

REPORT FROM: ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 4TH OCTOBER 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 4TH OCTOBER 2023

Application Ref: 23/0442/FUL

Proposal: Full: Change of use of pub (Sui Generis) to a dwelling (C3) and the erection of 1 no. dwelling on existing car park.

At: Cross Gaits Inn, Beverley Road, Blacko, Nelson, BB9 6RF

On behalf of: Mr John Kay

Date Registered: 30.06.2023

Expiry Date: 25.08.2023

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is Cross Gaits Inn, Blacko which became a Grade II Listed Building in 1988, (Ref: 1273141). The building has been an inn since the early 18th Century. The inn has two storeys and to the rear of the site there are modern extensions that have been added at various stages in the 19th and 20th Century.

The application seeks to change the use of the public house (Sui Generis) to residential use (C3).

A two storey dwelling would be erected to the rear of the site on the existing car park area. The house would be 20.2m x 7.9m with a height of circa 7.5m to ridge height and the chimney would be circa 8.5m in height.

There would be a flat roofed single storey element to the rear of the main dwelling measuring circa 6m x 6m with a height of circa 4.5m.

It is noted that Cross Gaits Inn was designated as an Asset of Community Value. Proposed designation of Cross Gaits Inn as an Asset of Community Value, AACV, 31.01.2023.

Relevant Planning History

23/0444/LBC - Listed Building Consent: Change of use of pub (Sui Generis) to a dwelling (C3) and alterations to access. Pending Consideration, 30.06.2023

Consultee Response

Highways LCC –

No objection – conditions would need to be imposed, should the application be approved, relating to construction phase for HGVs to time deliveries between 09:00 and 14:30 for highway safety and for an electric vehicle charging point to be installed in the interest of sustainable transport.

Environmental Health –

Concerns relating to the Construction phase were raised, should the development be approved, conditions would be imposed in regard to noise, hours of operation, vibration, dust, burning on site,

operation of machinery and hours of deliveries. A contaminated land informative note would also need to be added.

United Utilities –

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

Growth Lancashire –

As I am required to do so, I have given the duties imposed by s16(2) and s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 considerable weight in my comments.

Whilst I am not opposed in principle to the conversion of the listed building to residential use the submission provides no clear and convincing justification for the COU (NPPFP.200). Whilst I am mindful that finding a sustainable new use for the building is important the loss of the continued public house use, which contributes both historic and communal value will cause some low level of less than substantial harm.

The loss of the late C19 (?) gabled addition at the rear will cause a low level of less than substantial harm and its retention is recommended.

The proposed new build is considered to have a neutral impact on the significance of the listed building. The new dwelling would be of a sufficient distance not to cause any harm through development in its setting, and views of the principal elevation would not be affected.

P.200 of the NPPF requires any harm (at any level) to be clearly and convincingly justified. P.202 identifies where proposals cause less than substantial harm, this should be weighed against the public benefits of the scheme including, where appropriate, securing its optimum viable use. Refurbishment of the existing property including its re-use likely brings forward some benefit, especially if this safeguards the future (and greater significance) of the property.

However the submission provides no evidence to indicate that this could not be done without a COU. I acknowledge that removal of the modern additions at the rear would also be considered some visual benefit which can be used by the LPA in its P.202 weighted balance.

Should the LPA consider that a positive balance can be achieved then the proposal would be in accordance with the guidance contained in Chapter 16 of the NPPF and comply with Policy ENV 1 and ENV 2 of the Local Plan.

Blacko Parish Council –

Given the level of concern expressed by a significant number of residents Blacko Parish Council does not support this application.

We also wish to await the outcome of the ACV protocol before any decision be made.

Public Response

Press and site notices placed and nearest neighbours notified by letter with 70+ objections and some comments in support, summarised below:

- The application site is an Asset of Community Value on 31.01.2023, Ref 01/2023/AVC and should remain a pub/restaurant having been in business for 287 years
- Localism Act 2011, section 95 and the Assets of Community Value (England) Regulations 2012 requires that if the registered owner decides to dispose of the listed ACV they must inform the Local Authority in writing, at which point the Interim and the Full Moratorium and Protected Period starts. The Local Authority must inform the community group nominator to allow them to consider bidding for the asset, and The Local Authority must publicise the owner's intention to sell. The Local Authority must also record this on the list of ACVs, as per Section 97 and Regulation 2. No such notifications were received by Blacko Parish Council to allow them to consider a community bid, nor has the list of ACVs been updated either to record any change in the status of this asset. As Pendle Borough Council planning confirmed by email 18/07/23 that they did not have any communication about the disposal from any party, then the owner has failed to inform Pendle Borough Council of their intent to dispose of an asset of which they were aware was on the list of AVCs, unless this disposal is covered under the exceptions under Section 95, for which there is no supporting evidence in the applications, this should be classed as a non-compliant disposal and should be subject to the consequences of such under the above legislation. Section 92 of the NPPF requires local planning authorities to guard against the unnecessary loss of valued facilities where they would reduce the community's ability to meet its needs
- The pub provided free internet for business and leisure and was thriving
- There was free parking available at Cross Gaits Inn
- Traffic issues, large machinery access issues
- If a house were built on the car park, the pub could not revert to its original use
- The applicant should be required to submit trading accounts for the last three full years in which the pub was operating as a full-time business
- Blacko has no community space since the applicant bought Blacko Chapel
- NPPF Paragraph 93 (c) to "guard against the unnecessary loss of valued facilities and services" Paragraph 84 encourages community facilities including public houses. Paragraph 195 states LPAs should identify and assess the particular significance of heritage assets Paragraph 180 (b) requires that sites within SSSI and there is no assessment of this provided or proper protection of biodiversity on the site
- There is no justification to build non-agricultural buildings in open countryside. The site should not be regarded as 'brownfield'
- The proposal would alter the landscape
- There should be stringent investigation as to whether the pub was financially viable prior to closure and whether it could it be a viable business again
- The Cross Gaits Inn was the only pub in Blacko village serving food
- The premises has not been marketed adequately to determine if it could continue to be used for a community purpose
- The premises is in walking distance from the village
- The premises has been a hub for many community events, local business events, charity and annual events, bonfires and Parish Council Awards. The pub attracted visitors to Pendle
- The house would be unsightly and out of character with the setting
- The pub has been purchased at above market price
- There is adequate housing supply at Trough Laithe

- Errors in the Heritage Statement 'The Listed Building has reached the end of its life as licensed premises'. It includes irrelevant information
- There should be no development in the field
- Concerns relating to surface water sewerage treatment/ septic tank problems – discharging into watercourse
- The modern extensions should be replaced like for like as they are part of the Listed Building
- The pub closed quickly with no decline in custom to warrant the closure
- Loss of much-loved historic community asset, loss of local heritage
- References to Pendle Core Strategy in regard to policies
 - WRK 2 employment uses – loss of jobs, especially young people who don't drive
 - Rural economic development impacts to local rural farm tourism
 - Private investors have shown interest in Cross Gaits with a view to renovating the public house, however the vendors accepted an inflated offer for the premises
 - SUP 1 - the premises should be advertised for 6 months minimum to see if the pub is no longer viable
- There are 7+ other pubs in operation in rural areas within Pendle Borough Council
- Other offers were made to purchase the property as a public house
- The pub lacked investment prior to closure
- There has not been an ecological survey for bats, deer, owls and other wildlife
- The field to the rear of the site is Open Countryside
- Energy efficiency concerns and power requirements are not clear
- Pendle has 5.61 years of housing land supply
- The pub closed very quickly with no apparent decline in business
- The proposed additional dwelling would be modern and out of keeping with the Grade II Listed Building and would clash with it and block views
- There is not adequate parking space for two family homes
- There would be light pollution from street lighting and flood lighting
- The laminated glass would detract from the Grade II Listed Building
- Concerns that there are not school space and supporting service for additional dwellings
- There should be more emphasis on affordable housing than that which is expensive
- Older and vulnerable residents become more isolated when community buildings are lost
- Road safety issues, especially for Blacko Community Primary School.
- Barnoldswick Road has a 60mph speed limit and a parked car would reduce road to a single lane
- If the car park were built on, the village would lose car parking space
- The MP opposes the scheme

Supporting comments

- One additional dwelling and car park would be acceptable
- The removal of the outbuildings at the rear of the pub would be acceptable as it would reveal more of the old Listed Building
- During covid the pub provided a much-valued takeaway service

Non-material considerations

- Should the development gain approval, additional houses would be built
- The owner did not intend to run Cross Gaits Inn as a public house

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.

SUP1: Resists the loss of community facilities that require a change of use unless there is evidence of an appropriate alternative use, the facility is no longer required or it has been marketed for community use for over a year.

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.

Design Principles SPD

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

The 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.

