

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER

TO: WEST CRAVEN COMMITTEE

DATE: 6th September 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 WEST CRAVEN COMMITTEE ON 06 SEPTEMBER 2016

Application Ref: 16/0418/HHO

Proposal: Full: Alterations to front elevation to create off street parking and staircase to cellar, convert existing pitched kitchen roof to a flat roof and create roof terrace above.

At: 1 Town Head, Barnoldswick

On behalf of: Mr Peter Hardman

Date Registered: 03/06/2016

Expiry Date: 29/07/2016

Case Officer: Alex Cameron

This application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

The application site is an end of row house located within the settlement of Barnoldswick and Barnoldswick Conservation Area. The garden of the adjoining house No.3-5, wraps around the site to the rear and to the north side dwellings on Esp Lane face the site. The existing house is stone built with a blue slate roof and upvc fenestration.

The proposed development is for alterations to the front yard to create one off-street parking space and form a staircase to the cellar with alterations to the single storey utility room outrigger to the rear to create a kitchen with roof terrace above.

Relevant Planning History

None.

Consultee Response

LCC Highways – objects to the proposal to create off-street parking at this location on highway safety grounds. The proposed parking arrangement is unsuitable as there is not sufficient length within the site for a car. The minimum dimensions for a standard off-road parking bay are 2.4m wide by 4.8m long, which are not achievable at this site. There would also be poor manoeuvrability when entering or leaving the site, particularly if there were vehicles parked outside neighbouring properties or outside 1 Town Head. There would be no guarantee that the proposed access would remain clear and the applicant could find themselves unable to either enter or exit the site. The creation of an access would lead to the further loss of on-street parking provision outside No 1 and No 3/5 Town Head.

Barnoldswick Town Council

Public Response

Press and site notices posted and 13 neighbours notified – One response received objecting to the proposed development on the following grounds:

This proposed construction, unless the base is at least seven feet below the top of our existing balcony wall, will enable any residents of 1 Townhead to see into our upstairs window and interfere with our privacy.

Officer Comments

Policy

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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

Design and Heritage Impact

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

The proposed alterations would be minor and would be of sympathetic and design and materials to the existing building. The proposed development would preserve the character and appearance of the Conservation Area and is acceptable in accordance with policies ENV1 and ENV2.

Amenity

The proposed roof terrace would adjoin an existing roof terrace at No. 3-5, however, the floor level of the terrace would be 1.9m below the top of the wall to the side of the adjoining terrace and so would have no adverse impact upon its privacy. The rear of the terrace would overlook the garden of No. 3-5 and the side would face habitable room windows in the front elevation of No.54 Esp Lane separated by approximately 6m. An obscure glazed screen up to at 1.8m above the floor level of the terrace has been proposed to mitigate these potential privacy impacts.

With a condition in place to ensure this screen is installed and retained the proposed development is acceptable in terms of residential amenity in accordance with policy ENV2.

Highways

LCC Highways have objected to the proposed vehicular access, however, the proposed access could be formed under permitted development rights without the need for a planning application. Taking this into account, the proposed development is acceptable in terms of highway safety.

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 extension is acceptable in terms of policy, design, amenity 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: 2015/23/002, 2015/23/003 received 06/07/2016.

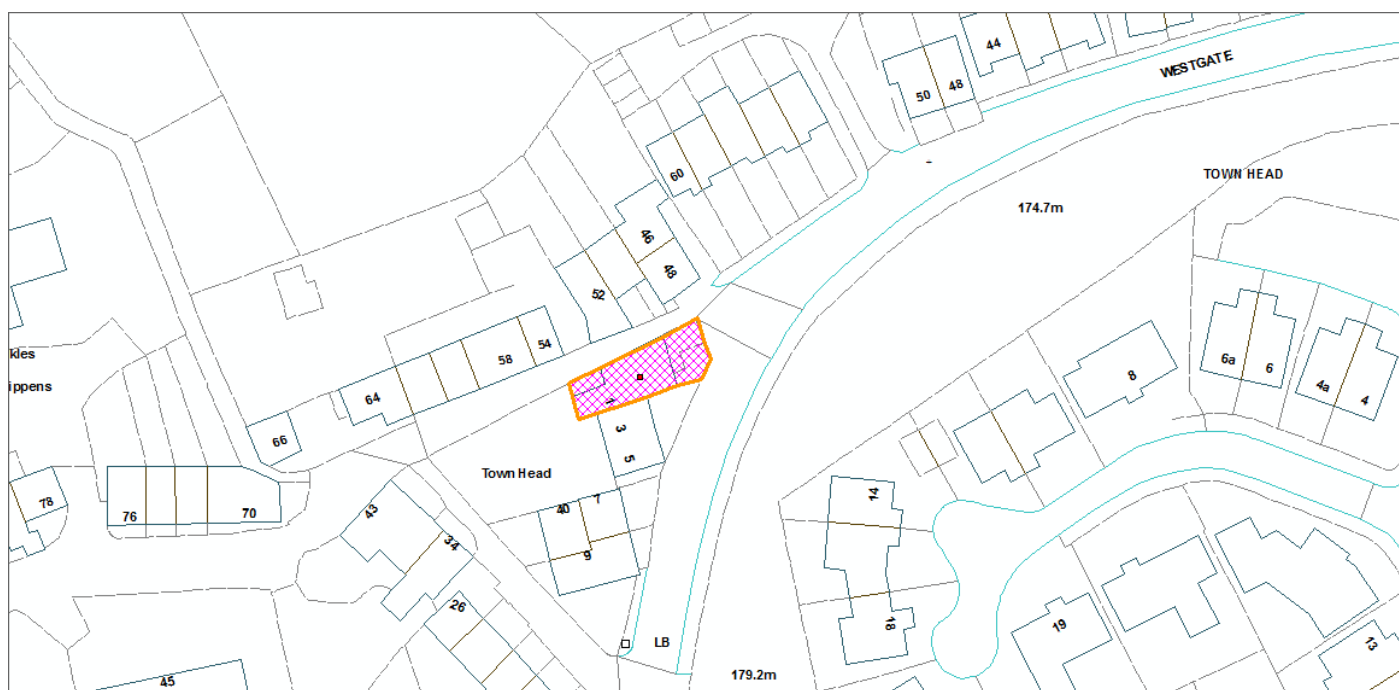
Reason: For the avoidance of doubt and in the interests of proper planning.

