

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

**TO: BARROWFORD & WESTERN PARISHES COMMITTEE**

**DATE: 8<sup>th</sup> November 2018**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 8<sup>th</sup> NOVEMBER, 2018

**Application Ref:** 18/0373/FUL

**Proposal:** Full: Erection of a single two storey dwellinghouse with detached garage and associated curtilage.

**At:** Land to the North West of Parrock Road, Barrowford.

**On behalf of:** Adamas Development Limited

**Date Registered:** 05 June 2018

**Expiry Date:** 17 October 2018

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The application site comprises a rectangular shaped area of agricultural land which equates to 0.5 hectares with vehicular access via a track from Parrock Road.

The application is submitted in full for the erection of one dwellinghouse with detached garage.

The site is bounded by open land to the northern and eastern sides and houses along its eastern and southern boundaries. There are mature trees around the perimeter of the site and public rights of ways surround the site.

Parrock House is a Grade II listed building which lies to the west of the site.

The application is accompanied by a Heritage Statement, Ecological Habitat Survey and Tree Report.

### **Relevant Planning History**

13/87/0455P – Outline: Erection of two dwellings on land off Parrock Road – Refused and Appeal Dismissed.

13/99/0446P – Outline: Residential development – Refused.

17/0670/FUL - Full: Major: Erection of a residential development comprising 16 detached houses, garages, estate road, landscaping and ancillary works – Withdrawn.

### **Consultee Response**

LCC Highways – Having considered the information submitted by the applicant, and visited site on 6 July 2018, the Highways Development Support Section does not object to this application in principle, subject to the following comments being noted, and conditions and note being applied to any formal planning permission granted.

The development site is accessed off Parrock Road, the first section of which (approximately 56m) is adopted highway; the remaining section (approximately 141m) is privately maintained. The carriageway of this upper section is 4.4m wide, with a footway 1.7m wide along the south side.

## **Site access**

As the proposed access is to serve a single property only, a visibility splay of 2.4m x 11m should be provided at the site's junction with the unnamed lane leading off the upper section of Parrock Road. Nothing should be planted or erected or allowed to remain in land within the visibility over 0.9m above the road level to protect the visibility splay.

## **Public Rights of Way**

Details of the application have been sent to the county council's Public Rights of Way section for comment as the development may affect Public Footpath 27 (Barrowford). Nevertheless the developer should be aware that no public right of way should be obstructed during the proposed development. It is the landowner's responsibility to ensure that the appropriate procedures are followed for the legal diversion of the Public Right of Way, if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, it is the landowner's responsibility to ensure that this is done following the appropriate legal procedures. A temporary closure will only be granted where it is the intention to re-open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way.

## **Parking**

The applicant has provided adequate on-site parking provision and manoeuvring area for this size and type of development. However the garage should be maintained as such to protect future on-site parking provision and manoeuvring area as vehicles reversing to and from site may pose a hazard to users of the unnamed lane carrying Public Footpath 27.

## **General**

Due to the site's location within a residential area, close to a private nursery on Parrock Road and with only one access point from the public highway the developer should provide a Construction Method Statement

In addition, we also recommend that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times.

To maintain the structure of the highway, and not impose a burden on other residents of Parrock Road, we also recommend that a condition survey of the full length of Parrock Road from its junction with Barrowford Road to the development site's access is carried out prior to commencement of any clearance/development.

Recommend conditions relating to construction method statement, deliveries, visibility splay, access, are attached to any grant of planning permission, provision to enter and leave the highway in forward gear and restrict the use of the garage.

United Utilities – The site should be drained on a separate system with foul to the public sewer and surface water in the most sustainable way following the NPPG hierarchy. Recommend a condition requiring this. A water main crosses the site and we will not permit development over or within close proximity.

PBC Footpath Officer – The proposed development runs adjacent to public footpaths 25 and 27 Barrowford. The plans appear to show that the footpath will not be affected. A note should be attached to any grant of permission stating no right to permanently or temporarily obstruct or interfere with a right of way.

PBC Conservation Officer – The site lies within the Carr Hall/Wheatley Lane CA, forming part of an area of open fields around the long-established former farm buildings at Laund and Higher Parrock at the south-eastern corner of the CA. Laund Farmhouse lies to the NW of the site, and is listed at Grade II. The house is currently relatively secluded and part surrounded by trees, though there are

close-up views of the important south elevation (which faces towards the development site), from the farm track and several ancient footpaths which run adjacent. Though no longer a farm it still stands within open fields, thereby retaining a sense of its historic links with the land. The application site currently forms part of this open setting, although the proposal for a single dwelling within large grounds and screened by trees, particularly along the NW boundary, should mitigate any adverse impacts on the current rural and secluded character which comprises the setting of the LB.

The application should also be considered within the context of the permitted strategic development at Trough Laithe, which borders the CA and is close to Laund Farmhouse. The impact of the Trough Laithe scheme on both the setting of Laund and the Conservation Area was an important constraint, and the likely potential harm to significance of both the LB and the CA was mitigated by the required provision of a generous buffer zone of open land and the reinforcement of the existing trees and hedgerows between the development site and the heritage assets. As part of this mitigation the presence and retention of open fields within the CA to the south and west of Laund and its important southern approach was seen as vital to the preservation of both Laund's historic rural farmland setting and the character and appearance of the CA. With the current application for only one dwelling on this site, the important rural character of this southern approach to Laund should be largely preserved, provided that landscape screening is effective.

The buildings at Higher Parrock are closer to the site. The 18thC or earlier barn and the later 19thC Higher Parrock House are identified as locally important buildings in the CA Character Appraisal. The significance of these non-designated heritage assets also derives in part from their currently relatively secluded setting within open fields; this would be affected to some degree; however the low density development proposed would reflect the low density of the surrounding development. The CAA notes the importance of key views looking south eastwards across the fields towards Nelson and the hills beyond, the farmland in the foreground very much in evidence. These views can best be seen from the public footpath between Carr Hall Rd and Laund, and include views across the application site. Provided the perimeter of the site is sufficiently landscaped the secluded setting should be preserved. Additional landscape screening should therefore be provided to the SE (front) and NW edges of the site, and stone boundary walls provided to match existing.

