

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

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 6TH DECEMBER 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 6TH DECEMBER 2023

Application Ref: 23/0389/REM

Proposal: Approval of Reserved Matters including Layout, Scale, Appearance and Landscaping of Planning Permission 19/0767/OUT.

At: Wheatley Laithe Farm, Barrowford Road, Fence

On behalf of: Pendle Business Park Ltd.

Date Registered: 10/07/2023

Expiry Date: 09/10/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application is a Reserved Matters application for the appearance, landscaping, layout and scale for the erection of up to 55,750sqm of floor space for commercial use (including the former Use Classes B1a/b, B1c, B2, B8, A1 A3 and A5). Access is to be taken off Barrowford Road, this has been established through the Outline planning application. The application site is within the settlement boundary and is a Strategic Employment Area identified in the Local Plan. The principle of development has been established through an Outline Planning Application (19/0767/OUT). The proposed site plan indicates that there would be 16 units in total, spread across the site. The largest of the units is to be to the south of the site, nearest to the existing industrial units at Lomeshaye Industrial Estate. There is to be a pedestrian link through to the existing Industrial Estate but the only vehicular access would be from Barrowford Road.

Relevant Planning History

19/0767/OUT: Outline: Major: Demolition of existing farm buildings and erection of up to 55,750 sq.m. of commercial development, comprising B1a/b, B1c, B2, B8, and A1 (Food)/A3/A5 uses (Access only off Barrowford Road all other matters reserved).
Approved with conditions

Consultee Response

Lancashire LLFA

Objection withdrawn. The surface water drainage strategy is acceptable.

LCC Highways

Lancashire County Council acting as the Highway Authority requires further information and amendments to the layout for service vehicles, bus infrastructure, pedestrian/cycle provision and car parking standards.

United Utilities

Further to our review of the submitted documents, Drawing 00.23127-ACE-00-ZZ-SK-C-1000, Dated 06.07.23, we can confirm the proposals are not acceptable to United Utilities. This is because we require indicative foul cover and invert levels, as well as finished floor levels in metres

AOD to assess. Furthermore we require evidence that the combined public sewer has been accurately located at the north of the site (line and depth) and that the structures are situated outside of the associated easement. We also request the pumped foul rate be included.

Finally there is a note suggesting a gravity connection to the combined sewer, but it is not clear which sewer this is on the proposed plan.

Conservation Consultants

I have reviewed the supporting documents including the landscape masterplans (x3), the amended proposed landscaping scheme and planting scheme, planning statement, heritage impact assessment, site sections (x2) proposed roof, elevation and layout plans and site sections; and the Landscape Visual Impact Assessment (LVIA) accompany the 2019 outline application, and heritage comments provided for the 2019 outline application.

The proposal

The proposal is for approval of reserved matters including layout, scale, appearance and landscaping. Outline planning permission was granted in 2019 for up to 55,750 square metres of commercial development.

The key heritage consideration is whether the proposal preserves the special interest of the listed buildings through development in their settings.

Setting

Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled *The Setting of Heritage Assets* (2017), which describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.

The grade II listed Grains Farm Barn is described in the list entry as 'a late C17 combined farmhouse and multi-function aisled farm building displaying the distinctive vernacular building traditions of the area, which demonstrates the longevity of the combined house and byre tradition in the Pennine uplands.' The immediate setting makes a strong contribution to significance through provision of traditional, undeveloped farmland which contributes to an understanding of its function and landscape context.

The site contributes to the undeveloped setting of the listed building and although it is separated from the site by a thick belt of tree planting, it is close to the site boundary.

The grade II listed Old Laund Hall is of significance as a C16-C17 house of stone in three and two storeys, with distinctive C16-C17 window openings and remaining significant features. Its rural, undeveloped setting contributes to its significance and provides the ability to appreciate the asset in its traditional surroundings.

The application site is located to the north of the site and the southern tree lined boundary is visible from the hall and is set on considerably higher ground than the hall. The site makes a contribution to its wider rural setting.

Impact

The proposed development site would be glimpsed at through the tree belt at the western boundary of the site from Grains Farm Barn and any limited views would be exacerbated by the use of strong colours and lighting around the buildings.

The built development on the western edge of the site appears very close to the boundary tree belt, and there is concern that not only will this appear potentially prominent from Grains Farm Barn but may potentially impact on the trees and cause pressure for future felling or loss of tree cover. On this basis, it is recommended that the edge of the built development is moved further to the east away from the existing boundary line and additional tree planting provided in accordance with the LVIA submitted with the outline application to reduce the harm to this heritage asset.

The site boundary to the south is subject to removal of two trees. Currently this site boundary has some trees but these are not of a sufficient size to provide any meaningful screening of the site from Old Laund Hall. Although built development is sited further to the north of the development boundary, there is potential, given the size of Unit 16 at 15.5m² and 12.5m to the roof, and the significant difference in levels, for inter-visibility from the asset, which will be compounded by the loss of two trees from the southern boundary as proposed in the landscape plan.

Figure 6.7 in the LVIA submitted to support the 2019 outline application shows an indicative landscape strategy with significant tree belt planting to the south, additional 'reinforced' planting along the western boundary edge and mounding on the top of the verge to increase screening. None of these mitigating measures appear to be present on the proposed landscape strategy.

The LVIA states at paragraph 6.51 'High quality design and careful consideration of materials/colour of built form will further integrate development.'

Heritage comments submitted in relation to the 2019 application identified the potential for impact on the grade II listed Grains Barn Farm and Old Laund Hall, and recommended; *'There should be consideration of high quality building designs in more recessive darker colours, the use of local materials and styles, e.g. Incorporation of dry stone boundary walls, enhancing the public realm along the public footpaths, and attention to building heights and massing particularly at the edges of the site and in key views of the site from outside.'* In line with the heritage comments submitted in 2019, and the 2019 LVIA, it is considered that uniformity of built development would lessen visual impacts. Currently there is an array of styles, plan forms, materials and colours, which has the potential to draw the eye and introduce an unwarranted visual intrusion into the setting of the identified listed buildings.

In this context, it is recommended that a simplified palette of sympathetic, local and high quality materials are utilised, with simplified forms and a neutral or graded colour palette, particularly on those units closest to the listed buildings identified. Unit 7 uses sandstone, charred cladding and blue slate and is gabled and simple in form. This is considered to be more sympathetic in design, scale and materials.

Additional planting to the southern site boundary is essential to lessen impacts on the grade II listed Old Laund Hall, and further screening is recommended to ensure glimpsed views of development from Grains Barn Farm, which is very close to the western site boundary, are limited or eliminated entirely.

It is recommended that visuals are submitted to show how the proposed development will be viewed/impact on the grade II listed Grains Barn Farm and Old Laund Hall, including any impact of lighting, showing diurnal changes and resultant loss of spring/summer screening.

Further detail should also be provided on the potential impacts of noise from additional traffic and site activity, which has the potential to interrupt the tranquillity of the setting of Old Laund Hall. Tree planting with sympathetic species may also have the added benefit of reducing noise impacts.

