



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

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 8th JUNE 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 08 JUNE 2022

Application Ref: 21/0885/FUL

Proposal: Full: Major: Erection of 3 No. Industrial Buildings forming 8 units (3,577sq.m.) (Mixed Use Classes E/B2/B8).

At: Land North East Of Vantage Court, Riverside Way, Barrowford

On behalf of: Barnfield Contractors UK Ltd.

Date Registered: 01/02/2022

Expiry Date: 13/06/2022

Case Officer: Alex Cameron

This application has been brought before Committee as it is a major development.

Site Description and Proposal

The application site is open land to the north east of Vantage Court, the land is within the settlement boundary of Barrowford and designated as protected Employment Land (B1 only). To the north west is the Trough Laithe housing development, Pendle water and Nelson and Colne College to the north east and Barrowford Road and dwellings beyond to the south east. Footpath No.28 runs through the site from the south to link up with Footpath 2 following Pendle Water.

The proposed development is the erection of three industrial buildings, divided into eight units with a total floorspace of 3,577m² for business, industrial or storage and distribution uses.

Relevant Planning History

13/92/0216P - Business Park (Outline) - Approved on Appeal (Non-determination) January, 1993.

13/95/0637P - Business Park (Reserved Matters) - Consent Granted - September, 1996.

13/98/0213P - Modify landscape Conditions 1 and 2 13/95/0637 - Approved 1998.

13/03/0680P - Business Park (3.5 hect.) Housing (2.1 hect.) Outline - Withdrawn.

13/05/0944P - 9 two B1 units (Detailed); 17 B1 units (outline) - Revised Scheme - Appeal Against non-determination - Withdrawn, August, 2006.

13/06/0442P- Erect 9 two storey buildings (3,710 m²) for B1 use (Phase 1) and Outline application for erection of B1 office buildings (8 hectares) (Phase 2) - Approved September, 2006.

13/08/0218P - Outline; Major; erect B1 office accommodation including access and layout Approved July 2008.

13/09/0552P -Outline; Major; Develop land as a Business Park (8.86 hect) to provide a maximum of 21,727 sq.m. B1 floorspace (access and layout details only) on land North of Barrowford Road, Barrowford - Approved 8th March, 2010.

13/10/0369P - Outline: Major: Erect 55 bedroomed hotel, Pub/Restaurant (768 sq m), Creche (500 sq m) and two office buildings (890 sq m each) (Access and Layout Only) Approved 14/9/2010.

13/13/0462P - Extension of Time: Extend time limit of Planning Permission 13/10/0369P for Major Outline development for a hotel/pub/restaurant, crèche and two office buildings - Approved 11th November, 2013.

13/15/0111P -

Consultee Response

United Utilities – Request drainage conditions.

Lead Local Flood Authority – Objects, the drainage strategy is inadequate.

LCC Highways – Requests additional assessment of nearby junctions to determine the highway capacity considering the committed development which has been approved in recent years, including Trough Laithe.

PBC Countryside Access - The proposed development is in close proximity to public footpath 13-2-FP 28. The layout has clearly taken account of the position of the footpath but could I please ask that an advisory note is included if planning permission is granted.

Lancashire Fire and Rescue – Comments related to building regulations.

Barrowford Parish Council - No Objection in Principle but objections to designs materials impact on visual amenity and level of parking provision. Riverside Business Park since its inception was restricted to B1 with buildings of higher quality with traditional roof and wall construction. The Parish Council is aware that business planning classes have been changed with many being combined but the Parish Council would still like to see the ethos of traditional designs and materials adhered too. The inclusion of steel framed construction with box profile steel sheets of indeterminate colours would materially affect the setting and visual amenity of the Trough Laithe Strategic Housing Site currently under construction and the wider area. The lack of adequate off-road parking for seven of the proposed units will lead to on road parking problems, these possibly affecting access to the strategic housing site with potential obstruction to the proposed heavy goods vehicle turning areas within the offroad area. If future development of this business park is allowed to become more akin to Lomeshaye Industrial Estate in regards of building materials and mismatched finishes it could have a serious effect on the viability of the strategic housing site and the setting of the Carr Hall Road and Wheatley Lane Conservation Area. The Council has concerns that a PROW is not marked on the plans and would like the Footpath Officer to check if any PROW run through this site.

Public Response

Site and press notices posted and nearest neighbours notified – No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the

area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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

Policy SDP2 (Spatial Development Principles) States that proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2.

Policy WRK2 (Employment Land Supply) states that support will be given to new employment development that helps to reinforce Barnoldswick's position as the focus for employment provision in the north of the borough and enhance the functionality of the area's existing specialism in advanced manufacturing.

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.

Principle of the development

This application proposes a mixed use of Class E, B2 and B8. The land is designated as a Protected Employment Area (B1 only) saved policy 22 of the RPLP states that within the Protected Employment Area (B1 only) planning permission will be granted for B1 development only, for other protected employment areas it states that permission will be granted for B1 use provided that it is not more than 25% of the total floorspace of the Protected Employment Area and B8 provided that it is not more than 10%.

Those restrictions are not included in policy WRK2, which simply states that within Protected Employment Areas Use Classes B1, B2 and B8 will be permitted.

Use Class B1 has since been replaced by Class E(g) in September 2021 and at the time of the adoption of the Replacement Pendle Local Plan there was a greater need for B1 office space in the Borough than there is now, with the changes in the demand for commercial office space since then there is no longer the necessity for this Protected Employment Area to be restricted to B1 only. In terms of the proportions of the uses within the protected employment area, the land has remained undeveloped despite application being granted in the past for its development, taking this into account and the economic benefits of the development a mixed use of Class E(g), B2 and B8 is acceptable.

Class E includes retail and other uses that should be accommodated within a town centre as a first order of priority. Therefore, in order to protect the viability and vitality of town centres, it is necessary to restrict the Class E use to E(g) only.

Therefore this is an acceptable location for the proposed development in accordance with policies SDP2, SDP4 and WRK2.

Visual Amenity

The proposed design of the buildings are typical of such commercial buildings seen elsewhere. The site is on low lying land sloping down to Pendle Water, it would be largely screened from view from the south and east by existing belts of trees, it would not be prominent in the landscape and where seen with be in the context of the existing commercial development to the south west. Although it would be opposite to the Trough Laithe housing development it would be on lower land and distinctly separate from it. The land is designated for employment use and is of no special landscape or heritage value, taking this into account the proposed development is acceptable in terms of design and visual amenity impacts.

The proposed development is therefore acceptable in terms of visual amenity in accordance with Policies ENV1 and ENV2.

Residential Amenity

The end users and uses of the units are unknown at this stage, following discussions with Environmental Health it has been agreed that before the commencement of the use of each unit that an assessment of the noise impacts of the proposed use are undertaken, and any necessary mitigations put in place before that use commences. This would adequately protect the residents of the existing and approved dwellings nearby from noise impacts.

The scale and proximity of the proposed units to dwellings would not result in any unacceptable overshadowing or overbearing impacts or loss of privacy.

The development is therefore acceptable in terms of residential amenity impacts in accordance with Policies ENV2 and ENV5.

Highway Issues

Queries have been raised by LCC Highways in relation to the level of car parking proposed within the site and additional details requested in relation to traffic generation, and requested some minor changes to the internal layout to link pedestrian footpaths and ensure adequate visibility within the site. The applicant is preparing the additional details requested by Lancashire County Council to address the concerns raised. It is recommended that approval of the application is delegated subject to the receipt and consideration of those details by officers.

Concerns have been raised by the Parish Council in relation to impacts of public rights of way, a public right of way does run through the site but would not be obstructed.

Drainage and Flood Risk

A Flood Risk Assessment has been submitted with the application, however, there is inadequate detail in relation to the drainage strategy to demonstrate that the development would not result in an unacceptable increase in off-site flooding.

Additional details have been requested and are to be submitted by the applicant and assessed by the Lead Local Flood Authority.

Ecology

An ecology survey has been carried out and found that the site has limited ecological value, the development provides an opportunity in its landscaping to create species-rich habitats which will support a greater range of flora and fauna. The report recommends enhancement measures including bat and bird boxes landscaping wood piles and a wildlife pond. With a condition to control those measures the proposed development is acceptable in terms of its impact on ecology.

Conclusion

It is recommended that the approval of the application and any conditions necessary is delegated to the Planning, Economic Development and Regulatory Services Manager subject receipt of acceptable details in response to LCC Highway and Lead Local Flood Authority comments.

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 all relevant regards. 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 the external walls of the development hereby approved samples of the external materials of the walls and roof the development, including their colour and finish 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: In the interest of visual amenity.

4. There shall be no external storage within the application site unless otherwise approved in writing by the local planning authority. Any external storage thereafter shall at all times be carried out only in strict accordance with the approved details.

Reason: In the interests of visual amenity.

5. The development shall be carried out and operated in strict accordance with the recommendations of the Extended Phase 1 Report dated 16/12/2021. Prior to the

commencement of the use of the development a scheme of ecological mitigation and enhancement measures shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance prior to the commencement of the use of the development or an alternative timescale approved as part of the scheme.

Reason: To ensure the protection and enhancement of ecology and protected species habitats.

6. Prior to the commencement of the use of the buildings hereby approved details of any external lighting of the building and site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity, direction and timing of illumination of the lighting and shall include lighting of the diverted public right of way. Any external lighting shall at all times be in strict accordance with the approved details and the diverted public right of way shall be illuminated at all times outside of daylight hours.

Reason: In the interest of residential amenity and to preserve the habitat of protected species.