There are some design and materials issues which I consider are not wholly appropriate to the CA context. The roof lights and solar panels could be rationalised to simplify the roofscape, which will likely be visible in views over the site. The front projecting bay with arched entrance, intended to reflect a traditional barn door opening, has potential to appear incongruous used in conjunction with more 'domestic' features such as the stone mullioned windows. A flat headed opening with well recessed glazing would be more appropriate. Similarly to the rear elevation the arched windows would be better in a simpler flat headed design to relate better to the fully glazed extension. Although natural stone and slate is proposed, windows and doors are proposed to be in UPVC, which is contrary to guidance in the CA Design and Development SPD.

Barrowford Parish Council – The Parish Council considers that the larger scale dwelling and extensive curtilage sited to the periphery of the Conservation Area would not adversely detract from the setting and amenity of the Conservation Area. The extensive open grounds and proposed dwelling accord with the ethos of the Conservation Area. The Parish is minded to support this application but would withdraw this support if the size of the plot or the scale of the dwelling was significantly reduced at a later stated so as to reduce its setting within the larger Conservation Area.

## **Public Response**

Site and press notices posted and nearest neighbours notified by letter. Five responses received objecting to the proposal on the following grounds:

- The proposed site is within a conservation area – conservation means maintain as at present;
- The Trough Laithe debacle has allowed substantial reduction of the green field area in the locality. This is detrimental to the wildlife in the area and cannot continue;
- Have the owners of Parrock Road given full and total consent for their property to be used for site access?
- The development requires the removal of a tree with a preservation order on it;
- Development of the site contravenes the Pendle Local Plan Core Strategy which aims to protect and enhance our natural and historic environment. Surely conversion of 40% of a core Greenfield site to a Brownfield possible development site cannot be part of this plan;
- The fact that the proposed type of development is claimed to be typical of development in the area does not mean it should be allowed;
- The land is open countryside and is a protected area under the Replacement Pendle Local Plan;
- Parrock Road is currently of insufficient width to accommodate increased vehicle traffic caused by the proposed 4 bed dwellinghouse and the applicant does not have the right to alter the road without the consent of the owners. The upper section narrows to a single track with the remaining road barely wide enough for the safe passage of two vehicles;
- We are also concerned about the effect that Trough Laithe would have as this will use the same junction of the roundabout on A6068 which is a cause for concern;
- Policy 3A states no development shall be permitted which would be prejudice the open character of the area or its potential for long term development, during the plan period;
- Policy 1 of the Pendle Local Plan states that new development should be located within a settlement boundary. Does this proposal fall within any of the exemptions?
- The Carr Hall/Wheatley Lane Road Conservation Area sets out that the local character of development is low density, large houses. This site is part of the open land which is integral to the character of the area and if development will irreversibly damage the Conservation Area;
- The Council's Annual Monitoring Report confirms that the Council currently has a 5-year supply of housing land as required by the NPPF;
- It is clear that the impact of the development on the openness of the countryside and the surrounding area would be contrary to local planning policy and demonstrably outweigh any potential benefits;
- This field and surrounding trees provide habitats to owls, hawks, woodpeckers and many different types of finches and robins, wrens, etc. and we often see deer, foxes and frogs etc. It is noted that a number of trees will need to be removed including a large Oak subject to TPO, the trees especially those under TPO's should be protected at all costs and the value of these small buffers is vital for wildlife to thrive in these important conservation area;
- Approval of this application would increase the likelihood of further development by attrition across the applicant's remaining land;

- The local drainage system is under severe pressure and the proposed development covers a large area and if approved is likely to exacerbate the problem, and
- The site is the location of various utility lines – gas, water and electricity – and also a septic tank and its feeder pipes. The application makes no mention of these and how they will be protected. It is not clear how the proposed development will link to the service networks and how these will cope with increased demand.

## **Officer Comments**

The main issues for consideration are principle of development, impact on residential amenity, impact on conservation area/heritage assets, design and layout, ecology and loss of tree, drainage and highway issues.

### **1. Policy**

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (“the Framework”) must be given full weight in the decision making process. Other material considerations may then be set against the Local Plan policies so far as they are relevant.

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 7 to 211 of the NPPF (2018), taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.

### **Pendle Local Plan**

The relevant adopted Pendle Local Plan Part 1: Core Strategy 2011 - 2030 policies for this proposal are:

Policy SDP1 requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (the Framework).

Policy SDP3 sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

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.

ENV4 seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV7 consider the impacts of flood risk on and from new development.

Policy LIV1 sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV3 encourages the support and provision of a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds to contribute towards the provision of affordable housing. Where the relevant target cannot be met a financial viability assessment should be provided to allow for negotiation and adjustment accordingly.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and be built at a density appropriate to its location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

### **Replacement Pendle Local Plan**

The following saved policies also apply:

Policy 3A had designated the site as a Protected Area, no development will be permitted which would prejudice the open character of the area or its potential for long term development, during the plan period up to 2016. This period has now expired.

Policy 4D of the Local Plan refers to the safeguarding of legally protected species.

Policy 16 'Landscaping in New Development' requires that all development proposals which involve new building include a landscaping scheme sympathetic to the site's character.

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

### **National Planning Policy Framework**

Paragraph 11 sets out the presumption on favour of sustainable development and what decision taking means in this respect.

Paragraph 32 states that all developments which generate significant amounts of movement to be supported by a Transport Statement and provide a safe and suitable access.

Paragraph 67 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA has been updated.

The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 year supply.

Paragraph 78 states that, 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 as set out in para 79.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 124). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 127). Design quality should be considered throughout the evolution and assessment of individual proposals (para.128).

Para 130 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design it should be refused. There is no balancing exercise to be undertaken with other sections of the Framework as poor design is not sustainable development and the requirement under paragraph 11 is to allow sustainable development to come forward.

Paragraph 139 of the Framework states that Local Planning Authorities should make clear that safeguarded land is not allocated for development at the present time. Planning permission for the development of safeguarded land should only be granted following a Local Plan review which proposes the development.

Para 192 – 199 give guidance on assessing schemes which impact on heritage assets and how the impact on the significance of a designated asset should be attributed weight.

## **2. Principle of Development**

This site is greenfield land which lies within Barrowford outside of the settlement boundary.

Pendle Borough Council has demonstrated in the Strategic Housing Land Availability Assessment a five-year supply of deliverable housing sites. Whilst this site is included in this assessment it does not form part of the five year housing land supply.

The Council's Authority's Monitoring Report (AMR) provides the latest position in terms of the five year supply of housing land. The AMR shows that the Council can currently demonstrate a 5 year supply of housing land.

