

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

**TO:** BARROWFORD & WESTERN PARISHES COMMITTEE

**DATE:** 3rd March 2016

**Report Author:** Neil Watson  
**Tel. No:** 01282 661706  
**E-mail:** neil.watson@pendle.gov.uk

## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

**REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 03  
MARCH 2016**

**Application Ref:** 13/15/0578P **Ref:** 19166

**Proposal:** Full: Demolition of garage block and erection of three dwellinghouses in one row with parking and cycle stores.

**At:** GARAGE SITE OFF GISBURN ROAD BLACKO NELSON BB9 6LS

**On behalf of:** Mr D Parsons

**Date Registered:** 22 December 2015

**Expiry Date:** 16 February 2016

**Case Officer:** Kathryn Hughes

**Site Description and Proposal**

The site is a previously developed site located outside but adjacent to the settlement boundary of Blacko on land designated as Open Countryside.

The proposal is to demolition the existing garage block and erect a row of three dwellinghouses with associated parking, cyclestores and landscaping.

Each dwellinghouse would accommodate a living room, dining/kitchen and cloaks/utility at ground floor and three bedrooms and a bathroom at first floor.

There would be a parking area located to the south of the site which would accommodate six off-street parking spaces, two for each unit arranged in tandem spaces.

The access to the site is off Gisburn Road between 326 and 324 Gisburn Road along a track which is in the process of being designated a public right of way which also serves the house under construction at Springfield Nurseries and leads onto Beverley Road.

**Relevant Planning History**

None.

**Consultee Response**

LCC Highways - No objections in principle providing the sight lines from the site onto Back Gisburn Road can be improved to the west otherwise objection.

Back Gisburn Road is a private road and is not subject to any future adoption

agreement. The site is adjacent to definitive footpath DF213-9-FP and is currently being advertised as a new public footpath.

The sight lines of 2m x 11m to be provided in both directions from the centre of the site access onto Back Gisburn Road. This is based on the Manual for Streets Table 7.1 and an estimated wet road 85th percentile speed of 10mph.

The applicant should provide accurate details of the required sight line and ensure the entire sight lines are fully over land within the applicant's control. The sight lines as shown to the west are over third party land and as such the applicant can not provide and protect the western sight line as shown.

The site has adequate off road parking provision for this development.

If approved conditions relating to visibility splays and car parking should be attached to any grant of permission.

PBC Footpaths -The proposal development is adjacent to two public rights of way including footpath 41 which is shown on the survey drawing and a public footpath which runs on the vehicular access from Gisburn Road.If planning permission is granted then a note should advise that planning permission does not include the right to permanently or temporarily obstruct or interfere with the right of way.

Environmental Health - Contaminated land condition would be required.

PBC Environment Officer - No objection. The recommendations in the ecology survey are adhered to. All trees and hedges to be retained should be protected and a scheme and specification for the re-stocking of the boundary hedge should be submitted.

Blacko Parish Council - The Parish Council has been in discussion with the Council regarding potential compulsory purchase with the objective of bringing this area back into use as a village amenity by creating off road parking.

In principle Blacko Parish Council does not object but has the following concerns:

- development for dwelling exacerbates on road parking as it is envisage that yellow lines will be required for line of vision and this conflicts with the CPO initiative; and
- There will be difficulty creating suitable splays.

### **Public Response**

Site notice posted and nearest neighbours notified by letter. Sixteen letters, emails and webcomments received objecting to the proposal on the following grounds:-

- Only possible access up an unmade track which runs into private land thus stopping any possible entry;

- Only entry and exit will be onto the busy A682 in between parked cars and opposite a bus stop adding to congestion;
- Construction will jeopardise our right to light;
- All vehicles leaving the site would need to be in the middle of the road in order to see clearly due to parked cars;
- Cars, large lorries and tractor/trailer combinations currently drive through the village at excessive speeds;
- The garages have been used for storage only for at least 15-20 years so the new houses would provide additional traffic to an already very busy road;
- Nose-to-tail parking with no turning circle and no visitor spaces plus loss of parking by the recent development on the Sun Inn car park;
- Proposed buildings not in keeping with a small village community;
- Do not fit within the parameters of the existing garages;
- Concerned about the newly proposed footpath which I use on a regular basis;
- The residents of the cottages will have their light affected by the construction of a new wall at the rear of their houses. These cottages are already quite dark at the rear due to the back yards being lower than the hillside;
- The proposed houses would severely overlook our houses which I feel is a serious invasion of our privacy;
- The houses would have the impression of being three storey not two due to the height of the ground level;
- Problems of drainage and ground stability which would be a major problem;
- The Human Rights Acts states that a person has the right to a peaceful enjoyment of their possessions which includes the home and the backyard of the property;
- The lane is the only safe access to the bus stop and the school to avoid walking on Beverley Road (as there is no pavement), 6 additional cars on this narrow land would make pedestrian access unsafe;
- This is a major building development as the dwellings are 3 times the area and 6 times the volume of the current garages. It will look from my house as a massive windowless wall and will impact on my view of Pendle;
- The cars will cause noise pollution for the current cottages;
- The applicants should provide proof of their right of access over this land;
- The parking arrangement is inadequate and would require reversing out up to the track over land that they have no right of way;
- The increased traffic between the two houses will cause nuisance to the cottages and reduce their amenity and living conditions;
- The applicant has failed to demonstrate how pedestrians using the footpath both on Gisburn Road and through the site will be protected given the congested nature of the site and the narrow access;
- Where will visitors park?
- The applicant seems to be suggesting that the development is for "Starter Homes" no details have been provided on this;
- LCC Highways need to visit the site at numerous intervals during the day and night to understand the constraints and safety issues;
- The development in our opinion would constitute an intrusion into the open

countryside which would be contrary to the main settlement policy of the North East Lancashire Structure Plan which seeks to concentrate development within the larger urban areas such as Nelson with some small expansion of the smaller towns of Barrowford and Colne;

- The site lies within an area of great landscape, historic and scientific value as designated in the Country Development Plan. The main object of which is the protection and enhancement of the Special Landscape and therefore there is a general presumption against new development in such area unless there are special circumstances;
- The provision of low cost starter houses does not in our opinion constitute special circumstances considering that the majority of the persons residing in the village are retired or at a time of life where a need for such dwellings does not exist;
- The land to the rear of 310-324 Gisburn Road is in the main open pasture land and any further development would present an obstruction to the open views of the existing dwellings;
- The applicant has failed to include any form of Transport Assessment and has failed to demonstrate how access/egress will be gained to the site safely in compliance with LCC Highway standards;
- There is potential for vehicle conflicts as one car leaves and another enters;
- The red edge location plan should include the site access onto the A682 with visibility splays taking account of any parked vehicles. If a Traffic Regulation Order is needed then displacement of vehicles will occur on a road which is already heavily parked during the day and overnight;
- Emergency and delivery vehicles would not be able to access the site;
- No consideration has been given to the impact on village parking of visitors to the homes or the impact of freight movements, deliveries or refuse collections;
- The site is overdeveloped as the parking has been squeezed in (double banked) therefore cars will have to reverse onto the track which has been approved as a Public Right of Way;
- The parking spaces are remote from the dwellings and are not overlooked by owners. This is not acceptable in terms of Secured by Design as there is no natural surveillance;
- The applicant has failed to demonstrate how pedestrians using the footpath both on Gisburn Road and through the site will be protected given the congested nature of the site and the narrow access;
- There are derelict garages can the applicant prove that they have ever been used for cars? We have lived here for 13 years and have never seen them used for such purpose. As the site has been vacant for such a long time there is no reason to assume change of use from garages to housing and that the access is fit for purpose, this is a new development outside the settlement boundary;
- We have serious concerns about the impact the proposed works could have on the likelihood of flooding to our property. There has always been significant rainwater run-off to our property due to its position in relation to the steeply inclined nature of the surrounding farmland. Recent heavy rainfall has resulted in the flooding of our yard area and turned the Public Right of Way into a stream;
- The Floods and Water Management Act 2010 establishes a Sustainable Drainage

Systems Approving Body that must approve drainage systems in new developments before construction begins. We believe that there may be some form of watercourse running beneath the land and have concerns about the impact on surrounding properties in terms of drainage as well as ground stability;

- The proposed parking area would have a direct line of site into the bedrooms and bathrooms of cottages on Gisburn Road and the primary amenity area of our outside space will be severely overlooked;
- The design of the proposed development does not afford adequate privacy for the occupiers of the development of adjacent residential properties, particularly with regard to their right to the quiet enjoyment of outside amenities. We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to a peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. In the case of *Britton v SOS* the courts reappraised the purpose of law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings;
- the elevated nature of the proposed development will adversely impact upon current levels of sunlight/daylight as defined by BRE guidelines on daylight assessments). This impact will be most noticeable to houses 324, 322 & 320 however all the associated outside yards and amenity space will be affected by the 1m high wall and 1.8m high fence to separate the right of way;
- the applicant states that the proposed development would support the Council's objective with regard to affordable housing. We would like to point out that the dwellings proposed would not fall within the definition of affordable. House prices in the area are typically in the region of around £160,000 and as the new development would inevitably be priced as a value significantly more than this we do not believe the new dwelling would be considered to be affordable to people on a low income;
- We would like to request that should this application be approved the Council consider using its powers to enforce controlled working hours of operation and other restrictions that might make the duration of the works more bearable.

### **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
ENV 5	Pollution and Unstable Land
LIV 1	Housing Provision and Delivery
LIV 3	Housing Needs
LIV 4	Affordable Housing
LIV 5	Designing Better Places to Live
LP 31	Parking

### **Officer Comments**

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

#### 1. Policy

The following Local Plan Part 1: Core Strategy policies apply:

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%.

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.

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 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.

The following saved Replacement Pendle Local Plan policies apply:

Policy 16 of the Replacement Pendle Local Plan requires all new development to provide appropriate landscaping.

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".

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.

#### 2. Principle of Housing

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. Whilst this site has not been included in this assessment it is previously developed brownfield land outside of, but adjacent to, the settlement boundary for Blacko in a sustainable location and therefore the principle of housing on this site would be acceptable.

#### 3. Impact on Amenity



The site lies to the rear of 310 - 324 Gisburn Road and would be sited opposite, albeit at an angle, to the residential unit currently under construction at Springfield Nurseries (at present there is a caravan on the site which is opposite the proposed units, however, this is temporary and will be removed once the dwelling is substantially completed.