7. No development shall commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- Hours of operation
- Hours of deliveries
- Construction site noise and vibration
- Control of Dust
- Control of burning on-site

Reason: In the interest of residential amenity.

8. No development shall commence unless and until a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how:-
- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
- b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

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

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the

agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

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

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

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

10. The use of the buildings and land hereby permitted shall be confined to that of Class E(g), B2 and B8 and uses ancillary to those uses only and for no other purpose, including any other use within Class E of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended).

Reason: In order to protect the vitality and viability of town centres.

11. Prior to the commencement of the use of each unit an assessment of indoor and outdoor activity noise and fixed mechanical plant noise following BS 4142:2014 shall have been

submitted to and approved in writing by the Local Planning Authority. Any noise attenuation shall be fully installed in accordance with the recommendations of the approved assessment for that unit prior to the commencement of the use of that unit and the unit shall be operated in accordance with the approved assessment at all times thereafter unless an alternative assessment is submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity.

Notes: 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. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

Application Ref: 21/0885/FUL

Proposal: Full: Major: Erection of 3 No. Industrial Buildings forming 8 units (3,577sq.m.) (Mixed Use Classes E/B2/B8).

At: Land North East Of Vantage Court, Riverside Way, Barrowford

On behalf of: Barnfield Contractors UK Ltd.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 8TH JUNE 2022

Application Ref: 22/0131/FUL

Proposal: Full: Major: Erection of a B2 Industrial Building (2952 sq.m.), formation of 62 space car park and diversion of Footpath 13-15-FP-93.

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

On behalf of: Lancashire Steel Buildings Ltd

Date Registered: 29/03/2022

Expiry Date: 28/06/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to an area of land 1.1 hectares which is within the strategic employment site, for the extension of Lomeshaye Industrial Estate.

The proposal seeks to erect an industrial building which is to have car parking on the opposite side of the access road, the access road has already begun construction. The application involves rerouting of public right of way.

The proposed industrial unit is to measure 77m x 36m with a height of 11m to ridge, 8m to eaves and be constructed of Kingspan with the lower walls being Goosewing Grey (RAL 7038) and the upper walls being Anthracite Grey (RAL 7016). The roof is to accommodate solar panels to both sides of the dual-pitch.

Relevant Planning History

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

19/0504/REM: Reserved Matters: Major: Erection of a single industrial building with access from approved spine road (access, appearance, landscaping, layout and scale) of Outline Planning Permission 17/0672/FUL for the extension to industrial land to accommodate up to ten industrial units with open space, access roads, landscaping and infrastructure with means of access off Churchill Way (Reg. 4).
Approved with conditions

19/0850/CND: Approval of Details Reserved by Condition: Discharge of Condition 12 (Ecology Survey) of the Planning Permission 17/0672/FUL.
Condition Discharged

20/0457/REM: Reserved Matters: Major: Erection of a single industrial building with access from approved spine road (access, appearance, landscaping, layout and scale) of Outline Planning Permission 17/0672/FUL for the extension to industrial land to accommodate up to ten industrial units with open space, access roads, landscaping and infrastructure with means of access off Churchill Way including details to discharge conditions 5, 6, 8, 9, 10, 11 and 12 pursuant to application 17/062/FUL.

Pending Decision

Consultee Response

Lancashire Fire and Rescue Service

Recommended Fire Safety in accordance with Building Regulations

LCC Highways

I have viewed the Avalon plans, 'Site location plan' HAEP/02 Dwg 01, 'Proposed footpath plan' HAEP/02 Dwg 02 and 'Proposed site plan' HAEP/02 Dwg 03, and Design and Access statement and I have the following comments to make.

History

There is an outline approval under reference 17/0672/FUL for up to 10 units for B8 and B2 uses.

Application 19/0504 Reserved matters for spine road and single building - approved

Application 20/0457 Reserved matters for 11,932sqm single building (same site as 19.0504) – pending decision

Proposal

This application seeks a single Industrial B2 unit for Lancashire Steel Buildings with a 2952sqm floor area with 62 car parking spaces, including 6 disabled parking bays, 3 motorcycle parking bays and 4 cycle stands.

Site access and internal layout

The access road extension to Churchill Way will be adopted by Lancashire County Council up to and including the turning head between the two tree lines just to the north of Old Laund Clough.

The internal access road and associated infrastructure to the south of the turning head will be privately maintained.

The speed limit on the access road will be 30mph and the visibility splay at the site service vehicle access junction of the access road and the new car park access should be shown the layout at X2.4m and Y43m. The land required for the visibility splays should be kept free of any physical obstruction above 1m high. A planning condition is requested to control this.

There should be a dropped kerb crossing point with tactile paving on both sides of the access road where pedestrians and cyclists need to cross from the car park to the building. Also at the footway termination points within the car park to ensure that wheelchair users can gain access from the disabled parking spaces to the footway. Please amend the drawing to show this.

The layout appears to be designed to accommodate articulated vehicles, therefore the gates need setting back from the edge of the access road by at least 16.5m to allow the largest vehicle to clear the access road whilst the gates are operated.

A swept path analysis is requested to show the areas required for turning within the site. PROW 13-15-FP-93 crosses the site and requires a diversion. LCC PROW Team will make comments separately.

Parking

The Pendle parking standards require a maximum ratio of 1 space per 45sqm for a B2 use which equates to 66 spaces for a floor area of 2952sqm.

62 spaces are proposed which is acceptable. An EV charging point should be considered and the cycle stands should be covered.

Conclusion

The visibility splays at both points of access and swept path analysis for the service yard should be provided on a drawing. Amendments to increase the set back of the gating arrangement, dropped kerb crossing points on the access road for pedestrians moving between the car park and building and vice versa, covered cycle stands and an EV charging point are requested.

Subject to the amendments and the following conditions, there is no objection to the proposal.

Conditions

1. Before the development hereby approved is first brought into use the site access road shall be hard surfaced and marked out as indicated on the approved plan to the satisfaction of the Local Planning Authority.

2. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land measured 2.4 metres back from the give way line of both the car park access and service vehicle access road to a point 43 metres in both directions to the nearside kerb of the access road, any building, wall, fence, hedge, tree, shrub or other device higher than one metre above the carriageway.

3. Before the development hereby approved is first brought into use the car, cycle, motorcycle parking, electric vehicle charging and service yards and manoeuvring areas shall be completed and marked out as indicated on the approved plan to the satisfaction of the Local Planning Authority. The car park shall be made available at all times that the premises are in use for the parking of staff and visitors' cars. The service yards shall be made available at all times for the loading/unloading of goods and the manoeuvring of large vehicles, as shown on the swept path analysis.

Reason: In order to ensure that there is adequate car parking provision, loading/unloading and manoeuvring areas clear of the public highway in the interests of the safety of users of the highway.

Final comment: Further amended plan reviewed and is satisfactory 28/04/2022

Lancashire Lead Local Flood Authority

The Lead Local Flood Authority is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015. It is in this capacity this response is compiled.

Comments provided in this representation, including conditions, are advisory and it is the decision of the Local Planning Authority whether any such recommendations are acted upon. The comments given have been composed based on the extent of the knowledge of the Lead Local Flood Authority and information provided with the application at the time of this response.

Lead Local Flood Authority Position

The Lead Local Flood Authority objects to the development proposal on the basis of:

Objection 1 – Inadequate Surface Water Sustainable Drainage Strategy

In the absence of an acceptable surface water sustainable drainage strategy to assess the principle of surface water sustainable drainage associated with the proposed development, we object to this application and recommend refusal of planning permission until further information has been submitted to the Local Planning Authority.

Reason

Paragraphs 167 and 169 of the National Planning Policy Framework require major developments to incorporate sustainable drainage systems that:

- take account of advice from the Lead Local Flood Authority;
- have appropriate proposed minimum operational standards;
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.

The submission of basic information on how surface water is intended to be managed is vital if the Local Planning Authority is to make informed planning decisions. In the absence of acceptable information regarding surface water sustainable drainage, the Lead Local Flood Authority cannot assess whether the development proposed meets the requirements of Paragraph 169 of the National Planning Policy Framework or the Planning Practice Guidance in principle. This is sufficient reason in itself for a refusal of planning permission.

In particular, the submitted surface water sustainable drainage strategy fails to:

1. Meet the hierarchy of runoff destinations under the Planning Practice Guidance.

The Planning Practice Guidance requires applicants for planning permission to discharge surface water runoff according to a hierarchy of runoff destinations, where the aim should be to discharge surface runoff as high up the hierarchy of drainage options as reasonably practicable.

The applicant has proposed the car parked area be drained through infiltration to the substrate. The applicant has failed to provide evidence of infiltration testing to support this proposal. If the applicant is unable to provide this infiltration testing upfront then a viable plan B option will be required to demonstrate that this area can be effectively drained without increasing the risk of flooding onsite or elsewhere.

In the absence of infiltration testing or evidence of a Plan B approach for draining the car parked area, the Lead Local Flood Authority is unable to adequately determine the principle of development.

Furthermore, should the applicant being able to produce evidence which supports the proposal for infiltration of the car parked area, the applicant should look to further incorporate infiltration components within the other portion of the site as far as it is reasonably practicable.

Overcoming our Objection

You can overcome our objection by submitting information that covers the deficiencies highlighted above and demonstrates how surface water will be managed on-site, to satisfy Paragraphs 167 and 169 of the National Planning Policy Framework, the Planning Practice Guidance, and the Defra Technical Standards for Sustainable Drainage Systems. If this cannot be achieved we are likely to maintain our objection to the application. Production of this information will not in itself result in the removal of an objection.

