



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

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 29TH MARCH 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 29TH MARCH 2023

Application Ref: 21/0828/VAR
Proposal: Full: Major: Variation of Condition: Vary Conditions 2 (Plans) and 16 (Landscaping) of Planning Permission 13/13/0531P.
At: Spenbrook Mill, Spenbrook Road, Newchurch in Pendle
On behalf of: K Illingworth
Date Registered: 12/10/2021
Expiry Date: 11/01/2022
Case Officer: Laura Barnes

This application is before the Committee for determination because it relates to major development.

Site Description and Proposal

The application is a variation to the approved plans of a Full Planning approval for the erection of 18 dwellings and conversion of a mill building into 10 further dwellings.

Works have started on constructing the dwellings and converting the mill building.

This application seeks to substitute the approved plans for plot 18 as well as the landscaping proposed across the site.

Relevant Planning History

13/13/0531P: Full: Major: Demolition of industrial buildings, conversion of Spenbrook Mill to 10 No. residential units and erection of 18 No. residential units with associated landscaping, access, car parking and associated works.
Approved with conditions

13/13/0531C1: Approval of Details Reserved by Condition: Discharge Condition 9 of Planning Permission 13/13/0531P.
Condition Discharged

13/15/0080P: Full: Major: Variation of Conditions 3, 4, 5, 6, 7, 12, 13, 15, 16, 17, 21, 22, 25, 26 and 27 of Planning Permission 13/13/0531P.
Approved with conditions

22/0378/FUL: Full: Erection of replacement sub-station.
Approved with conditions

Consultee Response

LCC Highways

Please include the visibility splays X2.4m by Y43m in both directions, at both site access points on Spenbrook Road.

FP 20 runs on the northern boundary and through the site as it travels westward. The FP needs to be shown on the site layout and the process to formally divert the path needs to progress.

Public Response

Nearest neighbours have been notified by letter, a site and press notice have been displayed, without response.

Officer Comments

The principle of residential development on this site has been established by the permission 13/13/0531P. This application seeks to amend the original permission to alter the house type for plot 18 and also the landscaping plan for the whole site.

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

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

Policy ENV5 (Pollution and Unstable Land) concerns the risks of air, water, noise, odour and light pollution in addition to addressing the risks arising from contaminated land.

Policy ENV7 (Water Management) concerns the risk of flooding from flood or surface water. It requires flood risk to be assessed and sustainable drainage measures to be used.

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

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.

Amendments

In terms of the proposed variation to the scheme previously approved, the changes are set out below:

Plot 18

The approved plans indicate that plot 18 is a detached two storey dwelling with an attached single garage and a single storey outrigger to the rear. Plot 18 is adjacent to the main mill building. It is positioned with the rear elevation closest to plot 14 and the side elevation adjacent to the rear of plot 13. The substituted plan for plot 18 indicates that it is to be a larger house type, with five bedrooms and the accommodation is to be split across three floors. The substituted plan indicates that the house is to be constructed of stone walls, with quoin detail to the corners, a slate roof, with timber doors and windows. Although the distance between the side of plot 18 and the rear of plot 13 is 10m (6.2m to single storey rear extension), there are no proposed side elevation windows to plot 18. As such there would be no unacceptable impact upon neighbouring amenity. In terms of plot 14, which is directly to the rear of plot 18, there are to be two windows to the side elevation of plot 14 (first floor and second floor). The two windows are to serve the stairwell between the ground / first floor and first / second floor. As such, these are not habitable room windows and would not result in an unacceptable neighbouring amenity issue.

Landscaping

Details of the landscaping plan which was part of the original application have refused, as part of an application to discharge conditions (20/0427/CND).

The proposed landscaping scheme has simplified the planting pallet, using native species, to reflect the character of the Pendle Hill Landscape. The non-native ornamental planting which was to be arranged in formal groups have been removed.

Highways

The Highways Authority have requested that the visibility splays are indicated on the plans. They have also requested a note to ensure that the route of the public right of way is only changed under the formal process. This information has been provided and is satisfactory.

The proposal still provides the same amount of car parking as previously approved and accords with Policy 31 of the Pendle Replacement Local Plan and Policy ENV4 of the Local Plan: Core Strategy in this regard.

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 3rd March 2017.

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:
L(00)00 Rev B, L(01)00 Rev A, L(01)10 Rev M, L(02)10 Rev A, L(03)00 Rev A, L(03)10 Rev A, L(04)10 Rev A, L(03)20 Rev A, A_(02)00 Rev C, A_(03)10 Rev B, A_(03) 11 Rev B, A+_(02)00 Rev A, A+_(03)10 Rev B, A+_(03)11 Rev B, B_(02)00 Rev A, B_(03)10 Rev B, C_(02)00 Rev B, C_(03)10 Rev B, D_(02)00 Rev B, F_(02)00 Rev A, F(03)10 Rev C, G_(02)00 Rev A, G_(03)10 Rev C, G+_(02)00 Rev A, G_(03)10 Rev B, L(02)91 Rev B, L(02)92 Rev B, L(02) 93 Rev B, L(02)94 Rev B, SK(01) 01, SK(01) 02, SK(01) 03, SK(01) 04 & 4530.01 Rev B, Landscaping Plan 001 Rev E

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

3. The development hereby approved shall be carried out in accordance with the details agreed under the phasing plan 1355-2 discharged on 27/03/2019 with reference 18/0241/CND.

Reason: To secure the proper development of the site in an orderly manner.

4. The development hereby approved shall be carried out in accordance with the details of the planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (or any subsequent provision equivalent to that Section) which relates to off-site public open space, agreed on 29th March 2018.

