



# Barrowford Parish Council

Offices

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Pendle Borough Council  
Planning & Building Control  
Town Hall Market St  
Nelson  
BB9 7LG  
26<sup>th</sup> August 2015

For the attention of: The Planning Department.

The Parish Council wishes to make the following comments regarding Planning Application 13/15/0327P Outline Planning Permission at Trough Laithe, Barrowford.

Firstly, a number of parishioners have expressed concern about failing to find this application on the Pendle Council website because it has been inputted as being in Nelson and not Barrowford. Therefore the Parish Council believes that your consultation process is flawed.

At the Parish Council meeting held on the 19<sup>th</sup> August 2015 Barrowford discussed this application after receiving numerous written objections and a sizeable contingent of the public attending the meeting to object in person. The consensus amongst most of the Councillors was that Pendle Borough Council's total disregard of its own planning settlement hierarchy in the drafting of the Core Strategy has significantly compromised Barrowford's position in the second tier of that hierarchy.

The submitted outline application for 500 houses will stretch local infrastructure beyond breaking point. The submitted application refers to addressing all points but does not go into enough specific detail on how these potential problems will be addressed; in numerous cases, the application refers to them being addressed when full planning permission is sought.

This is quite frankly not good enough and the application should be refused due to insufficient and contradictory information. Both the Parish Council and the residents would like to see concrete mitigation measures identified and included before this application is even discussed.

## **Barrowford Parish Council Resolved at their meeting to Object to the application.**

The following issues led to that objection:

- 1. Site Boundaries:** There is confusion over the actual boundaries and the extent of the land covered by the application the submitted plans. The evidence, supporting documentation, statutory consultation responses and aerial photographs contain site boundaries that are sometimes at variance with the "site boundary" submitted with the application form in the vicinity of Laund and Trough Laithe. This leads to confusion and uncertainty as to where the actual application site boundary lies. Additionally, as the plans are only available electronically to the public and therefore cannot be scaled, and no measuring tool is provided, it is impossible to measure the distance of lines on a map from fixed reference points on the ground.
- 2. Housing Numbers:** Although the application is for 500 dwellings the indicative illustrations within the application appear to show considerably fewer dwellings, giving an overall

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impression of less housing and more retained open space and therefore the impression of less development. Although this may not be against planning regulations it is misleading to the public who by and large have no experience in planning matters.

Elsewhere in supporting documentation there is clear evidence that the applicant sees a possibility of the site being developed for 600 houses. This leads to confusion and uncertainty.

3. **Ecology:** Although the ecology reports are based on surveys carried out throughout the year and show little diversity of flora and fauna, the scope and timings of these surveys were not extensive enough to cover the habits of nocturnal mammals and birds that, although not indigenous during daylight hours, frequent the area as part of their natural range, and therefore the reports did not take into account the effect this development will have on local populations. These species include badgers, roe deer, bats and owls. In this context, have any amphibian studies been carried out on the Riverside Business Park and, if so, what was the conclusion and how will the Trough Laithe development affect these habitats?
4. **Highway Issues:** This is one of the infrastructure questions that need properly identifying and mitigating prior to any approval. Current concerns revolve around Junction 13 on the M65. We are aware that Lancashire County Council has attracted Government funding for infrastructure works on several roundabouts at several junctions on the M65 and that a scheme to restructure the roundabouts and potentially improve traffic flow particularly from the Burnley direction of the motorway at Junction 13 is to commence soon. But this may only be a temporary fix: the improvements may speed up existing traffic through Junction 13, but increased traffic flow over the next few years caused by the development of Trough Laithe, Riverside Business Park, the potential extension of the Lomeshaye Industrial Estate and proposed housing at both the former Reedyford and Riverside Mill sites, which are in close proximity to the junction on the Nelson side, will inevitably slow the traffic flow down to existing levels. This in turn will lead to both Carr Road and Barrowford Road being used as rat runs to join the motorway at different junctions.  
Although the Padiham end of Barrowford Road may be outside the remit for infrastructure capacity and traffic flows, Carr Hall should be factored into any traffic management planning. Equally, the indiscriminate and overflowing parking at the access to the site at Riverside Business Park should be assessed as a salient part of any highway infrastructure.  
The proposed bus/emergency access onto Wheatley Lane Road should be discouraged as abuse of bus only access would increase road infrastructure problems associated with both Church Street and Highercauseway/Nora Street. Any emergency access should be of the type used on Ridgeway where, although a vehicle access is in place, vehicle use is excluded by permanent bollards which can be removed in an emergency.
5. **Schools:** The report submitted by Lancashire County Council identifies a shortage of primary school places within a two mile radius of the site. The figure of 68-70 may be unrealistic, as there is no indication as to whether the figures include any allowances for potential house building within the M65 Corridor to ensure that the annual figure defined in the Core Strategy is met. The including of all primary schools within 2 miles might be standard practice but in reality modern-day young house buyers wishing either to start a

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family or relocate with their existing children look at the quality of local education provision and buy within the catchment area of their preferred school.

