

REPORT OF:	ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL AND REGULATORY SERVICES
TO:	DEVELOPMENT MANAGEMENT COMMITTEE
DATES:	17TH JUNE 2025

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON THE 17TH OF JUNE 2025

Application Ref: 24/0876/HHO

Proposal: Full: Erection of a single storey rear kitchen extension.

At 49 Fountain Street Nelson Lancashire

On behalf of: Mrs Tahira Ayub

Date Registered: 06.01.2025

Expiry Date: 03.03.2025

Case Officer: Negin Sadeghi

This application has been called in by a Councilor
Referred to DM.

Site Description and Proposal

The application site is a mid-terrace house located within the settlement boundary of Nelson. The property has natural stone walls at the front, a white rendered wall at the rear, and a pitched natural slate roof. It features yard areas at both the front and rear, with an existing rear kitchen extension. The surrounding area primarily consists of terraced houses of similar scale and design, with some larger dwellings situated opposite the site. The proposal seeks approval for the construction of a single-storey rear kitchen extension.

Relevant Planning History

13/05/0091P; 04.02.2005; DC: APPCON: Full: Erect single storey kitchen extension to rear

22/0601/HHO; 28.03.2023; DC: APPCON: Full: Insertion of dormer windows to front and rear roof slopes.

Consultee Response

Highways

Having reviewed the documents submitted, the above proposal raises no highway concerns. Therefore, Lancashire County Council acting as the highway authority would raise no objection to the proposal on highway safety grounds.

Parish/Town Council: No response.

Public Response

Neighbours were notified by letter, one objection was received, raising concerns about:

- Loss of Light: The existing extension has already reduced natural light, increasing reliance on artificial lighting. The proposed extension would worsen this issue.
- Loss of Privacy: Overlooking from the existing extension has already impacted privacy. The new extension would exacerbate this problem.
- Aesthetic Concerns: The extension is seen as an "eyesore" and visually unappealing.
- Construction Disruption: Concerns over noise and disturbance during construction.
- Preference for Removal of Existing Extension: The objector would prefer the removal of the original extension to restore natural light.

Relevant Planning Policy

Pendle Local Plan

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

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

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

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

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. It outlines 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.

Officer Comments

Design and Materials

The rear of the property is enclosed by 2m-high walls, separating it from the rear street. The surrounding terraced properties feature various rear extensions of differing sizes, scales, and materials, many of which are of poor quality. The yard extends 6.5m in length and currently includes a 3m-deep, 3m-high kitchen extension, along with a 2m-high, flat-roofed storeroom situated at the far end of the yard.

The proposal seeks to demolish these existing structures and construct a 6.7m-long rear extension with a maximum height of 3.1m to accommodate a kitchen and wet room. A 1m-wide open strip of the yard would remain along the southern boundary with No. 51. The yard level is slightly elevated, featuring two steps at the garden entrance and five steps leading from the rear yard to the kitchen entrance.

The proposed extension would feature brick-finished outer walls, white UPVC double-glazed windows and doors, and a slate roof to match the existing property. However, with a total height of 3.1m from the yard level—equating to 3.5m from the rear street level—the scale of the proposed extension is excessive. Its design would be incongruous with the setting, representing poor design that 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 proposed extension would be positioned to the north, sharing a boundary with No. 47's yard to the west. A 2m-high partition wall separates the site from No. 51's yard to the east.

No. 51 has a single-storey rear extension that extends the full length of the yard, reaching approximately 3.5m in height with a pitched roof. No. 47 has a rear extension on the west side of the yard, set forward 3m into the yard, also with a pitched roof of approximately 3.5m in height.

The proposal does not include windows or doors facing No. 47. However, while the existing structures extend 3m into the yard, the new extension would extend 6.6m from the rear wall, covering the entire length of the yard. The primary impact would be the increased height and replacement of the flat roof with a pitched roof, resulting in a larger, more dominant structure. Given that No. 47 has a narrow yard adjacent to the proposed extension, the scale and height (exceeding 4m) would cause an overbearing impact, on No. 47.

There have been discussions with the Agent and amended plans received. These do not resolve the unacceptable impacts on habitable room windows of dwellings on both sides. The extension would project 6.6m and breach the 45-degree rule in relation to habitable room windows in the rear of both No's 47 and 51. The impact on No.51 would also be exacerbated by that property being at a lower level.

It should be noted that the submitted amended proposed side elevations could be potentially misleading as they show steps up to the existing extension on the existing side

elevations which are not shown on the proposed side elevation, therefore it could appear that the proposed extension is significantly lower. However, the existing and proposed floor levels would be the same and so those steps up would also be required for the proposed extension, despite not being shown.

Highways

The proposed development would not impact highways.

