

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

**TO: WEST CRAVEN COMMITTEE**

**DATE: 6TH FEBRUARY 2024**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

# REPORT TO WEST CRAVEN AREA COMMITTEE 6<sup>TH</sup> FEBRUARY 2024

**Application Ref:** 23/0756/FUL

**Proposal:** Full: Erection of 4 no. dwellings and new detached garage to existing dwelling.

**At:** 43 Park Avenue, Barnoldswick

**On Behalf of:** Hall Varley Homes Ltd

**Date Registered:** 21/11/2023

**Expiry Date:** 16/01/2024

**Case Officer:** Laura Barnes

## **Site Description and Proposal**

The application site relates to the garden of an existing two storey detached dwelling, set within the Conservation Area and settlement boundary.

The proposal seeks to erect four dwellings, in the form of two pairs of semi-detached dwellings either side of the existing dwelling.

## **Planning History**

23/0038/PIP: Permission in Principle: Erection of 2 No. bungalows.  
Approved with conditions

## **Consultee Response**

### **LCC Highways**

*Comments dated 17<sup>th</sup> January 2024*

Following the highway authority's initial comments dated 19 December 2023 amended plans have been submitted, the latest versions being submitted on 15 January 2024. The highway authority's further comments are based on the amended Site Plan (Drawing 03B), Proposed Floor Plans Plots 1 and 2 (Drawing 06A) and Proposed Floor Plans Plots 3 and 4 (Drawing 08A).

### *Site access*

The agent's e-mail dated 12 January 2024 to the planning authority draws attention to the conservation office's (Growth Lancashire) response in which they refer to the site access, stone boundary wall and trees adjacent to the access and their impact on the Barnoldswick and Calf hall and Gillians Conservation Areas. They comment that 'should the development necessitate the removal of any additional trees/wall this would likely increase the level of harm but would likely still fall within the less than substantial range.' The highway authority interprets this as the conservation office not opposing nor objecting to the removal of trees/wall, if necessary, subject to mitigating measures.

As stated in the highway authority's response of 19 December the site access needs to be widened to allow two vehicles to pass within the access and prevent vehicles waiting on Park Avenue to turn into the site or preventing vehicles turning right out of Cobden Street. The highway

authority considers that any increase in the number of dwellings on the site in addition to the existing dwelling and two with extant planning permission requires the widening of the access for the reasons of highway safety already outlined.

#### *Visibility splays*

The visibility splays of 2.4m x 25m previously submitted on Drawing 03A, which would require the removal/lowering of a section of stone boundary wall and potential removal of a tree(s) to achieve the splay to the left of the access, have been changed on Drawing 03B. The visibility splays now proposed are 2m x 25m in both directions. However, the splay to the left of the access is now shown to the centre of the carriageway with no justification to support this. The visibility splay should be measured to the nearside carriageway edge. Visibility splays measured to the carriageway centre may only be considered where there are either physical means to prevent vehicles from overtaking or where carriageway widths are so narrow that a vehicle could not overtake. Neither of these exceptions apply in this location.

The highway authority also considers that the reduction in the X measurement to 2m is not appropriate in this location given the bend in the carriageway to the left of the access and that vehicles exiting the site would not be sat at a right angle to the carriageway. Visibility splays of 2.4m x 25m need to be provided.

#### *Car & cycle parking*

The internal floor layout of Plots 3 and 4 has been amended to reduce the number of bedrooms so that all four dwellings proposed are now three bed. Two car parking spaces should be provided in line with the borough council's Parking Standards.

The parking layouts for Plots 1, 2 and 3 are considered adequate.

The parking space outside the garage for Plot 4 is still too short to accommodate a vehicle as the minimum length of a drive/hardstanding in front of a garage should be 5.6m and that is where a roller shutter or sectional style door is to be fitted. As parking for Plot 3 has been moved to be at right angles to Plot 4's driveway a vehicle parked in front of the garage and protruding beyond the hardstanding would obstruct access to and from the parking space immediately adjacent.

Secure, covered storage for at least two cycles would need to be provided for Plots 1, 2 and 3. Plot 4's garage could provide secure cycle storage.