Barrowford is a Local Service Centre in the M65 Corridor which is an area identified in policy SDP2 to play a supporting role and accommodate levels of new development to serve a localised catchment area.

This proposal is for a single dwellinghouse outside but adjacent to the settlement boundary and is would not be an isolated dwellinghouse in terms of para 78 of the Framework.

### **Protected Area Status**

The site is designated as a protected area (Policy 3A) which would be developed. The intention of the Protected Areas policy is to retain the openness of the area during the plan period, presenting a choice for possible development to meet future long term requirements. The policy is at the end of its life span as the Replacement Local Plan expired in 2016.

The Council has underperformed in reaching housing supply numbers in recent years and this is reflected in the clear need to bring additional sites forward including some in Protected Areas. Paragraph 139 of the Framework indicates that protected sites should not be brought forward unless it is part of a local plan review. The Council has taken a holistic view of the development needs of the area in terms of the Core Strategy and has considered via the SHLAA how best to meet the five year housing supply necessary for the Borough. A fundamental part of this is the inclusion of some sites that have been protected in the extant Local Plan for consideration for future development to meet the existing housing needs of the Borough. The housing position is that without some of these sites the Council would not be able to meet its five year needs.

In a recent Appeal decision the Planning Inspectorate stated that the proposal would not maintain the open character of the Protected Area nor its potential for longer term development. Nevertheless, the 2016 deadline has past and the scheme would not conflict with policy 3A.

### **3. Impact on residential amenity**

Policy ENV1 of the Local Plan states that housing development should reflect site surroundings and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

The proposed dwellinghouse has been positioned to take account of neighbouring properties on the eastern and southern sides of the site. It would be set within spacious grounds and have a limited impact on the amenity of adjacent properties subject to the submission of an appropriate landscaping scheme.

The development would therefore comply with the amenity standards set out in the Council's Design Supplementary Planning Document.

### **4. Impact on Conservation Area/Heritage Assets**

As with all applications the statutory requirement is that the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration of the application must also be in accordance with primary legislation.

The Framework sets out the mechanism for how heritage assets need to be assessed in planning applications. Applicants must assess the significance of the heritage asset with the detail being proportionate to the importance of the asset. The particular significance of the asset needs to be assessed.

In making a decision on the application account needs to be taken of:

- The desirability of sustaining and enhancing the significance of the assets and putting them to a viable use consistent with their conservation.
- The positive contribution assets can make to sustainable communities
- The desirability of new development making a positive contribution to local character and distinctiveness

Great weight should be given to be given to the asset's conservation when the impact on the significance of a designated asset is considered. The more important the asset the greater that weight should be.

Harm to assets is not precluded from happening but this needs clear and convincing justification. Less than substantial harm to a designated asset should not be allowed unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefit that outweighs that harm unless the following apply:

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

A Heritage Statement has been undertaken which assesses the potential impact of the proposed development on the significance of the Heritage Assets.

The proposal is for one dwellinghouse on this site, the important rural character of this southern approach to Laund should be largely preserved, provided that appropriate landscape screening is conditioned.

The buildings at Higher Parrock are closer to the site. The 18thC or earlier barn and the later 19thC Higher Parrock House are identified as locally important buildings in the CA Character Appraisal. The significance of these non-designated heritage assets also derives in part from their currently relatively secluded setting within open fields; this would be affected to some degree; however the low density development proposed would reflect the low density of the surrounding development. The CAA notes the importance of key views looking south eastwards across the fields towards Nelson and the hills beyond, the farmland in the foreground very much in evidence. These views can best be seen from the public footpath between Carr Hall Rd and Laund, and include views across the application site. Provided the perimeter of the site is sufficiently landscaped the secluded setting should be preserved. Additional landscape screening should therefore be provided to the SE (front) and NW edges of the site, and stone boundary walls provided to match existing.

There are some design and materials issues which are not wholly appropriate to the CA context. The roof lights and solar panels could be rationalised to simplify the roofscape, which will likely be visible in views over the site. The front projecting bay with arched entrance, intended to reflect a traditional barn door opening, has potential to appear incongruous used in conjunction with more 'domestic' features such as the stone mullioned windows. A flat headed opening with well recessed glazing would be more appropriate. Similarly to the rear elevation the arched windows would be better in a simpler flat headed design to relate better to the fully glazed extension. Although natural stone and slate is proposed, windows and doors are proposed to be in UPVC, which is contrary to guidance in the CA Design and Development SPD.

There would be some public benefits from this proposal including:

- Provision of new house;
- Income from Council Tax; as well as
- Employment for building trade and local tradesmen/businesses,

these benefits would achieve the public benefits required to outweigh the limited harm caused by the proposed scheme.

Based on the above the proposed development of a single dwellinghouse would be acceptable in terms of impact on the heritage assets and would accords with policies ENV1 and LIV1 and para 196 of the National Planning Policy Framework.

## **5. Design & Layout**

Policy ENV2 of the Local Plan seeks to achieve good quality design which is in conformity with the Framework.

This proposal is for one detached dwellinghouse set within its own grounds. The housing on Parrock Road comprises bungalows on the western side and older two storey houses opposite laid

out in a linear format. The older properties are constructed in natural stone and slate roofs with the newer properties being single storey and constructed in buff artificial stone.

There are some design and materials issues which are not wholly appropriate to the Conservation Area context and the agent has been requested to address these.

Although natural stone and slate is proposed the windows and doors are proposed to be in UPVC, which is contrary to guidance in the Conservation Area Design and Development Supplementary Planning Document.

The proposal is for one detached dwellinghouse of an appropriate scale and design and would involve a limited degree of change which together with appropriate materials for this location would accord with para 124 of the National Planning Policy Framework and policies ENV1 and ENV2 subject to minor design changes and appropriate materials.

## **6. Landscape Impact and Loss of Trees**

At present the site provides a buffer between the developed areas within the settlement boundary and the wider countryside and allows easy access via the adjacent footpaths from the semi-rural aspect of the conservation area to the urban developments.

The adjacent footpaths are well used and therefore the site has a reasonably high amenity value within the context of the surrounding landscape.

It is considered that one dwellinghouse on this part of the site would not have an undue impact on the amenity of the area and would not be particularly prominent nor out of character in viewpoints along the public rights of way which surround this site.

### Trees

The Arboricultural Assessment confirms that a limited number of protected trees would need to be removed as part of the proposal. Some trees outside of the red edge are also scheduled to be removed as part of the scheduled tree maintenance.