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. The roof terrace hereby approved shall not be brought into use unless and until an obscure glazed screen of at least 1.8m height above floor level has been installed to the north and west sides of the roof terrace. Details of the level of obscurity of the glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation. The obscure glazed screen shall at all times thereafter be retained and maintained in accordance with the approved details.

Reason: To preserve the privacy of occupiers of the adjacent dwellings.



Application Ref: 16/0418/HHO

Proposal: Full: Alterations to front elevation to create off street parking and staircase to cellar, convert existing pitched kitchen roof to a flat roof and create roof terrace above.

At: 1 Town Head, Barnoldswick

On behalf of: Mr Peter Hardman

REPORT TO WEST CRAVEN COMMITTEE ON 6 SEPTEMBER 2016

Application Ref: 16/0470/RES

Proposal: Outline: Major: Residential development (14 dwellings) (Access, Appearance, Layout and Scale) (Re-Submission).

At: LAND TO THE REAR OF THE GREYHOUND PUB MANCHESTER ROAD
BARNOLDSWICK BB18 5PW

On behalf of: Mr M Rawstron

Date Registered: 5 July 2016

Expiry Date: 4 October 2016

Case Officer: Lee Greenwood

Site Description and Proposal

This proposal is brought to Committee as a major development. It is a resubmission of an earlier refusal, determined by West Craven Committee on the 1st March 2016. The reasons cited were two fold;

1. The development of the site would not preserve or enhance the Calf Hall and Gillian's Conservation Area. Although the harm would be less than substantial the public benefits of the scheme would not outweigh that harm. The development would thus be contrary to Policy ENV 1 of the adopted Part 1 Local Plan and to the policies in part 12 of the National Planning Policy Framework.

2. The development would be served by a severely substandard access with insufficient improvements proposed to offset the harm that would be caused by the increase in vehicular movements that would be generated by the proposal. The development would lead to a severe impact on the safety of users of the highway to the detriment of highway safety.

The scheme has subsequently been revised in light of these issues.

The application site would be accessed from Manchester Road, via a modified entrance between the Greyhound pub and the cottages on Manchester Road. To the north of the site, cottages on Crow Foot Row would face towards the development, where car parking is proposed along the new access road.

The site itself is relatively flat rising up toward its southern side. On its northern side it faces Crow Foot Row where the terraced cottages are set down below the height of the site. These are a mixture of natural stone finish and white painted cottages under a stone slate roof.

Hey Farm Cottage is situated on the south boundary adjacent to the existing pub car park, and beyond that is Hey Farm, listed at Grade II. Hey Farm Cottage is located immediately adjacent. This has a blank gable facing the site and is elevated above it by circa 1.5m.

The western side of the site has a number of large mature trees on it. The land here drops sharply down towards allotments found on land substantially lower than the site. The height difference reduces the further south you travel along the western boundary.

The southern boundary itself has a mixture of trees and a hedgerow. A garden centre with a range of structures lies beyond this site boundary.

The site straddles the boundaries of two conservation areas. The Barnoldswick Conservation Area covers the eastern section of the site stopping roughly where the existing pub car park terminates. The remainder of the site lies in the Calf Hall and Gillian's Conservation Area. The latter of the two has been a significant factor in determining previous applications and appeals at this site.

The site also falls partially within the settlement and partially outside, in open countryside. The boundary runs to the rear of the existing pub car park similar to the aforementioned conservation area boundaries.

Consultee Response

LCC Highways; The Highway Development Control Section is of the opinion that the proposed development for 14 properties will not have a detrimental impact on the surrounding highway providing the sight lines are improved and the site access is improved as shown on SCP drawing SCP/15045/F01 "Proposed Improvements to General Arrangement".

The Highway Development Control Section understands the current planning application is concerned with the principle and access to the site only and as such only provisional highway comments have been made regarding the internal layout of the site.

The site will be accessed via an existing access on to Manchester Road. Manchester Road is classified as the B6251 and is categorised as a Secondary Access Road with a speed limit of 30mph, fronting the site.

