

**REPORT FROM:** PLANNING, ECONOMIC DEVELOPMENT AND  
REGULATORY SERVICES MANAGER

**TO:** BARROWFORD AND WESTERN PARISHES COMMITTEE

**DATE:** 10<sup>th</sup> October 2019

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning application.

## REPORT TO BARROWFORD & WESTERN PARISHES ON 10<sup>th</sup> OCTOBER, 2019

**Application Ref:** 19/0428/FUL

**Proposal:** Full: Conversion of stone barns to four residential dwellinghouses and erection of two detached garages

**At:** Spencer House Farm 262 Wheatley Lane Road, Fence

**On behalf of:** Mr N Rycroft

**Date Registered:** 17 July 2019

**Expiry Date:** 11 September 2019

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The application site contains existing stone barns sited outside the settlement boundary for Fence.

The site comprises of five barn elements four of which are stone built and one steel framed portal building.

The proposal is to demolish the existing steel framed building, convert the remaining stone barns into four dwellinghouses and erect two detached double garages.

The site is with open countryside and is designated as Green Belt.

The proposed dwellinghouses would each contain a hall, living room and dining kitchen with one four bed, one three bed, one two bed a single bedroom units

Each property would have a garden area to the rear with 1.8m timber fence proposed to the boundary.

A new vehicular access is proposed and a parking area for a total of nine vehicles. Two detached double garages are also proposed.

External materials would be natural stone with stone slates with imitation timber upvc windows and doors and natural stone access and hardstanding and hedges, dry stone wall and timber fences to boundaries.

A Planning Statement, Structural Survey and Ecology Report have been submitted in support of this application.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways – Having considered the information submitted, together with site observations on 15 August 2019, the Highways Development Support Section does not have any objections in principle to the above development, subject to the following comments being noted, and conditions and notes being applied to any formal planning approval granted.

Lancashire County Council's five year database for Personal Injury Accidents was checked on 15 August 2019. No collisions resulting in a personal injury were recorded on Wheatley Lane Road, between its junction with Wheatley Lane and Carr Hall Road, within the last five years.

### **Visibility splays**

The development site is accessed off Wheatley Lane Road (C671), which is classified as an urban, single, two way road, categorised as a secondary distributor road, and is subject to a speed limit of 30mph. For a road with a speed limit of 30mph a Stopping Sight Distance (SSD) of 43m should be provided.

From information submitted on the Proposed Site Layout Plan (drawing No 203 dated 18.04.19) visibility splays of 2.4 x 43m in both directions can be achieved over land within the applicant's ownership and/or the public highway. This would require the removal, or setting back, of the existing hedge in places. Nothing over 0.9m in height above the carriageway should be allowed to remain within the visibility splays, which should be maintained at verge/carriageway level. The provision of visibility splays should be controlled by condition in order to provide the necessary visibility at the new access to/from the site.

The proposed new access would improve visibility to/from the site.

### **New site access**

The formation of the new vehicle access from Wheatley Lane Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 4.5m, radius kerbs, the re-location of street lighting column 90, a street lighting assessment and the physical closure of the existing site access.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process.

The existing site access should also be physically and permanently closed up upon completion of the new site access and prior to first occupation of any residential unit, to limit the number of access points to/from the site.

### **Parking provision**

We are of the opinion that the applicant has provided adequate off-road parking and manoeuvring areas for the type and size of residential units proposed.

Secure, covered cycle storage should be provided in line with the borough council's Car and Cycle Parking Standards. That is, storage for one cycle for the one bedroom unit and storage for a minimum of two cycles for the remaining units.

### **Public Right of Way**

Public Footpath 102 (Old Laund Booth) passes outside the eastern boundary of the development site in a north-south direction. Any new field gates proposed (see following comments) should not obstruct or affect the setting of this Public Right of Way.

### **General**

As there is no capacity for on-road parking in the vicinity of the development site, and as it is also on a bus route, the applicant should provide a construction method statement. This should include timing of deliveries by HGVs, which should only be accepted on site between 9.00am and 2.30pm to avoid conflict with peak traffic on the surrounding highway network.

To ensure that the development provides sustainable transport options, and to improve its sustainability credentials, electric vehicle charging points should be provided for each dwelling prior to first occupation.

Currently two field gates provide access from the existing farm yard into agricultural land within the applicant's ownership to the East of the development site. Whilst a new gate is shown into the field bordering Wheatley Lane Road no means of access from this field to those beyond is shown. Any new points of access should not affect the Public Rights of Way nor public highway network.

If the local planning authority is minded to approve this application then conditions should be attached to any decision notice relating to construction site access, construction method statement, visibility splay, access width, existing access, bound access, car parking spaces, cycle storage and electric charging points.

Lancashire Fire & Rescue – Comments of compliance with Building Regulations.

PBC Environmental Health –the development is likely to be served by a private water supply. The applicant is advised to ascertain the quality and sufficiency of the water supply. For commercial, public or tenants use it must be tested every year, otherwise every five years by the Council.

Old Laund Booth Parish Council – Concern that access to the planned development is on a blind bend and as there is a potential of 8 or more vehicles using this entrance, concern of effects of extra traffic on the road and also on the air and noise pollution of the area and possible effect on climate change as a result. Electric charging points should be encouraged.

## **Public Response**

Nearest neighbours notified by letter. Three response received objecting on the following grounds:

- The road is dangerous with cars travelling at excessive speeds, traffic calming is already needed;
- The remainder of the field will be an isolated plot of land which runs behind my house. I fear a further application to build on that land;
- When the current entrance is used for farm vehicles the owner puts straw basils in the road and a large triangular slow down sign – in my opinion this is an accident waiting to happen;
- The proposed access into and out of the development is arguably on the worst part of WLR and it's the narrowest section at a pinch point and on a bus route;
- How will the bin men empty the bins;
- Currently access for farm vehicles is across WLR through the barns proposed to be developed so how will this equipment get access to the bottom fields; and
- If they propose a new access then it is likely to be close to my property which has to adversely affect the current noise levels as farmers work very early and very late hours.

Comments on amended plans:

- Concerns that a future planning application to build on the reminding field will introduce a greater traffic and access problem and it will significantly impact on our privacy. This would mean an unfavourable change to the rural aspect on the immediate area, which I understand is Greenbelt land and may have an adverse effect on the value of my property and that of my neighbours.