P.200 of the NPPF requires any harm (at any level) to be clearly and convincingly justified. 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 Materials

The proposal would re-establish the 3 chamber plan of the ground floor, which would be similar to the historic layout and the ancillary extensions that were added in the 19th/20th Century would be demolished, reducing the footprint back to its 18th Century dimensions. The Inn would retain the existing front entrance that would serve a kitchen.

The proposed dwelling would be accessed primarily from the front door to the southwest elevation. There would be an additional door located to the kitchen, with a corridor connecting the utility area and the WC. There would be glazed sliding doors serving the kitchen.

The proposed two storey dwelling would be erected to an area of hardstanding, which was the car park for Cross Gaits Inn. The dwelling would be a 4 bedroomed detached property built with stone, cast stone window surrounds, charred timber (blackened) black drip edge coping, zinc fascia, black window frames and slue slate.

The design of the ground floor external stone wall would be offset outwards by 50mm to allow a clear transition between the stonework and charred timber cladding. The design and materials would be modern, however the stone would not be out of keeping with the listed building.

There is existing access from Beverley Road into what would be a shared driveway. The access to agricultural land would continue to be accessible via the private road. A farmer's track would be constructed along the north east boundary of the proposed dwelling formed using gravel. The existing entrance to the field would be moved into alignment with the proposed access track, which would be a minimum of 3.6m.

Hawthorn hedging would be located along the boundary of each dwelling to increase the privacy. The design of the new dwelling would be acceptable in its setting.

Residential Amenity

With regard to residential amenity, the proposed dwellings would be at a greater distance than 21m from the former inn.

Cross Gaits Cottage is circa 17m to the south of the former inn. As the property was already residential, there would be no additional impacts to residential amenity. Therefore the development would, in this regard, be acceptable and would accord with ENV2 and Pendle Design Principles SPD.

The Listed Building and its setting in Relation to the Proposed New Dwelling

The new building would be circa 29m from the listed building. It would be set back and not affect the principal views of the structure and it would replace a car park. It which would be of a sufficient distance to not cause any harm to its setting and the views from the principal elevation and from the east and west would not be adversely affected. The new structure would not harm the setting or significance of the listed building.

The building is used as a public house and that has significance in terms of the history and perception of use of the building. There has been no evidence submitted to support the change of use which would affect the historic significance and use of the building.

The removal of the extensions to the rear of the site would result in low level less than substantial harm. The Heritage Statement states that there would be more of the original Listed Building revealed, were the extensions removed, however this assumes that the original building is as it was beneath. If the extensions were removed and this did not reveal more of the original building there would not be a visual benefit. There would not be public benefits to weigh against the harm that would be caused, contrary to NPPF Paragraph 202. The application requires more information to justify the removal.

Community Facility

Policy SUP1 of the Pendle Local Plan relates to community facilities. Community facilities – aims to plan positively for the provision and use of shared spaces. In rural areas of Pendle, these include public houses, SUP1 states that the Council will resist the loss of such facilities unless;

- an appropriate alternative is provided, OR
- evidence is presented that the facility is no longer required or financially viable and that the facility cannot provide for an alternative community use (including health and education facilities) identified as being needed in the area, OR
- it can be proven the property has been vacant and actively marketed for a community use for over one year.

The Inn serves the local community. It has been designated as an Asset of Community Value which helps to demonstrate that it is an asset within the community and hence policy SUP 1 is engaged alongside the policies in the Framework.

The application for an alternative use of the public house would need to be supported by a statement which covers one or more of the above exceptions, along with evidence.

The application has not been accompanied by any evidence as to why the community facility could be justifiably lost. It has not been marketed and the use as a dwelling is not an alternative community use. No other evidence has been put forward to justify the loss as required under policy SUP 1. In the absence of any justification the development would lead to an unacceptable loss of a public facility contrary to the provisions of the development plan.

Car Parking

With the loss of the public house being unacceptable the issue of parking to cater for customers must be considered. The erection of a dwelling on the car park of the public house would seriously impact its viability; therefore the erection of the dwelling would be unacceptable in regard to Saved Policy 31 Parking Standards.

RECOMMENDATION: Refuse

1. There is no clear and convincing justification for the proposed change of use of Cross Gaits Inn to become a dwelling. The loss of this community facility would be contrary to the Pendle Local Plan Core Strategy ENV1, SUP1 and the National Planning Policy Framework (NPPF) Paragraph 200.
2. The loss of the ancillary extensions to the existing listed building to the rear would not necessarily reveal more of the original Listed building and would result in less than substantial harm. No public benefits to weigh against this loss have been evidenced, contrary to the National Planning Policy Framework Paragraph 202.

3. The erection of the dwelling would mean that the car park would be lost for the customers of the public house. The loss of the car parking with the public house being the lawful use would lead to parking on the highway which would lead to a danger to road users. The development would lead to a danger on the highway contrary to paragraph 111 of the National Planning Policy Framework.

Application Ref: 23/0442/FUL

Proposal: Full: Change of use of pub (Sui Generis) to a dwelling (C3) and the erection of 1 no. dwelling on existing car park.

At: Cross Gaits Inn, Beverley Road, Blacko, Nelson, BB9 6RF

On behalf of: Mr John Kay

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 4TH OCTOBER 2023

Application Ref: 23/0444/LBC

Proposal: Listed Building Consent: Change of use of pub (Sui Generis) to a dwelling (C3) and alterations to access.

At: Cross Gaits Inn, Beverley Road, Blacko, Nelson, BB9 6RF

On behalf of: Mr John Kay

Date Registered: 30.06.2023

Expiry Date: 25.08.2023

Case Officer: Yvonne Smallwood

This application has been brought to Committee as it has been called in by a Councillor.

Site Description and Proposal

The application site is Cross Gaits Inn, Blacko which became a Grade II Listed Building in 1988, (Ref: 1273141). The building has been an Inn since the early 18th Century. The Inn has two storeys and to the rear of the site there are modern extensions that have been added at various stages in the 19th and 20th Century.

The application seeks to change the use of the public house (Sui Generis) to residential use (C3) and to alter the access. The extensions to the rear of the Inn that were modern additions to the Listed Building would be demolished. There would be a stone wall erected to the rear periphery of the site. The spotlights and signage would be removed and the stonework would be re-pointed. There would be double glazed sash-style windows to the side elevations and the lights to each side of the door to the south would be replaced.

It is noted that the proposal site is an Asset of Community Value (ACV) No. 01/2023/ACV, designated January 2023.

Relevant Planning History

23/0442/FUL Full: Change of use of pub (Sui Generis) to a dwelling (C3) and the erection of 1 no. dwelling on existing car park – Pending Consideration 30.06.2023

Consultee

Growth Lancashire –

As I am required to do so, I have given the duties imposed by s16(2) and s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 considerable weight in my comments.

Whilst I am not opposed in principle to the conversion of the listed building to residential use the submission provides no clear and convincing justification for the COU (NPPFP.200). Whilst I am mindful that finding a sustainable new use for the building is important the loss of the continued public house use, which contributes both historic and communal value will cause some low level of less than substantial harm.

The loss of the late C19 (?) gabled addition at the rear will cause a low level of less than substantial harm and its retention is recommended.

P.200 of the NPPF requires any harm (at any level) to be clearly and convincingly justified.

P.202 identifies where proposals cause less than substantial harm, this should be weighed against the public benefits of the scheme including, where appropriate, securing its optimum viable use.

Refurbishment of the existing property including its re-use likely brings forward some benefit, especially if this safeguards the future (and greater significance) of the property. However the submission provides no evidence to indicate that this could not be done without a COU. I acknowledge that removal of the modern additions at the rear would also be considered some visual benefit which can be used by the LPA in its P.202 weighted balance.

Should the LPA consider that a positive balance can be achieved then the proposal would be in accordance with the guidance contained in Chapter 16 of the NPPF and comply with Policy ENV 1 and ENV 2 of the Local Plan.

Joint Committee of the National Amenity Society –

The CBA object to this application for the harm it would cause to the listed building through unjustified internal and external demolitions, unsympathetic alterations and the development of an overbearing building in its curtilage. For these reasons we consider this application to be contrary to the requirements of paragraphs 199 and 200 of the NPPF. We recommend the requirements of paragraph 202 should be considered regarding the principle of development. NPPF paragraph 190 requires plans to “set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats”. The CBA believe this application fails to do so. We recommend that this application is either withdrawn by the applicants or refused by your LPA.

Georgian Group –

When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must 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. Preservation in this context means not harming the special interest of the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings.

The Group must therefore advise that the proposed scheme of works is poorly explained in its extent and impact on the special architectural and historical significance. We register significant concerns that the application proposes demolition of historic and potentially historic fabric without any appropriate explanation, discussion or justification. We advise that these works have the potential to cause significant and irreversible harm to Cross Gaits Inn as a Grade II listed heritage asset.

The Group recommends that the applicant withdraws this application and revises it to address the abovementioned concerns and lacunae. If the applicant is unwilling to do so, listed building Consent should be refused.