The current access off Manchester Road currently serves the public house car park, the properties and parking area off Castle View, the properties off Crow Foot Row and the allotment gardens. There is a permitted development for 9 dwelling (planning application 13/15/0089P and the current application is proposing to add an estimated 5 new dwellings.

The applicant for the site has provided a Transport Statement from their consultants SCP, dated July 2016, as part of this application and the Development Support Section agrees that the proposed development for an additional 7 dwelling will not have a detrimental impact on highway capacity on Manchester Road.

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 of 14 dwellings will generate an estimated 91 vehicular movements a day with an estimated peak flow of 9 additional vehicles between 17:00 and 18:00.

The Highway Development Control Section is of the opinion that the applicants TRICS report from the SCP Transport Statement is slightly low but the overall impact on highway capacity on Manchester Road as shown above would be minimal.

Due to the increase in vehicle movements at the site access with Manchester Road as part of planning application 13/16/0015P it was recommended that a build out was provided on the south of the access to improve the sight lines from the site and also act as a traffic calming feature to slow northbound traffic.

The Highway Development Control Section is of the opinion that the proposed road narrowing, shown on SCP drawing SCP/15045/F01 "Proposed Improvements to General Arrangement", is acceptable in principle and some minor changes may be required as part of the section 278 agreement and associated safety audits.

Where an acceptable junction improvement with Manchester Road is not provided 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 road narrowing would also provide acceptable sight lines from the site access and due to the remaining width of Manchester Road vehicles would be able to pull out partly onto Manchester Road without obstructing the north bound traffic.

As part of the SCP Transport Statement a speed survey was carried out and indicated the 85th percentile speeds are 30mph north bound and 35mph south bound

Any modifications to the site access will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for 278 agreement.

The Lancashire County Councils five year data base for Personal Injury Accident (PIA) was checked on the 12th February 2015 and the 27th July 2016. The data based indicates there has been one serious reported incident near at the site access involving a vehicle existing the site with restricted visibility and a cyclist needing to take evasive action and falls off their bike. The weather was fine without high winds.

The Highway Development Control Section is of the opinion that the development should have a negligible impact on highway safety in the immediate vicinity of the site providing the junction improvements, as shown on SCP drawing SCP/15045/F01 "Proposed Improvements to General Arrangement", can be provided.

The proposed development is adjacent to public footpath 13-1-FP29 and the applicant has shown a footpath link with the site and the public right of way. The Development Support Section recommends this route is widened to a 3m wide cycle link to support social inclusion and the promotion of sustainable transport.

Associated conditions are recommended.

Lancs Constabulary; site should be developed to achieve Secured by Design accreditation. Should incorporate certified door and window locks, glazing, suitable fencing and lighting to improve security.

Natural England; no comments to make

LLFA; require further information to make an assessment. Request forwarded to Agent.

Yorkshire Water; no comments received at time of writing.

Barnoldswick TC; no comments received at time of writing.

Public Response

Ten objections received, commenting on;

- Access unsuitable for extra capacity applied for – shouldn't even be considered

- Visibility obscured by the pub
- Doubt that access improvements will achieve their intention
- Car park to pub often full
- Impact of displacing pub traffic elsewhere
- Accidents witnessed
- Level changes at access point
- Drivers do not adhere to speed limit
- Habitats lost from previous works on site
- Localised flooding from surface water
- Number of existing properties are empty in the town
- Blot on the landscape
- Potential for trespass on to private land if additional people live in area
- Footpaths reduce width of entrance
- Heavy goods vehicles often travel through the area and use the access to turn if lost
- May restrict/inhibit access to and from side of existing properties – pedestrian routes directly on to access. Can footway be extended.
- Deliveries to pub will impinge on new sight lines
- On street parking creates a bottle neck at the site entrance, narrowing traffic flows
- Should develop consent already granted rather than seeking more houses
- Children use surrounding routes to and from school, potential for conflict with vehicles

Relevant Planning Policy

Code	Policy
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

Policy Issues

Local Plan

The starting point for the consideration of any planning application is the development plan. The Core Strategy (“the Local Plan”) was adopted in December 2015 and is fully compliant with the National Planning Policy Statement.

The spatial strategy for the Local plan is to concentrate development in the M65 with development in the West Craven towns.

Policy ENV 1 sets the policy for consideration of development in both Pendle’s historic and natural environments. Development should not affect biodiversity interests. Heritage assets (these include conservation areas and listed buildings) and their settings should be preserved and enhanced according to their significance. The significance of a heritage asset should not be harmed unless there is a clear and convincing justification.

ENV 2 requires development to be of the highest possible standards of design. They should contribute to the sense of place.

ENV 7 requires developments to consider the risk posed to flooding downstream of the development. Run off rates should be restricted on greenfield sites to 5 litres per second per hectare.

LIV 1 deals with the provision of housing over the Local Plan period. It sets an annual housing delivery target of 298 units per annum. Until the land use allocations plan is adopted sustainable sites that are in close proximity to a settlement boundary, but not in it, will be supported for development.

Policy LIV 4 requires that on sites in West Craven of 15 units or more must contain 5% of affordable housing.

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

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

National Planning Policy Framework

The Framework gives clear direction on the interpretation of policy in paragraphs 49 and 14 in situations where a five year supply of land cannot be demonstrated. Paragraph 49 indicates that in such circumstances policies on housing need be considered out of date.

