

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

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 12th December 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

Application Ref: 16/0603/OUT

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

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

On behalf of: Mr D Hall

Date Registered: 31/08/2016

Expiry Date: 30/11/2016

Case Officer: Alex Cameron

Site Description and Proposal

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

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

Relevant Planning History

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

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 Withdrawn.

Consultee Response

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

Natural England

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

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

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

PBC Engineering (drainage)

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

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

Lead Local Flood Authority – No objection subject to conditions for a surface water drainage scheme and surface water management and maintenance plan and a note informing the developer of the need for Land Drainage Consent.

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

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

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

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

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

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

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

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

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

Public Response

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

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

The proposed access would create a hazard.

Limited existing parking provision in the village.

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

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

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

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

Loss of light and privacy to adjacent dwellings.

Loss of view from adjacent houses.

Loss of value of adjacent houses.

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

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

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

Loss of bat habitat in the farmhouse.

Loss of protected trees.

The proposed mitigation for loss of habitat is not adequate.

Access to existing drains running through the site.

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

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

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

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

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

Officer Comments

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

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP2 sets out the roles each settlement category will play in future growth. Rural villages of which Blacko is one will accommodate development primarily to meet local needs but rural areas also need to provide for around 12% of the areas housing 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. 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. It also indicates that until the Part 2 Plan is adopted sustainable developments on adjacent to the settlement limits of settlements will be allowed to come forward.

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

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

Replacement Pendle Local Plan

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

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

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Housing supply

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

Paragraph 55 of the Framework states:

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

Principle of Housing

In 2009 an application was made to extend the gardens of this and the adjoining property, this was refused and dismissed at appeal. There has been a significant shift in the national and local policy position in relation to new housing since that decision was made as well as a new development plan being adopted which allows for development adjacent to settlement boundaries provided they are sustainable. 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 application site abuts the settlement boundary of Blacko. It is not an isolated site for the purposes of paragraph 55. Therefore, in location terms and in terms of the development's contribution to the economic role of sustainable development the proposed development accords with the Framework.

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

Visual Amenity

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

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

Heritage Impact

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

As a non-designated heritage asset paragraphs 135 of the Framework state that a balanced judgement will be required having regards to the scale of any harm of loss and the significance of the asset.

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

A condition is necessary to ensure that archaeological recording is carried out prior to demolition.

Residential Amenity

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

Trees and Ecology

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

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

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

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

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

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

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

Open Space

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

Drainage and Flooding

The applicant has submitted a drainage scheme for the site . This resolve the Lead Local flood Authority's reason for objecting to the application and that have advised that the development is acceptable in terms of drainage and flood risk subject to surface water drainage and management conditions.

United Utilities have noted that a sewer crosses the site and they would not permit building over it. The drainage plans show that part of the existing sewer is proposed to be built over and would be diverted. The LLFA have also noted that Land Drainage Consent is required as the development would involve works near to a watercourse. The applicant has been made aware of this to establish whether any alteration to the layout at the reserved matters stage may be required. These matters are controlled by other legislation and do not affect the determination of this outline application.

The proposed development is therefore acceptable in terms of drainage and flood risk.

Education

An education contribution of 3 primary school and 1 secondary school places is necessary to offset the impact of the development on local schools. The applicant has agreed to provide a Section 106 contribution to meet the cost of the school places and a section 106 agreement has been drawn up to secure this. The proposed development is therefore acceptable in terms of its impact on schools in the area.

Highways

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

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

The proposed development is acceptable in terms of highway safety.

Section 106 Agreement

The following contributions have been agreed in principle with the applicant and a section 106 agreement has being drawn up to secure them:

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

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

£40,423.59 for three primary school places.

£20,303.59 for one secondary school place.

Other issues

Concerns have been raised regarding previous decisions on this site. The previous decision related to the extension of a garden, which is materially different to an application for new housing and the policy base under which the applications are considered has significantly altered. The extension of gardens into the open countryside is restricted by the guidance of the Development in the Open Countryside SPG. The SPG cannot set a policy requirement. The policy towards development outside of settlements is now set under policy LIV1 of the Part 1 Plan and no weight can be given to the SPG.

Summary

The proposed housing development is acceptable in principle and in terms of visual amenity, heritage impact, residential amenity, drainage, ecology, and tree impact and highway safety. It is therefore recommended that the approval of the application is delegated to the Planning, Building Control and Licencing Services Manager subject to the completion and signing of the Section 106 agreement.

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 compliant with policy and the principle of residential development is accepted in this location and the proposed access is acceptable in terms of 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: Delegate Grant Consent

Subject to the following conditions:

1. The conversion of the garage/annex must be begun not later than the expiration of three years beginning with 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. An application for approval of the reserved matters (namely the appearance, 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.

3. Details of the appearance, landscaping 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.

The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Annex / Garage Conversion v1.1, Layout Plans PL-HH-014.

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

4. 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.
- d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
- e) Details of wheel-washing facilities including location
- f) Details, including likely vibration and noise levels at site boundaries, of any piling operations.
- g) Measures related to construction waste management.
- h) Soil resource management including stock-pile management
- i) Compliance with BS5228: Part 1 1997 to minimise noise
- j) Measures to ensure that there is no burning of waste.
- k) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- l) Vibration monitoring to be carried out for the construction period.
- m) Noise-monitoring to be carried out for the construction period.
- n) Parking area(s) for construction traffic and personnel

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).

5. The development shall be carried out in strict accordance with the recommendations and mitigation measures set out in the Building Demolition Method Statement (Bats) and Bat Survey Report.

Reason: To ensure protection of species protected under the Wildlife & Countryside Act, 1981.

6. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority.

7. Formal 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 + allowance for climate change – see EA advice Flood risk assessments: climate change allowances’), 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 floor levels in AOD;
- b) The drainage scheme should demonstrate that the surface water run-off from the proposed development must not exceed 5 litres per second. 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: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere and to future users and to ensure that water quality is not detrimentally impacted by the development proposal.

8. 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 plan 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: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

9. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

10. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the any construction begins and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

11. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

12. No part of the development shall be commenced unless and until the visibility splays as shown on drawing PL-HH-014 V1 "Layout Plan" have been provided. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety.

13. Prior to the occupation of the first dwelling a car park and manoeuvring scheme shall be submitted to and approved in writing by the Local Planning Authority. The car parking spaces and manoeuvring areas for each plot shall be marked out and surfaced in accordance with the approved scheme prior to the occupation of each plot and shall thereafter at all times be maintained free from obstruction and available for parking and manoeuvring purposes.

Reason: To allow for the effective use of the parking areas.

14. A Traffic Management Plan for the construction works, to be approved in writing by the planning department before any works begin on site and to include:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;

- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall be carried out in strict accordance with the approved plan.

Reason: to protect existing road users.

15. No development shall be commenced unless and until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed. The Estate Street Phasing and Completion Plan shall set out dates for entering of the section 38 agreement of the Highways Act 1980 and/or the establishment of a private management and Maintenance Company.

Each plot shall not be occupied unless and until the estate street fronting that plot has been completed in accordance with the approved Estate Street Phasing and Completion Plan.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential financial security and highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

16. No dwelling shall be occupied unless and until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason: To ensure acceptable provision for the long term maintenance of roads and footpaths in the interest of highway safety.

17. No development shall be commenced unless and until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality.

18. The demolition of the existing building shall not commence unless and until the developer has secured the implementation of a programme of archaeological investigation and recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority, the works shall thereafter carried out in accordance with the approved scheme and timescales.

Reason: To record the features of archaeological importance.

Notes:

LCC Highways:

The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.

