

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

TO: WEST CRAVEN COMMITTEE

DATE: 6TH MAY 2025

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE ON 06TH MAY 2025

Application Ref: 25/0032/NMA

Proposal: Non-Material Amendment: Inclusion of a 2m footpath link from adoptable highway to development boundary, replacement of 403 house types with 404 house types and the replacement of a 0.6 high post and wire plot divisional fence with a 1.8m high feather edged board timber fence of Planning Permission 24/0213/VAR.

At: Development Site At Former Brook Shed, New Road, Earby

On behalf of: Gleeson

Date Registered: 20/01/2025

Expiry Date: 17/02/2025

Case Officer: Alex Cameron

This application was deferred from the previous Committee meeting.

Site Description and Proposal

The application site is a residential development of 50 dwellings currently under construction.

This is a non-material amendment to amend the approved plans of planning permission 24/0213/VAR. The proposed amendment is the substitution of house types on plots 10, 11, 16 and 22 and the addition of a pedestrian / cycle link to the side of 33 Mostyn Avenue.

Relevant Planning History

24/0213/VAR - Variation of Condition: Regularise Condition 1 (Implementation of timescales), Vary Condition 2 (Plans), Condition 3 (Materials), Condition 4 (Materials), Condition 5 (Materials), Condition 7 (Landscaping Scheme); Compliance of Conditions: Condition 8 (Management and Maintenance), Condition 9 (Construction Method Statement), Condition 10 (Ecological Mitigation Scheme), Condition 12 (Flood Risk Assessment), Condition 13 (Maintenance Scheme), Condition 14 (Site Specific Flood Risk Assessment), Condition 15 (Sustainable Drainage Strategy), Condition 16 (Construction Surface Water Management Plan), Condition 17 (Site-Specific Operation Manual), Condition 20 (Construction of Site Access and Off-site works), Condition 21 (Full Engineering, Drainage, Street Lighting and Constructional Details of roads and footways), Condition 22 (Management and Maintenance of estate roads and footways); Removal of Conditions: Condition 19 (Flood Resilience Measure), Condition 25 (Highway boundary wall), Condition 29 (Archaeological Recording) and Condition 30 (Historic Record) of Planning Permission 22/0577/FUL. Approved

22/0577/FUL - Full: Major: Erection of 50 dwellings with associated access and landscaping, demolition of Brook Shed engine house, chimney stack, and remaining sections of north elevation of the former weaving shed, boiler house and water tan

Consultee Response

N/A

Public Response

N/A

Officer Comments

The proposed alterations to house types would result in minor changes to the design, relocating windows and doors from the rear to the side elevations, this would not result in any unacceptable loss of privacy in relation to plots 11, 16 and 22, those plot substitutions are non-material and are acceptable.

The amendment to plot 10 would result in windows facing Riverside House separated by approximately 16m, however, that property has no windows in the east elevation. The angle of view and distance to the garden and windows of other dwellings would not result in any potentially unacceptable privacy impacts. The amended plots would not result in any unacceptable loss of privacy within the site or to surrounding dwellings.

The proposed fencing is acceptable and appropriate as a non-material amendment

The investigation of a pedestrian and cycle link to Mostyn Avenue was required by Committee when approving this application, this was for the Council to investigate the feasibility of the works beyond the application site for the provision of a link.

The proposed minor amendment is merely indicating that link within the site and that a break in the fence will be provided for that link if necessary, this is acceptable as a non-material amendment.

Reason for Decision

The proposed amendments are in accordance with the Non-Material Amendment Practice Note and are acceptable as non-material amendments.

RECOMMENDATION: Approve

Application Ref: 25/0032/NMA

Proposal: Non-Material Amendment: Inclusion of a 2m footpath link from adoptable highway to development boundary, replacement of 403 house types with 404 house types and the replacement of a 0.6 high post and wire plot divisional fence with a 1.8m high feather edged board timber fence of Planning Permission 24/0213/VAR.

At: Development Site At Former Brook Shed, New Road, Earby

On behalf of: Gleeson

REPORT TO WEST CRAVEN COMMITTEE ON 06TH MAY 2025

Application Ref: 25/0059/FUL

Proposal: Full: Erection of 3 no. polytunnels and the siting of 2 no. shipping containers for mixed use as a Halloween Venue, visitor farm and educational and agricultural use.

At Thornton Hall Farm, Skipton Road, Barnoldswick

On behalf of: Mr Chris Harrison

Date Registered: 06.02.2025

Expiry Date: 03.04.2025

Case Officer: Athira Pushpagaran

This application has been called in to committee by the Chair.

Site Description and Proposal

The application site forms part of a farm used for farming and as an open farm visitors centre located in open countryside on the edge of Thornton in Craven. The surrounding buildings comprise of recreational use buildings, agricultural buildings, a purpose-built visitors centre, and a campsite with associated outside recreation areas and a car park. Part of the redline boundary including the access road is located in the district of Craven, however the largest part of it is located in the borough of Pendle. The nearest residential dwellings to the application site are approximately 290m away.

