

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

**TO: BARROWFORD AND WESTERN PARISHES COMMITTEE**

**DATE: 5<sup>TH</sup> JUNE 2024**

**Report Author: Neil Watson**  
**Tel. No: 01282 661706**  
**E-mail: [neil.watson@pendle.gov.uk](mailto:neil.watson@pendle.gov.uk)**

## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

# REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 5<sup>TH</sup> JUNE 2024

**Application Ref:** 24/0097/VAR

**Proposal:** Variation of Condition: Vary Condition 2 (Plans), Condition 9 (Materials) and Condition 14 (Landscaping Scheme) of Planning Permission 21/0758/FUL.

**Address:** Land to the North West of Parrock Road, Barrowford

**On behalf of:** Mr Mohammad

**Date Registered:** 20/02/2024

**Expiry Date:** 16/04/2024

**Case Officer:** Laura Barnes

This application was deferred from the last meeting of Barrowford & Western Parishes Committee in order to seek comments from Growth Lancashire, heritage consultants.

## **Site Description and Proposal**

The application site relates to an application which has previously been approved and at the time of the site visit was under construction. The original application was for the erection of two dwellings.

The application seeks to vary an existing approval in the following ways:

- Approved plans
- Proposed materials
- Landscaping scheme

## **Relevant Planning History**

18/0373/FUL: Full: Erection of a single two-storey dwelling house with detached garage and associated curtilage.  
Approved with conditions

21/0442/CND: Approval of Details Reserved by Condition: Discharge of Condition 4 (Drainage Strategy & SUDS Assessment), Condition 6 (Code of Construction Practice Document) and Condition 14 (Landscaping) of Planning Permission 18/0373/FUL.  
Conditions Discharged

21/0514/CND: Approval of Details Reserved by Condition: Discharge of Condition 3 (Contamination), Condition 9 (Materials), Condition 15 (Tree Protection) of Planning Permission 18/0373/FUL  
Split Decision

21/0758/FUL: Full: Erection of two detached dwellinghouses.  
Approved with conditions

22/0446/CND: Approval of Details Reserved by Condition: Discharge of Conditions 3 (Investigation and Remediation of Contamination), 4 (Foul & Surface Water), 5 (Visibility Splay kept clear), 6 (Construction Method Statement), 9 (Material Samples), 14 (Landscaping), 15 (Tree Protective Fencing) and 17 (Tree clearance schedule) of Planning Permission 21/0758/FUL.  
Conditions Partially Discharged

23/0233/CND: Approval of Details Reserved by Condition: Discharge Condition 9 (Materials) of Planning Permission 21/0758/FUL.  
Conditions Discharged

## **Consultee Response**

### **LCC Highways**

No objection

### **Barrowford Parish Council**

*12<sup>th</sup> March 2024*

This application deals with changing approved drawings to two distinct areas of the approved planning permission.

1. The building and relates to both internal layout and external aspects.
2. Landscaping Scheme.

The Parish Council will address these aspects individually.

1a. The Council has no objections to the proposed alterations in layout of the individual floorplans.

1b. The Council strongly Objects to the proposed amendments to the window and door openings which show the removal of both jambs and lintels to be replaced with basic openings in the wall. Due to the number of openings to all elevations and the size and massing of the development the removal of the jambs and lintels will adversely affect the overall aesthetic appearance of the elevations and significantly affect the setting and amenity of the Carr Road and Wheatley Lane Conservation Area. The Parish Council supported this application as it was consistent with the aspirations of the Conservation Area in both design and materials. Barrowford would have been unlikely to support the original application in the proposed form. Once again, a developer portrays a high-quality design to gain planning permission and then downgrades the quality of design through minor amendments or variation of conditions to reduce costs.

2 The Council has no objections to the minor amendments to the hard surfaces and flower beds and would not object to changes to the tree planting scheme if the amendments were acceptable to Mr. R. Jones Tree Officer at Pendle.

*21<sup>st</sup> March 2024*

No Objection to change of roofing materials The Council has responded to the vast majority of this application in its response sent 11/03/24 but a further change of roofing materials has been submitted necessitating a further public consultation.

The additional change relates to materials the proposed roofing materials are blue natural slate but the documents do not seem to contain details of previously approved materials.

### **Environment Officer (Trees)**

The proposed landscaping scheme is in accordance with the relevant PBC Policies: ENV1, as well as being in full conformity with the wider NPPF.

There are proposals for the planting of 43 trees across the site with mostly native planting along with other typical species for this type of development. Add in the vast amount of native hedging

proposed for planting around the periphery of the site and overall, the scheme will add a positive enhancement to the immediate environment.

The scheme also includes important scheduling details as well as information relating to maintenance and management so the planting can become fully established.

If you are minded to approve the proposals, please can you add that any planting material that fails over the 5 year period will be replaced like for like.

### Heritage Consultants

I have reviewed the application documents of the current submission and read through your Committee report and looked at the documents/plans provided under the original permission 21/0758 which granted planning permission for 2 houses on the site in February 2022.

I have also read through the Carr Hall/Wheatley Lane Road CAA (dated July 2010) and referred to the Councils Design Principles SPD and the Conservation Area Design & Development SPD.

The application relates to amendments to the approved drawings (Condition 2), materials (Condition 9) and the landscape treatment (Condition 14).

### *Comments / assessment*

Reading the Committee report from the 8 May the main changes proposed under this application appear to be elevational changes brought about by requirements under the Building Regulations.

I agree with the assessment made in the Committee report that whilst there are less-vertical elements separating the windows to the front elevation, the proportions and size of the openings appear to remain constant. I would also agree that the windows to the front elevation, because of the framing, retain their 'original' vertical emphasis and the appearance/composition of the elevation is not unduly affected by the changes. This would accord with the references made to this aspect in the Conservation Area Design & Development SPD.

