



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

**TO:** DEVELOPMENT MANAGEMENT COMMITTEE

**DATE:** 27<sup>th</sup> July 2015

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications

## REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 27 JULY 2015

**Application Ref:** 13/15/0233P **Ref:** 18759

**Proposal:** Full: Major: Alterations and extensions to form hotel bedrooms.

**At:** BAY HORSE INN 593 WHEATLEY LANE ROAD FENCE BURNLEY BB12 9EP

**On behalf of:** Mr K Berkins

**Date Registered:** 20 May 2015

**Expiry Date:** 15 July 2015

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

This application has been brought before Development Management Committee because Barrowford and Western Parishes Committee were minded to approve the application despite its adverse impact on a neighbouring property and the significance of the Listed Building.

The application site is a Grade 2 Listed public house located within the settlement of Fence. To the North is a community centre to the east and west are dwellings and to the south is the bypass. The building is whitewashed stone with a stone slate roof and timber fenestration.

The proposed development is the alteration and extension of the building to form hotel accommodation. The main extension would be a two storey accommodation block providing 20 bedrooms (a further 5 bedrooms would be formed in the first floor of the existing building). It would have a depth of 26.4m and width of 25.2m and would wrap around the south west corner of the building. It would be two storeys with an eaves height of up to 5.7m and a ridge height of up to 9.1m and would be constructed from natural stone with artificial stone roof slates and timber fenestration.

A rear extension is also proposed which would run most of the width of the rear elevation of the existing building (25m). This would replace the existing extensions to the rear and would project 4m from the rear elevation of the original building with a lean to roof carrying on from the main roof. This extension would have a natural stone slate roof to match the existing. The other alterations to building would include reopening a walled up doorway in the front elevation to form a fire exist, walling up a door and installing an extraction grill in the front elevation.

The original plans included the demolition of part of a 19th century attached outbuilding which forms part of the Listed Building, the plans have since been amended to retain this part of the building.

### **Relevant Planning History**

13/15/0132P - Listed Building Consent: Internal alterations to building and external alterations including new window and doorway openings, erection of lean to porch/canopy to rear (South) elevation, retention of cold store and erection of a 1m fence. Approved, 05/06/2015.

13/15/0129P - Full: Create mock entrance to front (North) elevation with half lantern above, erect lean to porch/canopy to rear (South) elevation with new double doors and windows, retention of cold store to side (West) elevation, erection of a 1 metre high fence to side and rear and insertion

of new window and door openings in side (East) elevation. Approved, 05/06/2015.

13/13/0448P - Listed Building Consent: Installation of illuminated and non-illuminated signage to the exterior of the building - Approved, 28/10/2013.

13/13/0447P - Advertisement Consent: Display of 1 externally illuminated totem sign, 1 free standing sign, 3 externally illuminated fascia signs and 2 illuminated lantern signs - Approved, 28/10/2013.

13/09/0372P - Listed Building Consent - Part Replacement of roof, external improvement works and internal alterations below damaged roof - Approved 20/10/2009.

13/08/0659P - Listed Building Consent - Erect single storey extension and canopy to south elevation - Approved 18/12/2008.

13/08/0601P - Full: Erect single storey extension - Approved 8/12/2008.

### **Consultee Response**

PBC Conservation - The Bay Horse is Grade II listed and the building dates from the late 18<sup>th</sup> century; it was originally built as a row of six small stone cottages fronting onto Wheatley Lane Road. An outbuilding was subsequently added to the western end of the row at some point prior to the mid 19<sup>th</sup> century, and the public house use had commenced there prior to the 1890's.

The building's main significance lies in this original front elevation to the road, where the simple white-painted stone frontages and original three-light mullioned windows remain, though most of the doorways have been blocked up. To the rear car park elevation the building has been altered and extended from its original form with the conversion to pub use, involving a rear staircase addition within a catslide stone slate roof, and more modern flat-roofed extensions at ground floor level. The original first floor rear elevation is still largely visible however, with five of the original cottage window openings clearly apparent. Internally the original dwellings have been opened up and substantially altered over the years, although some internal walls, beams and fireplaces remain. The building has been vacant and boarded up for around 2 years and urgently needs to be brought back into use so that any further deterioration in the structure and fabric can be prevented. NPPF 131 notes the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