The proposed development is the erection of 3 no. polytunnels and the siting of 2 no. shipping containers for mixed use as a Halloween Venue, visitor farm and educational and agricultural use. These structures have already been erected and appears to be in use at the time of site visit.

Relevant Planning History

24/0775/FUL- Full: Erection of a mixed-use barn for entertainment purposes. Pending consideration.

24/0811/FUL- Full: Erection of 6 no. timber buildings, 1 no. teepee tent, the creation of a concrete pad for riding pedal tractors, the siting of 2 no. bouncy pillows and the creation of an area of hard standing. Approved with conditions, 29/01/2025

24/0611/FUL - Full: Erection of an agricultural storage, lambing and workshop building. Approved with conditions, 01/11/24

17/0382/FUL- Full: Erection of a multi-purpose agricultural storage, lambing and workshop building. Approved with conditions, 07/09/17

13/15/0398P - Full: Extension to existing car park to form 225 spaces overall. Approved, 13/10/2015.

13/14/0003P - Erection of detached single storey building to accommodate biomass boiler and farm store. (part retrospective). Approved, 28/02/2014.

13/13/0577P - Erection of an orangery extension to provide additional dining room accommodation for cafe. Approved - 02/01/1014.

13/13/0554P - External alterations to existing farm visitor centre including the cladding of walls in natural stone, the roof in natural blue slate and insertion of a section of curtain walled glazing. Approved - 02/01/2014.

13/13/0228P - Erection of a first-floor balcony and insertion of a glazed roof to front of farm visitors centre. Approved, 08/08/2013.

13/12/0102P - Full: Change of use of land and buildings from agricultural use to mixed agricultural use and recreational use as a farm visitor centre with play barn, cafe, car park, D2 assembly and leisure use and quad biking (Retrospective). Approved, 01/06/2012.

13/08/0600C1 - Approval of Details Reserved by Condition: Discharge Condition 3 (landscaping) of Planning Permission 13/08/0600P. Condition discharged, 13/07/2012.

13/11/0535P - Full: Change of use of land from agriculture to use as an outdoor play area (D2 leisure use) and erection of play equipment with access from Church Road. (Retrospective). Approved, 08/12/2011.

13/08/0600P - Full: Erect visitor's centre. Approved, 08/01/2009.

13/02/0414P - Erection of open farm visitor centre on front elevation of existing farm building. Approved, 09/09/2002.

Consultee Response

LCC Highways

No objection

Lancashire Fire and Rescue Services

The proposed Planning Application has been noted, and the Fire Authority gives its advice in respect of access for fire appliances and water supplies for firefighting purposes to the site.

The following recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application. The conditions may affect the elevation of the building and access to them. These recommendations must be included if this application passes to another party prior to Building Regulation submission.

It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

It should be ensured that the proposal is provided with suitable provision of Fire Fighting water. Any provisions should comply with National Guidance, details of which can be found: <https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>

The Local Authority Building Control / Approved Inspector and Fire Service should be consulted at the earliest opportunity where more specific advice can be offered.

Architectural Liaison Unit

No response

North Yorkshire Highways

No response

Parish/Town Council

No response

PBC Environmental health

Raises issues regarding the noise arising out of the activities within the structures and recommends a condition to control noise.

PBC Public Rights of Way

No response

Yorkshire Water

No response

PBC Engineering

No response

Public Response

The nearest neighbours have been notified by letter, a site notice has been displayed, with one objection received raising the following issues:

- Unsightly buildings built illegally and used illegally
- All neighbours not consulted

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 SDP2 sets out the spatial development principles for developments in Pendle. Proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy 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.

Supplementary Planning Guidance: Development in the Open Countryside places great importance on proportion and setting and provides guidance on the materials which would be acceptable for agricultural buildings. Developments must not be detrimental to the landscape and the materials and design must reflect traditional farm buildings.

Officer Comments

The proposed development relates to a farm used for farming and as an open farm visitors centre located in open countryside outside the settlement boundary.

The buildings this application relates to would be used for hosting events around Halloween and for agricultural and recreational uses during the rest of the year.

The material considerations of this application are detailed below:

Visual and Landscape impact

The proposed development is the erection of 3 no. polytunnels and the siting of 2 no. shipping containers for mixed use as a Halloween Venue, visitor farm and educational and agricultural use. Two of the polytunnels are identical and measure 19.5m x 12.6m x 5.7m. The third one placed between these measure 18m x 8m x 5m and has a container each attached to its sides measuring 18m x 2.4m x 2.7m. The walls of the buildings are clad in vertical timber boarding with the middle building using the two green shipping containers as its side walls. The arched roofs are made of green plastic sheet. Post and rail timber fencing has been erected to the front and side of each of the three polytunnel buildings in order to provide an area for members of the public to queue while they are waiting to enter the polytunnels.