The submitted heritage statement identifies no harm to any heritage assets, but it appears to conflate impact on setting with impact on views, and does not take into account any potential noise or lighting impacts, or diurnal changes in the existing landscaping.

Conclusion / recommendation

As I am required to do so, I have given the duties imposed by s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 considerable weight in my comments.

Any harm requires clear and convincing justification (P.200 of the NPPF), which should be weighed against public benefits of the scheme (P.202). There does not appear to be any justification for not providing the additional tree belt and other landscaping measures as proposed initially, or for the mix of styles, materials and colours currently proposed.

In this regard I feel the proposal, in its current form, represents some limited harm (a slight level of less than substantial harm) to the significance of both the grade II listed Grains Barn Farm and Old Laund Hall. As such the LPA will need to apply the P.202 test and consider the public benefits of the development against the stated level of harm.

Notwithstanding the above, it is recommended that the mitigation measures, noted above, are incorporated into the design. This includes the use of a more limited palette of materials and colours and in accordance with previous heritage comments and the 2019 LVIA additional tree planting to the south and west boundaries. Such changes would accord with P.195 of the NPPF.

It is down to the LPA to apply its planning balance giving due (great weight – as per P.199 NPPF) to the harm the low-level harm to the heritage assets. If a positive balance can be achieved then the proposal would have deemed to have met the duty ‘to preserve’ under the Act and the objectives of Chapter 16 of the NPPF and accord with policy ENV1 of the Local Plan.

Natural England

No comments – apply standing advice.

Old Laund Booth Parish Council

No comments.

Pendle Council Environment Officer

The applicant has submitted an Arboricultural Method Statement which has been reviewed by the Council’s Environment Officer. They are content with the information submitted and consider it covers all the detail required for the protection of trees which are to remain on the site. It is important that the Tree Protection fencing is put in place prior to any works commencing, this is something which can be secured by planning condition.

Public Rights of Way / Countryside Access Officer

The proposed development affects public footpaths FP1315095, FP1315097, FP1315103, FP1315108 and FP1315110. The site masterplan shows the position of the existing footpaths, the proposed extinguishment of FP1315097 and the proposed diversion routes for the other affected paths.

I maintain the comments which I made with the outline application (19/0767/OUT, my ref TP/8003) which I attach for information. Following these earlier comments I note and welcome that the

diversion proposals will avoid the footpath passing through the centre of the roundabout on Barrowford Road.

The developer should be advised to apply for the necessary public path orders to extinguish and/or divert as set out in these plans. Preliminary work can start on this process straight away and the Council could even make (but not confirm) the necessary orders prior to the grant of planning permission.

There is a likelihood of significant disruption over many years to the public rights of way passing through the site whilst construction is underway. The developer may apply to Lancashire County Council to temporarily close rights of way within the site, but this may result in lengthy alternative routes along other footpaths and roads. I would therefore request a condition be attached to any planning permission that before each phase of construction the applicant submits a plan for the approval of the planning authority showing an alternative route which would be provided prior to construction within the site for any path which would be affected. The reason being to minimise disruption to public access.

The grant of planning permission does not provide any lawful excuse to contravene the relevant sections of Highways Act 1980 such as the obstruction or disturbance to the surface of a public right of way. As such, there is no need for planning permission to include conditions to this effect, but it would be helpful to include a note in the "Informatives" section to remind the developer of the law. A suggested note is given below.

Suggested note

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

Public Response

Nearest neighbours have been notified, a site & press notice displayed, one objection has been received from a member of the public, stating the following:

- Why was the application passed in the first place?
- Destruction of Green Belt land
- Impact on nature and wildlife
- Noise impact
- Air pollution
- What connection does Adhan Group have with Barnfield?

Officer Comments

Policy

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 SDP2 (Spatial Development Principles) sets out a hierarchy of settlements in order of preference for future growth.

Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) seeks to protect and enhance sites such as SSSIs, Special Areas of Protection, Local Nature Reserves, habitats and species of principal importance.

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) sets out the Council's intentions for supporting sustainable transport.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and to address the risks from contaminated land.

Policy ENV7 (Water Management) follows the sequential assessment set out in National Policy, it also sets out requirements for surface water runoff and water quality.

Policy WRK3 (Strategic Employment Site: Lomeshaye) this policy sets out that the site will be for B1, B2 and B8 uses and will be supported provided it meets a set of criteria. It also sets out that a Development Brief for the site should be adhered to.

Replacement Pendle Local Plan

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

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

Lomeshaye Development Brief

The Lomeshaye Development Brief sets out the design principles for the development of the Strategic Employment site at Lomeshaye. The Council carried out a period of public consultation on this document in August and September 2018, following which a revised document was created. The development brief sets out the design code for developers to make sure that any development:

- is sympathetic to its setting in the wider environment
- achieves a high standard of design, landscaping, parking and signage throughout, to ensure an attractive environment
- incorporates sustainable building principles, is energy efficient and demonstrates good environmental performance
- is easily accessible from the highway network and offers direct links to the footpath and cycle network

Principle of Development

The principle of residential development on this site has been established by the Outline consent.

This was an outline application for up to 55,750sqm of floor space for commercial use. It is noted that comments from members of the public have been received in relation to the principle of development. However, the principle of the units has been established through permission and the necessary assessment was made in relation to access at this stage.

As detailed above the land is allocated for Employment purposes in Policy WRK3 of the adopted Local Plan. The principle of development has therefore already been established and need not be discussed further.

Policy WRK3 does however require other design features to be incorporated. These are:

- Adequate connection by a new road to the primary road and motorway network and be accessible by public transport, walking and cycling
- Have a high quality landscaping scheme which incorporates and enhances, as appropriate, natural environmental features
- Addresses any potential environmental impacts as set out in Policy ENV1

Scale & Appearance

The scale of the proposed development is sixteen commercial units of various sizes and uses. The total floor space can be broken down as follows:

- Use Class B2: Light Industrial = 11,133.6m²
- Use Class E(a) (Former A1 and A3) = 367.7m²
- Use Class E(c) and (g) (former B1) = 9,458m²
- Use Class B8 = 30,896m²

These floor spaces fit within the parameters set out in the Outline application, albeit the Use Class Order has altered in the intervening period.

The largest of the units is to be situated towards the southern end of the site, closest to the existing units on Lomeshaye Industrial Estate. There will be no vehicular link through the site to the existing Lomeshaye Industrial Estate but there will be a pedestrian / cycle link. The largest units are to have a maximum height of 13.5m, they are to have a hipped roof behind a parapet in order to reduce their visual impact. The smaller units to the north of the site range between 6-9m in height and have a shallow roof pitch, to reflect an agricultural style building. There are also some units which have a curved roof, standing at approximately 12m in height, these are to sit to the eastern end of the site. Whilst the Development Brief recommended buildings to have a maximum height of 8m, this was not anticipating a landscaping bund as part of the proposals. As such, the bund would act as a screen with the landscaping on top of this to break up the mass of the largest of the units.

