

**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER**

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 10th November 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

BARROWFORD AND WESTERN PARISHES COMMITTEE ON 10 NOVEMBER 2016

Application Ref: 16/0592/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 3 and 8 of planning permission 13/16/0071P.

At: Land adjacent to Clough Springs, Barrowford

On behalf of: H&H Homes

Date Registered: 2 September 2016

Expiry Date: 28 October 2016

Case Officer: Lee Greenwood

Site Description and Proposal

This application is made under Article 21 of the Town and Country Planning (General Development Procedure) Order 1995 to seek confirmation of compliance with conditions 3 and 8 of planning permission 13/16/0071P. The scheme was allowed on appeal and consent granted for the erection on 9 dwellings. The following conditions were subsequently imposed by the Inspector;

3) Unless and until approved in writing by the Local Planning Authority, no ground clearance, demolition, 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 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.

8) No vegetation or tree clearance work shall take place during the bird breeding season. Such activities shall be confined between the months of October (start) to February (end) unless a bird breeding assessment is undertaken by a suitably qualified ornithologist along with a report of the findings to identify if any breeding birds would be affected. Any clearance outside of the period between October to February (inclusive) must be agreed in writing by the Local Planning Authority and clearance thereafter shall be undertaken in strict accordance with the approved details.

Consultee Response

PBC Environment Officer; Condition 3 relates to tree protection and a scheme of fencing in accordance with BS5837 (2012) has been submitted. The scheme only offers protection to two trees on the frontage of the site and has shown three other trees along the west boundary for removal and replacement. Due to the condition of these three trees, it would be preferable to

remove and replace them rather than attempt to retain them only for them to be a liability for the new householders - Suitable to discharge the condition.

Condition 8 relates to work during the bird breeding season. A breeding bird survey report was submitted as part of the initial application and found no birds using the site. The bird breeding season has now finished so any work now will not be a threat. Any clearance of ground or tree/hedge pruning or removal must be undertaken outside the breeding season.

Natural England: no comments to make

Barrowford Parish Council; conditions were applied to the application to protect the trees and birds nesting and if onerous or not valid could have been removed by the Inspector at the appeal against refusal. The Inspector in granting permission chose not to remove these conditions validating these conditions as appropriate and should therefore remain intact.

Officer Comments

The applicant has submitted information to support the proposed discharge of conditions;

Condition 3 – a tree protection and method statement has been provided and assessed by the Council's Environment Officer, who has visited the site and met within the applicant. As detailed in his comments above, some of the trees initially earmarked for retention are in poor condition. In light of these they will be removed and replaced.

Whilst some ground clearance works had commenced before submission of these details, the proposed measures within the submitted documentation are sufficient to ensure that the remaining trees will be afforded protection subject to implementation of the detailed scheme.

Whilst the condition cannot be technically discharged due to the timescales involved, the details are acceptable for the development to continue.

Condition 8 – bird breeding season has now ended. Providing no clearance works are undertaken once it commences next year, the condition will be satisfied .