I welcome the fact that the amended plans have shown the retention of the western outbuilding and that there is no longer any significant demolition proposed, however I still have major concerns about the proposed extensions to the rear elevation of the listed building, which as proposed will conceal virtually the whole elevation of the original building. Though the original rear wall and 1<sup>st</sup> floor window openings to the cottages would be retained and visible from inside the building (there is no information as to how this would be achieved), the original form of the rear elevation could not be seen from outside. Though the front elevation is the most significant, the rear still retains some of the original 18<sup>th</sup> century cottage character which is apparent from the window openings, painted stonework and strong eaves line. The catslide roof is an appropriate addition, as is the recently added glazed lean-to which represents a simple modern extension that has preserved the essential lines and form of the original building. The proposed additions would obscure the original rear wall and windows, and the original form of the building would no longer be apparent. These extensions would not therefore preserve the special architectural and historic interest of the building. Other alterations are proposed internally and externally, including removing a mullioned window to the western gable elevation and blocking up a further window to the eastern gable elevation, though there is no justification included for these changes.

A further concern is the scale, height, design and footprint of the proposed hotel block which would link to the side of the listed building and extend back to the rear of the site; as proposed this will dominate the listed building and have an adverse impact on its setting. The link element has been reduced to single storey height and set back from the street frontage, however the setback is only slight, and the linked two storey gabled building has a rather uncomfortable relationship with the listed building in terms of its scale and proportions; the difference in scale is demonstrated by the fact that the upper floor window sills of the addition line in with the roof eaves line of the listed building. This difference in scale is apparent to the other elevations of the addition, and results in the listed building being visually dominated by the addition from all viewpoints. The addition extends around the rear elevation of the listed building, concealing it even further from view, and the placing of window openings and rooflines adds to the discordant effect.

NPPF 132 states that significance can be harmed or lost through alteration of the heritage asset or development within its setting. Any harm or loss should require clear and convincing justification. Harm should be weighed against the public benefits of a proposal, including securing its optimum viable use. There does not appear to be sufficient justification put forward in this application for the extent of harm caused to the significance of the listed building and its setting. It is noted that a recent application for alterations to reuse the building as a public house was approved; unlike the current scheme this involved no extensions and only minor alteration to the listed building. If the hotel use is to be pursued I would recommend that the proposed extensions be scaled down and that a conservation accredited architect is consulted on footprint, scale and detailed design of extensions together with changes to the listed building itself.

LCC Highways - The application proposes to utilise the site as a 21 bedroom Hotel (class C1) with a view to servicing the Fence Gate Inn banqueting suite which is approximately 120m walking distance in a north easterly direction. The application indicates the site is to be run as a satellite of the Fence Gate Inn (Design and Access Statement). There is no on street parking availability in the area. As a consequence the application will need to comply with approved parking standards. The joint Lancashire structure plan parking standards recommend a parking level of 1 space per room for class C1 use such as a hotel. The applicant has confirmed that 22 parking spaces will be available which complies with the parking requirements.

Lancashire County Council would require parking bays to be provided as a minimum of 5m long by 2.4m wide with manoeuvring space of 6m to allow suitable provision for leaving site in forward gear. The applicant's proposal as highlighted on drawing 2015/17/PO4 meets these requirements.

The applicant proposes to utilise the existing vehicular entrance which is in the region of 7m wide and as a consequence suitable for two vehicles to pass each other. Sight lines to the west are somewhat compromised by the building line however sightlines to the east are generally good and in excess of the 25m requirement for a vehicles travelling at 20mph (manual for streets) which is the roads speed limit. 25m+ sightlines to the west are achievable however not with a desirable 2m minimum x value (Manual for Streets).

When considering the access arrangements I have taken into account the existing site usage as a public house and the likely impact of the site redevelopment in terms of vehicle movements. It is likely that the site will generate additional movements however, although noticeable, they are unlikely to be significant in nature. In addition I agree with the applicants' assessment that the proposal is likely to result in a redistribution of vehicle movements in the general area which may actually see a reduction in total movements.

An investigation of the accident data for the area has returned a nil response which indicates the car park has operated safely for many years. When combining this with the existing speed limit of 20mph and the very low vehicle movements which take place along this section of Wheatley Lane Fence I believe that it is reasonable for the applicant to continue to use the existing vehicular access, this should result in no additional safety risk over the existing usage.