The proposed materials are a mixture of modern materials which are not uncommon within an industrial area. Many of the proposed buildings are to have metal sheet cladding, to reflect the commercial surroundings of the existing industrial estate. There is also natural timber cladding, a colour which the Development Brief recommends. The colours of materials are all muted greys, being anthracite, pure grey, merlin grey with some highlighted accents in black. This accords with the development brief which recommended muted greys and timber colours. Although some of the units are to have glazed walls and curtains, these are to be protected from overheating and solar gain with architectural shading devices building into the design. The Development Brief sets out that the materials should be metal cladding with some timber in muted colours such as cool warm greys and natural timber colours. The Development Brief recommends standing seam or similar pitches up to 3 degrees with metal cladding and roof lights. The development brief recommends

that green roofs would also be beneficial. Whilst the developer has not included green roofs they have included a muted colour pallet and included metal cladding and standing seam roof materials.

In terms of the roofs specifically, the Development Brief recommends that there are no external flues projecting out above parapet walls. The elevational plans indicate that there are no flues or ventilation equipment projecting above the roof height. As such, the scheme meets with the brief in this regard.

Overall, in terms of scale and appearance the proposed development accords with Policies ENV2 and WRK3 of the Local Plan: Part 1 Core Strategy.

Layout

The proposed layout is designed around five blocks, with the main access and a secondary round-a-bout forming the main arterial route. The larger blocks are to be at the southern end of the site, closest to the existing Lomeshaye Industrial Estate, with smaller blocks adjacent Barrowford Road. Car parking is interspersed in and around the site, adjacent to the buildings, with access off the main route through the site. There is also a pedestrian / cycle link through the site which would link up with an existing route through the current Lomeshaye Industrial Estate.

Policy WRK3 requires the site to be connected by a primary road and also to make provision for public transport, walking and cycling. The proposals include the diversion of several public rights of way which run across the site. It is noted by the Countryside Access Officer that there will be some disruption to the PROWs for several years, during the construction phase. However, there is an improvement from the Outline application in that the diverted PROW does not run through the round-a-bout.

Unit 16 is the largest of the proposed units and is to be a B8 Use. It is rectangular in shape and is laid out with the shortest side facing towards the access round-a-bout, there is to be car parking to the north. Moving closer to Barrowford Road, there is then a cluster of units which consists of Units 1, 2, 3, 4, 5, 6 and 7. These are all much smaller units than Unit 16 and are to be nestled in between a landscaping buffer which wraps around this area of the site and will screen the site from Barrowford Road.

To the other side of the main access road there is a cluster of slightly larger B1 units, numbered 8, 9, 10 and 11 these have been set up in a courtyard arrangement with a central car parking area. Although the Development Brief recommends that car parking is laid out in rows of no more than 12 spaces, without a 'break' such as landscaping, the car parking would be screened in views from each side by buildings, including the southern boundary from longer distance views by unit 15. Further east from this, along the Barrowford Road side of the site are units 12 and 13 which are B2 use. These units are to have a servicing area in front of them as well as an area of car parking. Finally, there are two units which could be described as medium in size in the context of this site, both to be Use Class B8. These sit side-by-side with one being longer than the other. Each of these units is to have a set of twin dual pitched roofs with a central valley. They also have a service yard to the front of them and an area of car parking. Units 14 and 15 are bound by landscaping along the access road to the north and also landscaping along the proposed diversion of the Public Right of Way (PROW).

The estate roads are to be 7.4m wide with a 2m footway on both sides. There is also a 3m wide segregated cycleway, alongside the 2m wide footway on the estate road, in accordance with LTN1/20. This provides links between Barrowford Road to the footpath which will be upgraded to a bridleway linking Churchill Way.

The plans indicate that there would be cycle spaces and bin storage at each of the units. In line with the Development Brief the bin storage would be screened from public views and would not be in prominent locations.

Overall, in terms of layout the proposed development accords with Policies ENV2 and WRK3 of the Local Plan: Part 1 Core Strategy.

Landscaping

Policy WRK3 sets out that high quality landscaping should be developed, to incorporate and enhance natural environment features. This is a key issue and has been the subject of lengthy negotiations as part of the application. The negotiations have required visualisations from key viewpoints to be provided. This in turn has resulted in modifications to the landscaping proposals. The proposed landscaping is mostly to the southern belt of the site but there is also an area supplementing the existing area of planting to the west, around units 6 and 7. Additionally, the existing landscaping to the east would be supplemented with a bund and landscaping. There is other incidental landscaping throughout the site, which will assist in breaking up the blocks of development. The applicant has chosen to include landscaping bunds (mounds of earth) which would sit to the south of units 13, 14, 15 and 16. These are up to 6m in height and would have landscaping upon the top of them. As such, this would assist in reducing the landscape impact from the outset, rather than there being an initial period where the landscaping requires time to establish.

There is to be a central area of landscaping, comprising a tree lined route through the site running in an east-west direction. This is to be 4m in width, either side of the central road as set out in the Development Brief. There are also other clusters of landscaping within the site breaking up the massing of the buildings and the car parking areas. The species which have been specified in the planting plan are native species including Oak, Birch, Beech, Alder, Rowan, Holly, Blackthorn, Hawthorn & Hazel.

As identified in the Development Brief, there is no built form to the far north eastern corner of the development site where the land is steeply sloping. Instead the intention here is to retain the existing landscaping and augment this with additional planting around unit 13, including a bund. The Development Brief requires that buildings are set back from the roads running through the development, with appropriate landscaping along the roadside. The Development Brief stipulates a distance of 20m of planting belts to be along the southern boundary, 10m along the western and northern boundaries and 4m along each side of the main access. The landscaping plans indicate that this has been achieved and exceeded in most areas.

Each of the units is to have an area of landscaping or feature tree in front of it, which again is something recommended in the Development Brief. This assists in breaking up the built form and creates appropriate spacing between buildings.

Overall, in terms of landscaping the proposed development accords with policy in this regard.

Impact on Residential Amenity

There are no residential dwellings within a 21m distance of the proposed development. As such, there would be no unacceptable impact upon neighbouring dwellings in terms of over bearing effect, shadowing or loss of privacy.

A member of the public has raised concerns about the potential for noise impact. However, given that the proposed development is allocated for employment and commercial use, the principle of industrial processes in this location has already been established and a noise assessment is not necessary at this stage.

Highways

The principle of access has been established at the outline stage of the application process. The site is to have one point of vehicular access off Barrowford Road, with a round-a-bout connecting the main spine road to Barrowford Road and beyond, to the M65.

The Highways Authority have reviewed the internal layout of the site and recommended some amendments based on vehicle tracking. As a result, the applicant has amended the scheme to include a second round-a-bout with a bus stop so that buses can enter the site and turn around. The applicant has also submitted a Travel Plan to accompany the application.

In terms of parking the proposed floor space and use class generates a need for 546 parking spaces. The applicant has indicated an overprovision of 25 spaces. Given the amount of floor space involved and the end users not being known at this stage of the project, an over provision of this amount is not unacceptable and would not lead to an overreliance on the private car or a highway safety issue.