Reason: To ensure that the proposed development makes provision for off-site public open space.

5. The development shall be carried out in accordance with the details of one affordable dwelling which was discharged on 28th March 2018 under reference 18/0019/CND.

Reason: In order for the development to contribute to the supply of affordable housing in accordance with the need identified in the Strategic Housing Market Assessment and the National Planning Policy Framework.

6. The development shall be carried out in strict accordance with the details relating to contamination and remediation which were partially discharged under application reference 18/0019/CND on 28th March 2018. This includes a method statement which sets out in detail

the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement indicated detail as to how:-

- a)** an investigation and assessment identified 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);
- b)** a comprehensive remediation scheme which included an implementation timetable, details of future monitoring and a verification methodology (which included a sampling and analysis programme to confirm the adequacy of land decontamination)

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: To identify any contamination of the site from previous uses and to ensure remediation of any contamination to safeguard future users or occupants and the environment beyond the site and in order to prevent contamination of the controlled waters.

- 7. The development shall be carried out in strict accordance with the scheme for disposal of foul and surface water for the entire site which was agreed by the Local Planning Authority on 28th March 2018. The development shall be completed, maintained and managed in accordance with the approved plans before the first dwelling is occupied.

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

- 8. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- 1. Limiting the surface water run-off generated by the 1 in 100 year 6 hour rainfall event critical storm so that it will not exceed the run-off from the existing site and not increase the risk of flooding downstream.

2. Reducing the surface water run-off by at least 20% by increasing permeable areas on the site by having at least 2900m² of grassed areas and 1100m² of pervious paving.
3. Diverting the existing culverted watercourse around the existing mill building with a new pipe which has the capacity to convey the 1 in 100 year climate change flood event and the 1 in 100 year 6 hour rainfall event. Consent must be granted from Lancashire County Council for the culvert diversion.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water. To reduce the risk of flooding to the existing downstream properties and also the proposed development and future occupants. To ensure the structural integrity and hydraulic performance of the culverted watercourse which flows through the site.

9. Before any demolition occurs on the site a detailed plan of the extent of demolition shall have been submitted and agreed in writing by the Local Planning Authority. Before any demolition commences a record of any features of historical or archaeological importance shall have been submitted to the Local Planning Authority. The inspection and record shall have been carried out in accordance with a methodology previously agreed in writing by the Local Planning Authority.

Reason: To ensure that a public record is made of items of historical and archaeological interest.

10. The access and estate road for each phase of development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any other development (in that phase) takes place within the site (other than demolition), details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. The estate road (as it relates to that phase) shall have been completed in its entirety, including the wearing course, before the first occupation of any dwellings in that phase or in accordance with an alternative timescale to be agreed in writing by the Local Planning Authority.

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

11. The car parks serving the converted mill shall be surfaced or paved in accordance with the Highway Details contained within drawing 6365-PI-02 Rev X and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The work shall be completed in its entirety before the first occupation of any residential unit in the mill building.

Reason: To allow for the effective use of the parking areas and in order that the site is serviced by adequate car parking in the interests of highway safety.

12. A scheme for the construction of the off-site works of highway improvement have been approved in writing by the Local Planning Authority under reference 18/0019/CND on 28th March 2018. No part of the development (or phase) hereby approved shall be occupied until the approved scheme has been constructed and completed in accordance with the details agreed.

Reason: To satisfy the Local Planning Authority that details of the highway scheme/works are acceptable before work commences.

13. The estate road access shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the Spenbrook Road and 2.4 metres distant from

the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway; and from the proposed entrance to the car park there is clear visibility from a point 1.05 metres above ground level at the centre of Spenbrook Road and 2 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and 30 metres in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed, which would obstruct the visibility described in the condition above.

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

14. Except for the two vehicular access points servicing the development shown on the approved plans the existing accesses on to Spenbrook Road shall be physically and permanently closed and the existing verge and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads prior to the first occupation of the proposed development.

Reason: To limit the number of access points and to maintain the proper construction of the highway.

15. The development shall be carried out in strict accordance with the Construction Code-of-Practice which has been approved in writing by the Local Planning Authority on 28th March 2018 under application reference 18/0019/CND.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

16. The development hereby permitted shall be carried out in strict accordance with Landscaping Plan 001 Rev E

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. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any

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

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

18. No trenches, pipe-runs for services or drains shall be sited within the Root Protection Area as calculated by BS 5837 (2012) and shown on Dwg no. 4530.02 without the prior approval in writing of the Local Planning Authority.

Reason: To protect trees and shrubs as essential elements in the development.

19. The development shall be carried out in strict accordance with the mitigation measures set out in Sections 5.1 and 5.2 of the "Supplementary Bat Survey for Spenbrook Mill, Spenbrook" dated September 2012 by DGA-Ltd. The development shall then only commence and be completed in accordance with the agreed details.

Reason: To ensure no net loss of biodiversity as a result of the development.

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

Part 1

A) no extensions shall be erected.

B+C) no alterations to the roof of the building shall be carried out.

D) no porches shall be erected.

E(a)) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the buildings.

(G) no installation or replacement of a chimney, flue or soil and vent pipes.

Part 2

A) no gates, fence or wall structures shall be erected within the curtilage of the buildings.

B) no means of access shall be constructed to the curtilage of the buildings.

C) the exterior of the building shall not be painted.

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

21. Full details of the reinstatement of facades where adjoining buildings are to be demolished have been approved in writing by the Local Planning Authority on 8th October 2020 under reference 19/0798/CND. The development shall thereafter be carried out in strict accordance with the approved plans.