Overall, whilst I don't find the design to be the strongest in terms of being an expression of the character of the Carr Hall/Wheatley Lane Road CA and lacks some of the finesse of the earlier 'domestic revivalist' styles seen in the CA, permission already exists, and the changes have little or no 'additional' impact. Given that the house is modern I find the elevational changes to be modest and will be of little consequence.

In terms of the materials, the only change I can see from what was previously agreed under 23/0233/CND (approved 12 May 2023) is a change in roofing material from a Dyed Yorkstone roof tile to a Siga natural grey slate. I note that locally both stone and slate roofing materials are commonly seen, however in the CA slate tends to be the more prominent material and has been used to good effect on a number of the Revivalist buildings as this was seen as a move away from the previous local vernacular styles. In this regard I raise no concerns over the use of a natural slate for the roofing material.

I have considered the application against the relevant statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990, the policy guidance contained in Chapter 16 of the NPPF and Local Plan Policy's ENV1 and ENV 2.

In my view given that permission already exists for the house, and it remains essentially the same scale/proportions/design/location I do not find the changes to be of any greater impact. In this regard I do not feel the revised scheme and the details provided in pursuant to Condition 9

(materials) will cause any additional level of harm or loss of significance to either the character or appearance of the Call Hall/Wheatley Lane CA.

As such I find that the proposal would comply with the objectives contained in Chapter 16 of the NPPF and the Local Plan.

### **Public Response**

Nearest neighbours notified by post, a site & press notice have been displayed. Three objections have been received from members of the public including the following:

- Disappointed that the owner has decided not to build the high quality design they had approval for
- The landscaping will remove 30% of the proposed planting
- The variation will affect the impact upon the Conservation Area
- Residents are suffering from drainage issues due to changing the land levels from a spring at Noggarth. Clay is dispersed into the duck pond
- The clay will not be suitable for the proposed tree planting
- The developer is going to increase the height of the land by a further foot because there is soil piled in the site waiting to be used for the tree planting
- The design changes are not in keeping with the Conservation Area
- The materials are not appropriate to the Conservation Area
- They should have been stopped from building this but their actions have gone unchecked by the Council
- The finished floor levels are wrong and the dwelling sits 1.5m higher than what it is supposed to
- Wooden windows would be more in keeping
- The new door and stairs are not acceptable
- This work has already been done before any application has been considered
- Glass balustrades are not in keeping with the area

### **Officer Comments**

#### **Policy**

Pendle Local Plan Part 1: Core Strategy

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

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

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

Policy ENV4 (Promoting Sustainable Travel) seeks to reduce the need to travel by ensuring proposed development is proposed in appropriate locations. Proposals should consider the impact upon the highway network and highway safety.

## Replacement Pendle Local Plan

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

## National Planning Policy Framework

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

The Design Principles Supplementary Planning Document (SPD) applies to extensions and 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.

## Barrowford Neighbourhood Plan

BNDP01: New Housing in Barrowford, sets out that proposals which are acceptable in principle must accord with the Core Strategy and NPPF as well as being of a design which does not have an unacceptable impact upon residential amenity, does not lead to over-development of the plot and are appropriate in terms of the local surrounding context.

## Principle of Development

The principle of development has already been approved in the planning history. As such, the main consideration here is the design and landscaping proposals. It would not result in a fundamental alteration to that which has previously been approved in that the development is still for residential development. As such, the principle of development remains acceptable, subject to accordance with design and amenity policies.

## Design, Heritage & Landscaping

The proposed development involves alterations to some of the windows due to the solar gain requirements which are subject to Part O Building Regulations. Since the application was originally approved, there have been major changes to the Building Regulations including thermal heating from large expanses of glazing. The rear elevation has fourteen windows to the ground floor flat roof outrigger. The size of these windows has had to be altered to accommodate the new requirements for Building Regulations. There are to be stone pillars in between each of the fourteen windows to the rear elevation.

To the front elevation and side elevations the window openings are to remain the same size as has previously been approved. The material for the windows is aluminium and this has previously been approved as part of the discharge of conditions on the original planning application. It is acknowledged that there are less vertical stone features separating the windows to the front elevation but the openings themselves are not to be altered in size. A reduction in the overall number of mullions would not result in a detrimental impact upon the overall building because there are still to be vertical emphasis glazing bars between each of the window panes. As such,

the windows to the front elevation would retain their vertical emphasis in accordance with the Design Principles SPD and the Conservation Area Design & Development SPD.

The submitted plans indicate a change to the roof material. Rather than a Yorkstone roof tile which has previously been approved the applicant now intends to cover the roof with a slate known as Siga natural roof slates. The reason for this request to amend the approved plans is due to the roof pitch to the front facing gable being 35 degrees. The structural engineer for the project has advised that it would not be possible to hang the approved roof material at such an angle and the amendment to Siga slate is requested. In terms of appearance, form, texture and the overall pattern which the roof material is to be laid out in there would be no discernible impact upon the Conservation Area to that which has previously been approved.

Although comments have been received from members of the public that the amendments to the landscaping scheme would result in degrading the site and a reduction in planting by 30% the Council's Environment Officer has advised that the proposal would still meet the requirements of Policy ENV1 of the Local Plan: Part 1 Core Strategy. The amended scheme would still provide a good mix of native planting and would provide a large number of trees and other native planting.

As such, the proposed development accords with Policies ENV1 and ENV2 of the Local Plan Part 1: Core Strategy, the Conservation Area Design & Development SPD and Design Principles SPD.

### **Residential Amenity**

The proposed alterations to the design of the building would not have any different impact upon neighbouring amenity to that which has previously been approved.

The proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy in this regard.

### **Drainage**

There would be no change to the proposed drainage as a result of the changes to the design.

### **Highways**

The proposed development is acceptable in terms of highways.