3

The Lead Local Flood Authority asks to be re-consulted with the results of the amended site-specific flood risk assessment and/or amended sustainable drainage strategy and/or SuDS Pro-forma. We will provide you with further comments within 21 days of receiving formal re-consultation. Re-consultations should be sent to our identified mailbox.

Our objection will be maintained until the amended documents, as outlined above, have been received. Production of the amended documents will not in itself result in the removal of an objection.

If the applicant wishes to discuss our objection with the Lead Local Flood Authority, they can do so through our surface water planning advice service. This service is offered to prevent any issues that could potentially affect your application and provide relevant up to date advice regarding surface water flood risk and sustainable drainage.

More information on our surface water planning advice service is available at:

<https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/pre-planning-application-flood-risk-and-land-drainage-advice-service/>

Material Changes to this Planning Application

If there are any material changes to the submitted information which impact on surface water, the local planning authority is advised to consider re-consulting the Lead Local Flood Authority via our identified mailbox.

If you decide to approve contrary to our advice

If the Local Planning Authority grants planning permission for this development contrary to our advice, then we will be unable to assist with the discharge of any planning conditions, including surface water or flood risk conditions that we have not recommended.

The Local Planning Authority should be aware that any development built after 1 January 2012 is not eligible for Grant-in-Aid funding from central government to study or alleviate flood issues. This is set out in section 9.3 of the Memorandum relating to capital grants for local authorities and internal drainage boards in England.

Updated comments: 23/05/2022

The Lead Local Flood Authority wishes to withdraw its objection to the above application, which will be acceptable subject to the inclusion of condition(s)

Natural England

No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Old Laund Booth Parish Council

No objection

United Utilities

DRAINAGE

We request the following drainage condition is attached to any subsequent approval:

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;
- (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);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

The applicant can discuss any of the above with Developer Engineer, Shoaib Tauqeer, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. You may find the condition below a useful example.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development. Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

WATER AND WASTEWATER SERVICES

If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit

<https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for. To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

United Utilities will not allow building over or in close proximity to a water main.

United Utilities may not allow building over or in close proximity to a public sewer.

A public sewer crosses the site and we may not permit building over it. We require an access strip for maintenance or replacement. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

Consideration should also be applied to United Utilities assets which may be located outside the applicant's red line boundary. Any construction activities in the vicinity of our assets must comply with our 'Standard Conditions for Works Adjacent to Pipelines' or national building standards.

The applicant or developer should contact our Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. See 'Contacts' section below.

CONTACTS

Website

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the 'Live Chat' function, please visit: <http://www.unitedutilities.com/builders-developers.aspx>

Email

For advice on water and wastewater services or to discuss proposals near to pipelines, email the Developer Services team as follows:

Water mains and water supply, including metering - DeveloperServicesWater@uuplc.co.uk

Public sewers and drainage - WastewaterDeveloperServices@uuplc.co.uk Telephone - 0345 072 6067

Property Searches (for asset maps):

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit <https://www.unitedutilities.com/property-searches/>

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

The position of the underground apparatus shown on asset maps is approximate only and is given in accordance with the best information currently available. United Utilities Water will not accept liability for any loss or damage caused by the actual position being different from those shown on the map.

Lancashire Fire & Rescue

Recommendations have been put forward for the applicant to note in relation to Building Regulations.

Coal Authority

The application site does not fall within the defined Development High Risk Area.

Public Rights of Way Officer

The position of proposed building is directly over the line of public footpath 13-15-FP 93 and therefore this development can only go ahead if the footpath is diverted. The application includes details of a diversion route to the north of the site. The diverted footpath would connect with the footway on the new spine road of the business park and continue on the footway. The proposed car park would also affect the line of the footpath and the plans show that this would require the diversion of the footpath to the south of this part of the site.

The impact of the development on the public footpath is a material consideration for a decision on granting planning permission. Nevertheless, if planning permission is granted the development in as much as it affects the footpath may only start once the Council has made and confirmed a diversion order made under Section 257 of the Town and Country Planning Act.

The impact on the convenience of footpath users will be to lengthen the distance between points A and B from approximately 145m to 200m, i.e. by an additional 55m. The gradient of the new footpath to the north of the site would be roughly similar. The section of the diverted footpath on the spine footway will have a high quality surface for pedestrian users and it is likely that a requirement of a diversion order made by the Council footpath will be surface improvements along the other lengths of the proposed diversion. The width of the existing footpath is not recorded and therefore one of the positive effects of a diversion is that the footpath will acquire a recorded width which will protect a footpath width of no less than 2m wide. The effect of the development and diversion on the public enjoyment of the footpath will be to bring the footpath into a built environment, to make the path feel less connected to the natural environment and to reduce its directness. These are likely to be experienced by footpath users as negative effects.

Work on the development which has any effect on the existing footpath must not start until a diversion order has been made and confirmed. Therefore would you please include a note to this effect if planning permission is granted.

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. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

Environment Agency

We have reviewed the FRA and, in so far as it relates to our remit, we have no objection to the development proposed.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Environmental Health

The Environmental Health Officer has raised concerns about the potential noise impact upon residential amenity. A noise assessment has been undertaken and the report is awaited.

Public Response

Nearest neighbours notified, a site and press notice have been posted, no response received.

Officer Comments

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 ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV7 (Water Management) states that the principles from National Policy regarding flood risk will be applied in that development will be directed to the areas with the lowest probability of flooding. Further it states that proposed development should not increase the risk of flooding elsewhere.

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 ENV7 (Water Management) states that the sequential test will be followed in order that development is located in the places least likely to flood and an order of preference. It also sets out expectations for surface water run-off and water quality.

Policy WRK2 (Employment Land Supply)

Policy WRK3 (Strategic Employment Site: Lomeshaye) sets out that proposed development for Use Classes B1, B2 and B8 will be supported subject to criteria including being adequately

connected by a new road, a high quality landscaping scheme being brought forward, conformity with Policy ENV1 in relation to the Listed Building.

Policy WRK6 (Designing Better Placed to Work) encourages the provision of well-designed workplaces that meet the needs of businesses and their employees and contribute towards the aim of low carbon growth in Pendle.

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.

Principle of Development

As the site is part of an allocation within the Pendle Local Plan: Part 1 Core Strategy, as WRK3 (Strategic Employment Site). This states that uses B1, B2 and B8 will be supported, provided that certain criteria are met. Since the publication of the Local Plan: Core Strategy the Use Class Order has been updated. This now includes Use Class E which covers that formerly known as Use Class B1. Use Class E encompasses retails, sale of food & drink for consumption on the premises, financial services, professional services, indoor sport, medical / health, nursery, offices, research & development and industrial processes. There would be no desire to see this area change to retail for example therefore a condition could restrict the use class to that which is applied for here, to allow the Local Authority to control the use in future. Within the Local Plan: Core Strategy the criteria includes that the site must be adequately connected by a new road, early engagement has been carried out with utility providers, a high quality landscaping scheme is developed, a design code will be developed to ensure that the site is developed in an appropriate manner, and that the development addresses any environmental impacts in accordance with Policy ENV1.

The application site is to be served by the access road which connects from the existing Churchill Way. At the time of the site visit, construction of this access road was underway. Statutory consultees have not raised any major concerns regarding connectivity of utilities such as broadband or water supplies. The scheme has come forward as an individual building and associated car park, rather than with a design code but as this is only on part of the strategic site it would be unreasonable to expect this application to provide a design code across the whole strategic area. A landscaping scheme has been put forward here, this will be discussed later in the report. Finally, environmental impacts of the scheme put forward will also be discussed later in this report.

As such, the proposed development is acceptable in principle, subject to an appropriate landscaping scheme and compliance with Policy ENV1 of the Local Plan: Part 1 Core Strategy.

Design & Visual Amenity

The proposed development is to be constructed of Kingspan to the walls in anthracite and goosewing grey. The roof is to accommodate solar panels and have a dual pitch. Although the scale of the proposed building is large, it is not out of character with the surrounding industrial context. Indeed this is an area allocated in the Local Plan: Part 1 Core Strategy as being suitable

for industrial employment use. It will have an impact upon the surrounding character and appearance but this must be balanced against the context within which the proposed development site is positioned. It is an existing employment area which already has a significant number of large buildings used for industrial purposes. In this context, the proposed development is acceptable in design terms and accords with Policy ENV2 of the Local Plan: Core Strategy in this regard.

Heritage

The application site is located at least 140m from a Grade II Listed Building, Old Laund Farmhouse. Old Laund Hall is a stone farmhouse of high status, part of which dates back at least to the C16th, with the major part being C17th. There are some stone outbuildings to its eastern side. Though much altered and rebuilt over the years it still has significance in its imposing 3-storey main wing, the ranges of mullioned windows, and the remaining Tudor arched doorways in the older rebuilt wing. The existing trees which run across the centre of the site and around the Hall tend to define its immediate setting, together with the existing outbuildings.

There is a field to the west of the application site between the Listed Building and the proposed car parking area. The building is proposed to be to the other side of the new industrial access road, with the building set at a lower level than the estate road. There are a group of trees to the east of the Listed Building and additional trees proposed as part of the landscaping around the car park which would effectively screen the site from the Listed Building. Details of the proposed landscaping around the edge of the car park can be submitted as a condition, in order that this part of the development can be controlled in future. As such, the impact upon the heritage asset would be neutral.

Therefore the proposal accords with paragraph 202 of the Framework and Policy ENV1 of the Local Plan: Part 1 Core Strategy in this regard.