RECOMMENDATION: Refused

The following reasons are provided:

The proposed extension, due to its excessive scale, height, and design, would result in an overbearing impact on the neighbouring dwelling leading to a significant reduction in living conditions. As such, the proposal does not comply with Policies ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy or the Design Principles SPD.

Application Ref: 24/0876/HHO

Proposal: Full: Erection of a single storey rear kitchen extension.

At 49 Fountain Street Nelson Lancashire

On behalf of: Mrs Tahira Ayub

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON THE 17TH OF JUNE 2025

Application Ref: 25/0169/FUL

Proposal: Full: Change of use from agricultural storage to mixed use agricultural and commercial storage (Use Class B8).

At New Laund Farm, Greenhead Lane, Reedley, Burnley, Lancashire, BB12 9DU

On behalf of: Mr T Balmer

Date Registered: 17.03.2025

Expiry Date: 08.05.2025

Case Officer: Negin Sadeghi

Site Description and Proposal

The site is located at New Laund Farm and includes several outbuildings used for both domestic and agricultural purposes. The access is from Greenhead Lane, with parking available on-site. The surrounding area is predominantly rural, with a few residential properties nearby, situated approximately 80m to the east. The site is within the Green Belt and falls within an area of open countryside. A public footpath (FP1316046 Reedley Hallows) passes along the access track.

The application seeks retrospective approval for the change of use of an agricultural building to a mixed-use storage facility (agricultural and commercial storage under Use Class B8) in connection with the applicant's horticultural business. No external alterations to the building are proposed.

Relevant Planning History

13/06/0400P: DC: REF: Full: Extend garage, erect chimney stack and convert to holiday dwelling.

13/13/0171P: DC: APPCON: Full: Erection of a detached garage.

13/16/0001P: DC: WDN: Conversion of an agricultural building to a dwelling

13/90/0608P: DC: APPCON: ERECT 2 AGRICULTURAL BUILDINGS (RETAIN GARAGE AND ERECT TRACTOR/IMPLEMENT SHED) AT

13/92/0275P: DC: APPCON: ERECT RADIO ANTENNA ON BARN AT

13/98/0265P: DC: APPCON: ERECT GARAGE BLOCK AT

13/99/0017P: DC: APPCON: USE PART OF FARM YARD AS GARDEN AND ERECT DOUBLE GARAGE AND STORE AT GREENTOP,

18/0651/HHO: DC: APPCON: Full: Demolition of garage block and erection of garage block for six vehicles.

18/0652/AGR: DC: PNR: Prior Approval Notification (Agricultural Building): Erection of agricultural storage building 23.07m x 32.8m x 65.8m).
(The building subject to this application is the same as that previously approved under 18/0652/AGR.)

19/0849/AGD: DC: PER: Prior Approval Notification (Agricultural Building to Dwelling Class QA and QB): Change of use of agricultural building to dwelling (Use Class C3) and external alterations.

22/0550/HHO: DC: Ref: Full: Erection of a 6 car garage

22/0555/FUL: DC: Ref: Full: Erection of an agricultural building (retrospective) and demolition of an existing agricultural building.

23/0019/FUL: DC: APPCON: Full: Retention of agricultural storage building associated infrastructure, including fencing, walls and hard standing (resubmission of planning permission 22/0555/FUL).

23/0245/FUL: DC: APPCON: Full: Extension of existing agricultural building.

23/0555/HHO: DC: APPCON: Full: Erection of a 4-car garage.

Consultee Response

Highways

The highway authority raised initial concerns regarding visibility splays and the increase in traffic generation due to the change of use. The access on Greenhead Lane has visibility splays of only 77m to the north and 103m to the south, which fall short of the required 120m for a 40mph speed limit road. This raises significant concerns over highway safety. Further information was requested, and the applicant's agent has provided details to address some concerns. However, the highway authority remains

concerned about the impact of additional traffic movements and safety issues related to the site's access and visibility.