Blacko Parish Council –

Prior to the Cross Gaits being sold, we completed an ACV on it. Where does the ACV sit with this planning application, not sure how thing work but I thought it gave some guarantee that the "pub" should try to be a pub again, before alternative planning be given.

Public Response

Press and site notices placed and nearest neighbours notified by letter with 70+ objections and some comments in support, summarised below:

- The application site is an Asset of Community Value on 31.01.2023, Ref 01/2023/AVC and should remain a pub/restaurant having been in business for 287 years
- Localism Act 2011, section 95 and the Assets of Community Value (England) Regulations 2012 requires that if the registered owner decides to dispose of the listed ACV they must inform the Local Authority in writing, at which point the Interim and the Full Moratorium and Protected Period starts. The Local Authority must inform the community group nominator to allow them to consider bidding for the asset, and The Local Authority must publicise the owner's intention to sell. The Local Authority must also record this on the list of ACVs, as per Section 97 and Regulation 2. No such notifications were received by Blacko Parish Council to allow them to consider a community bid, nor has the list of ACVs been updated either to record any change in the status of this asset. As Pendle Borough Council planning confirmed by email 18/07/23 that they did not have any communication about the disposal from any party, then the owner has failed to inform Pendle Borough Council of their intent to dispose of an asset of which they were aware was on the list of AVCs, unless this disposal is covered under the exceptions under Section 95, for which there is no supporting evidence in the applications, this should be classed as a non-compliant disposal and should be subject to the consequences of such under the above legislation. Section 92 of the NPPF requires local planning authorities to guard against the unnecessary loss of valued facilities where they would reduce the community's ability to meet its needs
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- There was free parking available at Cross Gaits Inn
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- If a house were built on the car park, the pub could not revert to its original use
- The applicant should be required to submit trading accounts for the last three full years in which the pub was operating as a full-time business
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- The proposal would alter the landscape
- There should be stringent investigation as to whether the pub was financially viable prior to closure and whether it could it be a viable business again
- The Cross Gaits Inn was the only pub in Blacko village serving food
- The premises has not been marketed adequately to determine if it could continue to be used for a community purpose

- The premises is in walking distance from the village
- The premises has been a hub for many community events, local business events, charity and annual events, bonfires and Parish Council Awards. The pub attracted visitors to Pendle
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- The field to the rear of the site is Open Countryside
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- Pendle has 5.61 years of housing land supply
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- There should be more emphasis on affordable housing than that which is expensive
- Older and vulnerable residents become more isolated when community buildings are lost
- Road safety issues, especially for Blacko Community Primary School.
- Barnoldswick Road has a 60mph speed limit and a parked car would reduce road to a single lane
- If the car park were built on, the village would lose car parking space
- The MP opposes the scheme

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 SUP1 relates to community facilities. Community facilities – aims to plan positively for the provision and use of shared spaces. In rural areas of Pendle, these include public houses, SUP1 states that the Council will resist the loss of such facilities unless;

- an appropriate alternative is provided, OR
- evidence is presented that the facility is no longer required or financially viable and that the facility cannot provide for an alternative community use (including health and education facilities) identified as being needed in the area, OR
- it can be proven the property has been vacant and actively marketed for a community use for over one year.

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.

SUP1 Resists the loss of community facilities that require a change of use unless there is evidence of an appropriate alternative use, the facility is no longer required or it has been marketed for community use for over a year.

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 200 and 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.

Issues

The comments that have been made on the application relate not only to this application but to the planning application for a change of use and for the application to erect a house on the site. Whilst there are interlinking relationships between these applications, this application seeks listed building consent for the works described in this application. Although the application is described as a change of use this application is in effect for the works associated with that to the fabric of the building. This application needs to be considered in this context.

Design and Heritage Impact

The proposal would change the use of the existing Inn (Sui Generis) to a single dwelling (C3) and would entail external and internal alterations, along with alterations to the access.

Paragraph 199 of the Framework states that great weight should be given to a designated heritage assets conservation and any level of harm should be considered. The extensions to the rear of the Inn that were modern additions to the Listed Building would be demolished, which are the porch, kitchen area and toilet block, possibly revealing more of the Listed Building, reinstating the original footprint of the building. This would result in less than substantial harm, contrary to NPPF P199.

Following the removal of the rear extensions, the openings to the rear elevation would be reconfigured. To the rear elevation there would be an external door, where the porch was and there would be an additional first floor double window, separated by a mullion and two larger windows to the ground floor. The triple window to the first floor would be replaced with three panes of the same size. The spot-lighting and signage of the pub would be removed. The slate roof would be repaired, with slates replaced like for like, where necessary. The guttering would also be replaced like for like.

Once the extensions were removed, a stone retaining wall would be erected to the rear periphery, creating a yard area. There would be steps leading up to the property from Barnoldswick Road. To the north there would be parking space for two vehicles at an angle of circa 35 degrees to the Listed Building, with steps down to the yard.

The Framework, Paragraph 200 states that any harm to or loss of the significance of a heritage asset, from its alteration, destruction or development within its setting require clear and convincing justification. No such justification has been provided for the loss of the historic and communal value of the public house, contrary to NPPF P200.

The internal changes would be minimal and of lower value than the external alterations. The ceiling beams being the most significant remaining internal historic features.

Paragraph 190 of the Framework states that proposals should set out a positive strategy for the conservation and enjoyment of the historic environment, including assets at risk through neglect, decay or other threats. This involves putting them to viable uses and includes wider social, cultural and economic benefits that the conservation of the historic environment brings. The re-opening of the building as a public house would meet these criteria in a way that converting it to a dwelling would not. As there is no evidence to suggest that the use of the building as a dwelling would have any wider social, cultural, economic or environmental benefits.

The conversion of the public house to a dwelling would affect the historic significance of the site. The changes to the building could damage its historic features and the building would lose its character and historic use. Public houses are important socially, culturally and economically within a community. Therefore, Listed Building Consent should not be granted, as the development is contrary to NPPF Paragraph 190.

The change of use of the Public House to a dwelling and the physical alterations this would entail would cause less than substantial harm to the significance of the Grade II Listed Building. No convincing justification for this loss of the significance of a designated heritage asset has been provided and no public benefits have been demonstrated to weigh against the harm. The development is contrary to ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 199, 200 and 202 of the National Planning Policy Framework.

RECOMMENDATION: Refuse

1. Cross Gaits Inn is a heritage asset and were this public house to be converted to a dwelling it would result in a detrimental impact to the site. Public houses are important socially, culturally and economically within a community and its change of use to a dwelling would result in an adverse impact to its historic significance. Therefore Listed Building Consent should not be granted, as the development is contrary to NPPF Paragraph 190.
2. The proposed change of use of and physical alterations to the Public House will both cause less than substantial harm to the significance of the Grade II Listed Building. There is no clear and convincing justification for this loss of the significance of a designated heritage asset and thus no public benefits have been demonstrated to weigh against the harm, therefore the development is contrary to ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 199, 200 and 202 of the National Planning Policy Framework.

Application Ref: 23/0444/LBC

Proposal: Listed Building Consent: Change of use of pub (Sui Generis) to a dwelling (C3) and alterations to access.

At: Cross Gaits Inn, Beverley Road, Blacko, Nelson, BB9 6RF

On behalf of: Mr John Kay

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 4TH OCTOBER 2023

Application Ref: 23/0503/FUL

Proposal: Full: Construction of 1 No. self-build eco-home with integral garage, and the creation of a new vehicular access lane.

At: 145 Wheatley Lane Road, Barrowford

On behalf of: Mr & Mrs Nelson

Date Registered: 01/08/2023

Expiry Date: 26/09/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to land to the rear of an existing dwelling on Wheatley Lane Road. Planning permission has previously been sought for the principle of residential development in this location. This was allowed at appeal. As such, the principle of development is established. The application site is located within the settlement boundary and access is to be taken via a widening of the existing access driveway serving 143 and 143a Wheatley Lane Road.

The proposal is for the erection of a single dwelling in the rear garden.

Relevant Planning History

21/0479/PIP: Permission in Principle: Erection of up to two detached dwellinghouses.
Refused

21/0022/AP/REFUSE: Permission in Principle: Erection of up to two detached dwellinghouses.
Appeal allowed

Consultee Response

Pendle Borough Council Environment Officer (Trees)

My previous concerns with this proposal were that the number of trees to be removed could not be mitigated by way of a compensatory planting scheme due to a lack of space within the footprint of the site. Even though a lot of the trees on site are of a poor grade and condition, policy does dictate that a no net loss of trees and vegetation should be achieved.

Originally, the proposals included the removal of 12 trees, some of which were mature, with the only area for replanting being a small strip on the northern boundary. The revised plan now shows only 6 low grade trees to be removed and an indicative plan that shows more potential for new planting.

I have no objections or concerns with the proposals on tree and landscape grounds.

Growth Lancashire

Comments awaited

LCC Highways

Having reviewed the information submitted, Lancashire County Council acting as the Local 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 subject to the following comments being noted and conditions and informative note being applied to any formal planning approval.