### **Other Matters**

Concerns has been raised about the overall height of the land and the levels involved in constructing this development. This query has been investigated by the Enforcement Officer and there is no indication that levels have been altered away from that which has previously been approved. As such, this issue is not determinative in the application.

### **Reason for Decision**

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

## **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from 17<sup>th</sup> February 2022.

**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 A007\_P\_001, General Arrangement Plan Sheet 1 of 2 1016-ASRI-XX-XX-DR-L-001 Rev 05, Softworks Drawing 1016-ASRI-XX-XX-DR-L-0003 Rev 01, Boundary Plan 1016-ASRI-XX-XX-DR-L-006 Rev 01, Tree Protection Plan 1016-ASRI-XX-XX-DR-L-0007 Rev 01, Tree and Hedge Planting Plan 1016-ASRI-XX-XX-DR-L-2000 Rev 01, Plot 1 – Proposed Lower Ground Floor Plan A007\_L(00)01, Plot 1 - Proposed Ground Floor Plan A007\_L(00)02, Plot 1 – Proposed First Floor Plan A007\_L(00)03, Plot 1 - Proposed Elevation Plan A007\_E(00)06, Plot 1 – Proposed Elevations A007\_E(00)07, Arrival Entrance 1016-ASRI-XX-XX-DR-L-0015 Rev 00

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

3. The development shall be carried out in strict accordance with the detailed method statement which sets out the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site, which was approved as part of application 22/0446/CND.

Details of a comprehensive remediation scheme which included 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) have been agreed under application 22/0446/CND.

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. which was approved as part of application 22/0446/CND.

Prior to occupation of the development hereby approved, 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/or in order to prevent contamination of the controlled waters.

4. The foul and surface water drainage shall be carried out in strict accordance with the details agreed under application 22/0446/CND.

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

5. 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 0.9m above road level. The visibility splays at both accesses to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed site access road from the continuation of the nearer edge of the carriageway of the unnamed lane leading from Parrock Road to points measured 11m in each direction along the nearer edge of the carriageway of the unnamed lane, and shall be constructed and maintained at verge level in accordance with a scheme to be agreed by the Local Planning Authority.

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

6. The development hereby approved shall be carried out in strict accordance with the Construction Code-of-Practice which has been approved under application 22/0446/CND.

**Reason:** To ensure that adequate measures are in place to protect the environment during the construction phases.

7. Before the access is used for vehicular purposes, the access and manoeuvring area shall be appropriately paved in bound porous material.

**Reason:** To prevent loose surface material from being carried on to the adjacent highway thus causing a potential source of danger to other road users.

8. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

**Reason:** Vehicles reversing to and from the highway are a hazard to other road users.

9. The external facing materials shall be carried out in strict accordance with the details in the material schedule dated 15<sup>th</sup> March 2024 and the plans referenced: A007\_H(00)06 and A007\_G(00)07 and there shall be no variation from the approved materials without the prior written consent of the Local Planning Authority.

**Reason:** To ensure a satisfactory form of development in the open countryside.

10. Windows and doors shall be set back from the external face of the walls of the units by at least 75mm in depth.

**Reason:** To ensure a satisfactory form of development.

11. Notwithstanding the submitted plans the windows and doors shall be of aluminium construction in accordance with the Material Schedule dated 15<sup>th</sup> March 2024.

**Reason:** To ensure a satisfactory form of development in this location.

12. 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 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E and F of Part 1 and Class B of Part 2 of Schedule 2 of that Order shall be carried out and Class A of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

**Reason:** In order to enable the Local Planning Authority to control any future development on the site, in order to safeguard the character and visual amenity of the conservation area and restrict any potential impact on protected trees.

13. The car parking and turning areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted is occupied.

**Reason:** To allow for the effective use of the parking areas.

14. The development hereby permitted shall be carried out in strict accordance with drawing numbers 1016-ASRI-XX-XX-DR-L-2000 Rev 01 (Tree and Hedge Planting Plan sheet 1 of 2), 1016-ASRI-XX-XX-DR-L-2000 Rev 01 (Tree and Hedge Planting Plan sheet 2 of 2), Tree Protection Plan 1016-ASRI-XX-XX-DR-L-0007 Rev 01 and Trees to be Retained, Removed and Proposed 1016-ASRI-XX-XX-DR-L-0008 Rev 01.

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.

15. All works are to be carried out in strict accordance with the Tree Protection Plans approved under application reference 22/0446/CND.

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

16. The recommendations for biodiversity enhancement outlined in the Preliminary Ecological Appraisal compiled by Pennine ecological Dated August 2021 shall be carried out in accordance with the mitigation measures proposed prior to first occupation of any dwelling on the site.

**Reason:** To ensure adequate provision of habitats in the interests of biodiversity on the site.

17. The development hereby approved shall be carried out in strict accordance with the tree clearance, removal and protection plans previously approved under 22/0446/CND.

**Reason:** To ensure that existing vegetation remains on the site in the interests of protecting habitats and biodiversity.

18. Before each dwelling unit is occupied waste containers shall be provided within the curtilage.

**Reason:** To ensure adequate provision for the storage and disposal of waste.

19. Before each dwelling unit is occupied electric vehicle charging points shall be provided with the curtilage.

**Reason:** To provide for sustainable modes of transport.

**Application Ref: 24/0097/VAR**

**Proposal:** Variation of Condition: Vary Condition 2 (Plans), Condition 9 (Materials) and Condition 14 (Landscaping Scheme) of Planning Permission 21/0758/FUL.

**Address:** Land to the North West of Parrock Road, Barrowford

**On behalf of:** Mr Mohammad

## REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 5<sup>TH</sup> JUNE 2024

**Application Ref:** 24/0162/FUL

**Proposal:** Full: Erection of stable block and midden; construction of a menage and a change of use of the land for equestrian purposes.