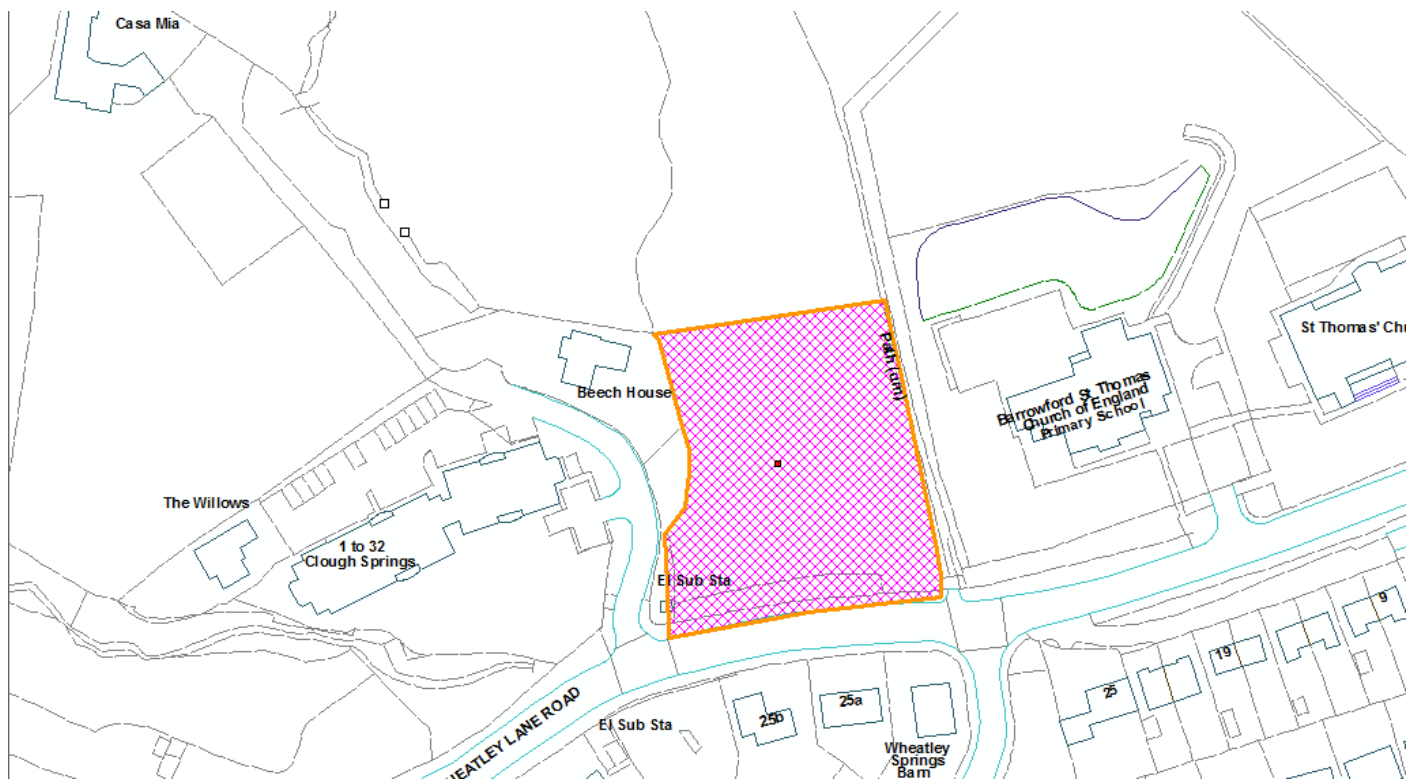
Other Issues

The comments of the Parish Council are noted, however the application is not seeking to vary or remove the conditions, but to discharge them.

Summary

In light of the above, it is recommended that the conditions are discharged, subject to implementation.

RECOMMENDATION: Discharge Conditions



Application Ref: 16/0592/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 3 and 8 of planning permission 13/16/0071P.

At: Land adjacent to Clough Springs, Barrowford

On behalf of: H&H Homes

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 10 NOVEMBER 2016

Application Ref: 16/0603/OUT

Proposal: Outline: Major: Demolition of Hollin Hall Farm and erection of 12 dwellings (access & layout) Full: Change of use of domestic garage and annexe to two dwellings and external alterations.

At: HOLLIN HALL FARM 517 GISBURN ROAD BLACKO NELSON BB9 6LZ

On behalf of: Mr D Hall

Date Registered: 31/08/2016

Expiry Date: 30/11/2016

Case Officer: Alex Cameron

Site Description and Proposal

The application site is a farmhouse and adjoining agricultural land within/adjacent to the settlement of Blacko. The house fronts onto Gisburn Road and has a detached annex to the side and there are detached houses to both sides. To the west of the site are the rear of properties on Hollin Fold, to the east are the gardens of 511-513 Gisburn Road and access to Spout House Farm and to the south is open land.

This is a hybrid application consisting of an outline application for access and layout only for the demolition of the existing farmhouse and erection of 12 detached dwelling houses and a full application for change of use, external alterations and extension of the existing garage and annexe to form two dwellings.

Relevant Planning History

13/09/0307P - Change of use of agricultural land to form garden. Refused and appeal dismissed.

13/16/0044P - Outline: Partial Demolition Of Hollin Hall Farm; Erection Of Nine Dwelling Houses (Including 1 Holiday Cottage); Form New Vehicular Access From Gisburn Road (Access And Layout Only). Withdrawn.

Consultee Response

United Utilities - No objection subject to foul and surface water and sustainable urban drainage conditions. A public sewer crosses the site, building over the sewer will not be permitted, either a diversion of the sewer or modification to the site layout may be required.

Natural England

PBC Environment Officer - The qualified ecologists who have prepared the report have stated that sufficient information has now been provided and the additional derogation points are exempt. The method statement provided at paragraph 5 and enhancements at 5.1 should be conditioned.

A single Swifts nest was found. The recommendations and mitigation measures at paragraph 5.2 should be conditioned.

PBC Environmental Health - Prior to the first occupation of any dwelling, that dwelling shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.

PBC Engineering (drainage)

LCC Education - Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 3 primary (£40,423.59) and 1 secondary school (£20,303.59) places.

Lancashire Constabulary Architectural Liaison – Provided design recommendations for reserved matters stage.

Lead Local Flood Authority - objects to the application and recommends refusal of planning permission until robust evidence has been submitted to the local planning authority demonstrating why higher priority discharge points for the runoff destination of surface water are not reasonably practicable in line with Planning Practice Guidance and information to assess the principle of surface water drainage associated with the proposed development has been submitted.

LCC Highways - No objections regarding the proposed 14 dwellings and are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

The applicant has indicated waiting restrictions at the entrance to the site and the Highway Development Control Section fully supports this proposal to protect the sightlines from the site on Gisburn Road. The actual extent of the waiting restrictions on Gisburn Road would need to be agreed by public consultation and the appropriate order sealed. The Highway Development Control Section access onto recommends a section 106 contribution of £6,000 to cover the costs associated with the implementation, advertising and consultation of the traffic regulation order.