The buildings are located at the top of the hill away from the existing cluster of buildings on site and would be highly visible from the surrounding countryside and from public vantage points on the highway and the public footpaths around the site. The buildings would be visible against the

skyline from these vantage points. The utilitarian design and materials contrast with the traditional agricultural buildings typical of the rural landscape and makes them stand out. The design and scale would not be appropriate to their rural surroundings and detracts from the rural character and appearance of the area.

The application is accompanied by a landscaping scheme which proposes planting trees and shrubs around the buildings. This may partially mitigate the visual impact of the development from public vantage points when they mature, however it would still have a significant visual impact during the long period required for the planting to establish. Moreover, regardless of this mitigation, the proposal would fundamentally alter the character of the open countryside in this location, which is otherwise defined by rolling farmland. The introduction of sizable structures in this elevated and exposed location, particularly with their scale, massing, and materials, would disrupt the existing rural landscape, diminishing its openness and creating a more developed and intrusive visual presence that is inconsistent with the landscape character of the area.

Overall, the proposed development would not be acceptable in terms of its landscape impact and would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Development in the Open Countryside SPG.

Residential Amenity

The buildings would be used as a Halloween Venue, visitor farm and educational and agricultural use.

Concerns were raised regarding the noise arising from the development and impacting the residential neighbours and Environment health officer recommends the usage of a condition to control noise from the buildings. It is noted that the planning permission 13/12/0102P that approved the change of use of this site to mixed use restricted the number of events that could take place on site to 12 to control activities on site as well as restricted the maximum noise levels and duration of events within the site in the interest of residential amenity. These conditions could be duplicated on if planning permission were approved.

The development would not result in any unacceptable impact on residential amenity. Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and 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.

Other matters

A member of the public raised concerns that they were not consulted for the application. However, it should be noted that the regulations only require the LPA to consult adjoining neighbours, and it is up to the discretion of the LPA to determine who the adjoining neighbours are. Pendle Borough Council usually consults any neighbour who shares a boundary with the application site and the same has been done for this application along with the publication of a site notice.

RECOMMENDATION: Refuse

Due to the following reason(s):

1. The development due to its location, scale, massing and appearance would result in an unacceptable landscape impact and would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, and the Development in the Open Countryside SPG.

Application Ref: 25/0059/FUL

Proposal: Full: Erection of 3 no. polytunnels and the siting of 2 no. shipping containers for mixed use as a Halloween Venue, visitor farm and educational and agricultural use.

At Thornton Hall Farm, Skipton Road, Barnoldswick

On behalf of: Mr Chris Harrison

REPORT TO WEST CRAVEN COMMITTEE ON 06 MAY 2025

Application Ref: 25/0106/FUL

Proposal: Full: Engineering works to facilitate installation of a new drainage infrastructure..

At: Bankfield Shed, Skipton Road, Barnoldswick

On behalf of: Rolls Royce

Date Registered: 27/02/2025

Expiry Date: 24/04/2025

Case Officer: Alex Cameron

This application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

The application site is to the northern end of Rolls Royce's Bankfield Shed site.

This is a partially retrospective application for works to install drainage infrastructure. The works involve the reprofiling of a bund referred to as Luke's mound to allow for the installation of an attenuation tank. This had been undertaken and spoil from the works is currently stored on site, it is proposed for the spoil to be removed and the land reprofiled, the reprofiled bund would not be above its previous level and would be levelled in the area of the attenuation tank.

Relevant Planning History

16/0476/FUL - Full: Major: Excavate 12,600m³ of spoil (Retain 5,500m³ on site and remove 7,100m³), erection of extensions to North and South elevations of fan blade building and erection of associated retaining walls. Approved

24/0215/CND - Approval of Details Reserved by Condition: Discharge Condition 4 (Method Statement detailing particulars of any excavation, earthworks and retaining structures), Condition 5 (Scheme of Foul Sewers and Surface Water Drains), Condition 8 (Method Statement detailing parking, loading/unloading, storage etc) and Condition 9 (Method statement detailing investigation and remediation of contamination) of Planning Permission 16/0476/FUL. Split decision Condition 4, 8 & 9 Discharged, Refused Discharge of Condition 5

Consultee Response

LCC Highways – No objection

Public Response

Press and site notices posted – No response.

Officer Comments

Drainage

The tank would attenuate surface water in up to a 1 in 30 year rainfall event, any event greater than 1 in 30 years would be temporarily attenuated to the area where the public right of way runs.

This would be of overall benefit to the drainage of the site, providing attenuation for existing unattenuated surface water drainage from the site and reducing off-site flood risk. Impacts on the public right of way would be temporary and infrequent, occurring only in rainfall events greater than 1 in 30 years.