**At:** Higher Oaklands Farm, Pasture Lane, Barrowford

**On behalf of:** Mr & Mrs Hines

**Date Registered:** 06/03/2024

**Expiry Date:** 01/05/2024

**Case Officer:** Alex Cameron

This application has been brought before Committee at the request of a Councillor.

### **Site Description and Proposal**

The application site is an agricultural field located within the open countryside adjacent to an isolated pair of dwellings.

The proposed development is erection of a stable block or three stables plus tack room, and midden and the construction of a menage with flood lighting and change of use of land for equestrian use.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways – No objection.

Barrowford Parish Council – The Change of use from Agriculture to Equestrian use does not indicate if this is for the sole use of Higher Oaklands Farm or if it is to be run as a commercial concern with the additional traffic that operation generates. The proposed location is in an elevated position within the open countryside which runs up to the ANOB and will be visible from the wider area. The artificial surfacing over the 40m x 20m menage could have a detrimental effect on the visual amenity and setting of the open countryside. The proposed floodlighting scheme will diminish the quality of the open countryside and if used on a prolonged basis will adversely affect both the setting and amenity of the open countryside giving an effect of an industrial compound and creating light pollution to currently dark skies. Concerns: The level of harm to the open countryside is a subjective matter and with sympathetic perimeter fencing and surface materials the open feel of the countryside could be retained. Objection: The proposed illumination would inevitably harm the public enjoyment and amenity of this area of the open countryside and night sky and should be refused on those grounds.

### **Public Response**

A site notice has been posted and nearest neighbours notified – No response.

## **Officer Comments**

### **Policy**

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

Policy ENV1 states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability. Where applicable proposals should maintain the openness of the Green Belt.

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

Policy 39 relates to Equestrian Development, this states that the location, size and design of a proposal must preserve the landscape character and openness of an area.

#### **Barrowford Neighbourhood Development Plan**

Policy BNDP 08 identifies locally important landscape views that should be protected.

### **Visual Amenity**

The site would be unlikely to be seen from the important viewpoint identified in the Neighbourhood Plan at the top of Pasture Lane due to intervening trees and buildings.

With appropriate additional landscaping the development would not be unacceptably prominent and would be seen in the context of the existing dwellings. The impact of the lighting on the open rural character of the area can be acceptably controlled by a condition controlling the hours of illumination.

### **Residential Amenity**

The proposed stables midden riding arena and land to be used for equestrian use is a sufficient distance from neighbouring non-associated dwellings to ensure that they would not result in unacceptable impacts from noise and odour.

A condition to control the hours of illumination of the flood lighting would ensure that it does not unacceptably impact upon the residential amenity of adjacent dwellings.

The development is acceptable in terms of residential amenity in accordance with policy ENV2 and ENV5.

### **Highways**

With a condition to ensure that the development is limited to the personal use of the landowner the proposed development would not result in an unacceptable increase in traffic accessing the site and is acceptable in terms of highway safety.

## **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 in accordance with the policies of the Pendle Local Plan

Part 1: Core Strategy and the saved policies of the Replacement Pendle Local Plan and the Barrowford Neighbourhood Development Plan. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Approve**

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 702/2, 702/3, 702/4, 702/5.

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

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

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

4. The floodlights hereby permitted shall be installed and operated in strict accordance with details of the submitted Lighting Design Report and the flood lights shall be not be illuminated at any time between 21:00 and 08:00.

**Reason:** To protect the amenities of adjoining land users and the character and visual amenity of the area.

5. The equine use of the land shall not commence unless and until a pasture management plan and details of management and disposal of manure have been submitted to and approved in writing by the Local Planning Authority. The use shall at all times thereafter be managed in strict accordance with the approved details.

**Reason:** To protect the character and visual amenity of the area, controlled waters from pollution and the amenity of neighbouring residential properties from odours and flying insects.

6. The development hereby permitted shall be used solely for horses owned or leased by the owner/occupier of Higher Oakland Farm, and shall not be used for livery, equestrian events or any commercial purpose whatsoever at any time.

**Reason:** In the interest of highway safety and residential amenity.

7. The formation of the menage shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities (this shall include native species planting to the south east and south west of the menage);
- 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 of all planted and/or turfed areas.

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

**Reason:** To ensure that the development is adequately landscaped so as to integrate with its surroundings and to protect the landscape character and visual amenity of the area.

**Application Ref:** 24/0162/FUL

**Proposal:** Full: Erection of stable block and midden; construction of a menage and a change of use of the land for equestrian purposes.

**At:** Higher Oaklands Farm, Pasture Lane, Barrowford

**On behalf of:** Mr & Mrs Hines

# REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 5<sup>TH</sup> JUNE 2024

**Application Ref:** 24/0204/FUL

**Proposal:** Full: Erection of 1 no. dwelling with associated infrastructure.

**At:** 147 Wheatley Lane Road, Barrowford

**On behalf of:** Mr & Mrs Yates

**Date Registered:** 20/03/2024

**Expiry Date:** 15/05/2024

**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, Conservation Area and access is to be taken via the existing driveway to 147 Wheatley Lane Road.

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

## **Relevant Planning History**

13/99/0163P: Widen access to road

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

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

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

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

23/0516/FUL: Full: Erection of 1 no. dwelling with associated infrastructure (Amended scheme to approved planning permission 22/0417/FUL).  
Refused

## **Consultee Response**

Conservation consultants

We provided comments on a previous scheme for this site (23/0516/FUL) and concluded that while the proposed property would be a considerable new 'built' addition to the conservation area it will only be partially visible from the roadside, on approach in either direction. The new house is set well back and the public views would be somewhat filtered by existing development, including the existing garage/outbuilding and frontage trees, which characterise the CA. We concluded no harm to the conservation area as a result. I note the newly proposed scheme seeks permission for a more traditional design. Given the location of the proposed development, the extremely limited views and reduced scale of this scheme, I consider that the proposal will cause no discernible level of harm or loss of significance to the Hall Carr/Wheatley Lane Conservation Area. As such the proposal complies with the objectives contained in Chapter 16 of the NPPF and the Core Strategy policy ENV 1, and I raise no objections from a heritage perspective.