## Officer Comments

The main issues for consideration are the principle of housing, impact on amenity, scale, highway issues, drainage and landscaping.

### 1. Policy

The relevant policies for this proposal are:

Policy ENV1 seeks to maintain the Green Belt.

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 ENV7 seeks to ensure effective water management including flood risk and provision of adequate water supply and disposal infrastructure.

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 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 also be provided within the site.

The Design Principles Supplementary Planning Document is also relevant to this proposal.

The following Replacement Pendle Local Plan policies are also relevant:

Policy 4C/D ensures that the biodiversity of a site is not adversely affected by a proposal.

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.

In national terms the National Planning Policy Framework (NPPF) provides guidance on housing requirements, design and sustainable development, Green Belt and landscape protection.

### 2. Housing Requirements

The National Planning Policy Framework requires housing applications to be considered in the context of presumption in favour of sustainable development and deliver a wide range of high quality homes and create sustainable, inclusive and mixed communities.

This proposal seeks to convert the existing barns into four residential units within the Green Belt which is acceptable subject to consideration of any potential impact on the openness of the Green Belt and compliance with policy in this regard.

Therefore the principle of housing on this site is accepted subject to the detailed criteria considered below.

### 3. Impact on Green Belt

The proposed development entails the conversion of existing farm stone buildings into four residential units with the demolition of the steel portal frame to the rear and new single storey extension and two detached double garages.

National Planning Policy Framework Section 13 seeks to protect Green Belt land. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Exceptions include extension or alteration of a building provide it does not result in disproportionate additions over and above the size of the original building. Certain other forms of development are appropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it this includes the re-use of buildings that are of permanent and substantial construction.

In this case the re-use of the buildings for residential use would be acceptable within the Green Belt as the proposed demolitions and new build would result in a reduction of built form of 12%.

Due to its Green Belt location any extensions and curtilage buildings would need to be restricted to prevent impact on the openness of the Green Belt.

This proposal therefore accords with national policy and policy ENV1 of the Pendle Local Plan Part 1: Core Strategy.

### 4. Impact on Residential Amenity

The Design Principles SPD specifies a minimum distance of 21m between new and existing main room windows. Spence House is sited over 30m away to the West, properties on Spencer Fold over 50m to the South West and Pollard Row over 80m to the South.

There is no issues with privacy and unacceptable overlooking for adjacent neighbouring properties case as the buildings are some distance from adjacent properties.

However, the gable of the two bed unit and the western elevation of the detached one bed unit have windows directly facing each other. The windows in the one bed unit are one bathroom window proposed to be obscurely glazed and two high level windows serving the living room/dining room. It is prudent to require all of these windows to be obscured or high level above 1.8m to avoid any privacy issues. This can be controlled by condition.

### 5. Design and Materials

The proposal re-uses existing building with the larger 4 and 3 bed units would be two stories and the smaller 2 and 1 bed units single storey and would retain their existing heights. The removal of the steel framed portal extension to the rear would be of some benefit and the replacement will provide larger openings to the rear which would be screened by existing landscaping.

The proposal reuses existing opening to the front and sides of the buildings with some limited roof lights. Larger openings are proposed to the rear where the portal frame element will be demolished and a replacement single storey extension erected.

Existing materials are stone with roof tiles. Upvc timber effect windows are proposed which are not appropriate here. The smaller openings need to be simple timber frames with the aluminium frames to the larger openings would be more appropriate. This can be controlled by condition.

In terms of material for the proposed new access and car parking areas this needs careful consideration and the use of black tarmac would not be appropriate here. This can be controlled as part of the hard landscaping for the site by use of an appropriate condition.

The submitted scheme therefore accords with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011-2030), the Design Principles Supplementary Planning Document subject to appropriate conditions for materials

## 6. Highways Issues

The existing bungalows all have garages and driveways to provide off-street parking as well as a parking bay to the front. The other side of Rakehouse Road is more commercial and has parking restrictions imposed by virtue of double yellow lines. There is evidence of demand for on-street parking in the area.

Policy 31 specifies a requirements for 3 spaces for the 4 and 3 bed units and 2 parking spaces for the 2 bed unit and one parking space for the single bed unit. A total of nine spaces. Two double garages have been shown on the plans the agent has been requested to change this to single garages and provide the required number of the spaces. This would be acceptable and accord with policy requirements without creating a large car park effect.

## 7. Drainage

A condition would need to be attached to any grant of permission requiring details of drainage proposals to be submitted.

Environmental Health have raised comments on the private water supply which the Agent has noted.

## 8. Landscaping/Ecology

In order to provide the required visibility splay some hedgerow would need to be removed and therefore consideration needs to be given to providing some replacement planting and screening along that boundary to Wheatley Lane Road and some appropriate tree planting would assist in softening the scheme.

As well as screening to the proposed garage nearest to Wheatley Lane Road and the bin store. The screening along the side and rear gardens should be retained and hedgerows and or dry stone walls provided to the filed boundaries.

The submitted layout plan does not indicate any replacement planting which would screen and soften the proposed development and therefore an appropriate landscaping condition would need to be attached to any grant of permission as well protection for the hedgerow to the northern edge of the site.

An Ecology report has been submitted which concludes that there is no evidence of roosting bats on the site.

## Summary

The proposal would provide for four residential units and re-use the traditional stone built barns in this location without impacting on the openness of the Green Belt. Subject to appropriate conditions and some minor changes to the scheme it would accord with policies ENV1, ENV2, ENV7, LIV 1 and LIV5 of the Local Plan Part 1: Core Strategy.

## **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 plan, 103, 100, 101, 102, 203A, 200A, 204A, 201A, 202A & 205.

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

3. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D & E(a) of Part 1 and Class A and B 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.

### Part 1

- A) no extensions shall be erected
- B) no addition or alterations to roof
- C) no other roof alterations
- D) no porches shall be erected
- E(a) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the building

### Part 2

- A) no gate, wall or means of enclosure
- B) no means of access shall be constructed to the curtilage of the building(s)

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

3. A scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The scheme shall provide separate systems for foul and surface waters and shall be constructed and completed in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

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



**4.** No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

**5.** No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

**6.** No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site
- x) Timing of deliveries
- xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

**7.** There shall not at any time in connection with the development permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 0.9m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Wheatley Lane Road to points measured 43m in each direction along the nearer edge of the carriageway of Wheatley Lane Road. The visibility splays shall be constructed and maintained at verge/carriageway level in accordance with a scheme to be agreed by the Local Planning Authority.