I do however have concerns regarding pedestrian access. As previously stated the site is intended to act as a satellite to the Fence Gate Inn and as a location for guest attending the banqueting facility to stay. As a consequence guests will be travelling as pedestrian traffic between the two sites so the development will result in a significant increase in pedestrian traffic. The applicant states that "*pedestrian traffic will easily be able to access the site from the footpath network on Wheatley Lane Road*" (Design and Access Statement – item 4 Layout). However there is no direct footway link between the two sites. This is due to the narrow nature of Wheatley Lane Road and the inadequate widths available to facilitate a footway provision. As a consequence pedestrians must walk in the road. The County Council would be concerned regarding the additional number of pedestrians traversing the carriageway of Wheatley Lane Road, particularly in the dark, with potential for alcohol impairment, and subsequent conflict with vehicular traffic.

The County Council does not feel these issues are grounds for refusal and this issue can be mitigated. In order to address these concerns the County would ask for the following measures to be introduced and made conditions of any approval given:

- In order to support this application the County Council would ask that a 2m wide pedestrian footway link is introduced along the length of the northerly boundary of the application site from the car park entrance to its most easterly edge. This will mean the 4 parking spaces on the northerly edge of the site being moved south however this should be possible within the site area without the loss of parking. This is in order to reduce the distance that Pedestrians will need to travel in the carriageway.
- In conjunction with the item above the Council would also request that a new pedestrian access point into the Fence Gate Car Park is created at the most practicable south westerly point. This request combined with the item above is in order to reduce the distance that pedestrians must travel in the carriageway between the two sites.
- In addition the County Council would seek to enter into a section 278 (Highways Act 1980) Agreement with the developer in order to upgrade the existing street lighting in the vicinity of the site and the Fence Gate Inn and to introduce "pedestrians in road ahead" warning signage. This is in order to improve night time visibility for pedestrians and drivers in the area, improve observations of any pedestrians in the road, and warn drivers of the likelihood of pedestrians being in the carriageway.
- Should the car park wall be retained any existing vegetation / car park wall structure on the highway frontage of the site to Wheatley Lane Road must be reduced to and be permanently maintained henceforth at a height not greater than 1m above the crown level of the carriageway. This is to ensure adequate visibility for the drivers of vehicles entering and leaving the site.

Subject to the provision of the conditions above I can confirm that the County Council would offer no objection to this proposal.

LCC Flood Risk Management - No comments.

Historic England - The Bay Horse Inn was created from a row of late 18<sup>th</sup> century cottages at the beginning of the 20<sup>th</sup> century. We welcome the continued use of the Bay Horse; however, we do not understand the necessity for the removal of the attached outbuilding to the west of the building in securing the development. We recommend that this is retained in the scheme and that any additional accommodation is pushed to the back of the site. We welcome the continued use of the Bay Horse Inn but are unconvinced of the need for the demolition of an addition to the west of the building. If the application is amended as recommended above we believe there is scope to avoid unnecessary harm that would satisfy the statutory and policy framework.

Coal Authority

Lancashire Constabulary Architectural Liaison Unit

PBC Engineering (drainage)

PBC Public Rights of Way

Old Laund Booth Parish Council - Concern over access problems, parking issues and noise.

### **Public Response**

A press and site notice were posted and 9 neighbours notified - No response.

### **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
LP 13	Quality and Design of New Development
LP 8	Contamination and Pollution
LP 9	Buildings of Special Architectural or Historic Interest

### **Officer Comments**

#### **Policy**

#### **Replacement Pendle Local Plan**

Policy 8 (Contamination and Pollution) states that proposals for developments where noise or vibration are likely should be accompanied by a statement illustrating the levels of potential noise pollution.

Policy 9 (Buildings of Special Architectural or Historic Interest) states that the Council will ensure proposed change of use, alterations and extensions have no adverse effects on a Listed Building's special interest, character and appearance and that loss of historic features and fabric is minimised. The impact of the proposed development on the Listed Building's significance is addressed in the design section.

Policy 13 (Quality and Design of New Development) identifies the need for good quality and design in new development and states that siting and design should be in scale and harmony with its surroundings. The requirements of Policy 13 in relation to domestic buildings are expanded upon by the Design Principles SPD. The proposal's compliance with Policy 13 and the Design Principles SPD is addressed in the design section.

