



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

**TO: WEST CRAVEN COMMITTEE**

**DATE: 1<sup>st</sup> December 2020**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## REPORT TO WEST CRAVEN COMMITTEE 1<sup>ST</sup> DECEMBER 2020

**Application Ref:** 20/0500/FUL  
**Proposal:** Full: Erection of one dwelling house.  
**At:** Land to the South West of 82 Esp Lane, Barnoldswick.  
**On behalf of:** Mr B Moorhouse  
**Date Registered:** 14.09.2020  
**Expiry Date:** 07.12.2020  
**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 comprises of an open grassed piece of land, directly adjacent to Esp Lane and south west of No.82. The site lies on the boundary with the Open Countryside and settlement boundary of Barnoldswick. It is also within the Barnoldswick Conservation Area and Calf Hall and Gillians Conservation Area.

This application is for the erection of a two storey detached dwellinghouse. The dwelling would comprise of three bedrooms. It would have a garden area to the side and rear, with a driveway to the front. The proposed property would be constructed of natural stone, natural blue slate roof and painted timber windows and doors.

### Relevant Planning History

13/10/0161P  
Full: Erection of single detached dwelling house.  
Refused. 2010.

13/11/0024P  
Full: Erection of single dwelling house.  
Refused. Appeal Dismissed. 2011.

### Consultee Response

#### LCC Highways

##### **5<sup>th</sup> October 2020**

Having considered the information submitted, the Highway Development Support Section does not have any objections in principle regarding the proposed development at the above location, subject to the following comments being noted, further information being received satisfactorily, and conditions being applied to any formal planning approval granted.

The section of Esp Lane outside the development site is not part of the adopted highway network, although Bridleway 24 (Barnoldswick) passes over it.

Esp Lane narrows on the approach to the development site. It is unlit and there are no footways. However, in light of comments made under Planning Appeal reference APP/E2340/A/11/2152381 for a previous planning application (ref 13/11/0024P – a

single two bed dwelling), the Planning Inspector stated that the proposal 'would be unlikely to significantly impact on highway safety.' Therefore the Highway Development Support Section cannot justify objecting to this application on highway safety grounds because of the likely increase in vehicle movements.

### **New access**

No details of visibility splays at the new site access have been provided. Given the narrow width and layout of Esp Lane at this point traffic speeds are likely to be low, especially given that there is a 20mph speed limit order on Esp Lane up to No 82. Due to the layout of Esp Lane adjacent to the development site the highway authority considers that vehicle speeds would be less than 20mph. It therefore recommends that visibility splays of 17m x 2.4m x 0.9m should be provided in both directions; 17m which would be a Stopping Sight Distance for vehicles travelling at 15mph. As Esp Lane is single vehicle width at this point the visibility splays can be measured to the centre of the carriageway, in line with recommendations in Manual for Streets.

The new access should also be properly constructed to tie into the carriageway edge on Esp Lane to protect its structural integrity.

### **Car and cycle parking**

Given the lack of on-road parking within the immediate vicinity of the development, maximum parking standards should be applied to the site. Two parking spaces should be provided for a dwelling with three bedrooms. Whilst two adequately sized parking spaces are shown on plan ref 2913A, the internal manoeuvring area for parking space two is considered sub-standard. A distance of 6m should be provided to allow vehicles to fully manoeuvre within the site and enter/leave in forward gear.

Although a small turning head is shown on the above plan this is also proposed as a bin storage area which, together with the internal retaining walls, would potentially restrict its use as such. If the local planning authority is concerned regarding the increase in the area of hard surfacing within the site, the proposed turning head could be reduced in size to provide a bin storage area only.

Pendle Borough Council's 'Car and Cycle Parking Standards' recommend that for residential properties with two and above bedrooms secure, covered storage should be provided for at least two cycles. As there is no garage within the development, alternative provision should be included.

### **General**

To prevent excess surface water from the proposed hardstanding discharging onto Esp Lane this should be collected within the site and drained to a suitable internal outfall.

As there is only one route to and from the development site, which is through a residential area, a condition should be applied restricting the times of deliveries by large construction vehicles, to ensure that there is no conflict with traffic, both vehicular and pedestrian, at peak times.