Reason: To ensure adequate visibility at the site access.

**8.** Prior to occupation the proposed access from the site to Wheatley Lane Road shall be constructed to a minimum width of 4.5m and this width shall be maintained for a minimum distance of 5m measured back from the nearside edge of the carriageway. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in bound porous material.

Reason: To enable vehicles to enter and leave the site in a safe manner without causing a hazard to other road users and to prevent loose surface material from being carried on to the public highway.

**9.** Prior to first occupation of the first unit the existing access shall be physically and permanently closed.

**Reason:** To limit the number of access points to and from the highway.

**10.** Prior to any external works samples of all the materials to be used on the external elevations of the development including window, doors, surfacing and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials.

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

**11.** The ground floor windows in the side (western) elevation of the detached one bed unit hereby permitted shall at all times be fitted with obscure glazing to a least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above or the windows shall be high level and set a minimum of 1.8m above floor level. The window shall be hung in such a way so as to prevent the effect of the obscure glazing being negated by way of opening.

**Reason:** To ensure an adequate level of privacy to adjacent residential properties.

**12.** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order, 1995 (or any other order revoking or modifying that Order) the dwellinghouses hereby permitted shall not at any time have any additional windows, doors or other openings inserted in the elevations unless with the prior written consent of the Local Planning Authority as to the location, size and design and if necessary degree of obscurity of the glazing in the new opening and any window thereafter installed shall at all times comply with the details approved.

**Reason:** To safeguard residential amenity and to ensure an acceptable design for these traditional barn conversions.

**13.** The windows shall be of timber or aluminium construction with details including paint colour to be submitted to and agreed in writing prior to insertion by the Local Planning Authority. The windows and doors shall be set back from the external wall face of the wall by at least 75mm in depth.

**Reason:** To ensure a satisfactory appearance to the development.

**14.** 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.

**15.** 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;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- 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.

**16.** The proposed development shall not be brought into use unless and until nine car parking spaces each measuring a minimum of 2.4m x 5m have been constructed, surfaced, sealed, drained and marked out within the site in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. The parking spaces shall be surfaced in porous materials and shall thereafter always remain unobstructed and available for parking purposes.

**Reason:** In the interest of amenity and to provide sufficient off-street parking on the site.

**17.** Before a dwelling unit is occupied waste containers an appropriate scheme for one vehicle charging point shall be provided on the site.

**Reason:** To ensure adequate provision for the storage and disposal of waste and ensure future modes of sustainable transport are accommodated.

### **Notes**

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 4.5m, radius kerbs, the re-location of street lighting column 90, a street lighting assessment and the physical closure of the existing site access. 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 by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk), in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

2. The grant of planning permission does not entitle a developer to obstruct or divert a right of way. Public Footpath 102 (Old Laund Booth) may be affected by this development.



**Application Ref:** 19/0428/FUL

**Proposal:** Full: Conversion of stone barns to four residential dwellinghouses and erection of two detached garages

**At:** Spencer House Farm 262 Wheatley Lane Road, Fence

**On behalf of:** Mr N Rycroft

## REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 10<sup>th</sup> OCTOBER, 2019

**Application Ref:** 19/0477/VAR

**Proposal:** Full: Variation of Condition: Vary Condition 8 of planning permission 16/0621/FUL to extend the permitted hours of use of the outdoor seating area to 10pm.

**At:** 79-81 Gisburn Road, Barrowford

**On behalf of:** The Lounge

**Date Registered:** 24 June 2019

**Expiry Date:** 19 August 2019

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The application site is a double fronted mid terrace property located within Barrowford Town Centre.

The proposal is to vary condition 8 of planning permission 16/0621/FUL to increase the hours of use for the outdoor seating area.

The site is within the settlement boundary and lies within a secondary shopping frontage. The site is also within Barrowford Conservation Area.

### **Relevant Planning History**

18/0035/FUL – Retention of three outbuildings for storage use associated with the wine bar (Total floor area 30sq.m.) (Retrospective) – Approved.

18/0081/VAR – Full: Variation of Condition: Vary Condition 7 of planning permission 16/0621/FUL to increase opening hours – Approved.

17/0059/FUL - Full: Change of use of land to external seating area associated with coffee shop/wine bar (A3/A4) – Refused.

17/0050/ADV – Advert Consent: Advert Consent: Display one 7.5m x 0.725m illuminated fascia sign, one 0.65m x 1.5m illuminated projecting sign and one 1.1m x 0.75m illuminated door sign – Approved.

16/0621/FUL – Full: Change of use from hairdressers (A1) to mixed use coffee shop/wine bar (A3/A4) and external alterations to the frontage including raised seating area – Approved 23<sup>rd</sup> November, 2016.

13/03/0654P – Advert Consent: Signage to front of shop – Granted 20<sup>th</sup> November, 2003.

### **Consultee Response**

LCC Highways – No objection.

Barrowford Parish Council – Objection: The Parish Council feels that the time stipulated in the current condition 8 protect the amenity and enjoyment of local residents and any variation will have a detrimental effect on amenity and enjoyment of local residents.

## **Public Response**

Nearest neighbours notified by letter without response.

## **Officer Comments**

The main issues to consider in this application is the potential impact on amenity.

### **Policy**

The following Local Plan Core Strategy: Part 1 policies are relevant in terms of this proposal:

Policy ENV5 seeks to ensure that new development minimises the potential for noise.

### **Impact on Amenity**

At present the times that the outside can be used are restricted by condition 8 on planning permission 16/0621/FUL to 0800 to 2000 each day. These were the hours attached to the planning permission at the time of the application in order to limit the potential impact on amenity.

This application seeks to extend this to 10pm each day with a limit 9pm when live or recorded music events have been arranged at the premises in order to prevent noise nuisance.

The site is within the Barrowford Shopping Centre and there are other similar premises within this area which have outside space which have also been restricted to such an extent.

Whilst this area is mainly commercial the adjacent property (No. 83) is a residential property and there are also residential units at first floor on adjacent units and to the rear.

