



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES
MANAGER

TO: DEVELOPMENT MANAGEMENT COMMITTEE

DATE: 21st March 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 21 MARCH 2016

Application Ref: 13/15/0573P

Ref: 19162

Proposal: Full: Erection of a first floor extension to the rear and insertion of a window in the first floor side elevation.

At: 194 BARKERHOUSE ROAD NELSON BB9 9NR

On behalf of: Mr M Hussain

Date Registered: 2 December 2015

Expiry Date: 27 January 2016

Case Officer: Kathryn Hughes

This item has been referred to Development Management Committee as Nelson Committee were minded to Approve this application notwithstanding its adverse impact on a neighbouring property.

Site Description and Proposal

The site is an end terrace dwellinghouse located within a residential area located in the settlement boundary of Nelson.

The proposal is to erect a first floor extension to the rear and insert a window in the first floor side elevation.

The extension would be erected above the existing flat roof kitchen extension and would measure 2.3m x 2.45m with an overall height of 5.3m to ridge (4.5m to eaves) constructed in breeze blocks and stone bricks and slate pitched roof to match the existing house.

Relevant Planning History

None.

Consultee Response

LCC Highways

Environment Officer - No objection.

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

Relevant Planning Policy

Code	Policy
ENV 2	Achieving Quality in Design and Conservation
SDP 1	Presumption in Favour of Sustainable Development
SPDDP	Supplementary Planning Document: Design Principles

Officer Comments

The main issues with this proposal are compliance with policy, impact on amenity, design and materials and highway issues

Compliance with Policy

Policy ENV2 of the Local Plan Part 1: Core Strategy identifies the need for good quality design in new development and states that siting and design should be in scale and harmony with its surroundings. The requirements of policy in relation to domestic extensions are expanded upon by the Design Principles SPD. The proposed development's compliance with policies ENV2 and the Design Principles SPD is addressed in the design and amenity sections.

The following saved Replacement Pendle Local Plan policy is relevant to this application:

Policy 31 'Parking' requires development to adhere to the maximum car parking standards. This is addressed in the highways section.

Impact on Amenity

The properties on this part of Barkerhouse Road are stone built terraced properties.

The nearest properties potentially affected by this proposal are 196 Barkerhouse Road, 188 Barkerhouse Road and 1 Stafford Street.

The Design Principles SPD requires two storey rear extensions to be set off the boundary by a minimum of 1m and not to have an overbearing or adverse impact on the neighbouring property.

The first floor extension would be erected above the existing flat roofed kitchen and would measure 2.3m x 2.45m x 5.3m (4.5m to eaves) and would be set on the side boundary with No. 196 due to the position of the existing kitchen.

The proposed first floor extension would clearly impact on ground floor living accommodation of no. 196 which lies to the east. No. 196 has an existing two storey outrigger itself which already impacts on their own ground floor window. However, this proposed extension would exacerbate this and create a tunneling effect with two storey extensions to both the east and west and the gable of a two storey property to the south very little natural light would be able to enter No. 196 through the ground floor window of this habitable room. This would result in an unacceptable impact on the living conditions of that property contrary to policy ENV2.

The Design Principles SPD clearly states that two storey extensions will only be acceptable if they do not breach the 45 degree rule. This is not the case here.

No. 188 is a bungalow property which is currently being extended sited across the highway to the west and would not be unduly affect by this proposal.

No. 1 Stafford Street is an end terrace property located to the south which would not be unduly affected by this proposal.

The proposed first floor extension would clearly result in an unacceptable level of impact on the residential amenity of No. 196 contrary to policy ENV2 and the guidance set out in the Design Principles SPD.

The proposed first floor window to the side gable would serve a bedroom and would not unduly impact on amenity and therefore is acceptable.

Design and materials

The two storey rear extension would be visible Stafford Street and Back Barkerhouse Road but would not be unduly prominent in public vantage points. The design be not be out of keeping with the streetscene in terms of design and character and would be similar to other two storey outriggers on this block.

The extension would constructed in breeze blocks and stone bricks and slate pitched roof to match the existing house.

The materials could be controlled by an appropriate condition the overall design of the proposed extension would be appropriate in this location

Whilst the proposed materials and design would be acceptable and therefore accords with policy ENV2 this would not mitigate the unacceptable impact of the development on the living conditions of no. 196.

Highways Issues

There is no existing off-street parking for this development and the proposed extension would create an additional bedroom

There is no provision to create any off street parking. This is acceptable and accords with policy 31.