Visual Amenity

The works to install the attenuation tank included earthworks to level part of the previously existing bund known as Luke's Mound, this has been undertaken and the mound increased in height with spoil from the works, it is proposed for spoil to be removed and the mound reprofiled. The works would remove the south western end of the mound which would be levelled in the area of the tank, this would partially remove the screening effect of the mound from the buildings within the site when viewed from public rights of way and roads to the north west. Whilst this would have some visual impact it would not be at an unacceptable level taking into account the edge of settlement location and benefits of the development in terms of attenuating surface water flood risk.

Residential Amenity

The development raises no unacceptable residential amenity impacts.

Highway Safety

The development has potential highway impacts from construction traffic and removal of spoil, however, the access to this major industrial site is sufficient to accommodate that without unacceptable impacts.

Ecology and Biodiversity

The development is exempt from biodiversity net gain requirements and no potentially unacceptable ecology impacts have been identified, the site will be returned to its previous condition and so will not result in a detrimental impact following completion.

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

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan received 27/02/2025, 231116-KRD-XX-EX-DR-C-0500 Rev P04, 231116-KRD-XX-EX-DR-C-0505 Rev P01, 230726-KRD-XX-EX-DR-C-0002 Rev P01.

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

2. Unless otherwise approved in writing by the Local Planning Authority, within 12 months of the date of this permission spoil shall be removed from the site and the bund Luke's Mound shall be reprofiled in accordance with the approved plans and grass seeded.

Reason: In the interest of visual amenity.

3. The surface water drainage system hereby approved shall be installed and thereafter maintained in accordance with the submitted plans and details.

Reason: To ensure that off-site flood risk is not increased.

Application Ref: 25/0106/FUL

Proposal: Full: Engineering works to facilitate installation of a new drainage infrastructure.

At: Bankfield Shed, Skipton Road, Barnoldswick

On behalf of: Rolls Royce

REPORT TO WEST CRAVEN COMMITTEE ON 06TH MAY 2025

Application Ref: 25/0120/HHO

Proposal: Full: Erection of a front dormer to facilitate a loft conversion.

At 7 Fernbank Avenue, Barnoldswick, BB18 5JW

On behalf of: Mr Ariel Zarabski

Date Registered: 04.03.2025

Expiry Date: 25.04.2025

Case Officer: Negin Sadeghi

This application has been called in by a Councillor.

Site Description and Proposal

The application site relates to a semi-detached single-storey bungalow located within the settlement boundary of West Craven, on Fernbank Avenue in Barnoldswick. The property is constructed of red brick with a dark tiled pitched roof and features white uPVC windows and doors. The dwelling is paired symmetrically with No. 5 Fernbank Avenue.

The property is set back approximately 6–7 metres from the highway with a raised front garden due to site topography, sitting around 1–1.5 metres above street level. To the side, there is an existing single-storey garage structure which is fully set back from the main building line. An open driveway corridor of approximately 3 metres in width provides sufficient space for 3–4 off-street parking spaces.

The proposal seeks full planning permission for the erection of a front dormer to facilitate a loft conversion, which would accommodate two additional bedrooms, a bathroom, and a cloakroom at attic level. The proposed dormer would be of pitched-roof (gable-end) design, projecting from the front roof slope of the existing bungalow.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways:

Having reviewed the documents submitted, the above proposal raises no highway concerns. An adequate level of off-road parking for the type and scale of development proposed will be retained. Therefore, Lancashire County Council acting as the highway authority would raise no objection to the proposal on highway safety grounds.

Parish/Town Council: No comments received.

Public Response

Letters were sent to neighbouring properties. No representations have been received.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy (2011–2030):

- **Policy SDP1** – Presumption in favour of sustainable development
- **Policy ENV1** – Protection and enhancement of the natural and built environment
- **Policy ENV2** – Achieving quality in design and local distinctiveness
-

Replacement Pendle Local Plan (2001–2016):

- **Saved Policy 31** – Parking standards

National Planning Policy Framework (NPPF, 2023):

The NPPF promotes sustainable development and good design, ensuring that new development respects the character of the area and contributes positively to its context.

Design Principles SPD (2009):

The SPD provides design guidance for householder development, including dormer extensions, emphasising visual harmony, integration with host dwellings, and the surrounding street scene.

Officer Comments

Design and Visual Impact

The proposed front dormer would introduce a substantial projection to the principal roof slope of a modest bungalow in a street where front-facing dormers are not a prevailing feature. The uniform roofline along Fernbank Avenue contributes significantly to its visual coherence and suburban character. The introduction of a front dormer, particularly of the scale proposed, would appear visually intrusive and incongruous within the established street scene.