Taking into account the location and other town centres uses in the area the proposed extension of existing use of the outdoor terraces by a further two hours could result in a greater impact on amenity than at present.

This outside element has the potential for greater noise and disturbance from patrons later in the evenings unless these elements are adequately controlled as part of the day to day management of the premises.

There are adjacent residential properties as well as others close by which have previously been affected by customers leaving the premises and unacceptable noise levels from organised music events. This was a concern at the time the use was approved and the reason for applying these restrictions.

It is proposed that the outside terraces would both be available for use by customer until 10pm each night when the terrace to the South would be used for Smokers only with no drinks permitted after 10pm. When live or recorded music is arranged the terrace will close at 9pm with again the terrace to the South used by smokers only.

The supporting statement submitted with this application states that a recently appointed security team will be in place from 8pm until close on Saturdays and Bank Holidays and this maybe extended to Fridays in the future. Live events generally take place on the last Saturday of the month and Sundays before Bank Holidays. It is proposed that a member of the security staff would be allocated the task to monitor the front of the building at all times to ensure drinks are not taken out onto the terrace, the terrace is only used for smoking and noise levels are controlled.

Signage will be in place for customers explaining that after 10pm the terrace is only to be used as a smoking area and no drinks are to be taken onto the terrace after 10pm.

The applicant has recently submitted an application to amend the license which has been approved.

The supporting statement does not provide any information on who will monitor the terrace on evenings when the door staff are not operating especially on Friday nights when the premises can open until 1am Saturday morning and no door staff on duty. It is evident from past experience that when the premises is busy this gets neglected and leads to noise complaints from nearby residents. I also have concerns about using one terrace for smoking until closing time and changing the hours from 10pm to 9pm when live music is on as this is likely to lead to confusion for both staff and customers.

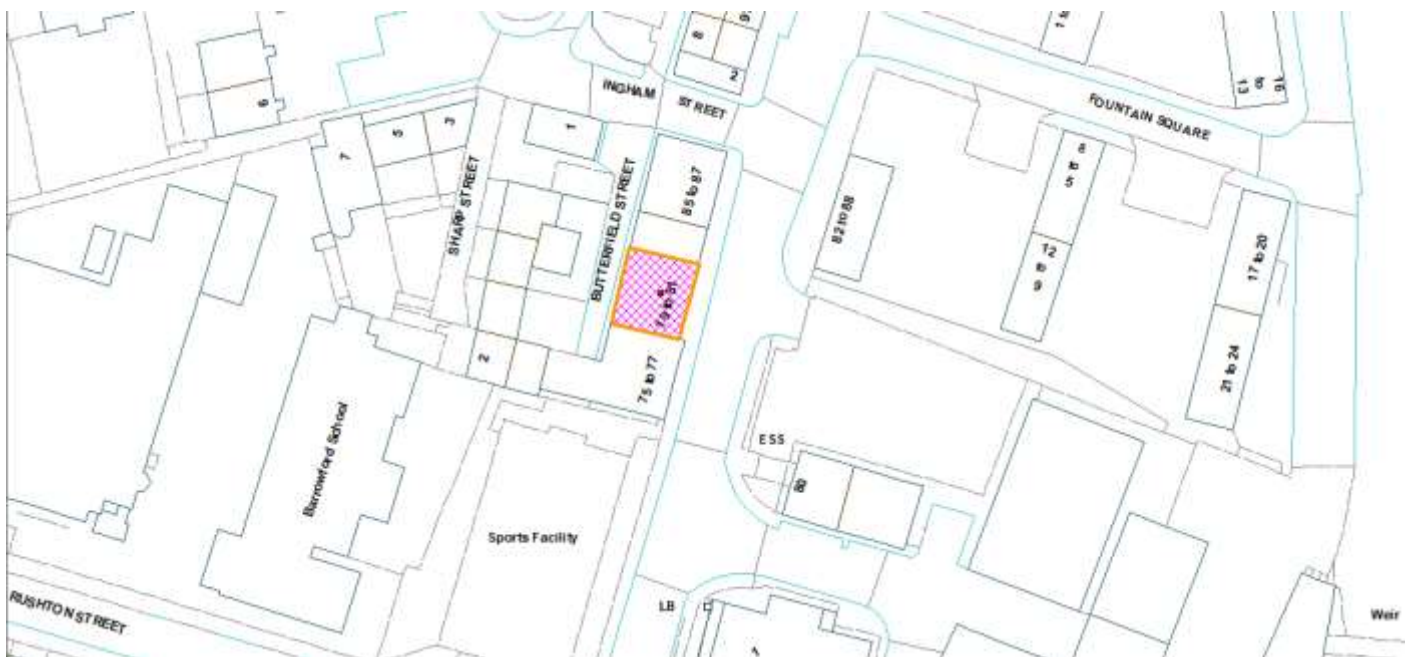
I am of the opinion that this does not provide adequate safeguards for the proposed extended use of these terraced areas and this would lead to an unacceptable increase in activity without appropriate controls and therefore be detrimental in amenity in terms of noise and activity.

### Summary

The proposed extension of the opening hours for the outside terraced areas would not be acceptable in terms of potential impact on adjacent residential properties and would lead to an increase of noise and activity to the detriment of amenity.

### **RECOMMENDATION: Refuse**

The increased use of the outside seating area from 20.00 to 22.00 each day and the South terrace used by smokers until 1am on Fridays would lead to increased noise and activity on the outside terraces to the detriment of the residential amenity of nearby residents.



**Application Ref:** 19/0477/VAR

**Proposal:** Full: Variation of Condition: Vary Condition 8 of planning permission 16/0621/FUL to extend the permitted hours of use of the outdoor seating area to 10pm.

**At:** 79-81 Gisburn Road, Barrowford

**On behalf of:** The Lounge



## REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 10 OCTOBER 2019

**Application Ref:** 19/0504/REM

**Proposal:** Reserved Matters: Major: Formation of access road (Appearance, landscaping, layout and scale) of Outline Planning Permission 17/0672/FUL for the extension to industrial land to accommodate up to ten industrial units with open space, access roads, landscaping and infrastructure with means of access off Churchill Way (Reg. 4).

