



REPORT FROM: ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES

TO: WEST CRAVEN COMMITTEE

DATE: 1st AUGUST 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO WEST CRAVEN COMMITTEE 1ST AUGUST 2023

Application Ref: 23/0067/REM

Proposal: Reserved Matters: Major: Erection of 30 no. dwellings (Appearance, Landscaping, Layout and Scale) of Planning Permission 19/0815/OUT.

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

On behalf of: Tabley Homes (Barnoldswick) Ltd

Date Registered: 02/02/2023

Expiry Date: 04/05/2023

Case Officer: Laura Barnes

This application was deferred from the July 2023 meeting to allow the developer to amend the landscaping scheme to create a further softening of the transition from open countryside to the housing development and to look at the possibility of connecting the pavement on Coates Lane through to the cycle path.

Site Description and Proposal

The application is a Reserved Matters application for the appearance, landscaping, layout and scale for the erection of 30 dwellings. The application site is outside the settlement boundary, within the Open Countryside. The principle of development has been established through a planning appeal (reference APP/E2340/W/20/3250622).

The proposed elevation plans indicate that the buildings are to be constructed of natural stone walls with blue slate roofs. They are to have UPVC windows, doors and rainwater goods.

Relevant Planning History

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

18/0248/OUT: Outline: Major: Residential Development 3.40 ha (Access only) (Re-Submission).
Refused

18/0011/AP/REFUSE / APP/E2340/W/18/3209573:
Outline: Major: Residential Development 3.40 ha (Access only) (Re-Submission)
Dismissed

19/0815/OUT: Outline: Major: Residential Development (1.48ha) (Access only).
Refused

20/0005/AP/REFUSE / APP/E2340/W/20/3250622:
Outline: Major: Residential Development (1.48ha) (Access only).
Allowed

Consultee Response

Lancashire LLFA

Initial comments 08/02/2023

The Lead Local Flood Authority has no comments to make on the above application, as no information regarding surface water drainage has been submitted as part of the application.

The Lead Local Flood Authority recommend no decision is made on the above application until a surface water sustainable drainage scheme for the phase, pursuant to condition 10 of the associated outline planning permission 19/0815/OUT (APP/E2340/W/20/3250622) has been submitted to, and approved in writing by, the Local Planning Authority. Our position will remain unchanged until this information has been provided.

Further comments 13/03/2023

The Lead Local Flood Authority has no objection to the above application subject to the inclusion of conditions relating to:

- A verification report of constructed sustainable drainage system
- Informatives relating to: Connection to Public Sewer & Appropriate Legal Agreement

Lead Local Flood Authority – Site Specific Advice (received on 24/04/2023)

The following advice is provided to inform the applicant and the Local Planning Authority of our expectations at the discharge of conditions stage:

The Lead Local Flood Authority recognises the updated documents provided by the applicant which addresses the LLFA's previous advice regarding, discharging to the combined sewer, the final discharge rate, and the inclusion of an urban creep allowance.

The applicant has confirmed that the surface water is intended to discharge to the surface water sewer, rather than the combined sewer network or the Leeds and Liverpool Canal.

At discharge of condition stage, it is the expectation of the Lead Local Flood Authority that sufficient attention to detail regarding both the surface water during construction phase as well as the management and maintenance of the sustainable drainage system. As a guide the following examples of evidence are what the Lead Local Flood Authority would expect to be provided.

Environment Agency

Initial comments 09/02/2023

We have no objection to the development as proposed but would like to draw applicant's attention to the foul drainage issue:

We have reviewed the plans but no details of foul drainage have been provided.

According to hierarchy of drainage options set out in the National Planning Practice

Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020), the foul drainage would be expected to drain to the public main sewer on this site.

Additional comments 14/03/2023

We have reviewed the following documents in so far as they relate to the remit of the Environment Agency:

- Drainage Strategy (drawing ref: 2299-SCE-00-00-DR-C-0001_P02, dated 10 March 2023)
- Drainage Construction Details (drawing ref: 2299-SCE-00-00-DR-C-0002_P01, dated 10 March 2023)
- Drainage Strategy & Maintenance Document (ref: 2299 – Skipton Road, Barnoldswick Rev: P02, dated March 2023)

We are now satisfied that the additional information addresses the queries outlined in our previous response (ref: NO/2023/115055/01-L01, dated 9 February 2023). We therefore have no objection to the proposed development.

Canal & River Trust

The Canal & River Trust own and manage the Leeds & Liverpool Canal. The proposed development site is located to the south west of the canal. The red line boundary is separated from the waterway by Coates Lane.