Electric vehicle charging points appear to be being proposed for all dwellings. These must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

#### *Internal site layout*

The internal site layout has been amended to provide a larger turning area outside Plots 3 and 4. Whilst no tracking details have been provided for a delivery vehicle, measurements taken off the plan appear to show that a smaller sized delivery vehicle would be able to manoeuvre internally to enter and leave the site in forward gear.

However, as noted in the highway authority's previous response, the Building Regulations requirement for access states that there should be vehicle access from a highway for a fire service vehicle to within 45m of a family dwelling - Plots 3 and 4 are beyond this distance.

#### *Conclusion*

In conclusion, the highway authority does not consider that the site access design and amended visibility splays submitted are adequate for the intensification in use created by the proposed development, with the visibility splays being sub-standard. Therefore the highway authority raises an objection on highway safety grounds.

## Lancashire Fire & Rescue Service

Recommends conformity with Building Regulations

## Environmental Health Officer

Requests a condition for a construction method statement, control of operating hours during construction and a contaminated land informative.

## Cadent Gas

Please include the following informative:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

## Environment Officer (Trees)

The applicant has submitted a detailed 'Arboricultural Advice' report that includes a Tree Survey and implications assessment, the latter showing the all important Root Protection Areas of the trees. The site layout plan then overlays the tree survey data to show the locations of the proposed development and how the 4 plots will sit in proximity to the trees.

The canopy of T23 appears very close to the proposed gable end of plot 1, T20 for the rear of plot 2, T8 for plot 3 and T14 for plot 4. Although there is potential for carrying out the proposed development, in accordance with the relevant BS 5837, without too much potential for damaging the trees, the post development pressure for removal of the trees will be inevitable as time progresses. Section 5.3.4 of the BS states; "A realistic assessment of the probable impact of any proposed development on the trees and vice versa should take into account the characteristics and condition of the trees, with due allowance and space for their future growth and maintenance requirements." The BS then also goes on to discuss the impact of shading of the development and even the issues of the relationship of buildings to large trees which can cause apprehension to occupiers which can also result in pressure for the removal of the trees.

In principle, I have no objection to development on the site, however, this does feel that the plots are very tight to RPA's and canopies alike. If you, or committee are minded to approve this application, it is imperative that a condition for an 'Arboricultural Method Statement' is considered that includes a section on Tree Protective Fencing. This will spell out exactly how the development will be carried out and prevent any potential damage to the trees retained.

One final point, if the proposals are to be approved, consideration for boundary treatment landscaping in the form of suitable hedging around the periphery of the site should be considered, this approach will be an attempt to sit the proposals better on the wider surroundings.

## Conservation Consultants

I have read the supporting documents including the Heritage Statement and the Design and Access Statement.

The key heritage considerations are as follows:

1. Whether the proposal preserves the special interest of the listed building through development in its setting.
2. Whether the proposal preserves or enhances the character or appearance of the Barnoldswick conservation area.
3. Whether the proposal preserves or enhances the character or appearance of the Calf Hall and Gillians conservation area.

#### *The site*

The site is a parcel of land on the corner of Manchester Road and Park Avenue, and currently forms the grounds surrounding a single dwelling. The site is bound by trees and is grassed, and accessed from Park Avenue. It is raised above Manchester Road, and surrounded by a sandstone retaining wall to the north and west. This raised site, with its retaining wall and trees, makes a positive contribution to the character and appearance of the Barnoldswick conservation area, and it is prominent in views from the crossroads of Park Avenue, Manchester Road and Crow Foot Close/Castle View. Views across the site through the trees towards the listed Hey Farmhouse also make a positive contribution to the Barnoldswick conservation area.

The existing house on the application site is two storeys and faced in white painted render, and appears to date to the C20. It is set back in the plot and screened from Manchester Road by vegetation. The site as a whole contributes to the significance of the Calf Head and Gillians conservation area as it is reflective of the 'larger detached and semi-detached houses along the east side of Manchester Road...set in relatively large garden plots which front onto the road. The frontages are generally of walls behind which are hedges, shrubberies and trees which define the east side of the road.' (page 15, paragraph 7.8).