Landscaping

As part of the Outline application 17/0672/FUL, the Council's Conservation Officer commented upon the significance of the heritage asset and the potential for landscaping to assist in effectively screening views of the listed Building and minimising harm. As such, landscaping is a crucial element of the scheme in order to ensure that the harm to the significance of the heritage asset is reduced as much as possible. The applicant has set out an indicative landscaping arrangement around the western and southern boundary of the car park. Although it is noted that some trees are to be removed as part of the proposed development these would be replaced by the landscaping scheme which surrounds the car park.

The proposed planting to the southern and western boundaries of the car parking is acceptable in principle, the details of the particular species and size of shrubs and trees can be controlled by condition. As such, the proposed development accords with policy in this regard.

Trees

It is acknowledged that there will be some loss trees on site. However, this must be balanced against the proposed replacement planting, as set out above the replacement planting can be carefully controlled by planning condition. This would ensure that a suitable appropriate species could be used for the replacement and the trees provide appropriate coverage based upon their location. The indication on the site plan, to have the landscaping, including replacement trees, to the edges of the proposed car park would seem a logical position. The arboricultural report sets out the method for protecting the roots of the trees on the site which are to be retained, particularly during the construction phase. Further details of this can be controlled by condition.

Ecology

The application is accompanied by an ecological survey which has made an assessment of the potential for the site to be a habitat for birds, badgers, bats, great crested newts and riparian mammals. The proposal will directly affect modified grassland. The grassland habitat is considered to be of 'site' ecological value, with impacts not extending beyond the land directly affected by the proposals. The appraisal has found some potential for birds and bats to use the site, of the four trees two are of low potential for bats roosting and two others are of moderate potential. Subject to a suitably worded condition confirming mitigation, the proposed development accords with Policy ENV1 in this regard.

Flood Risk

The proposed development site is located in Flood Zone 2. In accordance with national policy, the planning application is accompanied by a Flood Risk Assessment.

Based upon hydraulic modelling as part of the Flood Risk Assessment, whilst an element of the site lies within Flood Zone 2, the main building and car park lies within Flood Zone 1. The industrial use of the proposed site means that it is classed as less vulnerable development, which is compatible with Flood Zones 1 or 2.

Run off from the proposed development can be managed by Geocellular crates in conjunction with a hydro-brake.

Policy ENV7 of the Core Strategy: Local Plan states that the sequential test will be followed in order that development is located in the places least likely to flood and an order of preference. It also sets out expectations for surface water run-off and water quality. The principle of industrial development upon this site has been established through the planning history.

Additional infiltration testing and analysis has been undertaken as part of the information submitted with the application. This information has been reviewed by the Environment Agency and Lead Local Flood Authority. The details submitted are acceptable. The proposed development complies with Policy ENV7 of the Local Plan: Part 1 Core Strategy in this regard.

Highways

The proposed development would provide 62 car parking spaces. The Pendle parking standards require a maximum ratio of 1 space per 45sqm for a B2 use which equates to 66 spaces for a floor area of 2952sqm.

62 spaces are proposed which is acceptable. An EV charging point should be considered and the cycle stands can be secured by condition. The Highways Authority have reviewed the proposed scheme. The proposed development provides a sufficient level of car parking which would not result in additional cars being parked on the highway. The proposal accords with Policy 31 in this regard.

Footpath Diversion

The proposed development involves the re-routing of Footpath 13-15-FP-93 from taking a diagonal route through the site from south west to north east. The re-routing would see the footpath traverse the southern edge of the car park and run along the eastern side of the proposed car park in a north-south direction (along the access road), it then takes a 90 degree turn along the northern edge of the application site to join with existing public right of way 13-15-FP 115. Although the route of the footpath will alter, this is the most direct route around the proposed building and is in a

broadly similar location. It would not result in a much greater length of footpath compared with the existing diagonal route through the site and still allows a connection to the footpath running along Pendle Water. The applicant is reminded of their legal duty not to obstruct the public right of way without a diversion being granted. There is a separate application process which should be followed, should planning permission be granted.

There is no conflict with policy in this regard.

Other Matters

In terms of the construction phase of the proposed development a Construction Method Statement could be controlled by condition, to ensure there are no unacceptable impacts resulting from this.

A Noise Assessment has been carried out and the Council are awaiting the report on this, in order to establish that the proposed development would not result in any unacceptable impact upon neighbouring amenity. Subject to the findings of the report, the application can be recommended for approval. Delegated powers to grant consent are sought.

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 would accord with Local Planning Policy and would be compliant with the guidance set out in the 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: Delegate grant consent, subject to an acceptable outcome of the noise assessment

Subject to the following conditions:

4. 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.

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

- Location Plan – HEAP/02 Dwg 01
- Proposed Footpath Plan – HEAP/02 Dwg 02
- Proposed Site Plan - HEAP/02 Dwg 03
- Proposed Floor Plans – HEAP/02 Dwg 05
- Proposed Elevations Sheet 1 – HEAP/02 Dwg 06
- Proposed Elevations Sheet 2 – HEAP/02 Dwg 07
- Proposed Site Sections – HEAP 02/Dwg 08

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

6. All materials to be used in the elevations and roof of 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.

7. Before the development hereby approved is first brought into use the site access road shall be hard surfaced and marked out as indicated on the approved plan to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety

8. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land measured 2.4 metres back from the give way line of both the car park access and service vehicle access road to a point 43 metres in both directions to the nearside kerb of the access road, any building, wall, fence, hedge, tree, shrub or other device higher than one metre above the carriageway.

Reason: In the interests of highway safety

9. Before the development hereby approved is first brought into use the car, cycle, motorcycle parking, electric vehicle charging and service yards and manoeuvring areas shall be completed and marked out as indicated on the approved plan to the satisfaction of the Local Planning Authority. The car park shall be made available at all times that the premises are in use for the parking of staff and visitors' cars. The service yards shall be made available at all times for the loading/unloading of goods and the manoeuvring of large vehicles, as shown on the swept path analysis.

Reason: In order to ensure that there is adequate car parking provision, loading/unloading and manoeuvring areas clear of the public highway in the interests of the safety of users of the highway.

10. Prior to the first occupation of the development hereby approved a scheme for the provision of bat boxes and barn owl boxes shall have been submitted to, approved in writing by the local planning authority and fully implemented thereafter.

Reason: To ensure protection of the habitat of bats and barn owls which are protected under the Wildlife & Countryside Act, 1981.

8. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

9. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (4th November 2021 / EVY0945 / EdenvaleYoung – Revision A)

The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

10. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site

- specific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The details of the drainage strategy to be submitted for approval shall include, as a minimum;
 - a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance.
 - iii. 1% (1 in 100-year) annual exceedance probability event + 40% climate change allowance.
 - b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
 - c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

e) Evidence of an agreement in principle with the third party to connect to the off site surface water body.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

11. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority. The details of the plan to be submitted for approval shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reasons: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

12. The commencement of use of the development shall not be permitted until a site

- specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

a) A timetable for its implementation;

b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;

c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;

f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and

g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

13. The commencement of use of the development shall not be permitted until a site specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

14. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;
- (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);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

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

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

15. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

16. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

17. All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2005) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To protect the trees in the interest of the amenity of the area.

18. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no

construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction

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

19. The use of the buildings and land hereby permitted shall be confined to those of Class B2 of Schedule 1 and Class E(g)(ii) & (iii) of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) and uses ancillary to those uses only and for no other purpose, including any other use within Class E.

Reason: In order to control the type of development which is operated from this site in the interests of the amenity of neighbouring residential properties and in order to protect the vitality and viability of the town centre.

Informative

The applicant will require an environmental permit from the Environment Agency to discharge to the main river. Information on environmental permits is available at:
<https://www.gov.uk/topic/environmental-management/environmental-permits>

Application Ref: 22/0131/FUL

Proposal: Full: Major: Erection of a B2 Industrial Building (2952 sq.m.), formation of 62 space car park and diversion of Footpath 13-15-FP-93.

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

On behalf of: Lancashire Steel Buildings Ltd

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 8TH JUNE 2022

Application Ref: 22/0133/HHO

Proposal: Full: Erection of extension to rear and side elevations.

At: Bollards Barn, Barley New Road, Barley

On Behalf of: Mrs D Johnson

Date Registered: 31/03/2022

Expiry Date: 26/05/2022

Case Officer: Laura Barnes

This application has been called in by a Councillor

Site Description and Proposal

Bollards Barn is a former farm building which has been converted for residential use. It is thought to have been built in early C17 and is constructed from sandstone rubble with two and three light mullion windows, a main entry door on the south elevation and double doors on the rear elevation. The building has undergone alterations, including the complete demolition of the north-west elevation, which has since been rebuilt, and new windows and stone surrounds have been introduced throughout the property.

The application site is located within the Forest of Bowland AONB, within a Conservation Area and beyond the settlement boundary, within the Open Countryside. Public Right of Way 13-8-FP-27 runs along the front access driveway of Bollards Barn and up the western edge of the application site boundary.

The proposal seeks permission for the erection of a two storey wrap around side and rear extension. The extension is to have a leant to roof and extend out 3.4m from the existing rear wall of the dwelling. It would extend 3.6m out from the side wall of the existing dwelling and be set back 2.3m from the front elevation.

Planning History

13/90/0685P: LISTED BUILDING CONSENT FOR CONVERSION OF BARN TO DWELLING INCLUDING CONVERSION OF OUTBUILDINGS TO PLAYROOM AND PROVISION OF NEW DOUBLE GARAGE

Approved with conditions

22/0140/LBC: Listed Building Consent: Erection of rear and side extensions.

Pending Consideration

Consultee Response

LCC Highways

Having considered the information submitted, the above proposal raises no highway concerns. An adequate level of off-road parking for the type and size of development proposed will be retained.