In line with the aims of Policy ENV1 from the adopted Core Strategy 'Protecting and Enhancing Our Natural and Historic Environments' we request that consideration should be given towards minimising the potential visual intrusion of development onto the rural setting of the canal, which also affects the setting of neighbouring heritage assets including Greenfield Bridge on Coates Lane.

The proposed landscaping between Coates Lane and the canal should help to reduce the visual impact of the scheme as viewed from the waterway. We request that full planting details should be provided, so as to ensure that new species will complement the local environment and will effectively screen the development. Details could be reserved through the use of appropriately worded conditions.

Surface Water Drainage

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

Discharge to the Canal

We note that paragraph 5.9 of the Flood Risk Assessment submitted with the outline application highlights that Surface Water Discharge to the canal is being considered. In our capacity as landowner, we wish to remind the applicant that any discharge to the canal would require the consent of the Trust, and would need to be designed to ensure that it did not adversely impact on navigation.

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

Should the applicant wish to discharge surface water to the canal, then agreement from the Trust would be required. We request that the applicant makes suitable enquiries on this, prior to the submission of a reserved matters application, in order to ascertain whether such a solution will be acceptable and achievable. Enquiries should be made to utilitiesenquiry@canalrivertrust.org.uk

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

Impacts on Coates Lane Culvert

An existing watercourse lies in proximity to the site, which runs under the canal via a culvert at Coates Lane. Should surface water discharge from site be intended to enter this existing watercourse, then we request that appropriate detail is required to confirm that the culvert has appropriate capacity to accommodate any additional discharge. Without sufficient capacity, additional discharges into the culvert could impact the structural integrity of this structure, increasing the risk to the stability of land below the canal.

Land stability is a material planning consideration, as highlighted by paragraph 174 (part e) of the NPPF.

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

Further comment following revised drainage strategy:

We request that the Local Planning Authority ensure that there is appropriate capacity within the existing culverts to manage the proposed additional peak flow that would occur with the new connections proposed. This would be necessary in order to ensure that water will not pool upstream of the canal, and to ensure that no erosion issues will occur below the waterway (which could occur if the culvert is at over capacity). Any water pooling or erosion could result in land instability associated with the structure of the canal, contrary to the wider aims of paragraphs 174 (part e) and 183 of the National Planning Policy Framework (NPPF); which requires that development does not contribute towards instability.

We note from the submitted details that the applicant intends to confirm final pipe sizes (and capacity) prior to any connection. We request that the Local Planning Authority ensure this is undertaken. Confirmation could be reserved through the use of appropriately worded condition.

Natural England

Natural England has no comments to make on this reserved matters application.

LCC Highways

Initial comment dated 07/03/2023

The appeal decision includes highway related conditions numbered 8 (Site access), 15 (Construction site access), 16 (Off-site highway works), 17 (Estate road built to adoptable standards), 18 (Estate street phasing) and 20 (EV charging) at all dwellings.

Layout

Previously a pedestrian and cycle link onto Meadow Way was investigated and discounted due to landownership issues. A link onto Coates Lane was the alternative method of providing connectivity internally for pedestrians and cyclists onto the unclassified road network and canal which carries Pennine cycleway 68.

Parking

There are 11 x 3 bedroom and 19 x 4 bedroom dwellings proposed. Plot types N and T have integral garages which are a minimum of 3m x 6m which accords with the standards to provide a single car space and cycle parking provision. Plot type V has a separate double garage – no floor plans submitted, plot type J and Q have separate single garages – no floor plans submitted. Plot type D and T have no garages, these plots will require an external secure, covered cycle store.

Condition 20 of the outline decision requires all dwellings will require an electric vehicle charging point.

The overall parking provision across the site is considered acceptable.

Conclusion

No objection to the proposal. The following conditions are requested.

1. Each dwelling shall have a secure, covered cycle store.

Further comments 14/04/2023

The amendments which had previously been requested have been addressed.

No details of the proposed cycle stores have been submitted – this can be covered by condition.

The internal pedestrian/cycle link between Plot 3 and Coates Lane will remain private and its management and maintenance will need to be covered by condition. This can be included in the condition for the management/maintenance of the public open spaces.

A scheme for the pedestrian/cycle link with Coates Lane, including barriers, can be covered by condition.

Yorkshire Water

Water Supply

A water supply can be provided under the terms of the Water Industry Act 1991

Waste Water

Refer to United Utilities

Growth Lancashire – Heritage Consultants

The site

The site is a plot of undeveloped agricultural land to the immediate south of the Leeds and Liverpool Canal. It is bound to the southeast by trees and a hawthorn hedge and to the northwest by a low stone wall. To the immediate west is late C20 development and to the east open, undeveloped land. The site adjoins existing modern development to the southwest, which is laid

out in dense cu-de-sacs. The undeveloped site and boundaries contribute to the verdant, isolated and rural setting of the identified heritage assets, and harm has been identified through development of the site.

