

Report Title	PLANNING APPLICATIONS
Meeting	DEVELOPMENT MANAGEMENT COMMITTEE
Meeting Date	19TH AUGUST 2025
Report Author	NEIL WATSON
Directorate	PLACE
Lead Executive Member(s)	COUNCILLOR L. WHIPP
Wards Affected	BARROWFORD & PENDLESIDE, WHITEFIELD & WALVERDEN AND FENCE & HIGHAM
Public. Part Exempt, or Fully Exempt	NONE
Appendices (if any)	NONE

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 19 AUGUST 2025

Application Ref: 25/0110/OUT

Proposal: Outline: Erection of 9 detached and semi-detached dwellings with integral, attached and detached garages (Access, Layout, Scale and Landscaping).

At: 425 Gisburn Road, Blacko

On behalf of: The Executors Of The Estate Of Mrs. D. Holt

Date Registered: 19/02/2025

Expiry Date: 08/10/2025

Case Officer: Alex Cameron

This application has been referred to Development Management committee as its refusal on grounds of highway safety and flood risk would result in significant risk of costs to the Council.

Site Description and Proposal

The application site is a plot of land adjacent to No. 425 Gisburn Road, Blacko. It is located beyond the settlement boundary within the Open Countryside.

This is an outline application for a residential development, the proposal was originally submitted for eleven dwellings but the number of dwellings has since been amended to nine.

An appeal was allowed for outline planning permission for a development of 9 dwellings at 425 Gisburn Road in 2023, this proposed development is described on the plans as a second phase of that development and would effectively form a single development for planning purposes with that approved development, resulting in eighteen dwellings in total.

Relevant Planning History

20/0277/OUT - Outline: Erection of one dwelling (Access Only). Approved with conditions
20/0463/OUT: Outline: Erection of one detached dwelling with attached garage (Access only). Approved

22/0573/OUT - Outline: Erection of 9 residential dwellings with attached/detached garages (re-submission). Appeal Allowed

Consultee Response

LCC Lead Local Flood Authority – Objected to the proposal for 11 dwellings due to lack of a sustainable drainage strategy. No comments on the amended proposal for 9 dwellings as it falls below their consultation threshold but referred to their standing advice for non-major developments, which advises that a sustainable drainage strategy is necessary.

United Utilities – A pressurised sewer asset crosses the north of the site and we will not permit building over it. The applicant must agree the new structures that are close to the infrastructure prior to any determination to understand if any amendments need to be made as part of the submission. Recommend conditions for drainage and asset protection if the application is approved.

PBC Environment Officer – No objection. Please condition an Arboricultural Method Statement (AMS) and Tree Protection Plan.

PBC Environmental Health – Recommend construction method statement and contaminated land conditions are attached.

LCC Schools Planning – No education contribution required at this stage.

Electricity Northwest – Access to the adjacent substation must be maintained.

Blacko Parish Council - 1. The proposal adds a further 11 houses to a site which already comprises 1 existing dwelling and planning permissions for 10 houses which would result in 22 houses on this site. The scale of this development is totally inappropriate for a small village like Blacko. There is no case put forward in the planning statement that there is a need for a development of this scale. This proposal uses up a further field than the previous approval and extends well outside the village boundary. The Parish Council believe such a development would be contrary to the Pendle Local Plan. The site is not a garden area as outlined but has been used to graze horses for many years. The horse trough is still there. The development will totally change the rural nature of the lane down to Water Meetings which is a local beauty spot. The development will totally destroy the amenity of the area for the local community.

2. The proposed development together with existing permissions will result in at least 44 vehicles coming and going via a new access to Gisburn Road. This would be highly dangerous and the application should be refused on Highway Safety grounds. Gisburn Road is an extremely busy road which is also regularly narrowed to a single carriageway chicane due to parked cars. To have some 44 cars trying to get in and out of the site at peak traffic times when cars on the main Gisburn Road already have difficulty passing through is a major accident waiting to happen.

3. We, the Parish Council, have written to LCC Highways explaining our concerns about the traffic problem and asked them to reconsider their position with regards to this proposed development on safety grounds

Public Response

Press and site notices have been posted and nearest neighbours notified. Responses received objecting the proposed development on the following grounds:

- Impact on the visual and landscape character of the area including cumulative impacts
- Overdevelopment of the site
- Urban land should be developed first
- Impact on tourism
- Projection beyond the settlement boundary
- Significant weight should be given to the open countryside policy of the Local Plan 4th Edition
- Restricted visibility at the access and adverse highway safety impact of additional traffic
- Access gradient and access for utility and emergency service vehicles
- Concerns about parking and reduction in on street parking availability if a Traffic Regulation Order is required
- Disruption during construction
- Impact on users of the existing track / bridleway through the site
- Access to the adjacent substation
- Impact on tress
- Increase in off-site flood risk
- Inadequate infrastructure, services and facilities in Blacko
- The development does not address the needs of the local community
- Lack of affordable houses
- Impact on wildlife and biodiversity
- Potential damage to a sewer
- Pollution of Pendle Water
- Lack of on site open space
- The reduction in number of dwellings does not address concerns

Officer Comments

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 roles each settlement category will play in future growth Blacko is defined as a Rural Village within Rural Pendle.