Drainage

A response has been received from the Lead Local Flood Authority following the submission of an updated drainage strategy. They had originally objected to the scheme but the applicant has since provided information to demonstrate that the development will not result in flood risk within or outside the development. Conditions have been recommended relating to an operation and maintenance manual and a verification report to ensure that the surface water drainage has been installed in a satisfactory way.

Heritage

Following the comments received from the Council's Conservation Consultants the plans have been amended to incorporate a more muted colour pallet and to increase the amount of landscaping. Although it is acknowledged that there would be less than substantial harm to a heritage asset in this case, this would be outweighed by the huge public benefit which would come with the benefit to the local economy and job creation. As such, the proposed development accords with paragraph 202 of the Framework and Policy ENV1 of the Local Plan: Part 1 core Strategy.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of policy. 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: Approval

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 and 2 of Planning Permission 19/0767/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission 19/0767/OUT.

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

Location Plan 22.175_00_004_A
Site Masterplan 22.175_00_001 Rev L

Unit 14-16 Site Sections 22.175_00_014_B

Unit 1: Proposed Elevation Plan 22.175_01_002_C
Unit 2: Proposed Elevation Plan 22.175_02_002_C
Unit 3: Proposed Elevation Plan 22.175_03_001_C
Unit 4: Proposed Elevation Plan 22.175_04_001_C
Unit 5: Proposed Elevation Plan 22.175_05_003_C
Unit 6: Proposed Elevation Plan 22.175_06_002_C
Unit 7: Proposed Elevation Plan 22.175_07_002_C
Unit 8: Proposed Elevation Plan 22.175_08_004_D
Unit 9: Proposed Elevation Plan 22.175_09_004_D
Unit 10: Proposed Elevation Plan 22.175_10_004_D
Unit 11: Proposed Elevation Plan 22.175_11_004_D
Unit 12: Proposed Elevation Plan 22.175_12_002_C
Unit 13: Proposed Elevation Plan 22.175_13_002_B
Unit 14: Proposed Elevation Plan 22.175_14_003_B
Unit 15: Proposed Elevation Plan 22.175_15_003_B
Unit 16: Proposed Elevation Plan 22.175_16_004_B

Unit 1: Proposed Ground Floor Layout and Roof Plan 22.175_01_001_A
Unit 2: Proposed Ground Floor Layout and Roof Plan 22.175_02_001_A
Unit 3: Proposed Ground Floor Layout and Roof Plan 22.175_03_001_A
Unit 4: Proposed Ground Floor Layout and Roof Plan 22.175_04_001_A
Unit 5: Proposed Roof Plan 22.175_05_002_A
Unit 6: Proposed Roof Plan 22.175_06_001_A
Unit 7: Proposed Ground Floor Layout & Roof Plan 22.175_07_001_A
Unit 8: Proposed Roof Plan 22.175_08_003_A
Unit 9: Proposed Roof Plan 22.175_09_003_A
Unit 10: Proposed Roof Plan 22.175_10_003_B
Unit 11: Proposed Roof Plan 22.175_11_003_B
Unit 12: Proposed Ground Floor Plan and Roof Plan 22.175_12_001_A
Unit 13: Proposed Ground Floor Plan and Roof Plan 22.175_13_001_A
Unit 14: Proposed Roof Plan 22.175_14_002_A
Unit 15: Proposed Roof Plan 22.175_15_003_A
Unit 16: Proposed Roof Plan 22.175_16_003_A

Unit 5: Proposed Ground Floor Plan 22.175_05_001_A
Unit 6: Proposed Ground Floor Plan 22.175_06_001_A
Unit 8: Proposed Ground Floor Plan 22.175_08_001_A
Unit 8: Proposed First Floor Plan 22.175_08_002_A
Unit 9: Proposed Ground Floor Plan 22.175_09_001_A
Unit 9: Proposed First Floor Plan 22.175_09_002_A
Unit 10: Proposed Ground Floor Plan 22.175_10_001_A
Unit 10: Proposed First Floor Plan 22.175_10_002_A
Unit 11: Proposed Ground Floor Plan 22.175_11_001_A
Unit 11: Proposed First Floor Plan 22.175_11_002_A
Unit 14: Proposed Ground & First Floor Plan 22.175_14_001_A
Unit 15: Proposed Ground & First Floor Plan 22.175_15_001_A
Unit 16: Proposed Ground Floor Plan 22.175_16_001_A
Unit 16: Proposed First Floor Plan 22.175_16_002_A

Planting Plan (1 of 6) 5260-04 Rev D
Planting Plan (2 of 6) 5260-05 Rev D
Planting Plan (3 of 6) 5260-06 Rev D
Planting Plan (4 of 6) 5260-07 Rev E
Planting Plan (5 of 6) 5260-08 Rev D
Planting Plan (6 of 6) 5260-04 Rev C

Landscape Masterplan (1 of 3) 5260-01 Rev D
Landscape Masterplan (2 of 3) 5260-02 Rev D
Landscape Masterplan (3 of 3) 5260-03 Rev D

Hard & Soft Landscape Plan 22.175_00_025 Rev A

Footpath details 22.175_00_013_A
Footpath Diversion Plan 22.175_00_012_A
Footpath Diversion Plan 22.175_00_011_A
Footpath Diversion Plan 22.175_00_010_A
Footpath Diversion Plan 22.175_00_009_A
Footpath Diversion Plan 22.175_00_008_A
Footpath Diversion Plan 22.175_00_007_A
Footpath Diversion Plan 22.175_00_006_A

Reason: In the interests of clarity and proper planning.

3. Notwithstanding any indication on the approved plans and application form, prior to the commencement of above ground works involved in the erection of the external walls of the development, samples of the external materials to be used in the construction of the walls, roof verges, fascias and soffits, rain water goods, pipes and flues, windows and door materials and finishes, window reveals and drainage 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. The commencement of use of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

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

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

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

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

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

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

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

6. Within 3 months of the start of development details of the proposed arrangements for the future management and maintenance of the public open spaces and landscaping shall be submitted to and approved by the Local Planning Authority. These should include the establishment of a private management and maintenance company. The open spaces shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: To ensure that the open spaces are completed and thereafter maintained to an acceptable standard in the interest of residential amenity and highway safety.

Reason: In the interest of the amenity of the area during construction work.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 m measured along the centre line of the proposed minor road from the continuation of the nearer edge of the carriageway of the major road with points measured 43m to both sides along the nearer edge of the carriageway of the major road, from the centre line of the access, in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

Reason: To ensure adequate visibility at the street junction or site access.

8. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted

to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until a private management and maintenance company has been established.

Reason: In the interests of highway safety.

9. Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

10. The framework Travel Plan shall be implemented in accordance with the timetable contained therein.

Reason: To support sustainable travel modes.

11. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any building, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

12. Prior to the first occupation of each unit the parking and service areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for as long as the development is in use.