Approximately 50m to the southwest of the site is the Grade II listed Hey Farmhouse, which is set back from Manchester Road within its grounds. It is oriented south towards its gardens enclosed by a stone wall. The site is visible from the listed farmhouse but the farmhouse's set back, enclosed position, orientation to the south and main road between the site and listed building does limit their visual relationship, but there is no intervening development, allowing for clear views towards the site. The site makes a very small contribution to significance through provision of tall trees, reflective of its traditional setting.

It does not appear to have been in the same ownership from at least the late C19.

#### *The proposal*

The proposal is for erection of 4 no. dwellings and new detached garage to the existing dwelling. The proposed dwellings are semi-detached, with plots 1 and 2 to the north of the existing house, and plots 3 and 4 to the south. They are two storeys, gabled with slate roofs and natural stone walls, with PVC oak effect windows, and lean-to porches.

Plots 1 and 2 are oriented with the rear elevations to Manchester Road, and plots 3 and 4, which include garages, would be oriented side-on to Manchester Road. Garages, parking spaces and the bin store are located on the west side at plots 3 and 4, which while screened to a degree by planting, is at odds with the character identified at page 15 of the Calf Hall and Gillians Conservation Area appraisal. Further, planting should not be used to screen unsuitable development. Plot 1 and 2 from Manchester Road will have large massing in a continuous building line whereas the existing dwelling's frontage is staggered. There is also less planting to the west of plots 1 and 2 making them more prominent. I note no additional soft landscaping or screening is

proposed, but a timber fence is proposed to the west elevation which would be highly prominent from Manchester Road, and out of character.

The large footprints and massing appear out of scale with surrounding built development.

Due to topography levels, plots 3 and 4 will sit considerably higher than the existing dwelling, and plots 1 and 2 will be of a comparable height to the existing house, and from Manchester Road facing south, clear views towards the development would be extremely prominent. From Park Avenue facing southwest, views of the listed building are clearly visible, and the proposed development from both Manchester Road and this location would likely have a rather looming presence. This visual impact would only be exacerbated by the orientation and design. The location of the houses in plots 1 and 2 would likely block views which are currently experienced from the east of the site towards the listed Heys Farmhouse.

The side elevations to plots 3 and 4 would consist of a narrow horizontal window and an otherwise blank façade to Manchester Road, compounding their peculiar orientation. In addition to this resultant lack of coherence with the surrounding street scene, the design is not considered to be of a quality required for this sensitive location; they appear rather sparse. The garages to plots 3 and 4 appear overly modern and create a rather sprawling footprint, that is more akin to a modern development, adding to its out of context appearance.

Whilst I am aware there is an extant permission in principle for two bungalows at the northern section of the site I find that the standard design, orientation, amount, height, scale, layout and density of the current proposal is harmful to the character and appearance of both conservation areas and to a lesser extent the setting to the adjacent listed building.

I note LCC Highways comments (19 December 2023) state existing site access would need to be widened. The existing stone wall makes a valuable contribution to the Barnoldswick Conservation Area, and I note there is concern that this has potential to put trees at risk which also contribute to the special interest of both the Barnoldswick Conservation Area and wider setting of the listed building.

### *Impact on the listed building*

#### 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.

Due to the limited contribution the site makes to the significance of the listed building, and lack of intervening development, the proposed development is considered to represent a very low level of less than substantial harm to the significance of the Grade II listed Hey Farmhouse. The slight harm coming from the further erosion of the area's traditional character through the presence of incongruous, overly large 'standard' new development.

Should the trees be affected by removal of sections of the wall, this would cause further or additional impact and reduce the screening available in the summer months. Whilst the level of harm is very low, any harm requires clear and convincing justification, and it is anticipated a scheme could be developed that lessens or removes this harm should the issues identified be addressed.

### *Impact on Calf Hall and Gillians Conservation Area*

As identified in the appraisal, development along Manchester Road typically addresses the road. While impacts will certainly be reduced by screening, should this be removed, their visibility would increase the level of harm caused by their design and orientation. The scheme currently represents a very low level of less than substantial harm to the character and appearance of the conservation area through inappropriate design, scale and orientation, which is at the very low end due to current lack of visibility. Should the vegetation be removed the harm level would likely increase to a low level of less than substantial.

