

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

**TO: BARROWFORD AND WESTERN PARISHES COMMITTEE**

**DATE: 6<sup>TH</sup> NOVEMBER 2024**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

# REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 6<sup>TH</sup> NOVEMBER 2024

**Application Ref:** 24/0366/FUL

**Proposal:** Full: Demolition of existing mill building and the erection of a 2.5 storey apartment building to accommodate 6 no. apartments and associated site works.

**At:** Sandy Lane Business Centre, Sandy Lane, Barrowford

**On behalf of:** Premier Vue

**Date Registered:** 09/07/2024

**Expiry Date:** 03/09/2024

**Case Officer:** Laura Barnes

This application has been deferred from the last meeting,

## **Site Description and Proposal**

The application site is a two storey stone building positioned on the junction between Garnett Street and Calder Vale. It is known as Sandy Lane Business Centre and is physically attached to an adjoining building which is also within the applicant's ownership. The building which is physically attached to the application site is currently used as an MOT car garage.

The proposal is for the existing building to be demolished to make way for an apartment block comprising six individual dwellings. The apartments are a mix of one and two bedroom dwellings, with a total of two apartments having two bedrooms and four apartments having one bedroom. The proposed building is to be three storey in height and is to be positioned broadly on the same footprint as the existing building.

## **Relevant Planning History**

13/06/0212P: Full: Convert first floor to flat; erect garage; enclose forecourt.  
Approved with conditions

19/0559/FUL: Full: Proposed change of use of vacant building to form 4 No. self-contained residential flats (Use Class C3) including demolition of existing two storey flat roofed extension and erection of replacement extension.  
Approved with conditions

## **Consultee Response**

### LCC Highways

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development. The principle of residential development on this site has been previously established under Planning Permission reference 19/0559/FUL. However, the highway authority not raising an objection is subject to the following comments being noted and further information being provided satisfactorily.

Recent site planning history

19/0559/FUL - Proposed change of use of vacant building to form 4 No. self-contained residential flats (Use Class C3) including demolition of existing two storey flat roofed extension and erection of replacement extension. Approved.

### *Proposal*

The proposed development is for the demolition of the existing mill building and the erection of a two and a half storey building containing four x one bed apartments and two x two bed apartments. This is an increase to the previously approved scheme which was for four x one bed flats.

From the highway authority's highway records a section of the proposed development would be on land currently dedicated as part of the highway network maintained at public expense.

Part of the three storey extension on the southern elevation would encroach over the highway network maintained at public expense. Therefore before determination of this application the applicant should apply to have this section of publicly maintained highway stopped up under Section 247 of the Town & Country Planning Act.

This encroachment was highlighted under the previous application and amended plans (Site Plan ref HAD3135-0-A) were submitted and subsequently approved.

At that time the highway authority requested appropriately scaled plans showing both the existing and proposed extensions facing Sandy Lane together with the surrounding footway.

This was to assess whether the remaining footway width would be acceptable and whether the highway authority would support the stopping up of this section of the publicly maintained highway network under planning legislation. In addition it was also to establish whether the replacement extension building would obscure the visibility splay from the adjacent MOT garage. The highway authority makes the same request for this application for the same reasons.

Alternatively the extension could be re-built on its existing footprint for which amended plans would be required.

### *Car & cycle parking*

No off-road parking is proposed for this development, although it is within an area of terraced housing with no associated parking. However, the site is within acceptable walking distances to local amenities and facilities, including public transport.

The developer proposes cycle storage facilities on the ground floor within the refuse bin storage area. Given the above comments regarding encroachment over the public highway network alternative cycle storage facilities would need to be provided. The highway authority also does not consider the proposed storage facilities appropriate given the communal access, remoteness from the apartments and openness to view by the general public.

### *Highways*

As the building is proposed to be demolished the highway authority recommends that the existing footway along the Garnett Street elevation is extended and a properly constructed 1m wide footway is provided to improve pedestrian movements and safety. (Approx length 10m.) The provision of the footway would slightly reduce the footprint of the proposed development and would require amended plans submitting.

The formation of the new section of footway would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the footway to Lancashire County Council's specification, including full height kerbs and buff coloured tactile paved dropped pedestrian crossings on both sides of Garnett Street at the junction with Sandy Lane.