Policy 40 (Tourism) States that new tourist facilities will be acceptable in villages provided that they are of an appropriate scale and re-use a building of traditional construction. The proposed development would re-use a building of traditional construction, however, for the reasons set out in the Design section below, its proposed scale is inappropriate.

#### **National Planning Policy Framework**

Section 7 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 64 of the Framework states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." This is an unqualified paragraph. Unlike other sections of the Framework, it indicates that permission for development that is of poor

design should be refused, without exception.

Paragraph 132 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

There would be some public benefit to the development in terms of economic activity and potentially securing the future use of the building, however, this does not outweigh the harm that would be caused to the significance of the Listed Building.

For the reasons set out in the Design and Heritage Impact section the proposed development would if of poor design and would cause an unacceptable level of harm to the significance of the Listed Building. Therefore, irrespective of its potential benefits in terms of economic activity and reuse of the building, it cannot constitute sustainable development for the purposes of the Framework and therefore should be refused.

### **Design and Heritage Impact**

The design of the bedroom extension is incoherent with varying roof heights and patterns and many disjointed angles and features to the elevations. It would be significantly taller than the Listed Building and its scale and bulk would dominate the Listed Building. Irrespective of the building's Listed status the main extension is of poor design which would harm the character and visual amenity of the area and does not constitute sustainable development for the purposes of paragraph 64 of the Framework. This poor design would also cause a substantial level of harm to the significance of the Listed Building.

Inappropriate reconstituted stone roof slates are also proposed, however, an appropriate roof material could be ensured by condition.

In addition, whilst the proposed rear extension would replace some inappropriate additions to the rear of the Listed Building, it would also almost completely obscure all remaining original features of the rear elevation. This would also cause an substantial level of harm to the significance of the Listed Building.

The proposed development is therefore contrary to policies 9 and 13 and the guidance set out in the National Planning Policy Framework.

### **Amenity**

The proposed extension would be located under 1m from the boundary with the adjacent dwelling

to the west and the two storey extension would project almost the full length of that boundary. This would result in a two storey blank wall projecting 8m from the rear elevation of that house along almost the full length of the side boundary of the garden of that property. This would result in an oppressive, overbearing impact upon and significant overshadowing of both the garden and a ground floor habitable room window in the rear of that property. This would cause an unacceptable level of harm to the amenity of residents of that property contrary to policy 13.

## **Highways**

The site would retain an adequate level of off-street car parking. Subject to conditions to improve pedestrian access and to maintain adequate visibility at the vehicular access the proposed development would be acceptable in terms of highway safety.

## **Summary**

The proposed development would represent poor design and result in unacceptable harm to the significance of the Listed Building. The extension due to its height, proximity to and projection along the side boundary of the adjacent house would have an unacceptable overbearing impact upon the rear of that property to the detriment of the amenity of its occupants. Therefore the application is recommended for refusal.

## **RECOMMENDATION: Refuse**

For the following reasons:

1. The proposed extensions, due to their imposing scale, incoherent design and unsympathetic loss/concealing of original features would result in substantial harm to the significance of the Listed Building with would not be outweighed by its benefits contrary to Policy 9 of the Replacement Pendle Local Plan and paragraphs 132-133 of the National Planning Policy Framework.
2. The proposed bedroom extension is of an imposing scale and incoherent design which would not be in harmony with its surroundings to the detriment of the character and visual amenity of the area, the proposed development therefore represents poor design and is contrary to Policy 13 of the Replacement Local Plan and paragraph 64 of the National Planning Policy Framework.
3. The proposed bedroom extension, due to its height, proximity to and projection along the side boundary of the adjacent house, would have an unacceptable overbearing impact upon the rear of that property to the detriment of the amenity of its occupants contrary to Policy 13 of the Replacement Pendle Local Plan.



**Application Ref:** 13/15/0233P

**Ref:** 18759

**Proposal:** Full: Major: Alterations and extensions to form hotel bedrooms.

**At:** BAY HORSE INN 593 WHEATLEY LANE ROAD FENCE BURNLEY BB12 9EP

**On behalf of:** Mr K Berkins

## REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 27 JULY 2015

**Application Ref:** 13/15/0234P

**Ref:** 18760

**Proposal:** Listed Building Consent: Alterations and extensions to south and west facing elevations and re-open blocked doorway to north facing elevation.