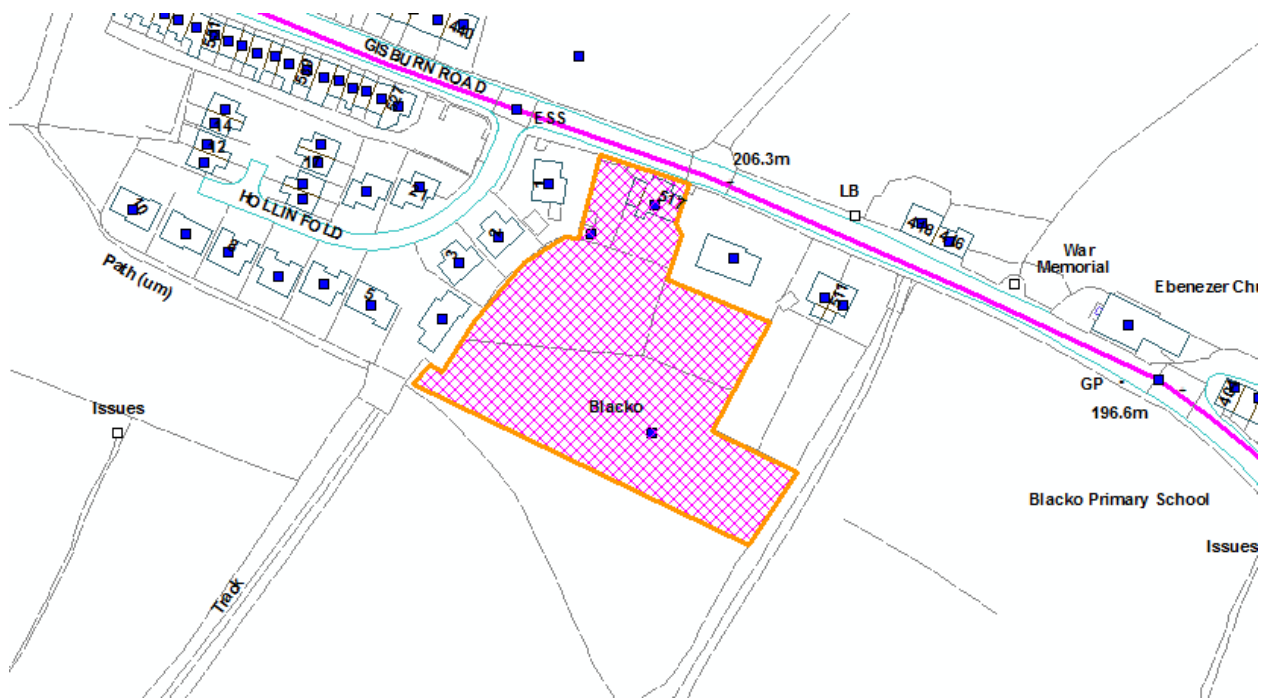
The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes 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 applicant is advised that to discharge condition 6 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes

United Utilities: A public sewer crosses this site and we will not grant permission to build over or within 3 metres of the centre line of it. The requirement for our permission is detailed within the guidance that supports Part H4 of the Building Regulations . If the proposals do not meet these specifications a modification of the site layout or a diversion of the public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Further information on building over or close to public sewers is available on our website: <http://www.unitedutilities.com/build-oversewer.aspx>. Deep rooted shrubs and trees shall not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree.

Lead Local Flood Authority: For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

Environmental Health: We recommend that, prior to the first occupation of any dwelling, that dwelling shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.



Application Ref: 16/0603/OUT

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

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

On behalf of: Mr D Hall

Application Ref: 16/0634/FUL

Proposal: Full: Demolition of outbuildings and erection of 4 one bedroom holiday cottages.

At: Ashtrees, Ing Head Farm, Barley

On behalf of: Mrs A Clarke

Date Registered: 19 September 2016

Expiry Date: 14 November 2016

Case Officer: Lee Greenwood

Site Description and Proposal

This application is brought to Committee due to the number of objections received.

The development seeks to demolish an existing outbuilding and replace with a row of holiday cottages. The site is within the AONB and adjacent to an existing cluster of buildings, accessed from Barley Lane.

Consultee Response

LCC Highways; no objections in principle, development should have a negligible impact on highway safety and capacity. Adequate parking has been provided for the use and the existing dwelling. A public footpath runs along the track adjacent to the development site, the applicant should ensure that the development or parking does not block the path.

PBC Environmental Health; development is within a rural area and likely served by a private water supply. The applicant is advised to ascertain the quality and sufficiency of the supply, more information can be obtained via Environmental Health.

PBC Rights of Way; no comments received.

Barley with Wheatley Booth PC; Ashtrees is located in the open countryside in the Area of Outstanding Natural Beauty. Relevant planning documents are 'Forest of Bowland AONB Supplementary Planning Guidance 2003' and 'Development in the Open Countryside Supplementary Planning Guidance 2002'

1. The existing outbuildings are shown to have roof heights of 3.60m and 4.15m and the application proposes raising of the roof height of the new building to 5.85m. Seen in conjunction with the first floor extension to the house (already approved) this would produce a terracing effect across the hillside. BPC believes that this contravenes para. 6.5 of the AONB SPG:

'extensions to original buildings...should respect the design and scale of the original building...these should generally be to the rear of the property unless backing onto open countryside.'

and para. 5.2 of 'Development in the Open Countryside SPG'

'avoidance of visibility against the skyline and minimal visibility within the landscape'

2. The proposed new building will be visible from probably the busiest public footpath and other footpaths / points of view across the valley. The highest point of the building is south facing and with the land falling away to the south, will be clearly visible against the skyline when approached from the south on this very popular footpath from Barley to Pendle Hill.
3. The planning application appears to propose the construction of 'juliet balconies' at the upstairs windows. BPC believes this contravenes para 5.3 of the AONB SPG:

'Development must be appropriate to the landscape character type within which it is to be situated and contribute to its conservation, enhancement or restoration...'

and para 5.4 in that it is an inappropriate introduction of urban features.

4. The proposed properties will be accessed by a narrow, semi-grassed lane shared with three other properties. The additional traffic will clearly have an impact on the condition of the track, particularly in wet weather. We believe this contravenes para 6.4 of the AONB SPG:

The conversion of traditional farm buildings...will be permitted provided...traffic generated would not be excessive and visitor car parking can be provided without causing irreparable damage to the environment

5. We believe there is insufficient space on the site to provide the parking spaces proposed without significant impact on the landscape. Although the planning application form states that there are no trees on the site, a mature tree would need to be felled and a large area of the current garden would need to be removed to accommodate 4 no. parking spaces. We note that the proposal is to tarmac the parking spaces; again this is inappropriate in this rural landscape.
6. There is no mention of a bat survey in the planning application; it would be extraordinary, in such a rural setting, if bats did not roost this disused building.
7. A need for the proposed accommodation has not been demonstrated. There has been a significant increase in the amount of visitor accommodation in the last 18 months: The Barley Mow, the Bay Horse in Roughlee (not yet built), The Forest in Fence, the Fence Gate have all increased their visitor accommodation to the extent that Dam Head Farm cited this as a reason to convert their holiday let to a permanent dwelling.

Public Response

Seven neighbours notified, site and press notices also displayed; two objections received, commenting on;

- Access via a shared unadopted road and would result in a large increase in traffic
- In AONB and close to a public footpath
- Development would leave the property without any buildings to service the associated land (24 acres) and make transferring back to an agricultural use difficult
- Believe owners wants to take down two protected trees
- Suspect building is used by bats
- Not in keeping with area
- Will introduce additional visual clutter
- Visible from footpaths

Officer Comments

Policy

Local Plan Part 1

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that 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. Supporting advice can also be found in the Forest of Bowland AONB SPG and the Landscape Character Assessment.

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.

Policy WRK5 relates to tourism facilities and supports improved provision where they promote tourism, help to improve the diversity of the existing tourism on offer and are of an appropriate scale/design that will not have an inappropriate impact on amenity or character.

In rural Pendle the provision of new buildings should ensure that are of a traditional design and in keeping with the area in which they are located.

Saved Policies of the 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 40 (Tourism) states that new tourist facilities will be supported in rural areas for proposals to redevelop within the footprint of an existing building in the open countryside without the need for large scale extension. And, would assist rural regeneration in a location where the environment, transport and utility infrastructure can accommodate the visitor impact.