### Pendle Borough Council Environment Officer (Trees)

I was on site last week to inspect the trees in detail and look at the overall impact of the tree loss in relation to the proposed development. I have the following comments and observations to make.

The applicant has submitted a detailed Tree Survey and Arboricultural Impact Assessment that correctly grades the trees in accordance with the BS 5837. Also included is a Tree Protection Plan and a Tree Planting Plan, all of which are suitable for approval.

In principle, I have no objection to the proposals apart from the tree survey that advises the removal an Elm tree (T5) in the corner of the site. This tree is in good condition even with a small section of metal railing embedded within the trunk. The tree can be easily retained throughout the development phase without problem.

I called on all three immediate neighbours to discuss the tree removal and was met with no objections to either their removal or the retention of the Elm tree. It is likely that there will be some local concern with the trees that are to be removed, however, most are of poor quality and will be suitably replaced by the proposed mitigated planting. For completion, I would need to see a simple updated site plan showing the Elm tree (T5) to be retained and the position of tree protection fencing around it.

### LCC Highways

The same comments are made to this application as were made to the previous application 23/0516/FUL.

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

The access is proposed to be widened internally to a minimum of 4.6m wide to allow two vehicles to pass within the access. The highway authority considers that the internal widening as shown on the Proposed Site Plan (drawing 6200-P50) is acceptable. This widening must be provided prior to first occupation of the dwelling approved under 22/0417/FUL or the dwelling applied now for if planning permission is granted.

As there will be an intensification in use of the access from one to three dwellings vehicles entering and leaving the site need to be positioned so that there is adequate forward visibility to and from the site, especially given the narrowness of the access. To achieve this the redundant dropped vehicle crossing across the front of the former garage would need to be reinstated to footway (approximate length 6m) to

Lancashire County Council's specification, including full height kerbs, to prevent vehicles from cutting across the front of the building. The crossing should also be extended marginally to the East of the access, possibly only one additional full length dropped kerb required with the taper kerb relocated. These works would need to be carried out under a legal agreement (short form Section 278) with Lancashire County Council as the highway authority.

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

#### *Visibility splays*

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

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

#### *Car & cycle parking Detached outbuilding/garage conversion*

The parking and manoeuvring areas are considered adequate and would allow vehicles to enter and leave the site in forward gear. Their provision should be controlled by condition to protect their use for the lifetime of the development. A condition requiring the provision of cycle storage has already been applied.

#### *Proposed dwelling*

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

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

#### *Conclusion*

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Should the application be considered for approval the following conditions are requested to be applied:

- Highway works shall be carried out in accordance with a scheme which shall be submitted
- Cycle storage
- Parking areas shall be according to plans
- Informative: s278 agreement

### Barrowford Parish Council

Objection: The new application although addressing some of the reasons for refusal of the last application does nothing to address the Parish Councils concerns regarding the character and setting of 147 Wheatley Lane Road and the Coach House a prominent feature in the Carr Hall Road and Wheatley Lane Conservation Area. In the Parish Councils opinion the treatment of the proposed use of the existing access into 147 and the Coach House will detract from the setting and amenity of this prominent building within the streetscape of the Conservation Area. This is a subjective matter but a valid reason to refuse permission, this seems to have been ignored to the detriment of the conservation area.

The other peculiarity with the proposed access arrangements is a splayed entry which proposes a dropped kerb to only half its width reducing accessibility if a vehicle is egressing the site whilst another is Ingressing the 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.

### **Public Response**

Nearest neighbours have been notified by letter, a site & press notice have been displayed. The following comments have been made, 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) sets out that development should make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

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

Policy ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

### Replacement Pendle Local Plan

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

### National Planning Policy Framework

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

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

## **Design**

The application site is located to the rear of the existing dwelling at No. 147 Wheatley Lane Road. The existing dwelling has a terracotta coloured roof tile to the roof and a pebble dash effect to the walls at the front. The walls to the rear are smooth rendered in an off white colour, with some mock Tudor boarding to the upper floor windows which is in black and white. There is also a single storey side extension to the main dwelling which is clad in cedar boarding. The design of the proposed dwelling has some elements of the existing dwelling reflected, such as the proposed red coloured brick (which would be similar in colour to the existing terracotta roof tile), a natural slate roof and the grey aluminium window frames.

The design cues of the front & rear elevations of the proposed dwelling are also taken from the main dwelling at 147, with the two gable features and chimney, as with the rear of the existing dwelling. The roof is to be constructed of natural slate, with solar panels mounted to the south east roof slope. The vast majority of the proposed materials are traditional, being brick and natural slate.

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

To the south west elevation there is a blank gable, there are no openings to the walls. There is to be a roof light on the roof slope serving an ensuite bathroom and there is a glazed extension to the rear which projects out from the rear wall. To the north east facing elevation there are two ground floor openings in addition to a pedestrian door. The window are in proportion with the solid to this elevation. Whilst the north east elevation includes a wrap-around feature window serving the dining area, this is to the rear of the dwelling and would not be prominent in public vantage points

of the building. Whilst the South East elevation does have a large amount of glazing this is the elevation which would be least visible from public vantage points within the Conservation Area. It is characteristic of a modern design and is attempting to demonstrate the next generation of housing styles, rather than mimic entirely what is already existing. As such, although the south east elevation is relatively modern in design, it is not out of keeping with the Conservation Area because it takes key cues and uses the colour pallet which is prevalent in the surrounding area.

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

In terms of boundary treatments, the proposed site plan indicates a 2.2m high hit and miss fence surrounding the majority of the site. The proposed site plan also indicates a wall which is to run around the front of the dwelling and a set of gates. There are no elevational details of the wall or gates. This is something which can be secured by planning condition.

