



**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: BARROWFORD AND WESTERN PARISHES COMMITTEE**

**DATE: 5<sup>th</sup> SEPTEMBER, 2019**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

# REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 5<sup>th</sup> SEPTEMBER 2019

**Application Ref:** 19/0417/FUL

**Proposal:** Full: Change of use from Farm Education Centre with ancillary shop and cafe to Farm, Farm Shop (100sq.m.) (Use Class A1) and Cafe (280 sq.m.) (Use Class A3).

**At:** Roaming Roosters, Barrowford Road, Higham

**On Behalf of:** Road Engineering Ltd.

**Date Registered:** 01 July, 2019

**Expiry Date:** 26 August, 2019

**Case Officer:** Kathryn Hughes

This application has been referred to committee as it has received three objections.

## **Site Description and Proposal**

The application site is a vacant commercial building with land located in the green belt and designated Open Countryside. It is surrounded by fields to three sides with a bypass to the south. The building has been previously used as a farm education centre, restaurant, shop with ancillary uses. It has parking areas to the side and rear.

The proposed development seeks to change the use of the building to a farm shop and café. There are no external alterations proposed in support of the change of use.

## **Relevant Planning History**

13/10/0307P – Full: Major: Change of use of 2 no agricultural buildings to form farm educational centre, offices, prep & workspace for management of Roaming Roosters, ancillary Cafe and Shop and formation of car park and wildlife pond – Approved with Conditions – August 2010.

13/13/0163P – Full: Erection of 2 No. extensions to rear to form livestock accommodation, food preparation and storage areas – Approved with Conditions – May 2013.

## **Consultee Response**

**LCC Highways** – It is considered necessary to improve the western visibility splay by minor re-grading of the grass verge and to widen the site access to allow 2 vehicles to pass side by side with enlarged radii kerbing arrangement to reduce the conflict level and to allow vehicles to safely and more efficiently enter and leave Barrowford Road with minimal conflict. The junction geometry should be determined by a swept path analysis to ensure that vehicle conflict is minimised.

This application is considered an intensification of use from the original approved use and should this application be approved we would consider it necessary to include a condition that a scheme is submitted and approved for the improvement of the site access to address the safety related concerns.

There are currently 70 car parking spaces on existing hard standing which is a compacted stone surface which prevents the car parking spaces being marked out on the ground. The car parking standards for 100sqm A1 Farm shop, ratio 1:14sqm, equates to 7 car parking spaces and 280sqm

Café A3, ratio 1:8sqm, equates to 35 spaces. This totals 42 spaces. There should be a minimum of 4 disabled parking spaces, 1 motorcycle space and 4 cycle spaces provided.

There are buildings on the site which are not accounted for in the floor area and additional information is requested to understand how these buildings will feature in the business.

There appears to be sufficient areas of existing hard standing to the rear of the buildings to accommodate service vehicles and to ensure that all vehicles enter and leave Barrowford Road in forward gear.

Lancashire Constabulary

Higham Parish Council

## **Public Response**

The nearest neighbours have been notified by letter and a site notice was posted. Comments have been received objecting on the following grounds;

- Commercial nature of the application;
- Inappropriate development for green belt;
- Operations of the previous business;
- Highway safety;
- No further need for the proposal.
- The development would be an incursion of a green belt asset.
- Stating local employment is a smokescreen as it will probably be low paid minimum hours for younger people.
- The area is well served by dining and shopping facilities.
- By far and away my main objection is that I feel that the Pendle public and local authority were “taken for a ride” by the last venture and allowing a re-opening will make a mockery of greenbelts, road safety and fair business.
- Original consent only granted on the basis that the primary use was for a farm education centre with ancillary shop.
- If pp is granted it would override the original reasons for allowing it and the restrictions placed on it.

## **Officer Comments**

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (NPPF) must be given full weight in the decision making process. Other material considerations may then be set against the Local Plan policies so far as they are relevant.

The main considerations for this application are the principle of development and highways.

