

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

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 4TH DECEMBER 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 4TH DECEMBER 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 was deferred from the previous Committee meeting.

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

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.

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.

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.

Old Laund Booth Parish Council

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.

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 a Conservation Area and Listed Buildings

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

Responses 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.
- It is about time something was done with the site and housing would be the perfect solution.
- It would be a great asset to the village

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 3579m³, approximately 7% less than the existing building which is 3855m³.

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.

Amended plans have 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.

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 applicant has confirmed agreement to the off-site highway works.

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 application is approved.

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: 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: 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.

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

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 4TH DECEMBER 2024

Application Ref: 24/0717/HHO

Proposal: Full: Erection of timber fence to Barrowford Road boundary.

At: 1 Fir Trees Grove, Higham, BB12 9BA

On behalf of: Mr K Gerrard

Date Registered: 15/10/2024

Expiry Date: 09/12/2024

Case Officer: Negin Sadeghi

This application has been referred to the committee due to receiving three letters of support despite being refused.

Site Description and Proposal

The site consists of a detached dwelling situated within a small cluster of properties on the southern side of Barrowford Road, a short distance from the settlement of Higham. Access to the property is available via three potential routes from the A6068, with junctions to the north, south, and immediately adjacent.

This application is submitted retrospectively and seeks to retain a new 2.1-meter-high fence along the rear boundary of 1 Fir Trees Grove, Higham. The enclosure replaces a previous, lower timber fence and associated foliage adjacent to the Barrowford Road footway. The proposal aims to enhance privacy and security for the rear garden area from road views.

Relevant Planning History

PLE/24/1357 (EN: 23.09.2024) NOTICE: Enforcement Enquiry

PLE/24/1459 (EN: 10.10.2024) PCO: Enforcement Enquiry

Consultee Response

Highway LCC:

The site was visited on 29 October 2024.

The National Planning Policy Framework (NPPF) states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' (Paragraph 115). Having reviewed the documents submitted, together with site observations, Lancashire County Council acting as the local highway authority raises an objection regarding this retrospective development and concludes that there are highway safety grounds to support an objection as set out by NPPF.

Development

A new timber fence has already been erected along the boundary with Barrowford Road and also along the site boundary with the privately maintained lane carrying Public Right of Way ref FP13-14-004 Higham.

Visibility splays

Barrowford Road is subject to a maximum speed limit of 50mph outside the site for which a Stopping Sight Distance of 160m would be required. The new fence obstructs visibility to the right for vehicles exiting the unnamed lane onto Barrowford Road, particularly for any agricultural or larger vehicles where the driver is sat further back within the vehicle than a car driver. Consequently, such vehicles have to edge further forward to get a clear view of approaching traffic with the front of the vehicle projecting out into the carriageway, which is a highway safety concern. Whilst the number of vehicles using this unnamed lane may be low, they will be existing onto Barrowford Road, which is a high-speed road carrying high volumes of traffic.

This section of Barrowford Road also has a history of poor compliance with the speed limit, as evidenced by the static speed camera immediately adjacent to the exit of the lane onto Barrowford Road.

The highway authority has seen the objection dated 4 November from Lancashire Police and concurs with the comments made.

The highway authority considers that the fence should be lowered to the previous height so that it does not obstruct visibility for any vehicle exiting the unnamed lane.

Parish/Town Council:

Having considered this application, Higham Parish Council wishes to express the following concerns:

The new fence, as it stands, is excessively high, stark in appearance, distracting for road users and completely out of character with its rural surroundings (and neighbouring properties)

Page 4 of the supporting statement says, 'the Council's Design Principles SPD states that the appearance and materials used in gates, fences and walls should match existing styles in the vicinity and should ensure that highway visibility is preserved'. Highway visibility has not been preserved in this instance as the fence is, without a doubt, a safety hazard for all road users. It has created a visual obstruction for drivers using the lane to exit Fir Trees onto Barrowford Road A6068, which, as we know has a speed camera sited at that point due to the road being identified as an accident black spot