**At:** Land To The South West Of, Churchill Way, Brierfield

**On behalf of:** Pendle Borough Council

**Date Registered:** 08/07/2019

**Expiry Date:** 14/10/2019

**Case Officer:** Alex Cameron

This application has been brought before Committee as this is an application made by the Council.

### **Site Description and Proposal**

The application site is an approximately 10.3 ha area of agricultural land to the west of Lomeshaye industrial estate Pendle Water runs to adjacent to the south east boundary, to the west is the Grade 2 listed Old Laund Hall Farm. The site was previously designed as green belt but was removed from that designation with the adoption of the Pendle Local Plan Part 1: Core Strategy and is allocated as the Strategic Employment Site. Public footpath Nos. 114 and 115 run along the south east boundary, footpath No. 93 runs through the centre of the site from east to west towards Old Laund Hall Farm. The northern half of the site is steeply sloping land, the southern half is a flatter area.

Outline planning permission was granted in 2017 for access only, for the erection of 10 industrial units on the land as an extension of Lomeshaye industrial estate.

The application is for the remaining reserved matters, appearance, layout, scale and landscaping for the first phase of the development, which involves the construction of the access road. The industrial units would come forward in a later phase for which a separate reserved matters application would be required.

### **Relevant Planning History**

13/94/0059P - Outline application for industrial estate (B1 B2 and B8) (23 hectares). Approved

13/99/0448P - Erect access bridge over Pendle Water and erect industrial unit (outline). Withdrawn

17/0672/FUL- Outline: Major: Extension to industrial land to accommodate up to ten industrial units with open space, access roads, landscaping, infrastructure with means of access off Churchill Way, Nelson. Approved

## Consultee Response

**LCC Highways** – The road and associated infrastructure will be constructed to adoptable standards and formally adopted under Section 38 of the Highways Act. The technical details will be agreed within the agreement process. There is a provisional start on site date for April 2020.

The existing public footpaths across the site are to be accommodated and shown on the detailed design.

We are satisfied that all highway matters are being considered within the detailed design stage.

**Environment Agency** - We object to the proposed development due to the potential impacts on the channel morphology and the absence of information regarding these will be managed. We recommend that planning permission is refused based on the application as submitted.

Scenario B of the submitted planning application and associated documents indicate that the existing concrete lined channel will be retained. The Ribble Rivers Trust has secured Water Environment Grant funding to support the reinstatement of a natural channel. This part of the proposed development will require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 and we would not grant a permit for Scenario B.

Scenario A may be acceptable subject to the submission of additional information to demonstrate how potential impacts of the scheme will be managed satisfactorily

**Coal Authority** – This current submission is supported by a Planning Statement which confirms that the area of the access route, which is the subject of this current reserved matters submission, falls outside of the area affected by shallow coal mine workings and on this basis no detailed remedial information is necessary to support the current application. On the basis of the above we have no objection to this planning application.

**Lancashire Constabulary Architectural Liaison** - It is important that crime and security measures be considered at an early stage of the design phase to mitigate crime risks. I would recommend that the scheme is designed to Secured By Design 'Commercial 2015' security specifications. I would also ask that the following security measures are considered and attached to the final planning decision; minimise recesses, secure wall and roof design, secure boundaries, access gates, CCTV, Intruder alarms, external lighting, windows and door security, natural surveillance measures, security shutters, lockable waste bins, graffiti control, key safes, fire retardant letter boxes.

**Cadent Gas** – Cadent Gas has a major accident hazard pipeline in the vicinity. From the information provided, it does not appear the proposed works will directly affect the pipeline. Please attach a note regarding works in the vicinity of the pipeline.

**Old Laund Booth Parish Council** –

## Public Response

Press and site notices have been posted and nearest neighbours notified –.Responses received objecting to the development on the following grounds:

Increase in traffic accessing and existing Lomeshaye Industrial Estate exacerbating existing congestion and hazardous traffic conditions.

- A second access to the Industrial Estate needs to be provided to alleviate traffic flow.

- The land is within the green belt.
- New industrial units would exacerbate existing excessive noise impacts.
- Impacts on wildlife and river life.
- Flooding.
- Stability of the river bank.
- The development should not be allowed to impact upon the appearance and general aesthetic appeal of the listed building Old Laund Hall Farm.
- The development should be sympathetic to the surrounding area and the units should be painted appropriately to minimise their visual impact.

## **Officer Comments**

### **Policy**

#### **Pendle Local Plan Part 1: Core Strategy (LPP1)**

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (Achieving Quality in Design and Conservation) 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 ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

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. The proposal's compliance with this policy is addressed in the drainage and flood risk section.

Policy SDP2 (Spatial Development Principles) states that proposals for development will be supported of a nature and scale proportionate to the role and function of the settlement or where they have been specifically identified to help meet the strategic growth needs of the borough. The application site has been allocated as the Strategic Employment Site.

Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2 with most employment development being within the M65 Corridor.

Policy WRK2 (Employment Land Supply) states that the Council will ensure that 68 hectares of land is brought forward for employment uses over the plan period. Major employment proposals, particularly those requiring good transport links, should be located in the M65 Corridor.

Policy WRK3 (Strategic Employment Site: Lomeshaye) The development of a strategic employment site at Lomeshaye for B1, B2 and B8 uses will be supported subject to the following criteria being met:

- a. The site is adequately connected by a new road to the primary road and motorway network and is accessible by public transport, walking and cycling; and
- b. Early engagement between the applicant and infrastructure providers is carried out to address any capacity issues and ensure the relevant infrastructure (e.g. utilities, broadband etc) is provided (Policy SDP6).
- c. A high quality landscaping scheme is developed, incorporating and enhancing natural environmental features, as appropriate, but particularly where they relate to wider landscape character or ecological considerations.
- d. A detailed development brief (including a design code) is prepared to demonstrate that the site will be developed in an appropriate manner.
- e. The development addresses any potential environmental impacts (Policy ENV1).

Proposals for B1(a) office uses will normally be directed to town centres, transport hubs or high accessibility corridors, in line with Policies WRK2 and WRK4.

### Replacement Pendle Local Plan (RPLP)

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 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.

### **Principle of the Development**

Concerns have been raised regarding the principle of the development. The acceptability of the development in principle has been established by the outline permission, this application is for the consideration of the reserved matters only.