The new section of footway would be dedicated as part of the public highway network under a Section 38 agreement.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process and should not wait until condition discharge stage. Due to the high volume of agreement submissions currently being received by the county council this process can take at least six months to complete. No works should be undertaken within, or which affect, the highway network maintained at public expense without the necessary agreement first being in place in order to prevent legal action from being taken against the developer.

Street Lighting Column No 1 may need to be re-located as it could be vulnerable to damage during the demolition and construction works. This would be at the developer's expense.

To ensure that any demolition or construction works do not have a detrimental impact on the construction of the footways on Sandy Lane and Garnett Street a pre-commencement survey should be undertaken.

A similar survey should be carried out once a month for the duration of the development and temporary repairs made as necessary. Within one month of the completion of the development and prior to first occupation the developer shall make good any damage to the footways to return these to a minimum of their pre-construction state, with the final reinstatement being in consultation with the highway authority.

The developer should also provide tying in details to the edge of the highway network so that this is properly delineated.

It should also be noted that no part of the development should project over the highway network, which the proposed balconies on the southern elevation are likely to do, and which the highway authority would not support.

#### *Demolition & construction phases*

As the development site is within a residential area and that full demolition of the existing building is proposed a Construction Method Statement including site plan should be provided to demonstrate that the development would not be detrimental to the surrounding highway network nor its users.

Subject to amended site and floor layout plans, including the provision of a new section of footway, and cycle storage details being satisfactorily received the following conditions should be applied to any formal planning approval being granted.

#### Environment Agency

We have no objection to the development as proposed, however we do wish to make the following comments:-

#### *Contaminated Land*

The previous use of the proposed development site as a Mill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is on a secondary B aquifer.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of an appropriate site investigation. This

should be carried out by a competent person in line with paragraph 189 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

#### Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

#### Reasons

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the adjacent water course.

#### Barrowford Parish Council

Barrowford Parish Council submits that historically this building has never been associated with the cotton industry and has never been any form of mill. The site was originally part of Calder Vale saw mill with a stone building to the rear of the present building and a timber yard. The existing building was built prior to 1910 and was initially used as the Oddfellows Lodge before later becoming a Working Men's Club which existed under various names until the late 1980's. The use of the term mill is an excuse to overdevelop the site with a generic pastiche of a mill building has no foundation in truth. The site falls within the Newbridge Character Area and the proposed dwelling would detract from that area through both size and massing. The site has had previous permission for 4 flats but this was passed quite a number of years ago when two car parks existed between Lowerclough Street and Joseph Street. The proportions of both Sandy Lane and Garnett Street preclude parking on both sides of the highway and are already oversubscribed by existing dwellings and the garage. The development is not providing any off road parking for the potential 12 plus cars that could easily be needed for 4, 1 bedroom and 2, 2 bedroom apartments and should be refused on these grounds alone. The design and materials especially the use of artificial

stone within the Character Area should be resisted. Existing buildings outside the Character area and those predating its adoption should not be seen as justification to use non-traditional materials within the Character Area.

#### Lancashire Fire & Rescue Service

The design should meet with Building Regulations Part B5.

#### United Utilities

No objection. Advocate the drainage hierarchy set out in the Planning Practice Guidance. Conditions suggested.

### **Public Response**

Nearest neighbours have been notified by letter, three responses have been received objecting to the proposals and can be summarised as follows:

- Lack of car parking
- Concerned about the occupants this development would attract
- Demolition of the building should present an opportunity to create parking but none is being provided

### **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 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 ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV7 (Water Management) reflects the requirements in the Framework for a Flood Risk Assessment and not to increase the risk of flooding down stream. It sets out that change of use to residential in existing building within Flood Zone 3 will not be acceptable.

Policy LIV5 (Designing Better Places to Live) sets out that dwellings should be built in accordance with the spatial needs and density of the location.

##### Replacement Pendle Local Plan

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

## Barrowford Neighbourhood Plan

BNDP01 (New Housing in Barrowford) sets out that new development should not have an unacceptable impact upon neighbouring amenity.

BNDP08 (Landscape Views) Important local vistas and views are designated in the neighbourhood plan. It sets out that these locally important views should be protected from development which would be intrusive and detrimental.