Replacement trees will be required as part of the landscaping scheme for the site to mitigate for the loss of trees and ensure adequate screening on the site. Subject to the submission of details and specifications, which can be controlled by an appropriate condition, this is acceptable and accords with policy.

Appropriate tree protection measures will be required prior to the development commencing on site.

## **7. Ecology**

Policy 4D of the Local Plan refers to the safeguarding of legally protected species.

The application is supported by an overall assessment of ecology contained in an Extended Phase 1 Habitat Survey and Protected Species Survey revised in May 2018. Overall, it is concluded that the development would be unlikely to have a detrimental effect on any protected species or be unduly detrimental to the local bat populations.

There are no ecological issues that would warrant a refusal on those grounds.

The Public Rights Of Way adjacent to the site seem to be old established routes with the one to the north-west particularly so, with the bank and ditch on both sides and species of wildflower

present, this is consistent with semi-natural ancient woodland. The western path could be classed as a hedgerow habitat as defined in the UK Biodiversity Action Plan Priority Habitat Descriptions.

Policy ENV1 requires adequate mitigation measures and compensatory habitat creation to ensure there is no net loss of biodiversity and where possible such measures should provide a net gain. This proposal for one dwelling would not unduly impact on the biodiversity of the area and therefore accords with this requirement.

## **8. Flood Risk and Drainage.**

Policy ENV7 of the Pendle Local Plan does not allow for development that would be at risk of flooding or would increase the risk of flooding elsewhere. This strategy involves the assessment of site specific risks with proposals aiming to place the most vulnerable development in areas of lowest risk and ensuring appropriate flood resilience and resistance; including the use of SUDs drainage systems. In this case the site is located within Flood Zone 1.

The application form states that a sustainable drainage system would be used to dispose of surface water whilst foul sewage is not known at this time.

Therefore a condition requiring an appropriate drainage scheme to be submitted prior to commencement of the development would be appropriate.

## **9. Highways & Parking**

The proposal is to access the site via Parrock Road.

There have been concerns raised that the top end of Parrock Road is privately owned and maintained and that the correct ownership certificates have not been served. Information has been submitted with the application showing the extent of ownership within the red edge. It is acknowledged that whilst Parrock Road is within private ownership, however, confirmation has been received of the legal right of way over this land to access the properties at Higher Parrock and further the track along Parrock Road.

Parrock Road is an unadopted private road that is in good condition and no alterations or works are proposed or required in order to facilitate the additional dwellinghouse.

As improvement or alterations works are not required to Parrock Road this would not adversely affect the principle of the development or require the consent of the owners to this affect. The use of the road for access purposes has been established as a legal right.

LCC Highways have not raised any objections to this proposal subject to appropriate conditions.

A detached triple garage is proposed to be sited to the eastern side of the site off a turning circle. This will provide ample parking for this four bedroomed property.

Based on Policy 31 Car and Cycle Parking Standards the applicant has provided adequate off-road parking provision for this type and size of development. The site can accommodate ample off street parking and therefore there is no requirement to control the use of the detached garage based on the number of bedrooms the off-street parking provision is acceptable.

## **11. Conclusion**

The proposed development of one detached dwellinghouse would be acceptable on this site and would not adversely impact on the Conservation Area and amenity of the area and would be

appropriate in terms of scale and layout subject to further amendments to the proposed design and materials being acceptable.

Subject to the above the proposal would accord with local plan policies ENV1, ENV2, Conservation Design Guide and national policy paragraphs 124 and 196 of the NPPF.

**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:

HUM03/Dwg 01a, HUM/03 Dwg 02a, HUM/03 Dwg 03a, HUM/03 Dwg 04, HUM-03 dwg 06.

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

3. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

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

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

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

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

**Advisory Notes:**

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation

of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

- 4. No development approved by this permission shall commence unless and until a scheme for the disposal of foul and surface water for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5l/s. The development shall be completed, maintained and managed in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding

- 5. The access shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and 11 metres distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

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

- 6. 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.
- e) Details of wheel-washing facilities including location
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- n) Location and details of site compounds
- u) Parking area for construction traffic and personnel
- v) Routeing of construction vehicles

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

**Reason:** To ensure that adequate measures are in place to protect the environment during the construction phases.

7. Before the access is used for vehicular purposes, the access and manoeuvring area shall be appropriately paved in bound porous material.

**Reason:** To prevent loose surface material from being carried on to the adjacent highway thus causing a potential source of danger to other road users.

8. 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 development is brought into use and maintained thereafter.

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

9. Prior to any above ground development occurring samples of the external facing materials, windows, doors, garage doors and external facing materials and rain water goods to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

**Reason:** To ensure a satisfactory form of development in the open countryside.

10. Windows and doors shall be set back from the external face of the walls of the units by at least 75mm in depth.

**Reason:** To ensure a satisfactory form of development.

11. Notwithstanding the submitted plans the windows and doors shall be of timber construction and painted not stained in a colour to be agreed in writing with the Local Planning Authority prior to installation.

**Reason:** To ensure a satisfactory form of development in this location.

12. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the second schedule of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E and F of Part 1 and Class B of Part 2 of Schedule 2 of that Order shall be carried out and Class A of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

**Reason:** In order to enable the Local Planning Authority to control any future development on the site, in order to safeguard the character and visual amenity of the conservation area and restrict any potential impact on protected trees.

13. The car parking and turning areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted is occupied.

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

14. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
  - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
  - c. an outline specification for ground preparation;
  - d. all proposed hard landscape elements, boundary treatments and pavings, including layout, materials and colours;
  - e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

**Reason:** To ensure that the development is adequately landscaped so as to integrate with its surroundings

15. 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 prevent trees or hedgerows on site from being damaged during building works.