Summary

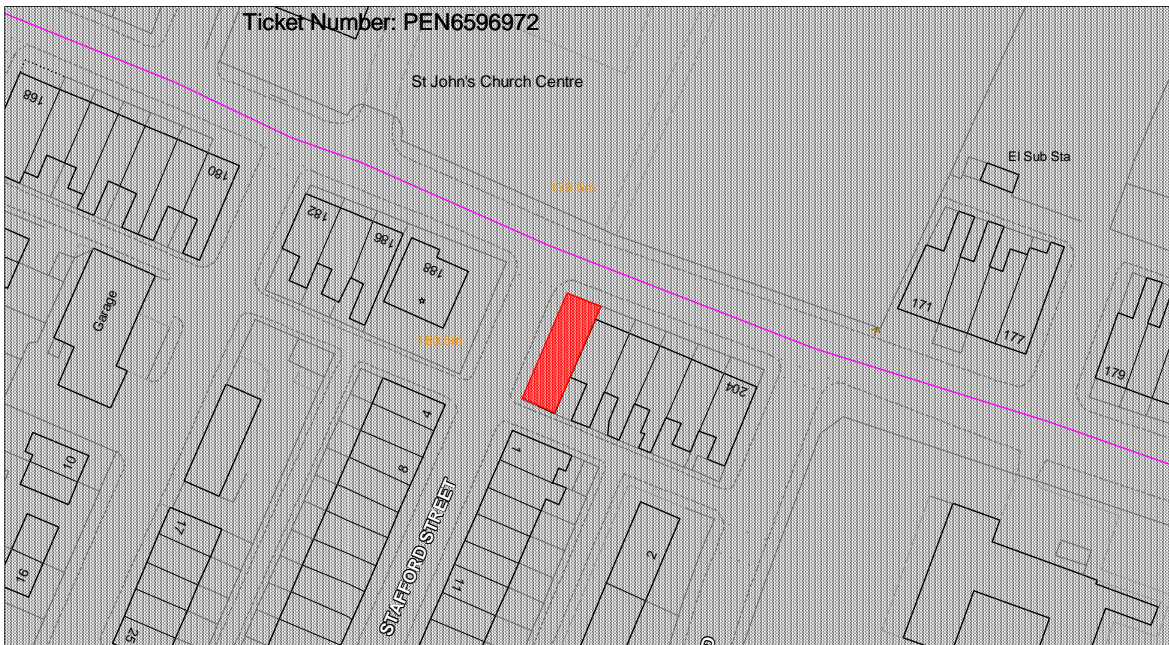
The materials are acceptable in this location and whilst no off-street parking can be achieved the siting and size of the proposed first floor extension would result in an unacceptable impact on the living conditions of no. 196 to the detriment of amenity and the proposal therefore fails to accord with policy ENV2 and the Design Principles SPD.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposal would by virtue of its rearward extension and height have a materially adverse impact upon No. 196 the neighbouring property to the east in terms of overshadowing and loss of light and result in a dominating impact to the detriment of residential amenity thereby failing to accord with Policy ENV2 of the Pendle Local Plan Part 1 and the Design Principles Supplementary Planning Document.

Ticket Number: PEN6596972



Application Ref: 13/15/0573P

Ref: 19162

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At: 194 BARKERHOUSE ROAD NELSON BB9 9NR

On behalf of: Mr M Hussain

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 21 MARCH 2016

Application Ref: 13/15/0624P

Ref: 19205

Proposal: Outline: Major: Residential development of up to 19 dwelling houses (All matters reserved).

At: PART OF FIELD NOS. 6777, 7878 AND 0083 GISBURN ROAD BLACKO NELSON BB9 6LZ

On behalf of: Mr Greenwood

Date Registered: 1 March 2016

Expiry Date: 26 April 2016

Case Officer: Kathryn Hughes

This item has been referred to Development Management Committee as Barrowford and Western Parishes Committee were minded to Refuse this application on the following grounds:

- education impact;
- environmental impact;
- site located outside the settlement boundary; and
- road safety issues.

These are not reasons that can be substantiated on appeal. A contribution towards education facilities has been requested and agreed with LCC. An ecology report has been submitted, is acceptable and can be conditioned. The Core Strategy policies and housing site allocations will need to include sites outside of the settlement boundary in order to achieve the five year housing land supply. There are no highway issues arising from this proposal and the access is a matter to be reserved for later consideration.

Site Description and Proposal

The site is agricultural land outside the settlement boundary on land designated as Open Countryside.

The application is to use the land for residential development with up to 19 dwellings erected on the site. This application is in outline only with all matters reserved.

An indicative layout plan has been submitted showing an access from Gisburn Road up the farm access track and a spur road off for access to the proposed dwellings which are indicated in layout form. However, no weight can be given to these details shown on the indicative plan as these details have not been applied for and therefore do not form part of the application.

Relevant Planning History

None.

Consultee Response

LCC Highways - The Highway Development Control Section is of the opinion that the applicant has not provided sufficient information regarding the site access and as such accurate highway comments cannot be provided.

Due to the potential major safety issues regarding the location and geometry of an acceptable site access onto this strategic road the Highway Development Control Section is of the opinion that the applicant should provide an acceptable site access details before determining the application in the interest of highway safety.

Where an acceptable and safe site access can be provided the Highway Development Control Section would not have any objections in principle to the proposed 19 dwellings.

The proposed development is to provide 19 dwelling on land which is currently undeveloped with very few traffic movements associated with the site edged red.

The site will be accessed via a new access on to Gisburn Road. Gisburn Road is classified as the A682 and is categorised as a Strategic Route with a speed limit of 20mph fronting the site access.

The planning application is for less than 50 new dwellings and as such the applicant does not need to provide a transport assessment or Travel Plan.

TRICS is the national standard system used to predict trip generation and analysis of various types of development. Using a typical TRICS report for a privately owned housing development, the development will generate an estimated 130 vehicular movements a day with an estimated peak flow of 12 vehicles between 17:00 and 18:00.

The Highway Development Control Section is of the opinion that the development should have a negligible impact on highway capacity in the immediate vicinity of the site.