BNDP10 (Newbridge Character Area) sets out that the application site falls within an area which is characterised by buildings with natural stone, slate and wrought iron. It encourages using local building materials and encourages proposals to conserve and enhance the character of this area.

## **Principle of Development**

The proposed development is located within a character area within the Barrowford Neighbourhood Plan. Pre-application advice has been sought on this development and consideration of the character area was flagged at an early stage. It was recommended that the height of the proposed building did not exceed the height of the existing one, which is to be demolished as part of the proposals, in order to respect the key views and vistas within the character area. This will be discussed further in the subsequent design section of the report.

The application site is located within the settlement boundary where the principle of residential development is acceptable, subject to accordance with design, amenity, flood risk and highways policy.

During the pre-application process, it was stated that the conversion of the building would be preferable to demolition and re-build and that the re-use of materials was encouraged. The application is accompanied by a Structural Report from a chartered surveyor who has recommended that the building is in such a poor state of repair that the refurbishment of the building would be uneconomical and the costs of the repair works would likely exceed its value. The report cites issues with dry rot, damp, a roof which requires overhauling and walls which need to be demolished and re-built.

## **Design & Visual Impact**

The proposed building is to reflect the character of a mill building. However, the Parish Council have noted that this building has not been a mill at any point in the past. Rather it has been a working men's club and former offices. The design which has been put forward is 2.5 storey, with the second floor accommodation in the roof space of the building. There is also a three storey flat roof section towards the front of the building which would be closest to Calder Vale / Sandy Lane. The flat roof three storey section dominates the front of the building.

It is unclear whether the proposal seeks to re-use the existing stone and slate, which is encouraged in Policy BNDP10. The amended plans indicate that the walls are to be natural coursed stone and the roof is to be a natural blue / grey slate. A render finish is to be applied to the flat roof three storey section to the front of the building. This would be out of character with the surrounding area and the prominent flat roof section would dominate the frontage of the building, leading to a discordant structure within the wider visual amenity and causing harm to the character and appearance of the Newbridge Character Area. This is contrary to Policy BNDP08 of the Neighbourhood Plan. Policy BNDP08 specifically sets out that development which would be intrusive and detrimental to the vistas and views outlined in the character area would not be supported.

Overall, the proposed development amounts to poor design which would harm the character and appearance of the wider visual amenity and is contrary to paragraph 139 of the Framework, Policy ENV2 of the Local Plan: Part 1 Core Strategy, Policies BNDP08 and 10 of the Barrowford Neighbourhood Plan and the Design Principles SPD.

## **Residential Amenity**

The proposed development is to be positioned on broadly the same footprint as the building which it is to replace. It is to be 8m from the dwellings in the terraced row on Garnett Street. Although a Daylight and Sunlight Assessment has been undertaken, it notes that there would be a minor adverse impact upon No. 4 Garnett Street and the impact would be very close to the BRE criteria. The report concludes that overall this would not result in a significant adverse effect upon the daylight or sunlight to neighbouring properties and it states the minor losses are acceptable. The existing building is 7m in height. The proposed building is to have an eaves level of 7.5m and a ridge height of 9.5m. This is not a significant increase in height from the building which is currently standing on the site.

In terms of the proposed windows, the windows in the side elevation which is closest to Garnett Street are to accommodate habitable rooms including bedrooms and living rooms. These would be directly opposite windows to the ground and first floors of the terrace on Garnett Street. This kind of window to window relationship between properties is not uncommon in this particular area of Barrowford, where there is a large majority of terraced housing stock either side of narrow street. Indeed, it is not uncommon across the wider Pendle area. As such, for this specific reason it would be acceptable for the design of the building to have windows on the elevation to the side closest with Garnett Street. If necessary, a condition could be imposed which required obscure glazing to the windows. However, this is not necessary as members of the public would have views from the public highway into the terraced dwellings on Garnett Street just as much as they would from the public highway into the proposed development.

Turning next to the impact upon Joseph Street. Although the proposed building is to be greater in height than the existing one, it is sited 18m from the existing dwellings on Joseph Street. There are no habitable room windows proposed in the elevation which faces Joseph Street and there is another building (garage) which wraps around the proposed development site in the area between Joseph Street and the proposed dwellings. As such, it would not result in an unacceptable impact upon the occupiers of the dwellings on Joseph Street in terms of the overbearing effect, loss of light or privacy.