### *Impact on Barnoldswick Conservation Area*

As identified, the proposed development at plots 1 and 2, in their current form, would have a looming presence on the street scene travelling south along Manchester Road, and west along Park Avenue. While the principle of development is accepted, high quality design that reflects the prominent location is essential to reduce or eliminate harm on the character and appearance of the conservation area. In terms of magnitude, taking the CA as a whole entity, I feel the scheme represents a low level of less than substantial harm to the character and appearance of the Barnoldswick Conservation Area. Should the development necessitate the removal of any additional trees/wall this would likely increase the level of harm but would likely still fall within the less than substantial range.

Policy ENV 1 of the Core Strategy requires development proposals to ensure that the significance of any heritage asset (including its setting) is not harmed or lost without clear and convincing justification and follow the design principles set out in Policy ENV 2 which provides guidance on the connection between design and conservation.

Policy ENV 2 states developments should be practical and legible, attractive to look at, and seek to inspire and excite. Proposals should contribute to the sense of place and make a positive contribution to the historic environment and local identity and character.

For the reasons outlined above, the proposal, in its current form, falls short of these policy requirements.

Paragraph 2.31 of the Conservation Area Design and Development Guidance SPD states new development should use good quality and predominantly natural building materials, be well detailed, and respect local architectural detailing and style, and at paragraph 2.33 plastics such as uPVC will not normally be acceptable in conservation areas. The PVC window example shown in the Design and Access Statement is an oak effect PVC casement with chunky frames which do not sit flush within the opening (rebated). The colour, material and design would draw undue attention to an obviously modern feature, harming the appearance of the conservation area.

The National Design Guide states in C1 paragraph 41 that development should relate well to the site, its local and wider context; good design enhances the existing built development (including heritage). Well-designed new development is integrated into its wider surroundings...it is carefully sited and designed and is demonstrably based on an understanding of the existing situation, including patterns of built form. Paragraph 51 of the NDG goes on to state that well-designed buildings have a positive and coherent identity and are visually attractive.

The Conservation SPD states successful development will sit happily in the pattern of existing development (page 12). The SPD also states new development should consider and respect local character and distinctiveness, as appropriate to each conservation area (p13). It elaborates "Designs should be site-specific and should respond to the specific challenges of each location. The various conservation areas of the Borough all demand an individual response if bland design

is to be avoided. A common concern is that new development tends to look the same and does not reflect the area or buildings around it.

Some architects or developers tend to adopt a particular style and use it consistently at the expense of local character. In order to avoid this problem, the things that make places special should be considered and used when planning new development.” (page 13).

It also states that all new development in conservation areas should be appropriately landscaped (page 25).

#### *Conclusion / recommendation*

As I am required to do so, I have given s.66(2) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 considerable weight in my comments.

While the principle of development of this site is accepted, the proposal in its current form represents some low-level harm to the significance of the Grade II listed Hey Farmhouse, a low level of harm to the character and appearance of the Calf Hall and Gillians Conservation Area and a low level of harm to the Barnoldswick Conservation Area. This translates overall at low less than substantial harm and as such the LPA will need to consider this harm within a weighted balance under P.208 of the NPPF.

Under P.208 any public benefits can be weighed against the level of harm. If a positive balance cannot be achieved, then the proposal would not meet the duties required under the act and would be at odds with the planning guidance contained in Chapter 16 of the NPPF and Policies ENV 1 and ENV 2 of the Local Plan.

It may be that the harm could be mitigated in some way by modifying the design and providing a more bespoke design for the site. A reduction in the amount, scale, height of development with a staggered building line at perhaps a dropped 1.5 storeys, or single storey might help. The use of natural materials would also help, as would a sympathetic window design. I also consider there is perhaps more scope at the southern end of the site, which is screened and less prominent from off Manchester Road, and in conjunction with the listed building.

A reduction in the amount of development may also negate the need to widen the road. I would also recommend that any development on the southern section of the site is lower in height to maintain some views towards the listed farmhouse. An enhanced planting scheme using native species would also be beneficial.

#### United Utilities

The applicant should consider their drainage plan in accordance with the following drainage hierarchy:

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.

