



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

**TO:** BARROWFORD AND WESTERN PARISHES COMMITTEE

**DATE:** 07<sup>th</sup> January 2021

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

**Application Ref:** 20/0560/HHO

**Proposal:** Full: Extension to form first floor to side and replacement roof to rear conservatory.

**At:** Littlestone Edge Farm, Gisburn Road, Blacko.

**On behalf of:** Mr Howard Smith

**Date Registered:** 28.08.2020

**Expiry Date:** 11.01.2021

**Case Officer:** Charlotte Pinch

## **Site Description and Proposal**

The application has been deferred from the December 2020 committee, to allow for Blacko Parish Council to provide comments. The application is to be decided at committee as it was called in by a Councillor.

The application site comprises of a semi-detached dwellinghouse, sited off an access road to other farm and residential buildings. The site is located within the Open Countryside.

The proposed development is for the erection of a first floor side extension, to the south west side elevation and a replacement roof to the existing single storey rear conservatory.

The proposed first floor extension would have a width of 10.9m, depth of 5.4m and total height of 3.7m. The extension would comprise of three additional bedrooms and two bathrooms. It would be constructed of natural stone and textured render, natural stone and natural blue slate roof tiles. A glazed aluminium roof will be used on the conservatory.

## **Relevant Planning History**

13/06/0121P

Full: Erect first floor extension to side (west) to create additional bedroom accommodation.

Refused. 2006.

Appeal dismissed.

## **Consultee Response**

### Blacko Parish Council

No objection.

### LCC Highways

Having considered the information submitted, the above proposal raises no highway concerns. Therefore the Highway Development Support Section would raise no objection to the proposal on highway safety grounds.

### Cadent Gas

No objections.

## **Public Response**

None received.

## **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 the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

#### 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 LIV5 (Designing Better Places to Live) states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

#### Replacement Pendle Local Plan

Policy 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.

Supplementary Planning Guidance: Development in the Open Countryside.

Design Principles Supplementary Planning Document 2009.

### **Design and Impact on the Open Countryside**

Paragraphs 124 through to 132 of the NPPF contains guidance on providing a wide variety of homes and requiring good design. Policies ENV2 of the Local Plan Part 1 reiterates these points and are relevant in the determination of this application.

Extensions and alterations within the Open Countryside may be acceptable provided they are proportionate in scale to the original dwelling.

The Council's adopted SPD: Design Principles document provides strict guidance on the design of extensions and roof alterations. It details that extensions should be designed to appear subordinate in scale to the original dwelling and should not look out of place in the landscape.

The host dwelling is of a traditional barn style, as part of the original farm complex, therefore any extensions or alterations must remain in keeping with the style of the barn, using sympathetic materials and design features.

The proposed first floor side extension would dominate the front, side and rear elevations of the existing building, given its 10.9m width, which is substantially wider than the original dwellinghouse and be extremely prominent given its first floor location. This would substantially increase the bulk of the dwellinghouse, resulting in a disproportionate addition to the existing building. The existing single storey side extension is a later addition to the dwelling, which has a lengthy projection. The addition of a first floor above this, significantly detracts from the small scale of the original dwelling in an unsympathetic manner. The key characteristics of the dwellinghouse as a traditional farm building, of a relatively modest scale, would be significantly eroded as a result of this unsympathetic extension.

The south west side elevation of the dwelling is directly adjacent to a junction of three existing public footpaths which run along the access track, within 1m of the proposed extension. As a result, the extension would be readily visible from public viewpoints and therefore this disproportionate extension would be an obtrusive addition from public vantage points. The close proximity of the extension to the public footpaths and its first floor elevation would result in an overbearing impact on those using the footpath and block views across the landscape when using the public footpaths.

The proposed replacement roof on the existing single storey rear extension, raises no objections in relation to design.

As a result, the design of the proposed first floor side extension is poor and the scale is disproportionate to the existing dwellinghouse, it fails to take opportunities to improve the character and quality of the area, whilst integrating with the open countryside. Paragraph 130 of The Framework states that planning permission should be refused for such development.

### **Impact on Amenity**

Although the existing dwelling is set within a constrained plot, with limited space about the property, there are no dwellings sited to the front or rear of the application site which would be within overlooking distance of the proposed development.

The property is attached to a terrace of dwellings on the north east side elevation, however the proposed extension is to be erected on the south west side elevation and therefore obscured by the existing dwellinghouse.

No side facing windows are proposed on the extension which would overlook the adjacent public footpaths.

The proposed extension would raise no unacceptable residential amenity impacts in accordance with Policies ENV2 and LIV5.

### **Highways and Access**

No objections were raised in principle by LCC Highways in relation to the parking and access arrangement, which I concur with.

## **RECOMMENDATION: Refuse**

The design of the proposed extension is poor and the scale of the extension is disproportionate to the existing dwellinghouse and would result in a bulky addition, prominent from public viewpoints within the open countryside. The proposal also fails to take opportunities for improving the character and quality of the area. The development would therefore be contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and Paragraph 130 of the National Planning Policy Framework.

**Application Ref: 20/0560/HHO**

**Proposal:** Full: Extension to form first floor to side and replacement roof to rear conservatory.

**At:** Littlestone Edge Farm, Gisburn Road, Blacko.

**On behalf of:** Mr Howard Smith

# REPORT TO BARROWFORD COMMITTEE ON 7<sup>TH</sup> JANUARY 2021

**Application Ref:** 20/0643/TDC

**Proposal:** Technical Details Consent: Residential development approved under 20/0203/PIP.

**At:** Land to the South West of Goldshaw Court, Well Head Road, Newchurch in Pendle

**On behalf of:** Mr Steven Barnes

**Date Registered:** 01.10.2020

**Expiry Date:** 11.01.2021

**Case Officer:** Charlotte Pinch

## Site Description and Proposal

The application is to be decided at committee as it has received more than three objections.

The application site is a piece of undeveloped agricultural land, directly adjacent to Well Head Road, between 'Sunnyhurst' to the SW and Goldshaw Court to the NE. The site is located outside the settlement boundary, within Open Countryside. It is also on land designated as Forest of Bowland Area of Outstanding Natural Beauty (AONB) and Newchurch and Spenbrook Conservation Area.

The proposal is for the erection of two, three storey, detached dwellings, with separate garages. The principle of residential development on this site has been established under application 20/0203/PIP.

## Relevant Planning History

20/0203/PIP

Permission in Principle: Erection of up to two dwellinghouses.

Approved Unconditionally. 2020.

## Consultee Response

### LCC Highways

Technical details for two detached, five bedroomed dwellings plus single, detached garages have been submitted. Having considered the information submitted the Highway Development Support Section raises no objection, subject to the following comments being noted, a revised visibility splays plan being submitted, and conditions and notes being applied to any formal planning approval granted.

### **Site access**

The formation of the new vehicle access from Well Head 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 tie-in to the carriageway, and re-location of a highway gully.

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

### **Visibility splays**

The automated traffic count submitted was conducted between 17 and 23 July 2020. Whilst the highway authority would not normally accept a traffic count carried out in July, due to the ongoing national pandemic traffic data is now being assessed on a case by case basis. Traffic using Well Head Road is likely to be localised and therefore the highway authority considers that traffic conditions are unlikely to be much different to pre-pandemic conditions, and so accepts the data submitted.

85<sup>th</sup> percentile speeds of 24.2mph (northbound) and 28.3mph (southbound) have been recorded through the above traffic count. Visibility splays at the site entrances should be based on these speeds. In line with guidance in Manual for Streets visibility splays of 32m (northbound) and 39m (southbound) should be provided. The site plan submitted shows splays based on the 85<sup>th</sup> percentile speeds and needs amending to the above measurements. Visibility splays at each entrance should also be shown on a plan to ensure that these are fully achievable over land within the applicant's ownership and/or the adopted highway network, instead of the one set of splays submitted. Due to the restricted width of the carriageway outside the development site the visibility splays can be measured to the centre of the carriageway, in line with recommendations in Manual for Streets.

### **Car and cycle parking**

Given the lack of on-road parking on Well Head Road within the vicinity of the development, maximum parking standards should be applied to the site. For a residential dwelling with four or above bedrooms three parking spaces should be provided, which are shown on the site layout plan.

Both properties have a single garage which, given the internal dimensions shown on drawings ADM/20/08/03 and 04, can be counted as one parking space. A garage of this size can also provide secure storage for at least two cycles. Use of the garage as part of the on-site parking provision should be controlled by condition to ensure that an adequate level of parking is retained within the development, given the lack of capacity for parking on the highway.

The areas of hardstanding on the submitted site layout plan are shown surfaced in block pavements, which is an acceptable type of material.

### **General**

Due to the site's location close to St Mary's CoE Primary School on Spenbrook Road 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.

In addition, as this is a green field site, wheel washing and mechanical road sweeping measures should also be provided during the site development to prevent mud etc from being deposited on Well Head Road, which would be to the detriment of highway safety.

Given the ground level differences between the carriageway on Well Head Road and site the applicant is advised to consider providing a means of collecting and draining surface water across the site access within their curtilage. This would need to drain internally and should not be connected into the highway drainage system.

### **10<sup>th</sup> November 2020**

I've noted that the proposed dwellings are now 4 beds and not 5. Whilst the revised site layout plan doesn't show visibility splays at each entrance as requested, the visibility splays shown on the plan are acceptable.

I've also noted that the driveway in front of each garage has been reduced by approx. 1m, which has consequently reduced the internal manoeuvring area. However vehicles should still be able to enter/leave the site in forward gear.