Page 5 of the application form asks the question 'Will any trees or hedges need to be removed or pruned in order to carry out your proposal?' The applicant has ticked 'no' to this question. This is not the case as numerous trees and hedges have been removed during this unauthorised development, which has not only impacted the privacy of neighbouring properties it will also have a major impact on our environment and wildlife (see images below)

Page 2 of the supporting statement states, 'The applicant increased the height of the fencing to provide greater privacy and security within the rear garden area, which is otherwise relatively exposed to the adjacent A road'. As you can clearly see by the images below, the rear garden was not exposed until the unauthorised works were completed as the trees and hedges provided adequate natural privacy screening and security for the property

Page 3 of the supporting statement 'Figure 3 – original fencing (source – Google Streetview)' – this image and representation is completely inaccurate and misleading as this image was downloaded from Google Streetview only after the trees and hedges had been removed, therefore, should not be taken into consideration for the purposes of this planning application. Correct image for purposes of this application is as shown below

The Parish Council therefore submits that this application should be refused, and steps taken immediately to replace the fence with one that not only fits in with its rural surroundings and the

character of Higham but is also of a height that will aid visibility, along with the reintroduction of shrubbery and greenery to replace the trees and hedges that have been removed.

Lancashire Police- Traffic Management Officer

The property is adjacent to an unmade road, that has direct access onto the main A6068 Barrowford Road and is used by both agricultural and large commercial vehicles, attending neighbouring properties in the area.

The current position of the erected fence severely obstructs the view of road users leaving the unmade road onto the A6068 in particular the agricultural traffic. Due to the design of most agricultural vehicles, where the vehicle's cab is set back some distance from the front of the vehicle, for the driver to be to obtain a view round this fence, the front of the vehicle has to protrude into the A6068 carriageway. This manoeuvre is dangerous, not only for the emerging vehicle, but also other road users on the A6068.

Positioned on the A6068, immediately behind the applicants address and near the entrance to the unmade road, is a static speed camera. The positioning of the camera was determined by the number of collisions over the years and complaints of speeding vehicles using the A6068 in the area. Lancashire Police would therefore raise an objection regarding the erecting of the fencing and are of the opinion the position of the fence will have a significant impact on highway safety in the area.

The Coal Authority: No objection

Public Right of way: No objection

Architectural Liaison unit: No objection

Public Response

A total of 19 objections have been raised, with concerns regarding the negative impact of the fence on local enjoyment, safety, and the area's aesthetics.

Summary of Objections:

Visibility Obstruction: The fence blocks visibility for vehicles exiting the unadopted road onto the A6068.

Hazards for Larger Vehicles: The fence's height and position create navigation challenges, particularly for larger vehicles.

Pedestrian Safety: The fence obstructs views, increasing risks for pedestrians crossing the unadopted road.

Blind Spot Creation: The design creates blind spots for drivers, complicating access to the A6068.

Aesthetic Impact: The fence's stark appearance harms the rural character and natural beauty of the area.

Inappropriate Design: The high fence appears industrial and is inconsistent with the rural setting.

Excessive Decking: Elevated decking impacts privacy and the overall aesthetic.

Loss of Vegetation: Removal of trees disrupts local habitats and biodiversity.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

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

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

Policy ENV 4 (Promoting Sustainable Travel) Development accessibility and managing travel demand: Proposals for new development should have regard to the potential impacts they may cause to the highways network, particularly in terms of safety and the potential to restrict free flowing traffic, causing congestion. Where an adverse impact is identified, applicants should ensure adequate cost-effective mitigation measures can be put in place. Where the residual cumulative impacts of the development are severe, planning permission should be refused.

Replacement Pendle Local Plan (RPLP)

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

29.10 Transport assessments will be required where a proposed development will be of a scale that will have a significant impact upon existing users and transport infrastructure in the vicinity of the site. The Transport Assessment should provide details on a range of transport conditions and related issues before, during and following construction of the proposed development. An associated Travel Plan must demonstrate that the development will not cause problems of congestion, danger, or inappropriate parking in the area.