#### Public Response

The nearest neighbours have been notified by letter, a Site and Press Notice have been posted. One letter of objection has been received raising the following issues:

- Loss of privacy and overshadowing issues



- Two storey dwellings are not characteristic of this area
- Loss of wildlife
- Impact upon trees and roots of trees
- Is there a need for development – there are lots of properties available for sale on Rightmove currently
- Highway safety issues with no parking for visitors
- An unlit access drive will be dangerous for turning vehicles including bin lorry

Four letters of support have also been received stating the following:

- This would allow family housing to be built
- It would not have an unacceptable impact upon the area
- This would be in keeping with the area
- Small area of infill – this is appropriate for the area
- Well designed and carefully thought out
- This is an improvement on the previously approved two dwellings
- The development would fit in better than other recent developments within close proximity

## **Officer Comments**

### **Policy**

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

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

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

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

#### **Replacement Pendle Local Plan**

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

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

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

#### **National Planning Policy Framework**

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

Paragraph 208 of the Framework sets out that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 115 of the Framework sets out that application which would result in an unacceptable impact upon highway safety should be refused.

### **Design & Heritage**

The application site takes a prominent position within the Conservation Area, it is on the corner of two roads, one of which is a major route through the town. The application site also takes an elevated position above the height of the road. The proposed development is to be arranged so that there would be two pairs of two storey semi-detached dwellings which are either side of the existing dwelling. There is also to be a detached garage to serve the existing dwelling.

The semi-detached dwellings at plots 1 & 2 have been positioned 2m from the existing dwelling whilst there is a distance of 15m between the existing dwelling and plots 3 & 4. The dwellings are not of an exceptional nature in terms of their design. They have not been specifically designed for their setting within a Conservation Area, neither do they respond to the dwellings within the surrounding area, including the Listed Building opposite (Hey Farmhouse, Grade II Listed Building). The design of the dwellings is not dissimilar to that of any major housebuilder which could be replicated anywhere in the country, it is not specially designed taking into account the specific context in which it is to be situated. Moreover, Plots 1 & 2 effectively 'turn their back' on the Conservation Area, with the principle elevation at the front being within the site and the rear elevation onto Manchester Road, whilst the side elevation would be facing Park Avenue. This underlines the concern that the Conservation Area has not been appropriately referenced in the design of the proposed development.

The less than substantial harm which would be caused to the Conservation Area would not be outweighed by the limited benefit of to the local economy and through the construction of 4 new dwellings. Similarly, the contribution to the housing land supply would not be sufficient to outweigh the harm to the character and appearance of the Conservation Area. As such, the proposed development is not in accordance with paragraph 208 of the Framework or Policy ENV1 of the Local Plan: Part 1 Core Strategy.

### **Residential Amenity**

The report will now take each plot in turn to discuss residential amenity. Plot 1 is to be sited 24.8m from the row of cottages on Park Avenue. However, there is a public highway between the application site and the existing dwellings which would allow closer public views of the site. The plot is orientated so that there is just one first floor window which would face towards the cottages on Park Avenue. Given that the window serving the bathroom and is greater than 21m distance from the cottages, this would not result in an unacceptable neighbouring amenity issue. To the front of plot 1 there is to be a parking area along with a resurfaced private driveway which then looks towards the garden of the dwelling known as Westcott. The front garden of Westcott is not a

habitable living space which would be protected in the same way that a habitable room would be. With the exception of the porch to Plot 1 which is sited 17.6m from Westcott, the principal windows of plot 1 would be sited 19.4m from the neighbouring dwelling. However, the two proposed dwellings at Plot 1 and 2 are to be positioned so that they would align with the front elevation of Westcott. Given this offset, this would not result in an unacceptable neighbouring amenity issue.

Turning to plot 2, this is to be positioned 29.6m from The Greyhound Pub to the opposite side of Manchester Road and taking an elevated position. As such, there would be no unacceptable impact in this regard. Plot 2 is to be set further forward than the existing dwelling at No. 43, with a separation distance of 2m. The only side elevation window is a first floor one serving a bathroom. There is also an entrance doorway into the building. Should the application be approved, a condition could be applied to obscurely glaze the bathroom window at Plot 2 in the interests of neighbouring amenity. The proposed dwelling at plot 2 is to the north of the existing dwelling at No. 43, as such it would not result in any unacceptable shadowing issue. The proposed dwelling at plot 2 is 20m from the dwelling known as Westcott. However, there are no side elevation windows to Westcott and the proposed dwelling at plot 2 would look in the direction of the front garden, which is not a habitable room.