Reason: In the interests of highway safety

13. Prior to the first occupation of each unit each shall have a secure cycle store, disabled car parking and electric vehicle charging at a ratio of 1 space per 10 car parking spaces.

Reason: In order to encourage more sustainable forms of transport and to make the site inclusive for all users.

Informatives

1. Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.
- Consent must be obtained before starting any works on site. It cannot be issued retrospectively.
 - Sites may be inspected prior to the issuing of consent.
 - Unconsented works within the Highway or Sustainable Drainage System may prevent adoption.
 - Applications to culvert an existing open ordinary watercourse will generally be refused.
 - Enforcement action may be taken against unconsented work.

Ordinary watercourse consent is subject to the asset owner's permission to connect. For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required

consent before or concurrently as you apply for planning permission to avoid delays.

You should contact the Lead Local Flood Authority to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here:

<https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

2. The tree protective fencing shall be erected in accordance with the details supplied in Appendix 4 of the Arboricultural Method Statement 14772-C/AJB prior to any works commencing on site.

Application Ref: 23/0389/REM

Proposal: Approval of Reserved Matters including Layout, Scale, Appearance and Landscaping of Planning Permission 19/0767/OUT.

At: Wheatley Laithe Farm, Barrowford Road, Fence

On behalf of: Pendle Business Park Ltd.

REPORT TO BARROWFORD AND WESTERN PARISHES AREA COMMITTEE 6TH DECEMBER 2023

Application Ref: 23/0680/FUL

Proposal: Full: Demolition of an existing stable, erection of 1 no. self-build eco-home with an attached garage and a new access lane.

At: Land to the North of 34 Pasture Lane, Barrowford

On behalf of: Mr & Mrs Dean & Helen Cockett

Date Registered: 23/10/2023

Expiry Date: 18/12/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to land to the rear of an existing dwelling at 34 Pasture Lane, Barrowford. At the time of the site visit there was a paddock and stable on the land. The application site is adjacent to a Public Right of Way which runs northwest in the direction of Pasture House. The application site is beyond the settlement boundary within the Open Countryside.

The proposal is for the erection of a single two storey detached dwelling.

Relevant Planning History

None relevant

Consultee Response

Barrowford Parish Council

The proposed site falls outside the Settlement Boundary and within the open countryside. The site abuts a large public open space as designated in the Local Plan. The settlement boundary is there to prevent urban sprawl into the open countryside with few exceptions which have to meet stringent criteria on sustainability. It is disputable as to whether this application meets the sustainability criteria and outweighs the public interest in development outside the settlement boundary. The current Draft Local Plan 2011-2040 4th Edition highlights that Barrowford through other large developments has met its quota for new housing with the exception of small-scale developments on infill sites within the Settlement Boundary. The design scale and massing of the proposed will dwarf Pasturegate Cottage a late 18th century weavers' cottage, and would adversely impact on the current visual amenity and enjoyment of the open countryside to users of the numerous PROW's that overlook that proposed site. The Parish Council feel that justification for building of a large house within the open countryside outside the Settlement Boundary has not been justified in this case.

Pendle Borough Council Environment Officer (Trees)

No objection. The Arboricultural impact Assessment is fully detailed and lays out the relevant areas for tree protective fencing. The protective fencing would need to be in place prior to any works on the site.

LCC Highways

Sustainability

The nearest facilities and bus stops are located in Barrowford Centre which is approximately 600m from the site. The walking route along the lower section of Pasture Lane has a poor sub-standard footway network and narrow carriageway widths which creates a barrier to walking. The nearest primary and secondary school bus stops are located over 1km from the site. These distances exceed the walking distances and the site is not considered to be sustainable or have the infrastructure to support walking to the nearest facilities.

Access Lane

The site is accessed from a private unnamed lane which joins Pasture Lane which is an unclassified road subject to a 20mph speed limit. The junction is sited on the outside of a bend and has good visibility splays to both sides along Pasture Lane for drivers emerging onto Pasture Lane. The visibility for drivers turning right from Pasture Lane entering the unnamed lane due to the bend is more restricted however this is not anticipated to cause a severe impact to highway safety.

Public footpath 13-2-FP7 runs along the lower section of the unnamed lane. There is a pinch point on the lane between number 34 Pasture Lane which reduces the carriageway to single vehicle width, there is no footway on the unnamed lane and this raises the level of conflict for users of the public footpath.

The unnamed lane is privately maintained and is approximately 100m between the site access and Pasture Lane. There are no passing places on this section. This is likely to result in additional conflict between pedestrian and vehicle movements.

Site access

The site access driveway requires a visibility splay plan to demonstrate splays of X2.4m by Y25m in both directions along the unnamed lane.

The site access needs to be paved in a bound and porous material for at least the first 5m.

Parking

The proposed 4+ bedroom dwelling requires 3 car parking spaces. The proposed dwelling has a triple garage and large driveway providing 3+ car parking spaces. Secure cycle parking and electric vehicle charging are provided in the garage.

Conclusion

To conclude the site is not considered to support sustainable travel with poor infrastructure linking the local facilities and schools.

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

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

United Utilities

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.

Environmental Health

Requested a condition for construction phase nuisance- construction method statement.

Public Response

Nearest neighbours have been notified by letter, a site notice has been displayed for wider publicity, no comments have been received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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.

Policy LIV1 (Housing Provision and Delivery) This policy makes provision for dwellings which are outside but close to the settlement boundary until such a time that the Council adopts the Pendle Local Plan Part 2: Site Allocations plan.

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.

Principle of Development

In this case, although the application site is outside the settlement boundary within the Open Countryside it is close to the settlement boundary. As such, this case relies on Policy LIV1 of the Core Strategy which states that until such a time that the Part 2 Site Allocations document is adopted, sites close to the settlement boundary which are sustainable and make a positive contribution to the housing supply will be supported. In this case, although there is a neighbourhood plan in Barrowford and the application site is within the neighbourhood area, the neighbourhood plan does not make any site allocations. As such, Policy LIV1 still applies here.

The proposed development is just 40m from the settlement boundary of Barrowford, 320m from Booths supermarket, 780m from St. Thomas' C of E Primary school and 500m from many of the shops in the local shopping frontage in Barrowford this is a sustainable location. Further, there was a decision made by Barrowford & Western Parishes Area Committee further up Pasture Lane which it regarded as a sustainable location for residential development (Pasture Barn West). This development is closer to the settlement than the previously approved application which was said to be in a sustainable location. As such, it cannot be argued that this location is locationally unsustainable or isolated from the village.

Design

The proposed dwelling is to be a large detached dwelling with accommodation across two floors. The internal accommodation is to comprise: a double garage and garden store, a ground floor bedroom, utility room, snug, living / kitchen dining room, covered seating area (outdoor), pantry, games room, gym and swimming pool. To the first floor there are to be 4 bedrooms and a home office.

The building is arranged around a courtyard which forms the central area of outdoor space with seating and planting within this area.

