

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

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 5TH JULY 2023

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE ON 5TH JULY 2023

Application Ref: 23/0285/FUL

Proposal: Full: Demolition of existing vacant farm shop and the erection of 8 no. dwellings with associated infrastructure.

At: Roaming Roosters, Barrowford Road, Higham

On behalf of: Mr Charles McDermott

Date Registered: 03/05/2023

Expiry Date: 28/06/2023

Case Officer: Laura Barnes

This application has been deferred from the meeting in June 2023, in order to allow Councillors time to digest comments from statutory consultees – namely LCC Highways.

Site Description and Proposal

The application site sits on the western edge of the settlement of Fence. It lies in the green belt. The site comprises of an existing entrance that served a former mixed use site as a restaurant, shop and farm activity centre.

There is a large single building at the front of the site as exists with car parking to the east and rear of the site with open areas to the front and west of the existing building.

The proposal is to redevelop the site for housing. The proposal is for 8 houses with 4 to the front and 4 to the rear of the site. The entrance arrangements are not proposed to change.

There are three listed buildings located on the opposite side of the bypass at Ashlar Cottage to the east with White Lee, Lower White Lee and Acre House to the south west also across the by-pass.

Relevant Planning History

13/13/0163P. Erection of extensions for livestock. Approved.

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.

13/15/0145P: Full: Major: Variation of Condition: Vary Condition 7 of Planning Permission 13/12/0228P to allow opening hours of 08:00 - 23:00 each day. Approved

19/0417/FUL: 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 A. Approved. The application was not commenced.

22/0424/FUL Full: Major: Demolition of existing buildings and erection of 12 dwellinghouses with associated infrastructure.
Refused

Consultee Response

LCC Highways

Comments dated 07/06/2023

This application is a re-submission of a previously refused application with the number of dwellings proposed now reduced from twelve to eight. There were no highway grounds for refusal for the previous application and as such the highway authority's response remains, for the most part, the same as its response to application 22/0424/FUL.

Summary

The current highway infrastructure is not suitable to accommodate the development traffic and measures to mitigate this are required. The highway authority sets out below the measures which it considers will mitigate the impact of the development traffic on the surrounding highway network. Subject to these measures being agreed and controlled by conditions there is no objection to the proposal.

Recent site planning history

22/0424/FUL - Demolition of existing buildings and erection of 12 dwellinghouses with associated infrastructure.

Refused (no highway grounds). Appeal in progress.

19/0417/FUL - 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).

Approved.

17/0260/FUL - Erection of an extension to the West side, link extension to the rear, porch to the front and formation of 32 additional car parking spaces.

Withdrawn.

Proposal

The proposal is for the demolition of the existing farm shop, café and ancillary buildings and the erection of eight x four bed detached dwellings with associated off-road parking and the construction of an internal estate road and footways.

Visibility splays Barrowford Road A6068 has a speed limit is 50mph. The nearest traffic count data held for Barrowford Road is approximately 800m east of the site access which shows 85%iles of 47mph in both directions. There is a safety camera located on Barrowford Road 370m east of the site access and a second camera 1.9km to the west. The visibility splay has been previously conditioned (ref 13/10/0307P Condition 13) using the speed limit of 50mph therefore visibility splays of 2.4m x 160m should be provided.

The visibility splay to the east along Barrowford Road appears to be satisfactory.

However, the splay to the west is restricted by the rising ground level between Barrowford Road and the field boundary. There are also issues with high vegetation which further reduces the splay.

It is considered necessary to improve the western visibility splay by minor re-grading of the highway verge and to widen the site access to allow two 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.

Site access

The existing site access was formed without the prior approval of the highway authority and the visibility splays and geometry of the junction have always been a concern. Post opening of the development site, warning signs were erected on Barrowford Road by the highway authority following safety concerns. These were mainly due to the lack of right turn lane provision on Barrowford Road for the site access and because the site access itself is not wide enough for two vehicles to pass side by side.

The existing site access arrangement results in a conflict when vehicles are manoeuvring at the junction resulting in vehicles waiting on Barrowford Road longer than necessary. This is a safety concern due to Barrowford Road being a high speed road. There have been a number of collisions on Barrowford Road in the previous five years with a collision recorded at the site access. This records a vehicle travelling westbound, slowing to turn right and colliding with a vehicle making an overtaking manoeuvre.