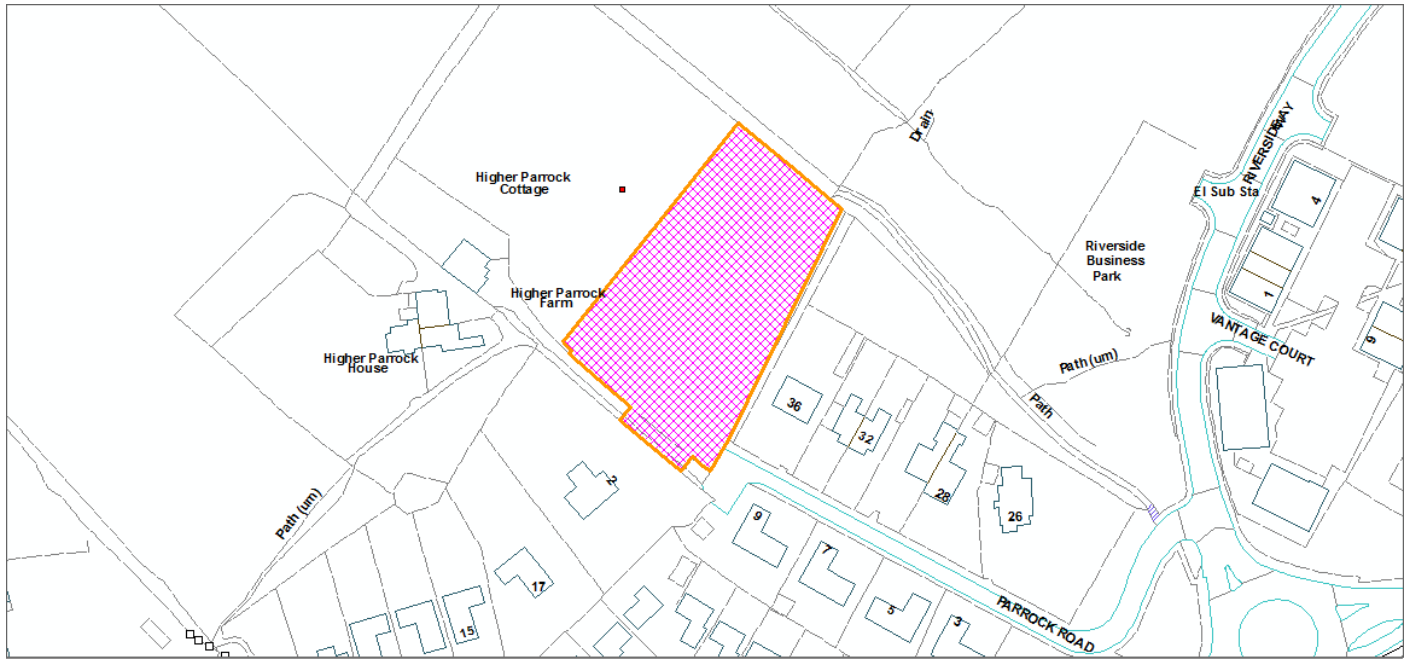
16. Before a dwelling unit is occupied waste containers shall be provided on each plot.

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

#### **Note**

1. Public Rights of Way must not be obstructed during the proposed development. It is the landowner's responsibility to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for

Public Rights of Way to be temporarily diverted or temporarily closed, it is the landowner's responsibility to ensure that this is done following the appropriate legal procedures.



**Application Ref:** 18/0373/FUL

**Proposal:** Full: Erection of a single two storey dwellinghouse with detached garage and associated curtilage.

**At:** Land to the North West of Parrock Road, Barrowford.

**On behalf of:** Adamas Development Limited

## REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 08 NOVEMBER 2018

**Application Ref:** 18/0598/REM

**Proposal:** Reserved Matters: Erection of 5 detached dwellinghouses (Appearance, Landscaping, Layout and Scale) of Planning Permission 13/15/0290P.

**At:** Barley House Farm, Barley Lane, Barley

**On behalf of:** Mr & Mrs D Lowcock

**Date Registered:** 04/09/2018

**Expiry Date:** 30/10/2018

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

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

The application site is in a group of agricultural buildings located within the settlement boundary of Barley and the Forest of Bowland AONB. The beck runs to the west with houses opposite, to the north is open land, to the east the farmhouse of Barley House Farm and there are dwellings to the south.

Outline planning permission (access only) was granted in 2015 for the erection of five dwellings on the site this is a reserved matters application for the appearance, landscaping, layout and scale of the development. The detailed plans propose two 4 bedroom houses and three 5 bedroom with double garages at plots 1, 2, 4 and 5. The buildings would be two storeys with bedrooms in the roof space of the 5 bedroom properties. Plots 3, 4 and 5 would be split level with retained land to the rear giving the impression of the single story building. The buildings would be finished in natural stone with stone slate roofs and a mixture of timber and aluminium framed fenestration.

This is a resubmission of an application refused in July 2018 for the reason that the design of the proposed dwellings were not in keeping with the area and would result in unacceptable harm to the character and scenic beauty of this part of the AONB.

### **Relevant Planning History**

13/15/0290P - Outline: Erection of five dwellings (Access only), demolition of agricultural buildings and formation of access road (Re-Submission). Approved

18/0219/REM - Reserved Matters: Erection of 5 detached dwellinghouses (Appearance, Landscaping, Layout and Scale) of Planning Permission 13/15/0290P. Refused

### **Consultee Response**

LCC Highways – The development site is accessed via a privately maintained road and the development site would therefore not be considered for adoption. Nevertheless the access road should be constructed to adoptable standards. As this road will not be adopted the developer should also provide details for its future maintenance and management.

Whilst the development would not be considered for adoption the developer should provide a street lighting assessment.

Although we still consider that the turning head is undersized the developer has provided a swept path analysis for a twin axle refuse vehicle which appears to show that such a vehicle can enter and leave the site in forward gear.

The developer is proposing a 1.8m wide service strip from the site's entrance along the frontage of Plots 1 to 3. No off-road parking provision should encroach into nor include any part of the service strip. The Landscape Plan (Drawing L1-01) indicates that nothing will be planted or placed within the service strip, other than grassed areas or hard surfacing materials, which are acceptable.

In our opinion the developer has indicated adequate off-road parking provision for each dwelling. To protect the future off-road parking provision within the site we recommend that a condition is applied to any planning approval granted that garages are used for the parking of vehicles only and not used for any purpose that would preclude the ability of their use for the parking of vehicles.

Please attach the following conditions: road management and maintenance, car parking and manoeuvring, garage parking.

Lead Local Flood Authority – No objection subject to the conditions attached to the outline permission.

United Utilities - No objection subject to foul and surface water drainage conditions. Note regarding a sewer crossing the site.

Environment Agency – No objection. Our previous response to the Outline permission ref NO/2015/108004/01-L01 dated 13 July 2015 still applies, requesting a Condition for finished floor levels and flood resilient materials. We note that in the site layout drawing (ref ADM/16/36/01 dated August 2016) submitted with the current application, the FFL do satisfy these required levels.