Traffic studies have been carried out by Lancashire County Council in March 2012 and June 2014. The traffic studies indicate the 85th percentile speeds are 39mph for North bound traffic and 37mph in a south bound traffic and HGV movements are around 7 to 8%

The Lancashire County Council five year data base for Personal Injury Accident (PIA) was checked on the 28th January 2015. The data base indicates there has been one incidents fronting the site involving a pedestrian being hit by the mirror of a passing vehicle. The data based also indicates there has been one speed related incidents to the west of the site and one speed related incident to the east of the site.

Whilst any accident is regrettable, the highway network surrounding the site is considered to have a good accident record but the speed of vehicles near the site is an issue.

Using the calculation from Manual for Streets 2 and the traffic speed survey the sight lines of 2.4 x 98m to be provided in southern direction and 2.4x 90m to be provided in northern direction.

The applicant should provide accurate details of the required sight line requirement, before determining the application. Where acceptable sight lines at the junction are not provide the Highway Development Control Section would raise an objection to the development in the interest of highway safety

The location and geometry of the site access has not been provided by the applicant and the applicant will need to prove the access with Gisburn Road by swept path analysis for a twin axel refuse vehicles or provide a prescribed access with a 5.5m wide road for a minimum of 10m into the site and provided 6m radius on both sides of the access. This requirement is to prevent the need for a vehicles to reverse back onto Gisburn Road when another vehicle is leaving the access

road, at the detriment to highway safety on a fast moving road, with restricted forward visibility. Additional congestion issues where vehicles need to wait on Gisburn Road for the access to clear and causing confusion for other road users not seeing the reason for the vehicle in front not moving.

Where an acceptable site access is not provide the Highway Development Control Section would raise an objection to the development in the interest of highway safety.

The Highway Development Control Section is of the opinion that the proposed development should have a negligible impact on safety in the immediate vicinity of the site providing an acceptable site access and associated sight lines are provided as detailed above.

As the development is for more than 9 properties a section 106 transport planning contribution for the development will be required, based on the „Planning Obligation in Lancashire Policy Paper“. Further detail S will be provided by Lancashire County Council's Property Assets Team (Planning Contributions) in due course.

The site accessibility score for this residential development is 12 out of a possible 48, therefore the site has a low accessibility score.

Due to increased traffic flows generated by the development, to aid highway safety, to support sustainable transport and improve social inclusion within the vicinity of the site, the Highway Development Control Section recommends a highway contribution of £40,000. The provisional justification and estimates for the requested section 106 highway contribution is detailed below: -

1. To support sustainable transport and improve social inclusion, upgrade two bus near the site to quality bus at an estimated costs £10,000 per bus stop
2. To support sustainable transport and improve social inclusion, a £20,000 contribution to go towards the improvements to public right of way (13-9-FP25).

Updated comments - based on the indicative plans an acceptable access can be achieved to serve the proposed development.

Architectural Liaison Unit - As the scheme is outline at this time with all other matter reserved, I make the following general security recommendations in order to prevent the opportunity for crime and disorder:-

Security Recommendations

- The development will be required to meet with the security requirements detailed within Part Q, Approved Document effective from 1 October 2015. Part Q requires all doors and windows on new build dwellings to be tested and certificated to PAS 24/2012 standards.
- As the scheme will be required to incorporate the above physical security measures PAS 24/2012 doors and windows, I would recommend that the dwellings are built to achieve Secured By Design security standards. Consideration should be given to the ground floor rear and side windows incorporating laminated glazing. These windows are more vulnerable to forced entry by an intruder.
- The rear of the dwellings should be protected with a 1.8m high fencing arrangement such as close boarded timber. Access to the vulnerable rear of the dwelling should be restricted with a 1.8m high lockable gate. Offenders typically target the rear of dwellings in order to gain unauthorised entry to a property as this area is generally afforded no natural surveillance.

- The front and rear doorsets of the properties should be fitted with a dusk till dawn security light.
- Parking arrangements for the dwellings, where possible should be within the curtilage of the properties to avoid vehicle crime.
- There should be clear demarcation between public and private property at the front of the dwellings. A low level wall/railing arrangement or foliage/ shrubbery can modify a potential offenders behaviour as it clearly indicates that they are on private property. .
- The dwelling should be fitted with a 13amp non switched fuse spur suitable for an alarm system to be installed.

Natural England - No objection.

Lead Local Flood Authority - The applicant has not indicated the discharge point to drain surface water from the proposed development.

The [Planning Practice Guidance \(PPG\)](#) establishes a hierarchy for surface water disposal, which encourages a SuDS approach:

Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

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

Regardless of the site's status as greenfield or brownfield land, the Lead Local Flood Authority encourages that surface water discharge from the developed site should be as close to the greenfield runoff rate as is reasonably practicable in accordance with Standard 2 and Standard 3 of the [Non-Statutory Technical Standards for Sustainable Drainage Systems](#).

Designing green space and public realm with SuDS that work well when both wet and dry can provide valuable community recreational space as well as important blue and green infrastructure. Sports pitches, squares, courtyards, playgrounds, landscapes around buildings, urban parks, green corridors and woodlands are all popular types of open space which can be integrated with SuDS. SuDS can also contribute to development targets for open space where they are designed to be multi-functional.