The two-mile supply will not address provision if the perceived choice is for a school nearest the site within Barrowford. This could be a problem with Barrowford as the current County school at Rushton Street is unable to expand, through lack of space for building, and St Thomas's would need significant building work and additional staff to meet any further demand.

6. **Land Drainage:** Barrowford and Carr Hall have always suffered from flooding on or around the flood plain. Large scale mitigation schemes undertaken in Newbridge several years ago have resulted in no flooding at Newbridge and the two large surface runoff water storage tanks at the back of Nelson & Colne College have allowed excess water to be retained until the level of Pendle water has dropped significantly enough to allow its discharge into the river to protect Carr Hall which suffered severe flooding around 10-20 years ago. The submitted application makes no mitigation to this problem apart from stating that surface runoff will be dealt with by either soak-aways or discharge into the nearest watercourse. The Parish Council feels that even at outline level a more detailed mitigation scheme should be included prior to this application going to committee for decision.

7. **Public Footpaths:** There are public footpaths that cross the site. The applicant has included in their 'vision documents' enhancements to the public footpaths but the applicant has not submitted any proposals to this effect and does not mention maintenance and management of the paths thereafter. Improvements to paths during the construction of Riverside Business Park were maintained during the early years but have become overgrown of late. These vision paths and vistas will be useless unless maintained in perpetuity.

The existing paths have developed as links between specific points over generations but there is no recognition of this in the documentation and therefore where any footpath continues beyond the site boundary and may be subject to increased use by the residents of Trough Laithe it should be brought up to and maintained to a reasonable standard until the path meets a public highway.

8. **Carr Hall Conservation Area:** Given that the Conservation Area stretches as far as the public footpath that runs from Parrock Road up to Wheatley Lane Road and loops around the Laund, the proposed development is in close proximity to it and has the potential to seriously affect the setting and character of both the Conservation Area and the Grade 2 Listed Buildings and Buildings of Historical Significance at the Laund which are on the Heritage Asset List.

The applicant's various reports refer to the settlement at Laund and the claimed mitigating measures the developers will take to protect the historical merits of this part of the Conservation Area. But the applicant will not be the developer and has chosen not to apply for appearance, landscaping, layout or scale as reserved matters. Therefore, the applicant is in no position to comment on detailed proposals and their effect, or otherwise, on Laund.

The applicant has said that the historic setting will be protected by their vision of public open space, whilst their vision shows public open space directly under the constraint of overhead electricity cables. The pylons and power lines are in fact their constraint to

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development, not an appropriate buffer to the Conservation Area, listed buildings and historic settlement. The mitigations and protection where the Laund encroaches into the Trough Laithe site will do little to enhance or improve the setting or visual amenity as these important houses will now face the rear of adjacent buildings and the potential 1.82m post and panel fencing generally associated with rear gardens on new developments. The impression of screening of the development by trees already existing or intended can only be a reality whilst the trees are in full leaf.

9. **Dry Stone Walls:** Dry stone walls have been an integral part of land management for centuries within the immediate area and under the ownership of the current developers have declined dramatically through lack of stewardship of the land over the last two decades.

Drystone walls not only divide land into fields but provide a protective habitat for numerous insects, small mammals, amphibians including newts and toads and in some instances small low nesting birds. These walls are part of the defining character and amenity of our open countryside. If the Conservation Area is not to be despoiled they should be retained and brought back to former glory particularly in relation to the footpath that marks the Conservation Area boundary, the Laund settlement and along any public right of way or public open space within the site as they provide vital habitat within these wildlife corridors that the vision aspires to and enhance the character of these areas.

10. **Proposed Public Open Space:** The proposed POS in the applicant's vision is one of the few aspects of the proposals that can be commented upon, despite being a reserved matter, because the applicant has chosen to use the constraints on the site as his template.

The main corridor of POS traverses the site from north-west to south-east and is directly underneath the main electricity cables. This restricts public amenities and reduces public activities for instance flying a kite, throwing a frisbee, kicking a football.

The public footpath from Laund, north-eastwards to Wheatley Springs forms another open space corridor, again defined by another existing constraint (the footpath). Given the indicative road layout in the applicant's vision, and the position of the housing clusters, again in the applicant's vision, it is obvious that the applicant's vision is for the rear of housing to back on to their vision of public open space / public right of way. This will lead to 1.82m high timber rear garden fencing hemming in their vision of open space. On other sites this has led to footpaths becoming a dumping ground for garden waste from abutting gardens.