Therefore it is essential to mitigate this harm as far as possible, in accordance with the Act and paragraph 195 of the NPPF.

Planning History

I note that the Council has refused a number of outline applications relating to this site. Application 18/0248, which involved the residential development of a larger 3.4ha site, was refused in July 2018 and subsequently dismissed at Appeal (4 Feb 2019). A subsequent residential scheme (application 19/0815/OUT) on a smaller site (1.48ha) was also refused (7 Feb 2020) on the impact on the significance of a number of heritage assets which run along the Leeds and Liverpool canal. The subsequent Appeal in this case was approved on 20 October 2020. The Inspector in his decision considered the impact of the housing site on those heritage assets, which lie largely to the north of the site and whilst he accepted that there would be some likely harm to the setting of the group, as a whole, the harm fell within the less than substantial bracket and could be mitigated by robust landscaping to the north and western boundaries. Impacts on local NDHA's and the landscape setting were also fully considered. The issue therefore revolved around the planning balance and the public benefits generated by the scheme, which the Inspector felt outweighed the less than substantial harm.

The current application is the reserved matters to the previous approved outline permission.

The proposal

The proposal is for the appearance, landscaping, layout and scale of the approved 30 dwellings on land to the northeast of Meadow Way. The scheme involves a fairly standard, sub-urban layout and includes planted boundaries along the northern boundary and onto Coates Lane. An area of POS including an attenuation pond lies in the north-western corner of the site.

A landscaping plan and planting schedule and specification is included in the scheme details.

Assessment

As discussed in the previous applications and Appeals the site will form a new north edge to the built development of the settlement and will be prominent from a number of listed buildings. The grade II listed Greenfield Bridge Number 156, due to its raised position overlooks the site, and existing development (on Meadow Way) is already visible in this location. The grade II listed Greenberfield Farmhouse is oriented with the principal elevation facing towards the site, and there is likely to be intervisibility between the site and the asset. There may be some visibility from the grade II listed Lock but the general topography will limit views.

Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets (2017), which describes the setting as the surroundings in which a heritage asset is experienced, and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. The Planning Note states

that “where that experience is capable of being affected by a proposed development (in any way) then the proposed development can be said to affect the setting of that asset.” HE also states that, although a setting is not a heritage asset in itself, its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.

The open space and planting to the northwest of the site should help to mitigate impacts on heritage assets, and it is positive that the existing boundary to the south of the site will be retained, except for the removal of hedgerow to form access. I note the amount of proposed hedgerow removal and design and materials for access are not included in the submission, these details should be provided to enable full assessment of impact. The planting buffer to the north of the site is also welcomed in terms of reducing harm to the listed buildings through additional screening. The retention of existing trees in this context is also important.

Seeing new housing in this rural edge of settlement context will further erode the open rural setting currently afforded to the group of heritage buildings. However as the harm is to the setting only, the loss of significance will be somewhat limited. Whilst I feel it will be hard to disguise the site and eliminate the visual harm caused by extending the housing boundary northwards I do agree that any harm to the significance of the heritage assets, has to be considered to be low. This harm falls within consideration under P.202 of the NPPF and as such will need to be weighed in the LPA's planning balance. Whilst it is not for me to undertake that balancing exercise I see no reason (on heritage grounds) why the LPA would come to a different conclusion from the previous Inspector on this matter.

Visual harm can be mitigated by using appropriate facing materials and appropriate Conditions should be used to secure that suitable natural stonework and roofing slate are used.

In summary, the proposal, and in particular the provision of landscaped boundaries to the north and west appear to mitigate some of the harm caused to the rural ‘setting’ to those nearby heritage assets. Some visual harm will however remain and this should be regarded as being at the low end of the ‘less than substantial’ scale.

Conclusion / recommendation

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

The impact on the significance of heritage, which lies close to this site was fully considered by the previous Planning Inspector in his 2020 decision and the harm weighed against the public benefits of the scheme. If in undertaking its duty the LPA consider that when and applying appropriate weight to the ‘less than substantial’ harm a positive balance can be achieved then the proposal would meet the requirements of Chapter 16 of the NPPF and be in accordance with policies ENV 1 and ENV 2 of the Pendle Core Strategy.

Pendle Council Environment Officer

The landscaping plan and planting strategy contain all the details to ensure this development is appropriately landscaped.