Reason: In the interests of amenity and the appearance of the development.

- 22.** Prior to the commencement of development a management plan for the retained mill buildings, chimney, on site open space and land outside of the settlement boundary which forms part of the proposed landscape area shall have been submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be maintained in accordance with the agreed management plan.
- Reason:** In order to that the development is retained and maintained in an appropriate manner.
- 23.** Unless otherwise agreed in writing the finished floor levels of the dwellinghouses shall be as stated on the approved layout plan Drawing no. L(01) 10 Revision M.
- Reason:** In order to ensure an appropriate form of development.
- 24.** The garages hereby permitted on plots 9, 10 and 11 shall not at any time be used for any purpose which would preclude its use for the parking of motor cars.
- Reason:** To ensure that there is adequate off-street parking provision within the site to prevent on-street car parking that would be inimical to highway safety.
- 25.** Detailed plans and sections of the proposed windows and doors at a scale not less than 1:20, and details of sun rooms, rooflights, chimneys and rain water goods at an appropriate scale together with details of proposed finishes, have been approved in writing by the Local Planning Authority on 8th October 2020 under reference 19/0798/CND. The development shall thereafter at all times be carried out in strict accordance with the approved plans.
- Reason:** To enable the Local Planning Authority to control the detail of the work and in order to protect and preserve the character of the AONB and Conservation Area.
- 26.** Samples of the materials to be used in the construction and the surfacing of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) have been approved in writing by the Local Planning Authority under application reference 19/0798/CND on 8th October 2020. The development shall thereafter be carried out in accordance with the approved details.
- Reason:** To ensure a satisfactory form of development in the interest of visual amenity of the area.
- 27.** All windows, doors and garage doors shall be of timber construction and shall be painted in the colour scheme agreed in writing by the Local Planning Authority under application reference 19/0798/CND on 8th October 2020.
- Reason:** To ensure a satisfactory form of development which lies within a conservation area and the AONB.
- 28.** Windows and doors shall be set back from the external face of the walls of the units by at least 100mm in depth.
- Reason:** To ensure a satisfactory form of development.
- 29.** Before a dwelling unit is occupied waste containers shall be provided in the bin/cycle storage areas on each plot.
- Reason:** To ensure adequate provision for the storage and disposal of waste.

Note:

1. Public Footpath 20, Goldshaw Booth, runs through the application site. Planning permission does not confer any rights to carry out work which would obstruct or interfere with this or any other public rights of way across the site which may reasonably be believed to exist. Public rights of way are protected by the Highways Act 1980. The applicant may apply to permanently divert or close public footpaths in connection with planning permission or in the interests of the owners/occupiers of the land. Work which adversely affects the public rights of way may only commence when the requisite public path orders have come into operation. In addition, the Council can lawfully close a public footpath temporarily if this appears to be necessary for work to be carried out on the path itself or adjoining land. The applicant is advised to consult the Council's Countryside Access Officer at any early stage to apply for any permanent or temporary footpath diversion or closure which may be required.

2. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact Customer Services at highways@lancashire.gov.uk and on 0845 0530011 and quote the planning application number.

Application Ref: 21/0828/VAR

Proposal: Full: Major: Variation of Condition: Vary Conditions 2 (Plans) and 16 (Landscaping) of Planning Permission 13/13/0531P.

At: Spenbrook Mill, Spenbrook Road, Newchurch in Pendle

On behalf of: K Illingworth

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 29TH MARCH 2023

Application Ref: 22/0607/HHO

Proposal: Full: Erection of a two storey side extension and single storey rear extension and associated site works.

At Greenbank House, Greenbank Drive, Fence.

On behalf of: LP Technology Ltd

Date Registered: 12/09/2022

Expiry Date: 07/11/2022

Case Officer: Joanne Naylor

This application has been brought before Committee due to 3+ objection.

Site Description and Proposal

The application site is a two-storey dwellinghouse with a single storey side extension, the dwellinghouse is at the end of a row of three properties with the application site adjoining Greenbank Barn. The application site is set within a generous plot with a driveway to the front and side and a detached garage, to the rear there is a garden elevated above the house which is within the green belt. To the front of the property at a lower elevation there are a number of dwellinghouses.

The proposal seeks to erect a two storey side extension and a single storey rear extension which would be within the green belt and for associated works.

Relevant Planning History

13/10/0050P: Full: Convert garage to create granny annex. Approved with Conditions (23 March 2010).

Consultee Response

LCC Highways

There is no objection to the proposal.

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Parish/Town Council

No objections.

Cadent Gas

No objections.

Public Response

The nearest neighbours have been notified by letter, five objections have been received relating to:

- Concern over damage by construction traffic to fencing and road surface.
- Lack of parking and parking problems.
- Overlooking of properties on Greenbank Drive.
- Design and appearance.

Officer Comments

The main considerations for this application are the policies, impact on green belt, design and materials, residential amenity, and highways.

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

Paragraph 149 of the National Planning Framework relating to development in green belt.

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

Green Belt

The dwellinghouse associated with this application is just out with the green belt. However the rear garden on which part of the extension is proposed is within the green belt. Part of the proposed development would be located within the green belt, namely the single storey extension. This is an unusual situation where the main part of the development is not in green belt with a small section in it.

The part of the development that is in green belt is single storey and modest in nature. It in itself would not be disproportionate to the rest of the house. It would therefore not affect the openness of the green belt.

Design and Materials

The Design Principles SPD advises that extensions should be constructed in materials and style to match the existing dwelling and pitched roof elements are preferred.