#### PBC Environment Officer

Following the submission of a revised landscaping scheme, no objections are raised.

#### PBC Drainage Engineer

I've noted from the submitted design that the intention is to install a treatment plant to deal with the foul from the properties. Having checked the United Utilities service drawings for the area and they show a 150mm diameter combined sewer running through this site, which to me raises the question for a septic tank rather than connect into the adopted system.

With regard to the surface water, the principle of using a soakaway seems fine to me and certainly ticks the box of a sustainable drainage system. However, do we have any evidence (such as percolation tests etc.) to support the idea that a soakaway would be effective on this type of ground. We often have issues in Pendle with heavily clay based soils that aren't particularly effective for soakaway schemes.

#### Lancashire Fire and Rescue

No objection.

### **Public Response**

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

- Three storey dwellings are not in keeping with other properties and would be readily visible when viewed from across the valley.
- Roof ridges exceed those on Goldshaw Court.
- Large, blank, overbearing side elevations.
- Smaller more affordable properties would be more appropriate in the area.
- Proposed balconies will result in a loss of privacy
- Limits should be enforced on the height to which native hedgerows can grow.
- Properties are set too far back from the road.
- Garages should be moved to the west and east sides of the dwellings, to protect privacy.
- The use of UPVC windows and cladding is not in keeping with the area.

### **Officer Comments**

#### **Policy**

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

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.



Policy LIV1 (Housing Provision and Delivery) sets out the Council requirement to deliver new housing.

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.

### Replacement Pendle Local Plan

Policy 16 'Landscaping in New Development' requires all development proposals to include a scheme of landscaping sympathetic to the site's character and vicinity.

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.

### 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 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 12 of the Framework relates to design and makes it clear that design is a key aspect of sustainable development. Paragraph 130 of the Framework 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.

Forest of Bowland AONB Supplementary Planning Guidance 2003

Conservation Area Design and Development Guidance Supplementary Planning Document 2008

Supplementary Planning Guidance: Development in the Open Countryside 2002.

### **Principle of Development**

The principle of residential development on this site was established as part of the permission in principle application 20/0203/PIP. It was concluded the proposed site would be in a sustainable location and the principle of housing acceptable, which accords with Policy LIV1 and the NPPF.

### **Residential Amenity**

In accordance with the Design Principles SPD it is advised that a minimum separation distance of 12 metres should be maintained between a principal window in one property and a blank wall of another. In addition, a 21 metre separation distance should be retained between habitable room windows in properties that are directly facing each other.

The proposed dwellings would be located in excess of 21m to the south west of No.8-12 Goldshaw Court and 13m to the north east of 'Sunnyhurst'. The proposed dwellings are sited side on to

adjacent properties, therefore no main habitable room windows directly face each other. These are acceptable separation distances in accordance with the SPD.

Both properties have two small side facing windows at ground floor level and one small side facing window at first floor level. All windows serve bathrooms and therefore can be obscure glazed to prevent detrimental overlooking, secured by a condition.

To the north western front boundary of the site is Well Head Road and then open land which rises to a higher land level. To the rear, south eastern boundary, there is open land which drops away in height down to Spen Brook. There are no adjacent dwellings directly to the front or rear of the proposed dwellings, therefore no concerns are raised in relation to overlooking or overbearing impacts.

The proposed dwellings are sited adjacent to each other, with detached garages sited between them, providing additional separation distance. Each dwelling would benefit from an appropriately sized rear and side garden, which would provide sufficient private amenity space for the size of the dwellings.

## **Design**

The proposed scheme comprises of two detached properties, each with private garden areas to the rear and allocated parking spaces to the front. Both are set within suitably sized plots.

The properties are of identical scale and design, comprising of two storeys, with additional accommodation in the roof space. Due to the topography of the site, when viewed from Well Head Road the properties appear as modest bungalows, but this allows for additional lower ground floor accommodation when viewed from the rear. This helps reduce the perceived bulk of the buildings.

The roof ridge of the proposed dwellings is set 1.9m below the ridge of 'Sunnyhurst'. Whilst they are slightly higher than the ridge of properties in Goldshaw Court, they do retain a generous separation distance and are located at a slightly higher land level, so this step up in ridge height is not uncharacteristic.

It is acknowledged that the properties would be readily visible in the landscape from the south east, in the bottom of the valley at Spenbrook. However, the design and scale has been carefully considered to reflect 'Sunnyhurst' adjacent. The use of natural materials and timber windows would be wholly in keeping with the requirements of the Conservation Area and AONB.

Split into two detached properties and detached single garages breaks up the built form. The properties benefit from a significant set back from the road, allowing for planting to provide sympathetic screening to the front of the development.

The properties would be constructed of matching materials, comprising of natural slate roof, natural random stone elevations and timber doors and windows painted slate grey. These materials are traditional and sympathetic materials, in keeping with the setting and adjacent dwellings.

On balance, this proposal is acceptable in scale, siting and design in accordance with Policy ENV2.

## **Highways and Access**

The application proposes two properties, each property comprises of four bedrooms. In accordance with Policy 31, each dwelling should provide three on plot parking spaces.

Each property benefits from a single garage, which is large enough to accommodate one vehicle. In addition to a driveway to the front, which can accommodate a further two vehicles and allow for sufficient manoeuvring space.

Conditions will be applied to ensure the garages are retained for parking and that electric vehicle charging points are provided as part of the development.

### **Ecology and Landscaping**

As part of this application an extended Phase 1 Habitat Survey was submitted, which concluded that subject to suitable mitigation and recommendations being implemented, the proposed development would not result in unacceptable impacts on the ecological value of the land.

Therefore, a condition can be applied to this permission to ensure that the recommendations contained within the Phase 1 survey are adhered to throughout the construction period.

With regard to landscaping, additional planting has been shown on the front and side boundaries of the site to obscure views of the site from Well Head Road and the adjacent properties. The rear south eastern boundary has been left open, with just stock proof fencing, so the gardens can blend into the adjacent agricultural fields. The majority of the site will be grassed, with concrete block paved driveways to the front of the dwellings. The proposed landscaping is acceptable.

### **Drainage**

Some details of foul and surface water drainage methods were submitted as part of the application. Whilst no objections were raised, confirmation was required with regards to the use of a septic tank for foul water, instead of the main system, and the suitability of the site to deal with surface water through soakaway methods.

Insufficient information was submitted during the course of the application to adequately address these queries, therefore a condition will be applied for further drainage details to be submitted, prior to the commencement of development.

### **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 the Local Plan and National Planning Policy Framework. 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:** In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

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

ADM/20/08/05B, ADM/20/08/04B, ADM/20/08/03B, ADM/20/08/02 and Topographical Survey Plan.

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

3. Prior to the commencement of development samples of all the boundary treatment and all hard surfacing, including parking areas and paving of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

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

4. Prior to the commencement of development samples of all the external materials to be used in the construction of the dwellings roof, walls, colour and finish of the windows and doors of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

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

5. Prior to the commencement of development, a scheme of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

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

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

7. The recommendations detailed in the Phase 1 Habitat Survey undertaken by Pennine Ecological dated July 2020 be carried out prior to any above ground works at the site. Any further necessary mitigation measures identified should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any further development. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

**Reason:** To protect natural species and their habitats.

8. Prior to the commencement of development a scheme for the construction of the site access shall be submitted to and approved in writing by the Local Planning Authority. All works shall be implemented in accordance with the approved scheme.

**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.

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

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall not at any time in connection with the development hereby 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 the road level, within the visibility splays on Well Head Road. The visibility splays 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 each proposed access from the continuation of the nearer edge of the carriageway of Well Head Road to points measured 32m (northbound) and 39m (southbound) to the centre of the carriageway of Well Head Road, from the centre line of each access, and shall be constructed and maintained at verge level.

**Reason:** To ensure adequate visibility at each site access.

11. The garages hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the dwellings and shall not be used for any purpose that would preclude the ability of their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order amending or revoking and re-enacting that order.

**Reason:** To ensure that adequate parking provision is retained on site.

12. Prior to first occupation each dwelling shall have an electric vehicle charging point.

**Reason:** To encourage sustainable travel.

13. The car parking shown on the approved plans shall be constructed, laid out and surfaced in a bound porous material and made available prior to the first occupation of any house. The spaces shall thereafter at all times be retained for the parking of cars associated with the occupants of the dwelling.

**Reason:** In order to ensure the site is provided with adequate off street parking in the interests of highway safety.

14. The windows in the ground floor side elevations and first floor side elevations of both dwellings hereby permitted shall at all times be glazed only with obscure glass of Level 4 or above. Any replacement glazing shall be of an equal degree of obscurity and the windows shall be hung in such a way as to prevent the effect of obscure glazing being negated by way of opening.

**Reason:** In order to protect and preserve the privacy and amenity of the occupiers of the adjoining dwelling.

15. 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 and E 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.

## **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, the construction of the access to an appropriate standard, including tie-in to the carriageway, and re-location of a highway gully. 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. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

**Application Ref: 20/0643/TDC**

**Proposal:** Technical Details Consent: Residential development approved under 20/0203/PIP.

**At:** Land to the South West of Goldshaw Court, Well Head Road, Newchurch in Pendle

**On behalf of:** Mr Steven Barnes

## REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 07 JANUARY 2021

**Application Ref:** 20/0646/FUL

**Proposal:** Full: Conversion of Barn to 2 No. dwelling houses and erection of a detached double garage.

**At:** Ogden Hill Farm, Barley Lane, Barley

**On behalf of:** Mr Stephen Slater

**Date Registered:** 28/09/2020

**Expiry Date:** 23/11/2020

**Case Officer:** Alex Cameron

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

### **Site Description and Proposal**

The application site is agricultural buildings adjacent to a farmhouse at Ogden Hall Farm located within the open countryside and Forest of Bowland AONB. The site sits above Lower Ogden Reservoir and is accessed via Barley Green and an existing single width access track which currently provides access for five residential properties.

