

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

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 6TH SEPTEMBER 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 6TH SEPTEMBER 2023

Application Ref: 23/0425/FUL

Proposal: Full (Major): Erection of 1 no. industrial building split in 2 no. units with Mixed Use Class E(g), B2 (Industrial) or B8 (Storage or Distribution).

At: Land North East Of Vantage Court, Riverside Way, Barrowford

On behalf of: Barnfield Contractors UK Ltd.

Date Registered: 06/07/2023

Expiry Date: 05/10/2023

Case Officer: Alex Cameron

This application has been brought before Committee as it is a major development.

Site Description and Proposal

The application site is open land to the north east of Vantage Court, the land is within the settlement boundary of Barrowford and designated as protected Employment Land (B1 only). To the north west is the Trough Laithe housing development, Pendle water and Nelson and Colne College to the north east and Barrowford Road and dwellings beyond to the south east. Footpath No.28 runs through the site from the south to link up with Footpath 2 following Pendle Water.

Planning permission was granted in 2022 for the erection of three industrial buildings, divided into eight units with a total floorspace of 3,577m² for business, industrial or storage and distribution uses.

This application proposes an alternative scheme for the north part of the site, replacing two of the approved buildings with one building comprising two units for business, industrial or storage and distribution uses. This would reduce the overall floorspace of the development to 3,291m².

Relevant Planning History

13/92/0216P - Business Park (Outline) - Approved on Appeal (Non-determination) January, 1993.

13/95/0637P - Business Park (Reserved Matters) - Consent Granted - September, 1996.

13/98/0213P - Modify landscape Conditions 1 and 2 13/95/0637 - Approved 1998.

13/03/0680P - Business Park (3.5 hect.) Housing (2.1 hect.) Outline - Withdrawn.

13/05/0944P - 9 two B1 units (Detailed); 17 B1 units (outline) - Revised Scheme - Appeal Against non-determination - Withdrawn, August, 2006.

13/06/0442P- Erect 9 two storey buildings (3,710 m²) for B1 use (Phase 1) and Outline application for erection of B1 office buildings (8 hectares) (Phase 2) - Approved September, 2006.

13/08/0218P - Outline; Major; erect B1 office accommodation including access and layout Approved July 2008.

13/09/0552P -Outline; Major; Develop land as a Business Park (8.86 hecets) to provide a maximum of 21,727 sq.m. B1 floorspace (access and layout details only) on land North of Barrowford Road, Barrowford - Approved 8th March, 2010.

13/10/0369P - Outline: Major: Erect 55 bedroomed hotel, Pub/Restaurant (768 sq m), Creche (500 sq m) and two office buildings (890 sq m each) (Access and Layout Only) Approved 14/9/2010.

13/13/0462P - Extension of Time: Extend time limit of Planning Permission 13/10/0369P for Major Outline development for a hotel/pub/restaurant, crèche and two office buildings - Approved 11th November, 2013.

13/15/0111P - Extension of Time: Major: Extend time limit of Planning Permission 13/09/0552P for Outline: Major: Develop land as a Business Park (8.86 hectares) to provide a maximum of 21,727 m2 B1 floor space (Access and Layout details only). Approved.

21/0885/FUL - Full: Major: Erection of 3 No. Industrial Buildings forming 8 units (3,577sq.m.) (Mixed Use Classes E/B2/B8). Approved

Consultee Response

United Utilities – No objection subject to drainage conditions.

Lead Local Flood Authority – No objection subject to conditions for accordance with the Flood Risk Assessment, sustainable drainage strategy, construction surface water management plan, drainage operation and maintenance manual and verification report.

Environment Agency – No objection subject to a condition for compensatory flood storage and note relating to environmental permits.

LCC Highways – Requests additional assessment of nearby junctions to determine the highway capacity considering the committed development which has been approved in recent years, including Trough Laithe, Pendle Park and the Police Hub.

PBC Countryside Access - The proposed development is in close proximity to public footpath 13-2-FP 28, please attach an advisory note.

PBC Environmental Health – No objection subject to noise assessment and construction method statement conditions.

Cadent Gas – No objection subject to a note relating to development near Cadent Gas assets.

Lancashire Fire and Rescue – Comments related to building regulations.

Lancashire Constabulary – Provide guidance in relation to crime prevention for the applicant's reference.

Barrowford Parish Council -

Public Response

Site and press notices posted and nearest neighbours notified – No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy SDP2 (Spatial Development Principles) States that proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2.

Policy WRK2 (Employment Land Supply) states that support will be given to new employment development that helps to reinforce Barnoldswick's position as the focus for employment provision in the north of the borough and enhance the functionality of the area's existing specialism in advanced manufacturing.

Barrowford Neighbourhood Development Plan

Policy BNDP 01 (Travel and Transport) States that development which results in traffic impacts which are detrimental to people's living or working conditions or highway safety will be resisted, proposals should be assessed in relation to the need to reduce the need to travel by car, include sustainable transport, comply with parking standards or have adequate parking, improve connectivity and preserve and enhance existing street patterns.

Policy BNDP 09 (Green Infrastructure) States that Development proposals should seek to:

- a maintain this green infrastructure network and, where possible, should enhance the green infrastructure network by creating new connections and links in the network;
- b restore existing green infrastructure;
- c introduce features that enhance the existing green infrastructure network.

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.

Principle of the development

This application proposes a mixed use of Class E, B2 and B8. The land is designated as a Protected Employment Area (B1 only) saved policy 22 of the RPLP states that within the Protected Employment Area (B1 only) planning permission will be granted for B1 development only, for other protected employment areas it states that permission will be granted for B1 use provided that it is not more than 25% of the total floorspace of the Protected Employment Area and B8 provided that it is not more than 10%.