The proposed development would remove the existing single storey side extension and erect a two storey side extension of a more modern design. The conservatory on the side of the dwelling would be removed and an extension that wraps around the side and rear of the building is proposed.

Whilst the design of the extension is modern it fits acceptably into the design of the existing dwelling and is proportionate in scale with the surroundings. The design is acceptable in the location it is in.

The proposed development is acceptable and would conform to Policy ENV1, Policy ENV 2, and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advises that extensions should adequately protect neighbours enjoyment of home, to not obstruct outlook of neighbouring dwellings or detract from their privacy.

The proposed two storey side extension would be set away from the neighbouring properties and would not result in any overlooking or overbearing to the adjoining neighbours.

To the front of the application site there are houses on Greenbank Drive which are set at a much lower elevation with the roofs of these dwellings being lower than the ground level of the application site. The proposal would not result in any loss of residential amenity here.

The application site has windows to the side elevation at ground and first floor windows, these windows face onto Greenbank Barn, the proposed single storey extension would have side windows facing onto Greenbank Barn, here the proposed extension would have a greater view into Greenbank Barn's rear garden, habitable room windows and conservatory, this would be of greater impact than the side elevation windows of Greenbank House, this would impact negatively on the neighbour's residential amenity, a condition would be placed for obscure glazing to mitigate this issue.

Subject to a suitable condition, the proposed development would be acceptable in terms of residential amenity and would comply with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would increase the number of bedrooms from four to five. The application site has a generous area for parking vehicles and a detached garage. LCC Highways have raised no objection to this proposal on highway safety and that there is capacity within the curtilage to accommodate off-street parking.

Other Matters

Comments have been made about potential damage to adjacent properties and surfacing during construction. Planning permission does not grant consent for damage to occur but these are private matters outside the scope of consideration of the planning merits of the application.

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: 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 Drawing Number PL/01 Revision A; Proposed Site Block Plan PL/05; Proposed Floor Plans Drawing Number PL/06; Proposed Elevations 1 Drawing Number PL/07 Rev A; and Proposed Elevations 2 Drawing Number PL/08.

Reason: For the avoidance of doubt and in the interests of proper planning.
3. Prior to the first use of the single storey rear extension hereby permitted either a 1.8m fence shall be erected to fill the gap along the joint boundary with Greenbank Barn or the glazing in the south west facing elevation shall be obscurely glazed to level 5. The fencing shall not be see through. Whichever of the fencing/obscure glazing is provided it shall thereafter be permanently retained.

Reason: To ensure the development does not adversely affect the privacy and amenity of the occupants of the adjoining dwelling.
4. The external materials used in 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.

Application Ref: 22/0607/HHO

Proposal: Full: Erection of a two storey side extension and single storey rear extension and associated site works.

At Greenbank House, Greenbank Drive, Fence.

On behalf of: LP Technology Ltd

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 29TH MARCH 2023

Application Ref: 22/0763/FUL

Proposal: Full: Construction of 3no. self-build family eco-homes.

At: Field to the South East of Pasture House, Pasture Lane, Barrowford

On behalf of: Mr & Mrs Diane & Gary Collier

Date Registered: 06/12/2022

Expiry Date: 31/01/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a field accessed off Pasture Lane. It is located outside the settlement boundary within the Open Countryside. Pasture House is a Grade II Listed Building.

The application seeks planning permission for the erection of 3 dwellings which are to be situated in the field to the south of the Listed Building. Each of the dwellings is to be two storey in height and be constructed of natural random stonework with grey slate roof tiles, each dwelling is to have three bedrooms.

Relevant Planning History

13/00/0293P: Convert detached barn to a pair of semi-detached dwellings.
Approved with conditions

13/01/0305P: Convert barn to 2 dwellings (amended scheme)
Approved with conditions

Consultee Comments

LCC Highways

The submitted documents and plans have been reviewed and the following comments are made. The site was visited on 21st December 2022.

Sustainability

The nearest facilities and bus stops are located in Barrowford Centre which is approximately 1km from the site. The walking route along the lower section of Pasture Lane has a poor sub-standard footway network and narrow carriageway widths which creates a barrier to walking. The nearest primary and secondary school bus stops are located over 1km from the site. These distances exceed the walking distances and the site is not considered to be sustainable or have the infrastructure to support walking to the nearest facilities.

Access Lane

The site is accessed from a private unnamed lane which joins Pasture Lane which is an unclassified road subject to a 20mph speed limit. The junction is sited on the outside of a bend and has good visibility splays to both sides along Pasture Lane for drivers emerging onto Pasture Lane. The visibility for drivers turning right from Pasture Lane entering the unnamed lane due to

the bend is more restricted however this is not anticipated to cause a severe impact to highway safety.

Public footpath 13-2-FP7 runs along the lower section of the unnamed lane.

There is a pinch point on the lane between number 34 Pasture Lane which reduces the carriageway to single vehicle width, there is no footway on the unnamed lane and this raises the level of conflict for users of the public footpath.

The unnamed lane is privately maintained and is approximately 600m long. There are no passing places on the lower section which is approximately 300m long. This is likely to result in additional conflict between pedestrian and vehicle movements.

Site access

The site access itself is a shared driveway to serve the proposed three new dwellings.

A visibility splay plan is required to demonstrate splays of X2.4m by Y25m in both directions along the unnamed lane.

The site access needs to be paved in a bound and porous material for at least the first 5m and not laid in loose gravel as proposed on the drawings.

Conclusion

To conclude the site is not considered to be sustainably located with nearest facilities being located over 1km from the site and with poor infrastructure on the lower part of Pasture Lane.