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

### **Heritage**

The Council's Heritage Consultants have reviewed the proposals and have concluded that the proposed development would have no discernible harm and would preserve the special character of the Conservation Area. The proposed design and use of gables mimics the Coach House/garage and its set back location results in a somewhat regressive scale, which is not overly prominent. In this context, the principle views of the conservation area would be preserved.

As such, the proposed development is acceptable in terms of Policy ENV2 of the Local Plan: Part 1 Core Strategy. There is no requirement for a balancing exercise to be undertaken as set out in paragraph 208 because this is not a case where harm to the heritage asset has been identified.

### **Residential Amenity**

Taking each elevation in turn, the residential amenity of neighbouring dwellings and the future occupiers of the dwelling are now considered. The south west elevation is to have one roof light and a window which projects out from the rear elevation, serving the dining area. Although the proposed dwelling is 7.6m in height this is not unusual for a two storey dwelling and would not be out of keeping with the majority of dwellings on Wheatley Lane Road. The applicant has provided a cross-section plan which indicates how the dwelling would step down from the height of the main dwelling (147) to the proposed dwelling, to 143a to the rear. Given the separation distances between No. 149 and the proposed dwelling and the proposed landscaping scheme, there would be no unacceptable impact in this regard.

To the North West facing elevation although there are 5 windows and a roof light, there is a separation distance of 26m between the rear of the existing dwellings at 145 and 147 and the front of the proposed dwelling. There would be a distance of 27m between the rear elevation of the Coach House (which has permission for residential conversion) and the front elevation of the proposed dwelling.

To the north east elevation there are to be two ground floor windows and a pedestrian access door. The two windows are secondary windows serving the open plan living / dining area and there is a separation distance of 21m between each of the proposed dwellings in the rear gardens of 145 and 147 Wheatley Lane Road. As such, although there are windows to the side elevation which

serve habitable rooms, there is sufficient separation distance to mean this would not result in an unacceptable impact upon neighbouring amenity.

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

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

## **Trees**

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

## **Highways**

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

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

## **Drainage**

The application site is within Flood Zone 1, which is least at risk from flooding. Development in this location would not result in an increase to flood risk elsewhere. The site would need to be drained so that surface water is separate to foul water, this can be secured by condition.

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

## **Ecology**

The applicant has prepared a preliminary ecological appraisal. This has concluded that there are no protected species within the site boundary. The appraisal has recommended the placement of bird boxes within the trees. This is something which can be secured by planning condition.

The proposal accords with policy in this regard.

## **Reason for Decision:**

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

## **RECOMMENDATION: Approve**

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 6200-E41 Rev -, Existing and Proposed site Sections 6200-P52 Rev -, Proposed Site Plan 6200-P50 Rev A, Proposed Elevation Plans and Floor Plans 6200-51 Rev -, Tree Protection Plan 6200-P53 Rev -.

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

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

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

4. Prior to any above ground works, details of the proposed boundary wall and entrance gates shall be submitted to and approved in writing by the Local Planning Authority. The gates and walls shall be installed in strict accordance with the approved details.

**Reason:** In order to ensure a satisfactory form of development within the Conservation Area.

5. 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.

6. 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.

7. The development hereby approved shall be carried out in strict accordance with the Preliminary Ecological Appraisal dated September 2023.

**Reason:** In order to safeguard protected species.

8. The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment dated March 2024, including the proposed landscaping scheme set out within the Tree Planting Plan.

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

9. Prior to occupation of the dwelling, details of the bird boxes (in accordance with the Ecology Technical Note dated 21/09/2023), shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order to mitigate the ecological impacts of the development.

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

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

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

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

12. 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.

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

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

### **Informative Note**

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (short form Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the reinstatement of a section of redundant.

**Application Ref:** 24/0204/FUL

**Proposal:** Full: Erection of 1 no. dwelling with associated infrastructure.

**At:** 147 Wheatley Lane Road, Barrowford

**On behalf of:** Mr & Mrs Yates

# REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 5<sup>TH</sup> JUNE 2024

**Application Ref:** 24/0247/VAR

**Proposal:** Section 73. Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 22/0197/FUL.

**At:** Land To The North East Of Saint Thomas Church, Wheatley Lane Road, Barrowford

**On behalf of:** McDermott Homes Ltd

**Date Registered:** 15/04/2024

**Expiry Date:** 15/07/2024

**Case Officer:** Alex Cameron

This application has been brought before Committee as over three objections have been received.

## **Site Description and Proposal**

The application site is 3.24 hectare area of agricultural land within the open countryside adjacent the settlement boundary of Barrowford. St Thomas' Church and school are to the west, Wheatley Lane Road / Church Street to the south and a private access drive to dwellings and dwellings on Lupton Drive to the north and east, with open land beyond to the north west. The southern part of the site adjacent to Wheatley Lane Road / Church Street falls within Barrowford Conservation Area and there is a band of protected trees around the boundary of the site.

Planning permission has been granted on appeal for a proposed development of 79 dwellings on the land. This is an application to vary condition 2 (plans) of that planning permission to amend the layout and design of the development. The amended layout would result in a reduction in the number of dwellings to 75. The layout would remain similar to the approved development, with the same access and general layout but alterations to house types and minor changes to the internal layout.

## **Relevant Planning History**

22/0197/FUL - Full: Major: Erection of residential development of 79 dwellings and estate infrastructure, including construction of new access from Wheatley Lane Road plus ancillary open space and landscaped areas. Appeal allowed

24/0211/NMA - Non-Material Amendment: Amend the description of the development of Planning Permission 22/0197/FUL to "residential development and associated works". Approved

## **Consultee Response**

**LCC Highways** – The site access arrangement was agreed and discharged under application 23/0333/CND. Condition 5 drawing DART engineers Ltd S278 site access works 23147-DR-C-0801-P2 agreed the site access carriageway width of 6.5m for the first 20m and then reduced to 5.5m. This does not appear to be shown on the submitted drawing.