The proposed development is to convert the existing stone barn and brick extension to two dwellings, demolish existing shed and garage and erect a detached double garage finished in random stone with a stone slate roof.

The original proposed works to the existing barn involved raising the roof of the building by approximately 0.5m, the plans have now been amended to remove this element and revise the previously proposed patio style door in the front elevation to a small square window.

The proposed development would replace the existing steel sheet roof with a stone slate roof insertion of four windows and two rooflights in the front elevation, seven windows and two doors in the rear elevation, and two sets of bifold doors in the south side elevation in place of three existing windows.

### **Relevant Planning History**

None

### **Consultee Response**

LCC Highways – Having considered the information submitted, the above application raises a number of concerns regarding the creation of dwellings in this remote location. The development site is accessed from Barley Lane via a privately maintained track (shown as Barley Green on the Location Plan, drawing number ADM/19/36/05) which, beyond the initial section, is single vehicle width, with limited places for two vehicles to pass. This track provides access to six residential properties, including the development site, and also access for the water authority for maintenance of its infrastructure.

Bridleway 41 (Barley with Weatley Booth) also passes along the full length of the track from Barley Lane to Upper Ogden Reservoir. The track is popular with walkers, dog walkers and also horse riders, all considered vulnerable highway users.

The development site is not in a sustainable location and, given its remoteness from all amenities and facilities, there would be a reliance on the use of motor vehicles, leading to an increase in the number of vehicle movements on the access track. The Highway Development Support Section also notes the borough council's Countryside Access Officer's comments regarding Footpath 50, and supports these. The proposed parking bays for the farmhouse and Unit 1, as shown on drawing number ADM/19/36/02, do not have 6m manoeuvring areas to the rear. However, if the bays were re-positioned closer to the front of the dwellings adequate manoeuvring could be achieved.

**PBC Countryside Access** - The red line boundary of the proposed development affects part of public footpath 50. The footpath passes through land shown on both the existing and proposed plans as gardens. The previous enclosure of the land to form private gardens has had the effect of obstructing the footpath.

The drawings do not indicate any further impact on the footpath but the developer and owner of the site should take note that the continued obstruction of the footpath is unlawful and that all structures on the line of the path which prevent public use should be removed. Further, careful note should be taken that if the footpath remains obstructed and the land is sold that this must be disclosed to potential purchasers. The owner may wish to consider applying to divert the footpath, which can be achieved by application to this authority or Lancashire County Council. Any enquiry should be sent for my attention.

Suggested note:

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team.

**PBC Public Rights of Way** - The red line boundary of the proposed development affects part of public footpath 50. The footpath passes through land shown on both the existing and proposed plans as gardens. The previous enclosure of the land to form private gardens has had the effect of obstructing the footpath.

The drawings do not indicate any further impact on the footpath but the developer and owner of the site should take note that the continued obstruction of the footpath is unlawful and that all structures on the line of the path which prevent public use should be removed. Further, careful note should be taken that if the footpath remains obstructed and the land is sold that this must be disclosed to potential purchasers. The owner may wish to consider applying to divert the footpath, which can be achieved by application to this authority or Lancashire County Council. Any enquiry should be sent for my attention.

Suggested note:

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team.



**Barley Parish Council** - Ogden Hill Farm has a collection of buildings. The three most prominent buildings are currently connected to each other and include a part rendered stone farmhouse, a somewhat dilapidated masonry stone barn and a substantial red brick extension to the barn. The structural report confirms the old stone barn is in a poor condition. There are also a collection of old sheds and garages, plus caravans and an old boat. The farm does not blend in to the surrounding AONB countryside and the substantial red brick building is incongruous with the farm and the barn buildings and the whole area.

From this perspective the proposals offer a significant improvement to the locality. However, the Parish Council OBJECT to this application on the following grounds:

#### Availability of Utility Services

The application makes no reference to the supply of water. There are four number properties in the immediate area (called Under Pendle) and these properties rely on spring water for water supply as does the local farm to water livestock.

The water supply is limited in the summer months causing reductions in pressure and occasional rationing. Residents are concerned that the supply will not support two additional properties with modern demands of power showers, dishwashers, gardens etc. There is also no reference in the application to the adequacy of the electrical supply and the impact of two additional properties. The Council considers these issues should be fully addresses before any planning application is granted.

#### Access Road

The access road is shared with the four other properties. It is in an acceptable condition. Residents will be concerned that the large construction vehicles which will deliver building materials to the farm will damage the road and the Council considers conditions should be attached to any planning approval for a condition survey of the access road to be agreed with the developer before any works start and for the developer to make good any deterioration of the access road recorded during and at the end of any building works.

#### Construction of a Detached Double Garage in the Open Countryside

The farm is located outside of the Barley settlement boundary. The proposed structure is located within the 'open countryside' and consideration has to been given to protecting the openness of the area as outlined in Policy 1 'Development in the Open Countryside'

The site is located within the Forest of Bowland AONB and open countryside. Policy 2 'Area of Outstanding Natural Beauty' of the Replacement Pendle Local Plan is of importance and the Council should seek to safeguard the AONB and its setting. Extensions, alterations and out buildings should not be seen in public views to dominate the existing building in terms of shape, height, materials or fenestration.

The double garage is clearly visible from at least two public footpaths, is significantly detached from other buildings (approximately 15- 20m), and at 4.4m high is comparable in height and size to the red brick structure. It will clearly look distinct from the other buildings, particularly with cars parked outside, and will be of a size to reduce the openness of the countryside surrounding the farm settlement

#### Design Issues

The Council considers this another poor planning submission in that there is little detail

regarding materials on the drawings and the obvious omission of dimensions by “adm” must be with an intention to provide as little information as possible. It is not possible for most to print Scale 500 drawings and A4 prints mean that scaling is not accurate and so it is difficult to assess heights, widths, proximity of buildings, window and door sizes, size of parking spaces etc.

It is of paramount importance that any development in the AONB respects the character of the area and, where possible seeks to enhance the natural beauty. There is little in the planning application which gives the Council confidence that the conversion will offer a high-quality design which makes the most of the existing features and will enhance the AONB. The issues of concern are: -

- There is no reference regarding the finished walls or roof of the existing red brick building which is part of the barn conversion as Unit 2. The conclusion we draw is that the red brick building is to remain red brick as part of the Unit 2 development.
- If this is the case then we will see the barn development in natural stone and a potential garage development also in stonework – with a red brick building between them. This will look most strange and out of keeping with the area.
- The roof of the red brick building is in blue stone slate. The planning application form details the roofs will be in stone slate without confirming the colour or at least telling us it will match existing. The drawings refer to the roof being “new Indian stone slate roof”. The roofs of all the buildings within this application should be the same. This is important as the roofs are visible from the pathways above on Pendle Hill.
- There is little reference that anything will match the existing. The Council consider it is important that the developer clearly states the intentions regarding the type of materials to be used and how consistent they will be, particularly in relation to walls and roofing.
- There is no detail indicating how the rear gardens will be accessed given the significant difference in levels between the barn doors and the garden ground level.
- The existing farmhouse has two chimneys, the proposed adjacent barn development has no chimneys. To achieve some synergy with other dwellings including the farm building and other properties in the locality we consider each unit should have a chimney.
- There is no detail showing the location of the waste bin storage area.

The Council would also draw attention to the following matters: -

### Lighting

The Council supports the Forest of Bowland AONB Obtrusive Lighting Position Statement in relation to the Barley with Wheatley Booth Parish in order to protect dark skies and our dark valleys.

We note that within the application there is no reference to any lighting around the property or to any lighting on the driveway. Whilst we anticipate a degree of access lighting at the entrance to the property for safety and security purposes the Council would object to any significant artificial lighting or floodlights. This is an important consideration for the Council.

Ogden Hill Farm is a collection of buildings standing alone in open countryside clearly visible from Pendle Hill and popular footways alongside the property. The Parish Council therefore requires clarity demonstrating a high-quality design and until provided will object to this application.

## **Public Response**

A press and site notice posted and neighbours notified. Responses received objecting on the following grounds:

- Issues relating to capacity of private water supply.
- Provision of electrical supply.
- The access road is not adequate for construction traffic.
- Impact of additional traffic on the condition and upkeep of the access track.

## **Officer Comments**

### Pendle Local Plan Part 1: Core Strategy

Policy SDP2 states that proposals for new development should be located within settlement boundaries. Proposals to develop outside of settlement boundaries will only be permitted for those exceptions outlined in the Framework.

Policy ENV1 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 states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

### Replacement Pendle Local Plan

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

### National Planning Policy Framework

Paragraph 79 of the Framework states that local planning authorities should avoid the development of isolated homes in the countryside unless it meets one or more of five circumstances. The circumstances include development that would represent the optimal viable use of a heritage asset and the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting.

### **Principle of the development**

The site is located in countryside location distant from any defined or otherwise recognisable settlement it is an isolated countryside location for the purposes of Paragraph 79 of the Framework. Paragraph 79 sets out circumstances where new dwellings in isolated locations may be acceptable, this includes development that would represent the optimal viable use of a heritage asset. The building is a traditional stone barn which has inherent heritage value, although not a designated heritage asset.