Policy SDP3 identifies housing distribution in West Craven Towns as 18%, this is a general indication of the level of development expected rather than a maximum limit.

Policy ENV1 of the Replacement Pendle Local Plan 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 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy ENV7 (Water Management) states that the design of all new developments (Policy ENV2) must consider:

1. The potential flood risk to the proposed development site.
2. The risk the proposed development may pose to areas downslope / downstream.
3. The integrated, or off-site, use of Sustainable Drainage Systems (SuDS) to help reduce surface water run-off from the development.
4. The availability of an adequate water supply and disposal infrastructure.

Policy LIV1 (Housing Provision and Delivery) states that until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land will be supported.

Policy LIV4 sets targets and thresholds for affordable housing provision. For 5 or more dwellings in Rural Pendle this is 20%.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of

neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

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

Principle of the Development

The site is located adjacent to the settlement boundary for Blacko. Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement. Whilst the Local Plan Fourth Edition has now undergone examination in public this element of LIV1 applies until it is adopted, which it has not yet been.

Concerns have been raised in relation to infrastructure and services, however. Infrastructure and services are planning for taking into account the housing requirements of the Borough and taking into account new housing development. There have been no objections from the providers of services and infrastructure and there is no basis to resist the application on that basis.

This site is in a sustainable location adjacent to the settlement acceptably accessible. The proposed development is acceptable in principle in accordance with policies SDP2 and LIV1.

National Planning Policy Framework

Following changes to the method for calculating housing supply introduced by the revised National Planning Policy Framework published in December 2024 the Council has sufficient housing supply for 2.8 years. As this is below the 5 year supply requirement the Council is in a position of undersupply and the Council's housing policies are out of date. Paragraph 11 of the Framework requires that in this circumstance that applications for housing development are approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, this is referred to as the 'tilted balance'.

Visual Amenity

The site would be largely screened by surrounding buildings and trees and hedgerows and would not in principle result in unacceptable visual and landscape impacts.

Residential Amenity

The proposed development would not result in any unacceptable residential amenity impacts and would provide an acceptable living environment for its residents.

Trees

Concerns were initially raised by the Council's Environment Officer in relation to the proximity of proposed development to trees to be retained, the amended plans have altered the layout and removed dwellings to ensure that the development would not unacceptably impact upon the trees to be retained. The proposed trees and leylandii hedge to be removed are of low value and are proposed to be replaced with suitable native species planting. The impact on trees of the proposed development is acceptable.

Ecology and Biodiversity

A survey of the site has been undertaken by an ecologist this identifies potential habitats for birds in trees and hedgerows which can be acceptably protected with conditions for timing of clearance works and bird boxes.

The application has been submitted with a biodiversity metric and report, this proposes 100% loss of area habitat and hedgerow habitat types and makes no proposal for post development intervention to mitigate that and provide a 10% gain. It appears that the metric has not been correctly completed. This has been raised with the applicant, however, an acceptable 10% uplift can be ensured with the standard BNG conditions.

Open Space

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The proposed layout includes an undeveloped area to the north of the access road which could acceptably provide an area of open space subject to a condition to control that.

Affordable Housing

Policy LIV4 sets a target of 20% affordable housing for developments of five or more dwellings in Rural Pendle. No affordable housing is specifically proposed or assessment submitted devastating that this would make the development financially unviable, however, affordable housing can be required by condition or section 106 agreement in the event of an appeal.

The existing permission has no affordable housing requirement, it is not clear why this was not required. Although this the existing and proposed sites should be considered as a single development for planning purposes it would not be reasonable to retrospectively impose the affordable housing requirement to the full eighteen dwellings in this circumstance where it is not clear why it was not imposed previously, it should be limited to the nine additional dwellings proposed.

Highways

The site access has been accepted for 9 dwellings, in addition to the existing traffic, by the existing outline permission. The increase in traffic from an additional nine dwellings would not result in any unacceptable highway safety impact. The development is acceptable in highway terms in accordance with policy ENV4.