Therefore the Council, should think very carefully about the provision and preservation of any land that is not to be developed but instead used for public open space.

As a rule any development that turns its back on public open space and public footpaths inevitably lead to those places becoming forbidding, neglected and unused within very few years. Neither the applicant, nor the developer would maintain the land in perpetuity and Councils tend to find the cost prohibitive despite any provisions of a Section 106 Agreement or some other such device.

11. **Site Compounds & Storage:** Given the phasing and predicted ten year timescale for this development the Parish Council feels that some consideration should be given to this matter as by their very nature site compounds are unsightly, noisy, busy, dirty centres of

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activity in any development. Their location should be restricted by condition(s) such that they do not impose on existing residents and upon the historic setting of the Laund. Their location should not interfere with the use of public rights of way. Any vehicle parking associated with the construction work should be away from existing residents and subject to enforceable conditions to prevent visual, residential or environmental harm. Any such restrictions should apply equally to storage areas for building materials and the stockpiling of topsoil, subsoil and overburden. Any compound lighting should be of a type and duration that does not interfere with the amenity of local residents and light direction and luminosity should be strictly controlled to the written consent of the local planning authority.

Although most of the above points could be either mitigated through section 106 agreements covering the maintenance of PROW and POS and the wildlife corridors, or by conditions, the Parish Council feels that this application should not be considered until the relevant documents and reports are provided, as they are needed to give Councillors who will be deciding this application a full appreciation of both the development and local residents' and the Parish Council's concerns.

Further to these objections the Parish Council would like the Planning Officers to consider recommending the following conditions, or conditions worded in their planning terms, which follow the spirit and extent of the recommended conditions that might mitigate the impact of development.

1. The infrastructure works should be phased in such a way to keep in line with the housing development in order not to despoil the majority of the site in advance of building works. They should not be built years in advance of the development as it expands across the site.  
**Reason** - In order to protect the ecology and visual amenities of the area, prevent the land from becoming overgrown (as has happened at Riverside Business Park) and to allow both the continued agricultural use of the land and its role as a wildlife habitat for as long as possible.
2. Existing dry stone walls that form the site boundary should be repaired and thereafter maintained, to the written consent of the planning authority, before the development, or any ancillary work, is commenced on site.  
**Reason** - In order to protect and improve the ecological habitats and historical setting of the area in the vicinity of the settlement at Laund.
3. The location of spoil heaps, site compounds and storage, and car and vehicle parking associated with the construction works hereby approved shall be sensitively sited away from existing residential development and the position and projection of any security lighting around such areas shall be located and agreed to the written consent of the planning authority at all times.  
**Reason** - To protect the residential, visual and ecological amenities of the area.
4. There shall be no temporary access to the site from Wheatley Lane Road for contractor's vehicles other than for the actual construction of the emergency access. Details of the emergency access should be submitted at this stage, rather than at reserved matters

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stage, in order to better understand the access proposals to the site. Access is a reserved matter being sought for approval at this outline stage.

**Reason** - An emergency access that allows access to a bus service would be open to abuse by motorists unless it contains design features that would preclude such a use.

Note - The design features referred to above should not be of a sort that could break or become faulty such as barriers or rising bollards or number plate recognition cameras.

5. Where the housing development hereby approved abuts Public Open Space or Public Rights of Way it should be designed such that the properties face, rather than turn their back upon, the POS and PROW, and that boundary treatment abutting the POS and PROW does not feature 2m high solid fencing. Permitted development rights should be withdrawn from these houses to prevent the erection of inappropriate boundary treatment.

**Reason** - In the interests of the visual amenities of users of the POS and PROW and to maintain a feeling of openness.

6. A landscape masterplan shall be submitted for approval at reserved matters stage and shall contain features that can be implemented across the whole site prior to the development hereby approved commencing that would lessen the impact of the development and the impact of construction works on existing residents and users of the Public Rights of Way. Such landscaping shall be maintained throughout the build period, and thereafter, all to the written satisfaction of the planning authority.

**Reason** - In the interests of the visual and residential amenity of the area.

The Parish Council also has questions regarding certain aspects pertaining to this development and would ask that the answers are both sent to the Parish Council and attached to the Planning Officers Report so that Borough Councillors sitting on the Area committee are aware that these questions have been raised and can see the responses received. These questions may not all be perceived as pertinent planning questions and the Barrowford Parish Council therefore asks the Planning Officer to refer the questions deemed non-planning to the Council Officer or department that can answer these questions or refer the Parish Council to the appropriate policy which would enable an answer to be sourced.