The impact on the heritage value is addressed in the Design and Heritage Impact section below, with the additional amendments discussed the proposed development would acceptably preserve the heritage value of the building and as such would be in accordance with paragraph 79 and would be an acceptable development in this isolated countryside location in accordance with policies SDP2 and LIV1.

### **Design and Heritage Impact**

As proposed the conversion would involve a total of 10 new openings being inserted in the original barn including 8 upper floor windows.

The number of new openings in the original walls of the building proposed is excessive, the applicant has been requested to provide amended plans reducing the number of openings by replacing most or all of the upper floor windows with rooflights. Taking into account that the existing roof is of steel sheet and is to be replaced in stone slate the roof can accommodate those additional openings without unacceptable harm to the character of the building.

The benefits of the demolition of visually harmful existing outbuildings would offset the visual impact of the proposed detached garage.

The Parish Council have raised concerns regarding the retention of the existing brick extension and that chimneys matching those of the existing farmhouse should be included in the proposed plans. The brick structure is existing and as such its retention is not unacceptable, the addition of chimneys would be an inappropriately domestic feature on this agricultural building and as such would cause harm to its character. Concerns have also been raised regarding external lighting, this can be controlled by condition.

### **Amenity**

The proposed development would provide an adequate level of privacy and residential amenity for the occupants of the both the existing and proposed dwellings in accordance with policies ENV2 and LIV5.

### **Highways**

Adequate car parking provision is proposed.

The access to the site is via a single width track which is also a public right of way, taking into account that the track already forms access to five dwellings the additional traffic resulting from the proposed two dwellings would not result in a scale of increase in traffic that would result in an unacceptable highway safety impact.

Concerns have been raised regarding the impact of additional traffic on the condition of the access track. This is a private matter between the owners / users of the track.

However, as proposed the proposed development would result in two new dwellings in an unsustainable location distant from services and facilities and does not meet any of the circumstances for allowing such development, it is therefore contrary to policy ENV4.

### **Drainage**

Acceptable drainage can be ensured by condition.

### **Ecology**

A bat survey submitted with the application has found no evidence of past or present use by bats, it is suggested that some roost enhancement be introduced by inserting ridge access tiles in the new roof, which can be ensured by condition.

## **Other matters**

The concerns raised regarding the capacity of the private water supply are a private matter between the users of that supply.

The provision of an electricity supply is not something that the applicant is required to provide details of, it is a matter separate from the planning process controlled by Electricity North West. If works requiring the Council's consent or notification were to be required that would be subject to a separate application / notification.

## **Summary**

With additional amendments to replace most or all of the proposed upper floor windows with rooflights the proposed development would be acceptable in term impacts on the visual amenity of the area, the scenic beauty of the AONB and the heritage value of the building and as such the proposed conversion of the building to dwellings would be acceptable in this isolated location in accordance with paragraph 79 of the Framework.

The development is acceptable in all other regards and is therefore recommended that the approval of the application is delegated to the Planning, Economic Development and Regulatory Services Manager subject to the receipt of acceptable amended plans.

## **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 design, amenity, highway safety and impact upon ecology. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Delegate Grant Consent**

Subject to the following conditions:

1. The 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: TBC

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

3. Prior to the commencement of above ground works involved in the erection of external walls and/or external works to the stone barn samples of the external materials to be used in the roof and walls of the development shall have been submitted to and approved in writing by

the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure the use of appropriate material in order to protect the scenic beauty of the AONB.

4. Full details of all external soil pipes, flues and rainwater goods including colour and materials shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall thereafter strictly conform to the details so approved.

Reason: To ensure the use of appropriate material in order to protect the scenic beauty of the AONB

5. Prior to their erection details of all new boundary walls, fences and gates shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure appropriate boundary treatments in order to protect the scenic beauty of the AONB.

6. Prior to their installation and notwithstanding any indication on the approved plans or forms detailed plans and sections, including recess depths, of all new/replacement windows, rooflights and doors together with details of proposed materials and finishes, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To protect the scenic beauty of the AONB

7. Details of all new/replacement rainwater goods, soil pipes, vents, flues or other external pipes, including details of proposed materials and finishes, shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation. The development shall thereafter be carried out in strict accordance with the agreed details.

Reason: To protect the scenic beauty of the AONB.

8. The dwellings hereby approved shall not be occupied unless and until provision for cars to park, turn and exit the site in forward gear has been laid out, surfaced and made available in accordance with the approved plan No. ADM/19/36/04. The car parking and turning areas shall thereafter be maintained free of obstruction and available for car parking and turning purposes.

Reason: In the interest of highway safety.

9. Prior to first occupation each dwelling shall have an electric vehicle charging Point installed.

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

10. 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, F, G & H 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 character, appearance and historic significance of the building and the scenic beauty of the AONB

11. 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 occupation of the dwellings. The scheme shall provide for separate systems for foul and surface waters and the drainage for each dwelling shall be constructed and completed in accordance with the approved plans before the dwelling is occupied.

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

12. The permission hereby granted is for the conversion of the existing building only and does not imply or grant permission for demolition or re-building of the external walls beyond the works detailed in the Structural Report ref: DJL/DB/7384.

Reason: The substantial rebuilding of this building to create a new dwelling in an isolated location would be contrary to the development plan.

13. The dwellings hereby approved shall not be occupied unless and until bat ridge access slates have been installed in accordance with the recommendations of the submitted Bat Survey report and shall thereafter at all times be maintained to provide access to the roof for bats.

Reason: to ensure the preservation and enhancement of protected species habitat.

14. No external lighting shall be installed within the approved application site unless and until details of the lighting have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity and direction of the lighting. Any external lighting shall at all times be in strict accordance with the approved details.

Reason: In order to prevent light pollution causing harm to wildlife and the open rural character of the countryside.

Note:

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team.

**Application Ref:** 20/0646/FUL

**Proposal:** Full: Conversion of Barn to 2 No. dwelling houses and erection of a detached double garage.

**At:** Ogden Hill Farm, Barley Lane, Barley

**On behalf of:** Mr Stephen Slater

## REPORT TO BARROWFORD AND WESTERN PARISHES AREA COMMITTEE 7<sup>th</sup> January 2021

**Application Ref:** 20/0707/FUL

**Proposal:** Full: Erection of three dwellinghouses

**At:** Land to south west of White Holme, Barrowford

**On behalf of:** Pinnacle View Homes

**Date Registered:** 20/10/2020

**Expiry Date:** 15/12/2020

**Case Officer:** Laura Barnes

This application has been brought before members as more than 3 objections have been received.

### **Site Description and Proposal**

The application site is part of the land at 317 Gisburn Road, Barrowford which was granted outline consent for residential development in 2002.

Since that time a number of applications have been received for housing development (see history).

This application proposes three dwellings on land that has a number of protected trees on it. These are mainly on the boundary of the land.

The site is accessed from the estate road to the north through an estate of modern houses. To the west there are fields and to the east an unadopted road serving residential houses.

There are trees along the southern boundary. These consist of coniferous trees for the eastern section adjacent to the drive and garage of number 2 Ribblesdale Place. These turn into deciduous trees beyond the conifers.

The dwelling to the south of the site is a bungalow. It is set back from Ribblesdale Place and there is a driveway separating it from the boundary of the application site. There are openings in the elevation facing the site. Beyond the driveway there is a garage that extends beyond the rear elevation of the dwelling on the boundary between the two plots.

Beyond number 2 Ribblesdale Place lies 4 Ribblesdale Place. The boundary of number 4 lies 27 from the application site.

### **Relevant Planning History**

There are a number of planning applications on this and the adjacent site. The relevant applications are listed below:

13/10/0021P – Erect three detached dwellinghouse with garages Refused but subsequently allowed at appeal 22nd March, 2010.

13/10/0021C1 – Approval of Details Reserved by Condition: Discharge of Conditions 3 (Fencing), 4 (Drainage), 5 (Tree protection), 6 (Tree protection) and 7 (Tree planting) of Planning Permission 13/10/0021P.



Discharge conditions 3, 4, 5, 6 and 7, subject to implementation 11<sup>th</sup> October 2013.

13/16/0093P – Full: Erection of 3 detached dwellings and garages and form new access. – Approved 13<sup>th</sup> May 2016.

20/0182/VAR – Variation of Condition: Vary Condition 7 (Tree Planting Plan) of Planning Permission 13/16/0093P – Approved 20<sup>th</sup> July 2020.

20/0298/CND – Approval of Details Reserved by Condition: Discharge conditions 5 (Tree protection fencing) and 6 (Tree protection hand digging) of Planning Permission 13/16/0093P – Pending Consideration.

20/0400/VAR – Full: Variation of Condition: Vary Conditions 2 (Plans) of Planning Permission 13/16/0093P to amend the design of plot 7 – Withdrawn 18<sup>th</sup> December 2020.

## **Consultee Response**

### **LCC Highways**

Having considered the information submitted, the Highway Development Support Section does not have any objections regarding the proposed amendments to development at the above location. The following comments should be noted.

The internal dimensions of all the proposed garages are less than 6 x 6m and can therefore only be counted as one parking space. The driveways for Plots 7 and 9 are of an adequate size to provide an additional two spaces per dwelling, giving a total of three off-road parking spaces. However, Plot 10's driveway would only provide one additional space, giving a total of two off-road spaces.

### **Barrowford Parish Council**

No Objection: After over a decade of blight to some residents of Ribblesdale Place the Parish Council is keen to see this development completed within the lifespan of any granted permission.