### **1. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are;**

- CS Policy SDP2 (Spatial Development Principles) states that proposals to development outside of settlement boundaries will only be permitted for those exceptions defined in the NPPF, or specific policies in the development plan;
- CS Policy SDP5 (Retail Distribution) states that provision for new retail facilities in rural areas may be considered if the development involves the reuse of an existing building;

- CS Policy ENV4 (Promoting Sustainable Travel) 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;
- CS Policy WRK1 (Strengthening the Local Economy) promotes the reuse of former agricultural buildings in rural areas as a way to minimise greenfield development;
- CS Policy WRK4 (Retailing and Town Centres) supports the reoccupation of vacant floorspace. Within rural locations that are outside of Rural Service Centres the policy supports retail development in sustainable locations that would serve a niche tourism market.

Other policies and guidance's are also relevant:

- Saved Policy 25 (Location of Service and Retail Development) supports proposals that would require extensive floor space which cannot be accommodated within town centres, local shopping centres or edge of centre retail sites;
- Saved Policy 31 Plan (Parking) sets out appropriate parking standards for new developments.

National Planning Policy Framework

- Paragraph 84 states that 'planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist;
- Paragraph 146 states that 'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that the buildings are of permanent and substantial construction;

**2. Principle of Development**

The application seeks to use the premises as a farm, farm shop and café. The approved use was based on a premise that the use would be an educational one with other facilities supporting that including a café and shop. The majority of the products sold were be locally sourced although the product line was not required to be solely locally or solely produced on the farm associated with the development.

The proposal is to carry out a similar format with the land being used for farming with the shop on site being a farm shop selling local produce. There would also be a café. The proportions of floorspace given for the shop and café are similar to those previously approved.

Concerns have been raised about the impact on green belt as well as the location for the retail element. The proposal does not seek to expand the building on site nor to alter the external layout. The proposal does not physically have any impact on the openness of the green belt nor on the visual and landscape quality of the area.

Paragraph 146 of the Framework indicates that the re-use of buildings that are substantial and permanent construction is not inappropriate development. The building here is both permanent

and substantial and the use of it for the purposes proposed would have no impact on the green belt.

Regarding the retail element, a number of policies in the development plan support the reuse of buildings for retail developments in rural locations. The site occupies a sustainable location and is well served by existing road networks. The site does not benefit from regular public transport links however this is often the case with rural sites.

The site already has a retail element to it. The proposal would not alter that and as there is an existing retail use it would not be necessary to undertake a sequential test to see if that use should be located in a town centre.

The proposal is still to link the products sold on site to those associated with the farming activities although the product range would not be exclusive to home grown products. That is the same as the previous application.

The Agent has confirmed that the land associated with the building would be used to produce food to be sold on site. In effect the change from the current use to the one proposed would be the removal of the education element to how the site would be operated.

It would be appropriate to include a condition to limit the product range that could be sold on site as well as limiting the sales area and café to the areas shown on the submitted drawings. That would ensure that the development remains one associated with farming and not a general retail site or restaurant.

### **3. Residential Amenity**

The proposal would have no unacceptable impacts on residential amenity in accordance with Policy ENV2.

### **4. Highways**

LCC Highways have raised concerns about the level of parking available to service the development. The site has existing hardstanding that would provide 70 spaces in compliance with Saved Policy 31. A condition is attached to ensure the parking spaces are clearly marked out with separate areas for disabled and motorbike parking. A cycle storage condition has also been added to encourage sustainable transport in support of the requirements of Saved Policy 31 and Paragraph 84.

Concerns have been raised about highway safety. The sites access benefits from good visibility in both directions of traffic. However, the existing access is not wide enough to allow two vehicles to pass side by side. On occasions this may result in vehicles being stationary on the bypass whilst gaining access. Conditions are therefore added to ensure the access is widened and remains free from obstruction in order to optimise highway safety. Subject to that being adequately achieved, the proposal would have no unacceptable impacts on highway safety in accordance with Policy ENV4.

### **5. Summary**

The proposal seeks to change the lawful use of the site to a farm shop and café with supporting agricultural uses. The proposal would involve the reuse of a vacant building and the ancillary café and retail uses proposed are acceptable in principle. Subject to appropriate conditions, the proposal would also be acceptable in terms of residential amenity and the road network in compliance with SDP2, SDP5, ENV4, WRK1, WRK4, Saved Policies 25 and 31 and Paragraphs 84 and 156.