Proposal

The proposal is for the erection of a 4/5 bed detached dwelling with associated parking and the creation of a new, private vehicular access lane from Wheatley Lane Road parallel with the existing private lane.

Site planning history

21/0479/PIP - Permission in Principle: Erection of up to two detached dwellinghouses. Land To The Rear Of 145 And 147 Wheatley Lane Road. Access from rear of No 145. Allowed at appeal.

A pre-application enquiry was made with the highway authority for access from Wheatley Lane Road to a proposed single dwelling to the rear of No 145, with a site visit made on 1 March 2023 and a response sent on 6 March 2023.

Site access

The site will be accessed from Wheatley Lane Road along a newly constructed private access lane over land within the applicants' ownership.

To improve manoeuvrability to and from the new access lane improvements would be required to the existing dropped vehicle crossing on Wheatley Lane Road. The dropped kerbs will need extending by approximately 3m and the dropped crossing constructed to Lancashire County Council's specification. This will need to be carried out under a legal agreement (short form Section 278) with Lancashire County Council as the highway authority.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process and should not wait until condition discharge stage. Due to the high volume of agreement submissions currently being received by the county council this process can take at least six months to complete.

No works should be undertaken within, or which affect, the highway network maintained at public expense without the necessary agreement first being in place in order to prevent legal action from being taken.

Following the clearance of vegetation at the junction of Wheatley Lane Road, it may be necessary for the publicly maintained footway to be repaired. This would form part of the Section 278 works.

To ensure that loose surface material from the new access lane is not carried onto the public highway network, as a minimum, the first 5m from the rear edge of the footway should be surfaced in a bound porous material. This should also be constructed to an appropriate standard and tied into the rear of the dropped crossing/footway. This is to maintain the structural integrity of and delineate the extent of the adopted highway network.

Car & cycle parking

Given the site's distance from local amenities and facilities including public transport, and the consequent reliance on the use of private motor vehicles, maximum parking standards should be applied to this site. Three car parking spaces should be provided for a dwelling with four and above bedrooms.

The proposed single integral garage submitted on the Proposed Site Plan (Drawing 04A) will provide one car parking space, secure storage for two cycles and an electric vehicle charging point. This shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

There is sufficient space within the hardstanding to provide a further two car parking spaces and manoeuvring areas to allow vehicles to enter and leave the site in forward gear. However, the manoeuvring areas should be maintained free from any obstructions to ensure that this provision is retained for the lifetime of the development to allow vehicles to enter and leave in forward gear.

General

Due to the removal of the existing grass verge wheel washing facilities should be provided to ensure that no mud or debris is carried onto the public highway network during construction works.

The following conditions and informative note should be applied to any formal planning approval granted.

Conditions

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

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

2. Within three months of the grant of planning permission a scheme for the construction of the off-site works of highway improvement shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority.

Works shall include, but not be exclusive to, the construction, to an appropriate standard, of an amended dropped vehicle crossing on Wheatley Lane Road (extended by approximately 3m) and any repairs required to the public footway following the verge removal. These works shall be completed prior to first occupation of the approved dwelling.

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.

3. Prior to first occupation of the approved dwelling that part of the new access lane extending from the rear of the footway on Wheatley Lane Road for a minimum distance of 5m shall be appropriately paved in a bound porous material to be approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway where it could pose a hazard to other highway users.

4. Prior to first occupation of the approved dwelling the parking and manoeuvring areas shown on the approved plans shall be constructed, laid out and surfaced. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling and the manoeuvring areas kept free from obstruction for the lifetime of the development.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety and to allow vehicles to enter and leave in forward gear.

Informative Note

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction, to an appropriate standard, of an amended dropped vehicle crossing on Wheatley Lane Road (extended by approximately 3m) and any repairs required to the public footway following the verge removal. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

Barrowford Parish Council

Objection: The site in combination with 147 next door was granted Planning permission in Principle approved on appeal. The appeal looked at a proposed sketch layout and in the reasons for allowing the appeal the following justifications formed part of case. Reason 9: Gives the following as one of the justifications for approval The CA Appraisal (July 2010) describes the significance of the CA as deriving from its historic association with, and development from, the Carr Hall Estate. Furthermore, houses generally sit on large plots stemming from the sale of land from the former estate for low density, higher status housing development from the late 19th century onwards. The host properties sit on generous plots and as such, contribute to the significance of the CA. Whilst Reason 11 gives some consideration to the type of development and its effect on the Conservation Area.

However, this plan does demonstrate that the resultant four plots are capable of remaining generous. The technical details consent stage would deal with matters such as the layout, access, design, materials and landscaping. With a sympathetic design, layout and consideration of the topography of the site, it would be feasible for a high-quality scheme to be provided that would complement the character and appearance of the CA. I therefore find that the proposal would preserve the significance of the CA at this stage.

The application needs to be assessed on if is a sympathetic use of the land that would enhance or diminish the setting of the Conservation Area and the effect of the revised access to the frontages of the two prominent roadside properties at 145/147 Wheatley Lane Road.

The Proposed Sketch Map used for the appeal was only for illustrative purposes and this was acknowledged by the Inspector, but this did show the access to the two proposed properties through the unadopted lane to the side of 145. This joint layout plan has now been abandoned with 145 and 147 submitting separate applications with separate access to their part of the site.

In the case of this application the proposal shows the creation of a new access road to the side of the garage adjacent to the unadopted track. The ownership of the entirety of the land edged in red for this access but LCC are querying ownership.

The Council's main objections are:

1. The Ownership of both the verge and right of access on the unadopted road are crucial to the viability of this application and its impact on the Conservation Area and should be resolved before the application is decided.
2. The creation of a separate access to the side of the unadopted lane necessitating the removal of 12 trees from the Conservation area including some mature Lime trees to the top which although the Council concedes that the top two may not be long term viable trees through age and decay the Tree officer concedes that there is no room within the site to replant replacement trees for those removed. Grant of Approval would automatically allow removal of the 12 trees.

Part of the Conservation Area Character Appraisal defines the area as Sitting in the setting of mature trees and open parkland, having their origins in the Carr Hall estate, including a formal avenue of lime trees:

Which in this case these original Lime Trees and the others form a natural parkland setting to the unadopted lane and its generous grass verges to either side. The current setting is easily identified as a vestige of the former parkland and significantly contribute to the setting and amenity of the streetscape and wider Conservation area and to remove the trees and alter this openness of the unadopted lane would significantly diminish that setting and amenity of the CA.

3. The Inspector looked at the PIP appeal in the round as a two-house development and concluded that the site is capable of holding two dwellings, but the inclusion of the Proposed Sketch Layout alludes to the fact that the access for both houses can be accommodated down the lane adjacent to 145 giving the impression that the development would have no material changes to the street scape and setting of 145, 147 and the Coach House. The submitted plans will do significant harm to the setting and amenity and public enjoyment of the Conservation area and therefore does not meet the Inspector's comments that: (With a sympathetic design, layout and consideration of the topography of the site, it would be feasible for a high-quality scheme to be provided that would complement the character and appearance of the CA.) but would have a detrimental effect on the Conservation Area and should be refused on the grounds of impact on the Carr Hall and Wheatley Lane Conservation Area.

The Council feels that the only viable option for both this application and 23/0516/FUL would be to again look at accessing both sites from the existing unadopted lane.

United Utilities

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.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

Public Response

Nearest neighbours have been notified by letter, a site & press notice have been displayed. The following issues have been raised:

- Access driveway – landownership issues
- Breach of the deed referring to the access lane
- Destruction of habitat and wildlife
- Restricted access to properties that already use this lane for access
- Tree removal and a lack of mitigation
- Impact upon neighbouring dwellings
- Overbearing effect due to height of property and land levels
- Concerns over foul drainage
- The conversion of the Coach House was not considered as part of the appeal
- Unacceptable impact upon Conservation Area
- Increasing density and overcrowding
- The trees will result in a loss of light to the proposed dwelling, making it dark to live in
- The updated plans block the entrance to 143a Wheatley Lane Road

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) sets out that development should 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.

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.

Design & Heritage

The proposed dwelling is located within the Carr Hall & Wheatley Lane Conservation Area. The principle of residential development in the rear gardens of 145 and 147 has been established through a planning appeal which was allowed.

The proposed development is to erect a large detached dwelling within the rear garden of 145 Wheatley Lane Road, with access taken off a widened existing access driveway serving 143 and 143a Wheatley Lane Road. The dwelling is to be constructed of red brick with vertical timber cladding to part of the façade, which is to be coloured black. The roof is to be zinc standing seam with integrated solar panels. Large sections of the south west and south east elevations are to be glazed with aluminium frames, coloured in black.