The estate road design has been straightened creating long straighter sections. We would request that raised tables are included to ensure a self-enforcing 20mph speed limit is provided.

The pedestrian link has been removed to the north east of the site onto the lane which serves Oaklands Coach House. This is not a recorded public right of way therefore we would raise no issue with the removal of this link.

The hedges between the driveways and along the frontage of the dwellings will need to be kept below 1m high to ensure visibility is maintained for drivers negotiating the driveways. This will need to be conditioned or alternatively the hedges should be removed.

A refuse collection point needs adding for plots 21-23. A larger refuse collection point needs adding for plots 66-75 and it needs locating off the footway. It may be preferable to locate separate points at locations within the maximum walking distance for residents to move their waste.

No objection subject to the matters above being addressed.

**Lead Local Flood Authority** – No objection.

**Conservation Consultants** - The proposal seeks to vary the approved plans changing the appearance and design of the proposed dwellinghouses. I have read the supporting documents for this application and the approved plans. The key heritage consideration is whether the proposed changes cause any additional harm to the Barrowford conservation area above that identified in the original approved scheme. The site makes a moderate contribution to the significance of the CA.

The approved scheme was considered to cause slight harm to the character and appearance of the CA through alterations to the existing stone boundary wall and the loss of the small parcel of agricultural land, that both contribute to the special interest of the CA. The approved design to the houses that would front on to Wheatley Lane Road referenced the surrounding vernacular architectural style and assimilated well into the street scene with squared mullioned windows and plain frontages without gables.

The newly proposed house design appears more generic in appearance which slightly dilutes character further, causing a low level of less than substantial harm.

P41 of the National Design Guide states well-designed new development responds positively to local heritage, the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development.

P48 states well-designed places and buildings are influenced positively by the history and heritage of the site, its surroundings and the wider area, and the significance and setting of heritage assets.

P2.5 of the Conservation Area Design and Development Guidance states “New development should consider and respect local character and distinctiveness, as appropriate to each conservation area.”

P2.7 elaborates that “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.”

I would not wish to encourage a pastiche design, but a design that reflects its local context would likely reduce this additional harm, and could potentially add further interest to the CA through new design. Most of the surrounding buildings are constructed of stone. Use of natural stone is

encouraged through the Conservation Area Design and Development Guidance SPD, and where reconstituted stone has been used this tends to stand out more visually as the majority of buildings are natural stone. Slate roofs would also be appropriate in this context.

#### Conclusion / recommendation

As I am required to do so, I have given S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 considerable weight in my comments. For the reasons identified above, the proposal, currently outlined in the submission documents, represents a slightly increased low level of less than substantial harm to the Barrowford CA. As such the proposal fails to meet the duty to preserve under the Act and would need to be considered by the LPA under P208 of the NPPF. The scheme in its current form would be contrary to policies ENV1 and ENV2, and guidance contained in the National Design Guide and Conservation Area Design and Development Guidance SPD. In accordance with P205 of the NPPF, to minimise harm, this additional harm could be mitigated by making changes to the design of those houses that front onto Wheatley Lane Road.

### **Public Response**

Press and site notices posted and nearest neighbours notified. Responses received objecting to the development on the following grounds:

- Heritage impact of loss of part of the wall
- Inferior landscaping scheme
- Loss of trees
- Loss of privacy
- Highway and pedestrian safety impacts
- Inadequate parking
- Increased flood risk
- Impact on local services and facilities
- Impact on wildlife and protected species
- Disruption from construction

### **Officer Comments**

#### **Policy**

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

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design and meet future demands whilst enhancing and conserving our heritage assets.

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

## Barrowford Neighbourhood Development Plan (BNDP)

BNDP 01 – States that housing developments which are acceptable in principle in accordance with the LPP1 will be considered in relation to the following relevant criteria: design confirming to policies ENV2 and LIV5, protection and enhancement of the Parish’s landscape settings in accordance with BNDP 08 and ENV1, protection and enhancement of designated and non-designated heritage assets in accordance with the Framework, do not have an unacceptable impact on residential amenity impacts, are sustainably located and appropriate to the surrounding context.

### **Design and Heritage Impact**

In allowing the appeal for this development the inspector stated that: “The design of dwellings to the front of the site take into account features of nearby buildings, and include mullioned windows, stone roof coping and stone detailing. The frontage properties would follow a traditional form and proposed materials include natural stone and slate. Boundary planting, once established, would filter views of the development.”

“The proposed materials (including artificial stone and grey roofing slates) and design of the dwellings (including those not located to the front of the site) would not be out of character with other dwellings in the locality which vary in design, character and appearance.”

The original plans submitted with this application proposed more generic house types to the frontage, and the Conservation Consultants comments were that this would lead to additional less than substantial harm to the Conservation Area. The plans have been amended to better reflect the character of the area, with stone roof copings, mullioned windows, varied roof heights and removing the lean-to porches in favour of more traditional appearing plain front elevations.

### **Residential Amenity**

Concerns have been raised regarding the revised positions of plots and resulting impacts on the privacy on adjacent dwellings. Plot 1 would be relocated closer to Oaklands Lodge and windows in the south elevation would be approximately 20m from a habitable room window in that property, however, the view would be at an angle rather than direct and would not result in an unacceptable loss of privacy. All other plots would maintain well over 21m (35m or more) from habitable room windows in surrounding properties.

### **Highways**

Amended plans have been submitted in response to the concerns raised by LCC Highways and the conservation consultant, those consultees have been reconsulted and their comments will be reported to Committee.