## **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 proposal is acceptable in terms of design and materials and would not unduly adversely impact on amenity subject to 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. 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 strict accordance with the following approved plans: 19/022/1, Existing Title Plan and Proposed Title Plan.

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

3. Prior to the A1/A3 uses hereby approved being brought into use, a scheme for the widening of the site access and the off-site works of highway improvement shall have been submitted to and approved in writing the Local Planning Authority and the works shall be completed in accordance with the approved details prior to the site being open to customers.

**Reason:** In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before any development commences on site in the interest of highway safety.

4. Prior to the A1/A3 uses hereby approved being brought into use, a scheme for not less than 42 car parking spaces, together with separate parking areas for disabled motorists, motorbikes and turning facilities to enable vehicles to egress the site in forward gear, shall have been submitted to and approved in writing by the Local Planning Authority. The spaces shall be surfaced in a bound porous material and shall be made available for use in accordance with the approved plan prior to the site being open to customers. The spaces and manoeuvring areas shall thereafter be maintained in perpetuity with the development.

**Reason:** To ensure the site is served with adequate parking in the interest of highway safety.

5. Prior to the A1/A3 uses hereby approved being brought into use, a minimum of 5 cycle racks with appropriate signage shall be provided within the site, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle racks shall thereafter be maintained in perpetuity with the development.

**Reason:** To provide facilities to optimise sustainable travel to the site.

6. The A1 use hereby approved shall be limited exclusively to a farm shop and that element of the development shall be used solely for the retailing of produce from land associated with the development or a product list to be agreed in writing by the Local Planning Authority.

**Reason:** To ensure that an unrestricted trading use is not undertaken from the premises in the interest of protecting the amenity of this rural location and without compromising retail policy designed to re-enforce established centres.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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. The visibility splay 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 access from the continuation of the nearer edge of the carriageway of Barrowford Road to points measured 160m in each direction along the nearer edge of the carriageway of Barrowford Road, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

**Reason:** To ensure adequate visibility at the site access.

8. The bistro and farm shop shall be limited to those areas shown on the approved plan "Proposed Title Plan" only and no other parts of the building shall be used for those purposes at any time.

**Reason:** To ensure that those elements remain ancillary to the main use of farming in order to prevent the establishment of an independent out of town retail and café facility.

### Informative

The grant of planning permission will require the applicant to enter into a Section 278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) in the first instance to ascertain the details of such an agreement and the information to be provided.



**Application Ref: 19/0417/FUL**

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**At:** Roaming Roosters, Barrowford Road, Higham

**On Behalf of:** Road Engineering Ltd.



## REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 5<sup>TH</sup> SEPTEMBER 2019

**Application Ref:** 19/0535/FUL

**Proposal:** Full: Erection of 2 detached dwellinghouses with associated parking and landscaping (Resubmission).

**At:** Land Adjacent Yate House, Ridge Lane, Roughlee.

**On behalf of:** Mr and Mrs Coates

**Date Registered:** 15.07.2019

**Expiry Date:** 09.09.2019

**Case Officer:** Charlotte Pinch

### **Site Description and Proposal**

This application is to be decided at committee as it has received more than three objections. The application site is an undeveloped piece of agricultural land, sited in a valley location, directly adjacent to White Hough Water and Blacko Bar Road. The site is within the Open Countryside and Forest of Bowland AONB. The north eastern edge of the site lies within Flood Zone 2 and 3. The proposed development is for two detached self-build dwellings, one of two storeys and the other 1.5 storeys. The application includes associated access, driveway, landscaping and one detached double garage.

### **Relevant Planning History**

19/0133/FUL

Full: Erection of 3 detached dwellinghouses and one detached double garage with association parking and landscaping.  
Withdrawn. 2019.

### **Consultee Response**

#### **LCC Highways**

This application is a resubmission of application 19/0133/FUL for 3 detached dwellings on the same parcel of land. The agent has addressed the concerns which were raised previously.

#### **New site access – Blacko Bar Road C670**

The amended layout provides a suitable site access for two dwellings with sufficient visibility splays of X2m and Y43m in both directions along Blacko Bar Road over land within the control of the applicant or the public highway.