There is a two storey L-shaped part of the proposed dwelling which is to have a pitched roof covered in slate to one side of the L-shape and a pitched roof with a green roof to the other side of the L-shape. The element of the roof which is to be covered in slate is to have a chimney to each gable, reflecting the character of the main dwelling at 34 Pasture Lane.

To the proposed north west elevation, this forms the main entrance to the dwelling. There is a glazed central section at double height along with three floor to ceiling windows to the first floor and two sections of floor to ceiling glass to the ground floor. Although there are floor to ceiling height windows these do not look out of proportion with the building because of the solid to void ratio. There is also a roof light to the green roof serving a corridor between bedroom 3 and bedroom 4. To the south east elevation there are just two areas of glazing visible to the first floor due to a wall running along the boundary, which is screened by a landscaping belt, which runs around the ground floor. To the south west elevation there are also two first floor areas of glazing visible which would serve a corridor and a window in the master bedroom. To the north east elevation there is much more glazing, this is the least visible side of the dwelling from Pasture Lane and would form the principle rear elevation overlooking the rear garden.

In terms of materials, the walls are to be constructed of linear staggered bricks in a cream / off-white colour. It is acknowledged that there are a variety of building materials in this area of Pasture Lane with the main house being stone which has a white wash, whilst the dwellings on Shap Close and Appleby Drive are predominantly brick built and the semi-detached dwellings towards the top of Pasture Lane are finished with pebble dash. There is also a dwelling finished in artificial stone on the same side of Pasture Lane as 34, whilst the traditional cottages lower down Pasture Lane are stone built. As such, there is not a prevailing character in this location. The design has taken cues from the dwelling at 34 Pasture Lane with the pale coloured walls, gable chimneys and slate roof. The Design Principles SPD recommends the use of traditional materials, the brick and slate along with a small amount of timber cladding are traditional. The sedum / green roof is more modern but would assist in assimilating the proposed development into the wider context, as such it would be a suitable material. In terms of the exact colour and texture of the proposed brick, this is something which could be secured by condition.

Given the extensive amount of proposed landscaping which surrounds the site, the proposals would not result in an unacceptable landscape of visual impact.

Overall, the proposal accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD in this regard.

Heritage

The application site is adjacent 34 Pasture Lane which is also known as Pasturegate House. It is listed on the Historic Environment Record but is not a Listed Building or within a Conservation Area. Given that the proposed development is to the north west of Pasturegate House and there is a modern garage between the application site and the existing dwelling, the proposed development would have a neutral impact upon the existing dwelling. As such, it accords with Policy ENV1 of the Local Plan: Part 1 Core Strategy and paragraph 202 of the Framework is not engaged.

Residential Amenity

The proposed dwelling is to be sited so that the single storey element is just 5m from the existing detached garage serving 34 Pasture Lane. However, there are no windows to this elevation (swimming pool and gym) and the existing garage is not a habitable room. The nearest window at the proposed dwelling is in the two storey element (which is to have the green roof), windows within the closest elevation of the proposed dwelling are to be 40m from the existing dwelling. As such there would not be a neighbouring amenity issue here.

To the south west there is an area of allotments, there are no dwellings within 21m of this elevation of the proposed dwelling. To the other sides is open countryside and there would be no unacceptable neighbouring amenity issue. To the south west elevation, closest to Pasture Lane there are to be two first floor windows visible from the Public Right of Way. These are set back by 28m from the Public Right of Way and would sit behind an extensive belt of landscaping.

Given that the proposal is adjacent to residential development, the Environmental Health Officer has recommended a construction method statement. In this case the proposed dwelling is not to be built amongst a cluster of existing dwelling and the nearest neighbour that would be affected is a dwelling owned by the applicant. As such, it would be unreasonable to apply a construction method statement condition in this case.

The proposed development would not result in any unacceptable neighbouring amenity issue.

Ecology

The application is accompanied by an Ecological Assessment which considered any impact upon protected species. It recommends landscape planting, habitat creation and the application of positive habitat management in the long-term to achieve measurable gains for biodiversity and compliance with the NPPF, local planning policy and best practice. The enhancements recommended can be secured by appropriately worded planning conditions.

Highways

The Highways Authority have set out that this location is not sustainable. However, there is a footpath on the opposite side of Pasture Lane than the application site which runs all the way to the supermarket. Equally, there is a footpath on the opposite side of Pasture Lane which can be used to access the primary school. The Local Planning Authority do not agree with the Highway Authority that this is an unsustainable location.

The applicant has provided the visibility splays which the Local Highway Authority has requested and has also included a passing place which could be used as a refuge for pedestrians / users of the Public Right of Way and vehicles travelling on this section of access up the lane towards Pasture House.

The proposal provides an adequate level of car parking and would not result in a serious highway safety danger.

Drainage

The application site is within Flood Zone 1, which is at least risk from flooding. Development in this location would not result in an increase to flood risk elsewhere. United Utilities have requested that the foul and surface water drainage are on separate systems and that the sequential assessment in terms of drainage hierarchy is followed. This can be secured by condition.

Trees

The plans indicate that the proposal would require the removal of one tree in order to facilitate the access. The proposals indicate an adequate amount of space for a mitigation scheme to compensate for the loss of this tree. It also sets out a Tree Protection Plan to ensure that all other existing trees on the Tree Survey would not be damaged during the construction phase. This is something which could be secured by condition.

Ground Conditions

The applicant has submitted a Phase 1 Ground Investigation Report which concludes that further intrusive investigation would be required, consisting of boreholes and tests to confirm the presence / absence and extent of contamination on the site. This is something which could be secured by condition.

Other Matters

In order to prevent any further extension resulting in a potentially sprawling and unacceptable effect upon the wider landscape, Permitted Development rights could be removed. This would prevent large out buildings from being erected upon the extensive garden area without express planning permission.

The date of expiry for comments published on the site notice is 7th December 2023. As such, delegated powers are requested to the Assistant Director to issue this decision for approval, subject to no unacceptable material planning considerations being raised.

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 the expiry of the site notice

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, Proposed Site Plan 03, Site Plan 04, Proposed Ground Floor Plan 05, Proposed First Floor Plan 06, Proposed Elevation Plan 07, Proposed Elevation Plan 08, General Arrangement Plan 09, Hard Landscaping Plan 10, Proposed Boundary Treatment Plan 12.

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. The development hereby approved shall be carried out in strict accordance with the Preliminary Ecological Appraisal 2023-216.

Reason: In order to safeguard protected species.

7. The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment LTC200 dated September 2023.

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

8. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be submitted at a scale of 1:200 and shall include the following:

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

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

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

9. No development shall commence unless and until a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how:-
- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and

assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

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

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

10. Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:

i) the parking of vehicles of site-operatives and visitors

ii) loading and unloading of plant and materials

iii) storage of plant and materials used in constructing the development

iv) the erection and maintenance of security hoardings including decorative displays, where appropriate

v) wheel-washing facilities

vi) measures to control the emission of dust and dirt during construction

vii) a scheme for re-cycling/disposing of waste resulting from demolition and construction works the development shall proceed strictly in accordance with that method statement.

viii) Details of construction working hours

Reason: In the interest of the amenity of the area and highway safety during construction work.