There would be a distance greater than 12m between the side elevation of the proposed building and the side elevation of the dwellings on Calder Vale. To the front of the application site is the watercourse and to the other side of this is land owned by Nelson & Colne College. Given that there are no residential uses to this elevation, it would not result in an unacceptable impact in this regard.

The application is accompanied by a Noise Assessment which sets out that the background noise from the surrounding area would require mitigation measures including trickle vents and double glazed windows. Clearly, there is a car repair garage directly adjacent to the application site. It is included in the blue edged land on the Location Plan indicating that it is also within the ownership of the applicant. This needs careful consideration in terms of the noise impact with a residential use directly adjacent. The noise assessment concludes that the impact of the car repair garage would not be such that it would result in unacceptable living conditions for the future occupants of the building. Mitigation measures are recommended and these measures could be the subject of a suitably worded planning condition, in the case that the application were to be approved.

## **Highways**

There is currently no parking on the site and whilst it is acknowledged that there had previously been an approval here for four dwellings, as part of a conversion of the building the application currently before the Council is for six dwellings. The proposed development is in a sustainable location where there is access to local facilities and services on foot and it is within acceptable distances of public transport in Barrowford.

The Highways Authority have not objected to the proposed development based upon a set of amended plans. The footprint of the proposed development no longer encroaches into the adopted highway network. As such, they have removed their objection. Cycle parking is recommended and this could be provided by a suitably worded condition. A construction method statement is recommended, to be secured by condition.

## **Biodiversity Net Gain**

The applicant has submitted some information regarding Biodiversity Net Gain. It sets out the reasons that this site is exempt. The applicant has put forward the case that these six dwellings would be exempt because the area of land involved is “de minimis” and is previously developed hard surfaces, with no baseline Biodiversity Value. As such, there would be no need to require the applicant to enter into a 30 year maintenance and management agreement for biodiversity enhancements.

Following the publication of the committee report, the Council has received a set of amended plans which remove the three storey flat roof element from the front of the building. Instead, the amended plans indicate that there would be a single storey porch area which would house the cycle storage, with a balcony above, to the first floor.

Given that the scale of the front projection has been reduced significantly, this element of the design no longer dominates the building. Overall, when viewed from Sandy Lane or Garnett Street, which are the two most prominent views of the building from public vantage points within the Conservation Area, the proposed building would be read as a similar sized building to that which it is to replace, having a dual pitched roof and being constructed of natural materials. Therefore, the design issues which had previously been raised in the committee report have been overcome and the recommendation can change to approval.

In terms of residential amenity, although a balcony is proposed to the roof of the forward projection, accessed from the first floor, this would not result in a neighbouring amenity issue. The reason being that the balcony would overlook the public highway and the river beyond. There are no properties within a directly line of sight within 21m of the proposed balcony and the angle at which the properties are on Garnett Street and Sandy Lane would mean direct intervisibility between the properties would not be possible.

The highways authority has put forward some conditions which they have recommended, in the event the application is approved. The first of these conditions is no longer necessary as the stopping up order would not be required, given that the development no longer encroaches onto the public highway. In any event, if the developer chose to enter into a stopping up agreement, this could be run completely separately to the planning application. The third of the suggested conditions relates to a condition survey being undertaken to assess the footways alongside Garnett Street. This condition would not meet the six tests required in the Framework and cannot be applied. However, a condition to control hard landscaping could be added to any decision notice. Finally, a condition requiring dropped kerbs and tactile paving on Garnett Street would not be necessary because it may lead to a situation which encourages the parking of vehicles on the footway, which would be an unacceptable highway safety issue.

The recommendation has changed from refusal to approval.

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

### **RECOMMENDATION: Approve**

Subject to the following conditions:

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

**Reason:** 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 PL01 Rev A, Proposed Block Plan PL05 Rev B, Proposed Floor Plan PL06 Rev E, Proposed Elevations PL07 Rev E, Proposed Roof Plan PL08 Rev B.

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

3. Samples of materials including descriptions, name of source/quarry shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

**Reason:** In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. No development shall take place, including any works of demolition, until a construction method statement including site plan 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 and mechanical road sweeping 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
- x) Timing of deliveries
- xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

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

5. Prior to first occupation of any residential unit the cycle storage facilities shall be provided in accordance with a scheme to be approved by the Local Planning Authority.