United Utilities

United Utilities wish to make the following comments regarding the proposal detailed above.

DRAINAGE

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the surface water should drain in the most sustainable way. Further to our review of the submitted documents, Drawing 2299-SCE-00-00-DR-C-0001, Rev P02 - Dated 09/03/23, we can confirm the proposals are not acceptable to United Utilities. This is because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

No Comprehensive drainage strategy produced in conjunction with the above.

The applicant can discuss the above with Developer Engineer, Gulshan Seetulparsad, by email at wastewaterdeveloperservices@uuplc.co.uk.

Advice is also offered on water pipelines and waste water pipelines.

Public Response

Nearest neighbours have been notified, a site & press notice displayed, multiple comments have been received from members of the public raising the following issues:

- Protecting the Grade II Listed Greenberfield Locks is of paramount importance
- The ecology of the area will not be improved, as stated in the application documentation
- The Greenberfield area is the highest part of the canal and should be left untouched
- This is going to lead to further development of the site
- Strain on local infrastructure such as doctors, dentists, schools and public transport
- Regular flooding and subsidence issues are already experienced by local residents, this will be exacerbated
- The proposed area of natural drainage is not enough
- The existing network for surface water drainage is already struggling to cope and has collapsed with the existing Meadow Way development being put onto it
- Water supply to Fairways, Lockhouse and service block for the canal are fed directly under the site
- A fire hydrant will also need to be considered
- Overlooking
- The Enjoyment of gardens and private spaces will be lost
- Breach of Human Rights Act Protocol 1, Article 1 which would mean the proposed development cannot have the right to quiet enjoyment of their property
- Loss of light
- Concerns regarding traffic joining B6252

- Boundary planting to the northern edge is broken where an access road is present, this gap will mean the development is visible from Greenberfield Locks
- The material should be real natural stone, not artificial natural stone
- Plots 4, 10, 11 and 21 should be bungalows to reduce the impact to the northern boundary
- This is not a development of 3 and 4 bedroom properties – House Type V has 5 bedrooms
- The mews houses should be switched to being adjacent to Meadow Way the lowest part of the site
- No indication of the boundary treatment along the southern boundary
- Bradstone should not be used as it goes black eventually
- Issues with parking on Coates Lane and the bridges
- Tractors are dangerous travelling up and down Greenberfield Lane to local farms
- Is the pylon going to have moved with wires underground?
- Can the construction process be controlled so that it does not result in an unacceptable impact upon existing neighbouring properties?
- Adverse effect upon Skipton Road because two storey dwellings will be more visible than the existing Meadow Way

Officer Comments

Policy

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 SDP2 (Spatial Development Principles) sets out a hierarchy of settlements in order of preference for future growth.

Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) seeks to protect and enhance sites such as SSSIs, Special Areas of Protection, Local Nature Reserves, habitats and species of principal importance.

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.

Policy ENV4 (Promoting Sustainable Travel) sets out the Council's intentions for supporting sustainable transport.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and to address the risks from contaminated land.

Policy ENV7 (Water Management) follows the sequential assessment set out in National Policy, it also sets out requirements for surface water runoff and water quality.

Replacement Pendle Local Plan

Saved Policy 31 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 of 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 sets out the aspects required for good design.

Principle of Development

The principle of residential development on this site has been established by the appeal being allowed under application reference 20/0005/AP/REFUSE / APP/E2340/W/20/3250622. This was an outline application for up to 30 dwellings. It is noted that comments from members of the public have been received in relation to the principle of development. However, the principle of the units has been established through permission and the necessary assessment was made in relation to access at this stage.

Scale & Appearance

The scale of the proposed development is thirty, two storey dwellings which are approximately 8.5m in height. The majority of the proposed dwellings are detached with either three or four bedrooms and there is to be one terrace row (mews) made up of three dwellings. Although comments have been received from members of the public questioning why five bedroom dwelling are being proposed the Local Planning Authority has no control over the mix of dwellings put forward by the developer. There is no specific house type mix which should be adhered to and this is being considered as part of the new Local Plan which is currently being prepared. An amendment to the plans has been received which has altered the mix of dwellings to three and four bedrooms.

Each dwelling is to have a private garden and either a driveway or garage for the off-road parking of vehicles. The proposed materials include natural coursed stone walls with natural blue slate roofs. The windows are to be UPVC double glazed in 'Painswick' colour and the front doors are to be composite material in a matching colour. Fascias, soffits and rainwater goods are to be black UPVC.