Need

Policy WRK5 supports the provision of facilities which add variety to those already on offer. In this case the Parish have queried the need for development of this nature and cited similar developments elsewhere along with the closure of smaller holiday lets.

The Council's Tourism Team Leader has looked at the scheme and advised that more bed spaces are required in the Borough. This provision in turn has an economic impact as visitors who stay in the area spend over 4 times more in the local economy than those on day trips. The increase in staying visitors is identified in both Pendle's Annual Visitor Economy Plan and the Regional Visitor Economy Strategy. He advises that this is an attractive location for visitors (particularly walkers) and in light of these factors would support the scheme.

Based on these factors, the development would contribute to the facilities on offer within rural Pendle and as such there is an identified need.

Design and Landscape Impact

The scheme seeks to demolish the existing building, which is of little architectural merit, with unpainted render walls and a corrugated metal roof. The new development would take place in its footprint, but standing higher with an asymmetric roof pitch.

The landscape here (Type D9 in the Character Assessment) is of a high sensitivity and with a limited to moderate capacity to accommodate change. The site here is visible due to its elevation and location adjacent to a well-used network of public footpaths which lead to and from Pendle Hill to the west. In assessing the impact a new development would have, some consideration must be given to the impacts of the structure it would replace. As detailed above, the current structure is of a basic design and unsympathetic appearance. It cannot be said to be traditional in either its form or finish and does not positively contribute the landscape.

In line with Policy WRK5 and saved Policy 40, the scheme here seeks to work within the footprint of the existing structure. An increase in overall ridge height is proposed, however when compared with the scale and massing of the original structure, this would not be significant.

An asymmetrical roof is proposed, creating a 'catslide' effect which is not uncommon in rural areas such as this. The larger elevation, which accommodates two storeys faces out in the direction of the village and provides openings and ground and first floor level. The latter seeks to include the provision of Juliette balconies which are not typical of rural properties and this aspect of the scheme could be improved upon, with the possibility of creating more of a hayloft type enclosure. The exact details of this element can be controlled by condition and agreed at a later date. The 'catslide' elevation faces towards Pendle Hill and would create a development predominantly comprising a roofscape (in natural materials) with a lower area of stone work and 5 doorways (4 to the units, 1 to the utility). This simple approach when viewed from a prominent local landscape is appropriate and acceptable.

Internally the units provide modest 1 bedroom self-catering accommodation, with a small utility area at one end of the block. Details of bin storage can also be controlled by condition to ensure no adverse impacts on the landscape.

In terms of materials, the exterior walls would be finished in random natural stone and stone slates to the roof. Openings would be finished in hardwood, all of which are appropriate in the locality.

Some concerns have been raised with regard to the creation of parking spaces, which are to be finished in bitmac to match the adjacent driveways/access lane. The 4 parking spaces would be cut in to what is an existing grass embankment, immediately behind the building. This keeps

associated vehicles as part of the existing group and avoids any isolated sprawl and paraphernalia.

It is acknowledged that the landscape here is sensitive and only has a limited capacity to accommodate change. The site here is visible and elevated; however the development would take place on the footprint of a building which makes little contribution to the landscape in terms of its appearance. The replacement of such a structure with something of a more traditional form and finish, of a similar massing, would not constitute a development so incongruous as to be unacceptable.

With a justified need in terms of accommodation requirements, the development is acceptable and compliant with Policy.

Highways

LCC Engineers have assessed the proposal and raise no objections to the scheme, finding that it would have a negligible impact on highway safety and capacity in the vicinity of the site. Dedicated parking is to be provided for each of the units and the adjacent house.

The access lane is surfaced along its full length and provides suitable visibility at the junction with Barley Lane. As such the development raises no adverse highway safety issues.

Residential Amenity

The development, accounting for its distance to and relationship with the adjacent neighbours, raises no adverse amenity concerns.

Public Rights of Way

Public Footpaths exist on and adjacent to the site. Whilst the scheme as shown would not interfere with these rights of the way, the applicant should ensure that they are not obstructed or affected during or after the development process. Should diversions or closures be required, they would need to be sought through the appropriate channels.

Trees

Despite suggestions from objectors, there are no protected trees in the vicinity. The applicant has also confirmed that their proposal does not include the removal of the trees on site to facilitate development.

Ecology

Concerns have been raised that the development (by way of the demolition and tree removal) would have an adverse impact on protected species and their habitats.

The applicant has provided a report, following a survey undertaken by an ecologist on the 24 August 2016. It found no existing evidence of use by bats and limited opportunity for future use owing to the type of construction.

As detailed above, it had been suggested that owls will be affected by the removal of trees. The applicant has confirmed that they do not intend to remove any of the trees on site (which are not formally protected). The proposal does not therefore conflict with saved Policy 4D.

Summary

Subject to necessary conditions, the proposed development is acceptable.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development is compliant with the aims of the Local Plan Part 1 and saved Policies of the Replacement Pendle Local 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 buildings and units shall be occupied for holiday purposes only:

(1) the building shall not be occupied as a person's sole or main place of residence.

(2) the owner/operator shall maintain an up-to-date register of the names of the 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 and to prevent the establishment of permanent residency.

- . 3. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, proposed 1:500 site plan, proposed layout and elevations.

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

4. Prior to the commencement of any development hereby approved, details of the proposed external bin storage arrangements for the holiday units shall be submitted to and approved in writing by the Local Planning Authority. The associated bins shall thereafter be stored in accordance with the agreed details at all times.

Reason: To ensure that external paraphernalia is suitably sited.

5. 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.

6. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out concurrently with the rest of the development and in any event shall be finished before the building is occupied.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

7. Notwithstanding any indication on the approved elevations, no permission is hereby given for the design or appearance of the first floor juliette balcony enclosures as shown. Prior to the commencement of any development, details of alternative designs shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with the agreed details only.

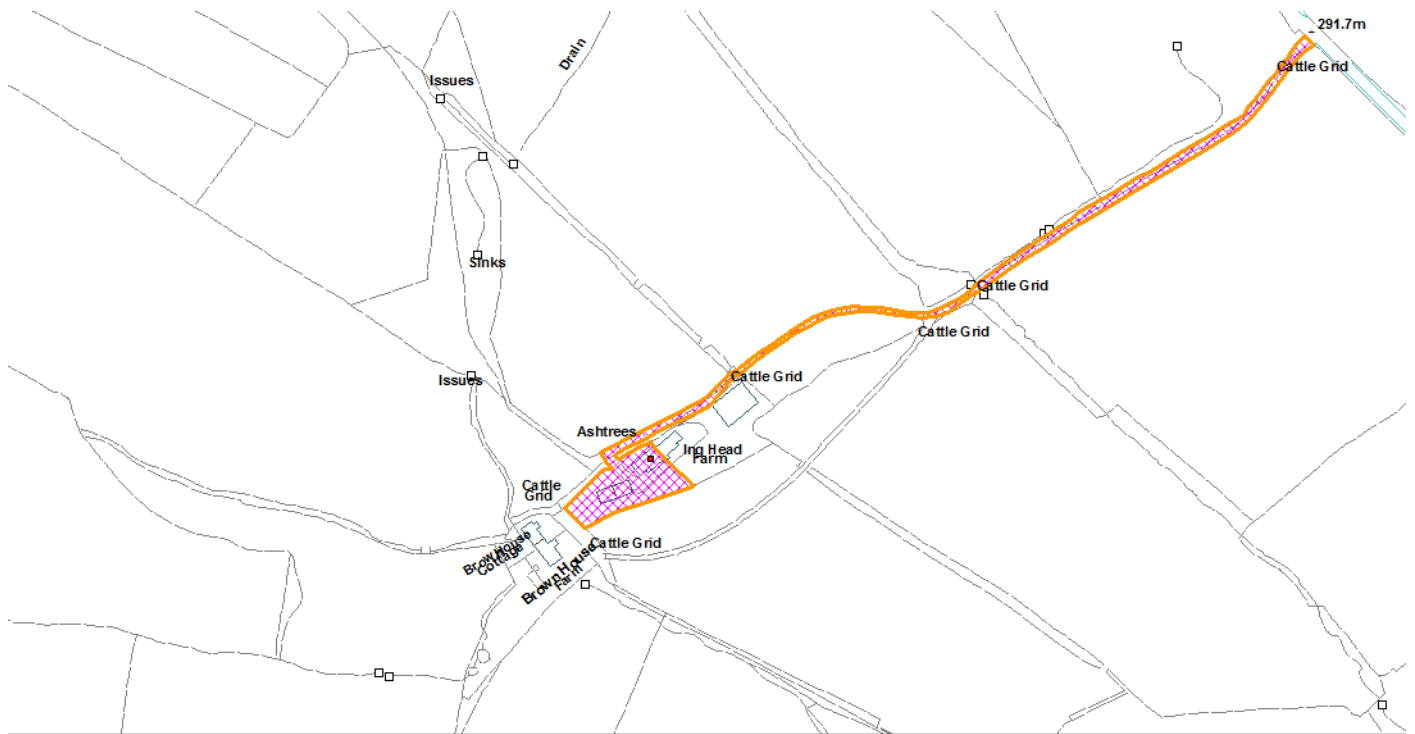
Reason: In the interests of design.