On smaller development sites, space efficient SuDS can still be incorporated and include, for example, green roofs, bioretention gardens, permeable paving, rills, rainwater harvesting, hardscape storage, micro-wetlands, and bioretention tree pits.

Lead Local Flood Authority Position

The Lead Local Flood Authority has **no objection** to the proposed development subject to the inclusion of the appropriate conditions.

United Utilities - Drainage Comments

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options 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.

Drainage Conditions

United Utilities will have no objection to the proposed development provided that the appropriate conditions are attached to any approval.

PBC Environmental Health - No adverse comments.

PBC Public Rights of Way - The proposed development is sited on or near a public right of way. If planning permission is granted then a note should be included in the decision notice to advise that the grant of planning permission does not include the right to either permanently or temporarily obstruct or interfere with the right of way. The position and width of the right of way may not be obvious and therefore advice from a suitably qualified rights of way practitioner should be sought before any works which may affect the right of way start. If part or all of the public right of way needs to be permanently or temporarily closed or diverted to allow the development to be carried out then a formal order made by the Council will first need to come into operation in accordance with the appropriate legislation. Details of how to apply for a permanent or temporary closure are available from the Countryside Access Officer.

In particular it appears that footpath 25 Blacko, which runs on the western edge of the application site, will be adversely affected. This is because the footpath will run between an existing boundary and a new site boundary. The full width of the footpath is not recorded but I would recommend that a minimum width of at least 2 metres wide is left for the footpath. This section of footpath is likely to deteriorate and become muddy due to running between boundary structures on either side and therefore provision should be made within a Section 109 Agreement (or similar) to fund the improvement of the footpath adjacent to the site.

PBC Environment Officer - Public right of way No. 25 runs up the north west site boundary and the layout and design must take this into consideration.

The ecology reports finds that there is nothing of interest on the site and development would not be detrimental to any protected or notable species of wither flora or fauna but conditions relating to the recommendations in the report (paras 5.2 - 5.3) should be attached to any permission which might be granted.

Blacko Parish Council - The Council objects on the following grounds. The Council is opposed to the proposal as it considers it to be unsustainable on the following grounds:

- School Places - Blacko School is currently oversubscribed by four fold, 19 additional dwelling would further exacerbate this;
- School Safety - it is assumed that new yellow lines would be positioned at any splay; this would reduce parking for pick up and drop off. Any traffic assessment should be undertaken at the start and end of a school day;

- Flooding - during the recent heavy rains and specifically on December 26th 2015 water was flowing through the wall with such force it was almost clearing the footpath. The wall may have collapsed had it not been recently rebuilt at a cost of approximately £500,000. Any new development would increase water runoff and may be undermined by any repeat of the recent water levels;
- Bus Service - the bus service to Blacko will be withdrawn in April, 2016;
- Number of Dwellinghouses - the proposal is for up to 19 houses this would give a density of 57dph.

The Council also wish to highlight inaccuracies and specific comments the following reference documents:

Strategic Housing Land Availability Assessment site ref S093

The proposal was for 10 dwellings, it is now 19.

- S11 it states "no other identified flooding issues on site", please see objection above.
- 13 bus stop 0.09km. No bus services Blacko.
- S17 Doctors 3.3km. Where is this located?
- S19 Town/Local Centre 2.4Km. Where is this?
- S21 Employment Area 2.4km. Where is this?
- S23 Corner Shop 2.6km. The only shop in Blacko is a barbers shop.
- S24 Post office 2.6km. The nearest post office is 5km away in Nelson.

In comments the need for an engineering solution is identified due to the changes in level from the road. How will this be achieved?

In constraints reference is made to settlement boundary and changes in level from road.

The Design and Access Statement states the proposal is to fill the gap and round off development the most westerly section of the proposal would not fill a gap as dwelling 458 is the last house on the road.

All matters are reserved on the basis on the above this is not acceptable.

Public Response

Site and press notices posted and nearest neighbours notified by letter. 27 letter, emails and webcomments have been received objecting to the proposal on the following grounds:

- the three storey aspect of the plans are ill-fitting for the strong charm and historic character that the village has. The elevated position would dwarf the adjacent terrace row although design issues could be resolved we feel the site is fundamentally unsuitable;
- water run off is a concern as is ground stability;

- this development will put more strain on schools;
- 11 parking spaces for current residents are proposed but there is no assurance that current residents will get the space on a daily basis;
- lack of parking and increased traffic in Blacko is a concern;
- concerned about Pendle Borough Council's proposals to reduce bus services through the village;
- one of my few pleasures is looking up at Blacko Tower, across the open fields and seeing wildlife and farm animals;
- previous applications have been rejected for many reasons which are still relevant today;
- the proposal would have a detrimental on visual impact and wildlife;
- there are numerous brownfield sites suitable for building in {Pendle which could give much needed affordable housing in are areas with more facilities;
- more houses loses the attraction of living in the countryside and will lead to Blacko merging with Barrowford and losing its attraction;
- any building would overlook and compromise the open aspect of the house and gardens and could impact on natural light;
- the proposed plans would jepodise our security to the rear;
- any building will have an adverse effect on drainage;
- since Hollin Fold was built water, telephone and electricity have been seriously affected;
- Blacko is a linear settlement infilling will ruin the character of the village whilst estate development would overwhelm it, the site is outside the settlement boundary;
- the Housing Implementation Strategy Five Year Housing Land Supply already meets and exceeds the target together with a buffer. The Pendle Local Plan Part 1 Core Strategy states inappropriate development in Green Belt is harmful;
- there are no 3 dimensional plans to show how much spoil would have to be removed;
- there is no prospect of employment in Blacko;
- this development would be visible from the Pendle Way and the Trough of Bowland AONB;
- a garden wall or fence at 2m on land 2.4m above us would result in loss of daylight to our property;
- the difference in levels and close proximity would result in both existing and proposed properties being overlooked;
- part of the garden wall is sagging and the applicant got LCC to build him a new dry stone wall due to vibration damage caused by heavy traffic, this development could lead to the collapse of walls;