The existing boundary stone wall to the western boundary is to largely remain, with one opening created to form a pedestrian link through to Coates Lane. To the northern boundary a comprehensive landscaping scheme has been put forward, as with the boundary to the east with Skipton Road. This landscaping scheme has been widened since the application was considered at committee in July 2023.

To the western end of the site there is to be an attenuation pond which is to be surrounded by a landscaping scheme including a wildflower meadow.

The southern boundary of the site, which is closest to the existing dwellings on Meadow Way and Green Bank, is to be a 1.8m high close boarded fence, with a 1.2m high stone wall across the turning head of the existing Meadow Way.

Within the development itself the boundary treatment has been altered to work with the natural ground levels. The boundary treatment within the proposed development (between plots and rear gardens) would be characteristic of a modern residential estate.

Overall, the boundary treatment across and around the site is acceptable and accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Layout

The proposed layout is designed around a central spine road with private driveways taken off this to the north and south. The layout of the proposed development has been designed so that it is mostly outward facing, with active frontages onto the attenuation pond and onto Skipton Road. The overall design is in keeping with the layout of the existing Meadow Way development in terms of being two storey detached dwellings arranged around a spine road. The proposed development makes use of the connection with the Leeds & Liverpool Canal for recreation and leisure opportunities in the form of a pedestrian link through to Coates Lane and onto the canal, directly through the site. As a result of the pedestrian links through the site, this will create leisure and recreation opportunities for residents via active transport.

Landscaping

The proposed landscaping plan which has been submitted indicates a strong tree belt to the northern boundary of the site, which is currently open. This is made up of native species and includes a hedgerow in addition to individual trees. This continues around the western boundary of the application site, in the area immediately surrounding the attenuation pond. To Skipton Road the intention is to retain the existing trees and supplement these with the proposed landscaping scheme. It is proposed to retain much of the on-site hedges and all existing trees along the boundaries to provide an underlying green structure to the development.

The Council's Environment Officer has reviewed the proposed landscaping scheme along with the planting schedule. They have noted the huge emphasis which has been put on using native species, particularly in relation to the proposed hedgerow. The use of wildflowers is also positive and will assist in softening the edges of the site. The amendments to the scheme since the July 2023 committee include creating wider landscaping buffer. The proposed landscaping now ranges in width from 6.9m – 9.0m. This provides greater softening of the northern edge of the scheme, which assists in assimilating the proposed development into the backdrop of Barnoldswick, when viewed from the Leeds & Liverpool Canal.

The Council's Heritage Consultants have also reviewed the landscaping scheme in relation to the nearby Listed assets and have concluded that there would be 'less than substantial harm' to them. As such, paragraph 202 of the Framework requires a balancing exercise to be undertaken which looks at the public benefits of the scheme. Here, there would be major public benefit in the form of a boost to the Council's housing land supply, construction jobs and the associated economic benefit which the dwellings would bring. When this is balanced against the harm to the heritage

assets the benefit outweighs the harm. As such, the proposals accord with paragraph 202 of the Framework and Policy ENV1 of the Local Plan: Part 1 Core Strategy in this regard.

The applicant has submitted an assessment of Bio-diversity Net Gain stating that it achieves the necessary threshold in this regard, mainly due to the native hedgerows. At the time of determining the application, there is no legal requirement for a Biodiversity Net Gain Assessment to have been undertaken, this has not been requested by the Council but offered voluntarily by the applicant.

Impact on Residential Amenity

The principle of up to thirty dwellings on this site has been established through the planning appeal. Now that the detailed layout has been submitted, an assessment can be made of the impact which this will have upon the existing residential dwellings on Meadow Way and Green Bank.

Turning firstly to the property known as Fairways, accessed off Coates Lane. The proposed layout has been amended to flip the garage and dwelling around at plot 3 so that there would not be such an overbearing impact given the proximity between the dwellings. There is a distance of at least 11.9m between the rear of the conservatory at Fairways and the side of the proposed garage at Plot 3. Given that the proposed garage is single storey in height and is not habitable accommodation, the distance of 11.9m would not result in an unacceptable impact upon the occupants of either the proposed dwelling or the existing property. The proposed dwelling at Plot 3 is further from Fairways and there are no proposed habitable room windows which look directly towards habitable room windows at Fairways.

The applicant has provided an updated boundary treatment plan which indicates a 1.8m high close boarded fence up to the boundary with Fairways. This would be positioned a minimum distance of 2m from the conservatory at Fairways. The boundary treatment would be a minimum 8.5m from the rear elevation of Fairways. Given that the boundary treatment is to be 1.8m in height, this would not result in an overbearing effect upon the dwelling known as Fairways.