The additional traffic raises conflict with pedestrians on the lower section of the unnamed lane carrying footpath 13-2-FP7. There are no passing places for vehicles to clear the carriageway whilst other vehicles and pedestrian's pass.

Should the application be considered for approval, a plan showing the visibility splays at the site access should be submitted and subsequently conditioned, together with the site access itself being paved in a bound and porous material for at least the first 5m.

United Utilities

United Utilities wish to make the following comments regarding the proposal detailed above.

DRAINAGE

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant considers their drainage plans in accordance with the drainage hierarchy outlined above.

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).

In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.

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 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout.

The applicant should not presume that the principles outlined within a drainage strategy will meet the detailed 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 works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

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. See 'Contacts' Section below.

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

Water pipelines

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

Wastewater pipelines

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for further details).

Advice relating to both water and wastewater infrastructure

It is the applicant's responsibility to demonstrate the exact relationship between 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.

Any agreement to divert our underground assets will be subject to a diversion application, made directly to United Utilities. This is a separate matter to the determination of a planning application. We will not guarantee, or infer acceptance of, a proposed diversion through the planning process

(where diversion is indicated on submitted plans). In the event that a diversion application is submitted to United Utilities and subsequently rejected (either before or after the determination of a planning application), applicants should be aware that they may need to amend their proposed layout to accommodate United Utilities' assets.

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.

Any construction activities in the vicinity of United Utilities' assets, including any assets or infrastructure that may be located outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines'. The applicant, and/or any subsequent developer should note that our 'Standard Conditions' guidance applies to any design and construction activities in close proximity to water pipelines and apparatus that are no longer in service, as well as pipelines and apparatus that are currently operational. A copy of this document is available on our website.

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. Please see 'Contacts' section below.

Growth Lancashire – Heritage Consultants

Growth Lancashire Comments dated 11/01/2023.

Site / Building / Location

The site is a plot of agricultural land in use for grazing to the southeast of Pasture House, which was built in 1777-78 to the design of Mathew Oddie and built by mason John Hartley. The design incorporates classical and symmetrical architectural features associated with Georgian period architecture with Gothic elements such as pointed arched windows and ogee parapets. The key features of the three-storey house include dressed stonework with projecting quoins, sash windows, doorway with pilasters and semi-circular fanlight with glazing bars under a broken pediment, and a prominent bracketed eave. The roof has two gable chimneys at either end. A most striking feature is the ogee parapets at each end of the house, which terminate with rusticated piers, each with one 2-light 2-centre headed windows. The house has a walled garden to the southwest.

The site and its immediate vicinity are agricultural in context and are used as pasture for the grazing of livestock. The curtilage of Pasture House includes a two-storey (converted) barn (known as Pasture Barn West and Pasture Barn East), which according to historic maps, was most likely built in the late 19th - early 20th century. There are other smaller buildings to the northeast and southwest, along a public footpath passing in front of these buildings, aligned with a northeast-southwest axis. Some of these buildings are for residential use while others serve agricultural purposes and are used in conjunction with the surrounding farming works.

The site and Pasture House are located to the northwest of Barrowford, east of Roughlee and west of Blacko. The site is currently accessed via an access lane, half of which is a private lane, which runs off Pasture Lane and serves Pasture House, associated buildings and agricultural land.

Designations

Pasture House is a Grade II listed building designated in 1988. See Listing Description (HE): PASTURE HOUSE, Barrowford - 1361688 | Historic England

The proposal site is an open countryside.

Legislation

The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should, in coming to decisions, consider the principle Act which states the following;

Listed Buildings – Section 66(1)

In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority 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.

Planning Guidance and Policy

NPPF

In determining planning applications LPAs should take account of;

- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. The desirability of new development making a positive contribution to local character and distinctiveness.

P.199 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

P.202 identifies that where a proposal 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.

Local Plan

Policy ENV 1 and Policy ENV 2 of the Pendle Local Plan (2011-2030) - Protecting and Enhancing Our Natural and Historic Environments.

Supplementary Planning Guidance - Development in the Open Countryside, Pendle Borough Council.

Assessment

I have reviewed the supporting documents, which include a Design and Access Statement, Planning Statement, existing and proposed site plans, general arrangement plan, proposed plans and elevations for each house and outbuildings, hardworks and softworks plans, and boundary treatments plan.

The application does not include a Heritage Statement to discuss the issue of setting.

The key heritage issue for the LPA to consider under the application is whether the proposal would harm the contribution made by the setting to the significance of the Grade II listed Pasture House.

The proposal

The purpose of the proposal is to build three two-storey buildings and two outbuildings in the field to the southeast of Pasture House, in open countryside used for agricultural purposes. The main reason for this development is the desire of the applicants, who grew up in Pasture House and currently reside at Pasture Barn West, to stay living in this immediate area with their growing family.

The three buildings and two outbuildings are positioned halfway down the field.

The intention is to make use of the existing topography of the site that slopes downwards from Pasture House towards the southeast, in such a way that the layout allows views over the top of

each building, thereby minimising the impact the new buildings will have on the outlooks from Pasture House and other existing buildings. The lands to the north and south of the proposal site are kept as agricultural grazing land with additional tree planting and biodiversity enhancements, such as a pond and beekeeping.

The layout of the proposed buildings roughly imitates the orientation and linear grain of Pasture House and nearby buildings, and the buildings are similarly sited along a southwest-northeast access lane. House 1 (L-shape) and House 3 (T-shape) form the eastern and western edges of the development and are positioned vertical to the access lane while House 2 (rectangular) is parallel to it. Their staggered layout creates a series of courtyards and individual external spaces for the properties with each having their own private garden area. This also allows views towards three directions from each dwelling. The two outbuildings will contain garages and storage areas and are situated next to House 1 and House 2.