### **Conclusion**

It is recommended that the approval of the application and any conditions necessary be delegated to the Planning, Economic Development and Regulatory Services Manger subject to LCC Highway’s concerns being satisfactorily addressed.

### **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 accords with Local Planning Policy and the guidance set

out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Delegate Grant Consent**

1. The development hereby permitted shall begin not later than 3 years from 23<sup>rd</sup> February 2023.

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

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

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

3. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority.

The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) measures to control construction site noise and vibration;
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- i) delivery, demolition and construction working hours;
- j) routing of delivery vehicles to/from site and temporary traffic management measures;
- k) a Construction Surface Water Management Plan (CSWMP), detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations. The CSWMP shall include measures for taken to ensure surface water flows are retained on-site during the construction phase and to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

**Reason:** In the interest of highway safety and residential amenity.

4. No development shall commence until an estate street phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate street phasing and completion plan shall set out the development phases and completion sequence that estate streets serving each phase of the development will be completed. The development shall then be carried out in accordance with the approved estate street phasing and completion plan.

**Reason:** To ensure the phasing and completion of estate streets serving the development are completed.

5. No development shall commence until a scheme for the site access has been submitted to and approved in writing by the Local Planning Authority and constructed to base course prior to any delivery vehicle movements being commenced.

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

6. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- a) indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development;
  - b) planting plans;
  - c) written specifications (including cultivation and other operations associated with plant and grass establishment);
  - d) schedules of plants noting species, plant supply sizes and proposed numbers/ densities;
  - e) boundary treatment[s];
  - f) vehicle parking layouts;
  - g) hard surfacing materials;
  - h) an implementation programme (including phasing of work where relevant);
  - i) a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To ensure that the development is adequately landscaped so as to integrate with its surroundings and in the interest of highway safety.

7. No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
- a) a survey of the extent, scale and nature of contamination;
  - b) the potential risks to:
    - human health;
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
    - adjoining land;

- ground waters and surface waters;
- ecological systems; and
- archaeological sites and ancient monuments.

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

8. No development shall take place where (following the risk assessment approved by condition 7) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out, and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority, before the development is occupied.

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

9. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

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

10. No above ground works shall take place until samples of the materials and finishes of the external walls, roofs, windows and doors to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.

**Reason:** To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity and the significance of the Conservation Area.

11. The following package of measures shall be implemented, through a S278 Agreement under the Highways Act 1980, in accordance with details to be submitted to and approved in writing by the local planning authority prior to the occupation of the first dwelling:
- a) dropped kerb/tactile paving on Wheatley Lane Road/ Church Street to connect internal footway links to wider network;
  - b) Two bus stops on Wheatley Lane Road at bus stops 2500LAA07261;

c) Kerb realignment at Hill Top/ Church Street junction to assist pedestrians; and d) Introduction of associated traffic regulation orders.

**Reason:** To ensure that the final details of the highway scheme/works are acceptable before first occupation in the interest of highway safety.

12. Within 3 months of the development hereby permitted commencing, engineering, drainage, street lighting and constructional details to adoptable standards (Lancashire County Council specification) of the internal estate roads shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

**Reason:** To ensure that the estate road is acceptably constructed in the interest of highway safety.

13. No dwelling hereby permitted shall be occupied until visibility splays 2.4 metres back from the centre line of the access and extending 40m to the east side and 44m to the west side on the nearside carriageway edge in both directions have been provided at all accesses/junctions, as shown on the approved plans. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

**Reason:** To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety.

14. No dwelling hereby permitted shall be occupied until details of the arrangements for future management and maintenance of the estate road within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

**Reason:** To ensure provision for the management and maintenance of the estate road in the interest of highway safety.

15. The internal estate roads and pedestrian links to the eastern and western corners of the site joining Wheatley Lane Road/ Church Street shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling.

**Reason:** To ensure that the estate road and pedestrian links are constructed in the interest of highway safety.

16. No dwelling shall be occupied until the driveways and parking areas have been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.

**Reason:** To ensure an adequate level of car parking provision in the interest of highway safety.

17. Prior to first occupation, each dwelling shall have access to a secure bicycle store at a ratio of 1 cycle space per bedroom. That space shall thereafter be kept available for the parking of bicycles.

**Reason:** To support sustainable transport.

18. Prior to first occupation, each dwelling shall be fitted with 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 current electric vehicles.

**Reason:** To support sustainable transport.

19. No dwelling hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - include a timetable for its implementation; and,
  - provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

20. The window openings of the dwellings hereby permitted shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

**Reason:** To ensure the continuation of a satisfactory appearance to the development and to protect the significance of the Conservation Area.

21. The development hereby permitted shall be carried out in accordance with the recommendations of the submitted Preliminary Ecological Appraisal (dated October 2020). Prior to the occupation of the first dwelling, a scheme of ecological enhancement shall have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved scheme.

**Reason:** To ensure the ecology of the site is enhanced and protected species are not harmed by the development.

22. The approved Travel Plan (dated March 2022) shall be implemented, monitored and reviewed in accordance with Travel Plan Targets which shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timing set out in the submitted Travel Plan.

**Reason:** To reduce the number of car journeys and deliver sustainable transport objectives.

23. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy (dated March 2022, reference LRD31208

Revision B, prepared by Sutcliffe). The measures shall be implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site.

- 24.** A CCTV survey of any culvert which crosses below the proposed highway and existing highway along the site frontage (Wheatley Lane Road/ Church Street) shall be undertaken within 6 months of the completion of the development. Any identified defects resulting from the survey shall be rectified within 6 months of the survey.

**Reason:** In order to avoid unnecessary maintenance liability prior to adopting the highway network.

**Application Ref:** 24/0247/VAR

**Proposal:** Section 73. Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 22/0197/FUL.

**At:** Land To The North East Of Saint Thomas Church, Wheatley Lane Road, Barrowford

**On behalf of:** McDermott Homes Ltd