

Agenda Item 7

Planning Application 22/0197/FUL Land at Oaklands:

Application 22/0197/FUL was refused at the Policy & Resources Committee meeting held on the 21st July 2022. The decision was against Officer Recommendation and was refused on the following grounds: (copied from the Notice of Refusal)

Reasons for refusal:

- 1. The proposed development is served by inadequate highway infrastructure including a lack of adequate footpaths along Church Street. The development would therefore lead to a situation where there would be an unacceptable impact on highway safety, contrary to Policy ENV4 of the Local Plan: Part 1 Core Strategy, Policy BNDP 03 of the Barrowford Neighbourhood Development Plan and section 9 of the National Planning Policy Framework.*
- 2. The development would result in harm to the significance of the Barrowford Conservation Area due to the alteration of the historic Oaklands Estate parkland wall and harmful impact upon the setting of the Conservation Area. This would result in less than substantial harm to the Conservation Area which is not outweighed by the public benefits of the development and is therefore contrary to Policy ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy, Policy BNDP 01 of the Barrowford Neighbourhood Development Plan, the guidance of the Conservation Area Design & Development SPD and section 16 of the National Planning Policy Framework.*
- 3. The development is poorly designed and not in keeping with the character of the area and therefore would result in unacceptable harm to the visual amenity of the area contrary to Policies ENV2 and LIV5 of the Local Plan Part 1: Core Strategy, Policy BNDP 01 of the Barrowford Neighbourhood Development Plan and section 12 of the National Planning Policy Framework.*

If the applicant goes to appeal the reasons for refusal can be defended:

1. The road traffic issues are not included as they were not substantiated by the Highways Authority, the sole Highways Objection is on the substandard or no footpaths to the highway on Church Street and its impact on safety. The footways that exist are considerably below the guidelines on width and this would be difficult to address given the total width of the carriageway.
2. The detrimental effect on the Conservation Area discussed in reason 2 which include the Historic Oaklands Park Wall and the impact on the setting of the Conservation Area. The wording, "This would result in less than substantial harm to the Conservation Area which is not outweighed by the public benefits of the development", is not the most robust rebuttal and could be viewed as subjective and open to interpretation when a more robust defence of that specific area of the Conservation Area could have shown the high regard that both Pendle Borough Council and Barrowford Parish Council hold the Conservation Areas.
3. The design is not of a great standard and would affect the Conservation Area but not only is it of a generic style the lack of mix of property types do not produce the improve or widen the housing stock through the lack of affordable and bungalow type properties which is not consistent with the Neighbourhood Plan.

If this refused application goes to appeal the Council may need to submit stronger representations for the reasons for refusal dependant on Pendle Borough Council's response.