There is a distance of 20m between the rear elevation of the main part Fairways (excluding the conservatory) and the dwelling at Plot 1. This reduces to 13m between the conservatory and the single storey outrigger at Plot 1. However, given the positioning and orientation of the properties and the proposed boundary treatment, the proposed dwellings at Plot 1 would not have an unacceptable impact upon Fairways. Of the two first floor rear elevation windows at Fairways, one is obscurely glazed and serves a bathroom. The other is serving a bedroom and is positioned such that it would not result in direct overlooking between the dwellings.

In terms of the impact of Plot 1 on No. 35 Meadows Way, there is an offset of 5m between the side elevation of No. 35 and the side of the dwelling at Plot 1. The house type has been altered for Plot 1 (now House Type X) so that it sits in line with the existing building line to the rear of No. 35 Meadow Way. Concerns had been raised about a loss of light, overbearing effect and loss of privacy to the side elevation windows at No. 35 Meadow Way. However, the amended house type responds to this. The applicant has also prepared a plan (HH/SRB/HT/X02 Rev -) which clearly indicates the existing window at No. 35 Meadow Way along with a line drawn from the centre point of the window to the apex of the roof of plot 1. This indicates that there would be no unacceptable impact in terms of a loss of light or overbearing effect. The amended house type (House Type X)

does not have any windows which face No. 35. Given the amendments to the house type at plot 1, there would be no unacceptable impact in terms of neighbouring amenity, with No. 35 Meadow Way.

In relation to No. 30 Meadow Way, there is to be a 2.5m separation distance between the properties here and there are no side elevation windows proposed to Plot 30 (house type D). Although Plots 28-30 are set forward of the building line from the existing dwelling at 30 Meadow Close, this would not result in an unacceptable overbearing effect due to the boundary treatment and the 2m offset between the dwellings.

The closest dwelling on Green Bank to the proposed dwellings is No. 24, which is positioned on the turning head at the end of Green Bank. There is a separation distance of 16m between the rear elevation of No. 24 and the rear of Plot 22. However, the only window to the rear of Plot 22 is a first floor bathroom window which is not a habitable room. As such, it would not require obscure glazing. Although Nos. 26 and 22 are both bungalows, No. 24 is a two storey dwelling. As such, the positioning of Plot 22 to the rear of the existing two storey dwelling would not result in an unacceptable overbearing impact. There is a separation distance of 16m and a mature tree on the boundary between the dwellings. Therefore, the proposed dwellings would not result in an unacceptable impact upon the existing dwellings at Nos. 21, 26, 24 and 22 Green Bank. In relation to the other properties on Green Bank which share a boundary with the application site, these are either positioned at an angle which would mean proposed principal windows are not facing existing dwellings directly or they are positioned to be at least 21m away. As such, there would be no unacceptable impact in this regard.

There has been a revision to the Site Layout Plan since the July 2023 committee. This has re-orientated 10 of the plots and changed the house types.

Turning now to the positioning and fenestration of each of the proposed dwellings, consideration will now be given to the impact which they would have on each other, in terms of their neighbouring amenity. Plot 1 has one first floor side elevation window which faces towards Plots 2 and 3. However, this is serving a stairwell which is not a habitable room. Plots 2 and 3 would each have a first floor bathroom window to the side elevation. These are not habitable rooms, so there is no need to protect these in terms of obscure glazing.

Whilst there is a first floor bathroom window to Plot 4 to the side elevation, there are no side elevation windows to Plot 5. As such, there would be no unacceptable neighbouring amenity issue here. Plots 5 & 6 are off-set at an angle which would mean there was no opportunity for overlooking. Plots 6 & 7 are to be semi-detached and are set at an angle with Plots 4 & 10. As such there would be no unacceptable impact here.

Plots 8 & 9 are to be semi-detached (House Type H). These plots have a rear elevation which faces towards the side of Plot 10. The separation distance is 10m. There is one side elevation window to Plot 10 which faces Plots 8 & 9 but this serves a first floor bathroom. As such, it is not a habitable room which would benefit from protection under the Design Principles SPD. Although the separation distance between the plots on either side of the private driveway serving Plots 9, 10, 11, 12 and 13 is 10m at its closest, the plots are off-set at an angle such that this would not result in direct overlooking.

Plots 11 and 12 are each to have a side elevation windows, however one plot has them to the first floor whilst the other plot has them to the ground floor. Therefore, this would not result in an unacceptable neighbouring amenity issue. Although there would be a side elevation to the ground floor of Plot 13, this is to serve a ground floor WC. This is offset at an angle with Plot 14 meaning there would be no unacceptable impact here. There is a first floor bathroom window to each side of Plots 14 and 15, these would not require obscure glazing due to them being for a bathroom and not habitable accommodation.