8. Prior to the commencement of development, details of the proposed roof lights style and appearance shall be submitted to and approved in writing by the Local Planning Authority. The roof lights shall then be installed in strict accordance with the approved details.

Reason: To ensure the use of appropriate materials in order to protect the character and appearance of the AONB.

9. The parking and manoeuvring spaces, as shown on approved 1:500 site plan, shall be laid out, surfaced and made available prior to the first occupation of an unit hereby approved. The areas shall thereafter remain available at all times for the parking and manoeuvring of vehicles associated with the dwelling.

Reason: To ensure suitable and useable parking provision.



Application Ref: 16/0634/FUL

Proposal: Full: Demolition of outbuildings and erection of 4 one bedroom holiday cottages.

At: Ashtrees, Ing Head Farm, Barley

On behalf of: Mrs A Clarke

Application Ref: 16/0652/FUL

Proposal: Full: Change of use of residential care home and staff accommodation to a residential drug and alcohol rehabilitation unit and formation of an extension to car park.

At: Brookdell Retirement Home, Foreside, Barrowford

On behalf of: Mr B Holgate

Date Registered: 10 October 2016

Expiry Date: 5 December 2016

Case Officer: Kathryn Hughes

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

Site Description and Proposal

The application seeks permission for the change of use of this former retirement home to a rehabilitation unit and an extension of the car park. The existing lawful use of the site is a residential home (Use Class C2) with a condition attached to the original permission 13/87/1069P stating that:

“The premises be used as a home for elderly and for no other purpose (including any other purpose falling within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.”

The reason for this condition is as follows:

“The use of the premises for any other purpose could be injurious to the character of the area and would require further consideration by the Local Planning Authority.”

The proposed use is not therefore technically in a different use class and the proposal is in effect to relax the condition to allow another C2 uses in the building.

The application site lies within the settlement boundary of Barrowford and within Higherford Conservation Area.

There are trees which are protected as part of the Conservation Area as well as a large Copper Beech tree near the entrance gate which is subject to TPO No. 1, 1994.

The premises are surrounded by residential properties and are currently vacant. The site is attached to 13 & 15 Foreside which are Grade II listed buildings and adjacent to Crowtrees Cottage (No. 19), 1 Barleydale Road (Crowtrees), Higherford Mill which are also Grade II listed and Higherford Old Bridge which is Grade II*

Public Footpath No. 6 runs along the southern boundary of the site.

Apart from the car park extension no further external alterations are proposed.

Relevant Planning History

13/87/1069P - Full: Change of use from dwelling to home for the elderly – Approved 4th January, 1988.

Consultee Response

LCC Highways - The Highway Development Control Section does not have any objections regarding the proposed Change of use and are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

The existing and proposed development will have similar car parking demand and similar traffic movements which would not have a severe impact on the surrounding highway.

Recommend a condition to prevent the development being used as a consultation and/or drop in centre, to reduce vehicle movements and reduce car parking demand.

PBC Environment Officer - The site is within the Higherford conservation area which will afford protection to trees and there is also one large mature Copper Beech tree near the entrance gate which is subject to TPO No. 1, 1994.

No tree survey report has been submitted and the significant TPO tree has not been plotted or referred in any document or plan. There are other trees within the site which might be affected but which have not been plotted.

Trees in the garden are likely to be affected by proposed new parking area but no information or method statement is given. Without such information, I cannot support the proposal.

Barrowford Parish Council - Barrowford Parish Council would have liked further information as to why in 1987 this property was given a C2 business classification with the condition attached that it could only be used as a home for older persons, together with the rationale behind the attaching of this condition and some inkling of its current validity and the retention of this condition when weighed against the later Core Strategy and Local Plan.

If the reason that the condition was applied is still a valid planning consideration Barrowford Parish Council would broadly be in favour of its retention in its current form.

The Parish Council has concerns regarding the amount of traffic using Foreside which has increased significantly since 1987 and with the approval of several large extensions on Barleydale Road in recent years there will be a potential increase in cars using Foreside when these extensions are built.

Foreside has no pavements for most of its length and is a key access point to both the Water Meetings and the Pendle Way and other regularly used Public Rights of Way many of which are walked by people visiting the area and who have no knowledge of the local traffic conditions, pedestrian safety must be considered when looking at this application as there are probably more pedestrian users of Foreside than vehicular.

Some consideration should also be given to the residential amenity and privacy to residential properties whose rear or side aspect abuts onto Brookdell.

Public Response

Site and press notices posted and nearest neighbours notified by letter. 56 webcomments and letters of objection have been received from 50 different addresses on the following grounds:-

- People wouldn't feel safe and the numbers of visitors would decline reducing tourism trade in the area;
- The community spirit would reduce as people wouldn't go out as much and socialise;
- Temptation for people in the unit would be too much – there 14 licenced premises within a mile and a half radius;
- There are a lot of shops which sell medication;
- The river, canal and reservoir are all very close and pose a huge risk to the welfare of those in the unit;
- The quiet and dimly lit streets would be a drug dealers paradise;
- There are a lot of vulnerable people in the area as well as children who would be exposed and put at risk;
- The proposal would have a massive detrimental effect on the neighbourhood which is a historic, quiet, conservation area and a rehabilitation centre is not in keeping with the surroundings;
- The area is used for cyclists, runners and walkers and this would result in people not feeling safe;
- Is this really the best area close to public houses?
- Entrance and exit from this narrow lane onto Gisburn Road presents problems. The road is busy now and with 500 homes proposed likely to be busier;
- The CQC report in January, 2016 discloses shortcomings including that staff did not manage risk effectively;
- This would be against the original planning consent for a care home only and not a C2 use in general;
- The buildings and grounds are unsuited with open boundaries that are neither secure nor safe;
- Surrounding properties would be susceptible to noise and public nuisance;
- The junction with the A682 is busy and visibility compromised. I find the claim that less traffic would use the unit than the care home difficult to believe;
- It could also have a negative impact on the economic viability of Higherford Mill and other local businesses;
- I have no desire to encourage potential criminality to this area;
- Unfortunately this type of unit has a stereotype and rightly or wrongly the local community will view it with concern which will have a negative impact on the immediate area;
- This centre will have little benefit to the local area as it is a family business and I don't expect there will be any jobs created;
- It will be for the benefit of clients from outside the area and not people from within the local community;
- I believe their current location is ideal and starkly different from Brookdell. The change of location may give rise to operational difficulties;
- I am keen to get clarification on some of the more misleading statements within the documentation;