The junction geometry should be determined by a swept path analysis to ensure that vehicle conflict is minimised.

The highway authority would seek to widen Barrowford Road to provide a right turn lane to ensure that vehicles turning right into the site have a safe place to wait for a suitable gap in the traffic. This will also prevent right turning vehicles blocking the through flow of traffic on the Barrowford Road bypass.

This proposed residential application will generate turning movements on a high speed road during the am and pm peak periods, whereas the previous application generated the peak movements predominantly during the off-peak periods. It is therefore considered necessary to re-assess the existing site access.

The site access works will be completed under a legal agreement (Section 278) with Lancashire County Council as the Highway Authority and will be subject to a detailed design, technical approval and safety audit; all works to be carried out at the developer's expense.

Pedestrians

There is no footway on the north side of Barrowford Road between the site and the nearest footway on Wheatley Lane Road, a distance of approximately 265m. There is a narrow footway on the south side of Barrowford Road but no designated crossing point for pedestrians.

The scheme of street lighting on Barrowford Road terminates approximately 130m east of the development site. The scheme will need to be extended from the termination point up to and including the site access to ensure that the route is lit and suitable for use in the hours of darkness.

The residential development must support pedestrian movements and currently the highway infrastructure does not do this. Measures to mitigate this must be provided to ensure that pedestrians can walk from the site to the nearest bus stops, schools and food shop in Fence. It is noted that the primary school and village store are located further than the maximum walking distance which is not conducive to supporting a sustainable development.

A new footway on the north side of Barrowford Road between the site and Wheatley Lane Road is considered necessary and appears deliverable within the extents of the adopted highway verge.

Given the lack of footway on the northern side of Barrowford Road pedestrians from the development site would be required to cross Barrowford Road onto the existing footway on the south side and vice versa. Due to the heavy traffic flows on Barrowford Road at peak times this is a highway safety concern and is not supported by the highway authority.

Internal layout

The layout provides adequate space for a refuse wagon to enter, turn and exit in forward gear. The footways need to be extended to the red edge of the site access.

The internal layout needs to be built to Lancashire County Council's specification for estate roads with paved, drained surfaces and street lighting. Details are requested to be submitted by condition, should the application be approved.

Car & cycle parking

Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, maximum parking standards should be applied to this site. Three adequately sized parking spaces should be provided for a four bed dwelling. The driveways/parking areas should be extended to a minimum length of 11m to allow two vehicles to park in line and not project over the footway.

The developer should also provide secure, covered storage for at least two cycles in line with the council's Parking Standards.

In addition, an electric vehicle charging point should be provided for each dwelling to promote sustainable forms of transport. These should be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

Roaming Roosters signage

The existing brown tourism directional signage on Barrowford Road will need to be removed and this will be undertaken with the off-site highway works at the developer's expense.

Conclusion

Subject to the mitigation measures outlined above being agreed for the site access and new footway and amended parking layout and extended internal footway plans being submitted there is no objection to the proposal. The following conditions and informative note should be applied to any formal planning approval granted.

Conditions

1. No development shall take place, including any works of demolition, 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) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 m

measured along the centre line of the access road from the continuation of the nearer edge of the carriageway on Barrowford Road to points measured 160m in both directions of the nearer edge of the carriageway of Barrowford Road, from the centre line of the access, 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.

3. Prior to commencement of any development a scheme for the site access and off-site highway works shall be submitted to and agreed in writing with the Local Planning Authority in conjunction with the Highway Authority. The scheme shall include, but not be exclusive to, the provision of a right turn lane on Barrowford Road, widening of the site access and radii on Barrowford Road, re-grading the highway verge on the western side of the site access, extension of the street lighting system, construction of a new footway on the north side of Barrowford Road between the site and Wheatley Lane Road and removal of Roaming Rooster tourism signage. The works shall be implemented prior to the first use of the site. Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

4. Within three months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established. Reason: In the interest of highway safety to ensure a satisfactory appearance to the highway infrastructure serving the approved development.