As this is a green field site wheel washing and road sweeping measures should also be provided during the site development to prevent mud etc from being deposited on Esp Lane, which would be to the detriment of highway safety and would affect Bridleway 24.

A revised plan should be provided showing visibility splays, an amended internal manoeuvring area and secure cycle storage.

## **27<sup>th</sup> October 2020**

The following comments are made in relation to the amended site layout plan (Drawing 2913B) submitted on 19 October 2020, in addition to those contained within the highway authority's response of 5 October 2020.

The plan now shows visibility splays, which the highway authority consider are acceptable. However the red edge of the development needs amending to include the visibility splay to the north (uphill) of the proposed access to ensure that its provision and maintenance can be covered by condition. This is over land within the applicant's ownership.

### United Utilities

No objection, subject to suitable drainage conditions.

### PBC Conservation Officer

The design and materials of the dwelling are appropriate for the Conservation Area setting, and the positioning of the house within the larger plot reflects the informal character and layout of the existing townscape. Whilst the driveway access is quite wide, this could be improved by providing an area of stone setts adjacent to the lane, and some replacement landscaping. The boundary walls should be designed to reflect the informality of those existing in the area.

### PBC Environment Officer

Overall the proposal is satisfactory, however considering the size of the plot and the proposed removal of the Ash tree, these should be replaced with a species of a longer life than a Rowan. A Hornbeam would be preferred.

A landscaping plan should be conditions, which should include the size of plants/trees at the time of planting.

## **Public Response**

108 letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- The boundary walls and walls of the dwelling will be overbearing.
- It will result in the loss of a historic view, into the conservation area and open countryside.
- The site is at important point where town meets countryside.
- There are existing mature trees on the site which should be retained.
- There is wildlife on the site which must be protected.
- The site access is onto a narrow road, which does not have capacity for more vehicles.
- Visibility at the access is restricted.
- The site is larger than the application refused in 2010.
- The development will result in a detrimental impact on the Conservation Area.

## **Officer Comments**

### **Policy**

The site is located within the Barnoldswick and Calf Hall and Gillians Conservation Area, and so there is a duty under section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

## Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) identifies that development should make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments. New developments in the natural environment should be kept to a minimum and consider the character of an area.

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.

## Replacement Pendle Local Plan

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

## National Planning Policy Framework

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Section 16 of the Framework relates to conserving and enhancing the historic environment, this applies to Conservation Areas and Listed Buildings. Paragraph 193 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 indicates that harm to the setting of a heritage asset needs to be considered. Unlike for listed buildings the setting of a conservation area is not protected in statute but para 194 introduces a policy test.

Paragraph 196 requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Any harm should be clearly and convincingly justified. Where development will lead to substantial harm to a designated heritage asset, consent should be refused, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm.

Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) 2008.

Supplementary Planning Guidance: Development in the Open Countryside (SPG) 2002.

## **Principle of Development**

The application site is located partially within the Open Countryside, outside the settlement boundary of Barnoldswick. However, the site is located directly adjacent to the settlement boundary and within an established group of dwellings and is not isolated. Therefore, Paragraph 79 of the NPPF does not apply and the principle of a new dwelling is acceptable in this location.

## **Impact on the Conservation Area and Setting of a Listed Building**

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The application site is located partially within the Barnoldswick Conservation Area and the Calf Hall and Gillians Conservation Area. The site is characterised by its open appearance, mature vegetation boundary screening and low natural stone boundary wall.

Whilst the closest dwelling to the south east is a more modern bungalow, the majority of properties on Esp Lane are of small scale traditional cottages, constructed of natural materials and small openings.

As a result of an appeal on the site in 2011, for a similar proposal, in dismissing the appeal the inspector concluded the proposed dwelling was sited too close to Esp Lane, within a constrained plot which resulted in a contrived appearance. As a result it would not have regard to existing street patterns and vistas.