### **Landscape and Visual Impact**

The landscape and visual impacts impact of the access road would be acceptable, subject to appropriate landscaping. No details of landscaping have been submitted, however, appropriate landscaping can be ensured by condition.

The proposed development is therefore acceptable in terms of landscape and visual impact in accordance with policies ENV1, ENV2 and WRK3.

### **Heritage Impact**

The main heritage asset potentially affected is Old Laund Hall, listed Grade II, which lies just to the west of the development site, set amongst mature trees alongside the wooded valley of Old Laund Clough. Other heritage assets in the vicinity are Grains Barn Farm listed Grade II, some distance to the north of the site, and the Brierfield Mills CA and Lomeshaye Industrial Hamlet CA. These are all at some distance from the site and there would be negligible impact on their heritage significance.

The setting of Old Laund Hall is predominantly defined by existing trees which run across the centre of the site and around the Hall, together with the existing outbuildings, and these are effective in screening views between the site and the listed building.

The new access road would be the closest development to the Hall, and would have the most potential for causing harm to the wider green setting of the Hall. With suitable mitigation in the form of enhanced landscape screening to ensure that the setting of the Hall would not be unduly harmed. It can be ensured with a landscaping condition that planting on the west side of the site is retained / reinforced to preserve the setting of the listed building.

Taking this into account the proposed development is acceptable in principle in terms of heritage impact in accordance with policies ENV1 and ENV2.

### **Residential Amenity**

Taking the distances to the nearest residential properties into account, the proposed access road not result in any unacceptable residential amenity impacts. The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and ENV5.

### **Drainage and Flood Risk**

The application site includes areas with flood zones 1 (low risk), 2 (medium risk) and 3 (high risk). The proposed access road is located entirely with flood zone 1. However, the proposed access road could have implications for the stability of the riverbank and therefore the risk of flooding downstream.

Two alternative scheme for stabilisation works to the riverbank have been submitted, a soft engineered solution involving the removal of the existing concrete lined river channel and a hard engineered solution retaining the concrete channel lining. The Environment Agency have responded objecting to the application. The Environment Agency object to the hard engineered proposal but they have indicated that the soft engineered would be likely to be acceptable, subject to additional details being submitted.

With the submission of acceptable details resolving the Environment Agency's objection, the proposed development would be acceptable in terms of drainage and flood risk in accordance with policy ENV7.

### **Highways**

The proposed site access road is acceptable in terms of highway safety in accordance with policy ENV4.

Concerns have been raised in relation to the principle of the access, however, this is a matter that was considered and determined to be acceptable at the outline stage.

### **Ecology**

The conditions of the outline permission would acceptable ensure that protected species are not unacceptably impacted by the proposed development. Taking this into account, the impact of the proposed development upon the ecology of the site and the adjoining river is acceptable in accordance with policy 4D.

### **Trees**

There are numerous trees within the application site, none of the trees are protected however a number of the trees are identified in the tree survey submitted with the application as being of high quality and as such should be retained if possible. It can be ensured at the reserved matters stage

that the layout and landscaping of the development are acceptable in terms of their impact on the existing trees in accordance with policy 16.

## **Summary**

Subject to the submission of additional details resolving the Environment Agency's objection and the submission of an acceptable landscaping scheme the reserved matters are acceptable in accordance with the policies of the Pendle Local Plan Part 1 and the Replacement Pendle Local Plan. It is therefore recommended that the approval of the application, and any conditions necessary, is delegated to the Planning, Economic Development and Regulatory Services manager subject to the acceptable resolution of the Environment Agency's objection.

## **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 accords with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to planning 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: Delegate Grant Consent**

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 2 of Planning Permission No.17/0672/FUL and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No. 17/0672/FUL.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: A17-11, E0502 D07.

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

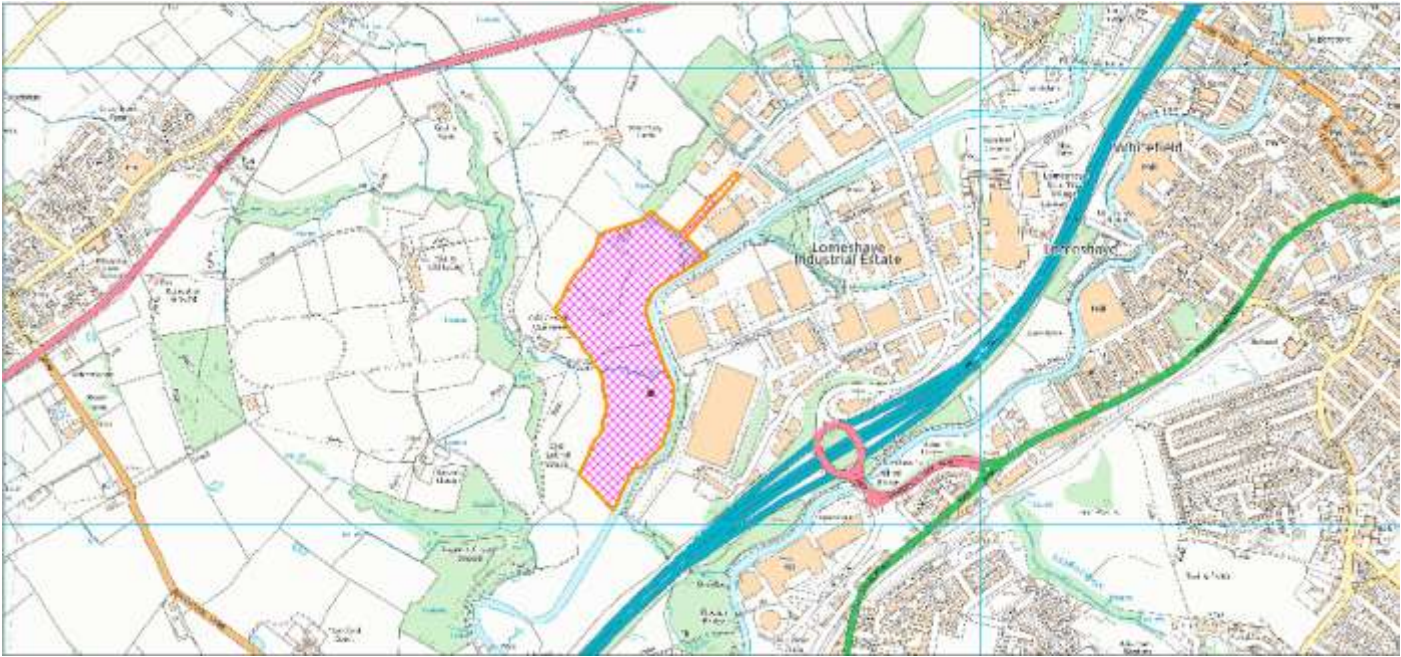
3. No development shall commence unless and a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
  - a. the exact location and species of all existing trees and other planting to be retained;
  - b. all proposals 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 and retaining structures with supporting elevations, construction details, materials and colours;
  - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
  - f. the proposed arrangements and specifications for initial establishment maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety 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 and preserve the significance of the listed building Old Laund Hall.