Although the dormer is of pitched-roof design and utilises materials intended to match the existing dwelling (including tiled roofing and white-framed uPVC windows), this does not sufficiently mitigate the impact of its visual prominence. The dormer would erode the symmetry of the pair of bungalows (Nos. 5 and 7), disrupting the established architectural rhythm and undermining the cohesive appearance of the street.

Overall, the proposal would result in an uncharacteristic and visually harmful addition that would fail to respect the local context and would not accord with the design objectives set out in Policy ENV2 and the Design Principles SPD.

Residential Amenity

The dormer would introduce two windows to the front elevation serving the proposed attic bedrooms. Given the separation distance from properties on the opposite side of Fernbank Avenue and the presence of intervening front gardens and the street itself, the proposal would not result in overlooking, loss of privacy, or any amenity harm to front-facing neighbours.

A single side-facing bathroom window is proposed, which is to be obscure glazed. This would not introduce harmful overlooking to the neighbouring property at No. 9 Fernbank Avenue. No windows are proposed to the rear elevation at attic level.

Given the scale and siting of the dormer, and the orientation of the dwelling, the development would not result in unacceptable overshadowing or overbearing effects to neighbouring occupants.

Highways

The proposal does not alter existing access or parking arrangements. Sufficient space for off-street parking remains within the curtilage of the property, consistent with the parking standards set out in Saved Policy 31. Lancashire County Council, as Highway Authority, raises no objection.

While the proposed loft conversion would provide additional internal living space for the applicant, the introduction of a front-facing dormer would be visually intrusive and harmful to the character and appearance of the property and surrounding street scene. The design fails to respect the architectural integrity of the host dwelling and disrupts the visual balance within a pair of semi-detached bungalows.

The development would therefore conflict with Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy, the guidance within the Design Principles SPD, and the design objectives of the NPPF.

RECOMMENDATION: Refusal

Refuse planning permission for the following reason:

1. The proposed front dormer would result in development incongruous and out of character with the design of the building and that of the surrounding area thus resulting in poor design. It would fail to respect the character of the existing dwelling and the uniform appearance of the surrounding street scene. The development is contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011–2030), the Design Principles SPD, and Section 12 of the National Planning Policy Framework (2023).

Application Ref: 25/0120/HHO

Proposal: Full: Erection of a front dormer to facilitate a loft conversion.

At 7 Fernbank Avenue, Barnoldswick, BB18 5JW

On behalf of: Mr Ariel Zarabski

REPORT TO WEST CRAVEN COMMITTEE ON 06TH MAY 2025

Application Ref: 25/0136/FUL

Proposal: Full: Change of use from a dwelling (Use Class C3) to a Children's care home (Use Class C2) for 1 no. child.

At 28 Avon Drive, Barnoldswick, Lancashire, BB18 6ET

On behalf of: Murtaza Ahmed Hussain

Date Registered: 10.03.2025

Expiry Date: 05.05.2025

Case Officer: Negin Sadeghi

The application is before committee due to the level of public objection.

Site Description and Proposal

The application site is a semi-detached two-storey dwelling located on Avon Drive, to the northeast of Barnoldswick, within an established residential area. The property features pebble dash walls, a dark pitched roof with solar panels, and white-framed windows and doors. The house benefits from a surfaced driveway and landscaped garden, which wraps around the side and rear of the dwelling. The front garden allows space for two off-road parking spaces, with the potential to increase provision through minor alterations.

Planning permission is sought for the change of use of the dwelling (Use Class C3) to a children's care home (Use Class C2) for the accommodation of one child aged between 8 and 18. The proposed care home would be staffed on a 24-hour basis by live-in carers working on a rota. No external alterations are proposed as part of this application.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways:

The site was visited on 25 March 2025.

After initial clarification of the use of the premises, the Highways Authority does not object to the application subject to adding conditions on dropped kerbs and having parking on site.

Parish/Town Council: No response received.

Environmental Services (Health): No response received.

Architectural Liaison Unit:

Summary: The Crime Impact Statement provided recommends various security measures to ensure the safety of the child, staff, and wider community, including Secured by Design (SBD) standards. These measures are essential to mitigate risks such as burglary, criminal damage, and vehicle crime. They include secure boundary treatments, robust gates, and access control systems. Additionally, the property should be equipped with CCTV coverage, intrusion alarms, and tamper-resistant fencing to enhance security.