- these houses are unlikely to be starter homes or limited to 19 houses;
- the Victorian sewage system can not cope with this development;
- this is green belt agricultural land, any previous developments in Blacko have been built on brownfield sites;
- the last time planning was asked for a garden on the other side of the road was asked for on agricultural land the council stated that it must not be used for any other purposes;
- given that the application is speculative with very little detail it is difficult to determine if it would meet the necessary criteria;
- the application seemingly proposes 19 houses or 9 houses or any number in between;
- if 19 dwellings this add over 70 people to the population an increase of over 10% with consequential impact on amenities such as schooling;
- represents a major overdevelopment swamping the current housing;
- the two houses at the top of the hill are isolated compared to the ones between the end of the terrace and post office and would overlook gardens. Detached houses would not be of a similar appearance to the traditional terraced housing;
- approval of this type of application will lead to others if successful;
- the village has won best kept village on a number of occasions and the proposed development will detract as it cannot keep character with buildings over a hundred years old;
- introducing another access road is unsafe and a contradiction of the local MP's campaign for road safety;
- the proposal would affect the view from the rear and kitchen and affect my house resale value;
- Blacko Tower is an iconic landmark and the proposed development would spoil the openness of Blacko;
- the application is misleading in terms of the size of the site;
- no thought or consideration has been applied to this sensitive site which will destroy the intrinsic beauty of Blacko Hill, the quality of life for many generations and the heritage assets will be destroyed;
- this development is unsustainable with the bus service being cut and no shop;
- the access would be virtually opposite the proposed access for the housing development at Hollin Hall Farm;
- the proposed removal of a tree line to the rear of our property where the proposed car park is to be built would affect the soakaway; and
- the application does not include for any affordable housing and as such does not comply with policy.

Comments on indicative plans supplied:

- The pedestrian exit from the car park is onto private land;
- does not resolve issues of wildlife,
- overlooking,
- deliveries and traffic would increase likelihood of field wall collapsing; and
- who would own the car parking spaces and police them?

Relevant Planning Policy

Code	Policy
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
ENV 7	Water Management
LIV 1	Housing Provision and Delivery
LIV 4	Affordable Housing
LIV 5	Designing Better Places to Live
SDP 1	Presumption in Favour of Sustainable Development
SDP 3	Housing Distribution

Officer Comments

The issues for consideration are compliance with policy, principle of housing, impact on amenity, ecology, drainage, highways issues and contributions/affordables.

1. Policy

The following Local Plan Part 1: Core Strategy policies apply:

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the roles each settlement category will play in future growth. Rural villages of which Blacko is one will accommodate development primarily to meet local needs.

Policy SDP3 identifies housing distribution in Rural Pendle as 12%. The total housing requirement for Pendle at the present time is 5662. Whilst Blacko is a rural village the amount of development proposed here is not disproportionate to the amount that Blacko could expect to accommodate over the 15 year plan period.

Policy ENV1 of the Replacement Pendle Local Plan seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting.

Policy ENV2 of the Pendle Local Plan Part 1 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 ENV7 does not allow development where it would be at risk of flooding and appropriate

flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies.

Policy LIV 4 sets out the targets and thresholds for affordable housing.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

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 paragraphs 18 to 219 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.

Housing supply

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years worth of their housing requirements.

Paragraph 55 of the Framework states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

Section 7 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 64 of the Framework states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." This is an unqualified paragraph. Unlike other sections of the Framework, it indicates that permission for development that is of poor design should be refused, without exception.

2. Principle of Housing

The application site abuts the settlement boundary of Blacko, taking this and its proximity of services and facilities in nearby Barrowford into account it is not an isolated site for the purposes of paragraph 55. Therefore, in location terms and in terms of the development's contribution to the economic role of sustainable development the proposed development accords with the Framework.

Pendle Borough Council has demonstrated in the Strategic Housing Land Availability Assessment a five-year supply of deliverable housing sites. This site had been included in this assessment as it is adjacent to the settlement boundary for Blacko, in a sustainable location and therefore the principle of housing on this site would be acceptable.

3. Impact on Amenity

The site lies adjacent to 440 - 460 Gisburn Road and would be sited opposite 511 - 563 Gisburn Road, 1 Hollin Hall and Hollin Hall Farmhouse.

The terraced properties on Gisburn Road lie at a lower level with an existing retaining wall to their rear gardens.

The site is on higher land and up to nineteen units would be located either side of the access track to Brownley Farm and adjacent to 440 and 460 Gisburn Road adjacent to the public footpath.