National Planning Policy Framework

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

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

113. Developments should not result in unacceptable impacts on highway safety.

115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Officer Comments

Design and Material

The existing fence replaces an older fence around the property, which was shorter, with a maximum height of approximately 2 meters along the side street. Toward the junction with the main road, the previous fence stepped down to around 1.6 meters in height and was complemented by a row of shrubs that have now been removed.

This retrospective application seeks permission for a timber fence around the property that stands 2.1 meters high when measured from inside the rear garden. However, due to the earth banking, the fence appears 3.2 meters high when viewed from the street and public footpath. It extends to the Barrowford Road boundary and the adjacent unmade access road to the A6068.

The excessive height and stark appearance of the fence have significantly diminished the character and natural environment of the area. This has negatively impacted visual amenity, reducing the aesthetic value of the area, particularly in a rural setting.

The design is poor for this location and fails to comply with Policies ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy, as well as the Design Principles SPD.

Residential Amenity

The site extension has no nearby neighbours, so the proposed development won't affect privacy, cause an overbearing impact, or result in an unacceptable loss of light.

Highways

Concerns have been raised about safety and visibility for vehicles on the main road, users of the track leading to the A6068, and pedestrians. The fence obstructs visibility, especially for agricultural vehicles that need to extend into the A6068 to see oncoming traffic, which poses risks for emerging vehicles and other road users, particularly tractors and taller vehicles. The longer length of agricultural vehicles places drivers further back than the required 2.5 meters, which is blocked by the high fence. This affects visibility when exiting onto Barrowford Road.

While the applicant has provided evidence showing a similar 2-meter fence existed previously, the height of the new fence worsens the visibility issues for taller vehicles like tractors, leading to a negative impact on highway safety.

Conclusion

The proposed timber fence along Barrowford Road raises significant design and highway safety concerns, particularly due to its height and appearance. The site's proximity to a high-speed road with a history of collisions further exacerbates these issues. The fence detracts from the area's rural character, and due to inadequate mitigation and policy conflicts, the application is deemed unacceptable.

RECOMMENDATION: Refuse

The following reasons are provided:

1. The proposed development is incongruous and out of character with the design of the building and its surroundings. This poor design results in unacceptable harm to the area's character and visual amenity. As such, the proposal fails to comply with Policy ENV2 of the Local Plan Part 1: Core Strategy, Paragraph 139 of the National Planning Policy Framework, and the Council's adopted Design Principles Supplementary Planning Document.
2. The proposed development compromises highway safety by obstructing visibility, particularly for tractors and taller vehicles, creating unacceptable risks for road users. As a result, the proposal conflicts with Policy ENV4 of the Local Plan Part 1: Core Strategy and fails to comply with Paragraphs 113 and 115 of the National Planning Policy Framework, which highlight the importance of ensuring safe and suitable access to sites for all users and preventing highway safety hazards.

Application Ref: 24/0717/HHO

Proposal: Full: Erection of timber fence to Barrowford Road boundary.

At: 1 Fir Trees Grove, Higham, BB12 9BA

On behalf of: Mr K Gerrard

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 4TH DECEMBER 2024

Application Ref: 24/0758/HHO

Proposal: Full: Extension of front dormer.

At 40 Lower Parrock Road, Barrowford, Lancashire

On behalf of: Mr Ian Scott

Date Registered: 01.11.2024

Expiry Date: 27.12.2024

Case Officer: Athira Pushpagaran

This application has been called to committee by a councillor.

Site Description and Proposal

The application site is a semidetached dwelling situated in a residential neighbourhood within the settlement of Barrowford. The application site backs on to Barrowford road and the main access is from Lower Parrock Road. The neighbourhood consists of pitched roof dwellings similar in scale and design with uniformly sized flat roof dormers to the front. The application site has existing dormers to the front and rear clad in timber boards.

The proposed development seeks to extend the existing front dormer further to the front. This is an amendment of the previously refused scheme for extension of the front dormer under application 24/0432/HHO. The only difference the current scheme has from the refused scheme is the slightly sloping roof which reaches up to the ridge of the main roof, whereas the refused scheme had a flat roof.