Due to increased traffic flows generated by the development and to aid highway safety, the Highway Development Control Section recommends a highway contribution of £16,000. The provisional justification and estimates for the requested section 106 highway contribution is detailed below: -

1. To form a village gateway feature reducing the speeds to 40mph before the existing 30mph, to include the signs and gateway features at the start of the changed speed limit, relevant orders, repeater signs, advisory interactive signs etc., at an estimated costs £10,000.
2. £6,000 for the traffic regulation works associated with the waiting restriction.

Please attach the following conditions: wheel wash, parking and turning, garage retention, estate road construction, estate road phasing and management, drainage and road drainage and street lighting, visibility splays, off site highway works, road survey and traffic management plan.

Blacko Parish Council - The Appeal Statement of PBC and the decision of the Planning Inspectorate both acknowledge that the loss of countryside would have been unacceptable for a garden extension of .097 ha.

The area of land which is the subject of the current application is considerably bigger and would lead to a greater loss of countryside.

It seems inconceivable that planning applications could be accepted at this site given previous decisions most recently with regard to Education provision.

Blacko Parish Council acknowledges that PBC has adopted a new core strategy but would ask that the application is rejected to comply with the SPG to which the Inspectorate accorded significant weight and to act in a consistent way with the previous documented appeal decisions with regard to loss of countryside.

Public Response

A press and site notice has been posted and 32 neighbours notified - 15 responses have been received objecting to the proposed development on the following grounds:

The demolition of the farmhouse would result in significant heritage loss to the village.

The proposed access would create a hazard.

Limited existing parking provision in the village.

Traffic in Blacko is already a significant issue additional traffic from the development would exacerbate this and lead to an even more dangerous road.

The village school is full and oversubscribed with no room to expand.

The village only has a barbers shop, the nearest shops are in Barrowford.

Granting permission would set a precedent for further development and risk Blacko losing its village character.

Loss of light and privacy to adjacent dwellings.

Loss of view from adjacent houses.

Loss of value of adjacent houses.

There is no need / demand for additional dwellings in Blacko.

The development would cause considerable harm to the character and appearance of the village contrary to the policies of the Pendle Core Strategy, Development in the Open Countryside SPG and NPPF.

The field is home to a variety of wildlife which will be lost.

Loss of bat habitat in the farmhouse.

Loss of protected trees.

The proposed mitigation for loss of habitat is not adequate.

Access to existing drains running through the site.

The development would put additional pressure on utilities and services in the area.

In 2009 an application to change part of the land to a garden was refused and dismissed at appeal, the reasons for that dismissal also apply equally to this proposal.

The reasons for dismissal of the recent appeal for 19 houses on the land opposite also apply to this site.

The development's impact cannot be assessed without full plans.

The use of the garage for living accommodation and the annex as an independent dwelling would be contrary to the conditions of the planning permission for those buildings and the extension / change of use of those buildings would adversely impact upon the amenity of adjacent dwellings.

Officer Comments

The issues for consideration are compliance with policy, principle of housing, impact on amenity, ecology, drainage and highways issues.

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the roles each settlement category will play in future growth. Rural villages of which Blacko is one will accommodate development primarily to meet local needs.

Policy SDP3 identifies housing distribution in Rural Pendle as 12%. The total housing requirement for Pendle at the present time is 5662. Whilst Blacko is a rural village the amount of development proposed here is not disproportionate to the amount that Blacko could expect to accommodate over the 15 year plan period.

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 of the Pendle Local Plan Part 1 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 ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies.

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For rural Pendle the requirement for developments of 10-14 dwellings is 20% affordable housing.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

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

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 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.

Housing supply

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

Paragraph 55 of the Framework states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

Principle of Housing

In 2009 an application was made to extend the gardens of this and the adjoining property, this was refused and dismissed at appeal. There has been a significant shift in the national and local policy position in relation to new housing since that decision was made. This means the Council must give substantial weight to the benefits of a development in terms of its contribution to the Council's five year supply of deliverable housing sites. The extension of a domestic garden does not offer any benefit in terms of meeting housing supply requirements and so would not be assessed in the same way as this application.

The application site abuts the settlement boundary of Blacko, taking this and its proximity of services and facilities in nearby Barrowford into account, it is not an isolated site for the purposes of paragraph 55. Therefore, in location terms and in terms of the development's contribution to the economic role of sustainable development the proposed development accords with the Framework.

Pendle Borough Council has demonstrated in the Strategic Housing Land Availability Assessment a five-year supply of deliverable housing sites. This site had been included in this assessment. It is adjacent to the settlement boundary for Blacko, in a sustainable location and therefore the principle of housing on this site would be acceptable.

Visual Amenity

An appeal was recently dismissed on adjacent land on the north side of Gisburn Road with one of the reasons for dismissal being the impact of that development on landscape character of the area. However, this site is a materially different circumstance as it slopes down away from Gisburn Road, whereas the appeal site slopes up towards Blacko Tower on a side of the road where there is less existing development. Although the development would be visible on the hillside from nearby footpaths, it would appear as a natural extension of the village between the Hollin Fold development to the west and the housing fronting Gisburn Road to the north.

Subject to appropriate design, materials and landscaping which would be considered at the reserved matters stage, the proposed development would not result in an unacceptable impact on the landscape character and visual amenity of the area in accordance with policies ENV1, ENV2 and LIV5.