In the circumstances set out in paragraph 49 where the Local Plan housing policies are out of date paragraph 14 of the Framework applies. This states for decision making where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Clarity is given to this in footnote 9 which gives examples of where policies would restrict development, such as those affecting heritage assets. The High Court has recently held that paragraph 134 (see below) of the Framework is a policy of restriction in the *Forest of Dean District Council v Secretary for Communities and Local Government and Gladman Developments (2016)*.

This case concerned how the presumption in favour of development should be applied when paragraph 134 is engaged. It was held that as it restricts development, it requires a balancing exercise to be undertaken, weighing the harm to the heritage asset against the public benefits of that development. Such an exercise is therefore relevant in this case, accounting for the previous reason for refusal and associated heritage issues.

Section 7 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 64 is a restrictive policy and it 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"*.

Section 12 advises on conserving and enhancing the historic environment. It requires the significance of affected heritage assets to be assessed in applications. In making planning decisions the desirability of sustaining and enhancing the significance of heritage assets must be

taken into account and the desirability of development making a positive contribution to local character and distinctiveness.

Para 132 states that great weight should be given to the assets' conservation. The more important the asset the greater weight should be given.

Where a development would lead to less than substantial harm to the significance of a designated heritage asset, para 134 states that the harm should be weighed against the public benefits of the proposal.

The Framework sets the policy test for approving or refusing applications on transport grounds in the third bullet point at paragraph 32. This states: *"Development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe."*

Officer Comments

The application has been submitted in outline, but is however seeking approval for access, appearance, layout and scale.

Principle of Housing

The principle of housing on this land has been established in previous approvals, albeit within a smaller site area. This seeks to extend the development further into open countryside to the south west.

Policy LIV1 states that proposals for new development should be located within a settlement boundary. These boundaries will be reviewed as part of the site allocations and development policies in order to identify additional sites to meet development needs where necessary. This however is a policy which relates to housing and is a restraint on housing supply. As we cannot demonstrate a five year supply of housing then this policy is out of date and should not be afforded any material weight in making a decision on housing developments.

This site is partially outside of the settlement boundary, but is immediately adjacent to it.

Design

The properties at the Manchester Road approach into the site are mainly traditional stone built terraced and semi-detached cottages with generally regimented street patterns. They are characterised by their flat frontages, simple pitched roof forms and strong vertical emphasis in their fenestration. The local use of materials is a combination of stone and painted elevations under stone slate roofs. The Greyhound is a taller building of rendered stone but otherwise has similar characteristics.

The proposed housing would be constructed of stone under stone slate roofs, with painted timber windows and doors. The use of materials would be appropriate for the area.

The linear pattern of development is followed in the first (eastern) section of the site where two small terraces are proposed (6 houses in total). This aspect of the scheme remains unchanged from the earlier submission and would reflect surrounding development, being an appropriate design solution for this section of the site.

The remainder of the site has been amended following the earlier scheme, with the number of dwellings reduced. A further 8 are proposed, where 10 were previously sought.

Units 7 to 11, in the north west section of the site comprises 2 pairs of semi-detached and a single detached dwelling. Their proximity to the site boundary remains unaltered in the main and the changes primarily in the substitution of two units for one at plot 11.

To the south west, the site boundary has been brought in from its previous point and the access road shortened. Units 12, 13 and 14 are detached and clustered around the head of the cul-de-sac. Again these have been moved further within the site and a landscaped area identified beyond to create a transitional point between the gardens and the countryside.

This area was previously occupied by several dilapidated buildings which have subsequently been removed. Accounting for the topography of the area, the land in this section of the site is clearly visible from higher vantage points along Manchester Road beyond some existing vegetation cover.

During the previous application, the proposed layout was found to create a hard urban edge due to the position of the houses close to the site boundary. The revised scheme has sought to address this by reducing the number of dwellings and their projection in to the southern section of the site. Whilst this would allow a buffer to be created, it would still result in built development encroaching in to this open and transitional point of the landscape. When comparing the previous scheme to the current submission, the alterations are not significant enough to address the concerns raised. Whilst the Agent's attempts to soften the transition by way of the buffer and landscaping are noted, the impacts of scale and massing from the new development would remain.

Drainage

The site is a greenfield one with a permeable car parking area serving the public house. The application is not of a scale that requires a flood risk assessment as set out in the Framework. It has however been accompanied by a statement which sets out the approach to be undertaken to drainage. This has been supplemented by confirmation by the applicant that surface and foul effluent can be drained to separate systems.

Policy ENV 7 sets the standard that greenfield sites will have to achieve in terms of surface water run-off which is a maximum run off rate of 5lts/sec per hectare. This would be based on a 1:100 year + 30% storm event. This can be controlled by a Grampian condition requiring details of a drainage scheme to be approved before any development commences on site.

Comments have been received that localised flooding has occurred around the site. That is an area on the site adjacent to Crow Foot Row. That can be addressed in a drainage plan for the site and dealt with under a condition.

Affordable Housing

Policy LIV 4 requires that on sites in West Craven of 15 units or more must contain 5% of affordable housing. The density of this site has been reduced and now contains 14 properties. It is therefore below the aforementioned threshold.