Plot 3 is positioned so that it is 14m from the front of 43b Manchester Road. However, plot 3 is to be orientated so that the side elevation would be closest to No. 43b. There is to be one first floor level window which faces towards No. 43b serving the landing. There is also an external door but this would not serve a habitable room or result in an unacceptable neighbouring amenity issue. The Design Principles SPD sets out that a gable elevation can be 12m from the principal window of a neighbouring dwelling without causing an unacceptable neighbouring amenity issue.

Finally, Plot 4 is closest to No. 98 and 98a Manchester Road which takes an elevated position slightly higher than the application site. The separation distance between plot 4 and 98 / 98a is 17m. However, Plot 4 is positioned at such an angle that it would not result in neighbouring amenity issues. In terms of the relation ship to the exiting dwelling. There is a separation distance of 15m between the existing and proposed dwellings. There is one first floor side elevation window at the existing dwelling. However, this serves a bathroom and is obscure glazed. As such, it would not result in an unacceptable amenity issue.

Subject to a condition requiring obscure glazing to the bathroom of plot 2, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

## **Highways**

The proposed development would not provide an adequate access. The Highways Authority have raised an objection to the proposed development on the grounds of highway safety. The site access design and amended visibility splays submitted are not adequate for the intensification in use created by the proposed development, with the visibility splays being sub-standard. As such, the proposed development does not accord with paragraph 115 of the Framework or Policy ENV4 of the Local Plan: Part 1 Core Strategy.

## **Trees**

The application site is surrounded by trees. Some of the trees are part of a group Tree Preservation Order. They clearly have amenity value and contribute positively to the character and appearance of the Conservation Area in this location. The Council's Environment Officer (Trees) has expressed concern about the closeness of the trees to the proposed dwellings. They are particularly concerned about the post development pressure on the trees, given how close the

proposed dwellings are to be sited from the canopies of the trees and indeed their root protection areas. The post development pressure alone would not sustain a reason for refusal and the officer has recommended that if the application were approved, conditions could be placed on any decision notice requiring a method statement for the protection of the trees during construction.

### **Drainage**

The proposal is not accompanied by a drainage strategy but this is something which could be secured by planning condition. United Utilities have requested that the drainage hierarchy is followed, again this is something which could be established through the drainage strategy.

### **Other Issues**

Some matters which have been raised by members of the public are not material planning considerations, e.g. the number of houses which are currently on the market for sale. As such, these are not matters for determination in this case.

### **RECOMMENDATION: Refuse**

For the following reason(s):

1. The proposed development does not reflect the location of the application site within the Conservation Area. The design of the proposed dwellings are of a design which could be found on any modern housing estate and have not been carefully designed to consider their surroundings. The proposed development represents poor design which would result in less than substantial harm to the character and appearance of the Conservation Area, which is not outweighed by public benefits, contrary to paragraph 208 of the Framework, Policies ENV1 & ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.
2. The proposed development would not result in an adequate site access for the proposed dwellings in addition to the existing house. This is because the visibility splay is inadequate and this would result in a highway safety danger, contrary to paragraph 115 of the Framework and Policy ENV4 of the Local Plan: Part 1 Core Strategy.

**Application Ref:** 23/0756/FUL

**Proposal:** Full: Erection of 4 no. dwellings and new detached garage to existing dwelling.

**At:** 43 Park Avenue, Barnoldswick

**On Behalf of:** Hall Varley Homes Ltd

## REPORT TO WEST CRAVEN AREA COMMITTEE 6<sup>TH</sup> FEBRUARY 2024

**Application Ref:** 23/0792/FUL

**Proposal:** Full: Formation of an enclosed horticultural plot and the erection of an adjoining single storey orangery building.