This is a retrospective application with the change of use having commenced in October 2024. The site access was visited on 8 April 2025. Having reviewed the information submitted, together with site observations, Lancashire County Council acting as the highway authority makes the following initial comments and requests further information as the change of use in the site's operation potentially raises some highway safety concerns. Site planning history 23/0555/HHO - Erection of a 4 car garage. Approved with conditions. 23/0019/FUL - Retention of agricultural storage building with associated infrastructure, including fencing, walls and hardstanding (resubmission of planning permission 22/0555/FUL). Approved with conditions. 22/0555/FUL - Erection of an agricultural building (retrospective) and demolition of an existing agricultural building. Refused. 22/0550/HHO - Erection of a 6 car garage (retrospective). Refused. Proposal The application is for the retention of a change of use of an agricultural building which has taken place from wholly agricultural to mixed use agricultural and commercial storage under Use Class B8 (storage and distribution). This is in connection with the applicant's existing commercial horticultural business. Storage for existing agricultural machinery is proposed to be retained. No details of the floor area given over to the change of use have been provided. The whole building has a floor area of 842sqm. 2 Site access The site is accessed from Greenhead Lane along a private access track, which provides access to neighbouring residential properties and a commercial cattery and boarding kennels. No changes are proposed to the access, which the highway authority considers is wide enough to allow two vehicles to pass within the entrance. Visibility splays Greenhead Lane (C663) is subject to a national speed limit of 60mph outside the site access. For a road with a speed limit of 60mph visibility splays (Stopping Sight Distance) of 215m should be provided. However, an automated traffic count was undertaken as part of a planning application (23/0507/FUL) in January 2023 which indicated 85th percentile speeds within the vicinity of the access of just over 40mph in both directions. Visibility splays of 120m would be required for 40mph. The layout of Greenhead Lane would prevent splays of 120m from being fully achieved. Measurements were taken on site for achievable visibility from the site access which were 77m to the North and 103m to the South. Given the significant shortfall of the splay to the North the highway authority would not support any activity where there was a significant increase in traffic generation and vehicle movements at an access which has compromised visibility splays. Collisions Lancashire County Council's five-year database for Personal Injury Accidents (PIA) was checked on 9 April 2025. The database indicates there has been a cluster of collisions on Greenhead Lane to the South of the access, three of which have been speed related resulting in slight and serious injury and one fatality. Site operation We would request that the number and type of vehicle movements associated with the horticultural business is provided. The submitted Planning Statement suggests that conditions could be applied to any planning permission granted linking the site's use to the applicant only (page 6 - 'Due to the specific requirements ...'), which would restrict the site's use to the applicant. However, the highway authority would also request conditions limiting the B8 storage use to be between October and March, as outlined in the Planning Statement; that the use of the B8 storage

be ancillary to the operation of the applicant's main sites; and that no members of the public, customers or staff other than those resident on site shall visit site. This is so that the site's change of use does not generate different or additional traffic movements which have not been assessed. Parking Pendle Borough Council's parking standards would require four car parking spaces for a B8 use of 842sqm floor area. It is noted that the applicant lives on site and will operate the facility. There will be no members of the public, customers or staff other than those resident on site therefore the parking provision is not required subject to the necessary controls being conditions of the planning permission. 3 Public Rights of Way There are no Public Rights of Way which pass through the site. However, Public Footpath ref FP1316046 Reedley Hallows passes along the access track from Greenhead Lane and to the North of the site. Conclusion The highway authority requests further information, as outlined, to address the highway safety concerns raised. If this satisfactorily addresses these concerns the highway authority will recommend a number of highway-related conditions which it considers necessary.

Following the highway authority's initial comments dated 9 April 2025 the applicant's agent sent further information to the local planning authority in an email on 22 April. Having considered this email the highway authority considers that the highway safety concerns it raised initially could be addressed by conditions. Therefore, it recommends that the following, or similarly worded, conditions are applied to any formal planning approval granted. Conditions 1. The development hereby approved shall not be open to members of the public, customers or employees who live off site so that the development's operation does not generate traffic movements which have not been assessed. Reason: In the interest of highway safety. 2. Notwithstanding the reference to Use Class B8 in the description of development, the use shall be solely for the mixed use of storage and distribution ancillary to the operation of the applicant's horticultural business and premises, and agricultural purposes as described in the application and as hereby granted and for no other purpose including any other use within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification). Reason: In the interest of highway safety and residential amenity. 3. This permission shall enure solely for the benefit of the applicant, Mr Thomas Balmer, and not for the benefit of the land to which the application relates, and on Mr Thomas Balmer ceasing to occupy the premises, or the associated business ceasing to trade, the use shall revert to agricultural purposes only. Reason: In the interest of highway safety and residential amenity. 4. The primary use of the building hereby approved is October to March for overspill storage of horticultural machinery, with secondary movements occurring between April 2 and September to accommodate seasonal and weather variations as required. Reason: In the interest of highway safety.

Parish/Town Council: No answer

United Utilities: No answer

Environmental Services (Health)

If it is being used for commercial storage we would be concerned about delivery times both drop off and pick up to storage area causing noise nuisance and would there like to see the hours controlled through use of condition like below: Hours of Deliveries No deliveries shall be taken at or dispatched from the site outside the hours of 8am and 6pm on weekdays and 9am and 1pm on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays. Reason: In the interests of the amenity of nearby properties

National Grid

A holding objection was placed due to the proximity of the site to a high-pressure gas pipeline. Cadent Gas raised concerns about potential impacts on the pipeline and required further consultation.