Residential Amenity

The scheme proposes car parking facing the properties on Crow Foot. That will extend the car parking area that currently exists to approximately half way along the row. The proposed car parking would be separated by a grassed area between the site boundary and the parking spaces. This relationship would not lead to a loss of privacy.

Blank gables would face the rear elevation of the Greyhound Pub and the detached property Overdale. The separation distances and the back gables would result in no loss of privacy or amenity to those properties from the development.

Heritage Assets

The main views of the adjacent listed building is from Manchester Road, close to the Greyhound. It is possible that the detached and semi-detached houses could be glimpsed behind the listed buildings in this view, although there is unlikely to be any significant adverse effect as the new houses will be sited at a lower level than the listed building and there are trees which offer some screening. The main frontage of Hey Farm is not readily visible in public views due to screening by trees.

Plot 14 is close to the shared boundary with Hey Farm. The garden area between the listed buildings and this unit is generally well screened by trees and hedges. Their setting would be generally preserved and the impact of the new development on the setting would be minor.

Along with the Framework and Local Policy, Section 72 of the 1990 Act imposes a statutory requirement on decision makers to give special attention to the desirability of preserving and enhancing Conservation Areas.

The section of the Barnoldswick Conservation Area in which the site lies is characterised by its urban form comprising traditional stone built properties, mainly in terraces, in a relatively tight urban grain. It immediately abuts the Calf Hall and Gillian's Conservation Area, the joint boundary lying at the end of the car park to the public house. This conservation area is different in nature to the Barnoldswick one. In this location it is characterised by sloping fields and open countryside interspersed with larger properties generally set in their own grounds.

The proposed development within the Barnoldswick Conservation Area would comprise stone terraced housing which would conform with the overall pattern of development in the vicinity. Its design would be appropriate and therefore preserve the character and appearance of the area. It would not lead to any harm to the significance of that conservation area.

The development within the Calf Hall and Gillian's CA however would comprise larger detached housing bringing a more suburban form of development to the edge of the settlement. This part of the site is prominent in views from Manchester Road and the proposed development here would not make a positive contribution to local character and distinctiveness.

Whilst efforts to create a green buffer zone and landscaped area to soften the transition between urban and open countryside have been incorporated in to the revised scheme, it is not of a scale which would wholly address the harm caused by the development.

In considering a significantly smaller scheme in 2011 (4 dwellings) an Inspector dismissed an Appeal due to the impacts and interruptions of new two storey dwellings on the transitional character of the Conservation Area. Of the schemes which have been approved at the site to date, none have extended in to the site to the degree that the previous and current submissions have proposed. It is this incursion in to the open area of the heritage asset that results in harm contrary to Policy and Sect. 72.

Although this in itself would not be substantial harm to the conservation area and would need to be weighed against the public benefits the scheme would bring.

Supporting information provided with the application advises that such public benefits would include; high quality housing; a cycle and footpath link; a passing place along Crowfoot Row; improved access on to Manchester Road and the sustainable location of the site.

Aside from these matters, it is acknowledged that the development would also contribute to the current, identified shortfall in meeting housing need and the creation of jobs for the lifetime of the development process.

Whilst only some of those benefits are applicable to the wider public, they do not outweigh the harm to the significance and character of the Calf Hall and Gillians Conservation Area, as detailed above and as established in previous decisions. Therefore in line with paragraph 14 of the Framework, permission should be refused.

Highway Safety

Following the earlier refusal on grounds of highway safety, discussions have taken place between the Agent and Lancashire County Council to seek a suitable design for the access. A revised transport statement has also been provided, with detailed drawings, to account for the changes in circumstances.

A solution has been agreed to the satisfaction of LCC(see comments above) in relation to design and capacity for this number of houses, including a 'kerb line build out' to improve visibility, a radius to the front of the public house and a widening of the bellmouth on to Manchester Road.

In light of these improvements, safe access can be provided to the site and the previous reason for refusal has been addressed in this regard.

Trees and Ecology

The proposed development raises no adverse issue with regard to trees or ecology.

Works have already been undertaken at the site in accordance with an earlier approval. Those still in situ (Nos. 10, 12, 13, 15, 16, 17, 20, 21 and H2) including hedgerows can and should be retained and protected by fencing through the development process.

Further planting to supplement that to be retained can be considered by way of a detailed planting scheme at reserved matters.

Ecology survey - Badgers, Great Crested Newts, Birds and Lancashire BAP Habitats are not present on site and therefore unaffected.

Bats – report acknowledges sub-optimal time for survey but concludes no buildings or structures suitable for roost but site offers potential foraging habitat but small and of minimal significance. No further surveys needed but report recommends a condition should be added regarding lighting being low level and directed downward and illumination along all boundaries, particularly along southeast, south and west must be avoided.

