

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

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 7th FEBRUARY 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE MEETING 7TH FEBRUARY 2024

Application Ref: 24/0006/FUL

Proposal: Full: Formation of a new vehicular access onto Croft Top Lane to provide access through adjoining field.

At: Higher Fencegate Farm, Croft Top Lane, Higham.

On behalf of: Mr Robert Southern.

Date Registered: 09/01/2024

Expiry Date: 05/03/2024

Case Officer: Joanne Naylor

This application has been brought before Committee as three objections have been received.

Site Description and Proposal

The application site relates to an agricultural field located on Croft Top Lane, Higham. It is located within the Open countryside and the Green Belt. Access to the field is by a gateway located to the side of Higher Fencegate Farm over the tarmac driveway and across the grassed track to the field gate.

The applicant seeks to relocate access to the field as the existing access is damaged when the tractor travels across the tarmac area and the grassed track. The proposal is to form a new access to the far side of the field adjacent to Croft Top Lane, two ten foot wide gates will be erected, set back 5m from the highway verge.

Relevant Planning History

13/02/0524P: Erect residential annexe with garaging. Refused (9th January 2003).

13/13/0463P: Full: Erection of single storey extension on the south elevation of dwelling house. Approved with Conditions (6th November 2013).

Consultee Response

LCC Highways

Parish/Town Council - Parish Council is concerned that established trees and hedges are being removed to create this entrance and traffic issues will be created in Croft Top Lane as tractors using the new access to reach rented land, will have to manoeuvre and potentially block lane when gaining access. Concerned sites lines are not sufficient.

Environment Officer - In principle there is no objection to the proposal. To comply with national policy, a planting specification is needed in terms of the size and number of Hawthorn whips to be

planted and details for the replacement of any that die, information on the maintenance and management including bedding, watering, etc.

Public Response

Letters were sent to nearby properties, and a site notice posted which will expire on the 5th February 2024, at the time of writing the Delegated Report (24th January 2024) three objections have been received and one response supporting relating to:

- The map provided is not detailed enough, the hedgerow and trees including Sycamore, Hazel, Ash, Holly and Hawthorne are along the field edge, which are established old trees and should not be disturbed.
- There is already a field access to the field.
- Questions arising from the location of the gate access, on the roadside or set back into the field.
- The road is single lane, the proposed new access would be difficult to manoeuvre at the proposed location and 5m wide.
- When opening and shutting the proposed gate, vehicles would have to stop on the lane and obstruct road users.
- The lane is a national speed limit of 60mph, placing a gate before a corner will give no indication of an obstruction caused by a vehicle using the gate due to the stone wall and could result in accidents.
- Motorists and small cars would not be able to see above the drystone wall to know that a tractor was turning.
- Concerned that a number of established trees and bushes would need to be removed.
- Croft Top Lane is a very narrow rural lane primarily used for access only. Vehicle speed and volumes are very low. The character, horizontal alignment and width of the road regulate vehicle speeds to around 20mph and hourly traffic speeds to around 20mph and hourly traffic volumes are less than five.
- Although the road is restructured to 60mph, but this does not indicate that 60mph is achievable on the narrow road.
- LCC Highways appear to support the proposal; based on a visibility splay of 43m, however estimated speeds may be 20mph and a visibility of less than 43m may be sufficient.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 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 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.

Saved Policy 31 of the Replacement Pendle Local Plan 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 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.

Officer Comments

The proposal seeks to create a new field access off Croft Top Lane. It would have two 10 foot gates set back from the highway by 5m. The applicant has confirmed that no trees would be removed, however some of the hedging to the side wall of the field would need to be removed and some hedging removed along Croft Top Lane.

Croft Top Lane is an unclassified road with a speed limit of 60mph, however due to the narrowness of the road it is unlikely that 60 mph speed can be sustained. Following advice from LCC Highways, that for the road speed for visibility is based upon 30 to 35 mph with a stopping distance of 45m.

To Croft Top Lane the site boundary has five mature trees and hedgerows, and to the side boundary there is a Hawthorn. The trees are 2m back from the highway and there is good visibility for 45m either way.

To the highway there would be a 10metre wide access to enable a tractor and trailer to enter and exit the field, and two timber gates each 3metres wide would be erected and set back 5metres from the highway. It is proposed that a bound and porous material would be laid from the highway to the timber farm gates. The proposed access would be used infrequently due to the nature of agricultural use.

A Landscaping Scheme has been submitted, hedging would be removed where the 10m wide access is proposed, and to the dry stone wall on the side boundary a hawthorn would be removed. It is proposed that post and rail fencing will be erected from the proposed farm gate towards the highway, a 7m long hawthorn hedge would be planted along the proposed fence, and a 2m long hawthorn hedge planted from the gate to the dry stone wall.

The proposed location of the access has some drainage issues with the potential for water to drain into the corner of the field where the access is proposed and the potential that the ground will become muddy and take soil onto the highway. It is proposed that dropped kerbs would be inserted where the access joins the highway, the kerb stones would direct water to the existing drain in the highway which would address the issue of mud entering onto the highway.

The proposed development would not erect any structures on the field. Although some hedgerow would be removed, this would be replaced with hawthorn hedges 9m in length, 5m hard surfacing would be of bound porous material and would enable a tractor and trailer to enter into the field and reduce any issue of obstruction to the road. It is proposed that dropped kerbs would be placed along the highway to ensure surface water would not enter into the field. Furthermore, the proposed access would provide a passing place for other vehicles meeting approaching vehicles. The access would not result in any unacceptable neighbouring amenity issues. The proposed access and gates would be acceptable. The replacement of hedging would be acceptable and comply with Policy ENV2 of the Pendle Local Plan Part 1 Core Strategy.

Summary

LCC Highways response is to follow and will be reported to Committee the design may need to be changed subject to LCC Highways formal response. It is recommended that the approval of the application, and any additional or revised conditions, is delegated to the Assistant Director, Planning, Building Control and Regulatory Services subject to any design changes necessary in response to LCC's comments.

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECCOMENDATION: 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: TBC

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

3. The external materials used in the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. Prior to the first use of the development hereby permitted, the access hereby permitted shall be surfaced in a bound porous material from the highway edge to the farm gate in order to prevent loose surface material from being carried onto the adjacent highway network, where it could pose a hazard to other highway users.

Reason: In order to prevent loose surface material entering the highway and causing a hazard to other highway users.

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 12th January 2024