Public Response

The nearest neighbours were notified by letter, and objections were made based on the following:

- No details about the type, age, or background of the children to be accommodated.
- Concerns about the applicant's intentions, with the property listed for sale.
- Perception that the application is speculative and financially motivated.
- Lack of community consultation by the applicant.
- Concerns about poor sound insulation and noise transfer between semi-detached properties.
- Fears of increased noise from staff shift changes, residents, and visitors.
- Potential disruption to the peaceful enjoyment of neighbouring homes.
- Avon Drive is a narrow, congested cul-de-sac with limited parking.
- Existing double parking and pavement obstruction are already problematic.
- Increased traffic from staff, visitors, and emergency services could exacerbate these issues.
- Safety risks for pedestrians, particularly children and those with mobility issues.
- Fears of increased anti-social behaviour, vandalism, and disruption.
- Concerns about vulnerable children being exposed to or contributing to local issues.
- Worries about insufficient police presence to manage potential problems.
- Perceived risk to nearby children, families, and elderly residents.
- The quiet residential street is primarily occupied by elderly people and young families.
- Proximity to the Leeds and Liverpool Canal raises safety concerns for unsupervised children.
- Perception that the area is not suitable for a children's care home due to its character.
- Concerns that a care home is more of a business than a residential use.
- Fears that approval could set a precedent for future similar applications, eroding community character.
- Reference to Lancashire County Council's Market Position Statement (Dec 2024), which reportedly states no more solo children's homes are needed in the area.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy:

- **Policy SDP1:** The proposal is in line with the presumption in favour of sustainable development.
- **Policy ENV1:** Ensures that new developments preserve or enhance the character and appearance of the area.
- **Policy ENV2:** Encourages high design standards in new development to maintain the quality of life for residents and protect the area's heritage.

- **Saved Policy 31 of the Replacement Pendle Local Plan:** Requires development to meet parking standards.

National Planning Policy Framework (NPPF): The NPPF promotes sustainable development and outlines three dimensions: economic, social, and environmental. It encourages development that meets the needs of the community and enhances local life quality while ensuring that any adverse impacts are mitigated.

Officer Comments

The summary of proposal is as below:

Property: Semi-detached two storey dwelling with 2 bedrooms (one child, one staff), bathroom, lounge and kitchen/dining room.

Residents: One young person (aged 8-18) staying for a maximum of 10 years.

Staffing: Minimum of 2 carers at all times, ensuring a 2:1 ratio, supported by a Home's Manager.

Occupancy: At any time, a maximum of 4 people would be present, including staff, support services staff and a young resident.

Night Coverage: At least 2 staff members on-site, bringing the minimum overnight occupancy to 3 people.

Shifts: Based on a rota system, with early (7:00am-3:00pm), late (2:30pm-10:30pm), night (10:00pm-7:30am), and long day (7:00am-10:30pm) shifts.

Support Services: Occasional visits from a child psychologist and social worker (90 minutes maximum) and maintenance visits as needed usually lasting 60 minutes every 2-3 months approx. Therapy, most activities and meetings will take place within the community or at the company's head office.

The home will be occupied by one child and staffed by up to two carers at a time, which is unlikely to result in activity levels significantly above those of a typical residential dwelling.

Design and materials:

No physical changes are proposed to the external appearance of the property. It would retain a domestic character and continue to sit comfortably within the street scene.

Residential Amenity:

The scale of the proposed use – one child and a small number of carers – is comparable to a typical household. There is no evidence that the change of use would result in unacceptable noise levels, or any anti-social behavior based on caring for one child. There will be staff change overs that will involve staff vehicles arriving and leaving. This will be minor and short duration movements that will not cause harm to the amenity of neighbouring residents.,

Concerns have been raised regarding potential disturbance. However, the proposed use, which includes the accommodation of one child with on-site support staff, is not inherently noisy or disruptive. No external changes are proposed, and there is no evidence to suggest that the development would generate noise or activity levels beyond what could reasonably be expected

from a residential dwelling. The operation of the care home would be subject to Ofsted regulation and safeguarding requirements, which would help ensure responsible management.

Highways and Parking

Three off-street parking spaces would be provided, which the Highway Authority confirms is sufficient. Modifications to the vehicle crossing and surface water drainage can be secured via conditions.

Other Issues

The concerns raised by objectors have been addressed within the report. However, some matters are not material planning considerations. The motives of the applicant in bringing forward the application are not material considerations. The proximity of the Leeds and Liverpool Canal is a generic matter and cannot be given planning weight.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with the Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development hereby permitted shall begin no later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out in accordance with the following approved plans:
CL 02255929/2; 02255929/5.

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

3. The parking areas shown on the approved plans shall be constructed in bound porous materials prior to first occupation and shall be retained thereafter for parking purposes only.

Reason: To ensure sufficient off-street parking and prevent obstruction of the highway.

4. Prior to the first use of the premises hereby permitted, details of a surface water drainage scheme for the proposed hardstanding shall be submitted to and approved in writing by the Local Planning Authority and the scheme shall be implemented in full and maintained as approved.

Reason: To prevent surface water discharge onto the public highway in the interest of highway safety.

5. The premises shall be used as a residential care home for a maximum of one child at any one time and for no other purpose (including any other purpose within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). It shall not be used for a Class C2a use, nor any other use permitted under the Town & Country Planning (General Permitted Development) Order 2015.

Reason: To safeguard residential amenity and ensure the appropriate use of the site.