The dwelling under constructed lies to the north east of the proposed dwellings at a distance of approximately 15m from the nearest point of plot 3 this is acceptable.

The cottages on Gisburn Road lie at a lower level with the rear openings facing onto the proposed turning and parking area and the existing retaining wall to their rear gardens. A 1m high dry stone wall is proposed to be erected 1.9m in from that. This is acceptable and could be constructed under permitted development rights. The gable of plot 1 would be sited 9.5m from the existing boundary retaining wall and 13m from the rear elevations of the cottages.

The site is on a slope and the three units would step up in height by approximately 0.5m for each unit. This means that unit one which is nearest to the cottages would be the lowest in height with a finished floor level only 0.6m higher than the existing level at the rear of the cottages and 1.6m higher than Gisburn Road to the front.

No windows are proposed in the gable of plot one and the separation distance of 13m is more than acceptable even given the limited increase in height to the adjacent dwellings.

Concerns have been raised that the proposed development would interfere with the privacy of a neighbouring property and therefore breach rights set out in Article 8 of the European Convention on Human Rights. The rights referred to are not absolute, they seek to protect individuals from unreasonable impacts rather than any impact. In determining planning applications such as this the Council must balance impacts on individuals against the economic and social benefits of providing new homes. The impact of the proposed development on the amenity of the occupants of the adjacent dwellings has been assessed against the Council's adopted policy and is acceptable.

Therefore the proposed development is acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

#### 4. Design and materials

All three of the proposed dwellinghouses would contain a lounge and kitchen/dining room at ground floor and three bedrooms and a bathroom at first floor.

Artificial stone and roof tiles are proposed with timber windows and doors with stone surrounds. In this case as the site visible from public footpath and lies in the Open Countryside natural stone and slate would be more appropriate. This can be controlled by an appropriate condition.

Boundary treatment of dry stone wall to front and bounded the site to the west and between the properties is proposed and a 1.8m timber fence to the east side abutting the public footpath.

No details of the cycle store have been submitted and therefore these details would need to be submitted and agreed.

The plots are quite spacious and have a reasonable amount of outside amenity space and a 1.9m planting buffer which would provide green infrastructure due to the small nature of the proposal this would be in accordance with policy LIV5 of the Pendle Local Plan.

This is acceptable and accord with policy ENV1.

#### 5. Landscaping

A basic hard and soft landscaping scheme has been indicated on the submitted plans which is acceptable. An appropriate condition can ensure that adequate details are submitted for approval.

This accord with policy 16 of the Replacement Pendle Local Plan.

#### 6. Ecology

An Extended Phase 1 Habitat Survey has been submitted which is acceptable subject to the recommendations being conditioned.

#### 7. Drainage and Contamination.

The site is not located within a flood zone. Details of the proposed foul and surface water drainage system can be controlled by an appropriate condition which will improve the existing greenfield run off on the site and reduce the risk of flooding to nearby properties.

Therefore the proposed development is acceptable in terms of drainage and accords with policy ENV7,

An appropriate land contamination condition should be attached to any grant of permission.

#### 8. Highways Issues

The proposed development would provide 2 off-street car parking spaces per dwellinghouse. This is in line with the car parking standards for three bedroom houses set out in the saved Replacement Pendle Local Plan policy 31.

The car parking would be located in one area to the of the site in tandem spaces with a turning area in front this is acceptable for this small scale development.

LCC Highways are satisfied that adequate visibility splays can be achieved onto the access track. It is accepted that this is an existing access which has served the garden nursery and the garage site and as such was used by motor vehicles.

The applicant has confirmed that although he does not own the track and part of this has ben registered to the owner of Springfield Nurseries opposite the site he does have long established access rights into the site.

In this case no improvements are required to the track and therefore the issue of access rights would need be lawfully established in order for the development to proceed. This can be controlled by an appropriate grampian condition requiring the access into the site to be provided prior to any other work commencing.

There are two footpaths adjacent to the site, footpath 41 and a public footpath which runs along the access track. This is in the process of being recorded as a public right of way by LCC. Neither of these will be affected by the proposal and any obstruction or temporary closure would need to be agreed with the Countryside Access Officer.

The proposed development is acceptable in terms of highway safety.

## **Summary**

The principle of residential development in this location is acceptable and would not have a severe cumulative impact on highway safety. The proposed development would not have a detrimental impact on the adjacent residential properties and accords with policies ENV1, ENV2, ENV7 and LIV 5 of the Pendle Local Plan Part 1 and saved policies 16 and 31 of the Replacement Pendle Local Plan.

## **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 of the site for 3 residential units is acceptable in terms of amenity, design and siting and would not adversely impact on amenity or highway safety subject to appropriate conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Approve**

Subject to the following conditions:

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:

2247 03, 2247 04, 2247 05 Rev B & 2247 06.

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

3. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A & E(a) of Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

A) no extensions shall be erected

E(a)) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the buildings

**Reason:** To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

4. No development shall take place until a scheme for all highway works to facilitate the proposed access to the site along the access track from Gisburn Road have been submitted to and approved in writing by the Local Planning Authority. The new access into the site shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site. The access road shall be laid out, surfaced, sealed and completed in its entirety prior to the occupation of the first unit.

**Reason:** To ensure that the access can be achieved to a suitable standard to enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.

5. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement

which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

**Reason:** In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

6. Before work commences on the site, facilities shall be provided and retained within the site, by which means the wheels of vehicles may be cleaned before leaving the land. All vehicles shall thereafter use the facilities.

**Reason:** In the interest of highway safety.

7. The proposed development shall not be brought into use unless and until the car park shown on the approved plan has been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

**Reason:** In the interest of amenity.

8. The access shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and 11 metres distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

**Reason:** In order to ensure satisfactory visibility splays are provided in the interests of highway safety.

9. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

**Reason:** To control foul and surface water flow disposal and prevent flooding.

10. Before a dwelling unit is occupied waste containers shall be provided in the bin/cycle storage areas on each plot.

**Reason:** To ensure adequate provision for the storage and disposal of waste.

11. Prior to the commencement of development samples of the materials, including a sample panel, to be used in the construction of the development hereby permitted and details of the proposed cycle stores including materials and dimensions (notwithstanding any details shown on previously submitted plan(s) 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.



**Application Ref:** 13/15/0578P

**Ref:** 19166

**Proposal:** Full: Demolition of garage block and erection of three dwellinghouses in one row with parking and cycle stores.

**At:** GARAGE SITE OFF GISBURN ROAD BLACKO NELSON BB9 6LS

**On behalf of:** Mr D Parsons

## REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 03 MARCH 2016

**Application Ref:** 13/15/0587P

**Ref:** 19176

**Proposal:** Full: Lift roof of property to create first floor, erection of two storey extension to front and associated external alterations.

**At:** 4 SANDY HALL LANE BARROWFORD NELSON BB9 6QH

**On behalf of:** Mr A Leach

**Date Registered:** 11 December 2015

**Expiry Date:** 5 February 2016

**Case Officer:** Neil Watson

### **Site Description and Proposal**

This application is brought to Committee at the request of Councillors and seeks to undertake works at 4 Sandy Hall Lane in Barrowford to convert and extend an existing dormer bungalow to create a full, two storey dwelling.

The site is located outside the settlement boundary and falls with the Open Countryside and Green Belt. It is also within the boundary of the Carr Hall and Wheatley Lane Road Conservation Area.

### **Relevant Planning History**

N/A

### **Consultee Response**

**LCC Highways;** no objections - development should have a negligible impact on highway safety and capacity.

**PBC Trees;** some trees within the site would have to be removed, however these are not TPO worthy and are of low merit.

**Barrowford Parish Council;** no comments received.

### **Public Response**

**Four neighbours notified, site and press notice displayed;** one response received, commenting on;



- conservation area contains a mix of house types
- some have been designed by nationally recognised architects
- loss of a genuine bungalow
- design would be out of scale with host dwelling and adversely impact on the character of the conservation area
- national policy seeks to retain bungalows due to a shortage
- over intensification of the site and the access
- if approved conditions should be added
- covenant relating to building design

### **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
SPDDP	Supplementary Planning Document: Design Principles

### **Officer Comments**

The main issues to consider in this application are design, amenity, highway safety, impact on the Green Belt and impact on the Conservation Area.

#### **Policy**

Policies ENV1 and ENV2 of the Local Plan Part 1 states that new development should protect and enhance the environment by way of their design, whilst maintaining the openness of the Green Belt.

ENV1 also states that heritage assets will be conserved/enhanced in a manner appropriate to their significance. Proposal should ensure that the harm is not caused without clear and convincing justification.

The Design Principles SPD explains that raising the ridge level of a property is not normally acceptable unless it would not have an adverse impact on the character of the building or the street scene.

The National Planning Policy Framework ('the Framework') constitutes the Government's view of what sustainable development in England means in practice for the planning system. With regard to Green Belt, paragraphs 79 - 92 are relevant.

Paragraph 87 states that inappropriate development should not be approved except in very special circumstances. Paragraph 89 advises that amongst others, the following is deemed to be an exception to the definition of inappropriate development;

"the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"

Therefore the primary assessment to undertake in an application of this nature is whether the development meets the defined exception above and whether harm is caused to the character or appearance of the Conservation Area.

### **Design and Impact on the Green Belt**

The application site lies in the Green Belt and as such is the subject of the provisions of section 9 of the Framework and policy ENV 1 of the adopted Core Strategy. The Framework sets out that inappropriate development is by definition harmful to Green Belt. Where development is inappropriate then very special circumstances need to be demonstrated for the development to be allowed. The applicant is not relying on any very special circumstances to justify the development.

Paragraph 89 of the Framework sets out what is not inappropriate development. The third bullet point is relevant for this application which states that inappropriate development is not:

- "the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building"

The existing dwelling is a single storey building with a flat roof extension incorporating a utility room and garage. There is additional accommodation in the roof space facilitated by front and rear dormers.