Heritage Impact

The proposed development would involve the demolition of the existing farmhouse. The farmhouse has some late 16th or early 17th century features in the form of the mullioned window in the east gable, narrow window in the north wall, quoined door surrounds and the principal beams and roof timbers and as such is a non-designated heritage asset. However, the building has been assessed for Listing by Historic England who have determined that it is not worthy of Listing.

As a non-designated heritage asset paragraphs 135 and 136 of the Framework state that a balanced judgement will be required having regards to the scale of any harm of loss and the significance of the asset and that all reasonable steps should be taken to ensure that the new development will proceed after the loss has occurred.

In this case the proposed development would result in total loss of the significance of the heritage asset. The significance of the building is in its few remaining early features, the building has been significantly altered and is predominantly of later construction with little heritage value. The building is therefore of minor overall significance and its loss when balanced against the economic and social public benefits of the provision of 13 new dwellings is acceptable.

Conditions are necessary to ensure that the demolition is tied to the commencement of building works and that an archaeological recording is carried out prior to demolition.

Residential Amenity

Subject to acceptable window arrangement and obscure glazing conditions the proposed development would maintain an acceptable level of privacy for adjacent dwellings and for the future residents of the development. The proposed dwellings and extension of the garage and annexe would not result in an overbearing impact upon or loss of light to adjacent dwellings. The proposed development is therefore acceptable in terms of residential amenity.

Trees and Ecology

A bat survey has been submitted with the application and this identifies the presence of a bat roost within the farmhouse. Although the survey report suggests that the roost is likely to be of low value, just one survey has been carried out and further survey work is required to fully establish the value of the roost.

Due to the presence of a roost a licence would be required from Natural England for the proposed demolition. For a licence to be granted all of the following three tests must be met:

- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

Such licences are usually obtained after planning permission has been granted, however, these three tests must also be considered during the planning application process.

The applicant has submitted information to demonstrate that these tests would be met and therefore the loss of the existing habitat would be acceptable, subject to the mitigation measures set out in the bat and bird survey being conditioned.

A number of trees are proposed to be removed to make way for the development the majority of these are assessed as being of low quality and their removal is acceptable, one high quality and one moderate quality sycamore tree are also proposed for removal, with adequate replacements the loss of these trees is acceptable.

The proposed development is therefore acceptable in terms of its impact on protected species in accordance with policies ENV1 and 4D.

Open Space

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The applicant proposes a green corridor of woodland planting running from the southern boundary of the development to the Lower Blacko Water Biological Heritage Site. This would provide acceptable an open space contribution in accordance with LIV5. It would be necessary to condition the full details of this and that it is implemented before the occupation of the development.

Drainage and Flooding

National Planning Guidance paragraph 079 states that for major developments a sustainable drainage system should be provided unless it has been demonstrated to be inappropriate.

The applicant proposes to discharge surface water into an existing watercourse, however, this has not been justified or any details provided. The proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. The lack of any information at all in relation to surface water drainage means that risks of flooding cannot be fully assessed. This information has been requested and is expected to be submitted prior to the Committee meeting, however, in the absence of this information the application must be recommended for refusal.

United Utilities have noted that a sewer crosses the site and they would not permit building over it. The applicant has been made aware of this to establish whether it may require any alteration to the layout or diversion of the sewer. This is a not a matter that affects the determination of this application.

Education

An education contribution of 3 primary school and 1 secondary school places is necessary to offset the impact of the development on local schools. The applicant has agreed to this contribution and a section 106 agreement is to be drawn up to secure this.

Highways

Subject to a condition requiring that adequate visibility splays are provided and maintained at the proposed junction, and contributions for the provision of the proposed waiting restrictions and the provision of speed change limit warning signage on the approach to the village the proposed development would not result in an unacceptable highways safety impact.

Car parking could be provided at acceptable levels within the curtilage of the proposed dwellings and this could be ensured by a condition. The proposed junction may remove some opportunity of on-street parking, however, this would not result in an unacceptable highway impact.

The proposed development is acceptable in terms of highway safety.

106 Agreement

The following section 106 contributions have been agreed in principle with the applicant and a unilateral undertaking is being drawn up:

£10,000 To form a village gateway feature reducing the speeds to 40mph before the existing 30mph, to include the signs and gateway features at the start of the changed speed limit, relevant orders, repeater signs, advisory interactive signs etc.

£6,000 for the traffic regulation works associated with the waiting restriction.

£40,423.59 for three primary school places.

£20,303.59 for one secondary school place.