### **United Utilities**

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Following our review of the submitted Drainage Strategy (Ref: 20-109 D01 Rev C, dated 05.10.20) we can confirm the proposals are unacceptable in principle to United Utilities.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach detailed above:

#### *Condition 1 – Surface water*

*No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:*

*(i) An investigation of the hierarchy of drainage options in the National Planning*

*Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;*

*(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and*

*(iii) A timetable for its implementation.*

*The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.*

*The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.*

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

*Condition 2 – Foul water*

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

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

## **Public Response**

Seven letters have been received from members of the public, following notifications being posted to the nearest neighbours.

The letter of support states:

- The site has been there for some time and is now finally starting to feel complete
- The dwellings are in keeping with others in the area
- A lot of thought has gone into the protection of the existing trees and making space for them by removing existing shrubs

The six letters of objection raise the following issues:

- Concern about neighbouring amenity particularly in relation to the proximity of the proposed dwellings to No. 2 Ribblesdale Place, causing overbearing impact and loss of privacy
- Site layout is cramped
- Works being undertaken not in accordance with approved plans
- Amount of garden amenity space is limited
- Works have been unlawfully undertaken to TPO trees
- Drainage issues in relation to an easement with No. 2 Ribblesdale Place
- Pre-commencement conditions not discharged
- Question surrounding validity of permission, given the foundations have not been built in accordance with approved plans
- Eaves height and garage height on Plot 7 increased
- Existing trees are an important wildlife habitat and branches from these have been removed
- Bat boxes have been removed by the developer

## **Officer Comments**

### **Policy**

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

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

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

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

Replacement Pendle Local Plan policies are relevant to this proposal:-

Policy 16 'Landscaping in New Development' requires all development proposals which involve new build to include a scheme of landscaping sympathetic to the site's character and vicinity. This is addressed under the Landscaping and TPO section below.

Policy 31 'Parking' supports new developments which are in line with the Maximum Car and Cycle Parking Standards. This is addressed under the Highways Section below.

## **Principle of the Development**

The principle of housing development has been established on site over a number of applications and a planning appeal. The development of 3 houses was first approved on site under the appeal referred to above.

The appeal is a useful document in considering the scheme. Although each application must be considered on its own planning merits the appeal did consider many of the pertinent points and is useful in dealing with the material considerations for this application. Some of the differences between the approved and extant scheme to the current one include the conversion of the conservatory at plot 7 to form a sunroom, moving the garage and rotating the plot. The approved garage to plot 7 was within the root protection areas of trees 2.3 and 2.5. Plot 9 and the garage have been moved out of root protection areas. Plot 10 has been moved closer to the boundary, to accommodate the repositioning of plot 9 and the conservatory to plot 10 has been moved to the east elevation.

## **Impact upon amenity**

### Plot 7

The orientation of the dwelling has altered to that of the extant scheme in a clockwise direction. The building would also be pulled marginally further away from the boundary than the approved scheme.

The amendment of the conservatory to a sun room with a solid roof has no additional impact on amenity of privacy.

The development of this plot will not have any direct privacy impact on the dwelling at number 2 Ribblesdale. It will face the rear garden but that relationship is an acceptable one. There is no material difference to the relationship to the scheme approved on appeal which was also acceptable.

Concerns have been raised that the development affects the amenity of number 4 Ribblesdale Place. That property is beyond the garden of Number 2 beyond 27m. It faces a garden. Acceptable privacy distances between facing windows is 21m in accordance with our residential design guide. Facing a garden beyond 27m presents no impact on residential amenity and is not a ground for objecting to the scheme.

### Plot 9

Trees 1.12 and 1.13 were not indicated on the original survey and the garage was sited on these trees. The house was also sited within the root protection area of tree 1.11.

As a result, Plot 9 was moved outside of the root protection zone of 1.11 and the garage moved so trees 1.12 and 1.13 could be retained and protected.

In relation to neighbouring amenity, the closest dwellings are the proposed Plot 10 and existing dwellings on Ribblesdale Place (Nos. 5, 7 and 9). There are three proposed side facing windows, one to each floor at Plot 9, which face towards Plot 10. However, two of these windows are to serve bathrooms with the other serving an entrance hall and could be conditioned to be obscure glazed.

Plot 9 does not present any adverse impacts on residential amenity to other dwellings.

### Plot 10

This plot has the closest relationship with number 2 Ribblesdale Place.

The distance from the house to the boundary is 6.4m.

Plot 10 is adjacent to a neighbouring bungalow and the impact on the amenity and privacy of the bungalow must be considered. The closest window of the proposed house at ground floor level is the kitchen window. That would face the neighbouring property. The fence that is in place would prevent any loss of privacy. The closest window at first floor level is a dressing-room window.

Windows at the first floor have the greatest potential to result in loss of privacy. The elevation is 12.45m from the elevation of the bungalow adjacent. The bungalow has had an additional window inserted into the ground floor since the three dwellinghouses were originally approved at appeal. The relationship however to that of the extent scheme at first floor is not materially different. The tree screening that is in place and which will remain also provides a significant element of natural screening. The location of the unobscured new window in Number 2 also reduces the possibility of overlooking. The combination of these factors is that the scheme would not result in a loss of privacy to the occupants of number 2 Ribblesdale Place.

In relation to the second floor dormer windows, these are set back from the eaves such that this would reduce significantly the possibility of any direct overlooking between the proposed development and No. 2 Ribblesdale Place. That combined with the height and angle would not lead to a situation where privacy would be lost.

In terms of residential amenity it is important to recognise that in coming to a decision in 2010, the appeal Inspector (Appeal Reference: APP/E2340/A/10/2126508) did not consider that there was a residential amenity issue which warranted the application of conditions when they allowed the appeal. It stated at paragraph 5 that "the fence, trees and other vegetation provide a clear visual separation of the site from other dwellings in Ribblesdale Place". Had the Inspector felt there was a neighbouring amenity issue caused by the proposed development, he could have included a condition which ensured that the trees remained in perpetuity. Although the schemes were different this indicates that the relationship with the neighbouring property was acceptable without the trees that are in situ being required to be retained.

As such, the position in relation to neighbouring amenity accords with Policy ENV2 of the Local Plan Part 1: Core Strategy and Design Principles SPD.

The dwelling on plot 10 is the only one with a potential to be overbearing on number 2 Ribblesdale Place. It lies 14m from the side elevation of number 2 which has one unobscured window in it.

There are large mature trees and a fence in-between. That relationship is an acceptable one and will not cause any overbearing impact on the setting bungalow.

## **Design**

The design and materials of the proposed dwellinghouses are similar to the other seven dwellings already approved and completed on the site and therefore are acceptable.

The proposed dwellinghouses would be of a similar appearance to the existing buildings on the remainder of the site and would be constructed of the same materials. They sit acceptably in the landscape and are largely screening by the existing vegetation.

Concerns have been expressed that the development is cramped and lacks external amenity space. The layout provides for adequate separation, no overlooking between properties and has available external parking. It is not cramped. There are no external garden standards in either local or national planning policy that would lead to a conclusion that the development does not have adequate external spaces.

The development is acceptable in terms of design.

## **Drainage**

The application seeks to have an attenuation tank, which relates to surface water drainage within the site boundary. Following discussions this has been moved from within the Root Protection Area of one of the existing trees.

United Utilities have reviewed the proposals and have raised an objection as the development does not follow the national hierarchy for effluent disposal. We have asked for further details on this. However if they are not received the matter can be dealt with by the imposition of an appropriate condition as has been applied to the previous schemes.

## **Trees and Landscaping**

Policy ENV1 of the Local Plan Part 1: Core Strategy seeks that development makes a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments. It states that the impact of new development on the natural environment should be kept to a minimum. A number of mature trees close to the western, southern and eastern boundaries of the site are included in the Ribblesdale Place Tree Preservation Order No 2, 2003 (TPO). It is acknowledged by the Inspector of the fall-back scheme and echoed by the Council that the trees are an important element in the landscape and contribute significantly to the character and appearance of the area. The applicant has submitted an arboricultural impact assessment, tree protection plan and planting plan. These indicate that holly, hornbeam hedge, small leaved lime Standard sized, and a Scots pine Standard sized shall be planted.

The arboricultural report also sets out that some trees are recommended for removal, as follows:

- The horse chestnuts on the eastern boundary have suffered from bleeding canker (see <https://www.forestresearch.gov.uk/tools-and-resources/pest-and-disease-resources/bleedingcanker-of-horse-chestnut/>) and are recommended for removal and replacement
- The mature beech trees to the south east and south west could be lightly pruned to provide more clearance from the proposed dwellings. Small diameter pruning to live side branches can be undertaken on a cyclical basis without detriment to their health or longevity
- The cypress trees to the south eastern boundary are in good health, however they have reached a size where removal and replacement is considered the best option for the following reasons –
  - They suit as a boundary feature for a large garden but if retained would dominate the relatively small garden of the approved layout

- They would cast year-round shade and be under pressure for pruning/removal due to this and apprehension in high winds from the new occupier
- Cypress of this type are prone to structural branch failures (some seen to north already) in maturity
- As such and in agreement with the LPA removal and replacement is proposed
- Maturing Ash saplings and early mature trees on the southern boundary are recommended for removal and replacement as they are unlikely to reach maturity due to Ash Dieback Disease (<https://www.forestresearch.gov.uk/tools-and-resources/pest-and-disease-resources/ashdieback-hymenoscyphus-fraxineus/>) already present in the local area.
- Individual poor specimens that would not be appropriate in a new garden have also been recommended for removal and replacement
- Some poorly structured trees have been recommended for formative pruning

It is important that the proposed development does not impact upon the root protection areas of the protected trees, as such it is recommended that conditions are placed upon any grant of planning permission to ensure that development is outside the root protection areas and the trees are sufficiently protected during the construction process. In addition, any excavation required within 4m of the trees which are to be retained, should be hand dug. Again, this can be secured by a suitably worded planning condition. Subject to conditions, the proposal accords with Policy ENV1 of the Local Plan Part 1: Core Strategy.