Although the proposed dwelling is clearly more modern in its design than the surrounding dwellings which date from 1930's to 1960's, this is reflective of the fact that it is a modern dwelling. It is often unwise to try to mimic the design of a period property because this can often look pastiche and result in a poor design. It is clear that the applicant is putting forward a modern dwelling which is reflected in the modern design. Although this is in the conservation Area, it is not in a prominent position and the site is mostly surrounded by large trees. The site is not apparent from any nearby Public Rights of Way and would be seen in wider views in the context of the other dwellings on Wheatley Lane Road. As such, the proposed dwelling would not result in an unacceptable impact upon the Conservation Area.

Some comments have been made about the size of the plot and that the Conservation Area character Appraisal references larger / generous plots which were sold off when the estate associated with Carr Hall was sold off. This is an issue which the Inspector who dealt with the Permission in Principle appeal dealt with, stating that the plot is capable of accommodating dwelling which are still capable of being within generous plots.

In terms of the fenestration, taking each elevation in turn, the north west elevation is to have five openings. Two are to the ground floor, one is to the first floor and two are roof lights. The south west elevation is to have a large amount of glazing, including a glazed balustrade and some sliding doors to the ground floor. To the south east elevation there is also a large amount of glazing, including a feature gable window and a balcony area, with a glazed balustrade. To the north east elevation there are to be seven windows, one of which is a split level window, spanning the ground and first floor. The openings are domestic in nature. It is acknowledged that there is a large amount of glazing used in this design but it is a consequence of choosing a modern design. It would not try to mimic the original dwelling but instead indicates a marked different cataloguing a change in design over time.

The proposed dwelling is tucked away to the rear of an existing dwelling and is surrounded by trees, most of which are to be retained. An assessment of the heritage impact will be made following receipt of comment from the Council's heritage consultants, Growth Lancashire. Members will be updated at the meeting in this regard.

Residential Amenity

The proposed development is to be sited 17m from the rear elevation of the existing dwelling at No. 145 Wheatley Lane Road. However, the principle elevation of the proposed dwelling is to have a north east orientation. As such, this meets the guidance set out relating to separation distances in the Design Principles SPD because a principle elevation and a gable elevation should have a separation of 12m. In this case there is a pedestrian door to the ground floor and a first floor window serving a bathroom which could be obscure glazed.

The front of the dwelling would face towards No. 143, which is in excess of 30m from the front elevation of the existing dwelling. As such, there would not be an unacceptable neighbouring amenity issue here. Turning to the rear elevation, this is closest to No. 143A Wheatley Lane Road. The current orientation of the existing dwelling is that there is a double garage closest to the proposed dwelling and the residential accommodation is set further back. There is a separation distance of 24m from the closest windows at No. 143 to the proposed covered terrace area and the windows to the proposed dwelling.

To the boundary with the existing rear garden at No. 147 there is currently no dwelling. However, the rear garden also formed part of the Permission in Principle application and a full planning application has also been submitted to the Council on this land. As such, the proposed dwelling at 147 needs to be taken into account as there could potentially be an impact upon the privacy and residential amenity of this dwelling. The dwelling at No. 147 has been positioned so that it is 14m from the shared boundary. The proposed dwelling in this case is to be sited 7m from the shared boundary. As such, in combination there would be a total of 21m, which meets the separation distances set out in the Design Principles SPD. As such, there would be no unacceptable neighbouring amenity impact in this regard.

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

Ecology

The application is accompanied by a Preliminary Ecological Assessment which acknowledges that there will be a loss of trees. However, it is assessed as having low conservation value, with no affected habitats within the area and no protected species. The development offers potential to enhance biodiversity. This is something which could be secured by planning conditions.

Highways

The Highways Authority have not objected to the proposed development. They have suggested conditions including wheel washing facilities during the construction phase, a bound porous material for the surfacing of the access lane and the off site highway works including the provision of a dropped kerb across the whole of the access. The conditions which have been suggested are reasonable and necessary in order for the development to be acceptable.

In terms of car parking, the proposed development is to provide one covered parking space in the form of a garage and two other parking spaces in the driveway. This would be adequate based on the number of bedrooms and the requirement set out in Policy 31 of the Replacement Local Plan.

Drainage

The application site is within Flood Zone 1, which is considered to be at least risk from flooding. Development in this location would not result in an increase to flood risk elsewhere. The site would need to be drained so that surface water is separate to foul water, this can be secured by condition. As such, the proposed development accords with Policies ENV5 and ENV7 of the Local Plan: Part 1 Core Strategy.

Trees

Initially the applicant intended to remove many of the trees from the site. However, following discussions with the tree officer in relation to the amount of mitigation which would be required they have chosen to retain many of them. The amended plans indicate that 6 low grade trees are

to be removed, which is significantly less than originally planned. There is a replanting scheme which has been put forward by the applicant and this could be the subject of a condition. The Council's Environment Officer has reviewed the proposals and is content with the amended plans. I concur with this view.

Other Matters

Some members of the public have written in objection to the scheme stating that the deeds for the property granting a right of access over the lane indicate it has to be a certain width. This is a private legal matter but in any event, there would be no decrease in the width of the access lane, the proposed development would actually result in its widening.

Whether or not the Inspector for the original Permission in Principles appeal was aware of the Coach House application, each scheme must be determined on its merits. The proposed development has demonstrated that the dwellings are still capable of being within generous plots, as the Inspector identified in their appeal decision. As such, the Coach House application would not have a bearing on the application which is currently before the Council.

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 satisfactory outcome on heritage.

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 01 Rev A, Proposed Site Plan 04 Rev D, Proposed site Layout 03 Rev C, Proposed Elevation Plans 06 Rev A, Proposed Floor Plans 05 Rev A, Boundary Treatment Plan 08, Bat Mitigation Plan 09.

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

3. Prior to any external works commencing, samples of all the externals including materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

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

4. Prior to commencement of works on site, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme must include:

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

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

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

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

5. All windows shall be set back from the external face of the walls by a minimum of 70mm.

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

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

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

7. Within three months of the grant of planning permission a scheme for the construction of the off-site works of highway improvement shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority.

Works shall include, but not be exclusive to, the construction, to an appropriate standard, of an amended dropped vehicle crossing on Wheatley Lane Road (extended by approximately 3m) and any repairs required to the public footway following the verge removal. These works shall be completed prior to first occupation of the approved dwelling.

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.

8. Prior to first occupation of the approved dwelling that part of the new access lane extending from the rear of the footway on Wheatley Lane Road for a minimum distance of 5m shall be appropriately paved in a bound porous material to be approved by the

Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway where it could pose a hazard to other highway users.

9. Prior to first occupation of the approved dwelling the parking and manoeuvring areas shown on the approved plans shall be constructed, laid out and surfaced. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling and the manoeuvring areas kept free from obstruction for the lifetime of the development.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety and to allow vehicles to enter and leave in forward gear.

10. Prior to first occupation the approved dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

11. The development hereby approved shall be carried out in strict accordance with the Preliminary Ecological Appraisal and the Bat Mitigation Plan 09.

Reason: In order to safeguard protected species.

12. The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment LTC214 dated August 2023.

Reason: In order that the trees are adequately protected during the construction phase.

Informative Note

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction, to an appropriate standard, of an amended dropped vehicle crossing on Wheatley Lane Road (extended by approximately 3m) and any repairs required to the public footway following the verge removal. The applicant should contact the County Council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

Application Ref: 23/0503/FUL

Proposal: Full: Construction of 1 No. self-build eco-home with integral garage, and the creation of a new vehicular access lane.

At: 145 Wheatley Lane Road, Barrowford

On behalf of: Mr & Mrs Nelson

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 4TH OCTOBER 2023

Application Ref: 23/00516/FUL

Proposal: Full: Erection of 1 no. dwelling with associated infrastructure (Amended scheme to approved planning permission 22/0417/FUL).

At: 147 Wheatley Lane Road, Barrowford

On behalf of: Mr & Mrs Yates

Date Registered: 01/08/2023

Expiry Date: 26/09/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to land to the rear of an existing dwelling on Wheatley Lane Road. Planning permission has previously been sought for the principle of residential development in this location. This was allowed at appeal. As such, the principle of development is established. The application site is located within the settlement boundary and access is to be taken via the existing driveway to 147 Wheatley Lane Road.

The proposal is for the erection of a single dwelling in the rear garden of 147 Wheatley Lane Road, with access to be taken from the existing driveway serving the semi-detached dwelling. The access is also proposed to be used by the residential conversion of the coach house which is adjacent to the dwelling, this has permission under application reference (22/0417/FUL) to change to a three bedroom dwelling.

Relevant Planning History

13/99/0163P: Widen access to road

22/0348/HHO: Full: Proposed external amendments and rear canopy.
Approved with conditions

22/0417/FUL: Full: Conversion and extension of existing outbuilding to create a single dwelling.
Approved with conditions

21/0479/PIP: Permission in Principle: Erection of up to two detached dwellinghouses.
Refused

APP/E2340/W/21/3288226: Permission in Principle: Erection of up to two detached dwellinghouses.
Appeal Allowed

Consultee Response

Pendle Borough Council Environment Officer (Trees)

There are similarities with regards to the size of the development [to 145 Wheatley Lane Road] and being in close proximity to large trees. Also, there is potential for mitigating any trees lost and the applicant is indicating 3 trees to be planted, obviously this can be dealt with through a condition if the proposals are approved.