One of the primary design elements is to have minimal openings on the northwest elevation, which face the existing properties and the shared access lane. The southwest elevation, on the other hand, will have large glazed openings to maximise the appreciation of the southeast views from the buildings. This side of the properties is also where the gardens for each building are located.

In terms of their design, the buildings take their inspiration from nearby buildings and incorporate features such as stone building material, pitched roofs, central doorways, single-storey outbuildings and lean-to extensions, stone boundary walls, symmetrical primary elevations etc. The development sits in a pocket of grassland and is surrounded by lines of trees and hedgerows. Native species hedging is proposed along the access lane, as well as garden hedges between each property. The proposed drive entrance is of loose gravel framed in two rows of gritstone sett.

Impact to the contribution of the setting to the significance of the listed building

The Pasture House is a good example of a small Georgian house with Gothic influence. Its features, including its quoined façade, ogee parapets and symmetrical primary elevation, are quite prominent compared to the buildings nearby. As an 18th-century house that retains its historic features and layout, the listed building's architectural, aesthetic and historic significance are evident in its physical fabric and attest to its high significance.

Historic maps show that the building was a dominant architectural feature in the vicinity with minor outbuildings since the early 19th century. Its ogee parapets and walled garden to the southwest are discernible on various maps. The barn to the northeast appears to have been built later, most likely in the late 19th century, replacing possibly two much smaller buildings. Field boundaries are invariably lined with trees.

The field immediately to the southeast of Pasture House appears to have retained its agricultural/field character throughout the existence of the farm.

Historic maps confirm that the only significant change appears to have occurred after the mid-20th century with the access lane off Pasture Lane that goes to Pasture House acquiring a southwest-northeast aligned lane, cutting across the field as a shortcut to the existing buildings.

In assessing the proposed development, the primary issue from a heritage viewpoint revolves around its impact on the setting of the listed property.

Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled *The Setting of Heritage Assets* (2017), which describes the setting as the surroundings in which a heritage asset is experienced, and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. The Planning Note states that "where that experience is capable of being affected by a proposed development (in any way) then the proposed development can be said to affect the setting of that asset." HE also states

that, although a setting is not a heritage asset in itself, its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.

In this respect, the setting of Grade II listed Pasture House can be said to include its immediate vicinity including the existing buildings and fields as well as areas with which it has historic or visual associations and from where it can be experienced. I note here that Pasture House and the buildings in its curtilage are all southeast facing. Although the rear of the buildings may also be considered as part of the setting of the listed building, in my opinion, the setting of Pasture House primarily contains the field to the southeast (proposal site), as well as the fields to the north of this area and to the south of this area, as far as and possibly beyond Pasture Lane.

Pasture House, especially due to its size (three-storeys) and its location at a high point, is visible from a number of viewpoints within this setting, especially along Pasture Lane and the access lane off this road, and also from the proposal site. I also note that, as stated above, the agricultural and open countryside character of the setting has remained unchanged for centuries. As a result, I would contend that the setting of Pasture House, which includes the proposal site, makes a valuable contribution to the significance of the listed property.

The effects of the development on the contribution of this setting to the significance of the listed building can be assessed by addressing a number of attributes of the development including its siting, form and appearance etc.

The proposal site, on approach from the southeast, stands at a higher level and is usually hidden from view due to the trees planted along the field boundaries.

The site can only be partially observed from most vantage points along Pasture Lane and from the access lane to Pasture House. Contrary to this relative obscurity, the proposal site is fully visible from Pasture House due to the latter's higher altitude and a relative sparsity of trees or shrubs along the diagonal lane.

The location of the development is some way down the field, at a much lower level than Pasture House. Whilst this reduces the visual impact the development will have on the views from the listed building, on approach, the new houses will be an obvious new addition to the immediate setting to the listed house.

Indeed whilst landscaping and new tree planting will further screen the new houses I think this will in some ways will be harmful to the more open landscape setting currently afforded the listed house.

I note the design approach taken and the comments in the D&A Statement. The design mimics a farm cluster and generally, the proposed buildings are modest, with the dwellings consisting of two-storeys and outbuildings and lean-to comprising single-storeys.

On the whole, whilst I have no objections to the design approach I feel the scheme will still involve a significant and noticeable degree of change to the immediate setting to the listed farmhouse and will introduce built development into an area of open land (rural character) which contributes to the significance of Pasture House. In this context, the visual balance between the existing buildings in and around Pasture House set at the higher level will change with this proposal. Although the proposal would cause no direct harm to the listed building the change in the character of the immediate landscape (which contributes to the significance of the listed building) would do so.

As a result, considering the value of the setting and its contribution to the character and significance of the listed property, I am of the opinion that the proposed development will cause some visual harm to the rural setting of the listed building and, as a consequence, will diminish the significance of Pasture House. Whilst I would consider the visual impact on the immediate setting to be of a moderate scale, being mindful that this is an indirect effect, the resultant harm to the

significance of Pasture House will be lower. This level of harm would be within therefore at the lower end of the less than substantial range as defined by P.202 of the NPPF.

It is worth noting that whilst a well-designed and well-maintained appropriate planting scheme will, in time, help to minimise this visual harm of the new properties I feel this landscaping will further encroach and reduce the openness of the historic setting and the south-east views, to and from, the listed building.

Conclusion / Recommendation

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

I consider that the proposal would not meet the statutory test 'to preserve' and would cause harm to the contribution made by the setting to the significance of the Grade II Pasture House and to the character and appearance of the landscape. I would regard the harm to be at the low end of the 'less than substantial' range and as such should be considered under P.202 of the NPPF.