Informative Note:

This permission requires construction or alteration of access to the publicly maintained highway. Before any work commences, the applicant must contact Lancashire County Council (Highway Authority) at lhsvehiclecrossing@lancashire.gov.uk to begin the Section 171 process and obtain the list of approved contractors.

Application Ref: 25/0136/FUL

Proposal: Full: Change of use from a dwelling (Use Class C3) to a Children's care home (Use Class C2) for 1 no. child.

At 28 Avon Drive, Barnoldswick, Lancashire, BB18 6ET

On behalf of: Murtaza Ahmed Hussain

REPORT TO WEST CRAVEN COMMITTEE ON 06TH MAY 2025

Application Ref: 25/0146/FUL

Proposal: Full: Change of use of lower ground floor from a domestic garage (Use Class C3) to a hair salon (Use Class E) and the replacement of existing roller shutter garage door to timber door with glazed side panels.

At 6 Castle View, Barnoldswick

On behalf of: Mr. Sid Shorten

Date Registered: 04/03/25

Expiry Date: 29/04/25

Case Officer: Ian Lunn

This application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

6 Castle View is a mid-terraced house constructed of randomly laid stonework under a slate pitched roof. It appears as a two-storey building when viewed from Castle View but three stories in height when viewed from Manchester Road. The premises are located approximately 40 metres northwest of the junction of Manchester Road and Castle View in a residential area that forms part of the Barnoldswick Conservation Area.

Planning permission is sought to change the use of the lower ground floor of the premises from a domestic garage (Class C3 as defined by the current Use Classes Order) to a hair salon (Class E(a)). Approval is also sought to replace an existing roller shutter door with a timber door and glazed side panels.

Relevant Planning History

The premises have not been the subject of any recent relevant planning history.

Consultee Response

LCC Highways:- No objections.

PBC Environmental Health:- Concerned that noise from the business may disturb adjoining residents. Have requested details of the measures that are proposed to address this.

Barnoldswick Parish Council:- No observations received.

Public Response

Surrounding residents were individually notified of this proposal by letter on 6th March 2025 giving them 21 days to comment. The proposal was also advertised by way of a press notice in a local newspaper on 14th March 2025 because the development would affect the setting of a Conservation Area. The statutory publicity period expired on 4th April 2025 and one letter of support has since been received based on the following:

- a) that the business would benefit the area,
- b) that it would not give rise to any highway safety concerns,
- c) that noise from the business would not affect adjoining residents because the properties are very solidly built,
- d) that the external alterations would enhance the appearance of the area,
- e) that in the past there have been other retail uses in this area.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP2 (Spatial Development Principles) – Sets out a hierarchical approach to the location of new development identifying Key Service Centres as being the main focus for it followed by Local Service Centres, Rural Service Centres and finally Rural Villages. Adds that new development should also primarily be located within identified settlement boundaries, only being permitted outside of them where they meet the requirements of the NPPF and the Pendle Development Plan.

Policy SDP5 (Retail Distribution) – Requires new retail development to be located within identified Town or Local shopping centres.

Policy WRK4 (Retailing and Town Centres) – Re-iterates that the Town and Local Shopping Centres, identified in Policy SDP5, should be the primary focus for new retail development. States that all proposals for retail development should be assessed using the sequential approach which requires such development to be located primarily within Town and Local Shopping Centres where it is appropriate to the role and function of the centre; then ‘Edge-of-Centre’ locations where the site is well connected to the Town Centre and where the development is appropriate to the role and function of the centre; and then ‘Out-of-Centre’ sites where they are well serviced by a choice of means of transport and where they have a higher likelihood of forming links with a nearby centre.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) - Seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. 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. States that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan Saved Policies

Saved Policy 31 (Parking) - This sets out the maximum parking standards for development.

National Planning Policy Framework (December 2024)

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 Sections of the Framework that are specifically relevant to this development are:-

Section 7 (Ensuring the Vitality of Town Centres) – This seeks to ensure that planning policies and decisions support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. It also sets out the way in which it expects this to be achieved.

Section 12 (Achieving Well Designed Places) – This seeks to ensure the creation of high quality, beautiful and sustainable buildings and places considering this aim as fundamental to what the planning and development process should achieve. It also advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Section 15 (Conserving and Enhancing the Natural Environment) – This seeks to ensure that planning policies and decisions contribute to, and enhance, the natural and local environment and sets out the ways in which it expects this to be achieved.

Section 16 (Conserving and Enhancing the Historic Environment) – This seeks to ensure the conservation of heritage assets in a manner appropriate to their significance and sets out the way in which it expects this to be achieved.

Supplementary Planning Guidance

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

Conservation Area Design & Development Guidance (SPD) - Contains detailed information and guidance as to how the design of development, or alterations and repairs to buildings, can ensure that the character or appearance of a conservation area is preserved or enhanced.