As the application is in outline only no details of layout, scale, design, materials, access or landscaping have been submitted. These details would be subject to a separate Reserved Matters application if the principle of residential development is found to be acceptable here.

In terms of impact on amenity the site can achieve an acceptable layout without unduly impacting on the adjacent residential dwellinghouse and those on the opposite side of the road would not be any more affected than at present.

Policy LIV5 requires all new housing development to make the most efficient use of land to be built at a density appropriate to their location taking into account townscape and landscape character. Details of the layout have not been submitted but based on 19 dwellinghouses the density would be approximately 31dph. This is acceptable and would accommodate a mix of house types.

Provision for open space and/or green infrastructure should be made in all new housing developments in order of priority:

1. On-site provision;
2. Contribution to off-site provision;
3. Enhancements of existing facilities in the area.

The amount and type of open space is dependant on the size of development, existing provision and density.

In this case the provision of green infrastructure along the north west and northern boundaries of the site would effectively screen the proposed development from views along the footpath and Open Countryside and blend in with the area of woodland to the west of the site on the opposite side of footpath 25.

The agent has agreed to accommodate this on site and further details will be provided in the Reserved Matters submission.

Comments have been regarding the loss of views and values to properties and potential impact on Blacko Tower. Loss of views and property values are not material planning considerations. Blacko Tower is a Grade II listed building and as such a Heritage Asset. This structure is a folly which is sited on the top of the hill some 530m from the proposed site of the development. This proposal therefore would not directly impact on the listed structure and its setting would not be unduly affected taking into account the existing housing and the distances involved.

Concerns have been raised that the proposed development would interfere with the privacy of a neighbouring property and therefore breach rights set out in Article 8 of the European Convention on Human Rights. The rights referred to are not absolute, they seek to protect individuals from unreasonable impacts rather than any impact. In determining planning applications such as this the Council must balance impacts on individuals against the economic and social benefits of providing new homes. The impact of the proposed development on the amenity of the occupants of the adjacent dwellings has been assessed against the Council's adopted policy and is acceptable.

4. Ecology

An Extended Phase 1 Habitat Survey has been submitted which is acceptable subject to the recommendations being conditioned.

5. Drainage

The site is not located within a flood zone. Lead Local Flood Authority are satisfied that an acceptable sustainable drainage system can be accommodated on the site and subject to appropriate conditions this would be acceptable.

Details of the proposed foul and surface water drainage system can be controlled by an appropriate condition which will improve the existing greenfield run off on the site and reduce the risk of flooding to nearby properties.

Therefore the proposed development is acceptable in terms of drainage and accords with policy ENV7,

6. Highways Issues

Whilst access does not form part of this application it is important that it is established at this stage that appropriate access to the proposed residential site can be achieved.

LCC Highways are satisfied that a suitable access for upto 19 dwellinghouses can be provided to this site

There is a footpath adjacent to the site to the western boundary, footpath 25. This would not be affected by the proposal and any obstruction or temporary closure would need to be agreed with the Countryside Access Officer.

The proposed development is acceptable in terms of highway safety.

7. S.106 Contributions/Affordables.

LCC Education has requested a contribution towards primary school places of £36,628.20. This request has been agreed in principle by the agent.

A request has also been made for the improvements of bus stop facilities on Gisburn Road. However, as the bus service is currently under review this has been request has been withdrawn by LCC Highways and they have instead requested a contribution towards lowering the speed limit for a section of Gisburn Road to 40mph instead of it going straight into a 30mph area this would improve highway safety along this stretch of this highway.

This would be appropriate for a development of this size and further details of this have been requested from LCC Highways. The agent has been contacted and requested to consider this request.

Policy LIV 4 requires proposals of 15 or more houses in Rural Pendle to provide 20% affordable units on the site. The agent has agreed to provide 3 affordable units on and this can be controlled by an appropriate condition.

Summary

The principle of residential development in this location is acceptable and upto 19 unit would not have a severe cumulative impact on highway safety and impact on amenity.

Details of scale, layout, appearance, landscaping and access are reserved matters for later consideration.

A contribution towards education has been agreed in principle and the agent is considering the highways request for improvements to Gisburn Road.

The agent has agreed to provide 3 affordable units on the site in accordance with LIV4.

Appropriate landscaping in the form of green infrastructure corridors can be accommodate within the scheme which accords with LIV5.

There is no potential issues with ecology and trees on the site.

As it stands this proposal is acceptable for residential development subject to appropriate conditions and accords with policies SDP1, SDP2, SDP3, ENV1, ENV2, ENV7, LIV1, LIV4 and LIV 5 of the Pendle Local Plan Part 1.

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 use of the land for residential development is acceptable subject to the submission of Reserved Matters and appropriate conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

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

1:2500 location plan.

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

4. No part of the development shall take place until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for education facilities.

Reason: In order to ensure that there are sufficient education places available in the area for those additional dwellinghouses.

5. The development shall not begin unless and until a scheme for the provision of three affordable houses have been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

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

6. The first submission of reserved matters shall include details of the proposed ground levels and a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess how the development will accommodate the varied land levels and control the final form.

7. The first submission of reserved matters shall include details of the provision of on-site open space.

Reason: In order to provide appropriate on-site open space provision for this development in accordance with policy LIV5.