**At:** BAY HORSE INN 593 WHEATLEY LANE ROAD FENCE BURNLEY BB12 9EP

**On behalf of:** Mr K Berkins

**Date Registered:** 20 May 2015

**Expiry Date:** 15 July 2015

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

This application has been brought before Development Management Committee because Barrowford and Western Parishes Committee were minded to approve the application despite its adverse impact on the significance of the Listed Building.

The application site is a Grade 2 Listed public house located within the settlement of Fence. To the North is a community centre to the east and west are dwellings and to the south is the bypass. The building is whitewashed stone with a stone slate roof and timber fenestration.

The proposed works are the alteration and extension of the building to form hotel accommodation. The main extension would be a two storey accommodation block providing 20 bedrooms (a further 5 bedrooms would be formed in the first floor of the existing building). It would have a depth of 26.4m and width of 25.2m and would wrap around the south west corner of the building. It would be two storeys with an eaves height of up to 5.7m and a ridge height of up to 9.1m and would be constructed from natural stone with artificial stone roof slates and timber fenestration.

A rear extension is also proposed which would run most of the width of the rear elevation of the existing building (25m). This would replace the existing extensions to the rear and would project 4m from the rear elevation of the original building with a lean to roof carrying on from the main roof. This extension would have a natural stone slate roof to match the existing. The other alterations to building would include reopening a walled up doorway in the front elevation to form a fire exist, walling up a door and installing an extraction grill in the front elevation.

The original plans included the demolition of part of a 19th century attached outbuilding which forms part of the Listed Building, the plans have since been amended to retain this part of the building.

### **Relevant Planning History**

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13/15/0129P - Full: Create mock entrance to front (North) elevation with half lantern above, erect lean to porch/canopy to rear (South) elevation with new double doors and windows, retention of cold store to side (West) elevation, erection of a 1 metre high fence to side and rear and insertion of new window and door openings in side (East) elevation. Approved, 05/06/2015.

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13/08/0659P - Listed Building Consent - Erect single storey extension and canopy to south elevation - Approved 18/12/2008.

13/08/0601P - Full: Erect single storey extension - Approved 8/12/2008.

### **Consultee Response**

PBC Conservation - The Bay Horse is Grade II listed and the building dates from the late 18<sup>th</sup> century; it was originally built as a row of six small stone cottages fronting onto Wheatley Lane Road. An outbuilding was subsequently added to the western end of the row at some point prior to the mid 19<sup>th</sup> century, and the public house use had commenced there prior to the 1890's.

The building's main significance lies in this original front elevation to the road, where the simple white-painted stone frontages and original three-light mullioned windows remain, though most of the doorways have been blocked up. To the rear car park elevation the building has been altered and extended from its original form with the conversion to pub use, involving a rear staircase addition within a catslide stone slate roof, and more modern flat-roofed extensions at ground floor level. The original first floor rear elevation is still largely visible however, with five of the original cottage window openings clearly apparent. Internally the original dwellings have been opened up and substantially altered over the years, although some internal walls, beams and fireplaces remain. The building has been vacant and boarded up for around 2 years and urgently needs to be brought back into use so that any further deterioration in the structure and fabric can be prevented. NPPF 131 notes the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

I welcome the fact that the amended plans have shown the retention of the western outbuilding and that there is no longer any significant demolition proposed, however I still have major concerns about the proposed extensions to the rear elevation of the listed building, which as proposed will conceal virtually the whole elevation of the original building. Though the original rear wall and 1<sup>st</sup> floor window openings to the cottages would be retained and visible from inside the building (there is no information as to how this would be achieved), the original form of the rear elevation could not be seen from outside. Though the front elevation is the most significant, the rear still retains some of the original 18<sup>th</sup> century cottage character which is apparent from the window openings, painted stonework and strong eaves line. The catslide roof is an appropriate addition, as is the recently added glazed lean-to which represents a simple modern extension that has preserved the essential lines and form of the original building. The proposed additions would obscure the original rear wall and windows, and the original form of the building would no longer be apparent. These extensions would not therefore preserve the special architectural and historic interest of the building. Other alterations are proposed internally and externally, including removing a mullioned window to the western gable elevation and blocking up a further window to the eastern gable elevation, though there is no justification included for these changes.