Lancashire Fire and Rescue Services – Notes relating to building regulations.

Barley with Wheatley Booth Parish Council - no objections.

In our letter of 30 May 2018, the Parish Council raised a number of objections to the design of the five dwellings. Subsequently, the Council has met with the architect and developer on a number of occasions and is now satisfied that the majority, though not all, of the PC's design concerns have been satisfactorily addressed.

The Parish Council is of the view that the integral garage in plot 3 is an urban feature unsuited to the AONB and cannot be found in any similar buildings in the village. However, the Council acknowledges that plot 3 will not be visible to the general public. It is for this reason that the Council is not objecting to this specific feature but wishes to formally record that a precedent for future property designs is not being established.

The Parish Council will rely upon the Borough Council to set such conditions to ensure working times are restricted to normal working hours and the nuisance of noise, dust, other pollutants, including dirt carried on to the public highway, is controlled to prevent distress to residents and visitors.

The Council also requests that a sample panel of stonework is constructed for approval before building works start.

## **Public Response**

A site press and notice have been posted and neighbours notified – Responses received raising the following objections:

- The development will overlook Pendle View and Beckside and result in loss of privacy.
  - The loss of the farm buildings will be detrimental to the fabric and cultural heritage of the village and will disturb current peace and tranquillity.
  - The design, form and layout of the proposed dwellings are out of keeping with the vernacular of the village.
  - Random stone should be used and sample walls built to confirm materials.
  - Safeguards need to be put in place to ensure the correct stone is used.
  - Restrictions should be put in place to minimise disruption.
  - Loss of the existing stone wall to the side of the brook.
  - Impact of the development on the bank of the brook and resulting potential flood risk.
  - Impact of the development on trees within the banking of the brook and incorrect completion of the forms in relation to trees.
  - Engineering works required in retaining the access road level are likely to involve development outside of the application site.
  - Inadequate parking provision.
- 
- The plans do not accurately represent the mass of the buildings and the overlooking impact.
  - The number of windows overlooking Barley Lane and Pendle View have been increased.
  - The ridge levels, porches of the buildings and porch of plot 2 have been increased in height.
  - It would be appreciated if bush and tree screening were extended along the entire riverside to provide screening for the neighbouring properties.
  - There is no mains water supply in the village and the development would increase demand on a strained supply and on the sewer system.
  - Concerns that the bridge to the site would not be capable of supporting the traffic generated by the development, including gas and oil tankers as the village is not on mains gas.
  - Additional parking problems for the village.

Response received in support of the application:

- They are to be built in stone and in keeping with the village. I do not see any problem and I live very near to the site.

## **Officer Comments**

This is a reserved matters application and therefore only those matters applied for (layout, scale, design and landscaping) can be considered. The principle of housing development and acceptability of the access have been established by the outline permission.

## **Policy**

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

The following Local Plan policies are relevant to this application:

Policy ENV1 requires great weight to be given to the landscape and scenic beauty of the AONB. Proposals are to be considered on a needs basis and be in scale and respect for their surroundings.

Policy ENV2 seeks to encourage high standards of design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

### National Planning Policy Framework

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which is relevant to this proposal.

Paragraph 172 requires great weight to be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty.

### **Design and Visual Amenity**

A previous reserved matters application was refused in July, the Committee resolved that the design of the dwellings in that application was not in-keeping with the area and would cause unacceptable harm to the character and scenic beauty of the AONB.

The design has been amended following discussions with the Parish Council, this introduces additional detailing and oak frames to porches and rear full-height glazed areas.

Concerns have been raised that the amended development still does not reflect the character of the village. The proposed dwellings clearly take inspiration from the Pendle Inn in the gable stonework features and the proposed mullioned windows. The proportions and form of the front and gable elevations also reflect the character of the village. Furthermore, beyond plot 1 the development is likely to be almost completely screened from public views by the buildings across Pendle Water.

The rear of plots 3-5 have been amended to better integrate the large areas of glazing, proposed a surrounding oak framework. Those elevations are set into raised land and essentially single storey, they would not be prominent in any public viewpoint and are acceptable. Acceptable materials can be ensured by condition.

The proposed development is acceptable in terms of design and visual amenity and would preserve the character and scenic beauty of the AONB in accordance with ENV1, ENV2 and LIV5.

### **Residential Amenity**

Concerns have been raised regarding the impact of the development on the privacy of the occupants of the dwellings on the opposite side of Pendle Water. Plot 1 would be side on to those properties with a ground floor secondary dining room window and first floor secondary window serving two bedrooms proposed in that elevation, any potential privacy impacts from those

windows could be acceptably mitigated by an obscure glazed by condition. Windows in the front elevation of plot 2 would be approximately 20m from the windows of a property at Beckside, this would be at an angle of over 45 degrees and, taking this into account, would not result in an unacceptable loss of privacy. The remaining properties would be more than 21m from the windows of adjacent dwellings and all properties would be a sufficient distance from private garden areas to ensure an acceptable level of privacy is maintained.

The proposed dwellings would also not result in any unacceptable privacy impacts upon the occupants of Barley House Farmhouse or Ramatuelle.

Taking into account the relative levels, heights and separation distances from adjacent dwellings there would be no unacceptable overbearing impacts or loss of light resulting from the proposed development.

The level of the garden of plot 3 would be raised up above plot 2. To ensure an adequate level of privacy for the garden of plot 2 a condition is necessary to ensure that a 1.8m fence or wall is erected and retained to that side of the garden of plot 3.

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

## **Highways**

An acceptable level of car parking provision is proposed in accordance with the RPLP parking standards. Conditions are necessary to ensure the garages are retained for car parking.

The proposed layout is not adoptable and therefore a condition is necessary to ensure that acceptable arrangements are made for its future management and maintenance.

## **Landscaping**

An acceptable landscaping scheme has been submitted with the application. Concerns have been raised regarding river bank trees. The trees are not within the site and are not proposed for removal. It is possible that the increase in site levels could harm the roots of the trees. However, these are small trees with little public visibility, they do not have public amenity value or any other value that would make such potential harm to them unacceptable. The proposed development is therefore acceptable in terms of trees and landscaping.

## **Flood Risk**

Conditions relating to drainage and flood risk are attached to the outline permission. The proposed development is acceptable in terms of drainage and flood risk.