The first assessment: Holding Objection:

- Cadent Gas has placed a holding objection on the planning application near their gas assets.
- Review the attached plans detailing the gas assets in the area.
- If the application affects high-pressure pipelines, input details into the HSE's Planning Advice Web App.
- Cadent may have a Deed of Easement, restricting changes to ground levels, storage, and construction near pipelines.
- No formal agreement or consent is provided by this letter.
- For further questions, contact Cadent at plantprotection.NW@cadentgas.com.

The second assessment: No Objection:

- Cadent has completed their assessment of the Greenhead Lane planning application and has no objection.
- Review attached plans detailing the gas assets in the area.
- If affecting high-pressure pipelines, input details into the HSE's Planning Advice Web App.
- Consult the HSE for any more stringent criteria on building proximity.
- Ensure the following Informative Note is added to the Decision Notice:
 - Register works on www.linesearchbeforeudig.co.uk for review.
- The original objection was due to the presence of a High-Pressure Major Accident Hazard Pipeline (MAHP).
- The minimum building proximity distance for the Altham – Burnley pipeline is 15.5 meters.

HSE

No objections, noting the proposed development does not increase the number of people on-site and does not raise significant concerns related to the consultation zones of the nearby gas pipeline.

- The Health and Safety Executive (HSE) is a statutory consultee for developments in Consultation Zones of major hazard sites and pipelines.
- The proposed development is within the consultation zones of the Altham/Burnley gas pipeline.
- The development involves no employees on site and will not increase the number of people in the area.
- HSE's Land Use Planning team has no comments as there are no significant effects on the number of people within the consultation zone.
- It is advised to contact the pipeline operator, Cadent Gas Ltd., to ensure there are no legal or operational restrictions near the pipeline.
- HSE suggests using their Web App to check if future developments lie within consultation zones.

PBC Public Right of Way: No answer

Public Response

Notifications were sent to nearby residents, and responses included both support and objections to the proposal.

- **Support:**
Several responses in support highlighted the longstanding agricultural use of the site, minimal impact on traffic, and the quiet nature of the farm. The storage facility was not visible to neighbors, and improvements to the site had enhanced security and the aesthetic of the farm.
- **Objection:**
Concerns raised included the potential increase in traffic, especially large vehicles, which could cause noise, congestion, and safety risks. Objections also referenced a previous enforcement action at the site for unlawful storage operations and concerns about the impact on a nearby public footpath.

Relevant Planning Policy

The relevant planning policies from the adopted Pendle Local Plan Part 1: Core Strategy (2011–2030) and the Saved Policies of the Replacement Pendle Local Plan (2001–2016) include:

- Policy ENV4 – Promoting Sustainable Travel
- Policy ENV5 – Pollution and Unstable Land
- Policy WRK1 – Strengthening the Local Economy
- Policy WRK4 – Development in the Countryside and Rural Areas
- Policy SDP1 – Presumption in Favour of Sustainable Development
- Saved Policy 31 – Parking

- National Planning Policy Framework (NPPF, 2023) – Chapter 9 (Promoting sustainable transport) and Chapter 13 (Protecting Green Belt land)

Officer Comments

Policy WRK4 supports rural employment uses where they are appropriate in scale, do not harm residential amenity or rural character, and comply with sustainable transport objectives. The building is already in situ and visually appropriate. However, the increased intensity of use from a solely agricultural to a commercial B8 use raises wider planning implications including highway safety.

Green Belt and Rural Character

No external physical alterations are proposed. The change of use does not impact on the openness or conflict with Green Belt purposes directly, and therefore no objection is raised on the impact of the green belt.

Highway Safety

This is the key issue in this case. The existing access from Greenhead Lane, a C classified highway has visibility splays of 77m to the north and 103m to the south. These fall materially short of the 120m required for observed 85th percentile speeds.

The retrospective B8 use introduces a use which is more intensive than an agricultural use. Movements would include those associated with agriculture on the site as well as larger delivery and storage vehicles, utilising a substandard access. While the applicant proposes restrictions to limit use to himself and the off-season (October–March), enforcement of such nuanced and person-specific conditions is difficult and unlikely to mitigate the inherent danger caused by the poor visibility splays. The use is linked to the business operated by the applicant, and it is the link to the business and not to a person that is the purpose behind the change of use. That business is a commercial one and the site will not operate for a personal benefit but as part of a long-standing business.

Policy ENV4 requires that development does not adversely impact highway safety. In this case, the additional vehicle movements generated by the change of use via a substandard access would result in a severe impact on highway safety, contrary to ENV4, the NPPF (para 111), and the general principles of sustainable development in SDP1.

Residential Amenity

Subject to restrictions on operating hours and vehicle movements, the impact on neighbouring amenity could be controlled. However, these do not overcome the more fundamental highway objection.