5. Within three months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (Lancashire County Council's specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. Reason: In the interest of highway safety to ensure a satisfactory appearance to the highway infrastructure serving the approved development.

6. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority. Reason: To ensure that satisfactory access is provided to the site before the development is first occupied.

7. Prior to first occupation of each dwelling the driveways and parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for as long as the development is occupied. Reason: In order to ensure satisfactory levels of off-road parking are achieved within the site.

8. Prior to first occupation of each dwelling secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter. Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

9. Prior to first occupation each dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently. Reason: To ensure that the development provides the infrastructure for sustainable forms of

transport.

Informative Note

The grant of planning permission will require the applicant to enter into a legal agreement (Section 278), with Lancashire County Council as the 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 in the first instance to ascertain the details of such an agreement and the information to be provided.

Lancashire County Council Highways

Comments dated 15/06/2023

The amended driveway layout as shown on the Proposed Site Plan (003 Rev B) is acceptable.

The extended internal footways leading to the site access are acceptable.

Higham with West Close Booth Parish Council

Higham with West Close Booth Parish Council wishes to make the following submissions in relation to this planning application:

1. The Parish Council maintains its primary and fundamental objection to any development or usage of this site other than of a farm and agriculture-related nature and principal purpose. Otherwise, it should return to greenfield. The reasons for that objection have previously been set out in detail, with supporting information, in the Parish Council's responses to the previous application No. 22/0424/FUL and to the Appeal (Ref APP/E2340/W/23/3315598) currently in progress against the refusal of that application. Those responses are therefore re-submitted and copied herewith as follows:
 - Parish Council letter to PBC Planning Officer dated 22/08/2022
 - Parish Council letter to Planning Inspectorate dated 29/04/2023 together with Annexes A & B

In essence, the foundation and grounds for this submission are:

- a) The development on this site since 2010/12 of a large Bistro and Shop selling a variety of products which did not emanate from any farm associated with the site, which were carried out in priority to and in place of the stipulated farm education centre, small café and ancillary farm shop, were in breach of the representations upon which the original 2010 Planning Consent was obtained and of the Conditions specified within that Planning Consent. It would be fundamentally wrong to allow further development of the site only permissible if based upon an acceptance of those unlawful breaches and misrepresentations.
- b) The site should not be classified as "brownfield land" because the primary designated use of the site (and its intended primary purpose – see above) has at all times been agricultural in nature – namely Farm Education Centre (with ancillary shop and café) from 2010 until change to Farm, Farm Shop and Café in and since 2019. Land occupied by agricultural buildings is specifically excluded from the definition of "brownfield / previously developed land" in the NPPF Glossary definition.
- c) The site is within the Green Belt, the brownfield exception should not apply and no "special circumstances" have been advanced to justify its use or development other than for agriculturally-related purposes.

2.1 If, contrary to the above submission, it is considered that some development under the brownfield exception may be permissible, then while it is acknowledged that these latest proposals represent some improvement on the previous and go some way towards meeting previous objections, the objections or concerns in the following paragraph remain or arise.

2.2 In relation to the brownfield exception itself:

- a) The NPPF Glossary definition specifies that it is not to be assumed that the whole curtilage is developable land; in the above circumstances, the proposed development should therefore be restricted to the footprint area of the existing buildings rather than the whole curtilage;
- b) in any event, the proposed 8 houses spread out significantly more widely over the site area and therefore obviously have a greater impact upon the openness of this Green Belt site;
- c) although the total volume of those houses is said to be reduced by 24% on the previous proposal and therefore now slightly less in total than the existing building, volume is not the sole determinant; moreover, that calculation presumably takes no account of the parking spaces beside each property (with cars upon them) or absence of any garages (with consequent potential for later garage development and volume increase).