Drainage and Flood Risk

The application was registered as major development of eleven dwellings, it has since been amended to nine with is below the ten dwelling major development threshold.

The LLFA objected to the development of eleven dwellings and recommended refusal as no surface water drainage strategy had been submitted to allow assessment of the principle of surface water sustainable drainage in accordance with paragraph 182 of the Framework.

The LLFA were reconsulted following the amendment of the development to nine dwellings, this falls below their consultation threshold and therefore they responses with no comment and referred the Council to their standing advice for non-major and minor planning applications. The LLFA's standing advice recommends that a sustainable drainage strategy is submitted for non-major developments.

Whilst the Council do not generally require that a sustainable a drainage strategy is submitted at the application stage for all non-major developments, it is a matter for assessment on a case by case basis whether a development potentially results in surface water drainage impacts that make it is necessary to assess where surface water can be accept drained in principle at the application stage.

This development would have cumulative surface water drainage impacts together with the approved development, cumulatively requiring eighteen dwellings to be drained. Furthermore, it significantly reduces the undeveloped area in the applicant's ownership available for sustainable drainage infrastructure, this is particularly relevant as surface water is proposed to be discharged to a soakaway in the application forms. Without an acceptable drainage strategy it cannot be assessed whether the site can in principle be acceptably drained without increasing the risk of flooding elsewhere.

The application has advised that a drainage strategy is now being prepared which will take around four weeks, an extension of time has been agreed to allow for that. At Barrowford Committee it was recommended that the application be deferred to allow for that. To not allow the applicant time to submit that would result in a significant risk of costs against the Council at appeal.

A pressurised sewer runs to the north of the site and the exact location of the sewer has not been established by the applicant. United Unities have advised that they will not

allow building over it and will require a 6m easement. As the exact position of the sewer is not known, it is not known whether this will affect the proposed layout of the development, however, this could be addressed at the reserved matters stage.

Planning Balance

The Council is in a position of housing undersupply and therefore the tilted balance applies to the consideration of this application, the benefits of the development and level of undersupply must be balanced against the adverse impacts of the development and the application approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

The development would provide economic and social benefits from contribution to the economy from the construction of housing, the provision of new housing and would contribute towards addressing the 2.2 year deficit in the borough's 5 year housing supply, it would also provide an affordable dwelling. Taking into account the scale of the development at 9 dwellings, those benefits would be minor.

It has not been demonstrated that the site could in principle be acceptably drained without increasing flood risk elsewhere, however, if this is acceptably addressed the benefits of the development would outweigh the minor harm from development of the site such as impacts on trees.

To avoid risk of costs at appeal the applicant should be given time to address the need for an acceptable drainage strategy and therefore it is recommended that the approval of the application be delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to an acceptable drainage strategy being submitted.

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 is acceptable in all relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance of the development) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: CAL 2024 001 010 Rev E, CAL 2024 001 011 Rev E, CAL 2024 001 012 Rev E.

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

4. As part of the first submitted reserved matters application, and each reserved matters application for a phase or part phase thereafter, details of ensuring the United Utilities assets that are laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall include a survey that identifies the exact location of the sewer within the site, the potential impacts on the sewer from construction activities (including the construction compound), the impacts post completion of the development on the sewer infrastructure within the site and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the asset both during construction and post completion of the development. Any mitigation measures shall be implemented in full prior to commencement of development in accordance with the approved details and timetable and shall be retained thereafter for the lifetime of the development. In the event that the survey of the sewer identifies the buildings/plots as within an agreed standoff either side of each asset, the developer shall submit evidence to the Local Planning Authority that a diversion has been agreed with the relevant statutory undertaker and that the approved works have been undertaken prior to the commencement of development.

Reason: In the interest of public health and to ensure protection of United Utilities assets.

5. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the local planning authority. The drainage schemes shall include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include

evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;
- (v) Demonstrate exceedance routes from existing public sewer manholes near the site entrance will not flow into the site or affect any of the proposed properties, and;
- (vi) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage. Prior to occupation of the development hereby permitted, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure that the development does not result in an increase in flood risk or pollution.

6. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. The sustainable drainage management and maintenance plan shall include:

- i. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- ii. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be implemented and thereafter maintained and managed in accordance with the approved plan.

Reason: To ensure that drainage is maintained and the development does not result in an increase in flood risk.

7. No development shall take place, including any works of clearance, until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. The loading and unloading of plant and materials;
- iii. The storage of plant and materials used in constructing the development;
- iv. The erection and maintenance of security hoarding;
- v. Wheel washing facilities;
- vi. Measures to control the emission of dust and dirt during construction;

- vii. Measures to control noise and vibration during construction;
- viii. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- ix. Delivery, demolition and construction working hours;
- x. Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of residential amenity and highway safety.

8. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The works shall be completed prior to the first occupation of any dwelling and retained thereafter. Works shall include, but not exclusive to: • the construction of the access to an appropriate standard, including a minimum width of 6.5m and radius kerbs, • buff coloured tactile paved dropped pedestrian crossings both sides of the access, • construction of 2m wide footways into the site on both sides of the new access, • re-location of any highway gullies • Give Way carriageway markings on Gisburn Road at amended access • re-instatement of footway to the South of the access to an appropriate standard including full height kerbs, approximately length 5.5m • a street lighting assessment

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

9. The development hereby permitted shall not commence until the highway works to facilitate construction traffic access to the development site have been constructed in accordance with a scheme which shall be submitted to and approved in writing by the local planning authority.

Reason: To enable all construction traffic to enter and leave the development site in a safe manner without causing a hazard to other road users.

10. The development hereby permitted shall not commence until visibility splays measuring 2.4m back from the centre line of the access and extending 43m on the nearside carriageway edge in both directions on Gisburn Road have been provided at the amended access, as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

Reason: In the interest of highway safety.

11. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal Report (produced by Ecology Services Ltd, dated May 2022). If development has not commenced by May 2024 an updated Preliminary Ecological Appraisal Report, based on the same methodology, shall be submitted to and approved in writing by the local planning authority. All ecological measures and/or works shall then proceed in accordance with the approved measures.

A scheme of landscaping shall be submitted to the local planning authority for approval as part of the reserved matters application. The scheme shall include:

- i. the location and species of all existing trees and other planting to be retained;
- ii. all proposals for new planting (including replacement hedgerow and tree planting), and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- iii. an outline specification for ground preparation;
- iv. boundary treatments;
- v. hard surfacing materials;
- vi. implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity.

12. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. [In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

Reason: To ensure the protection of trees to be retained.

13. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: To ensure that the infrastructure is maintained in the future

14. Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (Lancashire County Council's specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the infrastructure is constructed to a suitable standard.

15. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the infrastructure is completed in a timely manner.

16. Prior to the occupation of each dwelling the driveways and parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate parking provision is provided.

17. Prior to the occupation of the first dwelling details of open space and/or green infrastructure provision within the site, including management and maintenance and timing of implementation, shall have been submitted to and approved in writing by the Local Planning Authority and the provision shall thereafter be implemented, managed and maintained in accordance with the approved details.

Reason: To ensure adequate provision of open space and/or green infrastructure on site.

18. One of the dwellings hereby approved shall be affordable housing. The affordable housing to be provided shall meet the definition of affordable housing in Annex 2 of The National Planning Policy Framework or any future guidance that replaces it. No dwelling hereby approved shall be occupied unless and until an affordable housing scheme has been submitted to and approved in writing by the Local Planning Authority. The affordable housing scheme shall include:

- i) the type, tenure and location on the site of the affordable housing provision to be made;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: in order for the development to contribute to the supply of affordable housing in accordance with the identified need.

19. No part of the development shall commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The obligation shall provide for 10% Biodiversity Net Gain and monitoring for a 30 year period.

Reason: To ensure the provision of 10% biodiversity net gain for a 30 year period.

Biodiversity Net Gain Condition:

1. The development may not be begun unless—

- (i) a biodiversity gain plan has been submitted to the planning authority and
- (ii) the planning authority has approved the plan

Phase plan

- (b) the first and each subsequent phase of development may not be begun unless—
 - (i) a biodiversity gain plan for that phase has been submitted to the planning authority and
 - (ii) the planning authority has approved that plan

Reason: In order to fulfil the obligations for Biodiversity Net Gain, in accordance with the Environment Act 2021, Schedule 14

Notes: The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to: • the construction of the access to an appropriate standard, including a minimum width of 6.5m and radius kerbs, • buff coloured tactile paved dropped pedestrian crossings both sides of the access, • construction of 2m wide footways into the site on both sides of the new access, • re-location of any highway gullies • Give Way carriageway markings on Gisburn Road at

amended access • re-instatement of footway to the South of the access to an appropriate standard including full height kerbs, approximately length 5.5m • a street lighting assessment • the pursuit of a Traffic Regulation Order for No Waiting At Any time (double yellow lines) to protect the visibility at the access on Gisburn Road. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

Application Ref: **25/0110/OUT**

Proposal: Outline: Erection of 9 detached and semi-detached dwellings with integral, attached and detached garages (Access, Layout, Scale and Landscaping).