Slight concern with the large Beech tree (T1) at the front. The driveway is well within the RPA of this tree but fortunately it is existing hardstanding as well as the tree being on slightly raised ground. The driveway hardstanding would need to stay like this for the duration of the build. All the relevant points with regards to tree protection fencing are covered in the AIA.

If you are minded to approve the application please highlight the importance of the tree protective fencing being in place prior to the start of any development.

LCC Highways

Having reviewed the documents submitted, Lancashire County Council acting as the Local 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 or capacity in the immediate vicinity of the site, subject to the following comments being noted and conditions and informative note being applied to any formal planning approval.

Proposal

The proposal is for the erection of one detached four bed dwelling with associated off-road parking, together with an amended parking scheme to that approved under Planning Permission 22/0417/FUL for the adjacent garage/outbuilding conversion to a dwelling.

Site planning history

22/0417/FUL - Conversion and extension of existing outbuilding to create a single dwelling. Approved.

22/0348/HHO - Proposed external amendments and rear canopy. Approved.

21/0479/PIP | Permission in Principle: Erection of up to two detached dwellinghouses. Land To The Rear Of 145 And 147 Wheatley Lane Road. Access from rear of No 145. Allowed at appeal.

A pre-application enquiry was made with the highway authority for access from Wheatley Lane Road to a proposed single dwelling to the rear of No 147, with a site visit made on 5 April 2023 and a response sent on 5 June 2023.

Site access

The proposed new dwelling would access Wheatley Lane Road via the existing entrance currently serving No 147 and also to be used by the single dwelling approved by Planning Permission 22/0417/FUL.

The access is proposed to be widened internally to a minimum of 4.6m wide to allow two vehicles to pass within the access. The highway authority considers that the internal widening as shown on the Proposed Site Plan (drawing 6200-P44 submitted on 9.8.23) is acceptable. This widening must be provided prior to first occupation of the dwelling approved under 22/0417/FUL or the dwelling applied now for if planning permission is granted.

As there will be an intensification in use of the access from one to three dwellings vehicles entering and leaving the site need to be positioned so that there is adequate forward visibility to and from the site, especially given the narrowness of the access. To achieve this the redundant dropped vehicle crossing across the front of the former garage would need to be reinstated to footway (approximate length 6m) to Lancashire County Council's specification, including full height kerbs, to prevent vehicles from cutting across the front of the building. The crossing should also be extended marginally to the East of the access, possibly only one additional full length dropped kerb

required with the taper kerb relocated. These works would need to be carried out under a legal agreement (short form Section 278) with Lancashire County Council as the highway authority.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process and should not wait until condition discharge stage. Due to the high volume of agreement submissions currently being received by the county council this process can take at least six months to complete. No works should be undertaken within, or which affect, the highway network maintained at public expense without the necessary agreement first being in place in order to prevent legal action from being taken.

Visibility splays

No visibility splays have been submitted as part of this application. At the time of the site visit in April 2023 it was noted that the visibility splay to the left was partly over third party land. However, as this is an existing access and there would be a low level of traffic generated by two additional dwellings (garage conversion and the proposed dwelling), the internal widening of the access and improvements to the dropped crossing should mitigate the shortfall in the visibility to the left on exiting.

No collisions resulting in personal injury have been recorded within the last five years outside or in the vicinity of the existing access onto Wheatley Lane Road.

Car & cycle parking

Detached outbuilding/garage conversion

The parking layout previously approved under Planning Permission 22/0417/FUL has been amended as shown on Drawing 6200-P40 Rev A. The parking and manoeuvring areas are considered adequate and would allow vehicles to enter and leave the site in forward gear. Their provision should be controlled by condition to protect their use for the lifetime of the development.

A condition requiring the provision of cycle storage has already been applied.

Proposed dwelling

The proposed dwelling would have four bedrooms. Three car parking spaces should be provided in line with the borough council's Parking Standards. The highway authority considers that an adequate level of parking has been provided, together with sufficient internal manoeuvring space to allow vehicles to enter and leave the site in forward gear (Drawing 6200 P40 Rev A refers).

As there is no garage alternative secure, covered storage for at least two cycles should be provided, together with an electric vehicle charging point. This shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

The following conditions and informative note should be applied to any formal planning approval granted.

Conditions

1. No part of the development hereby approved shall be occupied or brought into use until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Works shall include, but not be exclusive to, the reinstatement of a section of footway approximately 6m to the West of the existing access, to an appropriate standard, including full height kerbs, and minor amendments to the dropped vehicle crossing to the East of the access. 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.

2. Prior to first occupation of the approved development secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter. Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.
3. Prior to first occupation the approved dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available. Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.
4. The proposed development should not be brought into use unless and until the parking and manoeuvring areas shown on the approved plans have been constructed and laid out. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings and the manoeuvring areas kept free from obstructions for the lifetime of the development. Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

Informative note

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (short form Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the reinstatement of a section of redundant dropped crossing (approximate length 6m) to footway to an appropriate standard, including full height kerbs, and localised widening of the existing dropped crossing to the East of the access. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

Barrowford Parish Council

Objection: The site in combination with 145 next door was granted Planning permission in Principle approved on appeal. The appeal looked at a proposed sketch layout and in the reasons for allowing the appeal the following justifications formed part of case. Reason 9: Gives the following as one of the justifications for approval. The CA Appraisal (July 2010) describes the significance of the CA as deriving from its historic association with, and development from, the Carr Hall Estate. Furthermore, houses generally sit on large plots stemming from the sale of land from the former estate for low density, higher status housing development from the late 19th century onwards.

The host properties sit on generous plots and as such, contribute to the significance of the CA. Whilst Reason 11 gives some consideration to the type of development and its effect on the Conservation Area. However, this plan does demonstrate that the resultant four plots are capable of remaining generous. The technical details consent stage would deal with matters such as the layout, access, design, materials and landscaping. With a sympathetic design, layout and consideration of the topography of the site, it would be feasible for a high-quality scheme to be provided that would complement the character and appearance of the CA. I therefore find that the proposal would preserve the significance of the CA at this stage.

The application needs to be assessed on if is a sympathetic use of the land that would enhance or diminish the setting of the Conservation Area and the effect of the revised access to the frontages of the two prominent roadside properties at 145, 147 and the Coach House.

147 Wheatley Lane Road has already had planning permission to convert the Coach House to a separate dwelling (22/0417/FUL) creating a small garden to the rear and two parking spaces for that conversion. The submitted plan proposes that the access is between the now separate dwellings of 147 and the Coach House removing the 2 parking spaces and resitting in part of the small garden.

The Council's objections are as follows:

1. The access onto the highway although potentially suitable for a large house and a two-bedroom separate dwelling but the addition of access to another large 4-bedroom house may be problematic due to a pinch point between the garden wall and the Coach House. The site drawing submitted does not show the access to the site to its junction with Wheatley Lane. The gated arrangement and alternative provision of parking for the Coach House could be difficult to egress from due to close proximity of the entrance and boundary treatment of the proposed dwelling.
2. With the drawing not showing the junction of the egress/ingress off Wheatley Lane Road it is difficult to see if the red lined site includes the land up to where it joins Wheatley Lane. Defined curtilages were easily defined with the approved application 22/0417/FUL but become more problematic with this third use and could cause access problems in the future.
3. The Coach House is mentioned in the CA Assessment and a photograph appears on page 25 and represents an essential part of what makes the Carr Hall & Wheatley Lane Road Conservation Area what it is. The potential for adversely affecting the character, setting and amenity of this part of the Conservation Area should not be overlooked.
4. The existing PIP permission passed as a single joint application on appeal, would leave one conclude that the Inspector probably looked at the PIP appeal in the round as a two-house development and concluded that the site is capable of holding two dwellings, but the inclusion of the Proposed Sketch Layout alludes to the fact that the access for both houses can be accommodated down the lane adjacent to 145 giving the impression that the development would have no material changes to the street scape and setting of 145, 147 and the Coach House. The Council feels that the ambiguities regarding the shared access and potential for further revisions could in the long term materially affect the setting of both the Coach House and 147.
5. The deviation from a joint PIP approval for two dwellings to two separate schemes has undermined the Inspector's comments (With a sympathetic design, layout and consideration of the topography of the site, it would be feasible for a high-quality scheme to be provided that would complement the character and appearance of the CA.) by providing two unsympathetic schemes both in design and layout with separate access on to Wheatley Lane Road with no discernible enhancement of the existing Conservation Area. The application should be refused on Impact on the character, setting and amenity of the Carr Hall & Wheatley Lane Road Conservation Area.