A more limited number of houses (preferably on a style and format more in keeping with the area – see below) might overcome these objections

2.3 In relation to the wider Green Belt area surrounding the site, it is submitted that the nature, extent, and regimented style of the proposed houses and their rigid, straight-street layout, would

- a) alter the appearance of the area as a whole and constitute apparent and inappropriate ribbon development along the highway outside the settlement areas and contrary to Green Belt purposes
- b) have a harmful impact (when viewed not only from the public road but also from the public footpaths to the east and north of the site) upon the setting of the 3 listed buildings (Lower White Lee, Acre House and Lower White Lee Old Farm) which are in close proximity to the proposed houses – contrary to s66 of the Listed Building & Conservation Areas Act 1990 (reference the recent Planning Officer Advice and Area Committee decision to refuse a comparable proposal at Pasture House, Pasture Lane, Barrowford – 22/0763/FUL). A more sinuous and varied layout of a more limited number of more traditional style quality houses might ameliorate these issues

2.4 Whilst the proposal, in principle, for detached houses more reflective of the local vernacular is, again, acknowledged as some improvement, the stylistic features in the current proposals fall short of achieving that objective; for example (in addition to the above more general observations):

- a) the roof lines are stark and monotonous, lacking any chimneys or other variant features comparable to those in most traditional local housing
- b) the wall materials should be stone in keeping with local traditional housing rather than plain or re-constituted stone; the expression “locally sourced stone” is insufficient

2.5 Attention is also drawn to the highway and access concerns (both traffic and pedestrian) expressed in previous submissions and to the measures previously stipulated as necessary by LCC Highways in their letter dated 08/09/2022 on the previous application – conveniently summarised in their proposed condition 3 reading: “The scheme shall include the provision of a right turn lane on Barrowford Road, widening of the site access and radii on Barrowford Road, re-grading the highway verge on the western side of the site access, extension of the street lighting system and construction of a new footway on the north side of Barrowford Road between the site and Wheatley Lane Road”. This does not appear to have been

addressed in the present proposal and the Parish Council is of the view that such provisions are necessary if the proposed or any similar development were to be approved.

The Coal Authority

No objection

Lancashire Fire & Rescue Service

Highlighting the requirements under Building Regulations. Access for a fire appliance should be provided in accordance with Building Regulations Approved Document B, Part B5.

Environmental Health

Construction Phase Nuisance Condition

A Construction Method Statement shall be submitted to the Local planning authority and approved prior to commencement of the development. The Method statement must cover the topics detailed below, including:

- Hours of operation
- Hours of deliveries
- Construction site noise and vibration
- Control of Dust
- Burning onsite

Hour of Work – Operations

No machinery shall be operated nor any potentially noisy processes carried out at the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no machinery operated or potentially noisy processes carried out at all on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

Hours of Deliveries

No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays.

No Vehicles shall be left idling onsite with the engine running.

Reason: In the interests of the amenity of nearby properties.

Construction Site Noise/Vibration

Demolition or construction work shall not begin until a scheme for protecting the residential and business neighbours from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Note

1. The contractor shall have regard to the relevant parts of BS 5228 1997 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.
2. The local planning authority expects that the best practical means available in accordance with British Standard Codes of practice 5228:1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.

3. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To ensure a satisfactory standard of amenity for neighbouring properties.

Control of Dust

Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development for the suppression of dust from the site; all agreed details shall be implemented throughout the course of the development.

Note

1. The details of dust control measures for Haul Roads, the use of suitable wheel cleaning facilities and proposals for the sheeting of vehicles carrying dusty materials shall be included by the applicant.
2. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To protect human health and the environment from adverse effects of air pollution.

Burning on site

The Borough of Pendle Council has announced a climate emergency, therefore to help improve air quality there should be no burning of any materials on site. Pendle Borough Council receives many complaints about smoke from bonfires, which are inappropriate in any area of the borough. The practice of burning wastes on site is an old-fashioned practice, which normally constitutes an offence under the Duty of Care provisions of the Environmental Protection Act 1990. The applicant is cautioned against permitting any bonfire to take place during demolition, site clearance or construction. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661199.

Contaminated Land Informative

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

Environment Officer

Initial comment

Concern regarding the proposed landscaping plan which shows a "Blinded Hardcore footpath" and drainage pipes through the RPA (Root Protection Area), which has not been covered in the AIA (Arboricultural Impact Assessment). Both have serious implications for the health of the trees.