Other Matters

The presence of a high-pressure gas pipeline close to the site has resulted in a holding objection from Cadent Gas. Until this matter is fully resolved through further consultation, the local planning authority cannot be satisfied that the proposal would not pose an unacceptable risk to infrastructure or public safety.

There have been previous breaches related to unauthorized storage activities at the site. This undermines trust in the applicant's compliance with conditions, and the retrospective nature of the application raises further concerns.

Conclusion

The proposal would result in an increase in vehicular movements via a substandard access with deficient visibility splays on a rural road. The proposed use, even with restrictive conditions, introduces risks that would compromise highway safety. The development is therefore contrary to Policy ENV4 of the Pendle Local Plan and Paragraph 111 of the NPPF.

RECOMMENDATION: Refusal

Refuse planning permission for the following reason:

1- The proposed development, by reason of the intensification of the use of an existing access with severely substandard visibility splays, would result in an unacceptable risk to highway safety and a danger to road users. The visibility splays achievable (77m to the north and 103m to the south) fall significantly below the required 120m for the recorded vehicle speeds on Greenhead Lane. The proposal is therefore contrary to Policy ENV4 of the Pendle Local Plan Part 1: Core Strategy (2011–2030), Saved Policy 31 of the Replacement Pendle Local Plan (2001–2016), and Paragraph 111 of the National Planning Policy Framework (2023).

Application Ref: 25/0169/FUL

Proposal: Full: Change of use from agricultural storage to mixed use agricultural and commercial storage (Use Class B8).

At New Laund Farm, Greenhead Lane, Reedley, Burnley, Lancashire, BB12 9DU

On behalf of: Mr T Balme

REPORT TO DEVELOPMNT MANAGEMENT COMMITTEE ON 17th JUNE 2025

Application Ref: 25/0203/PIP

Proposal: Permission in Principle: Erection of 3 no. dwellings.

At Land to the South West of Old Hall Close, Blacko Bar Road,
Roughlee

On behalf of: Ms. J. Griffiths

Date Registered: 09/04/25

Expiry Date: 14/05/25 (Extension of Time agreed until 11/06/25)

Case Officer: Ian Lunn

Site Description and Proposal

The application site is an irregularly shaped plot of open grassland of approximately 0.18 hectares in area. It occupies a slightly elevated position above Blacko Bar Road to the immediate southwest of nos. 1 and 2 Old Hall Close. The site lies within the identified settlement boundary of Roughlee and within the Forest of Bowland National Landscape.

This application seeks approval, in principle, for the erection of three dwellings on the site. The principle of developing the land for this purpose is the only matter that can be considered.

Relevant Planning History

The land has not been the subject of any recent planning history. An application was refused on the site in 1997.

Consultee Comments

LCC Highways:- No objections in principle but have identified a number of matters that would need to be addressed at the Technical Details Consent Stage.

PBC Public Rights of Way:- No observations received.

PBC Environmental Health:- Concerned about the ability of the existing sewerage system to cope with additional development, and about potential noise nuisance during the construction of the development.

PBC Engineers (Drainage):- No observations received.

AONB Manager:- No observations received.

Roughlee Booth Parish Council:- Object to the proposal:-

- i) Consider the Core Strategy to be out-of-date and that the proposal should be considered against the policies in the replacement Local Plan as this is at an advanced stage of preparation. Consider that the development would fail to satisfy the policies in that plan and would lead to the loss of an important open space. This would be harmful to the character of the village and the Forest of Bowland National Landscape.
- ii) Concerned that the existing drainage infrastructure would be unable to cope with the additional housing proposed by this application and that the development would exacerbate existing drainage problems.
- iii) Concerned that a safe vehicular access to this site cannot be achieved,
- iv) Consider that the development would adversely affect the amenities currently enjoyed by neighbouring properties.

United Utilities:- No observations received.

Environment Agency:- No objections subject to an informative advising that a permit may be required to undertake activities within certain specified distances of White Water Hough (a statutory main river).

Public Response

Surrounding residents were individually notified of this proposal by letter on 9th April 2025 giving them 14 days to comment. The statutory publicity period expired on 23rd April 2025 and a number of objections have since been received from local residents. The objections are:-

- a) that it would not be acceptable to use the access track that passes Rose Cottage as a means of gaining vehicular access to the site. It cannot cope with any additional vehicular use and would be totally inadequate for use by construction vehicles. It is also a private right of way over which there is no general right of passage.
- b) that there is no safe means of gaining vehicular access to the site.
- c) that the development would adversely affect the setting of the Grade II listed Roughlee Old Hall as this lies just 13 metres away.
- d) that the site is not large enough to satisfactorily accommodate three houses.