Summary

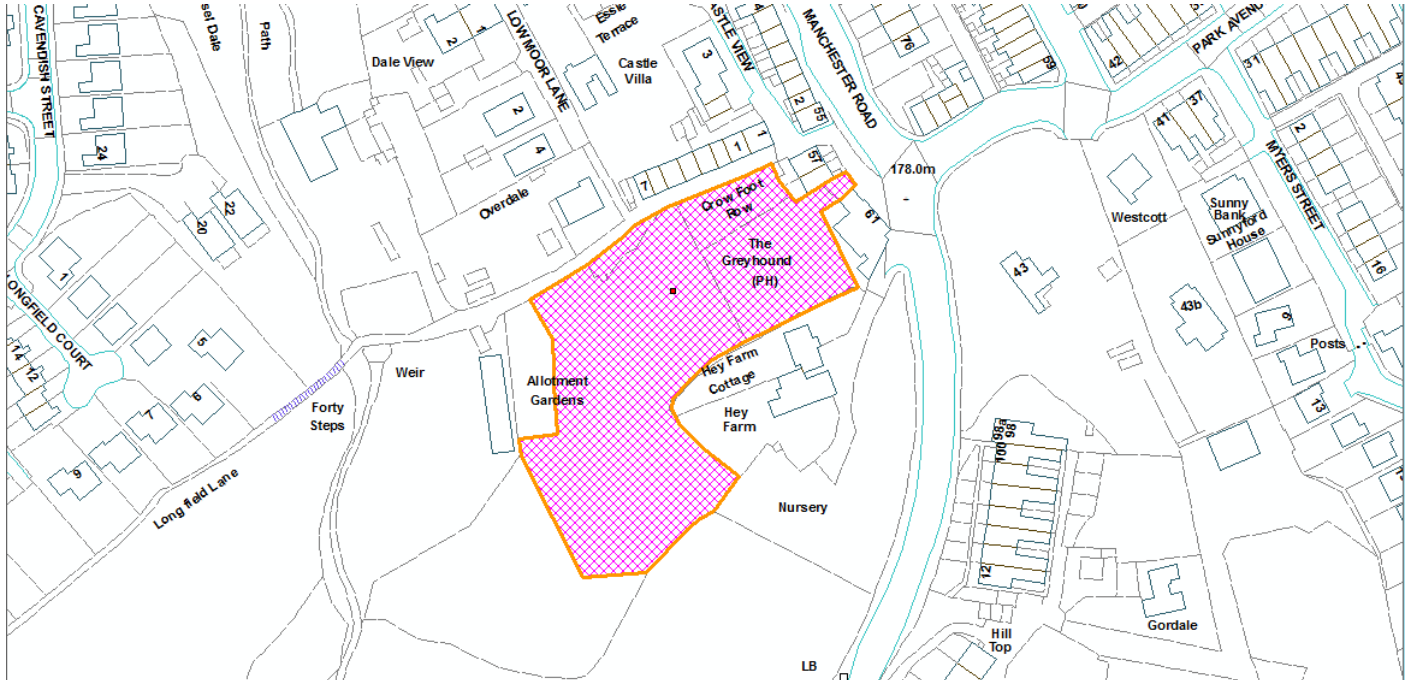
Whilst suitable design improvements to the access and junction have been made, the development would still harm the designated heritage asset of the Calf Hall and Gillian's Conservation Area and refusal is recommended on that ground.

RECOMMENDATION: Refuse

For the following reasons:

1. The development of the site would not preserve or enhance the Calf Hall and Gillian's Conservation Area. Although the harm would be less than substantial the public benefits of the scheme would not outweigh that harm. The development would thus be contrary to Policy ENV 1 of the adopted Part 1 Local Plan and to the policies in part 12 of the National Planning Policy Framework.

Note:



Application Ref: 16/0470/RES

Proposal: Outline: Major: Residential development (14 dwellings) (Access, Appearance, Layout and Scale) (Re-Submission).

At: LAND TO THE REAR OF THE GREYHOUND PUB MANCHESTER ROAD
BARNOLDSWICK BB18 5PW

On behalf of: Mr M Rawstron

REPORT TO WEST CRAVEN COMMITTEE ON 6 SEPTEMBER 2016

Application Ref: 16/0497/FUL

Proposal: Full: Erection of a riding school for disabled people including facilities building, stable block, manege and car park

At: LAND OFF FOLLY LANE, BARNOLDSWICK

On behalf of: Pendle Group - Riding for the Disabled Association

Date Registered: 12 July 2016

Expiry Date: 6 September 2016

Case Officer: Lee Greenwood

Site Description and Proposal

This application is brought to Committee as more than 3 objections have been received.

The development seeks to erect a new facilities building, stable block and parking area to be used by the Pendle RDA (Riding for the Disabled Association). The manege has been included in the description of development, but is already in situ having been granted approval in 2007.

Supporting information is provided with regard to the background of the RDA. The group is a registered charity and provide a range of horse related activities and therapies for their members. The development here seeks to consolidate their existing activities in to one single location.

The site is accessed from Folly Lane via an existing track, which then leads from the highway to the existing manege. The land is located within the Open Countryside as defined in the Local Plan and also falls within the boundary of the Calf Hall and Gillians Conservation Area.

Relevant Planning History

13/07/0505P - Full: Extend stable block by erection of 1 additional timber stable and store room; Construct manege and use land for horseculture - **Approved**

Consultee Response

LCC Highways; comments awaited at time of writing. Any response will be reported by way of an update.

Yorkshire Water; comments awaited at time of writing. Any response will be reported by way of an update.

PBC Env Health; no comments to make.

Bracewell and Brogden Parish; comments awaited at time of writing. Any response will be reported by way of an update.