Those restrictions are not included in policy WRK2, which simply states that within Protected Employment Areas Use Classes B1, B2 and B8 will be permitted.

Use Class B1 has since was replaced by Class E(g) in September 2021 and at the time of the adoption of the Replacement Pendle Local Plan there was a greater need for B1 office space in the Borough than there is now, with the changes in the demand for commercial office space since then there is no longer the necessity for this Protected Employment Area to be restricted to B1 only. In terms of the proportions of the uses within the protected employment area, the land has remained undeveloped despite application being granted in the past for its development, taking this into account and the economic benefits of the development a mixed use of Class E(g), B2 and B8 is acceptable.

Class E includes retail and other uses that should be accommodated within a town centre as a first order of priority. Therefore, in order to protect the viability and vitality of town centres, it is necessary to restrict the Class E use to E(g) only.

Therefore this is an acceptable location for the proposed development in accordance with policies SDP2, SDP4 and WRK2.

Visual Amenity

The proposed design of the buildings are typical of such commercial buildings seen elsewhere. The site is on low lying land sloping down to Pendle Water, it would be largely screened from view from the south and east by existing belts of trees, the development would not be prominent in the landscape and would not impact upon any of the important views and vistas identified in the Neighbourhood Plan. Where seen with be in the context of the existing commercial development to the south west. Although it would be opposite to the Trough Laithe housing development it would be on lower land and distinctly separate from it. The land is designated for employment use and is of no special landscape or heritage value, taking this into account the proposed development is acceptable in terms of design and visual amenity impacts.

The proposed development is therefore acceptable in terms of visual amenity in accordance with Policies ENV1 and ENV2.

Residential Amenity

A condition was attached to the approved permission that before the commencement of the use of each unit that an assessment of the noise impacts of the proposed use are undertaken, and any necessary mitigations put in place before that use commences.

A noise assessment has been submitted which concludes that a proposed light industrial use would have no unacceptable impacts subject to operating hours of 7am to 7pm.

Details of external lighting are conditioned on the existing permission and an external lighting assessment has been submitted for the building.

These reports are to address the need for details to be submitted for conditions discharge, they are being assessed by Environmental Health and subject to no objection from Environmental Health the recommended conditions would reflect those details.

The development is therefore acceptable in terms of residential amenity impacts in accordance with Policies ENV2 and ENV5.

Highway Issues

The approved plans for this part of the development

The approved development would have a total of 55 car parking space, 35 within the current application site. The proposed development would increase the number of spaces within the site to 36 and also result in a reduction in floorspace of 167m². The proposed level of car parking is therefore acceptable.

It has been demonstrated that the development would have a negligible impact on the local highway network. The Framework states that development should only be refused on grounds of residual cumulative impacts on the road network where those impacts are severe, there would not be a severe impact on the local highway network.

A public right of way does run through the site but would not be obstructed.

The development is therefore acceptable in terms of parking provision and highway safety.

Drainage and Flood Risk

The submitted details satisfactorily demonstrate that the development can be acceptably drained and would not result in an unacceptable risk of on or off-site flooding.

Ecology

An ecology survey has been carried out and found that the site has limited ecological value, the development provides an opportunity in its landscaping to create species-rich habitats which will support a greater range of flora and fauna. The report recommends enhancement measures including bat and bird boxes landscaping wood piles and a wildlife pond (indicated to be located in the area of the exiting approval rather than this site). With a condition to control those measures the proposed development is acceptable in terms of its impact on ecology.

The report also recommends control over external lighting, details of which are conditioned in the existing permission. Further confirmation is being sought to establish whether the proposed external lighting complies with the recommendations of the ecology report, if it does not revised details can be required by condition.

Conclusion

The proposed development, which proposes a partially amended scheme to the previous approved development, would raise no unacceptable additional impacts and is acceptable. It is

therefore recommended that the approval of the application, and any necessary conditions, be delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to no objection from the relevant consultees to the final conditions.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in all relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent

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: 2020/31/LP Rev D, 2020/31/01 Rev S, 2020/31/02 Rev F, 2020/31/05 Rev J, 21110-PWA-00-XX-DR-C-2000 Rev P03, 21110-PWA-00-XX-DR-C-3000 Rev P05, 21110-PWA-00-XX-DR-C-1001 Rev P07, GAV 035-001 Rev v4.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the external materials of the walls and roof the development, including their colour and finish shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity.

4. There shall be no external storage within the application site unless otherwise approved in writing by the Local Planning Authority. Any external storage thereafter shall at all times be carried out only in strict accordance with the approved details.

Reason: In the interests of visual amenity.

5. The development shall be carried out and operated in strict accordance with the recommendations of the Extended Phase 1 Report dated 16/02/2023. The recommended bat and bird boxes shall be installed prior to the commencement of the use of the development, unless an alternative timescale has been submitted to and approved in writing by the Local Planning Authority, and maintained thereafter.

Reason: To ensure the protection and enhancement of ecology and protected species habitats.

6. Prior to the commencement of the use of the buildings hereby approved details of any

external lighting of the building and site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity, direction and timing of illumination of the lighting and shall include lighting of the diverted public right of way. Any external lighting shall at all times be in strict accordance with the approved details and the diverted public right of way shall be illuminated at all times outside of daylight hours.

Reason: In the interest of residential amenity and to preserve the habitat of protected species.