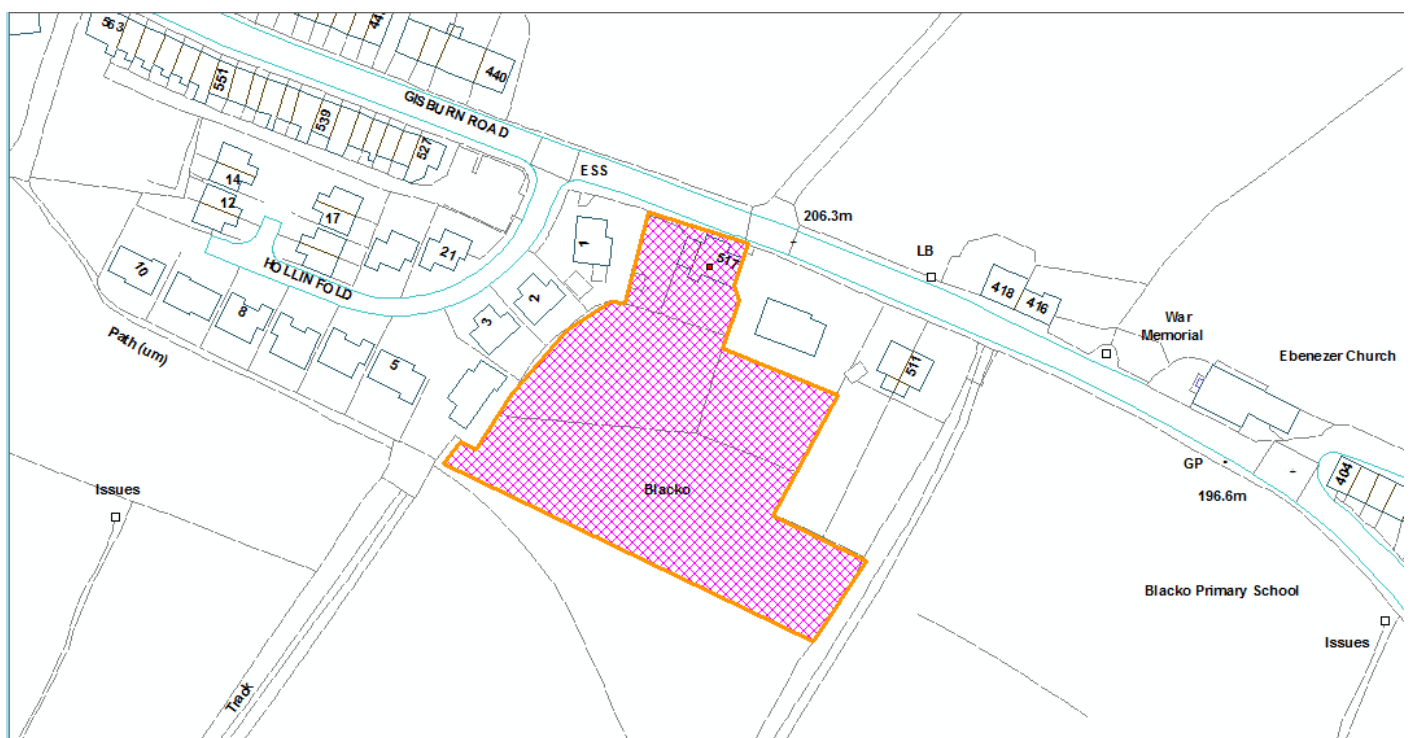
Summary

The proposed housing development is acceptable in principle and in terms of visual amenity, heritage impact, residential amenity, ecology and tree impact and highway safety. However, insufficient information has been submitted to demonstrate that the development would not lead to an increased risk of flooding. The application is therefore recommended for refusal.

RECOMMENDATION: Refuse

For the following reasons:

1. The applicant has failed to demonstrate that surface water from the proposed development could be adequately managed and would not lead to increased risk of flooding on and/or off-site contrary to Policy ENV7 of the adopted Pendle Local Plan Part 1: Core Strategy and paragraph 103 of the National Planning Policy Framework.



Application Ref: 16/0603/OUT

Proposal: Outline: Major: Demolition of Hollin Hall Farm and erection of 12 dwellings (access & layout) Full: Change of use of domestic garage and annexe to two dwellings and external alterations.

At: HOLLIN HALL FARM 517 GISBURN ROAD BLACKO NELSON BB9 6LZ

On behalf of: Mr D Hall

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 10TH NOVEMBER 2016

Application Ref: 16/0621/FUL

Proposal: Full: Change of use of from hairdressers (A1) to mixed use coffee shop/wine bar (A3/A4) and external alterations to the frontage including raised seating area.

At: 79-81 Gisburn Road, Barrowford

On behalf of: Miss Jade Pilling

Date Registered: 13 September 2016

Expiry Date: 8 November 2016

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a double fronted mid terrace property located within Barrowford Town Centre.

The proposal is to change the use of the premises from hairdressers to a mixed use coffee shop/wine bar.

A replacement shop front and canopy to the frontage as well as a raised seating area are also proposed.

The site is within the settlement boundary and lies within a secondary shopping frontage. The site is also within Barrowford Conservation Area.

Relevant Planning History

13/03/0653P – Replace door and windows in front elevation and erect canopy –Approved.

Consultee Response

LCC Highways –The Highway Development Control Section does not have any objections in principle regarding the proposed change of use as described at the above location.

From the information supplied we've noted that the applicant has indicated that one disability parking space would be provided. We have assumed that this would be the parking space to the rear of the property. However this is likely to be used by staff and not customers, particularly given its somewhat secluded location.

The applicant should ensure that the proposed new awning at the front of the property should not project beyond the site's boundary and over the adopted highway network. Nevertheless, we are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

Architectural Liaison Unit – This planning application is for a change of use to a coffee shop/wine bar at Gisburn Road, Barrowford, Nelson. I have undertaken a crime and incident search of this policing incident location and during the period **19/09/2015 to 19/09/2016** there have been reports of burglary, shoplifting and assault.