This proposal has been revised, increasing the size of the application site meaning that the dwelling is of a more proportionate scale to the plot and allows for it to be set back considerably from Esp Lane. Moreover, there is now scope for the existing mature boundary vegetation to be retained and space for additional landscaping to be added, reducing the properties visibility within the open countryside.

This proposal is for a detached, two storey dwelling, of a modest traditional design. It has a simple dual pitched roof, with no additional extensions or outbuildings. It sits comfortably within the plot, retaining sufficient space about it, and proportionate garden areas.

The application proposes the use of natural materials, natural blue slate roof, natural random reclaimed stone for the elevations and painted timber windows and doors, which is appropriate for the proposed dwelling and its setting.

As a result this revised proposal is appropriately sited within the plot, is now of a suitable scale and is of a traditional design with natural materials to adequately respect the historic setting and existing views through the site. The setting of the conservation area will be slightly adversely affected by the proposal. This impact would lead to less than substantial harm.

When considering this harm it would be on the lower end of the scale on the less than substantial harm impact. There would be public benefits from increasing housing supply and supporting the development industry. Even though one house would lead to modest public benefits the less than substantial harm caused would be on the lower end of the impact spectrum and hence the public benefits would outweigh that harm.

Therefore, the application accords with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and the NPPF.

### **Residential Amenity**

The application site is located to the south west of No.82 Esp Lane, maintain an adequate separation distance, in addition to the retention of mature trees and natural boundary screening which is effective.

The proposed dwelling is set back considerably from Esp Lane and therefore the existing dwelling to the east of the highway remains at a sufficient separation distance. There are no residential dwellings within close proximity to the south or south west of the application site.

The dwelling is set at an angle, with the front elevation facing south east. As a result, no elevations are in direct with that of any nearby properties. Furthermore, no first floor side facing windows are proposed on the property, avoiding any detrimental overlooking impacts. One ground floor north east side facing window is proposed, however its location at ground floor level and small size will not result in unacceptable overlooking impacts to neighbouring occupiers.

## Highways

The development proposes a new access point, directly onto Esp Lane, which includes a large driveway on plot which provides sufficient parking provision to the front of the proposed dwelling. The addition of one dwelling would not significantly increase the intensity of use of Esp Lane or cause traffic congestion. Following the submission of amended plans, suitable visibility splays are shown within land owned by the applicant, to ensure safe access onto Esp Lane. Therefore, no objections are raised in relation to parking provision or highway safety.

## Landscaping

The details provided as part of this application are satisfactory, with majority of the existing mature screening to be retained. Trees which are to be removed, are shown to be replaced. The details of the trees to be retained, replaced, species and size of plants at the time of planting will be required through a detailed landscaping scheme, secured by condition.

## Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development would result in less than substantial harm to designated heritage assets but this would be outweighed by the public benefits. The proposed development is acceptable, thereby complying 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: 2913C.

**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, including details of external hard surfacing, fenestration, rainwater goods, elevation and roof materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. The window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

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

5. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Foul and surface water shall be drained on separate systems. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer. The scheme shall be constructed and completed in accordance with the approved plans before the dwelling is occupied.

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

6. Prior to the commencement of development a detailed landscaping scheme must be 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 appropriate landscape design and in the interests of the visual amenities of the area.

7. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) (England) 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, F and G of Part 1 and Classes A, B & C of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to control any future development on the site in order to safeguard the significance of the heritage assets.

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

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

9. The surface water from the approved driveway shall be collected within the site and drained to a suitable internal outfall.

**Reason:** In the interest of highway safety to prevent water from discharging onto the surrounding highway network.

10. The proposed development should not be brought into use unless and until the parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

**Reason:** In order to ensure satisfactory levels of off-road parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

11. Prior to first occupation, the dwelling shall have a secure cycle store in accordance with the parking standards.

**Reason:** In order to ensure that the development has the provision of sustainable infrastructure.

12. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 17 metres in each direction to be provided, measured along the centre line of the proposed access from the continuation of the nearer edge of the existing carriageway of Esp Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 0.9 metre in height above the height at the centre line of the adjacent carriageway.

**Reason:** To ensure adequate visibility at the street junction or site access in the interest of highway safety for residents and construction vehicles in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date:** 18th November 2020