**Reason:** To ensure that the development supports sustainable forms of transport.

6. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reasons:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the adjacent water course.

7. 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.

8. 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:
- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - (ii) 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.

9. The development hereby approved shall be carried out in strict accordance with the details of the noise assessment prepared by Martin Environmental Solutions Ltd, dated July 2024.

**Reason:** In the interests of neighbouring amenity.

10. The development hereby approved shall be carried out in strict accordance with the Flood Risk Assessment prepared by UNDA version v1.0 180424.

**Reason:** In order to ensure the site does not result in flooding elsewhere.

11. The development hereby permitted shall not be commenced 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) an outline specification for ground preparation;
  - b) all proposed boundary treatments with supporting elevations and construction details;
  - c) all proposed hard landscape elements and pavings, including layout, materials and colours;

**Reason:** To ensure that the development is adequately landscaped so as to integrate with its surroundings, particularly in respect of the area immediately up to the back of the pavement.

### **Informative Notes**

The proposed development may require changes to the existing street lighting, including the re-location of lighting column No 1, which would be at the developer's expense.

**Application Ref:** 24/0366/FUL

**Proposal:** Full: Demolition of existing mill building and the erection of a 2.5 storey apartment building to accommodate 6 no. apartments and associated site works.

**At:** Sandy Lane Business Centre, Sandy Lane, Barrowford

**On behalf of:** Premier Vue

# REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 6<sup>TH</sup> NOVEMBER 2024

**Application Ref:** 24/0484/FUL

**Proposal:** Full: Demolition of existing vacant shop and the erection of 6 no. dwellings with associated infrastructure.

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

**On behalf of:** Mr Charles McDermott

**Date Registered:** 02/10/2024

**Expiry Date:** 27/11/2024

**Case Officer:** Alex Cameron

This application has been brought before Committee due to the number of objections.

## **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 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.

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. An application for the demolition of the existing building and erection of 8 dwellings on the site was refused last year and a subsequent appeal dismissed.

The proposal is for the demolition the existing building and erection of 6 dwellings. The layout of the development has been reduced in width by the reduction in number of dwellings and moved back further from Barrowford Road and the roof pitches have been altered to reduce the ridge heights of the proposed dwellings.

## **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

23/0285/FUL - Full: Demolition of existing vacant farm shop and the erection of 8 no. dwellings with associated infrastructure. Refused and Appeal Dismissed.

## **Consultee Response**

**LCC Highways** – No objection subject to off-site highway works to widen the access, improve visibility and provide street lighting and a footway on the north side of Barrowford Road.

**PBC Environmental Health** – Please attach a contaminated land condition.

**Lancashire Fire and Rescue** – Comments relating to Building Regulations.

**Higham Parish Council** - Higham Parish Council maintains its fundamental objection to any development or usage of this site other than as a farm or similar agricultural function. The reasons for the objection, based on the history and planning status of the site, have previously been set out in detail, with supporting information, in the Parish Council's responses to the previous Application Nos. 22/0424/FUL & 23/0285/FUL, to which reference should be made.

In summary, however, the foundations and grounds for this objection are as follows:

a) The site is part of the important swathe of designated Green Belt which flanks both sides of the A6068 Barrowford Road by-pass, running between Barrowford and Padiham, and by-passing the villages of Higham and Fence/Wheatley Lane. The obvious and most critical purpose of this is to protect that flanking area from ribbon development outside the settlement boundaries and to preserve the separate village settlement areas along the road and the countryside in between. The proposed development would breach that Green Belt principle and should not be permitted unless there are exceptional circumstances

b) The sole ground of exception upon which the application relies is the contention that the site has become "brownfield/previously developed land". The Parish Council submits that that exception should not be applied when the full historical context and status of the site "development" is properly considered. Briefly:

c) Permission for the current development on this site was only obtained (2010/12) on the conditioned basis that its primary purpose was to be an educational farm activity centre, with ancillary-only functions of a small cafe and a farm shop. This was set out in the original Planning Statement in support (see Annex A with previous representations, copy herewith) and the actual Grant of Planning Permission (13/10/0307P) clearly reflects that in its Conditions, namely:

"2. The development shall be carried out in accordance with the following approved plans: (03) 02A, (03)3A, (02)06, (03)07A, (03)08A. ... 4. The use of the building shall be a mixed use of Farm Education Centre with cafe, office, meat preparation workspace and ancillary shop with car park only. 5. The ancillary shop hereby permitted shall be used solely for the retailing of produce from land in the occupation of the owners of Roaming Roosters. "

d) After that permission was obtained, it was inappropriately used as a platform, without further application, to over-develop the cafe into a "Bistro" and the shop into a wider retail function, both running from 2012 until final failure and closure in 2017. The Education Centre was "sidelined" (as described in the 2019 Planning Statement - see Annex A) but ran for some or all the time in one form or another, although never fully developed in accordance with the plans. The basic building structures on the site essentially remained the same three-part barn/agricultural structures which they were in 2010, with some modifications to the central and eastern structures to accommodate the bistro and shop but no major structural alteration; the largest single structure at the western end (a substantial part of the overall footprint) essentially remained and continued to be used as a

barn (with farm equipment storage and animal pens). The adjacent (same ownership), field to the west/north-west was also throughout in associated farming use. The buildings and/or the site have apparently most recently been used for storage and an agricultural poly-tunnel.

e) In the above circumstances, it is submitted that the site should not be classified as “brownfield land” and accordingly any development for housing or other non-agricultural purposes should not be permitted. The definition of Brownfield/Previously Developed Land set out in the NPPF Glossary is “Land which is or was occupied by a permanent structure...This excludes: land that is or was last occupied by agricultural...buildings”. The relevant consideration, therefore, is the nature of the structures/buildings and their last occupation (with no actual reference to use, permitted or unpermitted, temporary or otherwise). It is submitted that the structures on the site are, and have at all times essentially been, the same barns/agricultural structures which they have always been and therefore the site is not brownfield land.

f) Even if it is considered that usage of the structures/ buildings on the site is relevant, it is submitted that, on the history, the primary (permitted) use was always agricultural (Farm Education Centre). It would be a travesty to allow the over-developed ancillary cafe and shop usages, which flouted the original representations and conditions upon which the development of the site had been permitted, now to be utilised to justify another, wholly different form of development (ie, housing) which would never otherwise have been permitted on this Greenbelt site. Attention is also drawn to the fact that the current permitted use, pursuant to the last Application granted in September 2019, is as a Farm with farm shop and cafe.

If, contrary to the above submissions, it is nevertheless considered that some development under the brownfield exception may be permissible, then it is submitted that, 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; the proposed development should therefore be restricted to the footprint area of the existing buildings rather than the whole curtilage

b) the proposed six houses cover a wider area of the site than the present buildings and therefore have a greater impact upon the openness of the Green Belt

c) although the total volume of those houses is said to be a reduction, volume is not the sole determinant; moreover, that calculation takes no account of the parking spaces beside each property (with cars upon them) or the likelihood that garages or other extensions will be introduced in the future with consequent volume increase

Also, in the context of the general Green Belt area surrounding the site, the uniform style of the proposed houses and their regimented “street-scene” layout (terminology as per the Applicant’s own Planning Statement), would:

a) alter the appearance of the area as a whole and constitute apparent and inappropriate ribbon development along the highway; for a rural setting well outside the village settlement areas, it is not appropriate to cite as precedents haphazard (and not greatly similar) housing examples from within those settlement areas; regard and continuity should more properly be given to the adjacent rural properties, ie Fence House, Meadow Top, White Lee, Lower White Lee and Acre House;

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 s.66 of the Listed Building & Conservation Areas Act 1990.

The Parish Council therefore submits that this application should be refused.

## **Public Response**

Nearest neighbours notified. Responses received objecting to the development on the following grounds:

Impact on the openness of the Green Belt

The site should not be considered to be previously developed land due to its agricultural use

There can only be development in the Green Belt in very special circumstances

Impact upon the character and visual amenity of the area and countryside

Impact on the Forest of Bowland National Landscape

Heritage impact including impact on the setting of

Impact on wildlife including protected species

Poor visibility from the access

Highway safety and capacity impacts of increase in traffic

Lack of pedestrian accessibility to essential facilities services and public transport

Danger to pedestrians crossing Barrowford Road

Insufficient health and education services to meet the needs of additional housing

No need for additional housing in the area

Brownfield sites should be developed first

Impact on climate change objectives

The development would set a precedent for future additional development

Response in support on the following grounds:

A small scheme of quality family homes on previously developed land (now abandoned), being sympathetic to the environment in terms of design, materials and scale whilst offering sustainability through EV chargers.