A further concern is the scale, height, design and footprint of the proposed hotel block which would

link to the side of the listed building and extend back to the rear of the site; as proposed this will dominate the listed building and have an adverse impact on its setting. The link element has been reduced to single storey height and set back from the street frontage, however the setback is only slight, and the linked two storey gabled building has a rather uncomfortable relationship with the listed building in terms of its scale and proportions; the difference in scale is demonstrated by the fact that the upper floor window sills of the addition line in with the roof eaves line of the listed building. This difference in scale is apparent to the other elevations of the addition, and results in the listed building being visually dominated by the addition from all viewpoints. The addition extends around the rear elevation of the listed building, concealing it even further from view, and the placing of window openings and rooflines adds to the discordant effect.

NPPF 132 states that significance can be harmed or lost through alteration of the heritage asset or development within its setting. Any harm or loss should require clear and convincing justification. Harm should be weighed against the public benefits of a proposal, including securing its optimum viable use. There does not appear to be sufficient justification put forward in this application for the extent of harm caused to the significance of the listed building and its setting. It is noted that a recent application for alterations to reuse the building as a public house was approved; unlike the current scheme this involved no extensions and only minor alteration to the listed building. If the hotel use is to be pursued I would recommend that the proposed extensions be scaled down and that a conservation accredited architect is consulted on footprint, scale and detailed design of extensions together with changes to the listed building itself.

Historic England - The Bay Horse Inn was created from a row of late 18<sup>th</sup> century cottages at the beginning of the 20<sup>th</sup> century. We welcome the continued use of the Bay Horse; however, we do not understand the necessity for the removal of the attached outbuilding to the west of the building in securing the development. We recommend that this is retained in the scheme and that any additional accommodation is pushed to the back of the site. We welcome the continued use of the Bay Horse Inn but are unconvinced of the need for the demolition of an addition to the west of the building. If the application is amended as recommended above we believe there is scope to avoid unnecessary harm that would satisfy the statutory and policy framework.

## **Public Response**

A press and site notice were posted and 9 neighbours notified - No response.

## **Relevant Planning Policy**

Code	Policy
LP 9	Buildings of Special Architectural or Historic Interest

## **Officer Comments**

### **Policy**

#### **Replacement Pendle Local Plan**

Policy 9 (Buildings of special architectural or historic interest) states that the Council will ensure proposed change of use, alterations and extensions have no adverse effects on a Listed Building's special interest, character and appearance and that loss of historic features and fabric is minimised. The impact of the proposed development on the Listed Building's significance is addressed in the design section.

#### **National Planning Policy Framework**

Paragraph 132 requires that when considering the impact of a proposed development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

There would be some public benefit to the development in terms of economic activity and potentially securing the future use of the building, however, this does not outweigh the harm that would be caused to the significance of the Listed Building.

For the reasons set out in the Design and Heritage Impact section the proposed development would cause an unacceptable level of harm to the significance of the Listed Building. Therefore, irrespective of its potential benefits in terms of economic activity and reuse of the building The proposed works are unacceptable.

### **Design and Heritage Impact**

The design of the bedroom extension is incoherent with varying roof heights and patterns and many disjointed angles and features to the elevations. It would be significantly taller than the Listed Building and its scale and bulk would dominate the Listed Building. This poor design would cause a substantial level of harm to the significance of the Listed Building. Inappropriate reconstituted stone roof slates are also proposed, however, an appropriate roof material could be ensured by condition.

In addition, whilst the proposed rear extension would replace some inappropriate additions to the rear of the Listed Building, it would also almost completely obscure all remaining original features of the rear elevation. This would also cause a substantial level of harm to the significance of the Listed Building.

The proposed works are therefore contrary to policy 9 and the guidance set out in the National Planning Policy Framework.

### **RECOMMENDATION: Refuse**

For the following reasons:

1. The proposed extensions, due to their imposing scale, incoherent design and unsympathetic loss/concealing of original features would result in substantial harm to the significance of the Listed Building with would not be outweighed by its benefits contrary to Policy 9 of the Replacement Pendle Local Plan and paragraphs 132-133 of the National Planning Policy Framework.



**Application Ref:** 13/15/0234P

**Ref:** 18760

**Proposal:** Listed Building Consent: Alterations and extensions to south and west facing elevations and re-open blocked doorway to north facing elevation.

**At:** BAY HORSE INN 593 WHEATLEY LANE ROAD FENCE BURNLEY BB12 9EP

**On behalf of:** Mr K Berkins

## LIST OF BACKGROUND PAPERS

Planning Applications

**NW/CPB**

**Date:** 17<sup>th</sup> July 2015