

Barrowford and Western Parishes Committee – Planning Update Report - 6th November 2024

24/0484/FUL - Roaming Roosters, Barrowford Road, Higham

Consultee Comments

United Utilities – Whilst the proposals are acceptable in principle there is insufficient information on the drainage design, a condition is requested for foul and surface water drainage design details.

Public Comments

A site notice has been posted for consistency with previous applications, this publicity expires on 13th November.

A number of additional responses have been received raising similar objections to those detailed in the Committee report. Concerns have also been raised regarding this application being determined by the Committee prior to the expiry of the publicity period.

Old Laund Booth Parish Council have also responded with the following comments:

1. There is no evidence of need for this application. There are plenty of homes up for sale within a few miles of this application.
2. The application is on important green belt and would lead to the joining up of the neighbouring parishes, leading each to lose its individual identity.
3. We do not consider the applicant's claim that the land is now brownfield is fair, considering the history of the site and feel the site should only be used for agricultural purposes.
4. This site has been subject to several applications and the latest represents a smaller number, but any housing at all would not only destroy the greenbelt, but also cause infrastructure problems, including putting pressure on the local schools, highways and health facilities.

We would ask Pendle to refuse this application.

Officer Comments

Amended plan has been submitted altering the layout to offset the proposed dwellings so that the upper floor bedroom windows in the front elevations do not directly face each other.

Although some of the offsets are relatively small the expectations of a 21m interface distance for habitable rooms is not generally applied to front windows facing a street as they do not have the same expectations of privacy as rear windows. Furthermore, taking into account that the affected rooms have windows to the sides that would provide acceptable alternative outlook should residents wish to make use of blinds, curtains etc. The proposed amended layout would provide an acceptable living environment for its residents.

The revised layout increases the overall width of the built area, however, taking into account the volume and height of the development, this does not result in the development having a greater impact on the openness of the Green Belt than the existing buildings and therefore does not alter the recommendation in that regard.

United Utilities have responded that, although the principle of drainage is acceptable, further details are required by condition. Their standard drainage details condition has therefore been included in the recommended conditions.

Concerns have been raised regarding determination of the application prior to the expiry of the publicity period, however, recommendation of delegation to officers in such circumstances is standard practice. The Council has statutory a determination period of 8 weeks for minor applications and it is necessary in may cases for applications to be recommended for delegated determination in order to determine within that statutory timescale.

It is recommended that the approval of the application is delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to the expiry of the publicity period.

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: 21022_PL(90)101, 21022_PL(90)103_A, 21022_PL(20)103_B, 21022_PL(20)104_B, 21022_PL(25)103_A, 21022_PL(25)104_A, 21022_PL(25)105_A, 21022_PL(25)106_B, 21022_PL(25)107_A, 21022_PL(26)101.

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 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); Reason: To secure proper drainage and to manage the risk of flooding and pollution.
 - (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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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 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.