1. **Newts: ( Appendix 1)** The Clerk was informed by a local resident that a newt collection fence was erected for several years on Lower Trough Laithe where the Riverside Business Park has outline planning permission to collect newts as part of an amphibian survey. Given the close proximity to this site and the life style of newts which only need water for breeding purposes, it is reasonable to ask about the newt proof fence erected when the business park was built.
  - Were there any newts recorded?
  - If so what variety were they?
  - Are they still there?
  - Has any evidence been collected relating to the Trough Laithe Housing site?
2. **School Provision:**
  - Does the report on school place requirement make allowance for other potential housing development as stated as the yearly requirement for the M65 Corridor

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contained in the Core Strategy and would this be better applied to both primary and secondary schools?

- If not what are the predictive needs for school places (both primary and secondary) within the M65 Corridor if the Core Strategy targets are met?
- How will this affect pupil place demands within the defined 2 mile for Primary and 3 mile for Secondary schools area relating to the Trough Laithe site?
- What additional mitigation will be provided if the results of the previous questions show the potential for a greater shortfall in school places associated with this site?
- What mitigation will be put in place if one particular school becomes the parental focus of child placement?
- Would it be possible to mitigate school places at primary level by the building of a school within either the site or the business park?

The Parish Council have asked these questions to clarify how Lancashire County Council assesses educational needs and available school places both current and future when responding to consultations on major housing developments such as this.

### 3. Other Local Infrastructure:

- Is it permissible for health care such as GPs, Dentists and Opticians to be taken into consideration on an application of this size and if so what additional provision is needed?
- What are the effects on both the Fire and Ambulance services and are these taken into consideration?
- On a development of this scale, which is larger than numerous villages including some Rural Service Centres within Pendle, the Parish Council feels that some small scale retail provision within close proximity of the site would reduce vehicle movements.

### 4. Affordable Housing:

It has been pointed out on numerous occasions that the site will include 20% affordable housing.

- How will the Council ensure this is met?
- What if the developer of each phase submits a viability study that shows it is uneconomical to provide 20% affordable housing or in the worst case scenario none?
- Can a Section 106 agreement be reached at the outline planning stage to levy an agreed sum across the total phases for the provision of Affordable Housing?

### 5. Section 106 Agreements/Government House Building Bonus:

Pendle Borough Council has not introduced the Community Infrastructure Levy which entitled Parish and Town Councils to request mitigation projects up to a certain percentage to be included.

- Will the Parish Council be consulted on Pendle Borough Council's Section 106 requests and have the opportunity to take an active part in what is requested including projects and mitigations pursued?
- With reference to the Government House Building Bonus, which will be payable to Pendle Borough Council: will this be spent on Barrowford or partially on Barrowford? Will the Parish Council have any input into how the money is spent or will we just have the 500 houses?
- Barrowford Parish Council is mindful that at the passing of the second outline planning permission for the Riverside Business Park the Parish Council asked for Section 106

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agreements to create a wildlife corridor along Pendle Water and upgrade the PROW to a cycle route to help link existing routes. Planning officers dissuaded the Area Committee from requesting the agreement with the result being the margins are overgrown by 1m high thistles and impossible to walk. (Appendix 1 picture 3)

- In the case of this major planning application Barrowford would insist its thoughts are taken into account, as Pendle Borough Council has failed to implement Community Infrastructure Levies which in this case would have allowed Barrowford Parish Council to request mitigation measures in its own right.
- Barrowford Parish Council would insist that Section 106 Agreements were sought for the upgrading all of the PROW to Cycle Path standard and, where permission can be sought and given, for extensions of these footpaths across land outside the development land up to its junction with a defined adopted highway and a figure to be decided for the maintenance of these paths for the next twenty years.
- In addition, for retention and repair to a maintainable standard of all drystone walls abutting both the Conservation Area boundary and any PROW and an agreed sum for the repair and maintenance of these walls for the next twenty years.
- That Public Open Spaces after discussion including representatives of the Parish Council regarding design and wildlife corridor value be built at the developer's expense with an agreed sum for future maintenance for the next twenty years.
- That a sum of money be agreed to extend the Cycle Paths beyond the site to link with existing Cycle Paths within Barrowford, Whitefield and Bradley. Barrowford Parish Council believes that these Cycle Paths will not only benefit residents of the development but the rest of Barrowford and the M65 Corridor and may reduce vehicle movements if safe cycle access is available to local services.

Yours sincerely,

[Redacted signature]

Iain A. Lord  
Clerk of the Council