The proposal is to add a full second floor and with a two storey front gable to the front elevation. The cubic content of the dwelling would circa double. The height of the dwelling would increase by circa 2.4m. The massing of the building would increase from a single storey dwelling, modest in scale to a two storey unit which is clearly different in its scale to that of the existing dwelling. The combination of the size increase and the significant increase in scale and massing could not be described as being proportionate increases to the existing dwelling. The net result is a dwelling that is significantly different and larger than the existing dwelling and the additions are clearly disproportionate to that of the existing dwelling.

The development is therefore inappropriate development in accordance with the policies in the Framework.

The site is accessed off a private road. It consists of large houses on its west side in extensive grounds and detached properties in their own grounds on the east of the private road. Public views from the site from the east are limited due to the significant amount of trees and shrubs to the front of the properties.

The dwelling sits between two storey units although there is a good gap between the units.

The dwelling, and other houses on the row, are visible from the public footpath found a field away to the east. Here the form and massing of the properties are clearly seen, albeit that this would be masked more in summer when trees and hedges are in full leaf.

The dwelling appears smaller than the adjoining units and sits low on the site. Adding a second storey would alter the character of the site and would add significant massing to the building over and above what currently exists. This will have a detrimental impact on the openness of the green belt from vantage points to the east of the site.

The extension of the property and the addition of a second floor to it would result in a development that would be disproportionate to the original building. The massing of the building would increase and this would have a detrimental impact on the openness of the green belt. The development would thus be inappropriate development in the Green Belt contrary to the policies in Section 9 of the National Planning Policy Framework.

In the absence of any very special circumstances the development would be contrary to the Framework and would result in inappropriate development in the green belt which by definition would not be sustainable development.

### **Impact on the Conservation Area**

The site is within the Carr Hall and Wheatley Lane Road Conservation Area and Sandy Hall Lane is mentioned in the Appraisal document as contributing in various ways. This section is not however identified as forming part of a key vista or of the buildings making a special contribution to the area.

The application was accompanied by a heritage assessment. that however did not assess the importance of the heritage asset or the impact the development would have.

The site itself does not play an important role in the overall significance of the designated heritage asset. The significance of the asset in this location is low.

The impact the development would have on the asset would lead to less than substantial harm to it. There would be a public benefit of investing in the site which would outweigh any harm on the significance of the asset.

### **Highways**

Access arrangements from the lane are to remain as existing with some works within the curtilage to increase the width of the driveway to improve manoeuvring space. An existing garage is also to be retained at the rear of the plot.

LCC Engineers have assessed the scheme and raise no objections in terms of highway safety and capacity.

### **Amenity**

The site retains suitable separation to adjacent neighbours to avoid any direct privacy loss or impacts from the increased massing. This is helped by existing screen planting to the boundaries and the staggered position of the dwellings within their plots.

### **Trees**

Some trees would need to be removed to facilitate the proposed widening of the driveway, however these are of low amenity value and as such are not worthy of protection by TPO.

### **Drainage**

No comments or objections have been received from statutory drainage bodies.

### **Other Issues**

Comments have been raised about the loss of a bungalow accounting for a national shortage of this type of dwelling. Whilst this is noted, refusal on such a basis could not be supported.

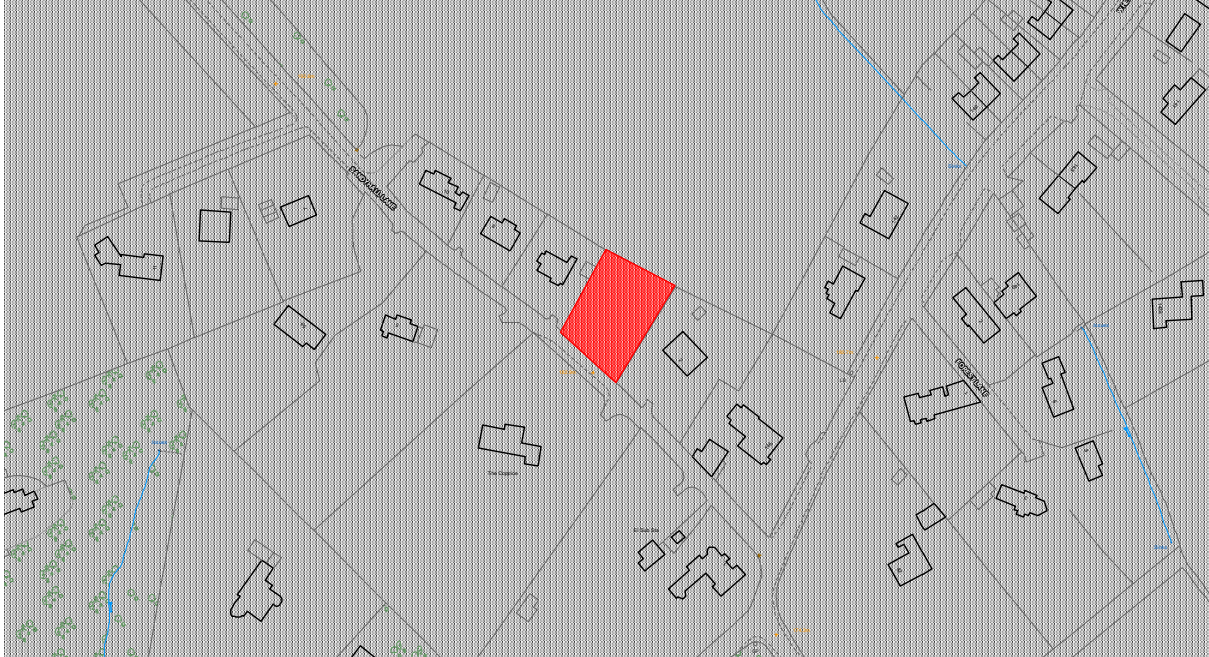
Any issues relating to vehicles using or parking on the private road would be a civil matter as would any damage caused.

Should any noise or disturbance occur from the works, it would need to be pursued through the relevant environmental health legislation.

### **RECOMMENDATION: Refuse**

For the following reasons:

9. The extension of the property and the addition of a second floor to it would result in a development that would be disproportionate to the original building. The massing of the building would increase and this would have a detrimental impact on the openness of the green belt. The development would thus be inappropriate development in the Green Belt contrary to the policies in Section 9 of the National Planning Policy Framework.



**Application Ref:** 13/15/0587P

**Ref:** 19176

**Proposal:** Full: Lift roof of property to create first floor, erection of two storey extension to front and associated external alterations.

**At:** 4 SANDY HALL LANE BARROWFORD NELSON BB9 6QH

**On behalf of:** Mr A Leach

## REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 03 MARCH 2016

**Application Ref:** 13/15/0620P

**Ref:** 19211

**Proposal:** Full: Change of use of detached storage building to ancillary accommodation/holiday let for unit 7. Erection of first floor extension and porch to front elevation.

**At:** FILTER HOUSE BARLEY GREEN BARLEY BURNLEY BB12 9JU

**On behalf of:** R.Pilling & Sons (Burnley) Ltd

**Date Registered:** 23 December 2015

**Expiry Date:** 17 February 2016

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

This application has been brought before Committee because more than three objections have been received.

The application site is a former filter house within currently being converted to seven dwellings. The site is located within the settlement boundary of Barley and in the Forest of Bowland AONB. The application relates to a detached outbuilding used for storage within the car park of the main building. The building has a footprint of 6.2m x 5.1m and a monopitched roof with an eaves height of 2.9m and a ridge height of 4.3m. It is constructed from stone with a slate roof and upvc fenestration.

The proposed development is external alterations and change of use to a holiday cottage / ancillary accommodation for unit 7 of the Filter House. The proposed alterations would involve increasing the height of the building to add a second storey and erection of a porch to the front. The resulting building would have an eaves height of 5.3m and a ridge height of 6.7m. The additions would be constructed from stone, the roof would reuse the existing slate and the building would have timber fenestration.

### **Relevant Planning History**

13/11/0316P - Variation of condition 2 of Planning Permission 13/10/0652P to install flue pipes for each dwelling: Conversion of Former Water Board Filter House to 7 dwellings. Approved, 12/08/2011.

13/10/0652P - Full: Variation of Condition: Vary Conditions 2 and 5 of Planning Permission 13/09/0483P to amend appearance of dwellings, parking and landscaping. Approved 02/11

13/09/0483P - Full: Conversion of former water board filter house to 7 dwellings, with parking and landscaping and demolition of the rear extension. Approved 01/10.

13/09/0483C1 - Approval of Details Reserved by Condition: Discharge of condition 9 of planning permission 13/09/0483P. Approved 02/11

13/09/0483C3 - Approval of Details Reserved by Condition: Discharge of conditions 7, 8 and 13 of planning permission 13/09/0483P. Approved 02/11

13/08/0483C4 – Approval of Details Reserved by Condition: discharge of Condition 17 of planning permission 13/09/0483P. Approved 03/11

13/09/0483C5 - Approval of Details Reserved by Condition: Discharge of Condition 3 of Planning Permission 13/09/0483P. Approved 03/11

### **Consultee Response**

LCC Highways - no objections regarding the proposed detached storage building to ancillary accommodation/holiday let for unit 7 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.

Based on the car parking recommendations in the Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards the Highway Development Control Section is of the opinion that the applicant has provided adequate off-road parking provision for this development and the approved development 13/09/0783.

The Highway Development Control Section recommends the following conditions as part of the formal planning decision: -

1: The car parking and manoeuvring scheme to be marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter and for communal use only no spaces reserved for individual dwellings. Reason: To allow for the effective use of the parking areas.

2: The change of use of detached storage building to ancillary accommodation/holiday let for unit 7 shall only be used as ancillary accommodation/holiday let for unit 7 and shall not be divided by way of sale or sub-letting to form separate residential accommodation. Reason: To avoid the creation of separate dwellings which may be substandard in terms of parking provision and/or vehicular manoeuvring area.

Environment Agency - The plan provided shows that the site is partially within Flood Zones 2 and 3 and as such the application should be supported by a Flood Risk Assessment (FRA), in line with the National Planning Policy Framework. However, the building is in Flood Zone 1 and as such at lowest risk of flooding.

We would have no objection to this proposal therefore, provided that the Council is

satisfied that the site was not affected by the recent flooding events in December 2015. The Council should ask the applicant to confirm this in writing. If the building was affected or the flooding was more extensive than indicated on our maps then a FRA should be submitted.

PBC Environmental Health - Please attach a contaminated land condition.