The internal road must be a bound porous material and measures must be implemented to prevent any surface road water flowing onto Blacko Bar Road at the site access. No connection into the highway drainage system will be permitted.

#### **Parking and servicing**

Plot 1 has 4 bedrooms proposed with a detached double garage.  
Plot 2 has 3 bedrooms proposed with an attached double garage.

This is suitable to accommodate the vehicles and cycle storage. An electric vehicle charging point at each dwelling is requested.

There is sufficient space to allow all vehicles, including service and emergency vehicles to enter and leave Blacko Bar Road in forward gear.

There is no objection to the proposal subject to suitable conditions.

### United Utilities

With reference to the planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

A large diameter trunk main crosses/borders the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines'.

Both during and post construction, there should be no additional load bearing capacity on the main without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. We recommend the developer contacts United Utilities for advice on identifying the exact location of the water main. They can contact us [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

### Environment Agency

We have no objection to the development as proposed, subject to the application of the planning condition in relation to flood risk noted below.

We have reviewed the FRA produced by Flood Risk and Drainage Solutions (Report no. 2019-006-B, dated 8 July 2019) and the topographical survey produced by TriCAD Solutions Ltd. (drawing number TRI-2551-01, dated 22 Jan 2019) submitted with this application. We are satisfied that the proposed dwellings are in Flood Zone 1 and therefore at low risk of flooding. However, we would request that a suitable condition is applied to ensure that flood risk is not increased elsewhere.

### Roughlee Parish Council

The application was considered by Roughlee Parish Council at their meeting on 5th August. This application is a revised version of an earlier proposal, 19/0133/FUL, which was withdrawn. Having listened to representations from the applicants the Parish Council voted unanimously to object to this application. The main reasons for objection are as follows:

1. The site is in open countryside, outside of the settlement boundary, and separated from the main village area by the river. The proposal is for 2 large detached dwellings unrelated to the existing village. Whilst the revised application has reduced the number of houses their size and distribution on the site effectively creates a built environment to the south of the river and comprises a major and discordant intrusion into the open countryside and the AONB. As such the scheme is out of character with the area which is typified by open land interspersed by small groups or individual buildings most of which have a historical relationship to the landscape. It is

also noted that the layout allows the potential for further development on the western side of the application site. Although annotated as a wildflower meadow this land would effectively constitute an infill plot between house 2 and the existing, although uncompleted, Dabs House.

2. The site is within the AONB and would be highly intrusive and damaging to the landscape of the area. The NPPF, February 2019, states, paragraph 172, "Great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's which have the highest status of protection in relation to these issues." The proposal does not conserve or enhance landscape and scenic beauty and is, therefore, contrary to paragraph 172 of the NPPF.

3. The Council's adopted Core Strategy, Policy ENV 1, similarly accords great weight to conserving landscape and scenic beauty in the AONB. It also states; "In addition, proposals will be considered on a needs basis, should be in scale, and have respect for their surroundings." The application argues that the houses are to meet a local housing need and the Parish Council discussed this at length with the applicants. Whilst one of the houses is to meet the needs of a growing family who live close to the village the other house is not directly related to local need. Also, with regard to the one house, other less damaging options may be available to meet any local need and these have not been explored or evidenced. The principle reason put forward for the development of this site is that it is owned by the applicant. Clearly this does not justify overriding planning policy. The scheme also fails on those aspects of Policy ENV 1 relating to scale and respect for their surroundings.

4. Although the statement accompanying the application argues that the site is not visually prominent it does not take account of many views from the north, for example, Heyes Lane. In addition to these distant views the site would dominate the Blacko Bar Road approach to the village and would appear out of scale and character with the existing settlement.

5. The Parish Council also considered the relevance of the Core Strategy Policy LIV 1 which, in some circumstances, allows development close to but outside of the settlement boundary. However, such sites will only be supported where they accord with other policies of the plan. In this case the development is clearly not supported by Policy ENV 1 and Policy LIV 1 is, therefore, not relevant.

6. Another concern relates to the proximity of the scheme to important habitat areas. The proposed houses front the river and the eastern house abuts existing woodland. Both the river and the woodland are important local habitats. Domestic development next to habitats can cause problems from, for example, garden run-off and domestic pets.