Therefore, the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

Public Footpath 13-8-FP27 (Barley with Wheatley Booth) passes adjacent to the proposed development. If it is necessary for this Public Right of Way to be temporarily diverted or temporarily closed, it is the landowner's responsibility to ensure that this is done following the appropriate legal procedures. The following informative note should be included on any formal planning approval granted.

Informative note

The proposed development may affect the setting of Public Footpath 13-8-FP27 (Barley with Wheatley Booth). The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant should contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the planning application number, to discuss their proposal before any development works begin.

Growth Lancashire

The key heritage issues for the LPA to consider are:

1. Whether the proposed development will harm the significance of the Grade II listed building.
2. Whether the proposal would harm the contribution made by the setting to the significance of the listed buildings within lie close by, and
3. Whether the proposed development will harm the character or appearance of the Whitehough Barley Conservation Area.

The proposal

The application is for a substantial single bay, side extension to the existing property at both ground and first floor levels. The extension will be set back behind the front face of the principal south west elevation and will be 3.6 metres wide. The new addition will extend 8 metres back and return across part of the existing rear elevation. The extension will have a ridge height of 6.1 metres on the principal south east elevation, falling 0.6 metres below the ridgeline of the existing building. The height to the eaves on the south east elevation will be 4.75 metres and at the rear the asymmetrical roof slopes down to a single storey level.

The extension will be constructed from random coursed natural stone walls and grey slate roofing to match that existing. The proposed windows and doors will be constructed from painted softwood. The south west elevation will include a singular first floor level window. The north west elevation will have two roof lights and a set of double doors with side lights. It is intended to re-site the south west facing gable window surrounds within the proposed extension. The rainwater goods will be from UPVC on softwood fascia boards to match that existing.

The proposal will involve the removal of large sections of the existing gable end and part of the rear wall to facilitate the proposed open plan living space.

Impact on the significance of the listed building Bollards Barn is a former farm building which has been converted for residential use. It is thought to have been built in early C17 and is constructed from sandstone rubble with two and three light mullion windows, a main entry door on the south elevation and double doors on the rear elevation.

Photographs submitted as part of the submission show the extent of the works undertaken when the building was converted. The original north west (rear) elevation has been entirely demolished and been rebuilt in sandstone rubble.

New windows and double doors with a large four light window above have been introduced to the north west elevation. There have also been alterations to the south east and south west elevations where new stone window surrounds have been introduced.

Bollards Barn's significance lies in its aesthetic, evidential and historic value found in the site's fabric, architectural form, and past agricultural uses. However, the Heritage Statement notes that little of the original features remain except the internal stone flag floors and the walling on the south west and south east elevations. It states that the only remaining window that is not a modern introduction is the lower window on the gable elevation, which has had a mullion added. The front entrance door is also in its original position but has been raised.

In this context, given the degree of change that has already occurred to the building its value/significance is perhaps moderate. However, the significance of the setting and its contribution to the wider group value remains high.

The Councils SPD on design in Conservation Areas reflects the need to respect the character of existing buildings and care is needed to detail extensions so that they blend in with their surroundings. The SPD states that rear extensions should respect the architectural form of rear facades, including the shape of roof slopes, and the size and positioning of window and door openings.

Overall, whilst I feel the design appears to represent a typical agricultural form (an asymmetrical roof over-sailing a rear addition or aisle) I am concerned that it significantly alters the existing form and appearance of the (listed) building. This is most evident at the rear where the long, simple, linear form of the former agricultural barn (and Whittakers Cottage attached on the right side) is diminished with the addition of the new side/rear addition and the new extended section of roof. This affects the visual subservience of the extension and I feel it would be an overly prominent addition, especially when viewing the western end of the building from the west and from the adjacent public footpath.

Whilst I acknowledge that a substantive part of the barn is now not original this does not in my view justify the altered form and the extension simply runs contrary to the existing (linear) character of the building. The impact issue is somewhat compounded by the fact that the extension requires more sections of the original (remaining) external fabric on the gable end, at both GF and FF, to be removed/loss to facilitate the new layout.

Whilst I accept that ordinarily this may have been an acceptable architectural approach on an unlisted barn/farm building I feel the new addition would cause some harm to the significance (character) of the existing listed building. That said I feel the level of harm would be relatively low (low to moderate) and fall within the 'less than substantial' category as defined by the NPPF. The harm could be mitigated by reducing the extent of the new addition and retaining the linear form of the current building. In addition, the loss of the existing fabric on the gable end would need to be reduced/scaled back. P.200 of the

NPPF requires any harm or loss to historic buildings to have clear and convincing justification and ideally, original fabric should be retained.

Impact on the Conservation Area

Whitehough Barley Conservation Area was designated in 1989. The area is a hamlet located midway between the villages of Barley and Roughlee, situated on the north side of White Hough Water. The Heritage Statement notes that the Conservation Area's special interest arises primarily from the historic buildings (listed or otherwise), which are built in proximity without formal arrangement, and which are intertwined with irregular lanes, and mostly small gardens or yards.

The Conservation Area has a riverside setting and sits at the foot of a steep-sided valley. The area is surrounded by woods, pastures and dry-stone walls. The hamlet is believed to have originated as a medieval vaccary (cattle farm) within the Forest of Pendle.

Bollards Barn lies to the western end of the Whitehough Barley Conservation

Area. Whilst the principle elevations of the property are not highly prominent from the lane as noted above the site is open to the north and west. The extension will be visible from the rear of the properties along Riverside Fold to the south of the site and from a pathway, which runs along the river, this section of pathway falls on the boundary of the Conservation Area.

In this context as I feel the proposed extension will be a prominent new addition and will alter the appearance of an important listed building in the conservation area. As noted above whilst I note the architects attempt to provide an extension which reflects the agricultural character I still feel the extension would have a detrimental impact on the conservation area. The harm caused to both its character and appearance, when taking the conservation area as a whole, would be low.

Impact on the setting to adjacent listed buildings

Bollards Barn contributes positively to the collective or group value of the setting.

Whilst the extensions are not directly visually connected to either Whitehough

Cottages or Whitehough House it is directly seen in the same context as

Whittakers Cottage, which it adjoins. In this context the visual changes to the western end of the former barn will have a (slight) impact on the appreciation of the adjoining house and result in a reduction in the contribution made to the group value. I do acknowledge that this harm will be very limited.

Conclusion / recommendation

As I am required to do so, I have given the duty's imposed by s.66(1) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments.

For the reasons explained above, I consider that the proposed extension/alterations would not meet the statutory test 'to preserve' and would cause harm to the character of the existing listed building and to the character and appearance of the Whitehough Barley Conservation Area.

The harm or loss of significance to the designated assets would be low/moderate and would be less than substantial. Under p.202 of the NPPF the LPA can weigh the harm against any public benefits generated by the scheme.

As such, the proposal would be contrary with the objectives of Chapter 16 of the NPPF and would be at odds with Policy ENV 1 and Policy ENV 2 of the Pendle Local Plan (2011-2030).

Parish Council

The Parish Council have considered the application and raise no objections.

However, We would make the following comments:

The property is registered as a listed building on the Heritage site but not on PBC site.

The new development would add an 'L' shape extension which would change the characteristic shape of the original barn building.

There is no information on the PBC website regarding any conditions attached to the original decision to allow the barn to be converted to a dwelling in 1991 but any such conditions might require a local traditional barn shape to be maintained.

The Council were unable to assess the change in size as no dimensions of the original building were provided but it appears to be a substantial increase.

It was noted that the property was not in a high-profile position in Whitehough but that it was on one public footpath and near another.

It was RESOLVED to remain neutral on the application but ask PBC to check the size and listed status of the building and any associated earlier planning conditions.

Public Response

The nearest neighbours have been notified by letter, a Site and Press Notice were posted. No public comments have been received.

Officer Comments

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 minimum parking standards for development.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and developments, setting out the requirements for good design and protecting residential amenity.

The Conservation Area Design and Development Guidance SPD sets out that new development should use good quality and predominantly natural building materials, be well detailed, and respect local architectural detailing and styles. It provides specific guidance on development relating to agricultural building and their sensitive adaptation to other uses.

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.

Paragraph 202 of the Framework sets out that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Design and Impact on Heritage Assets

Bollards Barn is a former farm building which has been converted for residential use. It is thought to have been built in early C17 and is constructed from sandstone rubble with two and three light mullion windows, a main entry door on the south elevation and double doors on the rear elevation.

Although the proposed development is mostly to the rear of the building, it would involve the removal or original fabric of this important heritage asset. This harm, combined with the significance of the position within the Conservation Area: the proposed extension will be a prominent new addition and will alter the appearance of an important listed building in the conservation area. The proposed extension would have a detrimental impact on the conservation area. The harm must be balanced against any public benefit, in accordance with paragraph 202 of the Framework. In this particular case, the benefit would be a private one and the limited public benefit which would arise from the local economic benefits to trades people / construction period is not outweighed by the harm caused to the heritage asset, namely the Conservation Area and the Listed Building itself.

As such, the proposals fail to accord with Policy ENV1 of the Local Plan: Part 1 Core Strategy, paragraph 202 of the Framework and the Conservation Area Design & Development Guidance SPD.

Residential Amenity

The Design Principles SPD states that development proposals must adequately protect neighbours enjoying their homes. Minimum distances of 21m must be provided between directly facing main habitable room windows to preserve domestic privacy. The massing of proposed dwellings must not appear overbearing in relation to the immediate neighbours, or cause any unacceptable losses of light.