The Council feels that the only viable option for both this application and 23/0503/FUL would be to again look at accessing both sites from the existing unadopted lane.

Growth Lancashire – comments awaited

United Utilities

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.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

Public Response

Nearest neighbours have been notified by letter, a site & press notice have been displayed. The following comments have been made:

Objection

- The Inspector did not have opportunity to consider the impact which five houses would have (the existing semi, the coach house conversion and the two applied for under the Permission in Principle)
- Two access points for the dwellings was not agreed under the Permission in Principle
- Intensifying the access for the existing dwelling will bring air pollution and disruption to the adjoining neighbours
- Overlooking
- Loss of light from the garden
- The Coach House will result in a loss of privacy due to overlooking
- Impact upon Conservation Area
- Loss of wildlife
- Scale is out of character
- Overbearing
- Waste water disposal would result in water running through to the property to the south (143A)

Support

- This is sustainable development
- Many neighbours houses were once a field
- Large gardens are no longer desired
- Design uses traditional materials and is in keeping with the Conservation Area

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) sets out that development should 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.

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.

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

The application site is located to the rear of the existing dwelling at No. 147 Wheatley Lane Road. The existing dwelling has a terracotta coloured roof tile to the roof and a pebble dash effect to the walls at the front. The walls to the rear are smooth rendered in an off white colour, with some mock Tudor boarding to the upper floor windows which is in black and white. There is also a single storey side extension to the main dwelling which is clad in cedar boarding. The design of the proposed dwelling has some elements of the existing dwelling reflected, such as the proposed red coloured brick (which would be similar in colour to the existing terracotta roof tile), the cedar cladding to match with the timber clad extension at 147 and the dark UPVC window frames. The design of the front & rear elevations of the proposed dwelling is also taken from the main dwelling at 147, with the two gable features and chimney, as with the rear of the existing dwelling. The roof is to be constructed of natural slate, with solar panels mounted to the south east roof slope. There are to be two colour tones of brick, to create contrast and to break up the frontage, one is to be red facing brick and the other is pale facing brick. There are also sections of aluminium panel running in a band around the dwelling, separating the first and ground floors. The vast majority of the proposed materials are traditional, being brick and natural slate. The aluminium panel is not a traditional material but is not used extensively across the building and would create some contrast, as with the mock Tudor panelling to the rear elevation of the existing 17 dwelling.

In terms of the fenestration, taking each elevation in turn, the north west facing elevation is to have two feature gables either side of the entrance to the dwelling. The windows are laid out in a modern arrangement with a large amount of glazing and full height windows. Although the windows are large, the solid to void ratio is acceptable and the openings do not look out of place.

To the south west elevation there is a blank gable, there are no openings. To the north east facing elevation there are two ground floor openings in addition to a pedestrian door which has no windows. The window are in proportion with the solid to this elevation. Whilst the South East elevation does have a large amount of glazing this is the elevation which would be least visible from public vantage points within the Conservation Area. It is noted that there would be two balconies, either side of the chimney. They will be discussed in detail in the section on residential amenity. It is also characteristic of a modern design and is attempting to demonstrate the next generation of housing styles, rather than mimic entirely what is already existing. As such, although the south east elevation is modern in design, it is not out of keeping with the Conservation Area because it takes key cues and uses the colour pallet which is prevalent in the surrounding area.

The proposed layout of the dwelling is for an open plan kitchen / living area to the ground floor, as well as an office, lounge and utility room. To the first floor there are to be four bedrooms, each with an ensuite.

Overall, the proposed development represents a design which is acceptable in relation to Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Heritage

An assessment of the heritage impact will be made once comment from Growth Lancashire have been received. Members will be updated on this at the committee meeting.

Residential Amenity

Taking each elevation in turn, the residential amenity of neighbouring dwellings and the future occupiers of the dwelling are now considered. The south west elevation does not have any openings. Although the proposed dwelling is 7.6m in height this is not unusual for a two storey dwelling and would not be out of keeping with the majority of dwellings on Wheatley Lane Road. To the North West facing elevation although there are 8 windows, there is a separation distance of 21.5m between the rear of the existing dwellings at 145 and 147 and the front of the proposed dwelling. There would be a distance of 27m between the rear elevation of the Coach House (which has permission for residential conversion) and the front elevation of the proposed dwelling.

To the north east elevation there are to be two ground floor windows and a pedestrian access door which is unglazed. The two windows are secondary windows serving the open plan living / dining area and there is a separation distance of 21m between each of the proposed dwellings in the rear gardens of 145 and 147 Wheatley Lane Road. As such, although there are windows to the side elevation which serve habitable rooms, there is sufficient separation distance to mean this would not result in an unacceptable impact upon neighbouring amenity.

Although comments have been received that there would be a loss of light to the garden at 149 Wheatley Lane Road, a garden is not a habitable room which would afford protection under the Design Principles SPD and Policy ENV2. Moreover, the proposed dwelling is to be 7.6m in height which is not as great in height as the belt of trees currently along the boundary between 147 and 149. Therefore, the proposed dwelling would block no greater amount of light than is currently blocked by the strong tree belt.

To the south east elevation there is a large amount of glazing, particularly to the ground floor. There is a separation distance, a minimum of 21m between the rear elevation of the proposed dwelling and the dwelling at 143A. The dwelling to the rear (143A) is a bungalow with dormer windows to the loft. There is a bedroom window to the first floor gable of the bungalow which face towards a bedroom window at 143A. Given that the separation distance accords with the Design Principles SPD, there would be no unacceptable neighbouring amenity issue here.

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

Trees

The application is accompanied by a Tree Survey and an Arboricultural Impact Assessment which looks at each of the trees in and around the proposed dwelling. The proposal would result in the loss of some groups of trees to the south and west boundaries as well as G1 which is closer to the boundary with 145 Wheatley Lane Road. However, there is opportunity within the site boundary to mitigate the loss of trees. The Council's Environment Officer has reviewed the proposals and is content that the appropriate protection could be put in place to safeguard the trees which are proposed to be retained. The proposal accords with policy in this regard.

Highways

The Highways Authority have not objected to the proposed development. The proposed development would result in the re-organisation of the already approved car parking at the Coach House. However, this is a separate matter and the site in question is the proposed dwelling to the rear of 147. The proposed dwelling is a four bedroom dwelling and three car parking spaces are proposed. This is sufficient to meet the requirements set out in Policy 31 of the Replacement Local Plan.

In terms of the access point, this is to be taken off the existing driveway at 147 Wheatley Lane Road. Again, the Highways Authority have not objected to this arrangement given the low number of vehicles involved in the use of this driveway. I concur with this view.

Drainage

The application site is within Flood Zone 1, which is least at risk from flooding. Development in this location would not result in an increase to flood risk elsewhere. The site would need to be drained so that surface water is separate to foul water, this can be secured by condition. Comments have been raised about the foul drainage being via a septic tank and due to the natural ground levels. The drainage of the site would have to be separate for foul and surface water. The Statutory Undertaker has set this out in their response to consultation. This is something which could be secured by planning condition.

As such, the proposed development accords with Policies ENV5 and ENV7 of the Local Plan: Part 1 Core Strategy.

Ecology

The applicant has been asked to prepare a preliminary ecological appraisal. An update on this will be provided to Members.

Other Matters

Other matters including that the Inspector for the Permission in Principle appeal was not aware of the eventual application for the Coach House conversion are not material to the determination of this application. The principle of development in this location has been established through the appeal. The applicant has since chosen not to submit a Technical Details Consent application but rather submit a Full Planning Application for one dwelling. Again, there is nothing to prevent the applicant from choosing to do this.

Air pollution on the driveway has been raised but this is for a small scale residential development and is not in an air quality management area, such the scale of the proposed development would not warrant further information to be submitted regarding air pollution. Neither is there a policy reason to refuse this application on the basis of air pollution.

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 satisfactory heritage comments and ecology report.

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 6200-E41 Rev -, Proposed Site Plan 6200-P44 Rev A and 6200-P40 Rev B, Proposed Elevation Plans 6200-P41 Rev A, Proposed Site Plan, including Coach House and 147 parking plan 6200-P44 Rev -, Boundary Treatment Plan 6200-P45

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

3. Prior to any external works commencing, samples of all the external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

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

4. Prior to commencement of works on site, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme must include:

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

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

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

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

5. All windows shall be set back from the external face of the walls by a minimum of 70mm.

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

6. The development hereby approved shall be carried out in strict accordance with the Preliminary Ecological Appraisal [reference to be confirmed].

Reason: In order to safeguard protected species.

7. The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment dated July 2023.

Reason: In order that the trees are adequately protected during the construction phase.

8. No part of the development hereby approved shall be occupied or brought into use until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Works shall include, but not be exclusive to, the reinstatement of a section of footway approximately 6m to the West of the existing access, to an appropriate standard, including full height kerbs, and minor amendments to the dropped vehicle crossing to the East of the access.