The ecology report accompanying the application mainly relates to the field which is improved grassland and therefore of low habitat value. The report does not consider impact on the river or woodland.

7. Whilst every planning application should be considered on its merits there is no doubt that approval of this application would weaken controls to protect the AONB. An approval for housing would be used to justify the release of many similar sites throughout Pendleside.

8. Finally the Parish Council are concerned about access to the site and in this regard would refer to the comments of Lancashire County Council in their letter dated 2nd April relating to the original, withdrawn, application. This letter required visibility splays of 43m x 2m to the nearside kerb in both directions and that the splays should be either on highway land or on land controlled by the applicant. The letter states that this is likely to require the repositioning of the site access to the north east along Blacko Bar Road.

In the new application the drawings have been amended to show the requisite visibility splays but given the proximity of the bridge and the sharp bend to the east and the boundary of the house to

the south west these cannot be achieved to the nearside kerb and have to be measured to a point midway across the highway carriageway. Even with this concession the splays would require removal of the crenulated wall fronting the site which, together with the wall to the north side of the road, is a significant feature defining the character of the village. Whilst the application proposes that the wall be set back along the visibility splay the existing character of this approach to the village would be lost.

9. Other aspects of the Highways letter are also cause for concern. The scheme cannot be connected to the highway drainage system which will increase the possibility of polluting run-off into the river. This highlights concerns relating to local habitats dealt with in point 6 above. We note that the development does not meet the NPPF sustainability principles, which has relevance to similar development proposals in Pendleside. We are surprised that the Highway Authority do not object on safety grounds to the increased use of the cross roads. As they say the existing infrastructure is below the current standards and cause for concern. As local people we know, anecdotally, that traffic has increased significantly since the survey in 2013 and that use of the cross roads is becoming increasingly difficult.

In summary the Parish Council are very much opposed to the principle and detail of this proposal and trust that you will recommend the application for refusal.

### **Public Response**

The nearest neighbours were notified by letter, in addition to a site notice being posted. Five letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- The village requires no further dwellings.
- Existing sites within the village already being considered for a number of houses.
- Sites available for development which would do less harm to the countryside or village.
- There is only local need justification for one dwelling.
- Could lead to further development in the area.
- The proposed new access onto Blacko Bar Road would add further danger for pedestrians and drivers.
- It would detract from the rural experience and heritage.
- Risk of flooding to sites in this location.
- Loss of natural soak away land.
- Detrimental impact to the AONB and many viewpoints.
- Would be visually very prominent from the road as you approach Roughlee.
- The site is home to a number of habitats for wildlife and bird species.
- No capacity for additional parking on the site.

In addition, one letter of support was received, their comments can be summarised as follows:

- Small scale family development.
- Sympathetic to the protection of the AONB and the village environment.
- Some development should be allowed within the village.

### **Officer Comments**

#### **Policy**

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

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to 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) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets. The proposals compliance with this policy is addressed in the design and amenity sections.

Policy LIV1 (Housing Provision and Delivery) sets out the housing requirements for 2011 to 2030 and how this will be delivered. It allows for sustainable development outside of settlements to come forward until the part 2 plan has been approved.

Policy LIV3 (Housing Needs) provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV5 (Designing Better Places to Live) requires that layout and types of development reflect the site and the surroundings, to meet borough-wide requirements for housing stock.

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy SDP3 (Housing Distribution) advises on the spatial distribution of new housing.

#### Replacement Pendle Local Plan

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

#### 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.

Paragraph 59 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA was updated in support of the publication of the Core Strategy.

Paragraph 78 requires that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 172 requires great weight to be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Forest of Bowland AONB Supplementary Planning Guidance (SPG) December 2003.  
Development in the Open Countryside Supplementary Planning Guidance (SPG) September 2002.

#### **Principle of Development**

The impact on the Open Countryside and the Forest of Bowland AONB must both be addressed when deciding on the acceptability of residential development on this site.

Paragraph 78 of The Framework deals with rural housing, it states that “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.”

The application site is located outside of the settlement boundary of Roughlee, however Policy LIV1 allows for new housing development on non-allocated sites, provided they are within or very close to the settlement boundary. The site is located 140 metre walk from the edge of the nearest settlement boundary of Roughlee, in which a primary school, pub and shop are offered. There is a bus stop within 100 metres of the application site at the junction of Barley New Road and Jinny Lane, which would provide access to neighbouring towns and villages.