There is sufficient distance between the sides of Plots 15 and 16 for this not to result in an unacceptable neighbouring amenity issue. Plots 16 and 17 each have a bathroom window to the side elevation. Given the windows serve bathrooms there is no need for obscure glazing here. There is sufficient separation distance between the side of Plot 17 and the side of Plot 18 for this not to result in an unacceptable neighbouring amenity issue. Plots 18 and 19 each have a side elevation bathroom window which faces each other, there would be no need for obscure glazing to the bathrooms given that they are not habitable rooms and one is to the first floor whilst the other is to the ground floor. Plots 19 and 20 are semi-detached so there would be no side elevation windows facing each other.

Plot 20 and Plot 21 will not require obscure glazing to the bathrooms because they are not habitable rooms. Plots 22 and 23 are set at such an angle that there would not be any unacceptable overlooking between the properties. The windows to the sides of Plots 23 and 24 are off set such that obscure glazing would not be necessary. Plot 23 does not have any side elevation windows in the single storey outrigger.

Plots 25 and 26 are arranged perpendicular to each other and with a 13m separation distance. As such, there would be no unacceptable neighbouring amenity issue here. Although there is a first floor side elevation bathroom window serving Plot 27 which would face towards Plot 26, this is not a habitable room. As such there would be no unacceptable neighbouring amenity issue. Although Plots 26 and 27 are set forward within the plot than the mews Plots 28-30 the car parking is to the front of the mews dwellings. As such, it would not impact unacceptably on the street scene or upon neighbouring amenity. There would be no unacceptable impact upon the occupants of either Plot 27 or Plot 28 as a result of the fenestration.

Given the separation distances between some of the plots on the site layout plan, it is necessary to remove Permitted Development Rights from plots 8, 9, 23, 24 and 25, in the interests of neighbouring amenity. This can be secured by planning condition.

Overall in terms of neighbouring amenity, the proposed development is acceptable and accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Highways

The principle of access has been established at the outline stage of the application process. The site is to have one point of vehicular access off Skipton Road, with a pedestrian link through to Coates Lane. The intention is for the main estate road through the centre of the site to be made up to an adoptable standard. Since the committee meeting in July 2023, the applicant has amended their plans to indicate a footpath link from Coates Lane in addition to the proposed pedestrian link running perpendicular to Coates Lane.

Each plot has been checked to ensure an appropriate level of car parking is provided. The proposed development accords with Policy 31 of the Replacement Local Plan in this regard.

The Highways Authority have recommended three conditions, relating to cycle storage, bollards to either end of the pedestrian link and management / maintenance of the pedestrian link. These are reasonable conditions and can be included in any decision notice.

Drainage

A response has been received from the Lead Local Flood Authority following the submission of an updated drainage strategy.

There is no objection from the LLFA in relation to this application. The applicant has clarified their position in relation to surface water drainage.

The Environment Agency have also responded to re-consultation, following clarification on the outflow of the surface water drainage. There is no objection from the Environment Agency and they are satisfied with the foul water discharging to an existing combined sewer.

The Canal & River Trust have also responded to re-consultation, raising an issue with a culvert which is outside of the application site. The surface water discharge rate has already been considered and set by the Inspector in the previously allowed appeal decision. As such, it would not be reasonable for a condition requiring the applicant to undertake investigations and modelling of peak rates through infrastructure which is outside of their control. The surface water discharge rate has already been considered and included within the condition on the appeal decision. The Canal & River Trust have since confirmed that they are content that the culvert would have to be assessed as part of a United Utilities connection because they are the custodians of the culverts under the canal in question.

In relation to a query about the existing culverts raised by a local resident, the applicant has made the following statement:

There is not a proposal to cut off the existing culvert. The drainage design is proposing that the surface water flows from the development site are to discharge to the existing United Utilities sewer just prior to the point it then passes under the canal. As United Utilities have suggesting this point of outfall they will have already undertaken a capacity assessment of the sewer and confirmed that the discharge rate they have agreed to will not pose a capacity risk within this system.

It should be noted that by way of introducing a positive drainage solution to the development site, any existing flooding issues that occurred around the two dwellings in question will be removed as all rainwater falling on the site will now be positively drainage into the proposed drainage network. In addition where necessary, land drainage along any boundary wall will be introduced as part of the drainage design for the development.