PBC Environment Officer - The proposal is to use the same footprint and only the height is to be raised. This will be technically acceptable by the removal of some lower tertiary branches to crown lift the tree but it will leave a major branch overhanging and quite close to the new roof. Whilst this is generally acceptable, it may result in future pressure to undertake further more significant pruning.

Barley with Wheatley Booth Parish Council - Barley Parish Council wishes to object to the above application on the following grounds:

Overdevelopment in the village. Barley PC supported the original application for conversion of the former water treatment works but had asked that the number of dwellings be reduced because we believed the site was being over developed.

The PC was disappointed that the application for 7No dwellings was approved and subsequently 3No further dwellings were constructed directly next door within Barley Green, this added 10No properties to the locality where only five existed previously. Overall these two developments have increased the housing stock in the village by circa 25% to the number of dwellings in the village.

The proposed addition of a further dwelling simply exacerbates this issue and increases the development of the United Utility site to 11No properties which would be defined as a major development (greater than 10No) if it had not evolved by stealth.

The size of the site is too small to accommodate an additional dwelling with gardens. The development will reduce the vehicle turning area size and reduce the bin storage capacity of the site and as such would reduce the amenity of the properties currently being constructed.

This introduction of a two storey detached dwelling will not be in keeping with the current development, it will partially fill the gap between the old waterworks building and the garages and make the area appear a more urbanised continuous development. It will have a significant visual impact on the development through the loss of the open aspect from the popular access road / footway to Ogden reservoirs and Pendle Hill and will not enhance the natural or built environment,

The existing single storey building is in scale and nature appropriate to the location.

Barley PC understands that the original building may be of special interest,



There is already significant accommodation to let in Barley including two businesses which offer accommodation and there are many holiday let cottages within 3 miles of the village which brings in to question the economic sustainability of this development as a holiday let leading to the possibility, as we have seen in recent cases, that this becomes a permanent residence and may well be sold as such.

The additional property will put increased demand on the limited parking spaces available to this development and add additional traffic movements to a congested area. The site has 18No parking places of which 6No are garages. The planning application requires a minimum of 15No parking places and the applicant proposes 1No parking space is allocated to the holiday let. The developer previously claimed the excess capacity would prevent residents parking on the narrow access road but this development would erode that capacity and lead to on-road parking.

The tree immediately adjacent to the building is a magnificent specimen and if not protected, it should be protected. The proposed construction would significantly damage this tree.

### **Public Response**

A site notice has been posted and 3 neighbours notified - 5 responses have been received objecting to the proposed development on the following grounds:

Barley has already had an increase of 255 in housing and is becoming urbanised and overcrowded.

The site is already overdeveloped and overcrowded.

The development would exacerbate traffic and parking problems in the area.

There is no need for a further holiday let. It will no doubt end up as a permanent residence.

The building should be used for something else i.e. bins or storage.

The proposed two storey dwelling would not be in keeping with the current development. It will make the area appear urbanised and result in the loss of an open aspect on a popular footway.

### **Officer Comments**

#### **Policy**

Pendle Local Plan Part 1: Core Strategy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG, or its replacement. In determining proposals which affect the Forest of Bowland Area of Outstanding Natural Beauty (AONB) great weight will be given to conserving its landscape and scenic beauty.

ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets. Proposals should maintain the openness of the Green Belt.

WRK5 (Tourism, Leisure and Culture) states that Proposals associated with the provision of new or improved facilities for tourism, leisure and cultural activities, including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.
2. Help to improve the quality and diversity of the existing tourism offer, and extend the tourist season.
3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards in terms of design and accessibility.

### **Principle of the development**

The application site is located within the settlement of Barley with access to public transport within walking distance and therefore would promote sustainable tourism and is acceptable in principle in accordance with policy WRK5.

### **Design and Visual Amenity**

Concerns have been raised that the building is of special interest. The buildings are not Listed nor are they within a Conservation Area. Although the main building is an attractive building that positively contributes to the area, the building subject to this application is merely a small, simple outbuilding.

The proposed alterations to the building are of an acceptable simple vernacular design and would be in natural materials in-keeping with the character of the area. The proposed development is acceptable in terms of design and visual amenity and would preserve the natural beauty of the AONB in accordance with policies ENV1 and ENV2.

### **Amenity**

Taking all relevant factors into account, the proposed development would not result in any unacceptable residential amenity impacts in accordance with policy ENV2.

## **Trees**

There is a tree adjacent to the building which overhangs it, concerns have been raised about the impact of raising the roof of the building on this tree. The tree is not currently protected but is a healthy mature tree. The Council's environment officer has assessed the potential impact on the tree and advised that the lower branches could be pruned to allow the building to be raised without unacceptable harm to the tree.

## **Drainage and Flooding**

Although the site is partially within a flood zone the building itself is not and therefore the proposed development is acceptable in terms of flood risk. Acceptable foul and surface water drainage could be ensured by condition.

## **Highways**

The proposed access is acceptable to accommodate the additional traffic that would be generated by two holiday cottages. The approved car parking layout for the filter house conversion includes parking for 14 cars within the car parking area adjacent to the building, the plans submitted with this application show that up to 18 spaces could be accommodated in that area. With one bedroom the proposed holiday let would require just one car parking space, the submitted plans demonstrate that this can be provided without interfering with the approved car parking layout of the filter house conversion. The proposed development and it is therefore acceptable in highway terms.

## **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of policy, design, amenity, drainage, impact on trees and highway safety. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Approve**

Subject to the following conditions:

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: 'Proposed Conversion of Detached Store to 1 Bed Holiday Let'.

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

3. Within two weeks of the commencement of development samples of the external materials to be used in the construction of the roofs and walls of the development hereby permitted shall have been submitted to the Local Planning Authority. Should the samples not be submitted no further development shall be undertaken on site until samples are submitted. The development shall not be occupied unless it is constructed strictly in accordance with the approved materials.

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

4. Any pruning works to the adjacent tree required in connection with the development shall only be carried out in strict accordance with BS 3998 (2010).

**Reason:** To protect the adjacent tree.

5. The development shall include provision for one car to park, turn and exit the site in forward gear. Unless otherwise agreed in writing by the Local Planning Authority the parking space shall be that marked no.18 on the approved site plan. The building shall not be occupied unless and until the car parking space and turning area has been surfaced, marked out and made available for use and they shall thereafter at all times remain unobstructed and available for parking and manoeuvring purposes.

**Reason:** In the interest of highway safety.

6. The building shall be occupied for holiday purposes or as accommodation incidental and ancillary to the enjoyment of Unit 7 of the Filter House only:
  - (1) the building shall not be occupied as a person's sole or main place of residence other than as accommodation incidental and ancillary to the enjoyment of Unit 7 of the Filter House.
  - (2) the owner/operator shall maintain an up-to-date register of the names of all owners/occupiers of the building and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

**Reason:** In order to ensure the proper control of the use of the holiday unit / ancillary accommodation.

7. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with

the approved plans before the first dwelling is occupied.

**Reason:** To control foul and surface water flow disposal and prevent flooding.

8. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, E & F of Part 1 and Class A of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to control any future development on the site in order to safeguard the adjacent tree, the character of the area and the natural beauty of the AONB.

9. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-
- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
  - b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

**Reason:** In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

**Note:**

## REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 03 MARCH 2016

**Application Ref:** 13/15/0624P

**Ref:** 19205

**Proposal:** Outline: Major: Residential development of up to 19 dwelling houses (All matters reserved).

**At:** PART OF FIELD NOS. 6777, 7878 AND 0083 GISBURN ROAD  
BLACKO NELSON BB9 6LZ

**On behalf of:** Mr Greenwood

**Date Registered:** 23 December 2015

**Expiry Date:** 17 February 2016

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The site is agricultural land outside the settlement boundary on land designated as Open Countryside.

The application is to use the land for residential development with upto 19 dwellinghouses erected on the site. This application is in outline only with all matters reserved.

An indicative layout plan has been submitted showing an access from Gisburn Road up the farm access track and a spur road off for access to the proposed dwellings which are indicated in layout form. However, no weight can be given to these details shown on the indicative plan as these details have not been applied for and therefore do not form part of the application.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways - The Highway Development Control Section is of the opinion that the applicant has not provided sufficient information regarding the site access and as such accurate highway comments cannot be provided.

Due to the potential major safety issues regarding the location and geometry of an acceptable site access onto this strategic road the Highway Development Control Section is of the opinion that the applicant should provide an acceptable site access details before determining the application in the interest of highway safety.

Where an acceptable and safe site access can be provided the Highway Development Control Section would not have any objections in principle to the proposed 19 dwellings.

The proposed development is to provide 19 dwelling on land which is currently undeveloped with very few traffic movements associated with the site edged red.

The site will be accessed via a new access on to Gisburn Road. Gisburn Road is classified as the A682 and is categorised as a Strategic Route with a speed limit of 20mph fronting the site access.

The planning application is for less than 50 new dwellings and as such the applicant does not need to provide a transport assessment or Travel Plan.

TRICS is the national standard system used to predict trip generation and analysis of various types of development. Using a typical TRICS report for a privately owned housing development, the development will generate an estimated 130 vehicular movements a day with an estimated peak flow of 12 vehicles between 17:00 and 18:00.

The Highway Development Control Section is of the opinion that the development should have a negligible impact on highway capacity in the immediate vicinity of the site.

Traffic studies have been carried out by Lancashire County Council in March 2012 and June 2014. The traffic studies indicate the 85th percentile speeds are 39mph for North bound traffic and 37mph in a south bound traffic and HGV movements are around 7 to 8%

The Lancashire County Council five year data base for Personal Injury Accident (PIA) was checked on the 28th January 2015. The data base indicates there has been one incidents fronting the site involving a pedestrian being hit by the mirror of a passing vehicle. The data based also indicates there has been one speed related incidents to the west of the site and one speed related incident to the east of the site.

Whilst any accident is regrettable, the highway network surrounding the site is considered to have a good accident record but the speed of vehicles near the site is an issue.

Using the calculation from Manual for Streets 2 and the traffic speed survey the sight lines of 2.4 x 98m to be provided in southern direction and 2.4x 90m to be provided in northern direction.