Consideration must be given to the appeal at Field No. 6891 Ridge Lane (13/16/0027P) which is 60 metres from this application site and 60 metres further from the settlement boundary. The inspector concluded that the proposal would not be an isolated new home, by virtue of its proximity to a bus stop and existing intermittent properties adjacent to the open countryside on Jinny Lane and Ridge Lane.

Taking this into account, the houses would not be isolated from nearby dwellings or the settlement of Roughlee, despite the location of the settlement boundary and them being in a prominent position. The availability of public transport is also recognised, therefore the proposal would not result in isolated new homes and therefore would be acceptable in principle within the Open Countryside.

Secondly, the application site is located within the Forest of Bowland AONB. Paragraph 172 of The Framework, states that “great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.”

The AONB SPG advises that the AONB is not suitable for major housing developments, however policy must allow for housing to meet the needs of local people. Furthermore, the construction of new dwellings in the AONB is unacceptable unless necessary for agricultural or forestry workers, dwellings to meet local need, low cost housing or replacement of an existing dwelling. The scale and design of existing buildings should be respected.

The SPG also states that all proposals for new housing must meet a valid local need and must be accompanied by a Housing Needs Statement demonstrating the development would meet such a need.

This guidance was adopted in 2003, when development outside of settlement boundaries was not acceptable. This requirement for a housing needs statement is not compliant with the NPPF and therefore is not necessary when assessing this proposal.

It is noted that a ‘valid local need’ is referred to in the appeal decision for the site on Ridge Lane, however the inspector does not put in place any controls to ensure the dwelling remains for local need.

Nevertheless, extensive details have been provided by the applicant to demonstrate the local need for the development, outlining that this proposal is a self-build project for one local family. The applicant owns the application site, land he had previously purchased from his father in 2009, and has resided in Roughlee for a long period, more recently renting an apartment at Ridgaling Barn for 8 years. The applicant has a young family and their current apartment is not suitable for their needs, however financially they have been unable to afford a dwelling of a suitable size within the area. They run two business locally and need to reside within the area for the functioning of the businesses.

The second dwelling is for the applicant's mother and father-in-law, who are originally from the Roughlee and Barley area. They are looking to create a single storey smaller retirement home, following the sale of their large property in Nelson. They are the main carers for their young grandchildren and are required to be nearby to provide childcare, as well as assisting with the running of the family farm and fishery lakes in Barley.

Both properties will be self-build, constructed by the applicant and his father in law, who both have experience as tradesmen.

Furthermore, the AONB SPG details that any development should have special regard to the surrounding buildings and should not compromise the village character. The scale and design of existing buildings should be respected, as well as the character and beauty of the AONB. The proposed development would be sited in a valley location, so as not to be prominent in the landscape, it would be sited to one side of the plot, allowing for valley views to be retained to the east of 'Dabs House'. It would carefully utilise the existing screening along White Hough Water to the north and woodland to the east to obscure it from views on two sides. Within 60 metres of the site to the east and west there is existing dwellings and built form, so the proposed houses would not appear as isolated or disjointed development.

Careful consideration has been given to the siting and orientation of the dwellings within the plot, using House 2 to block views of the larger House 1. Moreover, the design of both properties carefully emulates that of traditional converted barns, which is very sympathetic to the area. The use of natural stone, small fenestration features and a green roof on House 2 works well to help blend the development into the landscape.

The proposed residential development in this location would not prevent panoramic views or a sense of openness in this area, nor would it result in a dominant form of development that would cause significant harm to the AONB. In this instance the proposed site would be in a sustainable location and the principle of housing acceptable, which accords with Policy LIV1.

## **Design**

It is of paramount importance that any development in the AONB respects the character of the area and, where possible seeks to enhance the natural beauty. New buildings should have minimal visual impact on the landscape. Most new buildings should be located within the existing settlements and should avoid skyline locations.

In accordance with Policy ENV2, new buildings should be constructed of materials which complement the character or appearance of the surroundings. Stone should be used on elevations and roofs should be constructed of natural blue or stone slates.