One burglary involved the offenders approaching a restaurant property and smashing the window to access the toilets of the building. Once inside the intruders went to the bar area and removed property before leaving the scene. This demonstrates the importance of target hardening the building with doors and windows of enhanced security and fitting an intruder attack alarm.

In order to reduce the opportunity for crime and disorder such as burglary and I make the following security recommendations:-

Security Recommendations

Secured By Design & Physical Security – The refurbishment should be undertaken in line with the principles of the Secured By Design security scheme. External doorsets and windows should be certificated to PAS 24/2012 standards. Windows should be fitted with restrictors to prevent opportunist theft. All glazing in external doors should be laminated. I would recommend that the glazing in the shop front incorporates one pane of laminated glass, this makes forced entry or attempts of criminal damage more difficult.

Intruder Attack Alarm – The building should be fitted with an intruder attack alarm that is monitored via an Alarm Receiving Centre. Contacts should be fitted to all doors and windows and PIR motion sensors should be fixed internally.

CCTV – It is recommended that a premise serving alcohol potentially up to 11pm during the week and on Bank Holidays and 12am on Saturday nights should be protected with an infrared CCTV camera system. An operational requirement should be produced by a qualified CCTV Engineer that determines the most appropriate location for cameras. I would recommend that the main entrance to the building is covered by CCTV as well as the emergency exit at the rear.

Lighting - The building should be fitted with low energy dusk till dawn lights at the front and rear.

Separate Consultation will be required with the Lancashire Constabulary Licensing Team regarding the Alcohol License. The above recommendations are based on security and designing out crime only.

PBC Environmental Health – request conditions relating to sound installation and odour extraction.

Barrowford Parish Council – No objection.

Public Response

Site and press notices posted and nearest neighbours notified by letter.

Three comments received objecting on the following grounds:

- The proposal will result in a higher turnover than the previous use which already caused parking problems which could lead to greater parking concerns to my clients;
- I live in the adjacent residential property and have concerns about this use in relation to the lack of allocated parking;
- Opening hours until 23.30 weeknights and midnight on Saturday as noise travels and would make my house unliveable. The applicant has said they will look as noise reduction but if planning was granted they would be under no obligation to provide this to an acceptable standard;
- Outside noise and potential unsocial clientele using the outside seating area which is directly outside my bedroom window would make my property awful to live in;

- The business is likely to be licensed (application pending) likely to result in intoxicated people under my bedroom window waiting for taxi's after closing at midnight;
- I want to see vacant premises used with existing new business but I don't think anyone would want to live next to a bar;
- Due consideration is given to the problems likely to arise from the increase in traffic;
- Concerned no provision made for parking for customers and staff as well as problems with deliveries; and
- Has consideration been given to the storage and removal of waste.

Four comments received supporting the scheme on the following grounds:-

- A coffee shop/wine bar is just what Barrowford needs and will be beneficial to the growth of the village;
- I disagree with the concerns over parking as this is only a real concern during school pick up and drop off times;
- I like to meet friends in Barrowford and this would be beneficial to the community;
- This business would be a huge benefit to the village and I am in no doubt that there is a demand for it. I have been in talks with Costa Coffee and others and if I had the time I would do this myself; and
- I am sure the support of the whole village will be behind this.

Officer Comments

The main issues to consider in this application are principle of use, impact on conservation area, impact on amenity, design and materials and parking issues.

Policy

The following Local Plan Core Strategy: Part 1 policies are relevant in terms of this proposal:

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

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

The Conservation Area Design and Development Guidance SPD is also relevant here.

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

Replacement Pendle Local Plan policy 26 restrict non retail uses within a primary or secondary shopping frontage to no more than 25% and 50% respectively.

Replacement Pendle Local Plan policy 31 sets out the maximum amount of parking for each use class.

Principle of Development

The site is within a Secondary Shopping Frontage within Barrowford Town Centre and as such this frontage should not exceed 50% of non-shopping uses in the defined frontage. The defined frontage extends from 75 - 87 Gisburn Road and measures 39.4m overall.

At the present time the frontage contains three A1 units two of which are double units and include the application site which equates to 70.6% shopping and 29.4% non-shopping which accords with policy. The change of use of this property would result in the non-shopping element being increased to 56% which is 6% above the 50% threshold.

However, this is a short frontage of less than 40m in length which contains two double units which means that any changes to those double units has the potential to impact on the retail provision. Recent appeal decisions have been allowed where the percentage of non-shopping slightly exceeds the policy requirement and Planning Inspectors have taken a view that this slight percentage increase would not be so detrimental to the vitality and viability of the town centre.

In this case the amount of non-shopping frontage should be 19.7m whereas this proposal would result in 22.06m which equates to 2.3m more which is less than the average frontage of 5-6m.

On this basis it is considered that this proposed use is acceptable and that the principle of the use is accepted.

Impact on Conservation Area

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

The site is a double fronted unit within the conservation area and the two shop windows and door has previously been replaced and a glass canopy erected across the frontage.