Relevant Planning History

24/0432/HHO Full: Extension to front dormer. Refused. 09.08.2024

23/0300/HHO Full: Single side & rear extension and rear dormer with front dormer extension. At 38 Lower Parrock Road. Approved with Conditions.

24/0436/NMA Non- Material Amendment: Enlargement of front dormer of Planning Permission 23/0300/HHO. At 38 Lower Parrock Road. Refused

24/0759/HHO Full: Extension of front dormer. At 38 Lower Parrock Road. Pending Consideration

Consultee Response

Highways

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development, which is an amended scheme to that previously refused under planning reference 24/0432/HHO.

Parish/Town Council

No response

Health and Safety Executive

No response

National Grid

No response

Public Response

The nearest neighbours have been notified by letter, with no response.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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

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

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 in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Para 139 of the framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

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

Barrowford Neighbourhood Plan Policy BNP01 New Housing in Barrowford – sets out guidance relating to the development of new homes and alterations to existing homes within the designated area of the Barrowford Neighbourhood Plan.

Officer Comments

The proposed development is in a residential area situated within the settlement boundary of Barrowford. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Design and Materials

The Design Principles SPD advises that dormers should not be so large as to dominate the roof slope resulting in a property which appears unbalanced. The roof is an important element of a building's design and unsympathetic extensions can have a negative impact on the visual appearance of a dwellinghouse. A dormer should be set below the ridge line of the original roof by at least 0.2m. The front wall of a dormer should normally be set back at least 1m from the front elevation and 0.5m from either side, to prevent it having an overbearing effect on the street scene and adjoining properties.

The existing dormer is attached to the dormer of adjoining No. 38 and is sympathetic to the scale of the dwelling without dominating the roof slope and is part of the original design of the dwellings on this street. The proposed dormer would be setback 0.6m from the western side elevation and would adjoin the party boundary to the east. The front face of the dormer would be 0.3m below the ridge line and the roof would slope up to the roof ridge. This is the only difference this scheme has from the previously refused scheme (24/0432/HHO) which had a flat roof dormer set 0.3m below the existing ridge line.

The proposal involves extending the dormer 1.8 metres further forward, bringing it up to the front wall of the dwelling. It is acknowledged that No.38 has an existing planning permission to extend their dormer to the front, however this would be set back by circa 1m from the front elevation in accordance with SPD guidance. The current proposed dormer extension would dominate the roof slope resulting in a property which appears unbalanced and would have an overbearing effect on the character of the dwelling and the wider street scene.

The proposed dormer extension would be clad in UPVC panels replacing the timber cladding and would have a rubber flat roof and White UPVC windows. The materials used on the walls would not be matching the existing materials of the roof and therefore would exacerbate the overbearing impact on visual amenity. Overall, the proposed development would have an unacceptable impact on the character of the dwelling and its surroundings and would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, para 139 of the NPPF and the Adopted Pendle Design principles SPD.

Residential Amenity

The proposed dormer extension would project circa 1.8m from the existing front dormer of No.38. If No. 38 builds the extension to their front dormer for which they have secured permission the proposed dormer would project circa 1m from its front walls. In both of these scenarios the proposed dormer extension would not breach the 4m guidance and therefore would not have any overbearing impact on the living conditions of the occupants of No.38.

The proposed extension would have two bedroom windows facing the front. The closest neighbour directly facing these windows are across the street, at least 21m away. In this case the proposed windows would not have any unacceptable impact on their privacy. Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with policy ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Highways

The development raises no issues of highway safety.

RECOMMENDATION: Refuse

For the following reason(s):

By virtue of its position to the front roof slope, its size, scale, massing and materials used, the proposed dormer extension would have an unacceptable impact upon the visual amenity of the area contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan, policy BNP01 Barrowford Neighbourhood Plan, paragraph 139 of the National Planning Policy Framework and the principles set out in the Adopted Pendle Design Principles Supplementary Planning Document.

Application Ref: 24/0758/HHO

Proposal: Full: Extension of front dormer.

At 40 Lower Parrock Road, Barrowford, Lancashire

On behalf of: Mr Ian Scott

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 4TH DECEMBER 2024

Application Ref: 24/0759/HHO

Proposal: Full: Extension of front dormer.