**Application Ref:** 19/0504/REM

**Proposal:** Reserved Matters: Major: Formation of access road (Appearance, landscaping, layout and scale) of Outline Planning Permission 17/0672/FUL for the extension to industrial land to accommodate up to ten industrial units with open space, access roads, landscaping and infrastructure with means of access off Churchill Way (Reg. 4).

**At:** Land To The South West Of, Churchill Way, Brierfield

**On behalf of:** Pendle Borough Council

# REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 10<sup>TH</sup> OCTOBER 2019.

**Application Ref: 19/0622/FUL**

**Proposal:** Full: Change of use from vehicle garage and 1 residential dwelling to 6 No. 1 bed residential units and associated external alterations.

**At:** 213-215 Gisburn Road, Barrowford.

**On behalf of:** Mr T Lord

**Date Registered:** 15.08.2019

**Expiry Date:** 10.10.2019

**Case Officer:** Charlotte Pinch

## **Site Description and Proposal**

This application is to be decided at committee as it has received more than three objections. The application site is located to the north of Gisburn Road and west of Ford Street, Barrowford. It is located within the Higherford Conservation Area, adjacent to a Grade II Listed Building and within the Barrowford settlement boundary.

The proposed development is for the conversion of the existing vehicle garage and attached single dwelling, into 6 no. self-contained residential units. Some fenestration alterations, demolition of an existing single storey rear extension and erection of a raised walkway to the rear are proposed. An area of land to the south of Gisburn Road is to be used for parking vehicles.

## **Relevant Planning History**

None relevant.

## **Consultee Response**

### **LCC Highways**

Further to our initial response dated 6 September, together with revised plans received by e-mail on 20 September from the applicant, that is, Amended Ground Floor – Cycle Storage-Recycling Waste Storage Plan A4 and Current – Revised - Amended – Site Plan A4, the Highways Development Support does not have any objections in principle regarding the proposed development at the above location. This is subject to the following comments being noted, and conditions and note being applied to any formal planning permission granted.

### **Car and cycle parking**

The amended site plan shows two designated parking spaces in front of the former garage. However, as these are on the adopted highway, and not within the applicant's control, they cannot be included in the parking provision for the development.

Nevertheless, the applicant has shown three off-road parking spaces on the area of land opposite, which is within their ownership. Whilst this is acceptable in principle, it would need to be allocated to specific residential units, and signed as residents' use only, to ensure that the parking area is used effectively, and to limit the number of vehicular movements/waiting time on Gisburn Road, in the interest of highway safety.



Any boundary wall/fence to the car park should be no higher than 0.7m to ensure adequate visibility at the car park access.

The borough council's Car and Cycle Parking Standards recommend that, for flats/apartments, secure provision should be provided within the development for cycles at the ratio of one per dwelling. We note the provision of six cycle storage spaces within the site's curtilage.

### **Car park access**

As the existing dropped vehicular crossing has not been used regularly for a number of years it would need to be altered to provide a properly constructed vehicular access. This would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 4.5m, 6m radius kerbs, and buff coloured, tactile paved dropped pedestrian crossings either side of the access.

### **Footway reinstatement**

Reinstatement of the footway to the front of development site on Gisburn Road would need to be carried out under the same legal agreement with the county council. Works should include, but not be exclusive to, the construction of the footway to an appropriate standard, vehicular crossing kerbing to be reinstated in accordance with Lancashire County Council's 'Specification for Construction of Estate Roads' and the provision of buff coloured, tactile paved, dropped pedestrian crossings either side of Ford Street at its junction with Gisburn Road.

The above works to the car park and footway should be completed prior to first occupation of any residential unit in order to maintain the proper construction of the adopted highway network, to provide off-road parking for the development and in the interest of highway safety.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process.

### **General**

In addition, as Gisburn Road (A682) is categorised as a strategic route, we recommend that a condition is applied restricting the times of deliveries by HGVs to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times.

### Lancashire Fire and Rescue

No objection.

### Barrowford Parish Council

Barrowford Parish Council usually supports smaller scale flat developments, but in this case the Parish Council has such serious concerns regarding off road parking as to be unable to support the application in its current form.

The immediate area is already congested with on road parking particularly in Ford Street, Bankhouse Street and Bankfold Mews. The proposal to use six parking permits for the Heritage Centre Car Park is vague with no guarantee beyond five years or that these spaces are available at will. This could only be assured by marked reserved spaces within the car park specifically for these flats, otherwise at peak times there may be no spaces available.

The removal of the current pull in, in front of the former garage, removes two possible parking spaces. This bay caused very little problems to traffic flow when used, whereas on road parking at this point would be hazardous to other road users. The developer we believe owns the land

opposite, currently used for small scale van and car sales. Perhaps this could be investigated as a more suitable site to provide adequate off road parking.

## **Public Response**

Four letters of objection were received from neighbouring occupiers, their comments have been summarised as follows:

- No provision for additional onsite parking, which will lead to congestion on surrounding streets.
- Issues with waste collection from the properties and significant number of bins.
- The proposed dwelling would result in overlooking to adjacent properties.

## **Officer Comments**

### **Policy**

#### **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.

Section 16 deals with conserving and enhancing the historic environment, in particular Paragraph 192 states in determining applications, the LPA should take account of the conservation of heritage assets and make a positive contribution to local character and distinctiveness.

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

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

Policy ENV2 (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 LIV1 (Housing Provision and Delivery) 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 SDP1 (Presumption in Favour of Sustainable Development) requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (NPPF) and allows for housing sites outside of the settlement boundary.