The proposed development is to the side and rear of the dwelling which is furthest from any neighbouring dwellings. The closest property to the proposed development would be No. 5 Riverside Fold. There is a change in levels between the application site and this property, with the application site taking a higher ground level. Given the level differences, the windows to the ground floor of No. 5 would not be affected in an unacceptable way by the proposed development. The proposed window to the front elevation of the proposed extension at first floor level is to serve an ensuite. It could be obscure glazed, to mitigate any potential privacy issue with the first floor windows to No. 5.

Subject to the obscure glazing being controlled by condition, the proposal would be acceptable in terms of neighbouring amenity, in accordance with Policy ENV2 of the Local Plan, the Design Principles SPD and the Framework.

Highways and Parking

Although the proposed development would increase the size of bedrooms to the dwelling, it would not increase their number overall. As such, there would be no requirement to increase the number of car parking spaces accordingly.

RECOMMENDATION: Refuse

For the following reasons:

11. The proposed development by virtue of its position in a prominent position within the Conservation Area, combined with the historic fabric which would be lost and the form which runs contrary to the linear nature of the original building, would result in less than substantial harm to the heritage asset, both the Listed Building and the Conservation Area. This harm is not outweighed by any public benefit, contrary to paragraph 202 of the Framework, Policy ENV1 of the Local Plan: Part 1 Core Strategy and the Conservation Area Design & Development SPD.

Application Ref: 22/0133/HHO

Proposal: Full: Erection of extension to rear and side elevations.

At: Bollards Barn, Barley New Road, Barley

On Behalf of: Mrs D Johnson

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 8TH JUNE 2022

Application Ref: 22/0142/LBC

Proposal: Listed Building Consent: Erection of rear and side extensions.

At: Bollards Barn, Barley New Road, Barley

On behalf of: Mrs D Johnson

Date Registered: 23/04/2022

Expiry Date: 18/06/2022

Case Officer: Laura Barnes

The application has been called in by a Councillor.

Site Description and Proposal

Bollards Barn is a former farm building which has been converted for residential use. It is thought to have been built in early C17 and is constructed from sandstone rubble with two and three light mullion windows, a main entry door on the south elevation and double doors on the rear elevation. The building has undergone alterations, including the complete demolition of the north-west elevation, which has since been rebuilt, and new windows and stone surrounds have been introduced throughout the property.

The application site is located within the Forest of Bowland AONB, within a Conservation Area and beyond the settlement boundary, within the Open Countryside.

The proposal seeks Listed Building Consent for the erection of a two storey wrap around side and rear extension.

Relevant Planning History

13/90/0685P: LISTED BUILDING CONSENT FOR CONVERSION OF BARN TO DWELLING INCLUDING CONVERSION OF OUTBUILDINGS TO PLAYROOM AND PROVISION OF NEW DOUBLE GARAGE

Approved with conditions

22/0133/HHO: Full: Erection of extension to rear and side elevations.

Pending Consideration

Consultee Response

Growth Lancashire

The key heritage issues for the LPA to consider are:

1. Whether the proposed development will harm the significance of the Grade II listed building.
2. Whether the proposal would harm the contribution made by the setting to the significance of the listed buildings within lie close by, and
3. Whether the proposed development will harm the character or appearance of the Whitehough Barley Conservation Area.

The proposal

The application is for a substantial single bay, side extension to the existing property at both ground and first floor levels. The extension will be set back behind the front face of the principal south west elevation and will be 3.6 metres wide. The new addition will extend 8 metres back and return across part of the existing rear elevation. The extension will have a ridge height of 6.1 metres on the principal south east elevation, falling 0.6 metres below the ridgeline of the existing building. The height to the eaves on the south east elevation will be 4.75 metres and at the rear the asymmetrical roof slopes down to a single storey level.

The extension will be constructed from random coursed natural stone walls and grey slate roofing to match that existing. The proposed windows and doors will be constructed from painted softwood. The south west elevation will include a singular first floor level window. The north west elevation will have two roof lights and a set of double doors with side lights. It is intended to re-site the south west facing gable window surrounds within the proposed extension. The rainwater goods will be from UPVC on softwood fascia boards to match that existing.

The proposal will involve the removal of large sections of the existing gable end and part of the rear wall to facilitate the proposed open plan living space.

Impact on the significance of the listed building Bollards Barn is a former farm building which has been converted for residential use. It is thought to have been built in early C17 and is constructed from sandstone rubble with two and three light mullion windows, a main entry door on the south elevation and double doors on the rear elevation.

Photographs submitted as part of the submission show the extent of the works undertaken when the building was converted. The original north west (rear) elevation has been entirely demolished and been rebuilt in sandstone rubble.

New windows and double doors with a large four light window above have been introduced to the north west elevation. There have also been alterations to the south east and south west elevations where new stone window surrounds have been introduced.

Bollards Barn's significance lies in its aesthetic, evidential and historic value found in the site's fabric, architectural form, and past agricultural uses. However, the Heritage Statement notes that little of the original features remain except the internal stone flag floors and the walling on the south west and south east elevations. It states that the only remaining window that is not a modern introduction is the lower window on the gable elevation, which has had a mullion added. The front entrance door is also in its original position but has been raised.

In this context, given the degree of change that has already occurred to the building its value/significance is perhaps moderate. However, the significance of the setting and its contribution to the wider group value remains high.

The Councils SPD on design in Conservation Areas reflects the need to respect the character of existing buildings and care is needed to detail extensions so that they blend in with their surroundings. The SPD states that rear extensions should respect the architectural form of rear facades, including the shape of roof slopes, and the size and positioning of window and door openings.

Overall, whilst I feel the design appears to represent a typical agricultural form (an asymmetrical roof over-sailing a rear addition or aisle) I am concerned that it significantly alters the existing form and appearance of the (listed) building. This is most evident at the rear where the long, simple, linear form of the former agricultural barn (and Whittakers Cottage attached on the right side) is diminished with the addition of the new side/rear addition and the new extended section of roof. This affects the visual subservience of the extension and I feel it would be an overly prominent addition, especially when viewing the western end of the building from the west and from the adjacent public footpath.

Whilst I acknowledge that a substantive part of the barn is now not original this does not in my view justify the altered form and the extension simply runs contrary to the existing (linear) character of the building. The impact issue is somewhat compounded by the fact that the extension requires more sections of the original (remaining) external fabric on the gable end, at both GF and FF, to be removed/loss to facilitate the new layout.

Whilst I accept that ordinarily this may have been an acceptable architectural approach on an unlisted barn/farm building I feel the new addition would cause some harm to the significance (character) of the existing listed building. That said I feel the level of harm would be relatively low (low to moderate) and fall within the 'less than substantial' category as defined by the NPPF. The harm could be mitigated by reducing the extent of the new addition and retaining the linear form of the current building. In addition, the loss of the existing fabric on the gable end would need to be reduced/scaled back. P.200 of the NPPF requires any harm or loss to historic buildings to have clear and convincing justification and ideally, original fabric should be retained.

Impact on the Conservation Area

Whitehough Barley Conservation Area was designated in 1989. The area is a hamlet located midway between the villages of Barley and Roughlee, situated on the north side of White Hough Water. The Heritage Statement notes that the Conservation Area's special interest arises primarily from the historic buildings (listed or otherwise), which are built in proximity without formal arrangement, and which are intertwined with irregular lanes, and mostly small gardens or yards.

The Conservation Area has a riverside setting and sits at the foot of a steep-sided valley. The area is surrounded by woods, pastures and dry-stone walls. The hamlet is believed to have originated as a medieval vaccary (cattle farm) within the Forest of Pendle.

Bollards Barn lies to the western end of the Whitehough Barley Conservation

Area. Whilst the principle elevations of the property are not highly prominent from the lane as noted above the site is open to the north and west. The extension will be visible from the rear of the properties along Riverside Fold to the south of the site and from a pathway, which runs along the river, this section of pathway falls on the boundary of the Conservation Area.

In this context as I feel the proposed extension will be a prominent new addition and will alter the appearance of an important listed building in the conservation area. As noted above whilst I note the architects attempt to provide an extension which reflects the agricultural character I still feel the extension would have a detrimental impact on the conservation area. The harm caused to both its character and appearance, when taking the conservation area as a whole, would be low.

Impact on the setting to adjacent listed buildings

Bollards Barn contributes positively to the collective or group value of the setting.

Whilst the extensions are not directly visually connected to either Whitehough

Cottages or Whitehough House it is directly seen in the same context as

Whittakers Cottage, which it adjoins. In this context the visual changes to the western end of the former barn will have a (slight) impact on the appreciation of the adjoining house and result in a reduction in the contribution made to the group value. I do acknowledge that this harm will be very limited.

Conclusion / recommendation

As I am required to do so, I have given the duty's imposed by s.66(1) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments.

For the reasons explained above, I consider that the proposed extension/alterations would not meet the statutory test 'to preserve' and would cause harm to the character of the existing listed building and to the character and appearance of the Whitehough Barley Conservation Area.

The harm or loss of significance to the designated assets would be low/moderate and would be less than substantial. Under p.202 of the NPPF the LPA can weigh the harm against any public benefits generated by the scheme.

As such, the proposal would be contrary with the objectives of Chapter 16 of the NPPF and would be at odds with Policy ENV 1 and Policy ENV 2 of the Pendle Local Plan (2011-2030).

Parish Council

The Parish Council have considered the application and raise no objections. However, We would make the following comments:

The property is registered as a listed building on the Heritage site but not on PBC site. The new development would add an 'L' shape extension which would change the characteristic shape of the original barn building.

There is no information on the PBC website regarding any conditions attached to the original decision to allow the barn to be converted to a dwelling in 1991 but any such conditions might require a local traditional barn shape to be maintained.