## **Summary**

The details of layout, appearance, scale and landscaping are acceptable in accordance with the Pendle Local Plan Part 1: Core Strategy and saved policies of the Replacement Pendle Local Plan. 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. Taking into account all material considerations the proposed development would not result in any unacceptable impacts. 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 2 of Planning Permission No.13/15/0290P and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No. 13/15/0290P.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 14/20/1, ADM/16/36/01 Rev D, ADM/16/36/03 Rev A, ADM/16/36/04 Rev A, ADM/16/36/05 Rev A, SCP/1826/ATR01, L1-01.

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

3. All windows in the west side elevation of Plot 1 shall at all times be glazed only with obscure glass of a type and degree of obscurity to be first agreed in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of an equal degree of obscurity to that which was first approved. The windows shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: To protect the privacy of the occupants of adjacent dwelling.

4. A solid fence or wall of not less than 1.8m in height shall be erected along the length of the south boundary of the rear garden of plot 3 prior to the occupation of that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to its erection. The fence/wall shall be maintained in accordance with the approved details all times thereafter.

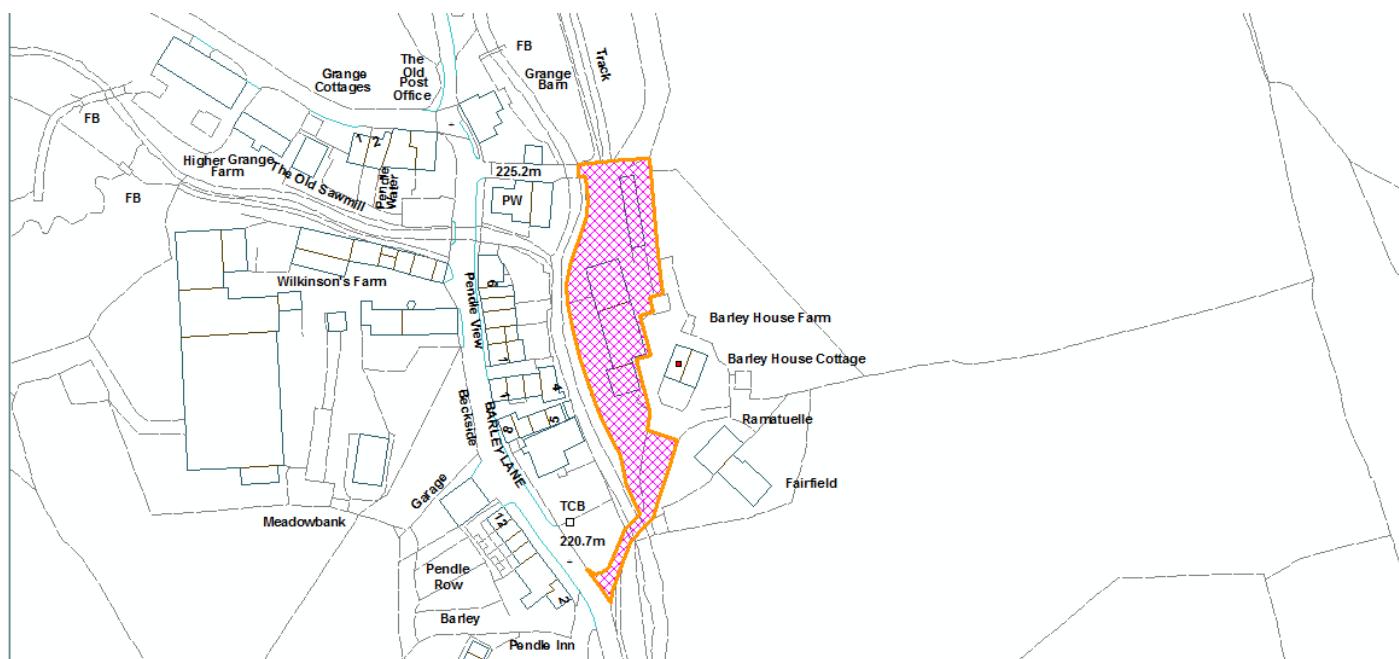
Reason: To protect the privacy of the occupants of adjacent dwelling.

5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the garages of the dwellings hereby approved shall not be used for any purpose that would preclude their use for car parking.

Reason: To ensure an adequate level of car parking is maintained.

6. No development shall be commenced 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 that the estate road serving the development is completed and thereafter maintained to an acceptable standard in the interest of highway safety.



**Application Ref:** 18/0598/REM

**Proposal:** Reserved Matters: Erection of 5 detached dwellinghouses (Appearance, Landscaping, Layout and Scale) of Planning Permission 13/15/0290P.

**At:** Barley House Farm, Barley Lane, Barley

**On behalf of:** Mr & Mrs D Lowcock

## REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 8<sup>th</sup> NOVEMBER, 2018

**Application Ref:** 18/0631/FUL  
**Proposal:** Full: Extension to car park to serve village hall.  
**At:** Fence Village Hall and Library, Wheatley Close Fence.  
**On behalf of:** Old Laund Booth Parish Council  
**Date Registered:** 12 September 2018  
**Expiry Date:** 7 November 2018  
**Case Officer:** Kathryn Hughes

This application has been brought before the Committee as it is a Parish Council application.

### **Site Description and Proposal**

The proposal is for the extension of the car park from 11 to 24 spaces.

The car parking provision of an additional 13 spaces would be sited to the rear (north side) of the building.

Part of the site is protected in Open Space Audit as Amenity Green Space.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways – There is no objection to the proposal and in principle the Highway Authority are generally supportive of the creation of off-street parking spaces.

The existing car park access is off Wheatley Close with an existing footway crossover. There is a section of tarmac directly behind the crossover and thereafter the existing car park is compacted hard core.

The surface of the car park extension is proposed as 'compacted hard core' which is acceptable. Should the car park be tarmacked in the future it will be necessary to ensure that no surface water runs off onto the adopted highway of Wheatley Close. The surface water should be collected within the site and drained to a suitable outfall.

It is noted that footway crossover into the car park access is deteriorating. If the construction traffic causes rapid deterioration over and over and above what is normal wear and tear, then the footway should be made good upon completion of the works at the cost of the applicant. Any works within the highway should be completed under an agreement with Lancashire County Council.

Cadent - Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Old Laund Booth Parish Council

## **Public Response**

Nearest neighbours notified by letter. One letter received stating no objection to the car park provided its limited time parking/parking overnight for residents only. This could become a free for all scramble after works and at weekends.

## **Officer Comments**

The main issues are compliance with policy, impact on amenity, drainage and highways issues.