Officer Comments

Principle

A hair salon is a retail use in planning terms. Policies SDP5 and WRK4 of the Core Strategy and Section 7 of the NPPF are therefore relevant setting out the sequential approach that needs to be adopted when considering proposals for such development. Collectively they require retail uses to be primarily located within specified Town and Local Shopping Centres, then 'Edge-of-Centre', and then 'Out-of-Centre' Locations subject, in each case, to them meeting certain specified criterion (see 'Relevant Planning Policy' section above).

The property, the subject of this application, lies within the settlement boundary of Barnoldswick in an 'edge-of-centre' location approximately 215 metres from Barnoldswick Town Centre. It is therefore necessary to demonstrate why the new use needs to be located here and why it cannot reasonably be located within the Town Centre itself. The agent has submitted information supporting the application. This indicates that the development is an edge of centre location, is

accessible and is on a bus route. The application cannot locate to the town centre due to the rents that are charged.

It is accepted that the property is well connected to Barnoldswick Town Centre being located on a principal highway serving the Town and within reasonable walking and cycling distance of it. It is also accepted that this will be a very small-scale development with a floor area of just 24 square metres.

This is not the principal issue however. The NPPF and the Local Plan set out a clear sequential test that development must satisfy. These policies have been tested in Pendle recently on appeal in Colne where other modest development outside of the town centre has been found to be unacceptable and harmful to the town centre where the sequential test has not been passed. Whilst it is noted that there are issues with rent this is not a factor that can lead to the sequential test being set aside. There are currently vacant units available within the Town Centre and, other than issues of cost, the agent has not indicated why one of these cannot reasonably be used instead. Policy WRK4 of the Core Strategy is clear that *'the re-occupation of vacant floorspace....within a Town Centre or Local Shopping Centre will be prioritized for all forms of retail development'*. The proposal has not therefore been satisfactorily justified and is therefore unacceptable in planning policy terms. It would be contrary to national and local planning policy which seeks to direct development to town centres following a clear sequential locational criteria. This application will compete with other town centre uses of a similar nature and would lead to harm to the viability of the town centre.

The existence of other such uses outside of the town centre cited by the agent would only be relevant were the Council to have set aside local and national planning policy and have a policy allowing retail development generally to come forward outside of town centres. The Council has had a consistent policy on following the sequential test. Allowing this development would set a precedent for allowing other out of centre developments to come forward.

Design

Policies ENV1 and ENV2 of the Core Strategy, Sections 12, 15 and 16 of the NPPF and the Council's Supplementary Planning Documents 'Design Principles' and 'Conservation Area Design and Development Guidance' collectively require development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

In pure design terms this proposal is acceptable meeting the requirements of the above policies/guidance. It involves the replacement of a roller shutter door with a dark grey painted timber door frame, door and glazed side panels. This would represent an improvement visually on the existing door and would enhance the appearance of the Conservation Area.

Impact on Neighbours

Section 15 of the NPPF requires, in part, that new development should not subject existing development to unacceptable levels of noise. As a general principle development also needs to be designed and positioned so that it does not significantly affect the privacy, daylighting or amenity space of neighbouring properties. The proposal will satisfy all of these requirements for the following reasons.

The use will not cause disturbance to the adjoining residents despite the concerns of the Council's Environmental Health Service. The hair salon will be very small in scale with a floor area of just 24 Square metres. It will also be open for trade between reasonable weekday daytime hours namely 10am to 4pm Mondays to Fridays with no working on Saturdays, Sundays and Bank Holidays.

It is not proposed to enlarge the premises in any way as part of this proposal. Consequently, the development will have no effect upon the level of light currently received by the occupiers of the surrounding properties either.

Highway Safety

The proposal will not lead to any highway safety concerns in this case, a view supported by County Highways.

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 proposal fails to fully accord with the plan for the reason outlined below and could not reasonably be rendered acceptable through the imposition of planning conditions. The development does not therefore comply with the development plan and accordingly refusal is recommended.

RECOMMENDATION: Refuse

For the following reason:-

Insufficient justification has been given for locating a hair salon (a town centre use) in this 'edge-of-centre' location. The development would lead to an adverse impact on the vitality and viability of Barnoldswick Town centre and would set a precedent for other out of centre developments to come forward further undermining the vitality and viability of the town centre. The proposal is therefore contrary to the provisions of policies SDP5 and WRK4 of the Pendle Local Plan Part 1: Core Strategy and Section 7 of the National Planning Policy Framework.

Application Ref: 25/0146/FUL

Proposal: Full: Change of use of lower ground floor from a domestic garage (Use Class C3) to a hair salon (Use Class E) and the replacement of existing roller shutter garage door to timber door with glazed side panels.

At 6 Castle View, Barnoldswick

On behalf of: Mr. Sid Shorten

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 10th April 2025