Policy SDP2 (Spatial Development Principles) seeks to prioritise new development within settlement boundaries, particularly in local service centres such as Barrowford, which play a supporting role to the Key Service Centres.

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

## Replacement Pendle Local Plan

Policy 31 (Parking) which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Conservation Area Design and Development Guidance SPD 2008 sets out key aspects of development to ensure the special character of the conservation area are maintained.

### **Principle of the Development**

The application site is located within the settlement boundary of Barrowford. The site is not within the designated town centre or shopping frontage, therefore the proposed conversion of the main garage building to residential dwellings would be acceptable in principle. In addition, the subdivision of the existing dwellinghouse into two separate residential units would retain the existing residential use of the building and therefore would also be acceptable in principle.

### **Design and Impact on Conservation Area**

The application site is located within the Higherford Conservation Area and to the east of a row of Grade II Listed cottages and to the west of the George and Dragon pub.

The Higherford Conservation Area Character Appraisal makes reference to the adjacent handloom weaving cottages and the linear growth along Gisburn Road. It further highlights the general appearance of the area being characterised by smaller buildings of differing shapes and sizes, with a predominance of local stone and slate in a simple vernacular form.

The frontage of the building is remaining largely unaltered, with the addition of one first floor window, four small roof lights and replacement of the existing garage doors with two entrance doors and windows at ground floor level. All replacement materials, including natural stone and timber windows, will be used to match that of the existing building. A low front boundary wall is proposed around the existing garage forecourt, the western corner of the wall has been chamfered by 45 degrees, to mirror that at No.211 Gisburn Road.

The side elevation facing Ford Street will remain largely unaltered. The proposed metal staircase and screening would be sited to the rear of the site, largely obscured by existing properties on Ford Street. The staircase would not be overly bulky or prominent within the street scene. All materials will be controlled by condition, to ensure they are appropriate to the property and the Conservation Area.

As a result, the proposal would not have a significant detrimental impact on the Conservation Area and the works would be in accordance with Paragraph 192 of the NPPF and Policies ENV1 and ENV2.

### **Impact on Residential Amenity**

The proposed development would be sited adjacent to Gisburn Road and surrounded by predominantly residential properties, set within compact terraced streets. Therefore, the addition of a residential use on this site would not be inappropriate within this area.

No new openings are proposed on the side elevations at ground or first floor level, whilst one new first floor window on the front elevation is to be added, however this will look directly onto Gisburn Road, resulting in no significant detrimental amenity impacts.

A key consideration is the raised walkway to the rear of the site, which provides access to the first floor apartments. This would be sited at first floor level, with a metal staircase providing access

from Ford Street. However, suitable 1.8 metre high screening is proposed along the rear and western side boundary of the walkway, which would provide sufficient privacy and mitigate overlooking to the rear of properties along Ford Street and Gisburn Road.

Each flat has its own small amenity area to the rear of the site, with the bins for units 1,2 and 3 being stored separately. The first floor apartments would have a communal bin store at the bottom of the access staircase. All bins will be stored on plot, screened from public view by existing boundary walls and additional screening.

The terraced nature of the proposed properties would ensure no detrimental overlooking or loss of amenity to occupiers within this development.

Therefore, this proposal would raise no unacceptable residential amenity impacts, in accordance with Policies ENV2 and LIV5.

## **Highways and Access**

This application proposes six separate 1no. bedroom residential units, through conversion of the existing building. Following the receipt of amended plans, land to the south of the site has been included, on the opposite side of Gisburn Road, to provide 3 off road parking spaces. The spaces are of a suitable size and located to ensure vehicles can safely exit and re-join the highway. Moreover, the existing forecourt for the garage is to be reinstated as pavement, which would provide an additional two on road parking spaces to the front of the dwellings, although these would be located on adopted highway and not within the applicant's control.

It is acknowledged that Policy 31 requires a maximum of 6 off road parking spaces for such a development, however due consideration must be given to the location of the site within close proximity of Barrowford's main shopping frontage and easy access to public transport, which runs directly to the front of the site along Gisburn Road.

As a result, no objections are raised with regard to parking or highway safety in relation to this proposal.

## **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: 2011-00-F.

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

3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) including fascias, rainwater goods, wall and roof materials, as well as the staircase and screening shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. Prior to their installation, details of the design, materials and finishes of the window frames, roof lights and doors shall be 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 satisfactory details that are appropriate for the building and the Conservation Area.

5. No development approved by this permission shall be commenced unless and until a scheme for the disposal of foul and surface water has been submitted to and approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

**Reason:** To ensure as satisfactory means of drainage.

6. The proposed development shall not be brought into use unless and until the car parking spaces and turning areas have been constructed, surfaced and made available for use in accordance with the approved plan 2011-00-F. The parking spaces and turning area shall thereafter always remain suitably maintained, 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.

7. No part of the development hereby approved shall be commenced unless and until a scheme for the construction of the off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The works must be completed prior to occupation of the first dwelling.

**Reason:** In the interest of traffic flow and highway safety.

8. No boundary treatment erected adjacent to the proposed car park shall be greater in height than 0.7m above the crown level of the carriageway of Gisburn Road.

**Reason:** To ensure adequate visibility at the car park access and in the interests of highway safety.

9. Prior to first occupation each dwelling shall have a secure, covered cycle store provided in accordance with the approved plan 2011-00-F.

**Reason:** To ensure that the development supports sustainable transport modes.

## **INFORMATIVE**

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:

Car park access:

- the construction of the access to an appropriate standard including a minimum width of 4.5m,
- 6m radius kerbs,
- buff coloured, tactile paved, dropped pedestrian crossings either side of the access.

Footway reinstatement:

- the construction of the footway to an appropriate standard,
- vehicular crossing kerbing to be reinstated to an appropriate standards,
- the provision of buff coloured, tactile paved, dropped pedestrian crossings either side of Ford Street at its junction with Gisburn Road.

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 by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.



**Application Ref: 19/0622/FUL**

**Proposal:** Full: Change of use from vehicle garage and 1 residential dwelling to 6 No. 1 bed residential units and associated external alterations.

**At:** 213-215 Gisburn Road, Barrowford.

**On behalf of:** Mr T Lord

**LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date:** 01st<sup>th</sup> October 2019