Matters raised about unauthorised work to trees are not matters for consideration under a planning application and are one for consideration of whether or not to take any action for breach of a TPO as appropriate.

## Highways

LCC Highways have not raised any objection to this proposal. The use of the existing access is acceptable.

Car parking spaces are proposed for each plot, however LCC Highways have raised concerns that the garages are not sufficient to be counted as two parking spaces. There are two external spaces available for plots 7 and 9. The layout shown on the plans does not have enough space for two external spaces on plot 10 but there is sufficient space for that plot to have an additional external space provided.

## 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 design, amenity and highway safety. The development is therefore compliant 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 satisfactory surface water drainage details

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:

- Site Location Plan, prepared by Planet Architecture, Ref: A1/09/2020/1/001
- Plot 7 Proposed Floor and Elevation Plans, prepared by Planet Architecture, Ref: A1/09/2020/1/003
- Plot 9 Proposed Floor and Elevation Plans, prepared by Planet Architecture, Ref: A1/09/2020/1/004
- Plot 10 Proposed Floor and Elevation Plans, prepared by Planet Architecture, Ref: A1/09/2020/1/005
- Proposed Site Plan, prepared by Planet Architecture, Ref: A1/09/2020/1/002
- Arboricultural Impact Assessment, prepared by treeplan, dated September 2020
- Tree Protection Plan, prepared by treeplan, dated September 2020
- Tree Planting Plan, prepared by treeplan, dated September 2020

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

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

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

4. Notwithstanding any indication on the approved plans, the side elevation windows (serving bathrooms and a hallway) at plot 10 of the development hereby permitted shall at all times be fitted with obscure glazing to at 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. The window shall be hung in such a way 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.

5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 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, G and H of Part 1 and Classes A, B and 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 character and amenity of the area and impacts on neighbouring properties.

6. No dwelling shall be occupied unless and until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.
- (iv) Details of how foul and surface water will be disposed of.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

7. Prior to the first occupation of any dwelling a detailed landscaping scheme shall 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;
  - d. all proposed hard landscape elements and pavings, including layout, materials and colours;
  - e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety in 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.

8. All works involving excavation of soil, including foundations and the laying of services, within 4 metres 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 safeguard existing trees to be retained.

9. No further ground clearance, demolition or construction work shall take place until protective fencing to BS 5837 at least 1.25m high, securely mounted on timber posts, and has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land. No development shall take place until the written approval of the local planning authority has been issued confirming that the protective fencing is erected in accordance with his condition. The fencing shall be located at least 1.0m beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Exposed roots with a diameter of more than 25mm shall be left uncut. There shall be no construction work, development or development-related activity including the deposit of soil or the storage of materials within the fenced areas. The protective fencing shall be retained during the construction period.

**Reason:** To prevent trees from being damaged during building works.

10. All windows shall be set back from the external face of the wall. The depth of reveal shall be a minimum of 70mm.

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



11 No dwelling shall be occupied unless and until two external car parking spaces have been provided to serve that dwelling. Those spaces shall thereafter be permanently retained for the parking of cars.

**Reason:** In order to ensure that the development is served by an adequate level of car parking.

**Application Ref:** 20/0707/FUL

**Proposal:** Full: Erection of three dwellinghouses

**At:** Land to south west of White Holme, Barrowford

**On behalf of:** Pinnacle View Homes

## REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 07 JANUARY 2021

**Application Ref:** 20/0749/FUL

**Proposal:** Full: Conversion of Barn to 2 No. holiday lets and the siting of 5 No. holiday cabins (Re-Submission).

**At:** Stone Fold Farm, Stump Hall Road, Higham

**On behalf of:** Mrs Daisy Whitehouse

**Date Registered:** 06/11/2020

**Expiry Date:** 01/01/2020

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is a stone barn adjacent to a farmhouse and open land to the south, either side of the access track to the farm. The site lies within the open countryside and the Forest of Bowland AONB. The site sits on a valley side sloping down to Sabden Brook to the North, rising to Spence Moor and Pendle Hill beyond. Public footpaths 112, 114, 115 and 118 run along and parallel to the access track and there is an extensive network of Public Rights of Way on the opposite valley side.

The proposed development is the conversion of the barn to 2 one bed holiday lets and the siting of five holiday cabins (2 two bed and 3 one bed) within the garden of the property. The proposed holiday cabins would be clad in cedar boarding with timber framed windows and doors.

This application follows a similar application refused in August 2020 on the grounds of impact on the AONB and highway safety relating to substandard access. This application has been submitted with a traffic speed survey and a revised visibility splay plan detailing splays of 2.4m x 50m eastbound and 48m westbound as opposed to the 2.4m x 43m splays detailed in the previous application.

### **Relevant Planning History**

18/0563/FUL - Full: Conversion of barn into 2 Holiday Lets (Use Class C3). Refused.

20/0259/FUL - Full: Conversion of Barn into 2 No. Holiday Lets and the Siting of 5 No. Holiday Cabins. Refused.

### **Consultee Response**

**LCC Highways** – Having considered the information now 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, and conditions and notes being applied to any formal planning approval granted.

#### **Visibility splays**

An automated speed survey was conducted between 3 and 9 September 2020. Due to the ongoing national pandemic, traffic data is now being assessed on a case by case basis. Traffic using Stump Hall Road is likely to be localised and therefore the highway authority considers that traffic conditions are unlikely to be much different to

pre-pandemic ones, and so accepts the data submitted.

85th percentile speeds of 33.1mph (eastbound) and 32.5mph (westbound) have been recorded through the above traffic count. Visibility splays, based on 85th percentile speeds, of 50m (eastbound) and 48m (westbound) have now been submitted (Drawing No H3288-H-01 Rev P2 (dated 14/09/20)). Based on the information submitted, these can be constructed over land within the applicant's ownership and/or the adopted highway network.

The above plan also shows a vertical height of 1.05m for the visibility splay. However a vertical height of no greater than 0.9m would only be accepted by the highway authority, given that visitors to the site will be unfamiliar with the road network, the road's narrow and enclosed nature, and that there was a collision resulting in personal injury outside the access in April 2019.

The construction of appropriate visibility splays would require regrading of the embankment which forms part of the adopted highway. These improvements would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. We must be satisfied, at condition discharge, that the integrity of the wall is not compromised by these works and that the visibility splays will be maintained.

#### Site access

Access to Stone Fold Farm is via a single width track, which is narrow, unlit, with no formal passing places and steep verges/embankments from the cattle grid at the entrance to the first bend (approximately 57m). Due to the nature of the landscape in the area sections of this track result in poor intervisibility where it would be difficult to see other users. Public Footpath 112 (Higham with West Close Booth) also passes over this first section of track, with Footpaths 114 and 115 passing over the lower section.

If planning approval is granted for any element of this application we recommend that the existing access at the junction with Stump Hall Road is widened to accommodate two vehicles within the access to prevent vehicles obstructing the flow of traffic on Stump Hall Road and also obstructing, or encroaching into, the visibility splays. These improvements 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 and re-location of the Public Right of Way post and sign. If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process.

#### Highway safety

An examination of highway accident statistics reveals that there have been two recorded personal injury accidents (PIA) collisions along Stump Hall Road within 400m of the site documented within the last six years. One appears to have occurred close by and was as a result of two vehicles colliding head on. This collision resulted in four casualties, one of which was serious. This highlights the dangers of the single track nature of Stump Hall Road in the vicinity of the site which has insufficient width for two vehicles to pass. The other was very near to the access leading to Stone Fold Farm in April 2019, for which we are currently awaiting further details.

#### Public Rights of Way

The proposed development would affect a number of Public Footpaths, both directly and indirectly. These are Footpaths 112, 113, 114, 115, 116, 118, 119, 120 and 122.

Public Rights of Way must not be obstructed during any proposed development. It is the landowner's responsibility to ensure that the necessary procedures are followed for the temporary closure or legal diversion of a Public Right of Way if this should be necessary.

We note the Countryside Access Officer's comments dated 20 November 2020 regarding the public rights of way network, and support these, including the suggested informative note.

### Passing places

As part of the previous planning application (18/0563/FUL) the applicant proposed two passing places along the access track (Drawing No 1809-01 Rev A dated 9/8/18). No passing places have been included in this current application. To ensure that two vehicles can pass each other we recommend that two suitably sized and located passing places are provided along the access track. The combined width of the track and passing bay should be a minimum of 5.5m over a length of 5m, with 5m tapers being provided at each end. Any scheme for the passing places should include details of the surfacing and any retaining measures. We note in their Planning Statement (para 5.25) that the applicant is amenable to the inclusion of a condition covering passing places attached to any planning permission granted.

### Access by public transport

The Planning Statement (para 5.19) quotes from Pendle Borough Council's Core Strategy Policy (2015) Policy WRK5 which indicates that proposals would be supported where they promote sustainable tourism and are readily accessible by public transport.