Under P.202, the LPA can consider the limited harm caused by the loss against the (public) benefits generated by the works. In undertaking that weighing exercise the LPA should always give great weight (NPPF – P199) to any harm or loss of significance.

If in undertaking that weighted balance a positive balance cannot be achieved, then the proposal would be at odds with the requirements of Chapter 16 of the NPPF and be contrary to Policy ENV 1 and Policy ENV 2 of the Pendle Local Plan (2011-2030).

Growth Lancashire Comments dated 26/01/2023

I have gone through the revisions you sent across and considered the amended scheme against my previous comments and assessment dated the 11 January.

In general I think the revised scheme, which still shows three new houses accessed off a shared driveway, has been simplified with less development. The garages and storage buildings having been deleted. The building design remains influenced by the nearby farm buildings and whilst finished in a contemporary way, they incorporate traditional forms and materials.

The main changes relate to the fact that the buildings are now pushed further into the bottom of the field below Pasture House and a new boundary hedge line/tree planting has been introduced to form the divide between the new residential site and the open field below Pasture House.

I think in all respects these measures will help further separate the new dwelling and the residential 'enclosure' from Pasture House, which sits elevated to the west.

My previous comments dealt with the value/significance of the open rural setting to the significance of Pasture House. The reasoning behind that assessment is provided in the 11 January response.

Clearly, the open eastern aspect and rural setting contributes to the significance of the listed building and I feel the introduction of any new buildings into that immediate setting will result in some impact. That said as indicated previously any impact will diminish with distance and the degree in which new development would be seen within the context of the views both to and from the listed building. In this regard I am mindful of the HE advice on setting matters which describes the setting as the surroundings in which a heritage asset is experienced, and explains that this may be more extensive than its immediate curtilage. I think that is relevant in this case.

Whilst the amendments has helped mitigate some of the concerns over the impact on the setting I do not feel the changes have eliminated the visual change (and harm) to the setting. On approach up the access drive whilst the new location for the houses is more offset and removed from direct

view, the scheme still involves a significant change in the character of the parcel of land and this will be noticeable both in the views to and from the listed building. In this respect the revised scheme will still diminish the significance of the rural setting to Pasture House, which is a positive contributor to its significance, and as such will result in some (limited) harm to the contribution made by the setting to the overall significance of the listed building.

I am mindful that this is not an exact science I feel that the harm remains in the less than substantial range and will need to be assessed under P.202 of the NPPF. Whilst I acknowledge the changes made, to the scheme, harm remains at the very low end of the scale. It is down to the LPA to consider the harm/impact in its planning balance remembering to always give great weight to any impact/loss of significance.

High Court decisions have been clear that less than substantial harm does not necessarily equate to a lesser objection, given the principle duty under the Act is to preserve. Lower levels of harm however require less public benefit in the LPA's weighted balance. As indicated previously in my 11 January comments if a positive balance cannot be achieved then the proposal remains at odds with planning guidance and Local Plan policies.

Growth Lancashire Comments dated 16/02/2023

My assessment on the original scheme is contained in my comments dated the 11 January 2023. Further comments/assessment was made in an email dated 26th January on an amended scheme. The conclusion on the revised scheme being that;

Whilst the amendments has helped mitigate some of the concerns over the impact on the setting I do not feel the changes have eliminated the visual change (and harm) to the setting. On approach up the access drive whilst the new location for the houses is more offset and removed from direct view, the scheme still involves a significant change in the character of the parcel of land and this will be noticeable both in the views to and from the listed building. In this respect the revised scheme will still diminish the significance of the rural setting to Pasture House, which is a positive contributor to its significance, and as such will result in some (limited) harm to the contribution made by the setting to the overall significance of the listed building.

I am mindful that this is not an exact science I feel that the harm remains in the less than substantial range and will need to be assessed under P.202 of the NPPF. Whilst I acknowledge the changes made, to the scheme, harm remains at the very low end of the scale. It is down to the LPA to consider the harm/impact in its planning balance remembering to always give great weight to any impact/loss of significance.

Whilst I acknowledge that visual impact (in a landscape sense) is different to harm and loss of significance to a heritage asset my reasoning behind the assessment is made in those previous comments.

I note the comments re the Planning Policy context and pages 8-10 on openness. I note also the assessment on setting contained in pages 11-15. The images in the report illustrate the visual changes to the setting. Clearly, whilst the changes are not dramatic the new buildings will nevertheless introduce new (sub-urban) development into the immediate setting of the LB which will change how you appreciate Pasture Farm and how the landscape will be appreciated from the Farm house itself. Whilst screening exists this will not eliminate the fact that the new housing will still be seen in the same context as the listed building and this altered setting will have some (albeit limited) impact on the significance of the designated asset.

The change to domestic use around the new dwellings will simply add to perceived visual change and changed character from open farmland.

The efforts made in the design of the new buildings does not totally negate the harm identified.

In this context, having taken into account the additional document, I remain of the view that the proposal would cause some harm to the contribution made by the setting to the significance of Pasture Farm. As stated previously, acknowledging the efforts made in the design I would regard the harm to be at the very low end of the less than substantial range. It is down to the LPA to consider the harm/impact in its planning balance remembering to always give great weight to any impact/loss of significance.

Public Response

Nearest neighbours notified by letter, a site & press notice have been displayed. 2 public responses have been received, raising the following issues:

- Too much traffic up the narrow lane which is part of the Pendle Way.
- Pasture Lane is already heavily parked.
- This would spoil the existing views of the Listed Building.
- We should not allow houses to continue being built here.