7. The construction of the development shall be carried out in strict accordance with the submitted Construction and Environmental Management Plan.

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

8. The development shall be carried out in accordance with the recommendations of the Phase 2 Geo-Environmental Assessment Phase 2 Geo-Environmental Assessment Ref: 21110-PWAG-00-XX-RP-G-2000-P01.

Prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the recommendations, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the users of the new development and in order to prevent contamination of the controlled waters.

9. The approved landscaping scheme ref: GAV 035-001 Rev v4, or an alternative landscaping scheme which has been submitted to and approved in writing by the Local Planning Authority, shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

10. The use of the buildings and land hereby permitted shall be confined to that of Class E(g), B2 and B8 and uses ancillary to those uses only and for no other purpose, including any other

use within Class E of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended).

Reason: In order to protect the vitality and viability of town centres and in the interest of highway safety.

11. Unless otherwise approved in writing by the Local Planning Authority the units hereby approved shall be operated in strict accordance with the submitted Noise Assessment report ref: 102728-2. Prior to the commencement of any use other than the light industrial use assessed in the report of an assessment of indoor and outdoor activity noise and fixed mechanical plant noise following BS 4142:2014 shall have been submitted to and approved in writing by the Local Planning Authority. Any noise attenuation shall be fully installed in accordance with the recommendations of the approved assessment for each unit prior to the commencement of the use of that unit and the unit shall be operated in accordance with the approved assessment at all times thereafter unless an alternative assessment is submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity.

12. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (24th May 2023 / 75182.01R1 / GeoSmart Information).

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

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

13. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly, and shall be limited to a maximum peak flow rate of 6.7l/s.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a)** Sustainable drainage calculations for peak flow control and volume control for the:
- i.** 100% (1 in 1-year) annual exceedance probability event;
 - ii.** 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii.** 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b)** Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

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

14. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase.

15. The use the development shall not commence unless and until a Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

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

16. The use the development shall not commence unless and until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

17. No development approved by this planning permission shall commence until such time as a scheme for the provision and implementation of compensatory flood storage in accordance with the approved 'Flood Risk Assessment' by GeoSmart Information Ltd. referenced; 75182.01R1, and dated 24 May 2023 has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of dimensions, volumes, levels, gradients, profiles (including appropriate cross sections), method of construction (in consideration of its function as a flood water retaining structure), timing/phasing arrangements, and future maintenance and operation arrangements. The scheme shall be

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

Reason: To prevent flooding elsewhere by ensuring that there is no net loss of floodplain storage.

18. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 21110 PWA 00 XX DR C 1001, Rev P07 - Dated 17.04.23. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. 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 ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

19. Within three months of the commencement of the development hereby approved details of works to form the access and access road shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the commencement of the use of the development hereby approved.

Reason: To ensure adequate access in the interest of highway safety.

20. The use of the development shall not commence unless and until the service yard, car parking and electric vehicle charging points have been constructed / installed in accordance with the approved plans and made available for use. The service yard, car parking and electric vehicle charging points shall thereafter remain free from obstruction and available for vehicle manoeuvring, parking and charging and the area shown on the swept path analysis drawings contained within the Transport Statement shall be kept clear of obstructions whilst service and delivery vehicles are operating.

Reason: In the interest of highway safety and to ensure adequate provision for sustainable transport.

21. The use of the development shall not commence unless and until a scheme for secure covered cycle parking has been submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved scheme. The cycle parking shall be maintained at all times thereafter.

Reason: To ensure adequate provision for sustainable transport.

22. The use of the development shall not commence unless and until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority the approved Travel Plan shall be implemented in accordance with the timetable contained within and adhered to thereafter.

Reason: To reduce reliance on private motor vehicles for access to the site in the interest of sustainability.

23. Any gates erected on the site accesses shall be set back from the highway by a minimum of 17m.

Reason: To allow the longest vehicles to clear the highway whilst the gates are operated.

Notes:

IMPORTANT!!!! Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.lineearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's Public Rights of Way Team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

Pendle Water is a designated Main River. The proposed drainage strategy drawing referenced Preliminary 21110-PWA-00-XX-DR-C-1001 P01 indicated a new outfall to the river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk. For the avoidance of doubt the off-site highway works shall include.

Application Ref: 23/0425/FUL

Proposal: Full (Major): Erection of 1 no. industrial building split in 2 no. units with Mixed Use Class E(g), B2 (Industrial) or B8 (Storage or Distribution).

At: Land North East Of Vantage Court, Riverside Way, Barrowford

On behalf of: Barnfield Contractors UK Ltd.

Date Registered: 06/07/2023

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 6TH SEPTEMBER 2023

Application Ref: 23/0441/HHO

Proposal: Full: Demolition of existing outbuilding and the erection of a part single storey and part two storey extension to the side and rear.

At: Bank End Farm, Blacko Bar Road, Roughlee.

On behalf of: Mr and Mrs P. Miller.

Date Registered: 03/07/2023

Expiry Date: 28/08/2023

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a traditional farm building and barn, it is a two storey T-shaped detached dwelling with natural stone walls and a pitched roof of stone tiles, windows and doors are timber. The site is located on a sloping hill, the dwelling follows the slope of the hill upwards and has terraced areas, there is a detached barn close to the dwellinghouse, parking areas are available to the front and is set within a generous garden area. To the rear of the site there are mature trees being a combination of conifer and deciduous trees which provide a backdrop to the application site. It is sited within the Open Countryside and Forest of Bowland Area of Outstanding Natural Beauty (AONB). Public Rights of Way provide vantage points of this site from FP1317104 and FP1317113 which provides views to the north of the site and from FP1317114 there are views to the front elevation of the existing dwelling house and it is also visible and from Blacko Bar Road and longer range views from Gisburn Road.