- e) that the existing sewerage system cannot cope with any additional housing development here.
- f) that the development would exacerbate problems of flooding in the area.
- g) that planning permission has previously been refused for the residential development of the site on grounds of access. Appeals against these refusals have also been dismissed. Nothing has changed here since then.
- h) that because of the elevated nature of the application site the development would adversely affect the character of the area and the setting of the Forest of Bowland National Landscape.
- i) that the land should remain as green space for the village.
- j) that the development would adversely affect the views of surroundings residents.
- k) that the development would adversely affect local wildlife.
- l) that there is no need to develop this site to meet the Borough's housing targets as these are being met through the development of other more appropriate sites elsewhere.
- m) that insufficient details have been submitted with the application to enable the implications of the proposal to be properly judged.

Relevant Planning History

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 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.

SDP3 (Housing Distribution) – Seeks to ensure that 70% of new housing is located within the M65 corridor, 18% within the identified West Craven Towns, and 12% within Rural Pendle. It also adds that the provision of new housing should follow the settlement hierarchy as set out in Policy SDP2.

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.

Policy LIV1 (Housing Provision and Delivery) – Identifies the number of new dwellings that will need to be provided in the Borough during the plan period (5,662 at a rate of 298 peryear). It re-iterates that such housing should be distributed in accordance with the requirements of Policy SDP3.

Policy LIV3 (Housing Needs) – Seeks to ensure that a range of residential accommodation is provided to meet differing housing needs in the Borough.

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 2 (Achieving Sustainable Development) – Advises that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner.

Section 5 (Delivering a Sufficient Supply of Homes) – Requires that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

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 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) – Seeks to ensure that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions minimize vulnerability and

improve resilience, encourage the re-use of existing re-sources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

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

Development in the Forest of Bowland National Landscape (SPD) – This applies to proposals for development within the Forest of Bowland National Landscape and sets out the criterion that needs to be met in order to render them acceptable.

Officer Comments

Principle

An application submitted under this procedure seeks solely to establish whether or not it would be acceptable in principle to develop land for residential purposes.

Policies LIV1, SDP2 and SDP3 of the Core Strategy are relevant to the consideration of this proposal. The former states, in part, that proposals for residential development on land located within an identified settlement boundary that is not specifically allocated for such development will normally be viewed as acceptable in principle where the development is sustainable and where it makes a positive contribution towards the five-year supply of housing land within the Borough. The latter two, in part, collectively identify Roughlee as a Rural Village where limited residential development will be supported subject to it being of a nature and scale that is proportionate to the role and function of that settlement and where it is primarily required to meet local needs.

The proposal will meet the requirements of these in that:-

- a) the site is sustainably located within the identified settlement boundary of Roughlee near to existing village infrastructure,
- b) the construction of three dwellings here would assist the Council in meeting its housing needs, and
- c) whilst at this stage it has not been demonstrated that the development is required specifically to meet the local needs of the community, such a limitation could be

imposed at the Technical Details Consent Stage if it was considered appropriate to do so.

In view of the above, and as the site is partly enclosed by residential development, the proposal is acceptable in principle.

Other Issues

All other matters that would normally be assessed as part of an application for residential development are reserved for consideration at the Technical Details Consent Stage in this case. However, for clarity, and since a number of objections have been received in respect of this proposal, it is considered appropriate to briefly refer to them here:-

- a) concerns have been raised that the size of the site cannot accommodate three dwellings and that amenities of nearby residents will be affected. These are not matters for consideration for a PIP. They are matters for the technical details stage.
- b) concerns about the adequacy of the access arrangements. These are not matters for consideration at the PIP stage and are matters for technical details consent.
- c) Drainage. These matters are also ones for the technical details stage and are not material considerations to be considered at the PIP stage.
- d) The site is slightly elevated above Blacko Bar Road and lies within Flood Zone One as identified by the Environment Agency's Flood Map. There are no in principle objections to development in Flood Zone 1.
- e) The site has not been the subject of any recent planning history. Outline planning permission was previously refused for residential development here but this was in 1997, almost thirty years ago and before the adoption of the current Core Strategy in 2015 (see 13/97/0201P). The application is subject to a revised national and local policy position and must be determined based on that.
- f) Ecology. Ecological impacts are matters for the technical details consent stage including consideration of Biodiversity Net Gain.
- g) The site is not identified as Public Open Space in the Core Strategy. A refusal of this proposal on the grounds of loss of open space could not be sustained.

- h) Concerns about legal rights of access or loss of view can not be taken into consideration when determining a planning application as they are not Material planning matters but are matters between private individuals.