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

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

- 12.** Prior to first occupation the dwelling shall have an electric vehicle charging point to be installed in accordance with details to be approved by the local planning authority. 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.

- 13.** Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the second schedule of the Town and 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 Class A, D and E of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

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

Application Ref: 23/0680/FUL

Proposal: Full: Demolition of an existing stable, erection of 1 no. self-build eco-home with an attached garage and a new access lane.

At: Land to the North of 34 Pasture Lane, Barrowford

On behalf of: Mr & Mrs Dean & Helen Cockett

Date Registered: 23/10/2023

REPORT TO BARROWFORD AND WESTERN PARISHES AREA COMMITTEE 6TH DECEMBER 2023

Application Ref: 23/0686/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: 16/10/2023

Expiry Date: 11/12/2023

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

23/0503/FUL: Full: Construction of 1 No. self-build eco-home with integral garage, and the creation of a new vehicular access lane.
Withdrawn

Consultee Response

Pendle Borough Council Environment Officer (Trees)

No objection to the proposals. The footprint of the building has not changed from the previously withdrawn application. The AIA and AMS covers all aspects of the tree protection and mitigation can be dealt with via a condition for landscaping.

Conservation consultants

The amendments to the scheme alleviate the harm to the conservation area. The use of natural stone for the access road limits visual impact and the photomontage illustrates that this lane would be read as a rural lane and would not appear over-developed or have an unacceptable urbanising effect.

The proposal is therefore in accordance with local and national policy and preserves the special interest of the conservation area in accordance with S72 of the Act.

LCC Highways

Having reviewed the information submitted, together with previous site observations made on 1 March 2023 for a highways pre-application, 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.

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 – Ground Floor (Drawing 04 dated October 2023) 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/driveway 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 partial 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.

- Wheel washing facilities for construction phase
- Details of off-site works (dropped kerb and vehicle crossing of the footpath on Wheatley Lane Road)
- Bound porous material for the access lane, 5m back from the carriageway
- Parking and turning area shall be laid out in accordance with plans

Barrowford Parish Council

1. This new application for construction of 1 self-build eco-home with integral garage and creation of a new access significantly deviates from the Planning In Principle approval given on appeal in 2021. (Appeal Ref: APP/E2340/W/21/3288226)

2. When the Planning Inspector examined the documents for this appeal, they included a plan showing the use of the existing access lane to the side of 145 Wheatley Lane Road. But this access was never viable, owing to lack of ownership, a fact that is now abundantly clear, as the current application contains a new separate access road to the side of the existing lane.

3. One can but wonder whether the Planning Inspector would have been of the same opinion if he had been aware of this need for a change of access. His Reason 7 states:

The appeal site comprises the lower sections of the rear garden areas of No's 145 and 147 Wheatley Lane Road. The submitted 'Proposed Sketch Layout' plan (Ref 6200 – P01) indicates access would be taken from the highway to the side of No 145. The host properties are a pair of semi-detached dwellings with generous setbacks from the road and large rear gardens. The local area has a semi-rural character, with open countryside to the north and west and the towns of Barrowford and Nelson to the east.

And Reason 11:

However, this plan does demonstrate that the resultant four plots are capable of remaining generous.

The proposed new access significantly reduces the curtilage area of 145 Wheatley Lane Road and begs the question whether this would have been acceptable to the Planning Inspector.

4. To recap: the original joint Planning in Principle application dealt with two separate properties applying for two additional houses, one within each property's curtilage, both accessed by an

existing lane that was never a viable option but which helped form the opinion of the Planning Inspector in his decision. One can speculate that if the subsequently submitted applications for both 145 & 147 Wheatley Lane Road had been submitted individually for Planning in Principle the appeal decision might have been very different.

Growth Lancashire Memorandum

5. Application 23/0503/FUL relating to 145 Gisburn Road was submitted and due for decision at the October 2023 Area Committee, but the Conservation Memorandum prepared by Growth Lancashire did not materialise until the afternoon of the meeting date and this application was withdrawn.

6. The Growth Lancashire Memorandum dealing with Conservation Area considerations submitted to the withdrawn application shows concerns regarding both the design and build materials and harm to the setting of the Conservation Area through the proposed new access. One can assume that the new application (23/0686/FUL) will require the section of the Memorandum dealing with design and materials to be changed to reflect any change in materials.

7. The new application may address the concerns regarding the construction materials but the proposed new access remains unchanged, so the comments regarding this aspect of the Memorandum must still be valid.

8. In the Memorandum, under “Impact”, the following paragraphs appear:

The creation of a new access alongside the existing former field boundary/access lane and siting of the property will involve some tree removal, which is identified in the submitted Arboricultural Impact Assessment (Lakeland Tree Consultancy – August 2023). Whilst the tree removal is likely modest, I feel the trees contribute positively to the verdant character of this part of the conservation area and any removal needs to be justified and limited.

I note the comments from the Council’s Environment Officer on this matter and agree that the size and position of the property will likely lead to future pressure on the existing tree cover, particularly those on the eastern boundary.

Regardless of the amount of tree loss, I feel forming the proposed new access alongside the existing access track will have a detrimental impact on the rural character of the ‘lane’ and will erode the legibility of this former field boundary. The changed character will be noticeable from off the public frontage on Wheatley Lane Road.

9. In the opinion of the Parish Council the effect of this application on the setting and amenity of the streetscape of Wheatley Lane Road is the crux of the matter, has been undervalued, and is significant enough to merit refusal on those grounds.

10. The Planning Inspector at the 2021 appeal stated that Conservation Area concerns were not a matter for Planning in Principle approval, as these should be dealt with at the technical details consent stage and wrote:

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.

11. However, the differences between the original Planning in Principle application approved on appeal and the current full application are significant. In the Planning in Principle application the topography of the rural lane (the proposed access route) which slopes downwards from Wheatley Lane Road would remain virtually unchanged, leaving the existing trees that formed the ancient field boundary as a screen and reducing the impact of the proposed development on the setting and amenity of the wider Conservation Area.

12. In the submitted application the proposed house would be much more visible from the Wheatley Lane Road junction with the lane. At the moment this area of the garden of No 145 is currently screened off by the existing trees, but the proposed access road would remove most of that screening and also destroy the remnants of the ancient field boundary.

12. The necessary reduction in the existing green curtilage to create the new access road next to the existing lane would mean three access points within a space of a few metres. The removal of trees and remodelling of the existing frontage to accommodate the new access road would therefore significantly reduce the setting and amenity of the Conservation Area in relation to Wheatley Lane Road, the ancient field boundary and the rural track.

13. National Planning Policy States:

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

Conservation areas - Section 72(1)

In undertaking its role as a planning authority the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

In relation to conservation areas decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

Planning Guidance and Policy

P195 of the NPPF states local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

P197 of the NPPF states in determining planning applications LPAs should take account of:

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

P199 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the

asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

P200 identifies that any harm to heritage assets requires clear and convincing justification.

