merits and setting of a precedent for other development would not be a defensible reason for refusal of this application.

Conclusion

It is recommended that the approval of the application, and any conditions necessary, is delegated to the Planning, Economic Development and Regulatory Services Manager subject to the receipt of acceptable additional ecology surveys.

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 all relevant regards. 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: 22/33/1, 22/33/2, 22/33/5, 22/33/6, 22/33/7, 22/33/10, 22/33/11A, 22/33/9A.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of the external materials to be used in the elevations and boundary walls of the proposed development shall have been submitted to and approved in writing by the Local Planning Authority, the development shall thereafter be carried in strict accordance with the approved materials.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

4. The dwelling hereby approved shall not be occupied unless and until the car parking spaces shown on the approved plans have been surfaced in a bound material and made available for car parking purposes. The spaces shall thereafter at all times be maintained free from obstruction and available for car parking purposes.

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

5. Prior to first occupation of the approved dwellings that part of the internal access road extending from the entrance gates for a minimum distance of 5m into the site shall be hard surfaced in bound porous material.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway, where it could pose a hazard to road users.

6. The demolition of the existing dwelling shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the Local planning Authority. The Method statement must cover the topics detailed below:

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

- Control of burning onsite

The development shall be carried out only in strict accordance with the approved Construction Method Statement.

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

7. The development shall be carried out in strict accordance with the mitigation recommendations of the submitted Preliminary Ecological Appraisal.

Reason: To ensure that the development preserves and enhances the ecology of the site.

8. Notwithstanding the provisions of Article 3 and parts 1 and 2 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 & E of Part 1 and Class A or Part 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 preserve the openness of the Green Belt

9. The development hereby approved 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:

- i) The exact location and species of all existing trees and other planting to be retained;
- ii) An outline specification for ground preparation for landscaped areas;
- iii) All proposals for new planting and turfing, indicating the location, arrangement, species, size, specifications, numbers and planting densities;
- iv) All proposed boundary treatments with supporting elevations and construction details;
- v) All proposed hard landscaping elements and paving, including layout, materials and colours;
- vi) 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 agreed form prior to the end of the first planting season following substantial completion of each phase of the development to which it is associated. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In the interest of visual amenity and to preserve the setting of the adjacent Listed Buildings.

10. There shall be no alterations to the levels of the site unless and until additional level or section plans detailing any alterations to land levels within the site, including details of any retaining walls proposed, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in strict accordance with the approved details.

Reason: In the interest of visual amenity and to ensure that trees to be preserved on site are not harmed.

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

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

Reason: To ensure that the trees are suitably protected throughout the construction process.

12. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

13. No development of each plot hereby approved shall commence until a scheme for the construction of the site access, including any off-site works of highway improvement, has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to ensure that the final details of the highway scheme/works are acceptable before work commences on site.

14. Prior to first occupation of each approved dwelling visibility splays measured 2.4m back from the centre line of the access and extending 43m in both directions on the nearside carriageway edge on Keighley Road shall be provided as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free from obstruction thereafter for the lifetime of the development.

Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

15. Prior to first occupation of each individual plot the vehicular access shall be constructed to an appropriate standard and the driveway paved in a bound porous material.

Reason: In the interest of highway safety to ensure adequate vehicular access to the plot and to prevent loose surface material from being carried on to the public highway.

Notes: If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278 short form), with Lancashire County Council as the

Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:

the construction of the accesses to an appropriate standard, including the re-location of any highway gullies necessary.

The existing dropped kerbs within the bus box carriageway markings adjacent to the access to Plot 2 shall be reinstated to full height.

The applicant should be advised to contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

Application Ref: 22/0333/FUL

Proposal: Full: Erection of two detached dwellings.

At: Land To The West Of Garfield, Keighley Road, Colne

On behalf of: DVL Properties Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 11th August 2022