## **Officer Comments**

### **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.

Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt. Inappropriate development should not be approved except in very special circumstances.

Para 154 sets out a number of circumstances where new building is not inappropriate. This includes 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.

### **Principle of the development**

Policy LIV1 allows for housing development on sustainable sites outside of but close to a settlement boundary where they are sustainable and make a positive contribution to the five year supply of housing land.

The site is in a sustainable location approximately 270m walking distance from the settlement of Fence. The acceptability of the sustainability of location for 8 dwellings was accepted in the previous decision and appeal as the application/appeal was not refused/dismissed on that basis.

The proposed development would be in an acceptable sustainable location close to the settlement of Fence and would make a positive contribution to the five year housing land supply and therefore accords with policies LIV1 and SDP2.

### **Green Belt**

The application site is within the Green Belt. The Framework sets out a number of exceptions where new development is not inappropriate in the Green Belt, this includes 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.

The lawful use of the site is a commercial sui generis mixed use, this cannot be considered to be an agricultural use for the purposes of the definition of previously developed land in the Framework, which excludes agricultural buildings. The site does constitute previously developed land as defined in the Framework. In the previous appeal it was accepted by the Inspector that the

land is previously developed land, however, the Inspector concluded that the proposed dwellings would have a greater impact on the openness of the Green Belt than the existing development and therefore that proposal did not meet the exemption for the redevelopment of previously developed land.

This was primarily because the previously proposed development would have resulted in a 15 to 17.5% increase in volume compared to the existing building. Furthermore, the previously proposed dwellings were greater in height, spread across a greater area of the site and were closer to Barrowford Road.

The proposed development reduces the number of dwellings to 6. The proposed dwellings would have a total volume of 3579m<sup>3</sup>, approximately 7% less than the existing building which is 3855m<sup>3</sup>.

The scheme would have a more compact form than the previous layout, would be set further back from Barrowford Road and have reduced ridge heights. Whilst the dwellings would be partially outside of the footprint of the existing building, this is not something that was specifically sited as a reason for dismissal of the appeal.

It is not required that development must be within the footprint of an existing building to meet the exception. The definition of previously developed land in the Framework is "land which is or was occupied by a permanent structure, including the curtilage of the developed land" "and any associated fixed surface infrastructure" it includes the caveat that "it should not be assumed that the whole of the curtilage should be developed" but that caveat does not mean that only the footprint of buildings can be developed.

Taking these factors into account the proposed development would not have a greater impact on openness than the existing development and as such is not inappropriate development within the Green Belt and would not result in an unacceptable impact on the openness of the Green Belt.

As this meets an exception and is therefore not inappropriate development there is no requirement for very special circumstances to be demonstrated.

The proposed development accords with policy ENV2 and paragraphs section 13 of the Framework.

## **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 and would not result in any detrimental impact in comparison to the existing buildings.

## **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.

The Inspector in the pre-variation appeal determined that the design was acceptable and would not result in an unacceptable impact on the character and appearance of the area.

The pitches of the roofs have been reduced from the previous application to reduce the overall height of the buildings, the designs remain in keeping with the area and the development is acceptable in terms of design and visual amenity.

Concerns have been raised regarding impacts on the Forest of Bowland National Landscape, the proposed development would have no material impact on the National Landscape.

The proposed development is in accordance with Policies ENV2 and LIV5 of the Local Plan: Part 1 Core Strategy.

## **Residential Amenity**

The nearest existing dwellings would be over 80m from the proposed dwellings, taking into account those distances there would be no potentially unacceptable residential amenity impact.

The proposed dwellings would have windows in their front elevation facing each other separated by just 13m, the layout of the previous application allowed for adequate distances of 21m. Whilst this would be acceptable for the ground floor windows, such windows would not typically be private from the street, the proposed relationship between the upper floor bedroom windows would not afford those rooms an adequate level of privacy.

This has been raised with the applicant and it is envisaged that it can be resolved with changes to the window layouts.