The nearest public transport is the bus service through Higham with one bus every two hours Monday to Saturday, which is a distance of approximately 2km. Another service is available on Barrowford Road, again with one bus every two hours Monday to Saturday, with a distance over 2km. Any route to these bus stops via the surrounding highway network would be along narrow, unlit roads, with no footways and, in places, nowhere for pedestrians to safely step off the carriageway.

In terms of sustainability the nearest bus stop is 970m away (as the crow flies). The site is located a significant distance from the nearest convenience stores, with the closest being located in excess of 2.5km away at Padiham or further afield within the neighbouring villages of Fence and beyond. However the Proposed Site Plan (drawing 2046\_011 Rev B) and Planning Statement (para 4.16) indicate that a limited number of basic provisions would be available to purchase on site, which may limit, to a small degree, the number of journeys needed to be made by car.

### Parking Provision

Given the previous comments regarding access to public transport, and that the site is for tourism (so visitors are likely to be travelling from outside the area), maximum Parking Standards should be applied to the site. This is even more imperative given the absolute lack of on-street parking facilities within a significant circumference of the site. The applicant has only shown eight spaces for the holiday lets and nine

should be provided (two per each two bed unit, one per each one bed unit).

### Proposed year round use

In their Planning Statement (para 4.21) the applicant indicates that they intend the holiday accommodation to be let all year round. We would highlight that Stump Hall Road is classed as a secondary gritting route. This means that the route is not treated as a priority and would only be gritted during situations of prolonged snow or ice and only once the primary sections of the highway network have been cleared. Given the above, we would have concerns regarding an intensified use of the route during prolonged winter conditions, particularly by those unfamiliar with the highway network.

If the local planning authority is minded to approve this application the following conditions and notes should be applied to any formal planning approval granted: Visibility splays, off site highway works, car parking, passing places and a note relating to off site highway works

### **LCC AONB Partnership -**

**Lancashire Fire and Rescue Services** – Comments relating to building regulations.

**Lancashire Constabulary** - The applicant should be encouraged to build the dwellings to achieve the Secured by Design Gold certification to keep people safe and feeling safe.

**PBC Environmental Health** – Please attach a note relating to private water supplies.

**PBC Public Rights of Way** - There are nine public footpaths which are either within the site boundary or which start from the site boundary, as identified by the path numbers 13-14-FP112, 13-14-FP113, 13-14-FP114, 13-14-FP 15, 13-14-FP116, 13-14-FP118, 13-14-FP 19, 13-14-FP120 and 13-14-FP122. I attach a map to illustrate the position of the footpaths.

The Overall Site Plan 2046-010 Revision B shows a number of the public footpaths as black dashed lines labelled “public footpath”, but the part of footpath 13-14-FP122 which passes through the site, and the footpaths which run along the access road to the site are not indicated in this way. Furthermore footpath 13-14-FP120 is incorrectly shown because it shows the old line of the footpath which has since been diverted to the line shown on the map attached.

There may be some impact on public access as a result of increased traffic on the lane but this effect is likely to be negligible and therefore I have no objection to the proposals. However, there is the potential for unforeseen impacts of the proposed development activity and therefore please attach a note relating to obstruction of public rights of way.

**Higham with West Close Booth Parish Council** – Raises the following matters of concern:

Apart from the production of a Speed and Vehicle-Count Survey and a slightly revised Visibility Splay Plan, this Application is unchanged from and based upon the same documents and information as previously presented under Application No. 20/0259/FUL - which resulted in the Refusal Decision by the Council’s Policy and Resources Committee dated 27th August 2020. Those two additional documents do not significantly change the previous Application as then before the Council or satisfy the main substance of the Reasons for Refusal. The Parish Council submits that the Applicant should be appealing that decision rather than pursuing this nearly identical and repetitious Re-Submission Application.

The Parish Council supports and considers still to be applicable both primary grounds of refusal as set out in the Refusal Decision dated 27/8/2020, namely:

1. The development would lead to an increased use of the highway via a substandard access. The increase in vehicular traffic resulting from the proposed development would result in an unacceptable impact on highway safety
2. The development would result in unacceptable harm to the landscape and scenic beauty of the Forest of Bowland Area of Outstanding Natural Beauty

The Parish Council's concerns remain the same as on the previous Application. Therefore, the Parish Council maintains and re-submits them as set out in its letters dated 17/5/20 and 18/8/20, copies of which are attached. The Parish Council requests full reconsideration of all points, some of which do not appear to have been adequately addressed and, it is submitted, contain additional reasons for refusal, including particularly:

- Absence of any viable and acceptable means of refuse collection and site storage having regard to the potential quantities and the character of the access track and surrounding environment
- Absence of any satisfactory means of waste-water and sewage disposal having regard to the potential quantities and pollution-susceptible environment

For the avoidance of doubt, the Parish Council is aware of the slight modifications in design of the cabins, site layout and tree scheme introduced after their initial consideration and objection letter but before the Committee stages. These do not change the objections set out in that letter and it is noted among other things that the proposals for verandas, hot tubs, interconnecting illuminated boardwalks, and small shop with local ales and drinks, are unchanged.

In relation to the only new documents, i.e. Speed / Vehicle-Count Survey and revised Visibility Splay Plan, the Parish Council makes the following further observations:

- The Survey appears to have been carried out over a limited period of one week in September during COVID-19-limiting circumstances when traffic numbers were probably lower than normal; there is no contextual, explanatory or authenticating report; its adequacy and reliability is open to question
- Nevertheless, it appears to have recorded a substantial vehicle count of 1597 vehicle journeys, confirming local concerns about the already heavy usage on this narrow and difficult road; that issue has not been addressed
- Even on a conservative estimate of 7x2 visitor in-out and 2x2 delivery/service vehicle in-out journeys per day, the total recorded weekly number of road journeys would be increased by 126, i.e. an 8% increase
- There is no other multi-occupancy site on Stump Hall Road; it is not suited to such
- The Survey appears to have recorded highest speeds up to 56-60mph which should be taken into account rather than just average speeds; as previously commented, it only takes one!
- When considering both the appropriate visibility splays and the general speed and safety factors at the site exit, account should be taken of the blind hill-brow and slope on the easterly side, which is a known danger hazard. This requires on-site viewing and measurement. The relevant distance to the brow appears to be approximately 70 metres. Viewed from the requisite 2.4m entrance set-back position, the brow could not be seen

without very substantial cutting back of the high retaining bank, possibly the wall and part of the adjacent field

Accordingly, the Parish Council objects to this Application.

**Goldshaw Booth Parish Council** – Makes the following observations:

Most of the original concerns raised by the Parish Council seem to have been taken into consideration with the amended application, particularly in relation to the relocation/screening of the cabins; however, concerns remain that the development would be clearly visible from the higher ridges of the valley. Also, the existing trees could be felled at a later stage.

Access to the site via the narrow and winding road, which LCC Highways previously highlighted and the increased vehicular and pedestrian usage would have an unacceptable impact on local roads.

These views and concerns in relation to vehicular noise and road safety caused directly by increased traffic along the narrow lanes were also voiced by local residents and their opinions should take precedence.

The development could be considered as inappropriate to the character of the rural landscape and therefore not in keeping with the rustic charm of the area.

There would also be increased noise and light pollution in the area.

### **Public Response**

Nearest neighbours notified. Responses received, including a 138 signature petition, objecting to the development on the following grounds:

- Stump Hall Road narrow with poor passing and visibility and popular with walkers, cyclists and horse riders, the increase in traffic would be of significant danger
- Harm to the landscape
- Harm to the character of the AONB
- Harm to the heritage of the area
- Noise and light pollution
- Prominent visibility from public rights of way that cross the land
- The public right of way through the site is blocked and this should be rectified
- Where would refuse be stored?
- No local shops within walking distance
- No access to public transport
- Impact on bats and other wildlife
- Adverse impact on tourism in the area
- There is not a justification for additional holiday lets at this location
- The development would have an adverse impact upon the SSSI Impact Risk Zone
- Harm to the setting of Sabden Fold Conservation Area and nearby Listed buildings
- Local opinion must be given weight in the decision
- The additional documents do not fully address the previous reasons for refusal
- The proposed on-site shop is unacceptable
- Insufficient foul sewage arrangements
- Impact of alterations to the access track on the AONB
- The submitted traffic survey is inadequate and should take into account reduction in traffic flows due to covid

- Inadequate access for refuse vehicles
- The application could set a precedent for future development

## **Officer Comments**

### **Policy**

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG, or its replacement. In determining proposals which affect the Forest of Bowland Area of Outstanding Natural Beauty (AONB) great weight will be given to conserving its landscape and scenic beauty. In addition, proposals in the AONB will be considered on a needs basis, should be in scale with and have respect for their surroundings, and be in line with AONB Management Plan objectives. Proposals in the AONB should have regard to the Forest of Bowland SPG or its replacement.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets. Proposals should protect or enhance the natural environment and not detract from the natural beauty of the AONB by way of their siting, size, design and appearance.

Policy WRK5 (Tourism, Leisure and Culture) states that Proposals associated with the provision of new or improved facilities for tourism, leisure and cultural activities, including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.
2. Help to improve the quality and diversity of the existing tourism offer, and extend the tourist season.
3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards in terms of design and accessibility.

### **National Planning Policy Framework**

Paragraph 109 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

### **Principle of the development**



Concerns have been raised regarding the sustainability of the location for the provision of tourist accommodation.