- A large proportion of the residences surrounding Brookdell are occupied by elderly people who might feel threatened by the occupants of such as facility;
- 13, 15 & 19 Foreside and 1 Barleydale Road are Grade II listed properties;
- We wish to challenge some of the claims made in the supporting documents including that the local landscape character would not be unfavourably impacted as the open boundaries would require some form boundary treatment to ensure privacy for both parties. As Crowtrees is a Grade II listed building and changes to the curtilage would require Listed Building consent. It is likely that a stone wall will have to be constructed up to 3m high. If approval is granted then we request that construction of such a wall is made a condition;
- Local residents will be wary of the clients and the current healthy social mix will be lost and families will move away. The fate of residents unable to move will affect their health and spirit;
- The claims of over 80% of individuals successfully completing treatment as planned needs clarification;
- A previous application for the erection of a house was rejected on highway grounds;
- Brookdell is attached to No. 15 and the windows from both properties look up, down and towards each other. The supporting documents stress the importance of privacy for their clients, this works both ways;
- Whilst it could be argued that the same privacy issues existed as a care home these residents were elderly with impaired health and limited mobility - privacy and noise were never an issue. Certain residents did get out and take themselves on walks, we took them back but this would be far worse with residents who had 'escaped';
- Planning Appraisal 6.2 states "health is fundamental to peoples well-being and life expectancy – this also applies to vulnerable neighbours with real or imaginary fears regarding their safety, security and health;
- HHL is a business not a charity and its concern for a future, that provides a living for several family members, may have a higher priority than privacy for clients and respect for new neighbours;
- There would no doubt be an increase in traffic and the expansion to the car parking reinforces this. The clients would increase from 15 to 19 and the provision for visiting family and friends would exacerbate this situation;
- The Fire and Ambulance Emergency Services have repeatedly experienced problems gaining access due to parked cars along the narrow entrance;
- We note the applicants current premises are in a secluded rural location and would respectfully submit that they would have no experience of operating in a densely populated urban area;
- We have driven past the applicants current location on a number of occasions and have seen groups standing outside smoking this could constitute a noise nuisance during unsociable hours;
- There are three schools close by and I think children could be put under threat walking to and from school;
- The existence of such units in Nelson and Burnley would seem to indicate that another one in Barrowford is not actually necessary;
- My grandson visits and plays in the rear garden overlooked by Brookdell this proposal concerns me deeply and puts pressure on me having my grandchildren due to the close proximity of the rehabilitation unit; and

- The Council has a duty of care to the local residents and must bear their security and safety in mind.

A formal objection has also been lodged on behalf of Higherford Residents Action Group on the following grounds:

- The restrictive condition is plainly a material consideration in making the decision and the same considerations are pertinent today and it is legitimate to consider whether this proposal would have a detrimental impact on the character of the area;
- Intensification of the use and 25% increase in bed space from 14 elderly residents to 19 leads to further injurious affects as prior to closure the home was registered for 15 residents;
- The increase in excess of 25% will have a corresponding knock on effect in terms of traffic generation to and from the site by staff, visitors and services. It is a fact of life that the elderly get less visitors than the age range of 18 to 65 which is the client group proposed here;
- The additional parking proposed (a total of 8 parking spaces including the 15 seat minibus) seems to acknowledge this by seeking to improve off-street parking provision;
- The planned intensification will exacerbate the existing substandard situation of the poor road alignment, narrow width, lack of footpaths and poor junction and this application should be resisted on highway safety grounds;
- The current site is over 400m from the nearest residential property whereas this site is within a residential area which has common boundaries with private gardens and physically linked to 13 and 15 Foreside with No.'s 3, 5, 7 & 9 directly overlooking the grounds;
- Given the age structure of the client group it is reasonable to assume that they will avail themselves of the ability to socialise within the grounds in the evenings and thus cause undue disturbance to the quiet enjoyment of nearby residents;
- The site is bounded by a footpath along the southern boundary and the site is generally exposed from public vantage points; and
- The proposal would not result in sustainable development and would be at variance with Policy SDP1 in the Core Strategy.

Officer Comments

The main issues for consideration with this application are compliance with policy, impact on amenity including conservation area and impact on heritage buildings, protected trees and highway issues.

1. Compliance with Policy

The relevant policies for this proposal are:

Policy SDP1 reflects the presumption in favour of development contained within the framework.

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

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

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

The lawful use of the property is a residential car home with a condition restricting it to that use only within Use Class C2.

2. Impact on Amenity including the Conservation Area and heritage buildings

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

The application site is located within a residential area. The existing lawful use is for a residential home restricted to the elderly the potential for conflict between this proposed use and the existing surrounding residential uses would be limited to the difference between the clientele. There are no external alterations or changes to the current relationship of the buildings proposed and therefore overlooking and privacy distances would be the same as existing.

Changes to the existing car park would increase the amount of off-street car parking to eight spaces.

In terms of the adjoining and adjacent listed buildings. The existing relationship between the building and the listed properties would not be affected by this proposal. The only additional physical development is the extension of the car parking area. This will have no impact on the setting to the listed buildings.

No heritage assessment has been requested or is necessary to be able to consider the merits of the heritage impacts.

Suggestions have been made to require a wall to be erected to protect privacy. Altering who occupies the building will not however have any different impact on privacy than exists with the lawful use and a condition requiring a wall would not be necessary.

Comments have also been made regarding the increase in the number of occupants. There was no restriction attached to the grant of permission for the existing lawful use of the building in terms of occupancy. The number of residents of 15 could have been increased without the need for any planning consent. The issue is whether the increase in numbers would change the nature of the use and hence have any impact on other issues such as highways or the amenity of residents.

The increase from the last known level of use of 14/15 occupants to 19 would not lead to a materially different impact on amenity nor lead in itself to an adverse impact on the amenity of adjoining residential uses.

Concerns have been raised over use of the outside space for the property. This has never been restricted and whether as a private five bed roomed house or a 14/15 room residential unit some outside activity would occur. There is no evidence to suggest that the behaviour of those who would use the centre would lead to an adverse impact on adjoining land uses.

No external alterations are proposed to the building and the changes to the proposed car park are minimal. The classification of use of the building itself would not change only the proposed end

users and in that respect the impact on the conservation area would be limited and therefore acceptable in this case.

3. Highway Issues

The Highways Authority have not raised any objections regarding the proposals subject to a condition restricting any use of the premises as a drop-in/day centre. Sufficient off road parking can be achieved within the site. The highways authority have not read the application properly which is to use the facility as a residential facility. It would be unreasonable to restrict the use to a day use only. This would in any event change the use to a D1 use which is not what has been applied for.

Concerns have been raised over potential increase in traffic and activity to the premises. This would be slight and the impact on the highway network would be minimal. It is agreed that there are likely to be changes in the running of the premises and the amount of vehicle movements associated with that but these would be minimal and not at levels that would lead to a use different in highway character.

Whilst there might be some increase in activity in terms of visitors and staff it would not be significant and would not cause undue highway concerns of such a scale and degree as to warrant a refusal.

The formalisation of the parking area and marking out of eight spaces as well as designating and access and egress would ensure adequate off street parking for the use.

4. Protected Trees

There is a mature Copper Beech tree which is protected adjacent to the site entrance and other trees on the site are protected by virtue of being in the Conservation Area.

The agent has been requested to provide further information on the trees on site and how the proposed car park layout could impact on these and any potential mitigation required. An update on this matter will be reported to the meeting.

Summary

The proposed use of this former retirement home to a rehabilitation centre is acceptable in principle and complies with current local plan policies. No external alterations are proposed. The level of car parking proposed is acceptable and there would not be any adverse highway implications.

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 change of use of the building is acceptable in principle and in line with local plan policy. The proposals would not result in any detrimental impact to neighbouring residential amenities or 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 development permitted shall be begun before the expiration of three years from the date of the permission.

Reason: This condition is required to be imposed by virtue of Section 91(1) of the Town and Country Planning Act 1990.

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

ADM/16/38/01, ADM/16/38/02, ADM/16/38/03.