The proposal is for the demolition of an existing detached barn and for the erection of a single storey and two storey extension to the side and rear elevation of the existing kitchen and for the erection of a single storey and two storey side extension. The proposed single storey side extension would be 8.3m long and 8m wide with a canopy to the front which would be 3m wide and 2.7m long and would link the existing dwelling house to the proposed extension. The proposed two storey side extension would be 21m long and 12.9m wide which would comprise of a swimming pool, jacuzzi, sauna, steam room, shower room and playroom and a lounge area to the ground floor, to the first floor there would be two guest bedrooms each with dressing room and ensuite and a balcony to the front elevation. The proposed single and two storey side extension located to the rear of the existing kitchen would extend the existing single storey extension by 4.4m in length and the two storey element would have a height of 3.6m to the eaves, it would provide a utility room and WC.

Relevant Planning History

21/0112/HHO: Full: Construction of subterranean swimming pool building with associated facilities. Approved with Conditions (25/05/2021).

13/07/0701P: Full: Construction of swimming pool with associated facilities. Approved with Conditions (12/11/2007).

13/10/0465P: Extension of Time: Extension of time for implementation of Planning Permission
13/07/0701P - Construction of swimming pool with associated facilities. Approved with Conditions
(28/10/2010).

13/94/0593P: ERECT CONSERVATORY TO SIDE. Approved with Conditions (06/12/1994).

Consultee Response

Parish Council

The Parish Council objects to the proposal relating to:

The above application has been the subject of a site visit by Roughlee Parish Council who have resolved to object to the proposed extension for the following reasons.

Bank End Farm is in a highly prominent location and is visible from the high ground to the east and northeast. The existing buildings are traditional in terms of design and materials and sit comfortably in their setting. By contrast the proposed extension, which more than doubles the size of the building, is a huge, non-traditional, glazed building the design of which is unrelated to and dwarfs the existing buildings.

The extensive use of glazing in the design means that the building will be highly visible from more distant viewpoints, for example in parts of Blacko village and from Pasture Lane, Roughlee and the ridge footpath towards Blacko. This visual prominence will also be evident at night when the building is likely to be illuminated.

The site of Bank End Farm is in the AONB and the size and prominence and the alien nature of the design will detract from the landscape and scenic beauty of the area. Planning policy at various levels attaches great weight to protecting and enhancing the landscape and scenic value of the AONB. Firstly the National Planning Policy Guidance (NPPF) in paragraph 176 states the need to give great weight to conserving and enhancing the landscape and scenic beauty of the AONB. The Parish Council believe that given the scale, unsympathetic design and prominence of the proposed extension it is contrary to the requirements of paragraph 176.

Paragraph 177 of the NPPF is also relevant. This requires that applications for major development in the AONB should be refused unless there are exceptional circumstances. The footnote to paragraph 177 makes clear that the definition of major development is one for the decision maker taking into account its nature, scale and setting and whether it could have a significant adverse impact on the purpose for which the area has been designated.

The Parish Council believe that given the nature of the design, its scale and setting, the proposed extension falls to be regarded as a major development and as such should be refused. The Local Plan for Pendle is the Core Strategy adopted in 2015. Policy ENV1 of the adopted plan very much follows the NPPF but adds the additional wording "In addition proposals will be considered on a needs basis, should be in scale with, and have respect for the surroundings." The Parish Council note that no case has been made to support any need for an extension of the size proposed and that the scale has no respect for its surrounding.

A new Local Plan for Pendle is currently the subject of public consultation. Although, therefore, of limited weight in planning policy terms, the new plan does include a Policy DM11 which deals with the protection of the AONB. This policy requires that proposals should address the capacity of the landscape and its ability to accommodate the development. It also makes clear that major developments will not be permitted. Although overall the new Local Plan is at an early stage the Policy DM11 is clearly compliant with the NPPF and as such is relevant to consideration of this application.

In conclusion the Parish Council believe that the proposed extension is a poor design which does not respect its setting, it would be unduly prominent in both day and night, it would have a severe adverse impact on the landscape and scenic beauty of the AONB and is clearly contrary to Planning Policy at both National and Local level. As such, the Borough Council is requested to refuse this application.

LCC Highways

LCC Highways raise no objection to the proposed development.

PBC Public Right of Way

No comment.

Public Response

A site notice was posted and letters sent to the nearest neighbours, one objection was received relating to:

- The amount of glazing would be out of place on this prominent hillside and landscape.
- The design is out of keeping with the local design and materials and resembles a hotel.
- The scale of the proposal is overlarge and prominent.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SPD2 (Spatial Development Principles) sets out the hierarchy of settlements for which growth would be directed towards, in order of preference. Roughlee is classed as a “Rural Village” in this hierarchy.

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

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

Replacement Pendle Local Plan

Saved Policy 1 restricts the type of development which is acceptable within the Open Countryside and AONB, although this policy is out of date and is not consistent with the Framework it has not entirely been replaced by the Site Allocations Part 2: Local Plan.

Saved Policy 2 specifically refers to development within the AONB, setting out that the natural beauty of this area should be protected.

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

National Planning Policy Framework

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

The Framework sets out a high standard for proposed development within the AONB. Footnote 7 deals with designated areas, including AONB amongst other things, with reference to the overall presumption in favour of sustainable development contained at paragraph 11 of the Framework.