There is an identified need within the borough for the provision of tourist accommodation such as this and the nature of tourist accommodation is that it is located in countryside locations with easy access to outdoor activities such as walking and cycling. Therefore, it is accepted that tourist accommodation can, where necessary, be located in locations that would not be acceptable for similar unrestricted dwellings. Furthermore, the Forest of Bowland attracts tourists to the area and provision needs to be made within the AONB to accommodate tourists.

Policy WRK5 states that applications for tourist accommodation will be supported were they do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport.

Paragraph 83 of the Framework states that decision should enable sustainable rural tourism and leisure developments.

The site is approximately an 800m walk from the settlement of Higham, with the most direct route being by public rights of way. Whilst these are unlit and partially unmade they would provide suitable pedestrian access to the village and visiting tourists are likely to be more prepared to walk longer distances over such public rights of way than typical for a occupier of a dwelling. Taking this into account the site has acceptable accessibility for tourist accommodation in accordance with policy WRK5 and the Framework.

### **Amenity**

The proposed conversion and cabin development would raise no unacceptable residential amenity issues.

The level of noise from small scale holiday accommodation such as this would not be so great as to result in unacceptable residential amenity impacts.

### **Ecology**

The ecology survey identifies potential impacts on bats and bird habitats, it proposed mitigation measures for the impact on wildlife, these are acceptable and can be ensured by condition.

A bat survey has been submitted which identifies that a bat roost is present within the building proposed for conversion. The development would result in destruction of the roost which must be carried out under licence. Mitigation measures are proposed to provide replacement habitat provision. The proposed mitigation can be ensured by condition.

Concerns have been raised that the site is within a SSSI impact risk zone, the site is not within an SSSI, the nearest is Little Mearley Clough approximately 4km to the north west and the development is not of a scale or nature that would adversely impact upon any SSSI.

### **Drainage**

Acceptable foul and surface water drainage provision could be ensured by condition.

### **Highways**

The previous application was refused in part due to unacceptable highway safety impact relating to the substandard access proposed.

This application has been accompanied by a traffic speed survey of Stump Hall Road, this demonstrates that 85<sup>th</sup> percentile average traffic speeds are 33.2mph eastbound and 32.5mph westbound at the access.

A visibility splay plan has been submitted demonstrating that acceptable visibility spaces of 50m eastbound and 48m westbound, in accordance with Manual for Streets standards can be accommodated.

LLC highways have raised no objection subject to minor alterations to the vertical height of the splays, from 1.05m to 0.9m, which can be controlled by condition. The work required to the highway verge to achieve the splays and widen the access would be carried out under a section 278 legal agreement with LCC and a condition would require that the works are carried out before the proposed use commences.

It has been raised that the road used to access the site are not on a gritting route. Taking into account the minor scale of the development and the need to provide year round tourist accommodation within the AONB the year round use would not result in an unacceptable highway safety impact.

Intervisible passing places would also be necessary on the access track to ensure that vehicles do not reverse back out onto the highway, these could be required by condition.

LCC have advised that one additional car parking space is necessary, there is adequate space within the site for this to be accommodated and it can be ensured by condition.

The details submitted with this application fully resolve the previous highways reason for refusal and the development is acceptable in terms of transport and highway safety in accordance with policies ENV4 and WRK5.

### **Heritage Impact**

The nearest Listed Buildings are at Lower Houses Farm 62m to the north east and Dean Farm 650m to the west, the boundary of the Sabden Fold Conservation Area is approximately 350m to the north of the site. Taking into account those substantial separation distances the proposed development would not unacceptably impact upon the setting of the Conservation Area or any Listed Building.

### **Visual, Landscape and AONB Impact**

The previous application was refused in part on the grounds of unacceptable harm to the landscape and scenic beauty of the AONB. This application is identical to the previous application in terms of its visual and landscape impact and, as the Council must be consistent in its decisions, it is recommended that the same decision is made in relation to the impact on the landscape and scenic beauty of the AONB.

### **RECOMMENDATION: Refuse**

For the following reason:

- 1: The development would result in unacceptable harm to the landscape and scenic beauty of the Forest of Bowland Area of Outstanding Natural Beauty contrary to policies ENV1, ENV2 and WRK5 of the Pendle Local Plan Part 1: Core Strategy, the guidance of the Supplementary Planning Guidance: Forest of Bowland AONB and paragraph 172 of the National Planning policy Framework.

**Application Ref:** 20/0749/FUL

**Proposal:** Full: Conversion of Barn to 2 No. holiday lets and the siting of 5 No. holiday cabins (Re-Submission).

**At:** Stone Fold Farm, Stump Hall Road, Higham

**On behalf of:** Mrs Daisy Whitehouse

## BARROWFORD AND WESTERN PARISHES COMMITTEE 7<sup>TH</sup> JANUARY 2021

**Application Ref:** 20/0757/LHE

**Proposal:** Permitted Development Notification (Proposed Larger Home Extension):  
Erection of single storey flat roof extension to the rear (8m Length, 3m eaves height and 3.3m overall height).

**At:** 19 Acresbrook, Higham

**On behalf of:** Mr J Townsend

**Date Registered:** 13/11/2020

**Expiry Date:** 25/12/2020

**Case Officer:** Laura Barnes

### **Site Description and Proposal**

This application is made under the provisions of the General Permitted Development Order 2015. Part 1, Class A allows for larger domestic extensions (up to 8m for a detached dwelling) subject to a notification process.

The notification process requires that adjoining neighbours are notified and if the owner or occupier of any adjoining premises objects the prior approval of the local planning authority is then required as to the impact of the proposed development on the amenity of any adjoining premises.

In this prior approval assessment, the local authority must consider the amenity of all adjoining premises, not just those which have made representations. In this case objections have been raised from both the adjoining properties as well as other nearby occupants, as such the aforementioned paragraph is engaged and impacts of the development must be assessed.

The scheme seeks to erect a single storey rear extension, 8m in projection and 3.1m in height.

### **Planning History**

None relevant.

### **Consultee Response**

None required.

### **Public Response**

Five letters of objection have been received, their comments can be summarised as follows:

- Loss of privacy, given the separation distance between dwellings
- Over development of the plot, the proposed extension has a very large footprint
- Breach of human rights in relation to enjoyment of own land / property
- Concern over outdoor entertaining and the bar which is incorporated into the extension
- Proposed materials are inappropriate
- Issues concerning parking

### **Policy**

## Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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.

## Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

## National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies 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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

## **Officer Comments**

This process requires the amenity of adjoining neighbours to be considered, as detailed in the GPDO. Comments have been received from other properties in the surrounding area, in relation to a Larger Homes Notification, the legislation sets out what can be considered. This is limited to the amenity of adjoining neighbours only. This is set out in the legislation relating to this type of application in the Town & Country Planning (General Permitted Development) England (Order) 2015 Schedule 2, Part 1, Class A which sets out conditions at A.4 (7) and is not discretionary.

The Design Principles SPD sets out the Council's position with regard to single storey rear extensions. It states that an extension on or immediately adjacent to the party boundary will normally be acceptable provided it does not project more than 4m. This distance can be relaxed if sited away from the boundary or if larger extensions are characteristic and there is no adverse impact on neighbours. In addition, the SPD states that single storey extensions of greater than 4m depth will normally only be permitted if it does not breach the 45 degree rule.

The development would project 8m from the existing rear wall and would be located 1.6m from the shared boundary with No. 1 Copthurst Avenue and 1.8m from the shared boundary with No. 17 Acresbrook Road. No. 17 is set back further into the site with a single storey extension which projects out from the rear of the dwelling by 3.2m. The proposed extension would project 1.4m

beyond the extension at No. 17. This projection 1.8m off the boundary would not have an unacceptable impact upon neighbouring amenity.

Having assessed the proposed development against the 45 degree rule, there is no breach. As such the neighbouring property would not experience an unacceptable loss of light as a result of the proposed development. Due to its scale and massing the proposed extension would not have an overbearing effect upon the neighbouring dwelling.

Concerns have been raised about outdoor entertaining in relation to neighbouring amenity. Under Article 8 of the Human Rights Act 1998 everyone has the right for his private and family life and this includes the applicant. The neighbouring properties are not unduly impacted by this proposal which is acceptable in this residential setting.

The submitted plans stated that the materials were to be dark grey and white cladding panels or porcelain tiles. The GPDO requires that developments constructed under the Larger Homes Extension procedure are constructed of materials which are similar in appearance to the original dwelling. Amended plans have been submitted which state that the proposed extension is now to be constructed of brickwork to match the original dwelling, with a small amount of white render around the bi-folding doors. These revised materials are acceptable.

The development would be close to the side boundary of No.1 Copthurst Avenue at 2.074m which has partly converted the garage to form a kitchen to the rear which has a glazed door/window closest to the proposal. The proposed extension would breach the 45 degree, however, the distance and existing boundary would screen the majority of this from view and would not lead to any undue loss of amenity to this opening. The two sets of patio doors to the rear would not be affected. Therefore the impact on amenity is acceptable.

Following the receipt of amended plans, the proposal accords with the requirements in the GPDO and is recommended for approval.

### **Reason for Decision**

The proposed development accords with the guidance set out in the Council's adopted Supplementary Planning Document - Design Principles and is in accordance with Policy ENV 2 of the Pendle Local Plan Part 1: Core Strategy.

### **RECOMMENDATION: Approve**

**Application Ref:** 20/0757/LHE

**Proposal:** Permitted Development Notification (Proposed Larger Home Extension):  
Erection of single storey flat roof extension to the rear (8m Length, 3m eaves height and 3.3m overall height).

**At:** 19 Acresbrook, Higham

**On behalf of:** Mr J Townsend

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 18th December 2020**