P202 states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

14. Barrowford Parish Council contends that the application does not meet the requirements in sections P197c, P199, P200 or P202, for the following reasons:

P197c: Due to significant loss of the amenity and setting of the Conservation Area this application will not make a positive contribution to local character and distinctiveness.

P199: Due to its impact on the Conservation Area this application does not give significant weight to protecting the setting's significance.

P200: The application, for a single dwelling, does not identify clear and convincing justification for the irrevocable damage to the setting and amenity of the Conservation Area (See Growth Lancashire's comments on 'Impact' in section 8 paragraph 3 of this document).

P202: The proposed construction of this single dwelling and its access road would considerably visually diminish the setting and amenity of this section of the Conservation Area. The damage would far outweigh the public benefit of a single new dwelling.

15. The definition of "the public benefit" is of particular importance in this case. Pendle Borough Council is in the later stages of adopting a Replacement Local Plan which downgrades the housing requirement significantly from the adopted Core Strategy. In the new Plan there is a significant change of emphasis towards more affordable homes, predominantly using brown field sites within the urban cores of the M65 Corridor. There are no new proposed sites in Barrowford, which has more than met its housing targets in recent years.

15. If Pendle Borough Council are minded to ignore the objections of Barrowford Parish Council and approve the application, then due to the large dwelling, extensive parking/hardstanding and the access road a suitable attenuation scheme should be submitted to deal with surface water runoff, in line with the Lead Local Flood Authority (LLFA) team at LCC's requirements, as the surface water runoff from the proposed development may adversely impact the dwelling below the proposed site.

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.

Environmental Health

Requested conditions for a construction method statement, hours of operation during the construction phase being controlled, control of dust and contaminated land informative.

Cadent Gas

Response awaited.

Public Response

Nearest neighbours have been notified by letter, a site & press notice have been displayed, four letters of objection and one letter of support have been received but two objections are from the same person so this counts as three objections.

The issues the objections raise are as follows:

- There is an issue with land ownership in an indenture regarding the access track imposed in 1925 for 999 years
- The applicant's address does not have access via their proposed access track, despite being the freeholder
- Most dwellings in the Conservation Area have large gardens and generous plots. This could lead to much more development in back gardens in this area
- Privacy issues for neighbours
- Unacceptable impact upon the Conservation Area
- This will change the look of the access lane
- A deed shows the access track should be 36 feet wide, the land which is being put forward as the access could be enclosed in future which would narrow the access
- Gas pipe is within the verge
- Drainage of foul and surface water would cause an issue because of the slope of the land. Outfall from a septic tank would go across another property
- The Conservation Area should be protected for future generations
- The application in 1979 refused a housing in the garden, the reasons for refusal are the same
- The Permission in Principle was originally rejected by the Council
- The Inspector wasn't aware of the grander plan for 5 houses in this area of land
- The description of Eco house is misleading
- The plan needs to be considered alongside the one for 147 Wheatley Lane Road
- Is there a demand for houses given that 500 are being built at Trough Laithe?
- The generous garden plays a special part in the character of the Conservation Area
- Loss of trees is unacceptable
- Noise and air pollution from traffic
- Impact upon wildlife
- An independent heritage assessment should be carried out
- The potential of cost to the Council at appeal is disturbing
- The Council has a statutory right to preserve, protect and enhance the Conservation Area

The issues the letter of support raises are:

- The plans are fantastic and we should champion more design like this
- The back garden cannot be seen from the 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 natural coloured vertical timber cladding to the upper walls. The roof is to be grey roof tiles with integrated solar panels to the south west elevation. 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.

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.

Comments have been received regarding the principle of development on this site and the potential for future development to the rear of existing properties. In this particular case, the principle of residential development in the rear garden has been accepted by the appeal decision which allows a consideration of amount of development and location only.

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. Although the access would be widened, it would still have a grass verge to one side and would have a central strip of grass with tracks for wheels either side. An assessment of the heritage impact has been undertaken by the Council's Conservation consultants. They have concluded that the proposed scheme would preserve the special interest of the Conservation Area and accords with s72 of the Planning (Listed Buildings and Conservation Area) Act 1990. As such, there is no requirement to engage paragraph 202 of the Framework to weight harm against benefits. The proposal accords with Policy ENV1 of the Local Plan: Part 1 Core Strategy 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.

The Council's Environmental Health Officer has reviewed the scheme and requested a condition requiring a Construction Method Statement. The application site is within an area where there are several neighbouring dwellings served off the access track and where there could be potential for disturbance to residential amenity. As such, the request for a Construction Method Statement is justified and this could be secured by condition.

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.

Comments have been received regarding the legal status of the land which is to provide the access point to the proposed development. This is a separate issue to the planning application and cannot form part of the determination in this case.

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. Concerns have been raised regarding the proposal having a septic tank and where the outflow would be. 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

The plans indicate that 6 low grade trees are to be removed. 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 concern has been raised around the Inspector for the original Permission in Principle not being aware of a new access being created. Access is not one of the issues which can be considered at the initial Permission in Principle stage. The issues are limited to amount and location. The Highways Authority have not objected to the access being widened.

Since the withdrawal of the previous scheme, the applicant has amended the access track appearance to have two wheel tracks with grass in the middle along with using a stone material for the surfacing. They have provided a photomontage of this to demonstrate the assimilation of this into the existing context.

The Parish Council has requested that a suitable attenuation scheme should be drawn up to deal with the additional hard surfacing. This is something which could be dealt with by condition.

The issue of the width of the original access lane has been brought up by members of the public. This is a purely separate matter which is to be dealt with by the parties involved and does not affect the determination of the planning application. Similarly, whether or not the existing occupier has access via the lane is a matter of legal rights of access and is not a material planning consideration.

Regardless of whether an application has previously been refused here or not, this application has to be determined on its merits.

A member of the public has reported that there is a Gas pipeline running within the verge which needs to be accommodated during any construction phase. The Council have consulted Cadent Gas as it does not show up on the Council's pipeline records plan. A response from Cadent is awaited and an update will be provided to Members on this.

Concerns regarding additional noise and air pollution have been raised by members of the public. Given that this is a residential area and the proposal is for a dwelling, it would not be reasonable or necessary to request a noise assessment because the noise levels would be no different from any other residential property. In terms of air pollution, again the scale of the proposal would not warrant additional surveying in this regard.

Reason for Decision:

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approval

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, Proposed Site Plan 04, Proposed Site Layout 03, Proposed Elevation Plans 06, Proposed Floor Plans 05, 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. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be submitted at a scale of 1:200 and shall include the following:

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

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

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

- 13.** Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:
- i)** the parking of vehicles of site-operatives and visitors
 - ii)** loading and unloading of plant and materials
 - iii)** storage of plant and materials used in constructing the development
 - iv)** wheel-washing facilities
 - v)** measures to control the emission of dust and dirt during construction
 - vi)** Details of construction working hours

Reason: In the interest of the amenity of the area and highway safety during construction work.

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: 23/0686/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