United Utilities have responded with comments on a previous version of the drainage strategy. The plans are not acceptable to United Utilities because the drainage hierarchy has not been followed. However, the applicant has responded to this to highlight that United Utilities have indeed commented on a previous version of the plans, which have since been updated. Based upon the initial ground conditions survey it is clear that the ground comprises topsoil overlying natural firm /

stiff clays which overlays limestone. The infiltration testing can be dealt with by a suitably worded condition.

Summary

This application is before Members for consideration due to the level of public interest. It was deferred from the July 2023 West Craven Committee to allow the developer to amend the landscaping scheme (to create a further softening of the transition from open countryside to the housing development and to look at the possibility of connecting the pavement on Coates Lane through to the cycle path). Since the committee meeting in July 2023 a set of amended plans have been submitted in relation to the boundary treatment and landscaping, as well as a footpath link to Coates Lane, a layout change and new house types being introduced.

The boundary treatment to the northern boundary of the site has been increased in width so that it is now between 6.9m – 9.0m. This will provide a further softening of the northern boundary, which will establish over time, allowing views towards the site from the north to blend into the existing backdrop of Barnoldswick. The applicant has also provided a footpath link running along Coates Lane into the site.

United Utilities are requesting that infiltration testing is carried out in order to demonstrate that the drainage hierarchy in the Framework has been carried out correctly. In order to resolve this, a suitably worded condition can be added to any decision notice.

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 policy. 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: Approval

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 and 2 of Planning Permission 19/0815/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission 19/0815/OUT.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan HH.SRB.SLP.01 Rev A, Proposed Site Layout HH.SRB.CSL.01 Rev K and HH.SRB.CSL.02 Rev K, Proposed Boundary Treatment Plan HH.SRB.BTP.01 Rev F, Adoptable Highways Plan HH.SRB.AHP.01 Rev F, Landscaping Plan HH.SRB.LP.01 Rev F, Materials Plan HH.SRB.MP.01 Rev E, Storey Height Plan HH.SRB.SHP.01 Rev F, Waste Management Plan HH.SRB.WMP.01 Rev F, Street Scenes / Sections HH.SRB.SS.01 Rev D, House Type D HH.SRB.HT.D, House Type J HH.SRB.HT.J, House Type N HH.SRB.HT.N, House Type Q HH.SRB.HT.Q, House Type T HH.SRB.HT.T, House Type V HH.SRB.HT.V

Reason: In the interests of clarity and proper planning

3. Notwithstanding any indication on the approved plans and application form, 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 construction of the walls, roof verges, fascias and soffits, rain water goods, pipes and flues, windows and door materials and finishes, window reveals and drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

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

4. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water 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 the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

5. Within 3 months of the start of development details of the proposed arrangements for the future management and maintenance of the public open spaces and pedestrian/cycle link between the estate and Coates Lane shall be submitted to and approved by the local planning authority. These should include the establishment of a private management and maintenance company. The open spaces and pedestrian/cycle link shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: To ensure that the open spaces and pedestrian/cycle link are completed and thereafter maintained to an acceptable standard in the interest of residential amenity and highway safety.

6. Notwithstanding the plans submitted, prior to occupation of the first dwelling the internal pedestrian and cycle link between the estate and Coates Lane shall be constructed in accordance with a scheme to be approved by the local planning authority to include details of construction, surfacing, drainage and barriers at its junction with Coates Lane and shall be maintained in perpetuity.

Reason: In the interests of highway safety.

7. Prior to first occupation of Plots 28, 29 and 30 secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

8. Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:

- i) the parking of vehicles of site-operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoardings including decorative displays, where appropriate
 - v) wheel-washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for re-cycling/disposing of waste resulting from demolition and construction works
- the development shall proceed strictly in accordance with that method statement.

The development shall be carried out in accordance with the method statement.

Reason: In the interest of the amenity of the area during construction work.

9. 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), for Plots 8, 9, 23, 24 and 25 no development as specified in Class A, B, C & D of Part 1 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 residential amenity.

10. Prior to commencement of the development hereby approved, details of infiltration testing shall be submitted and approved in writing by the Local Planning Authority. These details shall include justification in accordance with the surface water drainage hierarchy set out in the Framework. Works shall thereafter be implemented in accordance with the approved details.

Reason: To comply with the drainage hierarchy in the Framework and to control surface water run-off.

Informatives

1. Connection to Public Sewer

The applicant will require an agreement with the appropriate Water and Sewerage Undertaker to connect to the public sewerage system, alongside any Section 104 agreements for the adoption of the proposed surface water sustainable drainage system.

2. Appropriate Legal Agreement

The proposed outfall may require a legal agreement with a third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities. Evidence of an in-principal agreement(s) should be submitted to the Local Planning Authority.

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 14th July 2023