Paragraph 134 of the Framework sets out that development which is not well designed should be refused.

Paragraph 176 attaches great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

The Open Countryside SPG sets out guidance for development within Open Countryside and Areas of Outstanding Natural Beauty. The application site is located within the Moorland Fringe.

Design

The Design Principles SPD advises single storey and two storey side extensions should be carefully designed, and usually benefit from having a pitched roof, using the same construction materials as the original dwelling and retain sufficient parking spaces. The proposal would be set back from the front elevation of the original dwellinghouse. The proposed single storey side extension would be cross-shaped which would be 8.3m long and 8m wide, and set back from the front elevation of the existing dwellinghouse and would have a pitched roof of natural stone flags. To the front elevation of the proposed single storey extension would have full height glazed windows to the eaves and stone and timber to the walls and a proposed canopy which would not extend beyond the front elevation of the existing dwelling. To the rear elevation it would have four full height and two full height windows from the ground to the eaves and natural stone walls to the rear projecting element. The dominant material to the proposed walls would be glazed windows, the Design Principles SPD advises that windows should match those of the original property and positioned to reflect the position on the main dwelling house. The existing dwelling is a traditional farmhouse and barn, which has mullion windows to the original farmhouse, and to the barn it has glazing to the barn opening, windows which are wider than they are high, and two openings with a door and window.

The proposed two storey side extension would be 21m long and 12.9m wide, have an eaves height of 5.1m and a ridge height of 7.5m. It would have three pitched roofs to the front elevation, the front elevation would be dominated by glazed windows set within oak timber frames, to the side elevation it would have full size windows inserted from the ground to the pitched roof with elements of natural stone wall and timber cladding. To the rear elevation, the proposed two storey

extension would have large windows either side of the roof sloping to the rear. The proposed two storey extension would have elements of horizontal oak timber cladding to the side elevations. A balcony terrace is proposed to the front elevation at first floor level with a glazed balustrade providing access from the two guest suites.

In this location, the site is sloping with the land increasing in height to the rear of the proposal and dropping down in height to the front. Given the nature of the land level, the front and rear elevations are particularly visible and the design of this is of particular importance in the overall scheme. As already noted, the site is particularly prominent in views from Gisburn Road and from Public Rights of Way to the rear with PROW crossing above and behind the proposal, the rear of the proposal has been designed to show a large roof space and large windows to the rear elevation, the design and scale does not reflect the character of the surrounding area or the character of the existing dwelling house.

From the front elevation, there is a PROW which runs from Blacko Bar Road up the access road/PROW towards the application site and continues to the rear of the dwellinghouse and joins to other PROW. From this PROW there are clear views of the front elevation of the existing dwellinghouse. The proposed development would have an overall length of 29m, it would be a large structure dominating the existing traditional farm building in both length and height. The front elevation would have a large expanse of glazing, including two sets of quadruple folding/sliding doors, four sets of bi-folding/sliding doors, glazing to the three pitched apexes and further glazing to the two storey and single storey side extension, the glazing dominates the front elevation of the proposal, with some elements of natural stone and timber cladding. This large expanse of glazing is not traditional and would draw attention to the elevation as being out of character with the surrounding area and the existing building. Furthermore, the excessive length and height of the proposal and the expanse of glazing would be highly visible at night when the lights are switched on.

The material of the proposal is majority glazing with some walls of natural stone and timber cladding and stone flags to the roof, the excessive amount of glazing results in a building which is uncharacteristic of the existing dwelling and its surroundings, it could be considered that the proposal is a contrast to the traditional farm building, however, the scale and materials of the proposal result in an incongruous development in this location.

When viewed from the south, the proposed development would significantly alter the appearance of the site due to its scale, design and glazed front elevation and cause harm to the wider visual amenity. This represents poor design contrary to paragraph 134 of the Framework.

Landscape Impacts

The proposed development is located within the Moorland Fringe as defined by the Open Countryside SPG. This recommends that proposed development should be modest in scale and make a positive contribution to the landscape with wall materials of local stone in natural colours and with dark grey/blue stone coloured material to the roof which would ensure the proposed development assimilates the building within the surrounding landscape character. The proposal does provide elements of natural stone walls and the proposed roof would be natural flag tiles, however the proposal is of a modern design positioned to the side elevation of the existing dwelling with the majority of the front elevation being glazed from ground level to the pitched apex.

There are Public Rights of Way to the north of the application site, the visual impact of the proposal from the PROW would be that of a traditional gable elevation of the existing dwelling and the rear roof slope of the proposal with large windows either side and the rear of the proposed single storey extension. There is a PROW (FP1317114) along the access lane to Bank End Farm from Blacko Bar Road, from this PROW it is possible to see the existing dwelling, the proposal

would also be visible from this PROW and would be visible from Gisburn Road. From Blacko Bar Road the proposal would be visible particularly in Autumn and Winter when the deciduous trees drop their leaves.

The application site is currently a traditional farmhouse with attached barn and a detached barn, the overall width of the existing dwelling is nearly 17m long, the front elevation of the proposal would be nearly 28m wide, resulting in an existing and proposed development being circa 45m long. Users of the PROW and along the PROW on Blacko Bar Road would have a view of a modern, large, unsympathetic dwelling with a glazed front elevation which is not characteristic of the traditional farm building which is nestled into the hillside.

The design, scale, materials and excessive amount of glazing of the proposal would impact upon the surrounding character and appearance of the wider visual amenity and AONB. The proposal is contrary to Policies ENV1 and ENV2 of the Local Plan: Core strategy and Section 15 of the National Planning Policy Framework.