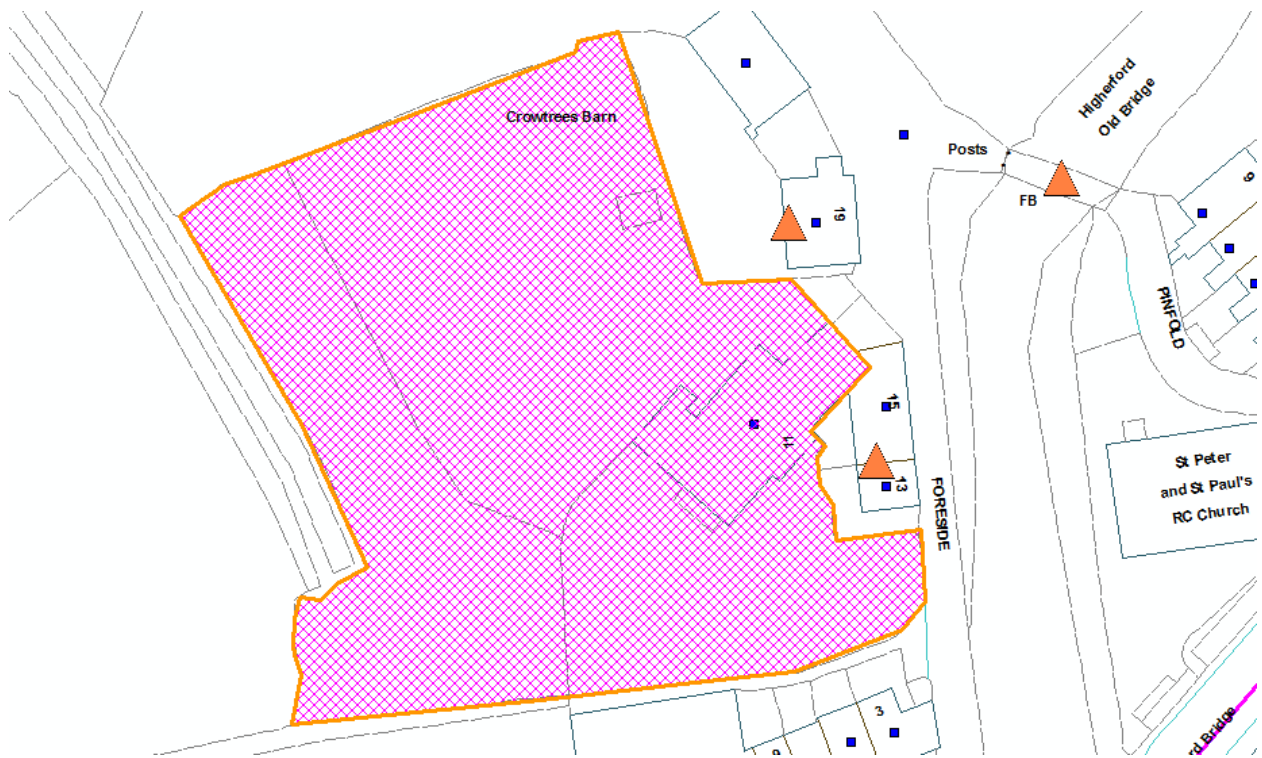
Reason: For the avoidance of doubt and in the interests of proper planning.

3. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and the vehicular turning space shall be laid out and be available for use before the development is brought into use. It shall thereafter remain unobstructed at all times.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

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

Reason: In order to provide sufficient off street parking for the development in the interests of highway safety.



Application Ref: 16/0652/FUL

Proposal: Full: Change of use of residential care home and staff accommodation to a residential drug and alcohol rehabilitation unit and formation of an extension to car park.

At: Brookdell Retirement Home, Foreside, Barrowford

On behalf of: Mr B Holgate

Application Ref: 16/0697/HHO
Proposal: Full: Formation of an access and two car parking spaces.
At: Croft Barn, Barley New Road, Barley
On behalf of: Mr & Mrs Barry Sanderson
Date Registered: 20/10/2016
Expiry Date: 20/12/2016
Case Officer: Alex Cameron

Site Description and Proposal

This application has been brought before Committee because three responses objecting to the development have been received.

The application site is the front garden of a converted barn located within Whitehough Conservation Area and the Forest of Bowland AONB. There are dwellings to the north, east and west, an access track runs to the south adjacent to Whitehough Water.

The proposed development is the formation of a new access to the front and two car parking spaces and turning area in the front garden. This would involve removing a section of the stone retaining wall at the front of the site, digging out the land and forming new retaining walls. Two Scot Pine trees which are protected by TPO and one Sycamore which is protected by the Conservation Area designation will also be removed.

Relevant Planning History

16/0508/HHO – Removal of three trees and formation of two car parking spaces - **Refused**

13/15/0266P - Subdivision of one dwelling to two dwellings and erection of a single storey side extension and external alterations - **Approved**

13/14/0285M1 - Non-Material Amendment: Amend Planning Permission 13/14/0285P to change window and door openings - **Refused**

13/14/0285P - Subdivision of one dwelling to two dwellings and erection of a single storey side extension - **Allowed on Appeal**

13/08/0701P - Full: Erect single storey extension - **Approved**

13/02/0546P - Attach double garage with room over and link porch to rear of existing games room – **Refused**

13/95/0489P - Section 192 - to convert attached garage to living accommodation **Approved**

13/95/0359P - Convert garage to sitting room and erect new detached garage – **Refused**

13/90/0073P – Alteration to Garage at Barn – **Approved**

13/88/0966P - Change of use and extension of barn to form 2 dwellings with domestic garages - **Approved**

Consultee Response

LCC Highways - The Highway Development Control Section does not have any objections in principle regarding the proposed formation of an access and two car parking spaces at the above location. We are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site, subject to the following comments being noted and the following conditions applied to any formal planning approval. From the information provided we are of the opinion that the applicant has provided adequately sized off-road parking provision and manoeuvring area.

Access to the site is via a privately maintained road and a private bridge crossing White Hough Water. It is the applicant's responsibility to ensure its suitability and capability of carrying any construction traffic. This is to ensure that no damage is done to the structure and fabric of the bridge which would affect access to other properties and the Public Rights of Way network. As a number of Public Footpaths may be affected by the development I have forwarded details of the application to the county council's Public Rights of Way (PROW) team and asked them to respond direct.

Given the layout of the boundary wall/front garden area the existing wall should be reduced in height along its whole length to no higher than 0.9m. This should give suitable sightlines at the sight access, particularly to the west of the site, and give other highway users a clearer view of vehicles entering and leaving the site, and vice versa.

PBC Environment Officer

Barley with Wheatley Booth Parish Council

Roughlee Parish Council – Object to the removal of the trees proposed by this application. The trees in question, particularly the two Scots Pines, are significant as part of the group of trees which define the Conservation Area and are of great visual importance in the AONB. The Parish Council objected to an earlier application, 16/0508/HHO, which was refused because the proposal would result in unacceptable harm to the character and appearance and therefore the significance of the Conservation Area.

The current proposal which involves the loss of the trees and walls is very similar in this respect to the refused application and the harm to the Conservation Area is not reduced or mitigated. The Parish Council noted, however, that a compromise scheme may be possible which would retain the trees whilst allowing access to the area in front of Croft Barn.

Public Response

Site notice posted and three neighbours notified – Two responses received objecting to the proposed development on the following grounds:

The current application simply moves the parking spaces and provides a drive into the garden of Croft Barn which were once lawns and flower beds. The stone boundary walls which are at the heart of the character of the Conservation area of Whitehough would be removed to facilitate this new entrance. This would be harmful to the Conservation Area and AONB.

The removal of the trees would result in significant harm to the Conservation Area and AONB.

Access should be gained from the existing driveway.

LCC Highways commented on the previous application and conditioned that a visibility splay is required. Because the Application drawing fails to show the blind bend for traffic traveling in the opposite direction, it would appear that LCC Highways have not had the opportunity to comment on the full implications of the proposed development on traffic traveling in both directions.

Under the current application there is no proposal to remove or re-site the garden shed and oil store, although this was a proposal of the previous application which was refused. Therefore, these buildings would remain and be sited in the island between the existing gated entrance to Croft Barn and the proposed new entrance. This area is designated to have no walls, structures or planting higher than 900mm above road level for reasons of the visibility splay conditioned on the previous application by LCC Highways and therefore the garden shed and oil store will be on full view with no screening possible.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy 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.