8. The first submission of reserved matters shall include details of:
1. Surface water drainage scheme which as a minimum shall include:
 - a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
 - b) The drainage scheme should demonstrate that the surface water run-off must not exceed greenfield run-off rate (5 litres per second per hectare). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or

- removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing where applicable;
- f) Site investigation and test results to confirm infiltrations rates;
- g) details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- Reason:**
1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
 2. To reduce the risk of flooding to the proposed development, elsewhere and to future users.
 3. To ensure that water quality is not detrimentally impacted by the development proposal.

9. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

- Reason:**
1. To ensure that the drainage for the proposed development can be adequately maintained.
 2. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

10. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
 - b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - c) means of access for maintenance and easements where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

- Reason:**
1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development
 2. To reduce the flood risk to the development as a result of inadequate maintenance
 3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

11. A scheme for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

Reason: To control foul and surface water flow disposal and prevent flooding.

12. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- e) Details of wheel-washing facilities including location
- n) Location and details of site compounds
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

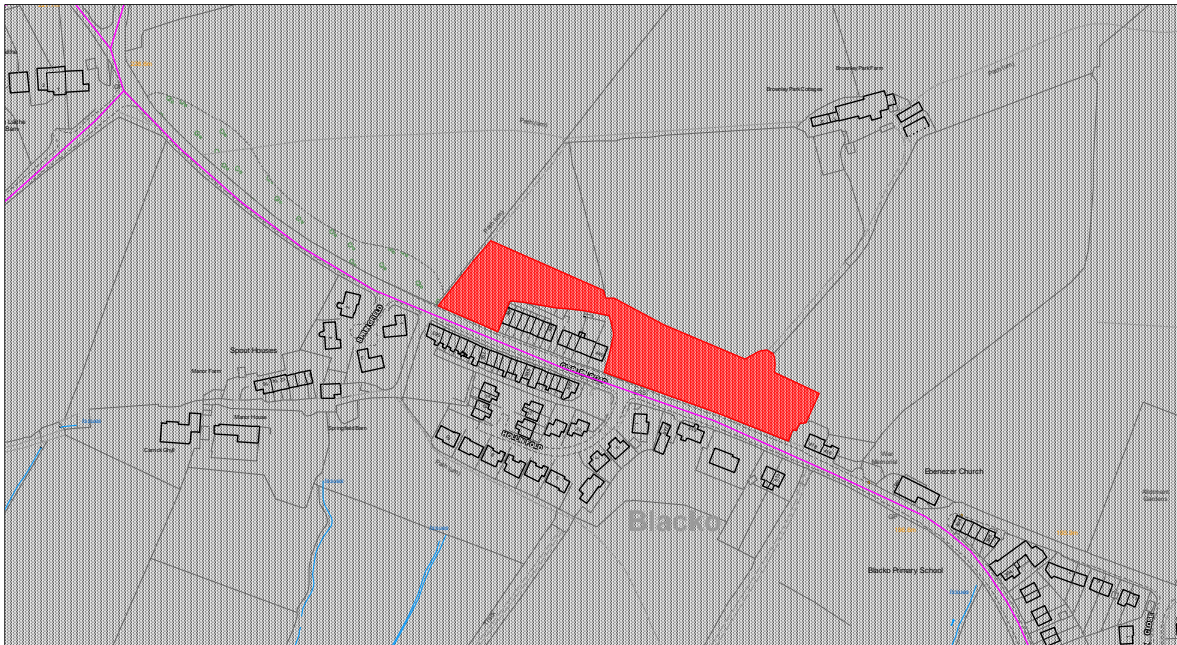
Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

13. The development shall be carried out in accordance with the recommendations set out in the Ecology Assessment dated 13th October, 2015.

Reason: To ensure protection of the habitat of bats and barn owls which are protected under the Wildlife & Countryside Act, 1981.

14. No tree within the site shall be cut down, up-rooted, topped, lopped, destroyed or in any other way damaged, nor any hedge within the site cut down or grubbed out, without the prior written approval of the Local Planning Authority.

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



Application Ref: 13/15/0624P

Ref: 19205

Proposal: Outline: Major: Residential development of up to 19 dwelling houses (All matters reserved).

At: PART OF FIELD NOS. 6777, 7878 AND 0083 GISBURN ROAD BLACKO
NELSON BB9 6LZ

On behalf of: Mr Greenwood

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 21 MARCH 2016

Application Ref: 13/15/0627P **Ref:** 19217
Proposal: Full: Change of use from offices (B1) to shop (A1).
At: 55 GISBURN ROAD BARROWFORD NELSON BB9 8ND
On behalf of: Mr G Ford
Date Registered: 29 December 2015
Expiry Date: 23 February 2016
Case Officer: Alex Cameron

This item has been referred to Development Management Committee as Barrowford and Western Parishes Committee were minded to Approve this application. The approval of this proposal would be a significant departure from policy.

Site Description and Proposal

The application site is an office building within a terraced row fronting Gisburn Road to the north side is a dwelling and to the south is a retail unit. The building has most recently been used as a Parish Council office.

The proposed development is the change of use of the building to retail use, the details submitted with the application indicate that the use would be as a computer games shop.

Relevant Planning History

13/92/0553P - Change of use to parish council offices and meeting rooms. Approved, 08/03/1993.

13/95/0136P - Variation of condition: delete use limitation condition 3 of 13/92/0553P. Approved, 02/06/1995.