The applicant should provide accurate details of the required sight line requirement, before determining the application. Where acceptable sight lines at the junction are not provide the Highway Development Control Section would raise an objection to the development in the interest of highway safety



The location and geometry of the site access has not been provided by the applicant and the applicant will need to prove the access with Gisburn Road by swept path analysis for a twin axel refuse vehicles or provide a prescribed access with a 5.5m wide road for a minimum of 10m into the site and provided 6m radius on both sides of the access. This requirement is to prevent the need for a vehicles to reverse back onto Gisburn Road when another vehicle is leaving the access road, at the detriment to highway safety on a fast moving road, with restricted forward visibility. Additional congestion issues where vehicles need to wait on Gisburn Road for the access to clear and causing confusion for other road users not seeing the reason for the vehicle in front not moving.

Where an acceptable site access is not provide the Highway Development Control Section would raise an objection to the development in the interest of highway safety.

The Highway Development Control Section is of the opinion that the proposed development should have a negligible impact on safety in the immediate vicinity of the site providing an acceptable site access and associated sight lines are provided as detailed above.

As the development is for more than 9 properties a section 106 transport planning contribution for the development will be required, based on the „Planning Obligation in Lancashire Policy Paper“. Further detail S will be provided by Lancashire County Council's Property Assets Team (Planning Contributions) in due course.

The site accessibility score for this residential development is 12 out of a possible 48, therefore the site has a low accessibility score.

Due to increased traffic flows generated by the development, to aid highway safety, to support sustainable transport and improve social inclusion within the vicinity of the site, the Highway Development Control Section recommends a highway contribution of £40,000. The provisional justification and estimates for the requested section 106 highway contribution is detailed below: -

1. To support sustainable transport and improve social inclusion, upgrade two bus near the site to quality bus at an estimated costs £10,000 per bus stop
2. To support sustainable transport and improve social inclusion, a £20,000 contribution to go towards the improvements to public right of way (13-9-FP25).

**Updated comments - based on the indicative plans an acceptable access can be achieved to serve the proposed development.**

Architectural Liaison Unit - As the scheme is outline at this time with all other matter reserved, I make the following general security recommendations in order to prevent the opportunity for crime and disorder:-

### **Security Recommendations**

- The development will be required to meet with the security requirements detailed within Part Q, Approved Document effective from 1 October 2015. Part Q requires all doors and windows on new build dwellings to be tested and certificated to PAS 24/2012 standards.
- As the scheme will be required to incorporate the above physical security measures PAS 24/2012 doors and windows, I would recommend that the dwellings are built to achieve Secured By Design security standards. Consideration should be given to the ground floor rear and side windows incorporating laminated glazing. These windows are more vulnerable to forced entry by an intruder.
- The rear of the dwellings should be protected with a 1.8m high fencing arrangement such as close boarded timber. Access to the vulnerable rear of the dwelling should be restricted with a 1.8m high lockable gate. Offenders typically target the rear of dwellings in order to gain unauthorised entry to a property as this area is generally afforded no natural surveillance.
- The front and rear doorsets of the properties should be fitted with a dusk till dawn security light.
- Parking arrangements for the dwellings, where possible should be within the curtilage of the properties to avoid vehicle crime.
- There should be clear demarcation between public and private property at the front of the dwellings. A low level wall/railing arrangement or foliage/ shrubbery can modify a potential offenders behaviour as it clearly indicates that they are on private property. .
- The dwelling should be fitted with a 13amp non switched fuse spur suitable for an alarm system to be installed.

Natural England - No objection.

Lead Local Flood Authority - The applicant has not indicated the discharge point to drain surface water from the proposed development.

The [Planning Practice Guidance \(PPG\)](#) establishes a hierarchy for surface water disposal, which encourages a SuDS approach:

Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

Regardless of the site's status as greenfield or brownfield land, the Lead Local Flood Authority encourages that surface water discharge from the developed site should be as close to the greenfield runoff rate as is reasonably practicable in accordance with Standard 2 and Standard 3 of the [Non-Statutory Technical Standards for Sustainable Drainage Systems](#).

Designing green space and public realm with SuDS that work well when both wet and dry can provide valuable community recreational space as well as important blue and green infrastructure. Sports pitches, squares, courtyards, playgrounds, landscapes around buildings, urban parks, green corridors and woodlands are all popular types of open space which can be integrated with SuDS. SuDS can also contribute to development targets for open space where they are designed to be multi-functional.

On smaller development sites, space efficient SuDS can still be incorporated and include, for example, green roofs, bioretention gardens, permeable paving, rills, rainwater harvesting, hardscape storage, micro-wetlands, and bioretention tree pits.

### **Lead Local Flood Authority Position**

The Lead Local Flood Authority has **no objection** to the proposed development subject to the inclusion of the appropriate conditions.

### United Utilities - Drainage Comments

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

United Utilities will have no objection to the proposed development provided that the appropriate conditions are attached to any approval.

PBC Environmental Health - No adverse comments.

PBC Public Rights of Way - The proposed development is sited on or near a public right of way. If planning permission is granted then a note should be included in the decision notice to advise that the grant of planning permission does not include the right

to either permanently or temporarily obstruct or interfere with the right of way. The position and width of the right of way may not be obvious and therefore advice from a suitably qualified rights of way practitioner should be sought before any works which may affect the right of way start. If part or all of the public right of way needs to be permanently or temporarily closed or diverted to allow the development to be carried out then a formal order made by the Council will first need to come into operation in accordance with the appropriate legislation. Details of how to apply for a permanent or temporary closure are available from the Countryside Access Officer.

In particular it appears that footpath 25 Blacko, which runs on the western edge of the application site, will be adversely affected. This is because the footpath will run between an existing boundary and a new site boundary. The full width of the footpath is not recorded but I would recommend that a minimum width of at least 2 metres wide is left for the footpath. This section of footpath is likely to deteriorate and become muddy due to running between boundary structures on either side and therefore provision should be made within a Section 109 Agreement (or similar) to fund the improvement of the footpath adjacent to the site.

PBC Environment Officer - Public right of way No. 25 runs up the north west site boundary and the layout and design must take this into consideration.

The ecology reports finds that there is nothing of interest on the site and development would not be detrimental to any protected or notable species of wither flora or fauna but conditions relating to the recommendations in the report (paras 5.2 - 5.3) should be attached to any permission which might be granted.

Blacko Parish Council - The Council objects on the following grounds. The Council is opposed to the proposal as it considers it to be unsustainable on the following grounds:

- School Places - Blacko School is currently oversubscribed by four fold, 19 additional dwelling would further exacerbate this;
- School Safety - it is assumed that new yellow lines would be positioned at any splay; this would reduce parking for pick up and drop off. Any traffic assessment should be undertaken at the start and end of a school day;
- Flooding - during the recent heavy rains and specifically on December 26th 2015 water was flowing through the wall with such force it was almost clearing the footpath. The wall may have collapsed had it not been recently rebuilt at a cost of approximately £500,000. Any new development would increase water runoff and may be undermined by any repeat of the recent water levels;
- Bus Service - the bus service to Blacko will be withdrawn in April, 2016;
- Number of Dwellinghouses - the proposal is for up to 19 houses this would give a density of 57dph.

The Council also wish to highlight inaccuracies and specific comments the following reference documents:

Strategic Housing Land Availability Assessment site ref S093

The proposal was for 10 dwellings, it is now 19.

- S11 it states "no other identified flooding issues on site", please see objection above.
- 13 bus stop 0.09km. No bus services Blacko.
- S17 Doctors 3.3km. Where is this located?
- S19 Town/Local Centre 2.4Kms. Where is this?
- S21 Employment Area 2.4km. Where is this?
- S23 Corner Shop 2.6km. The only shop in Blacko is a barbers shop.
- S24 Post office 2.6km. The nearest post office is 5km away in Nelson.

In comments the need for an engineering solution is identified due to the changes in level from the road. How will this be achieved?

In constraints reference is made to settlement boundary and changes in level from road.

The Design and Access Statement states the proposal is to fill the gap and round off development the most westerly section of the proposal would not fill a gap as dwelling 458 is the last house on the road.

All matters are reserved on the basis on the above this is not acceptable.

### **Public Response**

Site and press notices posted and nearest neighbours notified by letter. 27 letter, emails and webcomments have been received objecting to the proposal on the following grounds:

- the three storey aspect of the plans are ill-fitting for the strong charm and historic character that the village has. The elevated position would dwarf the adjacent terrace row although design issues could be resolved we feel the site is fundamentally unsuitable;
- water run off is a concern as is ground stability;
- this development will put more strain on schools;
- 11 parking spaces for current residents are proposed but there is no assurance that current residents will get the space on a daily basis;
- lack of parking and increased traffic in Blacko is a concern;
- concerned about Pendle Borough Council's proposals to reduce bus services through the village;
- one of my few pleasures is looking up at Blacko Tower, across the open fields and seeing wildlife and farm animals;
- previous applications have been rejected for many reasons which are still relevant today;
- the proposal would have a detrimental on visual impact and wildlife;
- there are numerous brownfield sites suitable for building in {Pendle which could give

much needed affordable housing in are areas with more facilities;

- more houses loses the attraction of living in the countryside and will lead to Blacko merging with Barrowford and losing its attraction;
- any building would overlook and compromise the open aspect of the house and gardens and could impact on natural light;
- the proposed plans would jeopardise our security to the rear;
- any building will have an adverse effect on drainage;
- since Hollin Fold was built water, telephone and electricity have been seriously affected;
- Blacko is a linear settlement infilling will ruin the character of the village whilst estate development would overwhelm it, the site is outside the settlement boundary;
- the Housing Implementation Strategy Five Year Housing Land Supply already meets and exceeds the target together with a buffer. The Pendle Local Plan Part 1 Core Strategy states inappropriate development in Green Belt is harmful;
- there are no 3 dimensional plans to show how much spoil would have to be removed;
- there is no prospect of employment in Blacko;
- this development would be visible from the Pendle Way and the Trough of Bowland AONB;
- a garden wall or fence at 2m on land 2.4m above us would result in loss of daylight to our property;
- the difference in levels and close proximity would result in both existing and proposed properties being overlooked;
- part of the garden wall is sagging and the applicant got LCC to build him a new dry stone wall due to vibration damage caused by heavy traffic, this development could lead to the collapse of walls;
- these houses are unlikely to be starter homes or limited to 19 houses;
- the Victorian sewage system can not cope with this development;
- this is green belt agricultural land, any previous developments in Blacko have been built on brownfield sites;
- the last time planning was asked for a garden on the other side of the road was asked for on agricultural land the council stated that it must not be used for any other purposes;
- given that the application is speculative with very little detail it is difficult to determine if it would meet the necessary criteria;
- the application seemingly proposes 19 houses or 9 houses or any number in between;
- if 19 dwellings this add over 70 people to the population an increase of over 10% with consequential impact on amenities such as schooling;
- represents a major overdevelopment swamping the current housing;
- the two houses at the top of the hill are isolated compared to the ones between the end of the terrace and post office and would overlook gardens. Detached houses would not be of a similar appearance to the traditional terraced housing;
- approval of this type of application will lead to others if successful;
- the village has won best kept village on a number of occasions and the proposed

development will detract as it cannot keep character with buildings over a hundred years old;