Residential Amenity

The Design Principles SPD seeks to ensure that householder developments do not result in an adverse impact on amenity in terms of design, scale, massing and orientation. The proposed extension is more than 21m from any neighbouring dwellings, it would not result in an unacceptable impact in terms of loss of privacy or overbearing effect. The proposal would be acceptable in terms of residential amenity and in accordance with Policy ENV2 and the Design Principles SPD.

Highways and Parking

The existing dwelling has 4 bedrooms which includes the dressing room which could be used as a bedroom, the proposal would increase the number of bedrooms to seven bedrooms. The Replacement Pendle Local Plan states that for a dwellinghouse with 4+ bedrooms 3 parking spaces are required. The plans indicate that three parking spaces are available to the front elevation. LCC Highways have noted that the proposed parking area is less than the recommended 6m, however this does not affect the publicly maintained highway network, therefore LCC Highways raise no objection to the proposal on highways safety, capacity or amenity in the immediate vicinity of the site.

RECOMMENDATION: Refuse

The proposed development would result in a modern and large 28.7m long single and two storey side extension to the side of the existing traditional two storey dwelling which does not result in a development which would be sympathetic to the character and appearance of the wider visual amenity within the AONB. It takes a prominent position within the surrounding context and views of the proposed development can be seen from key public rights of way and vantage points. By virtue of the positioning of the extension to the side elevation, the scale, design and choice of glazing to the majority of the front elevation would result in a development that would be uncharacteristically modern in its design and would not relate well to the position it is located in. The proposed development would result in a development that is out of character with the area and would be contrary to paragraph 134 of the Framework, Policies ENV1 and ENV2 of the Local Plan Part 1: Core Strategy, the Design Principles SPD and the Open Countryside SPG.

Application Ref: 23/0441/HHO

Proposal: Full: Demolition of existing outbuilding and the erection of a part single storey and part two storey extension to the side and rear.

At: Bank End Farm, Blacko Bar Road, Roughlee.

On behalf of: Mr and Mrs P. Miller.

Application Ref: 23/0494/FUL

Proposal: Full (Major): Change of use of part of an agricultural land to commercial dog walking business and the erection of fencing.

At: Land to the South West of Woodside, Fir Trees Lane, Higham

On behalf of: Mr Paul Boothman

Date Registered: 25/07/2023

Expiry Date: 19/09/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site is an irregular parcel of land within a field adjacent to Fir Trees Lane, Higham. It is currently accessed via a field gate on Fir Trees Lane. The application site lies within the Open Countryside and the Green Belt. The application site is also circa 160m from a Biological Heritage Site (Fir Trees Brook, Higham).

The proposal is to change the use of the existing agricultural field, to be used by a company to run a commercial dog walking business. The application also seeks permission for the erection of fencing to the perimeter of the site. The proposed fencing is to be a 1.8m high stock fencing with barbed wire top along the northern boundary, with a 1.2m high stock fencing with a barbed wire top to the remaining three boundaries.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

The applicant needs to provide further information regarding this application and the site's operation so that it can be properly assessed from a highways point of view.

- The applicant is not the end user. Insufficient information's been submitted about how the commercial dog walking business would operate. For example, confirmation of days and frequency of site visits, number of dogs per session, are dogs brought to and from site only, would members of the public be able to book a time slot to go and walk their dog? I'm presuming that these and any other relevant details are readily available for this application to have been submitted, either because the business is already operating or it's been planned how it will operate if this will be an additional service.
- Why are 2 car parking spaces needed?
- I've noted the erection of fencing around 4 boundaries but what about the timber gate? How will dogs be prevented from escaping over or through the gate and onto Barrowford Road, which is a 50mph speed road? There should also be 1.8m high stock-proof fencing behind the hedge where the field gate is on both sides as there are concerns about dogs escaping

onto the public highway network. It's not clear from the plan whether or not this is already intended.

- The internal field access and access to the car parking is proposed to be surfaced in limestone. Due to the intensification in use from the existing we'd want something bound porous so that loose material isn't carried onto the public highway network, for example Grasscrete or something similar. This should be for the first 5m into the site from the rear of the footway.

Higham with West Close Booth Parish Council

Having considered the documents supporting this Application, Higham Parish Council now wishes to express its concerns.

The proposed development from agricultural land into a commercial dog walking business is highly inappropriate for this unique and unspoiled area.

The erection of the fencing, as described in the plan, will alter the openness of the area, and will create a negative impact for residents, walkers, and all our flourishing wildlife.

This field is home to a variety of wildlife that we need to protect, including curlews, owls, woodpeckers, deer and badgers, and the development of the land from agricultural land into a commercial dog walking business will have a drastic effect on all the local wildlife.

There is also the potential for noise and light pollution. The plans do not elaborate as to the size of the dog walking business i.e. how many dogs will be using the field at any one time and at what times does the business propose to use the field. In winter it can be dark from 3pm and the field will no doubt need a suitable lighting source, this will create a further negative impact on the area along with the extra lights and noise from large vehicles entering and leaving the proposed development at various times of the day.

Access to the proposed field is also very limited and can only be accessed by a single-track road that is not maintained by Highways. The parking of vans has the potential to be restrictive to the residents.

Higham and the surrounding AONB, does not lend itself to this type of development and it will have no positive benefits for the residents of Higham.

If the application is allowed it risks being a thin-end-of-the-wedge precedent for further development in this very special area (either by extension of this site or other localised applications), therefore, the Parish Council wholly objects to this Application.