Further comment 07/06/2023

Council's Tree Officer has reviewed this and has not raised any objection, subject to a condition that any works are carried out in accordance with the Arboricultural Impact Assessment.

Old Laund Booth Parish Council

Old Laund Booth supports the comments of Higham with West Close Booth over this application and we also remind the planning department of the council's comments regarding a previous application for this site (22/0424/FUL).

Like Higham, we feel this site should only be used for agricultural useage and if this is not feasible, the site should return to green fields.

Our objections to this application are:

1. The former building was given permission to be used as an education centre and this never seemed to come to fruition. Usage as a bistro and farm shop was not in the spirit of the planning permission.
 2. The site is not brownfield and was only changed due to the education centre permission. It is infact prominent green belt land and should be retained as such.
 3. The application is for a larger area than the current curtilage allowance.
 4. Although the application is for less houses, the design of the site does not lower the impact the houses would have visually or on the environment.
 5. Concerns over the highway access and impact it will have if traffic is generated due to the application.
 6. Concern on the effect on the environment, air and noise quality and the rich wildlife which occupies the site.
 7. There is no real evidence of need for this application.
- The parish council feels this application is wholly unsuitable for the site.

United Utilities

United Utilities wish to make the following comments regarding the proposal detailed above.

DRAINAGE

Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan PRIOR TO DETERMINATION of this application.

Should planning permission be granted without the provision of this information we request the following condition is attached to any subsequent Decision Notice:

CONDITION:

1. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

2. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Public Response

There have been multiple letters of objection and support for the application, they can be summarised as follows:

Objection

- Reference to racial disorder at the previous owner's butchers in Nelson is no longer relevant
- 5 acres of farmland was never going to support a farm shop
- Allowing the previous use to operate as a full commercial centre in the Green Belt was disgraceful
- The proposed development would blur the separation between Fence and Higham
- The A6068 is a dangerous road especially when the property opposite is selling Christmas trees
- The bypass cannot cope with additional traffic flows, this would result in potential accidents
- Dwellings not in keeping with surrounding area
- Unacceptable impact upon Green Belt
- Impact upon Grade II Listed Building
- Lack of public footpaths in the area encourages car use
- Local amenities cannot cope e.g. GP, schools
- Properties already for sale in the area, there are enough houses for people seeking to move to the area
- Unacceptable impact upon wildlife
- Public money was used to invest in the farm shop with state of the art carbon saving facilities, to tear this down would mean lost investment
- A full size roundabout is required in order to safely accommodate the traffic
- Impact upon wildlife
- The impact here will be lasting, upon future generations
- Over-population of Fence
- Loss of visual amenity
- Noise and disturbance with a fear of crime, there has been an increase in drivers using the bypass as a race track, this would increase the number of junctions
- Other brownfield sites would be better
- Presence of curlew on the site would be lost
- No benefit to the community
- Loss of open space and trees
- Flooding on Guide Lane, the surrounding network cannot cope

- Lack of affordable housing
- Air pollution
- The land should be returned to nature
- Development should be restricted to the land which has been built on, not the whole curtilage
- Stark roof lines, lacking chimneys or other features are not comparable to most traditional local housing
- The dwellings should be constructed of natural stone, not reconstituted stone
- The previous comments by LCC Highways to include a right turn lane on Barrowford Road and re-grade the highway verge to the west of the access and extend the street lighting, along with a new footway on the north side of Barrowford Road have not been considered by the applicant – these should be included on the plans

Support

- This proposal is better than the previous one which has natural stone and slate incorporated into it
- Should the application be approved, then no further building on the Green Belt should be allowed here due to the highway safety danger
- The current building is being left to deteriorate
- A more limited number of houses (preferably of a style and format more in keeping with the area) might overcome the objections

Officer Comments

Policy

Local Plan Part 1: Core Strategy

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 LIV1 (Housing Provision and Delivery) sets out the Council requirement to deliver new housing.

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

Policy ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

The following saved Replacement Pendle Local Plan policies also apply:

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")

There are three elements to sustainable development which is the purpose of the planning system. There are economic, social and environmental objectives. Applications that accord with the development plan should be approved without delay.

Part 5 relates to housing. The Government's objective is to significantly boost the supply of housing.