**At:** Croft Gate Farm, Bracewell Lane, Bracewell

**On behalf of:** Mr Stephen Morton

**Date Registered:** 29/11/2023

**Expiry Date:** 24/01/2024

**Case Officer:** Laura Barnes

This application has been called in by a Councillor.

### **Site Description and Proposal**

The application site relates to agricultural land and a building, adjacent to a barn set within the farmyard of Croft Gate Farm.

The proposal is for an extension to the existing agricultural building with an orangery (which has been partly converted to residential use under 13/98/0206P) and the erection of a walled garden around agricultural land.

### **Relevant Planning History**

22/0117/HHO: Full: Alterations to existing dormer window to create a larger dormer with french doors and Juliet balcony.  
Approved with conditions

13/98/0206P: Extend dwelling into attached barn  
Approved with conditions

### **Consultee Response**

#### **LCC Highways**

The proposal seeks the formation of an enclosed horticultural plot and erection of an orangery building.

#### **Access**

The Design and Access Statement submitted states that the proposed horticultural area would provide produce for local businesses and also create employment opportunities, both of which would lead to an intensification in use of the existing access.

The site is accessed from the A59 via a single vehicle width lane which provides access to five other properties. There is no access to public transport and so anyone going to the site would have to use a private vehicle. As no details of the site's intended operation have been submitted the highway authority is unable to fully assess the impact it would have on the highway network, other than to say there would be an intensification.

It has also been noted that two Public Rights of Way (FP 13-10-011 and 13-10-017) pass along the lane from the A59, although no Public Footpaths pass through the development site itself.

#### Environment Officer (Trees)

The applicant has submitted an arboricultural impact assessment which has been reviewed. There is no objection in this regard. Protective fencing should be in place prior to any works commencing and in accordance with the Arboricultural Impact Assessment.

#### Yorkshire Water

Please refer to United Utilities

#### United Utilities

No comments received

### **Public Response**

The nearest neighbours have been notified by letter, without response.

### **Officer Comments**

#### **Policy**

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

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

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

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

#### Replacement Pendle Local Plan

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

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

#### 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**

The Design Principles SPD sets out some guidance relating to the conversion of barns. It sets out that it is important that farm buildings are preserved in their original form on the outside without unsympathetic additions or alterations. Changes to the roof slope, eaves line, and the addition of porches or conservatories are not usually appropriate. In this case the proposed development is to add an extension which is similar in appearance to a conservatory. It would add an unsympathetic addition to a prominent elevation of the existing barn. The orangery would be surrounded by a high stone wall measuring 2.4m in height. This would completely mask the most prominent elevation of the building, making it difficult to read as a traditional agricultural structure. It would be an unsympathetic addition to the building which would not be in keeping with the surrounding character of the wider visual amenity.

As such, the proposal would amount to poor design and fails to accord with paragraph 139 of the Framework, Policy ENV1 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

## **Residential Amenity**

The Design Principles SPD requires that proposed development does not result in an adverse impact upon neighbouring amenity.

There are no neighbouring properties on the side which the extension is proposed for a distance greater than 21m. The proposed development would not result in any unacceptable neighbouring impact.

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

## **Trees**

The applicant has provided an Arboricultural Impact Assessment due to part of the proposed stone walling being within the root protection area of a large mature tree. The Council's environment Officer (Trees) has reviewed the information submitted and recommended that the necessary protection is put in place prior to commencement of any works, in accordance with the arboricultural impact assessment. This is something which could be secured by condition in the event of an approval.

## **Highways**

The proposed development would not result in a reduction in parking provision on plot, nor would it increase the parking requirements for the property. Therefore, no objections are raised in relation to Policy 31.

## **RECOMMENDATION: Refuse**

For the following reasons:

1. The proposed development would result in an unsympathetic addition to the most prominent elevation of the building which would amount to poor design and result in harm to the wider

visual amenity, contrary to paragraph 139 of the Framework, Policy ENV1 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

**Application Ref:** 23/0792/FUL

**Proposal:** Full: Formation of an enclosed horticultural plot and the erection of an adjoining single storey orangery building.

**At:** Croft Gate Farm, Bracewell Lane, Bracewell

**On behalf of:** Mr Stephen Morton



## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date:** 12th January 2024