I hope this clarifies our position and if we can be of any further assistance or you require any further information please do not hesitate to contact us.

Lead Local Flood Authority

The Lead Local Flood Authority has no comments to make on this application, as the proposed development has no surface water implications.

Environmental Health

Requested a noise assessment.

Public Response

Nearest neighbours notified, a site & press notice have been displayed.

Multiple letters of objection have been received, they can be summarised as follows:

- Loss of privacy to nearby properties
- Excess traffic
- Detrimental to the wellbeing of the livestock in the field
- Impact on wildlife
- Local residents will be unable to enjoy their property, including outdoor garden space
- Toxic pollutants from dog foul
- Lots of local people walk their own dogs on the lane, there would be more potential dog attacks
- There are alternative areas which could be used instead
- Employees will be low-paid and some of them don't have the correct training and safety standards
- Personal security of children living nearby will be compromised
- Noise impact
- Boundary fencing is not adequate enough
- The overall site size is double that of existing provision – this is too large for the area
- No benefit to the community
- Unacceptable mental health impacts as a result of the proposals
- Concern about conflict with a potential proposal for donkey walking / animal therapy along side this proposal
- Increased crime – rural crime including cutting the fences so that dogs could go hunting
- A local farmer uses this field to move cattle from a field to the north of the proposed application site – this is something they have been doing for 40 years and would not longer be possible
- Farm diversification issues for an adjacent landowner who is intending to utilise the Agri-Environment scheme which would receive ELS income
- Dog foul entering the water course which runs along side the site
- Water run off with ice at the gateway in winter months
- Inconsistencies and inaccuracies withing the application
- Loneliness and self-isolation for the 19 retired residents who live nearby
- Car park will result in a loss of privacy to gardens
- Disturbance to hedgerows
- The Parish Council refuses Fir Tree Lane activities because of the high risk of crossing the A6068
- Fatal accidents have happened on the bypass
- 1.2m high fencing is not adequate enough
- Future expansion of the business
- Outdoor lighting
- Fencing would impact the openness of the Green Belt
- Landscape impact
- Unclear how many dogs would be on the field at any time

Officer Comments

Policy

The relevant policies are:

SPD1 (Presumption in Favour of Sustainable Development) echoes the National Planning Policy Framework in that proposals for sustainable development which improve the economic, social and environmental conditions in the area will be supported where possible.

Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) seeks to protect, enhance and conserve our natural and historic environments. This includes areas of biological or geological importance such as Biological Heritage Sites. It sets out that development which would be likely to adversely affect the established interest of a Local Nature Reserve (LNR) or other Local Site (BHS, LGS, LNI) either directly or indirectly will only be permitted where the benefits of the proposal outweigh the need to safeguard the nature conservation value of the site.

Policy ENV2 (Achieving Quality in Design and Conservation) states that 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.

Policy ENV5 (Pollution and Unstable Land) sets out that the Council will work with its partners to minimise air, water, noise and odour pollution.

Policy WRK1 (Strengthening the Local Economy) sets out that development will be supported where they help to strengthen and diversify the local economy. Proposals which facilitate expansion of business, promote sustainable working practices, maximise training opportunities or deliver improved transport links will be supported.

The Development in Open Countryside SPG is also relevant here.

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 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.

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

Paragraph 149 sets out a number of circumstances where new building is not inappropriate. The paragraph is copied below for reference:

*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
a) buildings for agriculture and forestry;*

- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- 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.*

Paragraph 150 of the Framework states the following:

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 are:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

Principle of Development

The Framework makes an exception to inappropriate development Green Belt, in the case of “appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation cemeteries and burial grounds and allotments;” as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The proposed development does not involve the erection of any structures on the land. In this case paragraph 149(b) is directly relevant because it would be for the change of use of land. The Framework stipulates that the facilities [must] preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

In this case, the erection of stock fencing would not result in an unacceptable impact upon openness. Indeed, in an agricultural area, it is commonplace to erect stock fencing around parcels of land to contain livestock. There are Permitted Development rights which extend to certain agricultural developments in this regard.

In relation to the car parking, the proposal includes provision for the parking of one vehicle. Originally the scheme was to include two parking spaces but the applicant has since updated this, to reduce the number to one space. The purpose of having a car parking space within the site and not on the public highway would be so that dogs could be unloaded from a van and let out onto the field for exercise. The creation of an area of hardstanding (in this case grass-crete) is classed as an engineering operation. Again, the Framework makes an exception to Green Belt development in the case of engineering operations at paragraph 150.

As such, the proposal is acceptable in principle, subject to accordance with design, amenity (including noise), ecology and landscaping policies.

Residential Amenity

There is an established cluster of buildings on Fir Trees Lane, which are residential dwellings. The proposed development includes provision for one car parking space to the west of the site, close to the existing field access. The applicant's statement sets out that the intended use of the site would be for two time slots covering up to 1.5 hour periods, they only intend to operate Monday to Friday. This is something which could be controlled by planning condition.

Concerns have been raised about the noise levels from the site. The Council's Environmental Health Officer has been consulted as part of this application. The applicant has been asked to submit a noise assessment. At the time of drafting the report a noise assessment had not been submitted. Policy ENV5 of the Local Plan: Part 1 Core Strategy requires that new development minimises public exposure to pollution (including air, water, noise and odour pollution) both during and after construction. At present, there is insufficient information available to the Council to make a decision on this basis.