- introducing another access road is unsafe and a contradiction of the local MP's campaign for road safety;
- the proposal would affect the view from the rear and kitchen and affect my house resale value;
- Blacko Tower is an iconic landmark and the proposed development would spoil the openness of Blacko;
- the application is misleading in terms of the size of the site;
- no thought or consideration has been applied to this sensitive site which will destroy the intrinsic beauty of Blacko Hill, the quality of life for many generations and the heritage assets will be destroyed;
- this development is unsustainable with the bus service being cut and no shop;
- the access would be virtually opposite the proposed access for the housing development at Hollin Hall Farm;
- the proposed removal of a tree line to the rear of our property where the proposed car park is to be built would affect the soakaway; and
- the application does not include for any affordable housing and as such does not comply with policy.

Comments on indicative plans supplied:

- The pedestrian exit from the car park is onto private land;
- does not resolve issues of wildlife,
- overlooking,
- deliveries and traffic would increase likelihood of field wall collapsing; and
- who would own the car parking spaces and police them?

### **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
ENV 7	Water Management
LIV 1	Housing Provision and Delivery
LIV 4	Affordable Housing
LIV 5	Designing Better Places to Live
SDP 1	Presumption in Favour of Sustainable Development
SDP 3	Housing Distribution

### **Officer Comments**

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

## 10. Policy

The following Local Plan Part 1: Core Strategy policies apply:

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.

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 LIV 4 sets out the targets and thresholds for 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.

### **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".

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.

### 11. Principle of Housing

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 as 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.

### 12. Impact on Amenity

The site lies to adjacent to 440 - 460 Gisburn Road and would be sited opposite 511 - 563 Gisburn Road, 1 Hollin Hall and Hollin Hall Farmhouse.

The terraced properties on Gisburn Road lie at a lower level with an existing retaining wall to their rear gardens.

The site is on higher land and upto nineteen units would be located either side of the access track to Brownley Farm and adjacent to 440 and 460 Gisburn Road adjacent to the public footpath.

As the application is in outline only no details of layout, scale, design, materials, access or landscaping have been submitted. These details would be subject to a separate Reserved Matters application if the principle of residential development is found to be acceptable here.

In terms of impact on amenity the site can achieve an acceptable layout without unduly impacting on the adjacent residential dwellinghouse and those on the opposite side of the road would not be any more affected than at present.

Policy LIV5 requires all new housing development to make the most efficient use of land to be built at a density appropriate to their location taking into account townscape and landscape character. Details of the layout have not been submitted but based on 19 dwellinghouses the density would be approximately 31dph. This is acceptable and would accommodate a mix of house types.

Provision for open space and/or green infrastructure should be made in all new housing developments in order of priority:

1. On-site provision;
2. Contribution to off-site provision;
3. Enhancements of existing facilities in the area.

The amount and type of open space is dependant on the size of development, existing provision and density.

In this case the provision of green infrastructure open space along the north west and northern boundaries of the site would effectively screen the proposed development from views along the footpath and Open Countryside and blend in with the area of woodland to the west of the site on the opposite side of footpath 25.

The agent has agreed to accommodate this on site and further details will be provided in the Reserved Matters submission.

Comments have been regarding the loss of views and values to properties and potential impact on Blacko Tower. Loss of views and property values are not material planning considerations. Blacko Tower is a Grade II listed building and as such a Heritage Asset. This structure is a folly which is sited on the top of the hill some 530m from the proposed site of the development. This proposal therefore would not directly impact on the listed structure and its setting would not be unduly affected taking into account the existing housing and the distances involved.

Concerns have been raised that the proposed development would interfere with the privacy of a neighbouring property and therefore breach rights set out in Article 8 of the European Convention on Human Rights. The rights referred to are not absolute, they seek to protect individuals from unreasonable impacts rather than any impact. In

determining planning applications such as this the Council must balance impacts on individuals against the economic and social benefits of providing new homes. The impact of the proposed development on the amenity of the occupants of the adjacent dwellings has been assessed against the Council's adopted policy and is acceptable.

### 13. Ecology

An Extended Phase 1 Habitat Survey has been submitted which is acceptable subject to the recommendations being conditioned.

### 14. Drainage

The site is not located within a flood zone. Lead Local Flood Authority are satisfied that an acceptable sustainable drainage system can be accommodated on the site and subject to appropriate conditions this would be acceptable.

Details of the proposed foul and surface water drainage system can be controlled by an appropriate condition which will improve the existing greenfield run off on the site and reduce the risk of flooding to nearby properties.

Therefore the proposed development is acceptable in terms of drainage and accords with policy ENV7,

### 15. Highways Issues

Whilst access does not form part of this application it is important that it is established at this stage that appropriate access to the proposed residential site can be achieved.

LCC Highways are satisfied that a suitable access for upto 19 dwellinghouses can be provided to this site

There is a footpath adjacent to the site to the western boundary, footpath 25. This would not be affected by the proposal and any obstruction or temporary closure would need to be agreed with the Countryside Access Officer.

The proposed development is acceptable in terms of highway safety.

### 16. S.106 Contributions/Affordables.

LCC Education has requested a contribution towards primary school places of £36,628.20. This request has been agreed in principle by the agent.

A request has also been made for the improvements of bus stop facilities on Gisburn Road. However, as the bus service is currently under review this has been request has been withdrawn by LCC Highways and they have instead requested a contribution towards lowering the speed limit for a section of Gisburn Road to 40mph instead of it

going straight into a 30mph area this would improve highway safety along this stretch of this highway.

This would be appropriate for a development of this size and further details of this have been requested from LCC Highways. The agent has been contacted and requested to consider this request.

Policy LIV 4 requires proposals of 15 or more houses in Rural Pendle to provide 20% affordable units on the site. The agent has agreed to provide 3 affordable units on and this can be controlled by an appropriate condition.

## **Summary**

The principle of residential development in this location is acceptable and upto 19 unit would not have a severe cumulative impact on highway safety and impact on amenity.

Details of scale, layout, appearance, landscaping and access are reserved matters for later consideration.

A contribution towards education has been agreed in principle and the agent is considering the highways request for improvements to Gisburn Road.

The agent has agreed to provide 3 affordable units on the site in accordance with LIV4.

Appropriate landscaping in the form of green infrastructure corridors can be accommodate within the scheme which accords with LIV5.

There is no potential issues with ecology and trees on the site.

As it stands this proposal is acceptable for residential development subject to appropriate conditions and accords with policies SDP1, SDP2, SDP3, ENV1, ENV2, ENV7, LIV1, LIV4 and LIV 5 of the Pendle Local Plan Part 1.

## **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 use of the land for residential development is acceptable subject to the submission of Reserved Matters and appropriate conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Approve**

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

**Reason:** In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

1:2500 location plan.

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

4. No part of the development shall take place until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for education facilities and highway improvements on Gisburn Road.

**Reason:** In order to ensure that there are sufficient education places available in the area for those additional dwellinghouses and to improve highway safety on Gisburn Road.

5. The development shall not begin unless and until a scheme for the provision of three affordable houses have been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

**Reason:** In order for the development to contribute to the supply of affordable

housing in accordance with the need identified in the Strategic Housing Market Assessment and the National Planning Policy Framework.

6. The first submission of reserved matters shall include details of the proposed ground levels and a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

**Reason:** To enable the Local Planning Authority to assess how the development will accommodate the varied land levels and control the final form.

7. The first submission of reserved matters shall include details of the provision of on-site open space.

**Reason:** In order to provide appropriate on-site open space provision for this development in accordance with policy LIV5.

8. The first submission of reserved matters shall include details of:
1. Surface water drainage scheme which as a minimum shall include:
    - a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
    - b) The drainage scheme should demonstrate that the surface water run-off must not exceed greenfield run-off rate (5 litres per second per hectare). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
    - c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
    - d) Flood water exceedance routes, both on and off site;
    - e) A timetable for implementation, including phasing where applicable;
    - f) Site investigation and test results to confirm infiltrations rates;
    - g) details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason:** 1. To prevent flooding by ensuring the satisfactory storage of/disposal of

surface water from the site.

2. To reduce the risk of flooding to the proposed development, elsewhere and to future users.

3. To ensure that water quality is not detrimentally impacted by the development proposal.

9. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

**Reason:** 1. To ensure that the drainage for the proposed development can be adequately maintained.

2. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

10. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) means of access for maintenance and easements where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

**Reason:** 1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development

2. To reduce the flood risk to the development as a result of inadequate maintenance

3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

11. A scheme for the disposal of foul water shall be submitted to and approved in

writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

**Reason:** To control foul and surface water flow disposal and prevent flooding.

12. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- e) Details of wheel-washing facilities including location
- n) Location and details of site compounds
- u) Parking area(s) for construction traffic and personnel
- v) Routing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate measures are in place to protect the environment during the construction phase(s).