The two dwellings are of a detached nature, with generous open space about them. They are sited at the bottom of a valley, contain the built form within a compact area and do not constitute a skyline location. The dwellings would be screened to the north and east by existing mature hedging and woodland. The properties have been carefully positioned to significantly obscure views of House 1 when viewed down the valley, also retaining a large view point area to the west of the development, ensuring long ranging views are not significantly impacted.

House 1 is to be sited to the east of the site and is two storey in nature, with a detached double garage. It has a flat fronted barn like appearance on the northern elevation, with small fenestration features, however includes gable features and larger glazed openings on the south and east elevations, which are most obscured from public viewpoints. A small number of modest roof lights are shown sporadically and a traditional style chimney features.

House 2 is predominantly single storey, with a small first floor mezzanine section, retaining a low non-dominant appearance within the countryside. The most visible north west elevation is relatively blank, with a few small openings, obscuring views of the rest of the development. The combination of natural stone and green roof enhances the properties ability to blend into the landscape. Although the dwelling includes a long rear projection, this would be at a significantly lower height than the main dwelling and would not be visible from the prominent north west elevation.

Both dwellings would be constructed of natural random stonework, grey slate roof tiles, slim framed timber windows and small portions of timber cladding. In addition, House 2 would have a green roof on the north west and south east elevations. These materials are traditional and sympathetic to the area, emulating similar barn conversions locally, nevertheless the exact materials used can be secured by an appropriate condition.

As a result, the proposed design and landscape impact of the development would be acceptable and therefore accord with Policy ENV2 and the AONB SPG.

### **Impact on Amenity**

The proposed dwellings would be sited to the north of the application site, set back from White Hough Water. The dwellings would retain good space about them and be set within generous grounds.

House 1 and House 2 would be sited with a 24 metre separation distance between each front door. The closest points would be to the south of the dwellings, a minimum distance of 17 metres. Given the orientation and aspect of each property, these are sufficient separation distances to ensure no significant detrimental overlooking impacts to future occupiers of each property. The closest dwellings outside of the application site are 'Dabs House' to the south west and 'The Studio' to the north east, both are in excess of 46 metres away. 'The Studio' is heavily obscured by existing trees and hedging bordering White Hough Water and Blacko Bar Road. It is concluded there will be no significant detrimental impacts on residential amenity of existing neighbouring occupiers, as a result of this development.

### **Highways and Access**

The site would gain access from Blacko Bar Road and the existing stone boundary wall is to be re-positioned to provide suitable visibility splays. The access road within the site is of a sufficient size to allow for fire and refuse vehicles to turn and exit onto Blacko Bar Road in a forward gear. Each property has a large driveway and double garage. In accordance with Policy 31, sufficient on plot parking space is provided for each dwelling.

### **Flooding**

A small proportion of the site, adjacent to White Hough Water, is within Flood Zone 2 and 3. A Flood Risk Assessment was submitted, which concluded the north east of the site may be affected marginally by flooding, but the footprint of the proposed properties are anticipated to remain unaffected. Some mitigation measures are recommended, which can be secured by an appropriate condition.

### **Ecology**

A Preliminary Ecological Assessment was submitted as part of the application, the report was produced following a daytime survey carried out on 28<sup>th</sup> February 2019. The assessment concluded the land is considered to be of low conservation value, with no habitats of note present and no EPS Licence is required for the development to proceed lawfully. However, it is



recommended that any lighting design ensures White Hough Water is maintained as a dark corridor to ensure minimal disturbance to commuting bats, this mitigation can be secured by condition.

### **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 the Local Plan and National Planning Policy 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:** In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
07A, 09A, 05A, 11, 03A, 04A, 06A, 08A, 02, 10, TRI-2551-01 and MR19-025/101 RevB.

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

3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) including fascias, rainwater goods, windows, doors, wall and roof materials shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. The external wall samples as required by Condition 3 above shall be provided by means of the erection on site of a one metre square sample panel of stonework including proposed mortar mix and joint detail, for the written approval of the Local Planning Authority. The panel so approved shall not be removed until such time as the external walls are complete.