Policy ENV2 (Achieving Quality in Design and Conservation) states that 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 protect or enhance the natural environment and not detract from the natural beauty of the AONB by way of their siting, size, design and appearance.

Design and visual amenity

The previous application was refused due to the adverse impact the proposed parking area would have on the character and appearance of the Conservation Area. This application relocates the parking area within the site where it would not be prominently visible and would not adversely impact upon the appearance of the Conservation Area.

With a condition to ensure that appropriate stone is used to build the walls either side the proposed access would be acceptable in design terms and would not cause harm to the significance of the Conservation Area.

The felling of the three protected trees has been granted consent and could be carried out irrespective of the outcome of this application. Taking this into account, the proposed development is acceptable in terms of design and visual amenity and would acceptably preserve the natural beauty of the AONB and the significance of the Conservation Area in accordance with policies ENV1 and ENV2.

Residential amenity

The proposed development would raise no adverse residential amenity issues, it is acceptable in terms of residential amenity in accordance with policy ENV2.

Highways

The two parking spaces proposed would replace the parking provision of three spaces, accessed from the existing access to Waterside House shown in the approved plans for the subdivision of Croft Barn to two dwellings (13/15/0266P). Croft Barn is a three bedroom dwelling and therefore two spaces is an adequate level of car parking provision in accordance with policy 31.

The proposal would include a turning area so cars can enter and exit in forward gear. Taking this into account, with a condition requiring that the wall to the west of the access is reduced to 1m or less in height, an adequate level of visibility would be provided. This could be achieved without altering the ground levels of the garden.

Concerns have been raised regarding the existing location of the shed and oil tank, however, their current position would not unacceptably restrict visibility from the proposed access.

The proposed development is therefore 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 development 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: 2016/30/1, 2016/20/2.

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

3. Within two weeks of the commencement of the development hereby approved samples of the materials to be used in the walls and surfacing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved materials.

Reason: In the interest of visual amenity and the character and appearance of the Conservation Area.

4. The use of the parking spaces hereby approved for parking vehicles shall not commence unless and until the access, turning area and parking area have been hard surfaced in accordance with the details in the approved plans and application forms.

Reason: In the interest of highway safety.

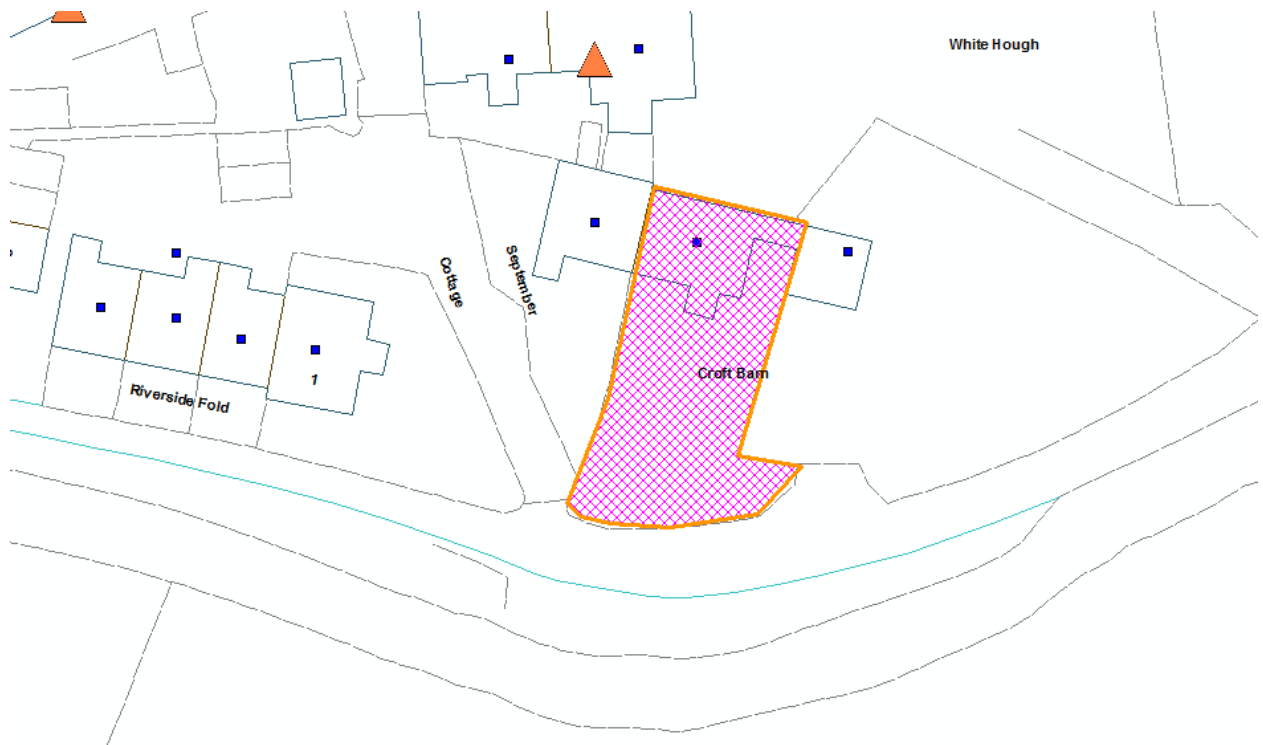
5. The use of the access and car parking spaces hereby approved shall not commence unless and until the wall fronting the road to the south has been reduced in height to a maximum of 1m for its full length. Thereafter the wall shall be at all times maintained at a height of not more than 1m.

Reason: In the interest of highway safety.

6. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To protect the trees and ensure that future landscaping incorporates those specimens.



Application Ref: 16/0697/HHO

Proposal: Full: Formation of an access and two car parking spaces.

At: Croft Barn, Barley New Road, Barley

On behalf of: Mr & Mrs Barry Sanderson

Application Ref: 16/0725/VAR

Proposal: Variation of Condition: Major: Vary Condition 2 (Plans) of 16/0390/REM to amend plans of plots 1, 2, 3 and 4.

At: SPRING MILL WHEATLEY LANE ROAD FENCE BURNLEY BB12 9HP

On behalf of: Skipton Properties Ltd

Date Registered: 28/10/2016

Expiry Date: 15/12/2016

Case Officer: Alex Cameron

Site Description and Proposal

This application has been brought to the Committee due to the application being for a Major development.

The application site is former mill site within the settlement of Fence. To the north east and north west detached and semi-detached houses, to the south east runs Wheatley Lane Road with terraced houses facing the site, to the south west is an unadopted access road and rows of terraced housing.

This is a variation of condition application to vary the plan numbers condition of the permission for conversion of part of the mill to 3 houses and erection of 19 houses.

The amendments to the plans relate to plots 1-3 which are the units proposed within the existing mill building to be retained and plot 4 which is a three storey dwelling adjacent to the entrance to the development.

During the course of demolition of the adjoining buildings it was discovered that the rear half of the building to be retained is constructed in brick, as opposed to the stone façade, and is not suitable for conversion. It is proposed for the front façade to be retained and the rear half of the building to be rebuilt in stone. A revised single pitched blue slate roof design is proposed and it is proposed to replace the integral garages with stores and for the formation of additional parking accessed from the side road.

Plot 4 is proposed to be reduced in scale from a three to a two storey house.

This application is a resubmission of an application refused in October due to the design and materials of the conversion of the mill building, of particular concern was the south west side elevation. The changes in this application are the reinstatement of the previously existing first floor window in the south west side elevation and the proposed use of dressed stone in the rebuilt side elevations with band courses following those in the original building. The roof gable has also been redesigned in stone to the ridge with stone coping.

Relevant Planning History

13/14/0088P - Outline: Major: Conversion of part of mill building to 3 No. houses and erection of 19 No. houses with associated garages including demolition of part of mill (Access and Layout). Approved, 11/04/2014.

13/11/0009P - Outline: Major: Conversion of part of mill building to 3 no. houses and erection of 19 no. houses with associated garages including demolition of part of mill (Access and Scale) Approved 25/03/2011.