Part 6 identifies the need to build a strong and competitive economy including a prosperous rural economy.

Part 13 relates to the green belt. The purpose of the green belt is to keep land permanently open.

Para 147 In appropriate development is, by definition, harmful to the Green Belt. Inappropriate development should not be approved except in very special circumstances.

Para 149 sets out a number of circumstances where new building is not inappropriate. This includes:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Para 195 indicates that heritage assets should be identified and any impacts on them assessed according to the degree of impact on their significance.

Green Belt

The application site lies in the Green Belt. It is previously developed land outside of the settlement of Fence. It has a commercial building on it that has been disused for some time and is deteriorating.

Comments have been made by many parties regarding the Green Belt. Many revolve around the view that the site is in green belt and there should not be any development within it.

Planning policy nationally restricts development in the green belt as being inappropriate unless specified otherwise. Where inappropriate development is proposed permission should only be granted if there are very special planning circumstances.

One of the circumstances where development is not inappropriate is under part g) of paragraph 149 of the Framework as set out in the policy section above. The issue for Committee is whether the development is in accordance with part g). This requires the land to be previously developed land and that the development does not lead to a greater impact on openness than the existing development.

Agricultural sites are specifically exclude from being previously developed land under

the Framework. The lawful use of the site was for a mixed commercial development which was not agricultural. The site is therefore previously developed. The issue here is whether what is being proposed would affect openness more than the existing development and if it would the development would be inappropriate development harmful to the green belt. Otherwise the principle of developing on the site is in conformity with general planning policy.

The assessment on whether the development would have a greater impact on openness needs to be taken based on the individual merits of the site and its surroundings.

The main issue that needs to be determined for this application is the impact on the openness of the green belt. This requires a balanced assessment of the current characteristics of the site and how open it is currently and an assessments against the impact the current scheme has. The courts have indicated that there is no one element that defines the impact and the individual characteristics need to be evaluated. That includes how open the area generally is in the locality, if the development is larger than the existing development on site (scale is not the defining factor though and is one of a number of matters that needs to be taken into account) as well as issues such as massing and layout.

The locality is defined by a generally larger buildings set alongside the bypass set in their own grounds. The housing continues for a short distance on the opposite side of the bypass but the application site forms end of the build form on the north side of the bypass.

There is a large building on the site at present. That is a single building but with a bigger massing and presence on site that the buildings proposed. Original Volume (Existing Roaming Roosters Building): 3855 cubic metres. The proposed Volume (8 dwellings): 4531.6 cubic metres Percentage increase: 17.5 %. The Courts have made it clear that volume is not on its own a determinant of whether the development affects openness more or less than the existing buildings. It is one of a range of factors to be considered.

The proposed scheme has a larger overall cubic volume but it is not concentrated in one place, it has less of a single massing on site and is dissipated across the application site boundary. The larger massing of the existing building itself has an impact on the openness of the area. That would be removed and smaller individual masses of building placed on site but over a larger area.

Comments have been made that the overall area including gardens and parking areas extend the spread of development beyond that which exists. If the parking areas and gardens are taken set against the existing use in fact the area would be less. The site currently has parking to the front, side and rear which extends beyond the are proposed to be used for the housing, gardens and parking. The hammerhead to the west as proposed would not count towards that as it is a highway.

This is a finely balanced issue with the characteristics of openness being differently impacted but the single large building having a larger and more dominating presence affecting openness, to the more spread out but less individual impactful development of the eight houses.

On balance the development would be the same in terms of the impact on openness form the existing scheme to that proposed.

Heritage

Ashlar Cottage is grade 2* listed. It is set some way from the site. The building has no physical or historical relationship with the site and is not visually linked. Its setting is not affected.

Lower White Lee is grade 2 listed. It is the nearest of the listed buildings. It is set back from the bypass and is located 80m from the nearest point of the built form. It has a bypass in front of it and is off set at an angle from the application site which already has a commercial development on it. The application site does not form part of the setting of the listed building and the development will not have any impact on the listed buildings. The listed buildings further to the south west are not affected by the development.