At 38 Lower Parrock Road, Barrowford, Nelson.

On behalf of: Mrs Razaq.

Date Registered: 01/11/2024

Expiry Date: 27/12/2024

Case Officer: Joanne Naylor

This application has been called in by a Councillor.

Site Description and Proposal

The application site is a semi-detached dwelling house with a single storey wrap-around extension with a front dormer and located within an residential area. The character of the area is that of semi-detached bungalows with pitched roof with an existing flat roof front dormer. The dwellings are similar in scale and design and provides a strong character to the area resulting in uniformity. The application site is within the defined settlement boundary of Barrowford. To the rear the site is adjacent to Barrowford Road with the main access is from Lower Parrock Road.

A larger front dormer was approved under planning permission 23/0300/HHO which was set back from the front elevation by 1m and set below the ridgeline of the pitched roof by more than 0.2m, which appears proportionate to the building and in keeping with the character of the area.

The proposal seeks to extend the existing front dormer further towards the front elevation and extend the roof to the ridge with a shallow pitch.

Relevant Planning History

24/0436/NMA: Non- Material Amendment: Enlargement of front dormer of Planning Permission 23/0300/HHO. Refused 23rd July 2024.

23/0300/HHO: Full: Single side & rear extension and rear dormer with front dormer extension. Approved with Conditions 27th June 2023.

23/0113/HHO: Full: Double storey side extension, part double and single rear extension, rear dormer and extension of front dormer. Refused 17th April 2023.

24/0432/HHO Full: Extension to front dormer. At 40 Parrock Road. Refused.

24/0758/HHO: Full: Extension of front dormer. At 40 Parrock Road. Pending

Consultee Response

LCC Highways

Having reviewed the documents submitted Lancashire County Council acting as the highway authority does not raise an objection to the proposed extension of the front dormer. However the conditions attached to the previous planning permission (23/0300/HHO) regarding off-road parking should be applied to any further planning permission granted.

Parish/Town Council

No response

Health and Safety Executive

Thank you for your email seeking HSE's observations on application 24/0759/HHO. HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice.

However, this application does not relate to a relevant development on which to consult the HSE Land Use Planning (LUP) Team, if it would not lead to a material increase in the number of people within a consultation distance. There is therefore no need to consult the HSE LUP team on this planning application and the HSE LUP team has no comment to make.

I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on this planning application and any future developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;
- more than 250m² of retail floor space;
- more than 500m² of office floor space;
- more than 750m² of floor space to be used for an industrial process;
- transport links;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology:

www.hse.gov.uk/landuseplanning/methodology.htm NB HSE is a statutory consultee with regard to building safety (in particular to fire safety aspects) for planning applications that involve a relevant building.

A relevant building is defined in the planning guidance at gov.uk as:

- containing two or more dwellings or educational accommodation and
- meeting the height condition of 18m or more in height, or 7 or more storeys

If the planning application relates to Fire Statements and applications relating to relevant buildings, then these are not dealt with by the Land Use Planning team and instead they should be sent to

PlanningGatewayOne@hse.gov.uk

There is further information on compliance with the Building Safety Bill

at <https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021>.

Public Response

The neighbour consultation period expires on the 25th November 2024, an update will be provided if neighbour responses are submitted.

The main considerations for this application are the design and materials, residential amenity, and highways.

Relevant Planning 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 ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (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.

Barrowford Neighbourhood Plan

Policy BNP01 New Housing in Barrowford – sets out guidance relating to the development of new homes and alterations to existing homes within the designated area of the Barrowford Neighbourhood Plan.

Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Para 139 of the framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

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

Design and Materials

The Design Principles SPD advises that dormers should not be so large as to dominate the roof slope resulting in a property which appears unbalanced. The roof is an important element of a building's design and unsympathetic extensions can have a negative impact on the visual appearance of a dwellinghouse. A dormer should be set below the ridge line of the original roof by

at least 0.2m. The front wall of a dormer should normally be set back at least 1m from the front elevation and 0.5m from either side, to prevent it having an overbearing effect on the street scene and adjoining properties.