Consultee Response

LCC Highways – The Highway Development Control Section does not have any objections in principle to the proposed variation of condition 2, providing the following car parking recommendations can be addressed:-

1. Based on the car parking recommendations in the Joint Lancashire Structure Plan and 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 plots 1, 2 and 3 but plot 4 is a 4 bed property and three off road car parking spaces are recommended.
2. At plot 1 how do you access the property if the adjacent parking space is occupied? From Approved Document M (Access to and use of buildings). Clause 6.15-b and 6.17-a require flights with unobstructed widths of at least 900mm.
3. Where the parking bays are adjacent to walls and fences, it is recommended that the drives to have a minimum clear width of 2.6m, to provide additional room to open the doors.

The Highway Development Control Section recommends that a car parking and manoeuvring condition as part of the formal planning decision.

Public Response

A site and press notice have been posted and 37 neighbours notified. One response has been received objecting to the development on the following grounds:

Whilst we give our complete support to the building development and welcome it to the village, we are however opposed to the inclusion of three story town houses within it. We feel they will be over-bearing, out-of-scale or out of character in terms of their appearance compared with existing development in the vicinity, especially the beautiful character of the cottages on Wheatley lane and in comparison to the listed building within the development itself.

Will result in the loss of existing views from neighbouring properties including our own which would adversely affect the residential amenity of neighbouring owners and result in loss of privacy

Officer Comments

This is a reserved matters application, the principle of residential development on this site and the acceptability of the access and layout have been established by the outline permission. Only the appearance, landscaping and scale of the development can be considered in this application.

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 ENV1 of the 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 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. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

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

Design and Visual Amenity

The revised plans resolve the reasons for refusal of the previous application, reinstating the window opening in the south west elevation and making the new element more sympathetic to the existing building. The proposed design of plots 1-3 is acceptable in terms of design and visual amenity. The revision to the parking and amenity space layout for plots 1-3 is also acceptable.

The proposed reduction in the scale of plot 4 from three to two storeys would raise no adverse design or visual amenity issues.

The proposed variation of condition is therefore acceptable in terms of visual amenity in accordance with policies ENV1, ENV2 and LIV5.

Residential Amenity

The proposed variation of condition would not result in any unacceptable residential amenity impacts and is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

Highways and Parking

The site would maintain an acceptable level of off-street car parking provision. The proposed addition of four parking spaces accessed from the side road to serve plots 1 and 2 would be acceptable in terms of highway safety. Some minor concerns have been raised in relation to parking and pedestrian access to plot 1. Revised plans have been received repositioning the pedestrian access, the revised plans are acceptable in terms of parking and access for plot 1.

The revised plot 4 is a three bedroom dwelling and therefore the proposed parking provision of two spaces is acceptable.

The proposed development is therefore acceptable in highway terms in accordance with policy 31.

Summary

The proposed amendments to the design are acceptable in terms of design, visual amenity, residential amenity and highway safety. The application is therefore recommended for approval.

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 variation of condition is acceptable in terms of design, visual amenity, residential 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. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No.13/14/0088P and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.13/14/0088P.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1445SPL/smwlf/PL01 Rev J, 1445SPL/smwlf/Csm-01, 1445SPL/smwlf/HT-A1, 1445SPL/smwlf/HT-A2, 1445SPL/smwlf/HT-BP1, 1445SPL/smwlf/HT-BR1, 1445SPL/smwlf/HT-BE1, 1445SPL/smwlf/HT-C1, 1445SPL/smwlf/HT-F1, 1445SPL/smwlf/HT-H1, 1445SPL/smwlf/HT-PT1, 1445SPL/smwlf/HT-PT2, 1445SPL/smwlf/HT-PN1, 1445SPL/smwlf/HT-SP1, 1445SPL/smwlf/HT-SP2, 1445SPL/smwlf/SS01 Rev C, 1445SPL/smwlf/SS02 Rev C, 1445SPL/smwlf/SS03 Rev C, 10.140 08, GL0590 01, 1445SPL/smwlf/IP-01 Rev A, 1445SPL/smwlf/Cms-02 Rev A.

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, walls, boundary/retaining walls and paving and samples of the colour and finish of windows and doors (notwithstanding any details on the approved plans, forms or supporting documents) of the development hereby approved shall have been submitted to the Local Planning Authority for written approval. The development shall be carried out in strict accordance with the approved materials.

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

4. All soft landscape works shall be carried out in accordance with the approved landscaping plan GL0590 01 and the recommendations of BS 4428 (1989). The works shall be carried out prior to occupation of any part of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

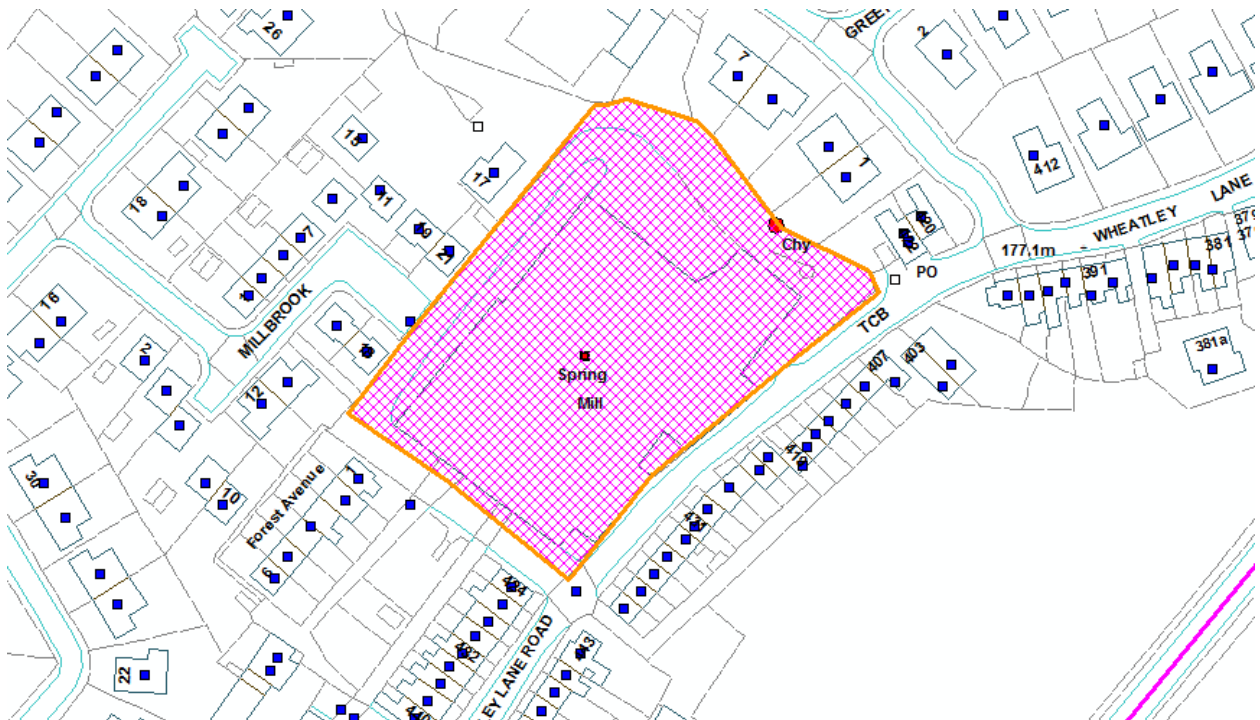
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in the interest of visual amenity.

5. Within two weeks of the commencement of the development details of hard landscaping shall be submitted to the Local Planning Authority for written approval. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

6. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority, the depth of reveal shall be at least 100mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity



Application Ref: 16/0725/VAR

Proposal: Variation of Condition: Major: Vary Condition 2 (Plans) of 16/0390/REM to amend plans of plots 1, 2, 3 and 4.

At: SPRING MILL WHEATLEY LANE ROAD FENCE BURNLEY BB12 9HP

On behalf of: Skipton Properties Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NW/SM

Date: 02 December 2016