The existing buildings on the site have a similar relationship to the heritage assets as those proposed. Even were there to be an existing detrimental impact, which there is not, the new buildings would not affect the listed buildings in any material way different to what currently exists.

Design

The applicants have submitted a detailed design appraisal of how the proposed design has been arrived at and how that has been influenced by other design in the area. The designs are simple and reflective of what can be found elsewhere in the Borough. They represent a visual improvements to what is currently on site and there are no objections in terms of design.

The proposed development is in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Impact on Amenity

The development is for housing which is not a noise generating use of land. There are no houses that are near to the site that could be affected in terms of loss of privacy or amenity. In terms of neighbouring amenity between the proposed dwellings and their relationship to one another, the closest of the dwellings has a separation distance of 3m. Although there are side elevation windows serving each of the dwellings these are secondary windows and are off-set from one another. In addition, there is a proposed boundary treatment of hedgerows which would establish and mature creating screening between the dwellings. As such, there would not be an unacceptable impact upon neighbouring amenity between the proposed dwellings.

Ecology & Trees

The application site has been largely developed previously with peripheral areas of grass. The ecological appraisal confirms that there is nothing of ecological value on the site. There are no objections to the development of the site on ecology grounds.

The applicant has prepared an amended plan in relation to the drainage which ran through a root protection area, following comments from the Council's Tree Officer. The Council's Tree Officer has reviewed the amended plan and is content that the proposed development would not result in an unacceptable impact upon the tree, subject to an appropriately worded condition. Overall, the proposed development accords with Policy ENV1 of the Local Plan: Part 1 Core Strategy in this regard.

Highways and Access

Following the committee meeting in June 2023, a response has now been received and considered by officers, in relation to highway safety. Members have also had time to consider the response.

The application site is served by an existing access. That has full forward visibility and onto a highway where cars can be seen approaching. The access has served a formerly very busy commercial enterprise which generated significantly more traffic than would be generated by 8 houses.

The site plan has within it a proposed opening to a field to the north west of the site and one to the east. The access to the north west would allow access though the estate to the fields to the north. That would generate traffic that already uses the entrance to access the fields as it does now. This would have no highway implications and would not cause a nuisance to the occupants of the new houses.

The proposed site layout indicates that there is no link between the existing private driveway to the east of the site. This was something which had previously been raised with the application for 12 dwellings.

There would be adequate parking within the site.

The summary of LCC Highway's comments confirms that there is no objection to the proposed development, subject to the mitigation measures being agreed for the site access and new footway and extended internal footway plans being submitted. An amended plan has been submitted which has altered the parking layout as well as addressed the concerns with the internal footway. Comments are awaited from LCC Highways to ensure that their concerns have been satisfactorily addressed. In any event, LCC Highways have provided a set of conditions including improvements to the road layout on Barrowford Road with a right turning lane.

The proposals are satisfactory from a highway safety perspective.

Drainage

The principle of the drainage arrangements to the site are accepted. The applicant has prepared drainage calculations which discharge at greenfield run off rate. An existing flooding issue on Guide Lane has been cited in comments from members of the public, which is not far from the proposed development. However, the proposed development cannot be expected to mitigate for existing issues in the surrounding area.

Other Matters

Need for the development. Comments have been made that there is no need for the housing. There is no requirement that housing has to be needed for it to be approved. The Local Plan establishes that housing numbers are minimums and not maximums. This is not a material reason to object to the scheme. In this case, given the number of dwelling proposed (8 in total) this does not meet the policy threshold for the requirement of affordable housing, set out in Policy LIV4 of the Local Plan Part 1: Core Strategy.

Concerns have been raised about the previous use of the operation known as Roaming Roosters. It has been set out above that the previous use of the site was commercial and therefore does not benefit from the limb of national policy relating to agricultural operations within the Green Belt. In

addition, whether or not the previous use operated beyond what had been approved is not a matter for consideration in this case.

The ability of the local amenities to cope is not a reason to refuse the application. It has been pointed out by members of the public that there is a capacity issue with school and GPs. The number of dwelling is less than the previous application and the impact would not be unacceptable.