Public Response

Forty one neighbours notified, site and press notices also displayed; Five responses received, commenting on;

- Not opposed to plans but scheme should include surfacing of access, trimmed foliage to improve visibility, improved drainage and a 5mph speed limit with speed bumps
- RDA should have a 50% responsibility for maintenance of the track
- Traffic management system should be put in place to keep disruption to a minimum
- Existing levels of traffic to the site already high, further would create unacceptable highway safety and noise issues
- Motorists ignore current speed limits on single track
- Lane never intended to carry weight and volume of stables traffic
- Danger of accidents and conflict between drivers, pedestrians and children
- High volumes of traffic in close proximity to existing residents windows/properties
- Potential for damage to surface and dwellings due to vibrations from vehicles
- No objections to the building, access is however poor, often damaged in poor weather and traffic has resulted in damage to drains
- Access should be via Esp Lane

Officer Comments

The main issues to consider in this application are impact on the Open Countryside, design, amenity, highway safety and compliance with Policy.

Policy

Policies ENV1 and ENV2 of the Local Plan Part 1 state that new development should protect and enhance the environment by way of their design.

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

Saved Policies 1 (development in Open Countryside), 10 (development in Conservation Areas) and 39 (equestrian developments) of the Replacement Local Plan also carry some weight in the determination of applications.

Policy 39 in particular states that the location size and design of new equestrian buildings must preserve landscape and openness of an area. Access must also be suitable to facilitate the development.

Design and Landscape Impact

The development seeks to erect a new building and stable block which would wrap around the south west corner of the existing manege. The larger element would be used to provide facilities for riders including a kitchen, WC's, meeting area and internal space for their mechanical horse riding simulator. Adjacent to this, accessed by a covered walkway would be a 4 bay stable block with associated feed and tack rooms.

External materials comprise timber boarding to the walls, artificial blue slate to the roof grey window frames (either metal or upvc) and timber composite doors. The proposed 5 bay parking area is to be finished with gravel surfacing.

At this point of the Open Countryside, some 170m from the nearest point of the settlement boundary to the east, the landscape begins to rise steeply, with undulating topography. The application site itself is on a relatively level plateau, surrounded by a bund created during the works associated with the 2007 approval. Some minor earthworks are proposed to cut the building in to the landscape and the proposed layout plans show further bunding and plating to help screen the development.

The overall height of the structure is relatively modest, standing some 4.6m to its highest point, with floor level roughly 1m below adjacent existing levels. The structure appears relatively compact and the types of materials proposed would in principle be suitable for a rural location. The site is however in a conservation area and as such the submission of samples can be controlled by condition to ensure a satisfactory finish.

Views of the building would primarily be limited to higher land to the south west or more distant vantage points to the north. It has been located adjacent to existing infrastructure and accounting for its relatively modest massing, would not appear as a significant or isolated addition to the landscape from public viewpoints.

When seen from higher land, the level changes mean that only the roof and parts of the rear/side walls will be visible. The use of a suitably muted colour in the roofing materials, staining to the timber wall boarding and appropriate landscaping will help to reduce any impact. Views from lower land to the east are limited due to a combination of topography, distance and existing screening between the site and the nearest houses.

Impact on the Conservation Area

The Calf Hall and Gillians Conservation Area primarily covers the western edge of Barnoldswick and marks the transition from the relatively high density, tight urban grain of the town and its transitions to a more rural landscape.

Accounting for the topography and characteristics of the site, the proposed development would not appear as an incongruous or prominent addition. Whilst it is located on a relatively level, elevated plateau, existing land levels and those created through previous developments would provide suitable screening to ensure that the building would not be highly visible.

Its position, served by an existing access track and adjacent to existing infrastructure is the most suitable location within the land. It would appear as a cluster and not isolated or of a scale which would harm the heritage asset, preserving its predominantly rural character.

The development thereby accords with both Policy ENV1 and Section 72 of the 1990 Act.

Highways

The majority of objections to the scheme relate to access implications, rather than the provision of the building itself.

Where Moorgate Road terminates (just beyond the property at no.15), Folly Lane begins and narrows in to a more rural, single width track. It is partially surfaced at this point albeit with some damage along its length.

Access to the site is via an existing recessed gate with a hardstanding/forecourt area for vehicles to pull in to the front. It is located approximately 170m along the track at the crest of a bend, before Folly Lane turns back on itself and begins to rise in a steeply curved 'S' bend.

Concerns from existing residents primarily relate to existing flows and the likely outcomes of the type, frequency and intensity of traffic which would use the proposed development.

The applicant has advised that the development represents a consolidation of their current activities, which currently take place at two different sites along Folly Lane (the latter being a significant distance away to the south west. They do however acknowledge that the facilities would also allow them to provide their services to greater numbers.

As such flows to the site would increase. The distance which users of the site would have to travel along Folly Lane, before reaching the unclassified highway is not so substantial as to create irrevocable issues should they meet. Vehicles would pass in close proximity to cottages on the lane, however this is unavoidable owing to the road layout. The RDA keep their horses at the site, therefore horse boxes and transporters would not usually form part of typical traffic to the site, as they would with a livery stables.

Existing parking is already available at the site and the scheme seeks to supplement this with further spaces adjacent to the main building.

The views of Officers, based on a site visit and the information provided, is that the development would not raise unacceptable highway safety issues. A response is however awaited from LCC Highway Engineers at the time of writing and their comments will be reported by way of an update.