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

Recommendation: Approve

Informatives

As part of the Technical Details Consent application the following should be provided:-

- 1) Scaled Plans including
 - a Location Plan;
 - Existing and Proposed Site Layout Plans showing the proposed positions of the new dwellings, the layout of all associated internal highway infrastructure and parking facilities, the position of all cycle and refuse storage facilities, the position of the new vehicular access to the site, and details of existing and proposed land levels;
 - Proposed Floor Plans showing the internal layouts of the new dwellings and their finished floor levels; and
 - Elevational details of the proposed dwellings.
- 2) A Planning Statement which includes an assessment of the likely impact of the development upon the nearby Grade II Listed Roughlee Old Hall,
- 3) A Construction Method Statement.
- 4) An Ecological Survey and Mitigation Strategy.
- 5) A Scheme detailing the measures for discharging Foul and Surface Water from the developed site,

6) Biodiversity Net Gain (BNG) requirements:

- Statement confirming the development is subject to the biodiversity net gain condition.
- Metric confirming pre-development biodiversity value.
- UKHab Plan detailing pre-development habitats and their condition.
- Description of any irreplaceable habitat on the land to which the application relates, that exists on the date of application.
- Confirmation of how you foresee achieving the 10% net gains.
- Draft Biodiversity Gain Plan.
- Draft Habitat Management and Monitoring Plan.
- Mapping (UKHab or similar) detailing post-development habitats and their condition.
- Any specific information relating to the preparation and finalisation of a legal agreement (S106) – e.g. draft Heads of terms

Application Ref: 25/0203/PIP

Proposal: Permission in Principle: Erection of 3 no. dwellings.

At Land to the South West of Old Hall Close, Blacko Bar Road,
Roughlee

On behalf of: Ms. J. Griffiths

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON THE 17TH OF JUNE 2025

Application Ref: 25/0247/FUL

Proposal: Full: Change of use from a dwelling (Use Class C3) to a Children's Residential Home (Use Class C2) for up to 4 no. children.

At 534 Colne Road, Reedley, Burnley

On behalf of: DVL Properties Ltd

Date Registered: 07.04.2025

Expiry Date: 02.06.2025

Case Officer: Athira Pushpagaran

The Nelson, Brierfield and Reedley area committee that took place on the 2nd of June resolved to this application on the following grounds:

1: Lack of information on the proposed residents and perception of harm to the public, children and residential amenity.

2: Noise and disturbance from the proposed use.

The two reasons advanced for refusal are not planning considerations. It follows that there is a significant risk of an adverse costs award against the council in these circumstances and therefore the application is referred for decision by the Development Management Committee.

Site Description and Proposal

The application site comprises a semidetached Victorian dwellinghouse, with a generous front and rear garden area, situated off a busy main road within the settlement boundary of Reedley. The dwelling has three storeys including the attic from the front and an additional basement floor at the back due to the slope of the site. The main access is from Colne Road. The dwelling is surrounded by residential properties on either side with the OAKs hotel situated across the road from it.

The proposed development is the change of use from a dwelling (Use Class C3) to a Children's Residential Home (Use Class C2) for up to 4 no. children. No external alteration to the building is proposed.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

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, following mitigation, would be severe, taking into account all reasonable future scenarios' (Paragraph 116).

Having reviewed the documents submitted, together with site observations, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development and concludes that there are no highway grounds to support an objection as set out by NPPF.

However, the following comments should be noted and conditions applied to any formal planning approval granted.

Proposal

The proposed development is for the change of use from a dwelling (Use Class C3) to a Children's Residential Home (Use Class C2) for up to four children supported by staff working on a rota basis. The development would increase the number of bedrooms from five to six.

Car & cycle parking

The application form states that there are five existing car parking spaces and that these will be retained. However, the parking layout at the rear of the property has limited manoeuvring space for the two spaces immediately behind the dwelling. Nevertheless, the highway authority considers that there is space within the site to provide four parking spaces, including on the hardstanding at the front of the property. Four car parking spaces is the minimum level of off-road parking which the highway authority considers necessary for the number of staff/rota and operational information submitted.

The provision of parking and manoeuvring should be controlled by condition to ensure that this is protected. The highway authority notes that there are bus stops on Colne Road within acceptable walking distance. These are served by five commercial services providing local access and to destinations further away and may provide a realistic means of travelling to and from work than the use of a private motor vehicle.

The Vehicular Movement Analysis document submitted states on page 1 that some staff may cycle to work. Therefore secure, covered storage for two cycles should be provided. This can be controlled by condition.

Furthermore, in order that the site supports other sustainable forms of transport an electric vehicle charging point should be provided. This shall be fitted in line with the Dept for

Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles. This can be controlled by condition.

If the planning authority is minded to approve this application the following conditions should be applied to any formal planning approval granted.

Conditions

1. Prior to first occupation of the approved development 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 supports sustainable forms of transport.