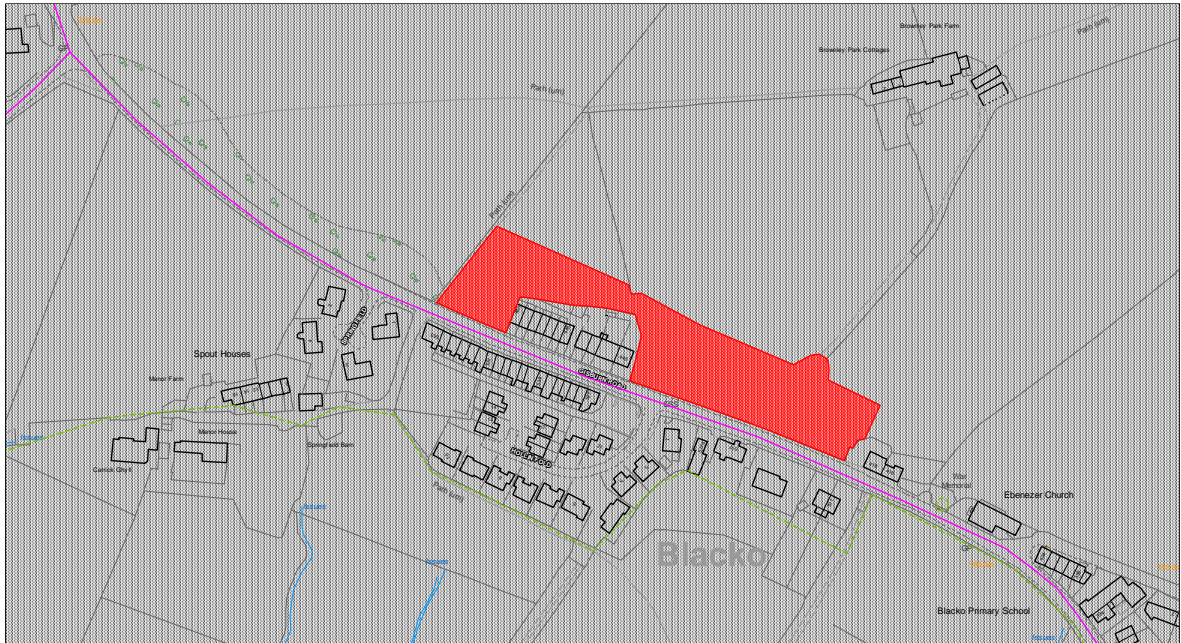
13. The development shall be carried out in accordance with the recommendations set out in the Ecology Assessment dated 13th October, 2015.

**Reason:** To ensure protection of the habitat of bats and barn owls which are protected under the Wildlife & Countryside Act, 1981.

14. No tree within the site shall be cut down, up-rooted, topped, lopped, destroyed or in any other way damaged, nor any hedge within the site cut down or grubbed out, without the prior written approval of the Local Planning Authority.

**Reason:** To protect trees and shrubs as essential elements in the development.





**Application Ref:** 13/15/0624P

**Ref:** 19205

**Proposal:** Outline: Major: Residential development of up to 19 dwelling houses (All matters reserved).

**At:** PART OF FIELD NOS. 6777, 7878 AND 0083 GISBURN ROAD  
BLACKO NELSON BB9 6LZ

**On behalf of:** Mr Greenwood

## **REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 03 MARCH 2016**

**Application Ref:** 13/15/0627P **Ref:** 19217  
**Proposal:** Full: Change of use from offices (B1) to shop (A1).  
**At:** 55 GISBURN ROAD BARROWFORD NELSON BB9 8ND  
**On behalf of:** Mr G Ford  
**Date Registered:** 29 December 2015  
**Expiry Date:** 23 February 2016  
**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is an office building within a terraced row fronting Gisburn Road to the north side is a dwelling and to the south is a retail unit. The building has most recently been used as a Parish Council office.

The proposed development is the change of use of the building to retail use, the details submitted with the application indicate that the use would be as a computer games shop.

### **Relevant Planning History**

13/92/0553P - Change of use to parish council offices and meeting rooms. Approved, 08/03/1993.

13/95/0136P - Variation of condition: delete use limitation condition 3 of 13/92/0553P. Approved, 02/06/1995.

### **Consultee Response**

PBC Environmental Health - Please attach the following condition: The use hereby permitted shall not be open to customers or any other persons not employed within the business operating from the site outside the hours of 10.00 and 18:00 on weekdays and 10:00 and 18:00 Saturdays and Nil on Sundays, Bank or Public Holidays.

LCC Highways - We have some concerns regarding the limited on-street parking available at this location, together with potential disruption due to loading/unloading activity that could take place outside the premises on Gisburn Road (a traffic sensitive route). However as the proposed shop is within a row of properties containing existing shops then we would not object to this application.

Barrowford Parish Council - Barrowford Parish Council feels justified in saying that although the Local Plan has several weeks to run it has been superseded by the adoption of the Core Strategy and that its current relevance to Local Planning Policy is significantly diminished and should this application be turned down on the policies contained in the Local Plan defending such a decision at appeal could be both difficult and incur expenditure on behalf of the Borough Council.

Barrowford Parish Council although the vendors of this property have consistently shown support to other applications within Newbridge and have actively promoted Barrowford as a diverse retail experience encompassing all retail both within and outside the definitive shopping centre and support this change of use back to the buildings previous retail status.

### **Public Response**

10 neighbours notified - One response received objecting to the proposed development on the following grounds.

There is double yellow line in front of the property and this is one of the busiest road of the town and if someone do alteration to the property will cause major traffic delays. We already trading as Barrowford convenience store at 51/53 Gisburn road and we have already refit it to the modern standards there is no need of another same kind of shop just next door.

### **Officer Comments**

#### **Policy**

##### **Local Plan Part 1: Core Strategy**

Policy SDP5 (Retail Distribution) states that smaller-scale retail provision should be located within a town or local shopping centre.

Policy WRK4 (Retailing in Town Centres) states that retail uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

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

Policy 25 'Location of Service and Retail Development' of the Replacement Pendle Local Plan requires that retail proposals be located in the following order of priority:

- within a defined town centres, local shopping centre or local frontage;
- on an edge of centre allocated site;
- edge of a defined town centre; and
- Elsewhere outside of a defined town centre or local shopping centre with preference given to sites which are and will be well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre.

In areas 3 and 4 a Statement is required proving that the proposal requires extensive floor space which cannot be accommodated within the preferred town centre.

### National Planning Policy Framework

The Framework states that Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

### **Principle of the development**

The application site is located 350m outside of Barrowford Town Centre. Edge of centre locations are defined as sites up to 300m walking distance of the boundary of a town centre (Policy 25: paragraph 25.9). It would therefore need to be demonstrated that there are no alternative sites available first within the town centre and then with 300m walking distance of the town centre boundary. No sequential assessment demonstrating this has been submitted.

The proposed retail floor space is 41 sq m, the following similar sized retail premises are currently listed by estate agents as being available within Barrowford Town Centre:

112A Gisburn Road - 41 sq m  
116-118 Gisburn Road - 47 sq m  
River Way - 60 sq m  
101 Gisburn Road - 36 sq m

The intention of both local and national policy is to concentrate new retail and service development in town centres in order to reduce vacancy rates and protect / improve the viability and vitality of town centres.

There are numerous vacant and available premises within Barrowford town centre, to allow a new retail use outside of the town centre would exacerbate issues of vacancy and harm the vitality and viability of Barrowford town centre.

The justification provided by the applicant that its primary customer base would be students from Nelson and Colne College and the unit would be within walking distance of the College is not a justification that could offset the above issue.

The proposed use is therefore contrary to policies SDP5, WRK4 of the LPP1, policy 25 of RPLP and the Framework.

### **Visual Amenity**

The proposed use would not involve any external alterations and would result in no adverse visual amenity issues.

### **Residential Amenity**

With a condition to control the hours of opening the proposed use would not result in any unacceptable residential amenity impact.

### **Highways**

There is no off street parking within the application site, however, the proposed use would not have greater parking requirements than the existing use and is located close to public car parks and public transport. The proposed use is therefore acceptable in terms of highway safety.

### **Summary**

The proposed retail use is located outside of a defined town centre, which has vacant properties that could accommodate the proposed use, and therefore the proposed change of use would be harmful to the vitality and viability of Barrowford Town Centre and contrary to policies 25, SDP5 and WRK4. The application is therefore recommended for refusal.

### **RECOMMENDATION: Refuse**

For the following reasons:

1. The application site lies outside of the nearest defined town centre of Barrowford. Retail provision should be located within a defined town centre and then a sequential site selection process followed as required by policy WRK4 of the Pendle Local Plan Part 1: Core Strategy, policy 25 of the Replacement Pendle Local Plan and the National Planning Policy Framework. This proposal has failed

to assess the retail impact on Barrowford Town Centre or provide a sequential approach and would be harmful to the vitality and viability of Barrowford Town Centre and fails to accord with policies WRK4 and SDP5 of the Pendle Local Plan Part 1: Core Strategy, policy 25 of the Replacement Pendle Local Plan and paragraphs 23 and 24 of the National Planning Policy Framework.

## REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 03 MARCH 2016

**Application Ref:** 13/16/0022P

**Ref:** 19246

**Proposal:** Full: Demolition of garage and erection of single storey extension to accommodate garage and lounge.

**At:** 21 STONE EDGE ROAD BARROWFORD NELSON BB9 6BB

**On behalf of:** Mr & Mrs J Plant

**Date Registered:** 21 January 2016

**Expiry Date:** 17 March 2016

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

This proposal seeks to demolish the existing attached single storey garage and erect a single storey extension to the south west elevation.

The single storey extension would measure 4.25m x 11.85m x 4.43m (2.943m) to eaves finished in facing brick and render with concrete roof tiles to match the existing house.

The extension would comprise a garage and lounge.

### **Relevant Planning History**

13/15/0507P: Full: Demolition of attached garage and erection of a two storey side extension - Withdrawn 15th December, 2015.

### **Consultee Response**

LCC Highways - No objection on highway safety grounds provided the car parking is laid out as per the approved plans prior to the use being operative and the access 5m back is paved in appropriate materials.

Barrowford Parish Council - No objection.