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.

9. Prior to first occupation of the approved development secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

10. Prior to first occupation the approved dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

11. The proposed development should not be brought into use unless and until the parking and manoeuvring areas shown on the approved plans have been constructed and laid out. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings and the manoeuvring areas kept free from obstructions for the lifetime of the development.

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

Informative Note

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (short form Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the reinstatement of a section of redundant dropped crossing (approximate length 6m) to footway to an appropriate standard, including full height kerbs, and localised widening of the existing dropped crossing to the East of the access. The

applicant should contact the County Council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

Application Ref: 23/00516/FUL

Proposal: Full: Erection of 1 no. dwelling with associated infrastructure (Amended scheme to approved planning permission 22/0417/FUL).

At: 147 Wheatley Lane Road, Barrowford

On behalf of: Mr & Mrs Yates

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 4TH OCTOBER 2023

Application Ref: 23/0584/VAR

Proposal: Variation of Condition: Vary Condition 2 (Tree Protection and Planting Plan), Condition 7 (Landscaping Scheme), Condition 8 (Tree removal subject to group 2.2) and remove Condition 9 (Tree removal) of Planning Permission 20/0707/FUL.

At 8 The Orchard, Barrowford

On behalf of: Mrs H Wood

Date Registered: 24/8/2023

Expiry Date: 19/10/2023

Case Officer: NW

Site Description and Proposal

The proposal seeks to vary conditions to enable trees to be removed or pruned. This includes the loss of Lawson Cypress trees, a Holy tree and the pruning of a Yew tree.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways: There are no highway concerns and no objections are raised.

Parish Council: The Parish Council has no objection to the removal of Condition 9 allowing the trees to be removed on safety grounds but would wish the trees replaced with a more suitable variety and that once established be protected by TPO's to ensure some form of long-term future protection.

PBC Environment Officer: Agrees that the trees should be removed based on their condition and impact of removing selected trees in isolation of the others. A replanting scheme should be required.

Public Response

Two letters objecting to the application based on comments from previous applications. If the Council is minded to agree to the removal only the trees that are an immediate risk should be allowed to be removed. Each tree removed should be replaced.

I fully accept the comments from the respective tree experts on the necessity to remove the trees which are deemed to be potentially liable to be "blown down" and therefore a threat to neighbouring properties.

However as all are aware this property was the subject of a retrospective planning application some months ago as it was built in the wrong position and too close to the boundary of our property.

It was passed with the strict understanding that the trees remain to act as screening to nearby

properties. Therefore it's not unreasonable to respectfully request that any trees felled are replaced to once again provide the equivalent screening as previously enjoyed

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy Policy SDP1 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 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. 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.

Officer Comments

The application seeks to alter the conditions to the effect that it allows for the removal of a group of Lawson Pines, a dying holly tree and to allow pruning of a Yew Tree.

The application is accompanied by a statement and tree reports. It indicates: The accompanying information indicates that the original trees report by an Arboricultural professional recommended that the Lawson trees be removed. It refers to there being no requirement by the Planning Inspector who approved the original scheme to retain the trees. A further report by professional consultants again advises that the trees should be removed. A replanting condition is supported to replace the trees.

The conditions state:

- 2 Condition stipulating plan numbers.
- 7 No further dwellings shall be occupied unless a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
 - a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - d. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.The approved scheme shall be implemented in its entirety in the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

- 8 No tree removal shall take place on site, unless in accordance with the recommendations of the arboricultural impact assessment BS 5837, prepared by tree plan, dated September 2020.
Notwithstanding this, Group 2.2 which shall remain in situ unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of works.

Reason: To safeguard existing trees to be retained.

- 9 No trees shall be removed from site except in accordance with the tree removal plan in the arboricultural impact assessment BS 5837, prepared by tree plan, dated September 2020 with the exception of group 2.2 (Group of Cyprus and Broadleaves) which shall at all times be retained on the site. The trees to remain shall at all times during construction be protected by protective fencing to BS 5837 at least 1.25m high, securely mounted on timber posts erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land. No further works shall take place unless and until the written approval of the local planning authority has been issued confirming that the protective fencing is erected in accordance with his condition. The fencing shall be located at least 1.0m beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Exposed roots with a diameter of more than 25mm shall be left uncut. There shall be no construction work, development or development-related activity including the deposit of soil or the storage of materials within the fenced areas. The protective fencing shall be retained during the construction period.

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

The conditions need to be considered both in the context of what is now being proposed as well as why they were imposed on the original planning permission. The reasons for imposing the conditions are also important to consider. The reasons here relate to the landscaping of the site. They were not imposed to protect privacy or for other reasons such as ecology.

The application has been accompanied by three tree reports. These are presented in full as part of the documents submitted. The reports state of the relevant trees as follows:

- Survey 1; The yew tree should be pruned.
Lawson Pines. Clear and replant.
- Survey 2; The cypress trees would place pressure on the development and should be removed and replaced.
Yew Tree: Prune lateral growth.
- Survey 3; Trees are not suitable for reducing in height. Reducing in number will present other issues. Remove due to the risk.
Yew Tree. Prune to bring balance.

The arboricultural assessments have been considered by the Council's Environment officer who is a fully qualified arborist. The advice he has given to the Council is that he agrees with the conclusions of the submitted reports and that on arboricultural grounds the right course of action would be to remove the trees.

The reason the trees were required to be retained by the conditions were to ensure that the site is adequately landscaped. The development sits in a residential area which has a mixture of

landscape types characterising the area. There are mature trees on the eastern boundary but the loss of the Lawson Trees would open up the views of the development. There would be a fence in between the two to separate the development that would be retained.

The loss of the trees would not result in the landscape impact of the development being unacceptable as it would still be lined by trees and be compatible with the general visual amenity of the area. It also would not result in a loss of privacy. That was confirmed by the Planning Inspector who approved the original development and by the Council in its decision in not imposing the conditions for privacy reasons.

The proposal is to have a condition to require an alternative landscaping to be provided on the boundary of the site. This would adequately deal with the planning merits of the development and is an acceptable way of dealing with replanting.

The trees are the subject of a Tree Preservation Order. The TPO process is the mechanism to preserve or not the trees in terms of their amenity value of the area. This application is to consider the impact the development would have on the locality and what conditions are necessary to make the development acceptable.

In terms of the request that each tree lost must be replaced a landscaping condition would require a suitable replanting scheme. That would not necessarily require a one for one replacement. The scheme would consider the right choice of trees as well as good arboricultural practice.

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

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan, prepared by Planet Architecture, Ref: A1/09/2020/1/001
 - Site Plan, prepared by Planet Architecture, Ref: A1/09/2020/01/002 Rev A
 - Plot 7 Proposed Floor and Elevation Plans, prepared by Planet Architecture, Ref: A1/09/2020/1/003
 - Plot 9 Proposed Floor and Elevation Plans, prepared by Planet Architecture, Ref: A1/09/2020/1/004
 - Plot 10 Proposed Floor and Elevation Plans, prepared by Planet Architecture, Ref: A1/09/2020/1/005
 - Proposed Site Plan, prepared by Planet Architecture, Ref: A1/09/2020/1/002
 - Arboricultural Impact Assessment BS5837, prepared by tree plan, dated September 2020

- Tree Protection Plan, prepared by tree plan, dated September 2020
- Tree Planting Plan, prepared by tree plan, dated September 2020
- Proposed Drainage Plan, prepared by Holdgate Consulting Ltd, Ref: 20-109 D01 Rev E

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

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

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

4. Notwithstanding any indication on the approved plans, the side elevation windows (serving bathrooms and a hallway) at plot 10 of the development hereby permitted shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

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

5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E, F, G and H of Part 1 and Classes A, B and C of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to protect the trees on site and to ensure that the developments that take place are acceptable on site in terms of their design in relation to their surroundings

6. No further dwellings shall be occupied unless and until the surface water and foul water drainage scheme as approved on plan 20-109 D01 E has been fully installed and completed in accordance with the approved scheme. Further the surface water and foul water scheme shall be fully installed within 3 months of the date of this permission. It shall thereafter be retained in working order.

Reason: The application is made in retrospect and the development on site requires to have an adequate drainage system in order to ensure there is no flooding elsewhere and to avoid pollution.

7. Within three months of the date of this permission a detailed landscaping scheme shall be submitted to the Local Planning Authority for approval. 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. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - d. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety in the first planting season following approval of the details. 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. Until the landscaping plan is approved no trees shall be removed from the site except for the Lawson Pines and Holy Tree.

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

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

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

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

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

Application Ref: 23/0584/VAR

Proposal: Variation of Condition: Vary Condition 2 (Tree Protection and Planting Plan), Condition 7 (Landscaping Scheme), Condition 8 (Tree removal subject to group 2.2) and remove Condition 9 (Tree removal) of Planning Permission 20/0707/FUL.

At 8 The Orchard, Barrowford

On behalf of: Mrs H Wood