2. Prior to first occupation of the approved development an electric vehicle charging point shall be provided in accordance with a scheme to be approved by the Local Planning Authority. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available. Reason: To ensure that the development supports sustainable forms of transport.

3. The car parking facilities and manoeuvring areas shown on the plans hereby approved shall be made available in accordance with the approved plans prior to the occupation of any of the buildings; such parking facilities and manoeuvring areas shall thereafter be permanently retained for that purpose. Reason: In the interest of highway safety and to ensure adequate parking is available within the site.

Architectural Liaison Unit

No objection. Provides informatives on developing as per security standards.

Parish/Town Council

No response

PBC Environmental health

No response

Public Response

The nearest neighbours have been notified by letter, and 7 responses have been received so far. Out of these 6 were objections and 1 was in support (All comments received from members of the same household are counted as one). These are summarised below:

Objections:

- concerns about safety of children living in very close vicinity to this house
- concerns about children loitering the area in the evening and possibly upsetting the peace
- do not fit with the safe, peaceful and clean neighbourhood
- noise concerns from increased activities for staff pickup drop offs and 24 hr shift patterns.
- security concerns
- location of the site near to areas of higher crime rates may vulnerable children propose to be housed there exposed and influenced by anti-social behaviours and crime
- loss of a substantial residential unit to an already burgeoned industry in the area
- detrimental effect on property values
- worsen already existing traffic and parking issues
- lack of local infrastructure to accommodate the specific needs of the home's residents
- concerns about unsociable behaviour by the nature of a children's home
- Over-intensification of children's care homes provision in Pendle
- directly at odds with the Council's adopted Core Strategy
- conflicts with Lancashire County Council's "Where Our Children Live" (WOCL) strategy
- this development would permanently remove a large, much-needed family dwelling, contrary to local and national policy

Supporting:

- The property is set in its own private grounds with a gated entrance & this would become a nice children's family home
- The privacy and the community impact statement, on the portal is quite detailed and outlines, how any potential neighbourly concerns will be dealt with

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.

SUP1 (Community Facilities) sets out the approach to the provision of community services and facilities, protecting the loss of facilities and the contribution of new facilities.

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.

Officer Comments

A change of use from C3 (dwellinghouse) to C2 (residential institution) requires planning permission. This is because there would be a difference in the way the property is used which may result in wider impacts upon the surrounding area, as a result of an intensification of the use of the property. For example, it would be expected that there would be more car journeys or vehicle movements resulting from a residential institution such as staff, visitors and healthcare professionals. This would differ from if the property was being used residentially by a family. However, the proposed development is located within the settlement boundary. A use which is compatible with residential uses is acceptable in this location, subject to amenity and design issues. The principal material considerations for the application are as follows:

Residential amenity

The existing dwelling has 5 bedrooms. The proposed residential institution would include a total of 4 bedrooms and 2 staff bedrooms on the first and second floor, with other areas including living, dining, kitchen, store, utility and multipurpose room on the lower ground and ground floors. The home would house a maximum of four children at a time, between the age of 4 and 17 years. There would be two carers at all times at the facility with one manager overseeing during daytime and other staff who make occasional visits like nurses, education staff and social care workers. Shift changes would occur at 08.00 daily with no proposed shift changes at night and therefore any increase in comings and goings would not be at unsociable hours.

Based on operational arrangements submitted the scale and nature of the use would not result in a significant increase in noise or disturbance to the detriment of residential amenity beyond that which could exist if the property was fully occupied.

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

LCC Highways does not object to the proposal. There is enough space within the site to provide four parking spaces, including on the hardstanding at the front of the property. LCC Highways suggest that the provision of parking and manoeuvring should be controlled by condition to ensure that this is protected. This can be added to any approval.

LCC requests the addition of a condition to ensure cycle storage since the usage of cycle by staff is proposed in the Vehicular Movement Analysis submitted with the application. This can be added to any approval.

LCC also requests the addition of a condition of EV charging points however considering this is a small-scale change of use application it would be unreasonable to add such a condition.

The proposed development raises no issues of highway safety and accords with Policy 31 of the Pendle Replacement local Plan.

Other matters

A number of other matters have been raised by members of the public however these are not planning considerations and do not carry any weight in the consideration of this application.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, 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 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:
 - 25/26/1 Location and Block Plan
 - 25/26/03 Proposed Plan
 - 25/26/04 Existing and Proposed Elevations

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior consent of the Local Planning Authority.

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

4. Prior to first occupation of the approved development 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 supports sustainable forms of transport

5. The car parking facilities and manoeuvring areas shown on the plans hereby approved shall be made available in accordance with the approved plans prior to the occupation of any of the buildings; such parking facilities and manoeuvring areas shall thereafter be permanently retained for that purpose.

Reason: In the interest of highway safety and to ensure adequate parking is available within the site.

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