The application site having previously received public funding in relation to the business which was operating from the site is not something which the planning system can control. The land has changed hands as part of a private sale and the planning application which is before the Council for determination is for 8 dwellings. The previous use and circumstances of the operation known as Roaming Roosters is not material in this determination.

There is not a sequential preference in order of brownfield sites. Some comments have been received stating that other brownfield sites should be considered first. There is no national or local policy stating that some brownfield sites are more preferable than others.

Issues relating to air pollution have been raised. There is no documented issue with air pollution around the application site and this is not sufficient information upon which to refuse the application.

Some points have been raised by members of the public which are not material planning considerations, including reference to the previous owners and properties already being for sale in the area for people to move to.

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 access and principle of the proposed development accord with the policies of the Replacement Pendle 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 conditions

Subject to the following conditions :

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 21011_PL(90)001, Proposed Site Layout Plan 21022_PL(90)003_B, House Type 1 Proposed Floor Plans 21022_PL(20)003, House Type 2 Proposed Floor Plans 21022_PL(20)004, Landscaping Layout 2099-S3-L01 Rev F, Proposed Street Elevations 21022_PL(25)005 21022_PL(25)006 and 21022_PL(25)007, House Type 1 Proposed Elevation Plans 21022_PL(25)003, House Type 2 Proposed Elevation Plans

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

3. The materials to be used on the development hereby approved shall be as stated on the application forms and plans.

Reason: These materials are appropriate and compatible with the existing development.

4. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Schedule 2 Part 1, Classes A, B,C of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: In order to preserve the openness of the green belt.

5. No part of the development shall be commenced unless and until a Construction Code-of-Practice statement 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. This shall include detailed proposals for the protection of badgers that may forage on the site during the construction period.

Reason: In order to secure the orderly development to the site and to protect the environment.

6. The sole accesses into the site shall be those shown on the approved plans and no other access shall be formed at any time.

Reason: In order to ensure the safety of road users and in the interests of highway safety.

7. No development shall take place, including any works of demolition, 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) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road

level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 m measured along the centre line of the access road from the continuation of the nearer edge of the carriageway on Barrowford Road to points measured 160m in both directions of the nearer edge of the carriageway of Barrowford Road, from the centre line of the access, 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.

9. Prior to commencement of any development a scheme for the site access and off-site highway works shall be submitted to and agreed in writing with the Local Planning Authority in conjunction with the Highway Authority. The scheme shall include, but not be exclusive to, the provision of a right turn lane on Barrowford Road, widening of the site access and radii on Barrowford Road, re-grading the highway verge on the western side of the site access, extension of the street lighting system, construction of a new footway on the north side of Barrowford Road between the site and Wheatley Lane Road and removal of Roaming Rooster tourism signage. The works shall be implemented prior to the first use of the site.

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

10. Within three months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: In the interest of highway safety to ensure a satisfactory appearance to the highway infrastructure serving the approved development.

11. Within three months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (Lancashire County Council's specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety to ensure a satisfactory appearance to the highway infrastructure serving the approved development.

12. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that satisfactory access is provided to the site before the development is first occupied.

13. Prior to first occupation of each dwelling the driveways and parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: In order to ensure satisfactory levels of off-road parking are achieved within the site.

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

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

15. Prior to first occupation each dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.

Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

16. No above ground works shall commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment, maintenance and long-term maintenance of all planted and/or turfed areas.

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: In order to ensure the site is properly landscaped in the interest of the visual amenity of the area.

17. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

18. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

19. No development shall take place, including any works of demolition, 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) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety.

20. The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment, prepared by Seed Arboricultural Consultancy reference 1457-AIA-V1-D.

Reason: To protect the trees in the interests of amenity of the area.

21. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected

around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

Reason: To prevent trees from being damaged during building works.

Informative Note

The grant of planning permission will require the applicant to enter into a legal agreement (Section 278), with Lancashire County Council as the 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 in the first instance to ascertain the details of such an agreement and the information to be provided.

Application Ref: 23/0285/FUL

Proposal: Full: Demolition of existing vacant farm shop and the erection of 8 no. dwellings with associated infrastructure.

At: Roaming Roosters, Barrowford Road, Higham

On behalf of: Mr Charles McDermott