The Council were unable to assess the change in size as no dimensions of the original building were provided but it appears to be a substantial increase.

It was noted that the property was not in a high-profile position in Whitehough but that it was on one public footpath and near another.

It was RESOLVED to remain neutral on the application but ask PBC to check the size and listed status of the building and any associated earlier planning conditions.

Public Response

The nearest neighbours have been notified by letter, a site and press notice have been displayed, no response has been received.

Officer Comments

Policy

As with all applications the statutory requirement is that the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration of the application must also be in accordance with primary legislation which in this case is primarily the Planning (Listed Buildings and Conservation Areas) act 1990 ("the Act"). The Act states in section 16:

In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The development plan for the area is the adopted replacement Pendle Local Plan ("the Local Plan"). National planning policy is now contained in a single document - the National Planning Policy Framework ("the Framework"). Guidance on its implementation is contained in the online National Planning Practice Guidance.

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 minimum parking standards for development.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and developments, setting out the requirements for good design and protecting residential amenity.

The Conservation Area Design and Development Guidance SPD sets out that new development should use good quality and predominantly natural building materials, be well detailed, and respect local architectural detailing and styles. It provides specific guidance on development relating to rural buildings and their sensitive adaptation to other uses.

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.

Paragraph 202 of the Framework sets out that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Design and Heritage Impact

Bollards Barn is a former farm building which has been converted for residential use. It is thought to have been built in early C17 and is constructed from sandstone rubble with two and three light mullion windows, a main entry door on the south elevation and double doors on the rear elevation.

Although the proposed development is mostly to the rear of the building, it would involve the removal or original fabric of this important heritage asset. This harm, combined with the significance of the position within the Conservation Area: the proposed extension will be a prominent new addition and will alter the appearance of an important listed building in the conservation area. The proposed extension would have a detrimental impact on the conservation area. The harm must be balanced against any public benefit, in accordance with paragraph 202 of the Framework. In this particular case, the benefit would be a private one and the limited public benefit which would arise from the local economic benefits to trades people / construction period is not outweighed by the harm caused to the heritage asset, namely the Conservation Area and the Listed building itself.

As such, the proposals fail to accord with Policy ENV1 of the Local Plan: Part 1 Core Strategy, paragraph 202 of the Framework and the Conservation Area Design & Development Guidance SPD.

RECOMMENDATION: Refuse

For the following reasons:

12. The proposed development by virtue of its position in a prominent position within the Conservation Area, combined with the historic fabric which would be lost and the form which runs contrary to the linear nature of the original building, would result in less than substantial harm to the heritage asset, both the Listed Building and the Conservation Area. This harm is not outweighed by any public benefit, contrary to paragraph 202 of the Framework, Policy ENV1 of the Local Plan: Part 1 Core Strategy and the Conservation Area Design & Development SPD.

Application Ref: 22/0142/LBC

Proposal: Listed Building Consent: Erection of rear and side extensions.

At: Bollards Barn, Barley New Road, Barley

On behalf of: Mrs D Johnson

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 8TH JUNE 2022

Application Ref: 22/0166/FUL

Proposal: Full: Change of Use of Agricultural Land to Tourist Accommodation and the Installation of four Glamping Pods together with access arrangements, parking, landscaping and planting.

At: Higher Grange Farm, Barley Lane, Barley

On behalf of: Mr Andrew J. Hartley

Date Registered: 09/03/2022

Expiry Date: 04/05/2022

Case Officer: Laura Barnes

The application has been brought before committee as a result of the level of public interest.

Site Description and Proposal

The application site is 0.63 hectares of agricultural land, with an access off Barley Lane. It is located within the Forest of Bowland Area of Outstanding Natural Beauty and beyond the settlement boundary, within the Open Countryside.

The proposed development is for the change of use of the existing field to install four structures for tourist accommodation. The pods are to have ensuite facilities, so the proposed development is solely looking at the change of use of the land and siting of four pods, together with associated access and landscaping. There would be no additional need for a toilet block or trailer facilities with porta-cabin WC. Each of the pods is to measure 3.35m x 5.45m and have a height of 2.6m. They would be timber clad with a central door to one end and a gambrel roof shape.

Public Rights of way bound the site to the south and west, with 13-8-FP-51 running immediately to the southern boundary of the site.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

Having considered the information submitted, together with site observations, the Highway Development Control Section does not have any objections in principle regarding the proposed development at the above location, subject to the following comments being noted, further information being supplied, and condition applied to any formal planning approval granted.

The proposal is for four glamping pods for tourist accommodation, together with access arrangements and parking. Four parking spaces are shown on drawing 2020-01-03C. However, no dimensions nor scale have been provided on this plan.

It is therefore unclear whether the parking and manoeuvring areas are adequately sized to allow vehicles to enter and leave the site in forward gear, bearing in mind the site's topography and that it will be used by those unfamiliar with the site layout.

The Design & Access Statement (page 9) refers to visibility splays of 70m at the junction of the access track with Barley Lane. Again, these should be labelled on a scaled plan to demonstrate that these distances can be achieved

In addition, the Design & Access Statement refers to a 10m (or 12m on page 11) concrete apron being constructed within the site from the re-located access gate.

The area between the access track leading from Barley Lane and the site gate should also be surfaced in a bound porous material and properly tied into the track edge to protect the construction of the track due to the site's intensification. Radius kerb edgings should also be provided to prevent vehicles overrunning the existing grass verge and also to protect the construction of the track's carriageway. As this track is not within the applicant's ownership the development should not be detrimental to the track's owner.

Details should either be provided, or a condition applied to any formal planning approval granted. If details are not provided prior to determination of this application the following or a similarly worded condition should be applied to any formal planning approval granted.

Condition

No part of the development hereby approved shall be brought into use until all the highway works have been constructed and completed in accordance with a scheme for improvements to the site access including the surfacing of the site access, tie in details to the access track off Barley Lane and kerbed edgings have been submitted to and approved by the Local Planning Authority in consultation with the Highway

Authority. Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

LCC Highways: Final Commits 03/05/2022

I can confirm that the revised plan (Rev E) has addressed the issues raised.

Environmental Health – Noise, Light, Pollution

With regards to noise and light, we would recommend conditions to control the potential nuisance relating to the campsite, including:

- No recorded or live music can be played at such a volume that it can be heard beyond the boundary of the site
- All outdoor lighting must be kept to the minimum required and be fitted with a cowl to reduce light pollution

Parish Council

The Parish Council recognise this is a small development and consider that if there were more than 4 pods the Council might have a different view.

Members were concerned regarding the developer's proposals to tap in to the spring water supply which feeds half of Barley village with water. There is no certainty that permission will be granted and this issue is not addressed in the application. Members reported residents are concerned about global warming and the increased risk of their water supply failing by the addition of four glamping pods which could house up to 16No persons.

The Council felt that whilst a small number of pods was acceptable, they did not want or expect this decision to set a precedent should other applications follow.

Public Response

Neighbours have been notified by letter and a site notice has been displayed for wider publicity.

4 comments have been received from members of the public, raising objection to the proposed development, the issues raised include the following:

- Concerns about impact upon AONB
- Loss of scenic beauty
- Questioning the need given the large amount of accommodation in the village
- Prominent position from three footpaths
- Static caravans should not be allowed in the AONB, neither should glamping pods
- Concerns over water supply
- Small number of pods may be acceptable but this should not set a precedent
- Development is outside of the settlement boundary
- Positioned along a popular walking route towards Pendle Hill
- The site will be covered in paraphernalia including waste bins, decking, roads and parking
- Isolated buildings in the Open Countryside
- Light pollution and noise
- The village is grid locked during the week and at weekends with visitors
- Could set a precedent for future use of the site

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Policy 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.

Replacement Pendle Local Plan

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

National Planning Policy Framework

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.

Supplementary Planning Guidance: Development in the Open Countryside.

Principle of Development

The Open Countryside SPD recognises the importance of sport and recreational land uses, provided the uses are appropriate and in harmony with the countryside. Policy WRK5 states that provisions for tourism and leisure will be supported, provided they promote sustainable tourism, improve the diversity of tourism on offer and are of an appropriate scale for the character of the area.

The proposed development would be located within the Open Countryside, however it would provide a leisure and tourism use to the area, allowing more opportunity for people to access the open countryside. The site is one defined field, accessed Barley Road. Although the proposed development would result in four additional structures on the site which is currently open, the buildings would be viewed against the backdrop of the existing cluster of buildings at Higher Grange Farm. The proposed pods are not of a significant scale, being only four in number and would improve the quality and diversity of the existing tourism offer.

This development is therefore acceptable in principle, in accordance with Policy WRK5 and the Open Countryside SPD, subject to accordance with landscape amenity and highway policies.

Landscape & Visual Impacts

The proposed development is a parcel of land broadly rectangular shape falling from north to south, towards the watercourse alongside which runs a public right of way. It is acknowledged that there is a well-used footpath providing access to Pendle Hill directly to the south of the application

site. However, the public right of way itself would be unaffected in terms of the route. There is no proposal to alter or divert the footpath. Clearly views from the footpath would change as a result of the proposed development. However, this would not result in an entirely different experience to footpath users, particularly given that directly adjacent to the development site the footpath runs along the edge of the farm yard, where a collection of buildings associated with Higher Grange Farm can be clearly viewed. As such, the application site is read in the context of the existing structures associated with the farm, Meadow Bank Farm, The Old Saw Mill, The Old Post Office and Grange Cottages. Although some concerns have been raised that the application site is in an isolated location, the application site forms part of the context of the existing built development in this area. It is not in a remote field which is absent of other structures. This field is directly adjacent to the farmhouse, barns and other agricultural buildings. As such, it would be read in the context of this cluster of development. The addition of four timber structures, which could be well screened and assimilated into the surrounding landscape would not constitute an isolated dwelling in the same context as a building which was devoid of any built form in the surrounding area.