The proposal is to remove the large oak windows and door and replace these with two lots of five part bi-fold doors in timber and a timber entrance door.

There is already a raised level and step to the front of the premises and this would be utilised as an outside seating area, however, close boarded timber fencing would not be appropriate here and dark grey planters or panels would create a more appropriate boundary to the outside seating area.

The Conservation Area Design and Development Guidance states that replacement shopfronts should be of a high design standard and well related to the individual building and streetscene.

Replacement shopfronts will only be approved if they maintain or improve the quality of the front they are to replace and where they relate well to the building and to the streetscene in terms of materials, form and proportion. The shopfront should not be designed in isolation but should be considered as part of the architectural composition of a building and respect its period and style.

The property has no original features and has large, modern, oak-framed windows with a glass canopy above.

Only high quality finishes and natural materials should be used, the use of plastics is not appropriate. Softwood timber painted in heritage colours are the most appropriate material.

Shopfronts do not need to be traditional and a simple contemporary design which reflects the above elements can be preferable. However, many traditional shopfronts have been lost or altered and therefore it can be appropriate to reinstate shopfronts to follow their original form.

In this case the existing windows and door are not a traditional shopfront and this double unit already has a modern glass canopy and large undivided windows. The proposed timber bi-fold doors would not undermine any particular character of the property nor would it remove any traditional features as these have already been lost.

The existing glass canopy would be replaced by a fully retractable black fabric one over the decked outside seating area to the front. The seating area would be screened by high planters.

Whilst the proposed design would not re-instate a traditional shop front the proposed design is acceptable and adheres to the Conservation Area guidance in accordance with policy ENV1 of the Pendle Local Plan: Part 1 subject to appropriate conditions to control materials.

Impact on Amenity

There is some concern about the potential for adverse impact on amenity. Whilst this area is mainly commercial the adjacent property (No. 83) is a residential property and there are also residential units at first floor on adjacent units.

Taking into account the town centre location and other town centres uses in the area the proposed use would be acceptable here, however, the outside seating area and the potential for noise and disturbance from patrons is a matter that needs to be addressed.

The applicant has suggested that access to the seating area would be restricted after 11pm with the doors shut and locked, however, this would not solve the problem of customers leaving the property and congregating outside prior to leaving or waiting for onward transport.

In my view 11pm is too late to restrict access to the outside area. A more appropriate timescale would be to restrict the use of the outside area outside the hours of 8am and 8pm.

This can be controlled by an appropriate condition.

The opening hours applied for are 7.30am – 11pm Monday to Friday, 7.30am – midnight Saturday and 7.30am – 11pm Sundays and Bank Holidays.

These hours do not match those applied for on the Premises Licence and although this is separate legislation these should concur with those applied for here. The licencing hours extend beyond the hours applied for above and therefore the applicant has been requested to clarify this.

In view of the adjacent residential premises it is proposed that the operating hours should be restricted to the hours of 7.30am and 11pm everyday in order to avoid late night coming and goings and general disturbance at unreasonable times to the adjacent residential properties. This can be controlled by condition.

Design and Materials

The replacement shopfront would now consist of two sections of timber bi-fold doors either side of a timber entrance door. Details of these and materials can be controlled by condition.

Policy ENV2 requires proposals to contribute towards the sense of place and make a positive contribution to the historic environment and local identity and character. Whilst this proposal is modern as mentioned previously it would not remove any traditional features.

Storage can be accommodated within the building and details of the extraction system and flue have been requested in order to assess their impact on the conservation area and reduce any potential impact on neighbouring properties. Conditions have been requested by Environmental Health in order to achieve.

For the reasons mentioned above the shop front design and materials would be acceptable in this location and therefore the proposed accords with policies ENV1 and ENV2 of the Pendle Local Plan: Part 1 subject to appropriate conditions.

Parking Issues

The applicant has stated that the site has the use of a parking space to the rear. However, as this is accessed from Butterfield Street and is to the rear of the building it is unlikely to be used by customers. The site is within the town centre and there is highway parking available outside the property and this is an appropriate town centre use.

The site is an existing commercial property that relies on on-street parking and the proposed use is an acceptable town centre use. The lack of off-street parking provision is not therefore unreasonable in this location and would not be a reason to refuse the proposal.

The proposal therefore accords with policy 31.

Summary

The proposed coffee shop/wine bar use (A3/A4) is acceptable in this location and there is parking available on the highway adjacent to the site. The design and materials proposed for the shopfront are appropriate within the conservation area. Subject to the receipt of acceptable details for the extraction and ventilation units and appropriate conditions the proposal is acceptable.

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 use is acceptable and the design and materials of the shop front would accord with policies ENV1 and ENV2 of the Pendle Local Plan Core Strategy and the Conservation Area Design and Development Guidance.

RECOMMENDATION: Approve

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:

DJW – 9/9/2016, 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 13, 14 & 15.

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

3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. No development on the site shall be commenced unless and until a full scheme for the following:
 - Details of design and materials for the decking/outside area including steps, balustrades, flower beds and surfacing to the forecourt area; and
 - windows and doors to the front elevation.

has been submitted to and approved in writing by the Local Planning Authority. Any work subsequently undertaken shall conform strictly to the details so approved.