Design & Visual Amenity

The proposed development lies within the Green Belt and Open Countryside. It is adjacent to the settlement boundary for Higham but is outside of it. There are no public rights of way crossing the site. However, Public Right of Way FP13-14-006 runs in an east-west direction along the southern boundary of the application site. The proposals would not affect users of the Public Right of Way. This is because the proposals involve 1.2m high stock fencing with barbed wire top to three boundaries and 1.8m high stock fencing with a barbed wire top to the boundary with Barrowford Road. Stock fencing is generally found in rural areas as a standard field boundary. In this case, although the proposed use is not an agricultural one, the fencing proposed is the same as that which could be erected under agricultural Permitted Development rights. Further, it is not intrusive in terms of the impact upon openness of the Green Belt because views can be obtained through it. Hence, the land would remain relatively open with views across it available from public vantage points, despite being enclosed to contain animals.

The proposed car parking space would not result in an unacceptable impact in design terms because this is to be a hard surface constructed of grasscrete. There would be no structures on the site such as offices, WC facilities. As such, there would be no unacceptable impact in design and visual amenity terms. The proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy in this regard.

Ecology

The application site is located circa 150m away from Fir Trees Brook which is a Biological Heritage Site (BHS). The site was designated as such due to being a clough, supporting species-rich flushed grassland with scattered scrub. The application site lies on higher ground than the brook,

so it can be expected that water would naturally drain from the application site in the direction of the Fir Trees Brook.

Members of the public have expressed concerns about introducing animals to the site, which could result in harm to the species which are particularly special to the BHS. For example, toxins from dog excrement and urine on the land would eventually percolate down towards the brook. This has the potential to cause harm to the special character and species which are important to the BHS.

However, the proposed development is for up to 10 dogs to use the site for a limited period during the week. As such, this limited use of the site is unlikely to generate unacceptable levels of toxins which would cause harm to the watercourse. Further, it is possible to mitigate any risk by introducing a planning condition which controls the disposal of dog foul. This is not dissimilar from planning conditions controlling manure from horses at applications for stables. As such, it is possible to control this through suitably worded planning condition.

Highways

The application is accompanied by a layout plan which indicates two car parking spaces and a turning area, utilising the existing field access off Fir Trees Lane. However, during the course of determining the application the applicant has chosen to reduce the car parking to one space. An amended plan indicating one car parking space has been requested and is awaited. The applicant has also indicated that they would be happy to use grasscrete at the entrance to the site and parking area, in order that there is no loose material which could be dragged onto the road, creating a highway safety issue. There would be no access to the land by members of the public. The intention of the landowner in this case is to allow an existing dog walking business to use the land to operate their business.

The Highways Authority have not objected to the proposals but have requested further clarification on a number of issues, including how the business would operate. The applicant has prepared a supplementary planning statement which addresses many of the questions raised by the Highway Authority. Multiple representations have been received from members of the public regarding the potential for danger with animals and the busy road adjacent (Padiham bypass). The intention is for the business to operate on weekdays only, with no operation at the weekends. They also intend to use the land twice a day, for a period of 1.5 hours each visit. There are to be two members of staff present, each with responsibility for five dogs. They would use one vehicle, which would be a purpose converted van (with appropriate air circulation systems for transporting animals). There is only a need for one parking space on the site. This is because the van would enter the field through the existing opening and park in the dedicated parking area. The field could then be secured, so that the dogs could be taken out of the van safely. The parking and turning area could be the subject of suitably worded conditions, in the event that the application were approved. Similarly, operating hours could also be restricted, if necessary, by means of a planning condition.

Members will be updated at the committee meeting in relation to the amended parking layout.

Other Issues

Issues concerning livestock in adjacent fields has been raised by members of the public. This would be no different to dog walkers using the nearby Public Rights of Way, in terms of the impact which dogs could have upon livestock. There is no greater risk of dog attacks, as has been suggested by some, than there would be on the existing public rights of way.

Some people have raised issues which are not material planning considerations including the rate of pay of workers, dogs being used for hunting, landownership / tenancy issues relating to the existing use of the land, inconsistencies with the application, ALS funding on adjacent fields,

loneliness and mental health status of local residents and potential for future expansion of the business.

Some comments have been received regarding personal safety of children living nearby. There are other examples of dog walking fields in Pendle where this is not an issue. As such, with appropriate safety procedures in place this could be addressed.

Whether or not the boundary fencing is high enough to prevent animals from escaping has been raised. The height of the boundary fencing could be controlled by planning condition. The overall size of the parcel of land which is the subject of the change of use has been criticised by members of the public as being too large for the area. There is no policy basis in which to measure the size of proposals of this nature. Comments have been received stating that there would be no benefit to the local community because the applicant is not from the area. This type of application would not require a balancing exercise to be undertaken to weigh up public benefits against potential harm, that type of exercise is reserved for heritage assets.

The Council are not aware of the potential issue regarding rehabilitation and animal therapy which takes place on nearby land. In terms of land use, there would be no reason why the two could not run alongside each other, as with other rural areas in the Borough.

RECOMMENDATION: Refuse

For the following reason:

The application is not accompanied by a noise assessment setting out the impact of the proposed development upon nearby residential dwellings. There is insufficient information in relation to addressing the issues surrounding potential noise pollution, which is contrary to Policy ENV5 of the Local Plan: Part 1 Core Strategy.

Application Ref: 23/0494/FUL

Proposal: Full (Major): Change of use of part of an agricultural land to commercial dog walking business and the erection of fencing.

At: Land to the South West of Woodside, Fir Trees Lane, Higham

On behalf of: Mr Paul Boothman