### **1. Policies**

As well as the National Planning Policy guidance the following Pendle Local Plan policies apply here:

Policy ENV1 seeks to protect open space and green infrastructure.

Policy ENV7 does not permit development where it would increase the potential for flood risk without appropriate alleviation measures.

Policy 31 'Parking' seeks to accommodate adequate provision for off-street car parking within the development site.

### **2. Impact on Amenity**

It is proposed to extend the existing car park to the rear of the building (north east) in order to increase the parking provision within the site to 24 spaces by encroaching on to the lawned area. The existing access and egress into the site remains as is.

The creation of the additional car parking spaces would not unduly impact on the amenity of the area and a buffer zone will remain around the perimeter of the car park adjacent to the residential properties. It would be appropriate to introduce some landscaping into the open space with perhaps a short hedgerow between the car park and amenity space.

The proposal therefore accords with policy requirements and can enhance the existing car park and open space.

### **3. Loss of Open Space**

The site is protected in Open Space Audit as Amenity Green Space. The site is just below average quality and scores medium priority in the audit. Only the western part of the site is designated as amenity green which equates to 0.108ha. The majority of the car park extension lies to the eastern side with a slight straightening of the boundary to enable a more efficient space.

The slight encroachment onto the open space would be offset by the enhanced layout and landscaping provided by the scheme and the site would remain as open space provision in accordance with policy requirements.

### **4. Flood Risk/Drainage**

No details of the proposed drainage for the surface water has been submitted and the form states main sewer, however, as the proposed materials are compacted hardcore this will enable the surface water to soak into the ground area.

The agent has been requested to state how this will be addressed and if appropriate a scheme can then be controlled by condition.

The accords with policy ENV6.

#### 5. Parking/Highway Issues

At present the building has a car park located to the north of the site.

Provision for at least two cycle spaces should also be provided within the site and this can be controlled by condition.

The proposal therefore accords with policy 31.

#### Summary

The proposed scheme is acceptable in terms of impact on amenity, open space provision, drainage and highways issues subject to appropriate conditions.

#### **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 formation of car park and external alterations are acceptable subject to appropriate conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

#### **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

1:1250 Location Plan, 17/045/1 & 17/045/2.

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

3. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
  - a. the exact location and species of all existing trees and other planting to be retained;
  - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
  - c. an outline specification for ground preparation;
  - d. all proposed boundary treatments with supporting elevations and construction details;

f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

**Reason:** To ensure that the development is adequately landscaped so as to integrate with its surroundings.

4. The car park shown on the approved plan shall have been constructed, drained and constructed in hardcore to match the existing in accordance with the approved plan. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

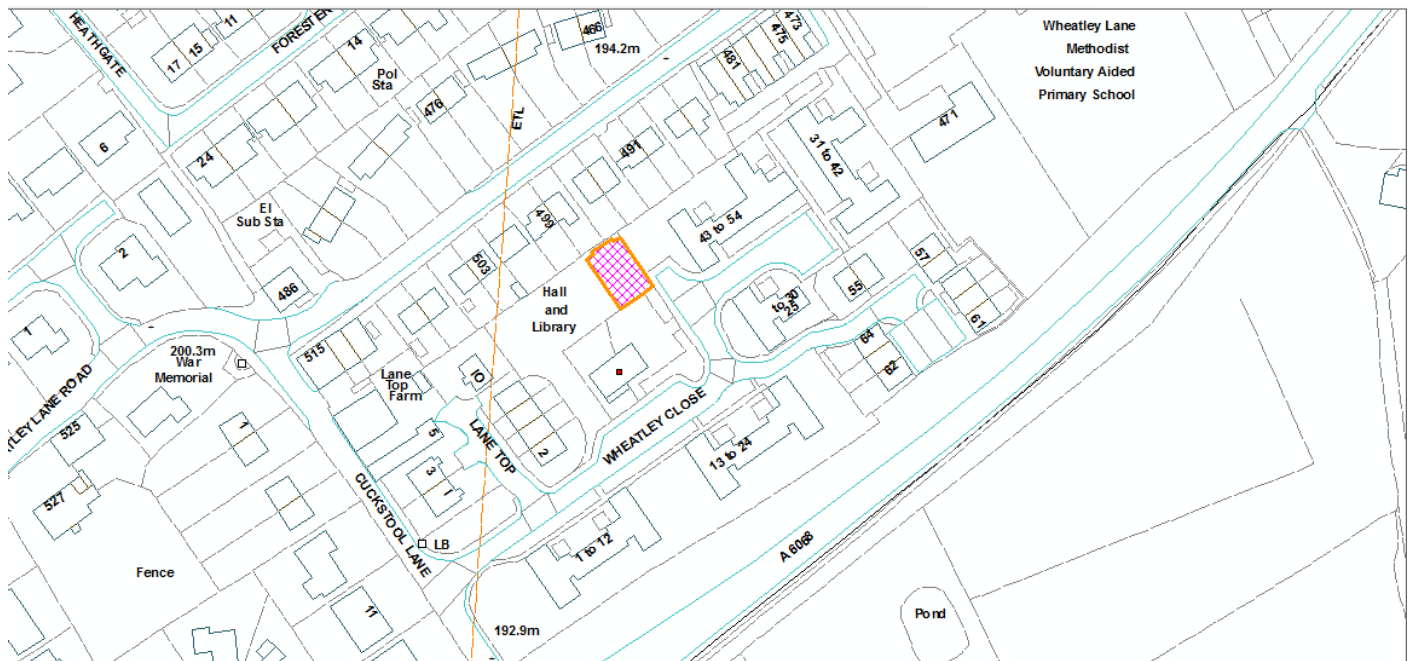
**Reason:** In the interest of amenity.

5. A minimum of 2 cycle racks with appropriate signage shall be provided within the site prior to the proposed development being first brought into use, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

**Reason:** To reduce dependence on car-borne travel.

#### **Note**

1. The grant of planning permission will require the applicant to enter into an appropriate Section 278 Legal Agreement, with Lancashire County Council as Highway Authority prior to the start of any development. 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 should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk), quoting the relevant planning application reference number.



**Application Ref:** 18/0631/FUL

**Proposal:** Full: Extension to car park to serve village hall.

**At:** Fence Village Hall and Library, Wheatley Close Fence.

**On behalf of:** Old Laund Booth Parish Council

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 25<sup>th</sup> October 2018**