Consultee Response

PBC Environmental Health - Please attach the following condition: The use hereby permitted shall not be open to customers or any other persons not employed within the business operating from the site outside the hours of 10.00 and 18:00 on weekdays and 10:00 and 18:00 Saturdays and Nil on Sundays, Bank or Public Holidays.

LCC Highways - We have some concerns regarding the limited on-street parking available at this location, together with potential disruption due to loading/unloading activity that could take place outside the premises on Gisburn Road (a traffic sensitive route). However as the proposed shop is within a row of properties containing existing shops then we would not object to this application.

Barrowford Parish Council - Barrowford Parish Council feels justified in saying that although the Local Plan has several weeks to run it has been superceded by the adoption of the Core Strategy and that its current relevance to Local Planning Policy is significantly diminished and should this application be turned down on the policies contained in the Local Plan defending such a decision at appeal could be both difficult and incur expenditure on behalf of the Borough Council.

Barrowford Parish Council although the vendors of this property have consistently shown support to other applications within Newbridge and have actively promoted Barrowford as a diverse retail experience encompassing all retail both within and outside the definitive shopping centre and

support this change of use back to the buildings previous retail status.

Public Response

10 neighbours notified - One response received objecting to the proposed development on the following grounds.

There is double yellow line in front of the property and this is one of the busiest road of the town and if someone do alteration to the property will cause major traffic delays. We already trading as Barrowford convenience store at 51/53 Gisburn road and we have already refit it to the modern standards there is no need of another same kind of shop just next door.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

Policy SDP5 (Retail Distribution) states that smaller-scale retail provision should be located within a town or local shopping centre.

Policy WRK4 (Retailing in Town Centres) states that retail uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

Replacement Pendle Local Plan

Policy 25 'Location of Service and Retail Development' of the Replacement Pendle Local Plan requires that retail proposals be located in the following order of priority:

- within a defined town centres, local shopping centre or local frontage;
- on an edge of centre allocated site;
- edge of a defined town centre; and
- Elsewhere outside of a defined town centre or local shopping centre with preference given to sites which are and will be well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre.

In areas 3 and 4 a Statement is required proving that the proposal requires extensive floor space which cannot be accommodated within the preferred town centre.

National Planning Policy Framework

The Framework states that Local planning authorities should apply a sequential test to planning

applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Principle of the development

The application site is located 350m outside of Barrowford Town Centre. Edge of centre locations are defined as sites up to 300m walking distance of the boundary of a town centre (Policy 25: paragraph 25.9). It would therefore need to be demonstrated that there are no alternative sites available first within the town centre and then with 300m walking distance of the town centre boundary. No sequential assessment demonstrating this has been submitted.

The proposed retail floor space is 41 sq m, the following similar sized retail premises are currently listed by estate agents as being available within Barrowford Town Centre:

112A Gisburn Road - 41 sq m
116-118 Gisburn Road - 47 sq m
River Way - 60 sq m
101 Gisburn Road - 36 sq m

The intention of both local and national policy is to concentrate new retail and service development in town centres in order to reduce vacancy rates and protect / improve the viability and vitality of town centres.

There are numerous vacant and available premises within Barrowford town centre, to allow a new retail use outside of the town centre would exacerbate issues of vacancy and harm the vitality and viability of Barrowford town centre.

The justification provided by the applicant that its primary customer base would be students from Nelson and Colne College and the unit would be within walking distance of the College is not a justification that could offset the above issue.

The proposed use is therefore contrary to policies SDP5, WRK4 of the LPP1, policy 25 of RPLP and the Framework.

Visual Amenity

The proposed use would not involve any external alterations and would result in no adverse visual amenity issues.

Residential Amenity

With a condition to control the hours of opening the proposed use would not result in any unacceptable residential amenity impact.

Highways

There is no off street parking within the application site, however, the proposed use would not have greater parking requirements than the existing use and is located close to public car parks and public transport. The proposed use is therefore acceptable in terms of highway safety.

Summary

The proposed retail use is located outside of a defined town centre, which has vacant properties that could accommodate the proposed use, and therefore the proposed change of use would be harmful to the vitality and viability of Barrowford Town Centre and contrary to policies 25, SDP5 and WRK4. The application is therefore recommended for refusal.

RECOMMENDATION: Refuse

For the following reasons:

1. The application site lies outside of the nearest defined town centre of Barrowford. Retail provision should be located within a defined town centre and then a sequential site selection process followed as required by policy WRK4 of the Pendle Local Plan Part 1: Core Strategy, policy 25 of the Replacement Pendle Local Plan and the National Planning Policy Framework. This proposal has failed to assess the retail impact on Barrowford Town Centre or provide a sequential approach and would be harmful to the vitality and viability of Barrowford Town Centre and fails to accord with policies WRK4 and SDP5 of the Pendle Local Plan Part 1: Core Strategy, policy 25 of the Replacement Pendle Local Plan and paragraphs 23 and 24 of the National Planning Policy Framework.



Application Ref: 13/15/0627P

Ref: 19217

Proposal: Full: Change of use from offices (B1) to shop (A1).

At: 55 GISBURN ROAD BARROWFORD NELSON BB9 8ND

On behalf of: Mr G Ford

LIST OF BACKGROUND PAPERS

Planning Applications

NW/HW

Date: 9th March 2016