Comments relating to maintenance responsibilities for the track have been made, these are civil matters to be addressed between the relevant parties. Suggestions that access should be via Esp Lane are noted, however this does not form part of this submission and is not for consideration.

Amenity

The proposed development is some distance to the nearest residential property and as such would not raise any adverse issues by way of its scale, massing or use as a riding centre.

No external lighting has been applied for and would need to be subject to a further application if proposed at a future date. As the site is within the open countryside a full assessment would be required to ensure that there would be no harm or pollution.

Summary

The proposed development, subject to the imposition of conditions, would be acceptable in term of scale, design and use. Pending comments from the County Highway Engineers, the proposed access and parking arrangements are acceptable.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development complies with Policies ENV1 and ENV2 of the Local Plan Part 1 and saved Policy 39 of the Replacement Pendle Local Plan, being appropriate in terms of scale, impact on the heritage asset, design and amenity. 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 development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 1, 4, 5, 6, 8

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

3. The development hereby permitted shall not be commenced unless and until samples and colours of all facing and roofing materials to be used in the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved details.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. Prior to the first use of the building hereby approved, the parking spaces shown on approved drawing no.8 have been laid out, surfaced and made available for use. The spaces shall thereafter remain available for the parking of vehicles in association with the approved use.

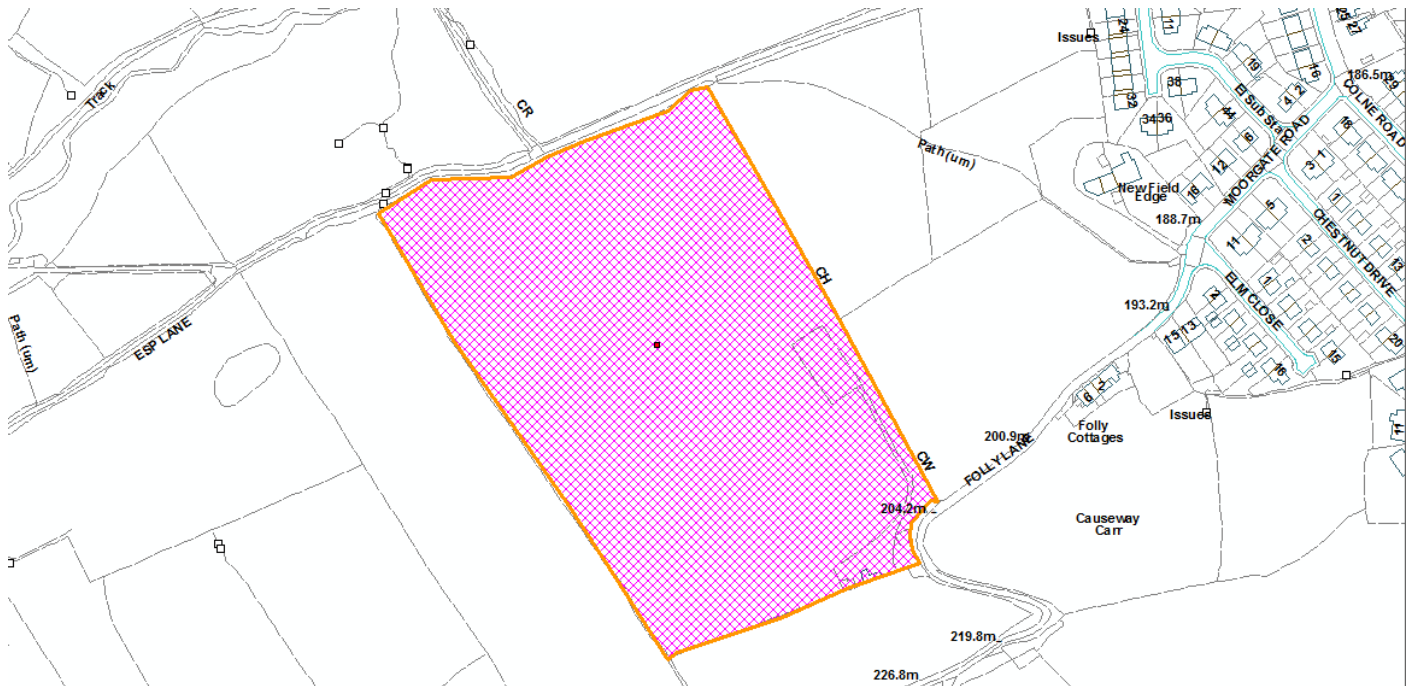
Reason: To ensure adequate parking provision.

5. No equestrian paraphernalia including but not exclusively horse jumps, horse boxes, storage containers or shelters shall be sited or stored outside of the existing building or manege, within the area of land shown on approved drawing no.4.

Reason: In the interest of visual amenity and to protect the open countryside.

6. The building and stables hereby approved shall only be used as a horse riding school only (Use Class D2) and for no other purpose in Class D2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In the interests of clarity and to ensure the use is suitably controlled.



Application Ref: 16/0497/FUL

Proposal: Full: Erection of a riding school for disabled people including facilities building, stable block, manege and car park

At: LAND OFF FOLLY LANE, BARNOLDSWICK

On behalf of: Pendle Group - Riding for the Disabled Association

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 22nd August 2016