Reason: In order to allow an assessment of the work to protect and preserve the character of the building within the Conservation Area.

5. Within two weeks of the commencement of development a scheme for the fumes, vapours and odours (including grease and carbon filters) to be extracted and discharged from the premises shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full accordance with the approved scheme prior to opening for business and shall thereafter be maintained in efficient working order.

Reason: In order to ensure that odours outside the premises are minimised in the interests of residential amenity.

6. Within two weeks of the commencement of development a scheme for the sound installation of odour control equipment shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full accordance with the approved scheme prior to opening for business and shall thereafter be maintained in efficient working order.

Reason: In the interests of residential amenity.

7. The premises shall not be open for customers or any other person not employed within the business operating from the site outside the hours of 07.30 and 23.00 hours on any day.

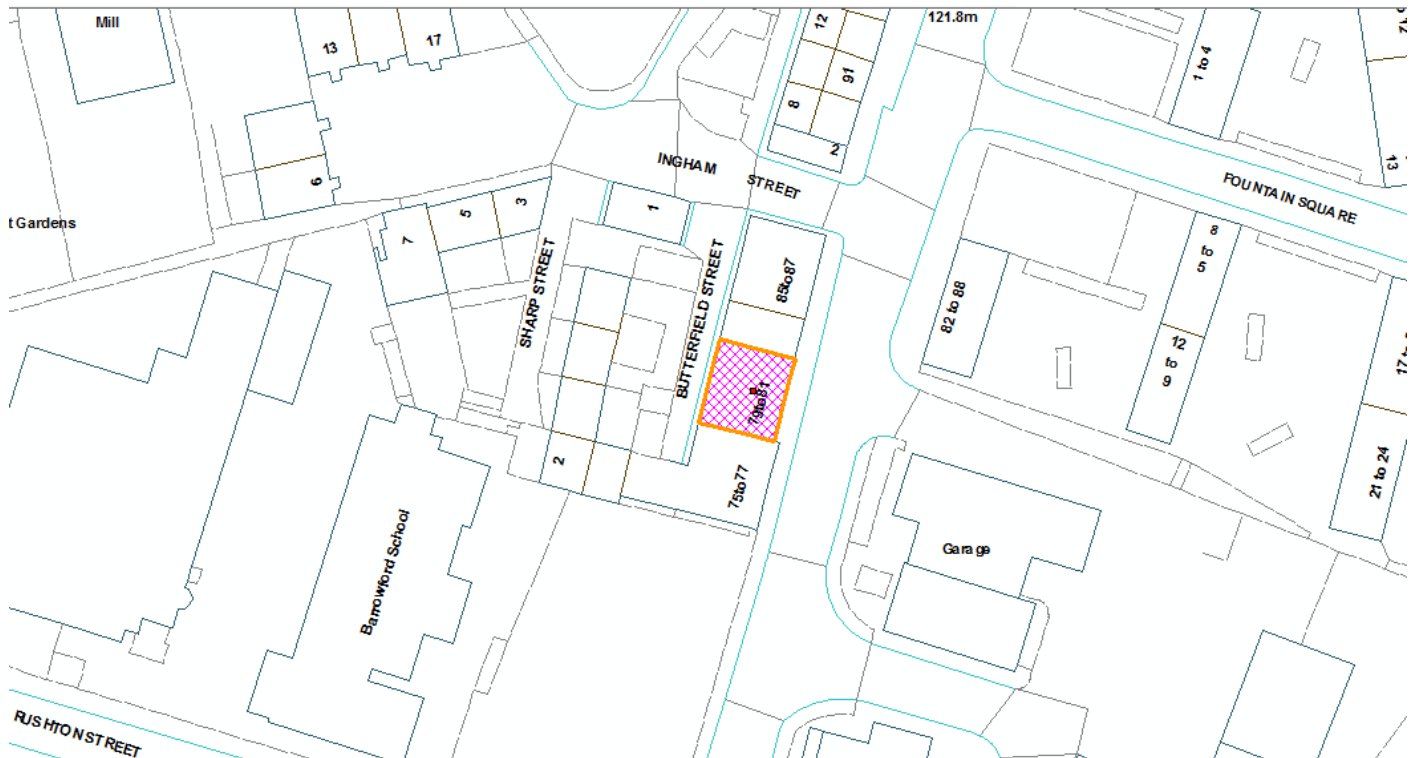
Reason: In the interests of residential amenity.

8. The outside seating area shall not be available for customers or any other person not employed within the business operating from the site outside the hours of 08.00 and 20.00 hours on any day. The external doors leading to these areas shall be closed at 20.00 hours each day.

Reason: In the interests of the aural amenity of adjacent residential properties.

9. There shall be no amplified music played within the outside seating area.

Reason: In the interests of the aural amenity of adjacent residential properties.



Application Ref: 16/0621/FUL

Proposal: Full: Change of use of from hairdressers (A1) to mixed use coffee shop/wine bar (A3/A4) and external alterations to the frontage including raised seating area.

At: 79-81 Gisburn Road, Barrowford

On behalf of: Miss Jade Pilling

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 28th October 2016