### **Public Response**

Nearest neighbours notified by letter. Three responses received objecting to the proposal on the following grounds:-

- over the years I have watched the systematic destruction of my and my neighbours

views over the countryside to the rear of our homes by the residents of Middleton Drive. I tolerated this on the basis that I still had a view "downhill". It would seem that this is to be compromised or at worst denied us by the proposed extension and I must strongly object;

- we are currently in China and object to this application because two thirds of our view will disappear as a result of this building work as the proposed lounge will just go beyond the current back wall by 3.7m leaving only 2.3m of garden remaining. This is our main view southwards from our conservatory which will nearly all disappear if this building work goes ahead. This will surely reduce the value of our property should we wish to sell;
- We strongly object to this extension as it would be out of character with the rest of the properties around the estate and have an overbearing effect on our home;
- the north side of our bungalow faces the proposed new extension and windows are to be placed on the roof. We question these windows, as they are going to produce more rooms in the roof space thus making this two storey which would tower over us and take light and privacy from our bedroom and bathroom windows;
- the proposed new extension is way out of the 45 degree sight line from the windows which is not acceptable;
- the wall adjacent to the garage entrance is planned to be set back by 1m from the dividing line and we are happy about excavations to build this wall due to damage caused by previous landscaping work. This work could cause serious damage to the drains which we understand pass under the driveway of No. 21 close to the dividing wall;
- at the rear we feel that the extension is far too near our property with only a metre in between to erect scaffolding and carry out building work;
- a new fence has been erected of an height of approx. 9-10 ft at our side and we believe they have plans to carry this fence to the front gate post on Stone Edge Road. This will be out of character with the rest of the bungalows and create a passageway between the two bungalows and a feeling of living behind bars. We will also have a wall and high fence taking away light from both the bedroom and bathroom and our view up Stone Edge Road. The fence will affect sight lines from the driveways at both 19 and 21 Stone Edge Road;
- if the plans are allowed to go ahead we feel that the finished height and close proximity will tower over us and cause a significant reduction in openness and the architectural style of Stone Edge Road; and
- we would also have concerns over selling our property as it would definitely devalue it.

### **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
LP 31	Parking
SPDDP	Supplementary Planning Document: Design Principles



## Officer Comments

The main issues with this proposal are compliance with policy, impact on amenity, design and materials and highway issues

### 17. Compliance with Policy

The following Core Strategy policies are relevant to this application:

Policy ENV1 - Protecting and Enhancing our Natural and Historic Environments requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural environment and built heritage.

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.

The following saved policies of the Replacement Pendle Local Plan policies are still relevant to this application:

Policy 31 'Parking' requires development to adhere to the maximum car parking standards. This is addressed in the highways section.

Design Principles SPD - which sets out guidelines for domestic extensions.

### 18. Impact on Amenity

The properties on Stone Edge Road are detached bungalows set in spacious plots with differences in levels as the properties rise along the road.

The nearest properties potentially affected by this proposal are No.'s 19 & 23 Stone Edge Road and 10 Middleton Drive. No. 19 is a detached bungalow which lies to the south west with a distance of 3m between the two properties. The proposed single storey side extension would extend nearer to No. 19 than the existing single storey garage extension.

The Design Principles SPD requires single storey side extensions not to have an overbearing or adverse impact on the neighbouring property. Side extensions should be designed to avoid causing direct overlooking or loss of light to main habitable rooms in neighbouring dwellings.

The single storey extension would measure 4.25m x 11.85m x 4.43m (2.943m to eaves) and would be set at least 1m from the side boundary with No. 19. which has two side facing windows, one which serves a bathroom and other a bedroom. The proposed extension would have an entrance door and a small obscure window on the side

elevation facing No. 19.

The proposed single storey side extension would have a maximum height to eaves of less than 3m and therefore would not result in an overbearing impact on these two side facing windows nor would it result in an unacceptable impact on the living conditions of that property.

The proposed extension would project out beyond the rear elevation by 3.7m which is acceptable and accords with the Design SPD.

No. 23 is the adjacent detached property located to the north east and would not be unduly affect by this proposal as the proposed extension lies to the south west side.

10 Middleton Drive lies to the rear (west) and is set approximately 17m from the rear boundary with the application site and therefore would not be unduly affected by this proposal.

No other properties would be affected by this small scale proposal. Loss of views are not a material planning consideration and views across land outside of your ownership have no protection.

The proposed extension would not have an undue impact on the adjacent properties and therefore accords with policies ENV1 and ENV2 and the guidance set out in the Design Principles SPD.

#### 19. Design and materials

The single storey side extension would be visible from Stone Edge Road but due to its set back from the highway of 8m it would not be unduly prominent in public vantage points. The design would not be out of keeping with the existing bungalow style properties and would sit well with the existing house in terms of design and character. This extension would respect the existing scale and design features and accords with ENV1 and ENV2 and the Design Principles SPD.

The extension would be finished in facing brick and K Rend smooth render with concrete roof tiles and upvc windows and doors to match the existing house. The materials can be controlled by an appropriate condition.

#### 20. Highways Issues

There is ample off street parking on the site with an existing garage and room for two cars on the driveway. The proposed extensions would not result in an increase in the number of bedrooms and therefore the requirement for on-site car parking spaces would not change.

The proposed parking provision would entail a garage space and two parking spaces on

the driveway. This is acceptable and accords with policy 31.

## 21. Summary

The design and materials are acceptable in this location and the proposal can accommodate adequate off-street, the proposed single storey extension would not unduly impact on the living conditions of No. 19 and the proposal therefore accords with policy 13 and the Design Principles SPD

## **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 single storey extension is acceptable in terms of impact on amenity, design and materials. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Approve**

Subject to the following conditions:

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:

1:1250 location plan, 201 001, 201 002 C & 201 003 C.

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

3. The external facing and roofing materials shall match those of the existing building in terms of type, size, form, texture and colour and there shall be no variation without the prior consent of the Local Planning Authority.

**Reason:** In order to ensure that new material matches the existing.

## REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 03 MARCH 2016

**Application Ref:** 13/16/0044P

**Ref:** 19272

**Proposal:** 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).

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

**On behalf of:** Mr D Hall

**Date Registered:** 3 February 2016

**Expiry Date:** 30 March 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 an outline application for access and layout only for the erection of nine detached dwelling houses, including one holiday cottage. The development would involve the demolition of the existing farmhouse to form a vehicular access to the site.

### **Relevant Planning History**

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

### **Consultee Response**

**United Utilities** - Please attach 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 ecology report clearly states at paragraph 4.4 that the dwelling is a confirmed bat roost.

The Conservation of Habitats and Species Regulations 2010 consolidate all the various

amendments made to the 1994 Regulations in respect of England and Wales. The 2010 Regulations state:

9.—(1) The appropriate authority and the nature conservation bodies must exercise their functions under the enactments relating to nature conservation so as to secure compliance with the requirements of the Habitats Directive.

The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2010, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species. For development activities this licence is normally obtained after planning permission has been obtained. The three tests are that:

- 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.

Case law (R v Cheshire East Borough Council) shows that notwithstanding the licensing regime, the Local Planning Authority must also consider these three tests when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of 2010 Regulations and the EC Habitats Directive.

Whilst the report concludes that the roost is not a significant constraint on the development and via mitigation the third test of favourable conservation status being maintained would be met, the proposal does not meet the first two tests. The application must be refused or withdrawn to be resubmitted with sufficient information to satisfy the derogation tests.

### **PBC Engineering (drainage)**

### **Lancashire Constabulary Architectural Liaison**

### **LCC Highways**

### **Blacko Parish Council**

## **Public Response**

A site notice has been posted and 30 neighbours notified - 8 responses have been received objecting to the proposed development on the following grounds:

Blacko is a village with no shops and no industry except very small scale farms, there is

no requirement for more housing in the village.

There are inadequate existing utilities and services in the village to accommodate the needs of the proposed dwellings.

The primary school is already over-subscribed.

Very few people in Blacko are able to walk or cycle to work and public transport is infrequent. It makes little sense to build homes where people will have to drive to shops, schools and work. New housing development should be in towns and urban areas.

The proposed houses should be located on brownfield sites.

Blacko is a beautiful village and a frequent winner of the Lancashire best kept village competition and attracts visitors to the area. The proposed development would be damaging to the charm of the village and Pendle as a whole.

The proposed development would exacerbate existing parking problems and highway safety issues in the village.

At school opening and closing parents park across the location of the proposed access.

The farmhouse is possibly the oldest dwelling in the village and possibly should be Listed. Its removal would negatively affect the character of the village.

Wildlife such as hares, deer, foxes, badgers, bats, owls, herons, woodpeckers and other birds will be affected as a result of the development.

The proposed development should be considered in conjunction with the other two proposals recently submitted and not as a standalone proposal.

The proposed junction adjacent to Hollin Fold would create a hazard to vehicles exiting that junction.

The settlement boundary should be strictly enforced to ensure protection of the open countryside.

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..

Being nearly housebound one of the few pleasures I get are the views from my property. The proposed development, together with the proposed development opposite would hem my property in and leave me with no view.

The housing design seems not to be in keeping with the village.

If this development goes ahead it may lead to further development.

The site is within a designated area of outstanding natural beauty.

### **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 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".

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.

### **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 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 as 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**

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. The farmhouse is not a designated heritage asset and its demolition would not result in unacceptable harm to the visual amenity of the area. 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 character and visual amenity of the area in accordance with policies ENV1, ENV2 and LIV5.

### **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. If they are clearly not met then planning permission cannot be granted. To do so would be in breach of 2010 Regulations and the EC Habitats Directive.

It appears that it may be possible for the existing annex to be demolished to provide access rather than the farmhouse. The applicant has been requested to fully explore this option and if it is not feasible, demonstrate that it is not.

In the absence of a justification demonstrating that the three tests are met or further survey work the proposed development is unacceptable and contrary to 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**

Adequate foul and surface water drainage can be ensured by condition. 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, however this is a matter that affects the determination of this application.

### **Highways**

Subject to a condition requiring that adequate visibility splays are provided and maintained at the proposed junction, the proposed development would not result in an unacceptable highways safety impact. Taking into account the likely volumes of traffic given that neither would be through routes, the proposed junction would also not result in any unacceptable highway safety impact when considered together with a junction at the proposed development opposite. 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 therefore acceptable in terms of highway safety.

### **RECOMMENDATION: Refuse**

For the following reasons:

1. The proposed demolition of the farmhouse would result in the destruction of a bat roost. The submitted survey is insufficient to fully establish the value of the roost and no information has been submitted to demonstrate that there is no alternative to the demolition of the farmhouse. The proposed development is therefore contrary to policy ENV1 of the Pendle Local Plan Part 1: Core Strategy and policy 4D of the Replacement Pendle Local Plan.



**Application Ref:** 13/16/0044P

**Ref:** 19272

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**On behalf of:** Mr D Hall