The original flat roofed dormer is set back from the front elevation by 2m, set in from the sides by 0.5m, and set below the ridgeline by 0.2m. The existing front dormer adjoins No. 40 Lower Parrock Road front dormer and is sympathetic to the scale of the dwelling house and does not dominate the roof slope.

A planning application was submitted under 23/0300/HHO which sought to increase the size of the front dormer, here the approved dormer would be set back from the front elevation by 1m, and set below the ridgeline and set in from the side elevation, however it met the guidance in the Design Principles SPD, it was not prominent and did not dominate the roof slope.

The proposal considered under this application seeks to erect a larger front dormer which would adjoin the proposed front dormer to No. 40 Lower Parrock Road, the proposed front dormer would extend circa 4m further forward to the front elevation, set in from the side elevation by circa 50cm, with the proposed dormer resulting in a 2.4m high front face of the dormer, the proposed roof would have a very shallow pitch which would be the same height as the existing ridge height. The proposed front dormer would dominate the roof slope resulting in a dwelling house appearing to be unbalanced and out of scale with the character of the dwelling, it would result in a dominant impact on roof scape, the character of the dwelling and the wider street scene, it would appear as an alien feature in an area of simple, modest and characteristic dwellings of similar design and scale.

The existing materials to the dormer is timber cladding to the walls, felt roof and white upvc windows, the proposed materials would be upvc cladding colour not specified and a rubber flat roof, although the roof does have a very shallow pitch. The proposed materials would further exacerbate the overbearing impact and visual amenity of the dwelling and the wider street scene. Overall, the combination of No. 38 and No.40 proposed front dormers would result in an unacceptable impact on the character of the dwelling house and its surroundings and would appear as an alien feature in an area where there is a clear character and symmetry to the wider area. Therefore, the proposed front dormer would have an unacceptable impact on the character of the dwelling and its surroundings, the design, scale and materials would have an unacceptable impact on the character of the dwelling and its surrounding and would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, para 139 of the NPPF and the Adopted Pendle Design principles SPD

Residential Amenity

The Design Principles SPD advises that extensions should adequately protect neighbours' enjoyment of home, to not have an overbearing effect, obstruct the outlook of neighbouring dwellings or detract from their privacy.

No. 38 and No. 40 are applying for front dormers which would extend 4m to the front elevation. If both dormers are built out, it would have no unacceptable impact on each of the neighbour's residential amenity and would not breach the 45 degree guidance. If No. 38 sought to build out the dormer approved under permission 23/0300/HHO, No. 40 front dormer would not breach the 45 degree guidance, and therefore it would not have an overbearing impact on the living conditions of No. 40.

Th proposed front dormer would have two bedroom windows facing to the dwellings opposite. Here the separation distance is more than 21metres to the neighbours opposite the application site. The proposed windows would have no unacceptable impact to the residential amenity of the neighbours opposite.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with policy ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Highways

Having reviewed the documents submitted by Lancashire County Council acting as the highway authority does not raise an objection to the proposed extension of the front dormer. However, the conditions attached to the previous planning permission (23/0300/HHO) regarding off-road parking should be applied to any further planning permission granted. Three parking spaces are required.

LCC Highways have no objection, subject to conditions for three car parking spaces within the curtilage of the premises, and for the access to be hard surfaced from the highway to 5m into the site. Subject to conditions, the proposed development would comply with Policy 31 of the Replacement Pendle Local Plan.

RECOMMENDATION: Refuse

For the following reason(s):

By virtue of its position to the front roof slope, its size, scale, massing and materials used, the proposed dormer extension would have an unacceptable impact upon the visual amenity of the area contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan, policy BNP01 Barrowford Neighbourhood Plan, paragraph 139 of the National Planning Policy Framework and the principles set out in the Adopted Pendle Design Principles Supplementary Planning Document.

Application Ref: 24/0759/HHO

Proposal: Full: Extension of front dormer.

At 38 Lower Parrock Road, Barrowford, Nelson.

On behalf of: Mrs Razaq