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

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

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

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

Policy LIV3 (Housing Needs) encourages the support and provision of a range of residential accommodation.

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

Replacement Pendle Local Plan

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 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"). Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act) states: "In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, 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.

Policy LIV1 of the Local Plan: Part 1 Core Strategy is relevant here. The development is located on a sustainable site outside the settlement boundary. The policy is worded that until such a time that the Part 2: Site Allocations document is in place that land outside of the settlement boundary in sustainable locations will be considered for housing development. In this case, although the Highways Authority have written in objection to the proposed development siting sustainability as a reason, the planning history here is pertinent. There has previously been a pair of dwellings approved which formed a barn conversion, at the time officers did not support this application due to its remoteness. However, Members chose to approve the scheme contrary to officer recommendation because they felt it was in a sustainable location. As such, we cannot now state that the proposed development would not be sustainable. The principle of development is acceptable, subject to accordance with design, heritage and residential amenity policies.

Design & Heritage

The land slopes gently from north to south, with Pasture House taking an elevated position in the landscape. In terms of layout, the three dwellings are to be arranged broadly in a line across the field. House type 1 is to be furthest from the access track and is to take an 'L shaped' form. House type two is to the centre of the site and is to take a more traditional form with a dual pitch roof and two gables. House type 3 is closest to the access track and is to have a 'T shaped' layout. The dwellings are to have a shared gated entrance off the access track with a shared driveway running along the northern boundary of the application site. Each of the dwellings is to have a garden sloping away from house, to the south east elevation.

The dwellings are to be constructed of natural random stonework to the walls, with grey slate roof tiles. To the southern roof slopes the roof tiles are to have integrated solar panels within them. There is to be a small amount of vertical timber cladding, natural stone surrounds to the doors and windows, with aluminium frames.

In terms of the landscaping, the site is currently very open with one field boundary running in a north east / south west direction. This is to be supplemented with a landscaping scheme which includes trees to be planted to the western boundary, closest to the access track, a hedge running along the north of the site boundary and some interspersed planting within the plots themselves. Full details of a landscaping scheme could be requested by condition.

The proposed dwelling are to be constructed of traditional materials and are of a broadly traditional form. They would be in keeping with the character and appearance of the nearby Listed Building and the adjacent barn conversion. The proposals accord with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD in relation to design.

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"). Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act) states: "In considering whether to grant planning permission for development which affects a Listed Building or its setting, the Local Planning Authority or, as the case may be, 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. This adds statutory weight to the setting of a Listed Building, so the bar is higher in terms of the assessment required.

Paragraph 202 of the Framework requires a balancing exercise to be undertaken in relation to applications which would result in 'less than substantial harm' to a heritage asset. In this case Pasture House is a Grade II Listed Building. The proposed development is to be within a field to the south east of the Listed Building, which forms part of its setting. On approach up the access drive whilst the amended location for the houses is more offset and removed from direct view, the scheme still involves a significant change in the character of the parcel of land and this will be noticeable both in the views to and from the listed building. In this respect the revised scheme will still diminish the significance of the rural setting to Pasture House, which is a positive contributor to its significance, and as such will result in some (limited) harm to the contribution made by the setting to the overall significance of the listed building.

The less than substantial harm is not outweighed by any public benefit. It is acknowledged that there would be minor benefit to the local economy through the construction phase and the creation of three new households. However, these would not outweigh the less than substantial harm cause to the heritage asset. As such, the proposed development is contrary to paragraph 202 of the Framework and Policy ENV1 of the Local Plan: Part 1 Core Strategy.

Residential Amenity

In terms of neighbouring dwellings, the closest neighbours would be to the north, at Pasture Barn West, Pasture Barn East and Pasture House. However, the closest of the three proposed dwelling would be sited at least 80m from the existing dwellings. As such, there would be no unacceptable neighbouring amenity issue resulting from the proposed development.

Turning now to the relationship between the dwellings themselves. The separation distance between house 3 and house 2 is 14.6m and the separation distance between House 1 and House 2 is 10.8m. Whilst there are ground floor windows serving House 3 which face towards House 2, given the proposed boundary treatment (hedges and trees to both properties) along with the separation distance of 14m and the fact that the windows are to the side elevation in both properties, there would be no unacceptable neighbouring amenity issue. In relation to House 1 and House 2, although the separation distance is just 10.8m the properties are off set from each other and do not have any habitable room windows which would result in direct overlooking. Further the proposed boundary treatment includes a hedge and tree planting which would further screen any views.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

Highways

Although the Highways Authority have raised an objection regarding the distance to facilities and services in Barrowford, as discussed previously this is not supported by officers in this particular case because of the previous history associated with Pasture Barn West & Pasture Barn East. The proposed dwellings each have two off-street car parking spaces, which is sufficient for three bedroom dwellings. Therefore, there are no unacceptable highway impacts resulting from the proposed development.

Recommendation: Refuse

For the following reasons:

The proposed development would result in harm to the setting of a Grade II Listed Building, known as Pasture House. The proposed development would affect the way the Listed Building is appreciated which would result in diminishing its significance as a Listed Building, resulting in less than substantial harm. This harm is not outweighed by public benefit and is contrary to Section 66 of the Listed Building & Conservation Areas Act 1990, paragraph 202 of the Framework and Policy ENV1 of the Local Plan: Part 1 Core Strategy.

Application Ref: 22/0763/FUL

Proposal: Full: Construction of 3no. self-build family eco-homes.

At: Field to the South East of Pasture House, Pasture Lane, Barrowford

On behalf of: Mr & Mrs Diane & Gary Collier