## **Ecology & Biodiversity**

The application site has been largely developed previously with peripheral areas of grass. The ecological appraisal and bat surveys previously carried out confirmed that the development would not adversely impact upon any habitats of value or protected species, whilst the surveys are over one year old there has been no change to the site since then that would be likely to affect their findings. Given that the area of development is currently surfaced and the building is of low roosting potential further surveys are not necessary.

The proposal is on a previously developed site covered by sealed surfaces in the areas to be developed and as such is exempt from Biodiversity Net Gain requirements. However, it would be likely to result in a significant uplift in the biodiversity of the site with the removal of sealed surface and replacement with gardens and landscaping.

The proposed development would not have any unacceptable impacts upon ecology or biodiversity.

## **Highways and Access**

The application site is served by an existing access. The access has served a formerly very busy commercial enterprise which generated significantly more traffic than would be generated by 6 dwellings, albeit of a different nature.

LCC Highways have requested off-site highway works are conditioned including widening of the access, regrading of the highway verge, formation of a street lit footway on the north side of Barrowford Road linking to Fence approximately 270m to the east.

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.

There would be adequate parking within the site.

The proposed development is acceptable in terms of highway safety.

## **Drainage**

It is proposed for surface water from the site to be drained to a sustainable urban drainage system with an attenuation pond that will discharge to an existing culvert running adjacent to the site. It has been demonstrated that it is not viable to dispose of water by infiltration into the ground and therefore this acceptably accords with the drainage hierarchy and the development would not be at unacceptable risk of flooding or increase the risk of flooding elsewhere.

## **Coal Mining Risk**

The site falls partially within the high risk coal mining referral area, however, this only relates to a small sliver of the northern end of the site and no development is proposed in that area.

## **Other Matters**

Concerns have been raised that there is no need for the proposed housing and there is insufficient capacity in local health and education services. The Council is required to deliver a supply of housing and the scale of this development is not beyond what would be expected to be delivered in this part of the Borough. Funding decisions for education and health capacity are made using similar data to the that used to determine the Borough's housing requirement and reflect the provision of new dwellings. These would not be defensible reasons to refuse the application.

Some comments have been received stating that other brownfield sites should be considered first. Taking into account the that many brownfield site within the borough would not be financially viable to develop, and the need to meet the Council's requirements to deliver a supply of housing, it is not feasible to require that brownfield sites are developed before considering greenfield sites. Furthermore, as this is a previously developed site, it is brownfield development.

Concerns have been raised that this would set a precedent that would lead to further development of the site. It is a principle of the planning system that each application is determined on its own merits. If further applications were to come forward they would be considered on their own merits, however, without prejudice to that assessment, under current Green Belt policy it appears highly unlikely that there would be any realistic scope for further development of the site.

## **Conclusion**

The changes from the previous development fully resolve the reason for dismissal of the previous appeal, the proposed development would not cause harm to the openness of the Green Belt and therefore would not represent inappropriate development with the Green Belt. It is recommended that the approval of the application is delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to the receipt of amended plans providing an acceptable level of privacy to the upper floor bedrooms of the properties and any additional conditions required.

## **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development accords with the 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: 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 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. 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device 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.

8. 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, 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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 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.

- 16.** Prior to occupation of the dwellings the surface water drainage scheme shall be completed in accordance with the approved details, or alternative details that have been submitted to and approved in writing by the Local Planning Authority, and retained thereafter.

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

- 17.** Prior to the commencement of development, details of foul water drainage shall have been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the dwellings the foul drainage shall be completed in accordance with the approved details and retained thereafter.

**Reason:** To 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-C.

**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.

- 22.** Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-
- a)** an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
  - b)** a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority. In addition, 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 agreed details, 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 occupants of the new development and prevent pollution of controlled waters.

### **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](mailto:developeras@lancashire.gov.uk) in the first instance to ascertain the details of such an agreement and the information to be provided.

Any works required to hedgerows or trees shall not be carried out during the bird nesting season (March – October inclusive) unless accompanied by an up to date bird nesting survey.

**Application Ref:** 24/0484/FUL

**Proposal:** Full: Demolition of existing vacant shop and the erection of 6 no. dwellings with associated infrastructure.

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

**On behalf of:** Mr Charles McDermott