The site is screened by a number of interspersed mature trees and hedging along the northern boundary and which extends the full length of the proposed site. The application is accompanied by a landscape plan which indicates a substantial amount of tree and shrub planting along the southern boundary in particular. Any proposed landscaping could be controlled by a planning condition to ensure that an appropriate amount of species, along with the type and size could be planted, in order to assimilate the pods into the surrounding area.

Concerns have been raised that the Open Countryside SPG guards against new static or touring caravan sites within the AONB. The proposed development is entirely different from a caravan, in that it can be constructed of natural materials which blend with the surrounding character, as opposed to mainly white boxy transportable structure. The proposal is for timber clad buildings and the details of the materials could be carefully controlled through planning condition in this regard. There is potential for green roofs to be incorporated to assist in assimilating the pods further into their surrounding context.

Overall in relation to landscape and visual impacts, the proposed change of use to a mix of agriculture and camp site would result in some change to the appearance of the site in the immediate vicinity. However, this would be read in the context of the wider surrounding cluster of buildings which are made up of both residential and agricultural structures of various heights on differing levels. As such, the proposed would not result in unacceptable impacts in landscape and visual terms, in accordance with Policy ENV1 of the Local Plan: Part 1 Core Strategy.

Trees

The application is accompanied by an arboricultural impact assessment. It has identified some trees as being of 'category U', and unsuitable for retention. However, the proposed development scheme has also indicated extensive planting which could compensate for the loss of these trees. This could be controlled by a suitably worded landscaping condition. Similarly, the trees which are to be retained could be protected during the construction phase by appropriately worded condition relating to root protection areas and tree protection fencing.

Residential Amenity

The application site would be closest to the hose dwelling at Higher Grange Farm. As such, they would be the closest neighbouring dwelling likely to be affected by any adverse effects. The proposed pods would be sited greater than 21m from the farm, ensuring that there would be no unacceptable privacy effects.

Overall, in relation to neighbouring amenity the proposed use of the site and the significant separation distance from neighbouring occupiers would not result in significant detrimental loss of

privacy or noise impacts on nearby residents. Whilst the Environmental Health Officer has recommended conditions relating to noise being heard from the site boundary, this is something which could be controlled under statutory nuisance powers. Outdoor lighting could be controlled, to ensure that the proposed development does not result in an unacceptable level of light pollution. It is therefore acceptable in accordance with Policy ENV2.

Access and Parking

The site proposes to use the existing track off Barley Lane which serves other residential property. The Highways Authority have not objected in this regard. In relation to facilities and services, tourists visiting the site would be able to explore the wealth of public rights of way in the area. The village itself is not without services, including a bus (Ribble Country) which offers services in the direction of the Ribble Valley and Nelson. The village also has two public houses which are accessible on foot and which visitors are likely to use for meals, rather than travelling by car to other nearby settlements.

Given the scale of the proposed development and its location within reach of other village facilities and services, it accords with the National Planning Policy Framework and Policy ENV4 of the Local Plan: Part 1 Core Strategy.

Other Matters

Comments have been raised in relation to the ownership of the site. Whilst the site access is not within the ownership of the application, this is not a prerequisite for submitting a planning application. The Council is satisfied that the owners of the land have been notified, as is required and the land ownership issue is a private matter between the parties.

Some comments have been received in relation to the water supply. However, there is no evidence to suggest that this would cause an insurmountable issue here. A reason for refusal on this basis is unlikely to be sustained.

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 would accord with Local Planning Policy and would be compliant with the guidance set out in the 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: 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:

Location Plan – HEAP/02 Dwg 01
Proposed Footpath Plan – HEAP/02 Dwg 02

Proposed Site Plan - HEAP/02 Dwg 03
Proposed Floor Plans – HEAP/02 Dwg 05
Proposed Elevations Sheet 1 – HEAP/02 Dwg 06
Proposed Elevations Sheet 2 – HEAP/02 Dwg 07
Proposed Site Sections – HEAP 02/Dwg 08

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

3. Samples of all external materials shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. The holiday let hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of the occupiers of the holiday lets and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

Reason: In order to ensure proper control of the use of the holiday unit and to prevent the establishment of permanent residency.

5. At least one vehicular car parking space shall be made available per pod, within the site for the sole use of the tourist accommodation hereby approved at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that sufficient car parking is available for users of the tourist accommodation.

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

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

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

7.All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2005) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To protect the trees in the interest of the amenity of the area.

8.Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction

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

9.Details of the proposed outdoor lighting shall be submitted and approved in writing by the Local Planning Authority prior to the first occupation of the proposed pods hereby approved.

Reason: In the interests of controlling the amount of light pollution which may be associated with the development.

Application Ref: 22/0166/FUL

Proposal: Full: Change of Use of Agricultural Land to Tourist Accommodation and the Installation of four Glamping Pods together with access arrangements, parking, landscaping and planting.

At: Higher Grange Farm, Barley Lane, Barley

On behalf of: Mr Andrew J. Hartley

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 8TH JUNE 2022

Application Ref: 22/0211/LBC

Proposal: Listed Building Consent: Erection of a canopy to the side elevation.

At: Fence Gate Inn, Wheatley Lane Road, Fence

On behalf of: Mr Kevin Berkins

Date Registered: 05/05/2022

Expiry Date: 30/06/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site is a Grade II Listed Building which has had a modern extension to the side and rear.

The proposal is to erect a temporary structure for a limited time period, to provide an additional covered area for customers around the entrance to the function room to the side / rear of the building. The structure has a canopy form with two large central poles holding up the fabric in a tent like form.

Relevant Planning History

None relevant

Consultee Response

Growth Lancashire, Heritage Consultants

No objection, given the temporary nature of this structure and the minimal attachment required to the Listed Building.

Public Response

Multiple responses have been received raising the following issues:

- Concerns over noise / amenity issues
- Out of character with the Listed Building
- Not in keeping with the surrounding area
- Would appear prominent in the public views of the Listed Building from the highway
- Unclear on the use of this canopy and the likely neighbouring amenity impacts

Officer Comments

Policy

As with all applications the statutory requirement is that the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration of the application must also be in accordance with primary legislation which in this case is primarily the Planning (Listed Buildings and Conservation Areas) act 1990 ("the Act").

The Act states in section 16:

In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The development plan for the area is the adopted replacement Pendle Local Plan ("the Local Plan"). National planning policy is now contained in a single document - the National Planning Policy Framework ("the Framework"). Guidance on its implementation is contained in the online National Planning Practice Guidance.

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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and developments, setting out the requirements for good design and protecting residential amenity.

The Conservation Area Design and Development Guidance SPD sets out that new development should use good quality and predominantly natural building materials, be well detailed, and respect local architectural detailing and styles.

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.

Paragraph 202 of the Framework states that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Design and Heritage Impact

The Fence Gate Inn is a Grade II Listed Building which has had a modern extension built to the side / rear. The proposed canopy would be attached to the building adjacent to the modern extension, allowing the public house to utilise an area for congregating under cover.

The structure itself is a temporary one, which can be erected and taken down easily and in a short space of time. There are provisions for public houses to erect temporary structures for limited periods of time. The proposed structure is to remain in place for a limited period. As such, planning permission is not required in this case. Due to the canopy being attached to the Listed Building, there is a need for Listed Building Consent in this case. Here, the Local Planning Authority are required to solely look at the issue of heritage and the impact to the significance of the Listed Building itself.

The canopy is not proposed to be attached to the original part of the building, but rather the more modern extension to the side and rear. Therefore, in terms of the impact upon the Listed Building it would be minimal and would not result in harm to the heritage asset. The public benefit emanating from having the canopy in place would mean that more people can visit the public house, which will add to the continued viability of the business operating from the building which will assist in preserving it in the longer term.

Other Matters

Although the issues of neighbouring amenity and noise have been raised by members of the public, it is not within the scope of a Listed Building Application to consider issues such as this. The proposed development is Permitted Development.

Reason for Decision

In accordance with Section 66 of the Planning (Listed Buildings and Conservation) Act 1990, special regard has been made to the desirability of preserving the special historic or architectural interest of the building. The proposal does not materially affect the special historic or architectural interest of the Grade II Listed Building, Fence Gate Inn and as such there is no reason to refuse consent.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The works approved shall be begun before the expiration of three years from the date of this consent. No later than three days after works first begin on site, written notice shall be given to the Local Planning Authority of the date on which works are first commenced.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

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

Location Plan – 1:1250

Proposed Site Plan Ref: 2022/53

Proposed Elevation Plans Ref: 2022/53

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

3. The proposed materials shall be as stated in the application form and approved plans. There shall be no variation without prior written consent from the Local Planning Authority.

Reason: The proposed development is temporary in nature and the materials can be controlled by the Local Planning Authority.

4. The structure hereby approved shall only remain in place as far as is allowed under the Permitted Development rights, set out in the General Permitted Development Order 2015. This structure is temporary in nature and shall not remain on the site permanently unless agreed in writing by the Local Planning Authority.

Reason: In order to comply with regulations set out in the General Permitted Development Order

Application Ref: 22/0211/LBC

Proposal: Listed Building Consent: Erection of a canopy to the side elevation.

At: Fence Gate Inn, Wheatley Lane Road, Fence

On behalf of: Mr Kevin Berkins

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 28th April 2022