**Reason:** To ensure that the proposed external appearance of the walls of the development can be properly considered.

5. Prior to any above ground works, samples of the materials to be used for all hard surfacing of the development hereby approved, shall have been submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall be completed in accordance with the agreed details, prior to occupation of the first dwelling.

**Reason:** In order to ensure an acceptable finish to the development.

6. Prior to any above ground works, full details of all boundary treatments to be erected or planted on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details, prior to occupation of the first dwelling.

**Reason:** In order to ensure that the site is properly bounded and creates an acceptable finish to the development.

7. The windows and doors shall be recessed by at least 70mm, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure an acceptable appearance of the development.

8. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the erection of the external walls of the 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 dwelling is occupied.

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

9. The development shall commence in strict accordance with the recommendations of the NPPF Flood Risk Assessment (2019-006-B Date: 08/07/2019).

**Reason:** To ensure the site and the future occupants do not suffer from the impacts of flooding in the future.

10. The development shall be carried out in strict accordance with the recommendations set out in the Preliminary Ecological Assessment 01/03/2019.

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

11. All landscaping must be implemented in accordance with approved plan MR19-025/101 RevB.

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 appropriate landscape design and in the interests of the visual amenities of the area.

12. The existing hedgerow on the northern border of the site, adjacent to White Hough Water, shall be retained permanently and in its entirety. Any part of the hedge removed without the Local Planning Authorities consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Local Planning Authority.

**Reason:** To ensure the continuity of amenity afforded by existing hedges or hedgerows.

13. No development shall take place, including any works of clearance, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
- i) The parking of vehicles of site operatives and visitors
  - ii) The loading and unloading of plant and materials
  - iii) The storage of plant and materials used in constructing the development
  - iv) The erection and maintenance of security hoarding
  - v) Wheel washing facilities
  - vi) Measures to control the emission of dust and dirt during construction
  - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii) Details of working hours
  - ix) Details of surface water discharge during construction period – no surface water must be discharged onto the highway

**Reason:** In the interest of highway safety.

14. The development shall not commence unless and until a scheme for the site access has been submitted to and approved in writing by the Local Planning Authority. The visibility splay at the site access shall be that land in front of a line drawn from a point 2m measured along the centre line of the proposed road to points measured 43m in each direction along the nearer edge of the carriageway of Blacko Bar Road, from the centre line of the access, and shall be constructed and maintained no higher than 1m above the carriageway level. The approved scheme shall be implemented prior to the first use of the site unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interest of traffic flow and highway safety.

15. Before the dwellings hereby permitted are occupied, the access and road to be used for vehicular purposes extending from the highway boundary into the site shall be appropriately paved in a bound porous material.

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

16. The development shall include provision to enable vehicles to enter and leave the highway in a forward gear and sufficient on plot parking. The development shall not be occupied unless and until such provisions have been laid out and surfaced in accordance with approved plan No.10. The car parking and manoeuvring areas shall thereafter at all times remain free of obstruction and available for parking and manoeuvring purposes.

**Reason:** To allow for the effective use of car parking area and prevent vehicles reversing onto the highway, which can be a hazard to other road users.

17. No development shall commence unless and until details of the existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The details should demonstrate that there will be no increase in ground levels within that part of the site identified as being at risk of flooding.

**Reason:** To ensure the proposed development does not lead to any increase in flood risk off site, through the loss of flood storage capacity.

18. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (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 Classes A, B and C 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:** To enable the Local Planning Authority to control any future development on the site in order to safeguard the character of the area.

19. Prior to first occupation each dwelling shall have an electric vehicle charging point.

**Reason:** To encourage sustainable travel.

## INFORMATIVE

1. The grant of planning permission will require the applicant to enter into a Section 278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) in the first instance to ascertain the details of such an agreement and the information to be provided.
2. Suitable means of ensuring the water main that is laid within and on the site boundary is protected from damage as a result of this development must be implemented. Consideration should be given to the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site. The developer should identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Further information should be gained from United Utilities, email - [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)



**Application Ref:** 19/0535/FUL

**Proposal:** Full: Erection of 2 detached dwellinghouses with associated parking and landscaping (Resubmission).

**At:** Land Adjacent Yate House, Ridge Lane, Roughlee.

**On behalf of:** Mr and Mrs Coates

**LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 27<sup>th</sup> August 2019**