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Planning Application: 13/15/0327P Outline Major Residential development at Trough Laithe.

The Clerk has read some of the more important papers relating to the application but given the amount of paperwork and supporting documents has been unable to read every page.

Background: The Trough Laithe site was added as a Strategic Housing Site at a late stage to Pendle's proposed Core Strategy, as an expedient to mitigate a perceived shortfall of new housing completions within the first few years of the plan. This large strategic housing site has been included within a second tier area (Local Service Area) of the Planning Hierarchy as opposed to a first tier area (Key Service Area) although suitable sites could have possibly been found within the first tier areas. The inclusion of this site could severely compromise Barrowford as a Local Service Area. The Inspector's final report on the Core Strategy is not due for several months, as there are other areas that need clarifying in relation to recent ministerial statements.

That said, National Planning Policy alludes to old planning policy, which is coming to the end of its useful life or being superseded by changes in National Policy, being given less presumption than new policy which is at an advanced state of adoption. This being the case, as Pendle's current Local Plan comes to a end in 2016, Peel Investments have attuned their arguments for presumption in favour of acceptance of the Trough Laithe development on the new Core Strategy. When looked at from that direction they have a compelling case for approval.

Both Pendle Borough Council and Barrowford Parish Council have been acutely aware of Peel Investments intention to develop the top half of Trough Laithe for housing and this has been vigorously resisted for over a decade. Without the inclusion of the land as a Strategic Housing Site this would have continued, with strong arguments for a smaller development. But its inclusion in the Core Strategy as a Strategic Site with around 490 houses is difficult to fight, given that the site is the cornerstone that underpins meeting the housing targets in the early life of the strategy. So it would be difficult for Pendle to defend at appeal if the development was refused, and there would be significant cost implications to the Borough.

Options Open to the Parish Council:

Given that recommendation for refusal on the grounds of scale and number of houses is unlikely to be successful, due to the inclusion in the Core Strategy, the only real option open is to try and go for refusal based on other planning criteria. (It would be sensible though to add a caveat that, if Pendle are minded to approve the application, certain Section 106 Agreements to mitigate the effect of the development on the Parish be included. This may seem a half-hearted attempt but if the application is refused for the wrong reasons and it goes to appeal the appeal inspector may not be minded to add the Section 106 agreements and conditions which local residents may see as essential.)

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The other main points for refusal are:

- **Loss of Habitat:** Wildlife and Fauna
- **Land Contamination**
- **Loss of Public amenity:** Visual loss of amenity, loss of public rights of way, development which would have a harmful effect on the setting of listed buildings or conservation areas.
- **Local Infrastructure:** Public Utilities Highways, Education, Health, and Public services.

If we take these one by one the Council may be able to identify areas for objection.

1. **Loss of Habitat:** This has been abused over the years by both developers and objectors but in this case given the long ownership of the site by Peel, habitat surveys, wildlife and fauna surveys including protected species and protected plant surveys have been carried out over a several year period and have not identified any specific protected species of either flora or fauna that could preclude development. The site covers approximately 17 hectares and around 5 hectares are to be left as green corridors through the site, predominantly following the line of the overhead power cables and the public rights of way. **This leaves very little objection to what is proposed in a planning context.**
2. **Land Contamination:** A greenfield site test carried out by the developer has shown no significant contamination or ground stability problems. **This leaves very little objection to what is proposed in a planning context.**
3. **Loss of Public Amenity:** The indicative illustrations for a possible final layout of the site show a lower density of houses per hectare than what could possibly have been achieved, with almost a third of land available being designated green spaces or footpath/wildlife corridors. The indicative plans show little tree felling and allude to significant replanting and the creation of a green open play space. There is a Grade 2 listed building to the Carrhall Road side of the site but a green buffer zone is included with proposed tree screening which will help preserve the setting of the building. The Carr Hall Conservation area is already protected by a buffer zone from this site. **This leaves very little objection to what is proposed in a planning context.**
4. **Local Infrastructure:** *This is perhaps the one area where the Parish Council can raise significant objections to the application.*
 1. **Utilities Provision:**
 - **Gas:** The utilities report in the application highlights that the low pressure main located within 20m of the site boundary has insufficient capacity for demand and would need reinforcement (improvements at the developers cost)
 - **Electricity:** The report identifies that quite extensive remodelling would be required and possible further works if the dwellings were heated by electricity.
 - **Water, Foul Water and Surface run off:** The report highlights two water mains, a 150mm pipe in Wheatley Lane and a 160mm pipe feeding the Business Park. Foul water will leave the site by the 450mm sewer that runs parallel to Pendle Water. Surface water is to be dealt with either by soakaway or direct into the watercourse.

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- **BT Connection:** This will probably not have an adverse effect on Barrowford.
- 2. **Highways:** Although this is one of the main complaints by local residents, the imminent alterations to the junction 13 roundabout, coupled with parking restrictions at the entrance to the business park, will probably satisfy the highway authority, but further pressure should be applied to LCC regarding access and traffic flow.
- 3. **Education:** This is the one concession the Inspector at the Public Inspection gave to the Parish Council's Concerns. Capacity, particularly at infant/primary level, should be assessed to cover the construction period and the estimated potential needs of other housing built within the M65 corridor over that period to meet the requirements of the Core Strategy. (For example if 100 houses are predicted on the Reedyford Mill site and 250 on the Riverside Mill site the education needs within a 1 km radius will have increased by potentially 850 families.) Given that the proposed site would fall wholly within Barrowford and the nearest two primary schools fall within Barrowford the Parish Council would not be unreasonable to ask/demand that adequate provision is created within Barrowford as the current situation is indicative of parental preference for Barrowford Schools.
- 4. **Health Care:** Barrowford currently has two doctor's practices, one dentist and one optician. The main concern is the spare capacity at the doctor's surgeries given a potential 500 new families. At the nearest surgery in Nelson, Yarnspinnners Wharf, if the Clerk's own doctor is a guide, the current wait for a non-emergency appointment averages three weeks. More information regarding spare capacity and mitigation to ensure adequate capacity could be requested prior to approval.
- 5. **Services Provision:** This can be met by both Barrowford & Nelson.

As can be seen there are several possibilities for objection which could include:

1. Potential flooding problems due to surface water runoff: this would never be a problem on such a steep site, but the potential of flooding at Carr Hall which is prone to floods through elevated river water levels cannot be ignored.
2. Lack of school places at the Barrowford Schools.
3. Lack of health care provision.
4. Potential traffic congestion at both the site access road, junction 13 and Carr Road.
5. Retention of possible bus access onto site from Wheatley Lane Road.

These are the Clerk's initial feelings but Councillors do please call at the office and look at the hardcopy of this planning application to see if there are any other comments or objections that are valid.