At: 425 Gisburn Road, Blacko

On behalf of: The Executors Of The Estate Of Mrs. D. Holt

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 19TH OF AUGUST 2025

Application Ref: 25/0177/HHO

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

At 41 Beaufort Street, Nelson, Lancashire, BB9 0BQ

On behalf of: Mrs Nafeeza Begum

Date Registered: 17.04.2025

Expiry Date: 11.06.2025

Case Officer: Negin Sadeghi

This application has been referred to Development Management Committee as its approval would result in a significant departure from policy.

Site Description and Proposal

The application site is a two-storey mid-terraced dwelling located within the settlement boundary of Nelson. The property features stone brick external walls, uPVC fenestration, and a dual-pitched roof. The dwelling is accessed directly from Beaufort Street to the front, which is characterised by a uniform terrace of similar houses with shallow front yards. The house doesn't have any off-street parking.

The application seeks planning permission for the erection of a single-storey rear extension projecting an additional 2.6m beyond the existing kitchen extension. The extension is intended to provide a wet room to serve the needs of a disabled occupant.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development.

The application proposes to convert a section of the rear yard area to provide washroom facilities. An area of yard space will be retained as part of the proposal. This should still

be adequate to allow for the storage of refuse bins, whilst maintaining pedestrian access. As a result, the retained yard area should avoid refuse migrating and ultimately being left on the publicly maintained back street. Consequently, the development is unlikely to adversely affect the highway network or its users.

Parish/Town Council: No answer received.

Environment Services (Health)

We are concern about noise nuisance during the construction phase, especially linked to working outside of reasonable hours, and would therefore like the hours of operation to be controlled and would suggest use of the condition below: Hour of Work – Operations No machinery shall be operated nor any process carried out at the site outside the periods between the hours of 08:00 and 18:00 on weekdays and 09:00 and 13:00 on Saturdays and there shall be no machinery operated or process carried out at all on Sundays, Bank or Public Holidays. Reason: To protect the amenities of occupiers of adjoining and nearby properties.

Public Response

The nearest neighbors have been notified by letter, and no responses have been received.

Relevant Planning Policy

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

- Policy SDP1 promotes sustainable development in line with national guidance.
- Policy ENV1 requires development to minimise harm to the natural environment and be of a high design standard.
- Policy ENV2 encourages high-quality design that respects the character and setting of the area.

Replacement Pendle Local Plan (Saved Policies):

- Policy 31 sets out parking standards for new development.

National Planning Policy Framework (NPPF):

- Emphasises the economic, social, and environmental roles of sustainable development.

Design Principles Supplementary Planning Document (SPD):

- Provides guidance on appropriate design for householder developments.

Officer Comments

Permitted Development Consideration

While permitted development rights allow certain rear extensions, the height of the proposed development (4.2m to 4.6m) exceeds the 4m threshold, and as such, it would not fall within the scope of Class A of the GPDO. It therefore requires full planning permission.

Design and Materials

The proposed extension would adopt a dual-pitched roof in keeping with the existing outrigger and use materials that are generally sympathetic to the host dwelling, including render, grey tiles, and white uPVC. It would not be visible from the public realm and would not result in harm to the character or appearance of the dwelling or the wider area. The proposal is therefore acceptable in design terms.

Residential Amenity

The host dwelling retains its original rear outrigger extending approximately 3.5m. The proposed development would add a further 2.6m projection, resulting in a total depth of approximately 6.1m from the original rear wall. Although the individual addition is modest, when combined with the outrigger it would substantially increase the rearward projection in a terraced context.

To the Northwest (No. 39), the proposal would not materially alter the relationship, as No. 39 already contains a rear extension to the yard boundary.

However, to the Southeast (No. 43), the proposed extension would run along the shared boundary. No. 43 retains its original outrigger (3.5m length) and has a ground-floor window serving the lounge that faces into the rear yard. The proposed extension would significantly breach the 45-degree rule as measured from this window and would result in an unacceptable overbearing impact and overshadowing. This would materially harm the amenity of the neighbouring occupiers.

The Design Principles SPD advises that in terraced settings, single-storey rear extensions projecting beyond 4m should be carefully assessed and justified—especially where neighbouring amenity is affected. In this case, the additional 2.6m projection would result in significant overshadowing and enclosure of the rear yard at No. 43.

Highway Safety

The proposal would not result in any change to existing parking arrangements. Lancashire County Council Highways has raised no objection. Bin storage and rear access would be retained. The scheme is acceptable in highway terms.

Conclusion

The proposed development would result in an unacceptable overbearing impact and overshadowing to the neighbouring property at No. 43 Beaufort Street. The proposal fails to comply with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy, the Design Principles SPD, and paragraph 135 of the NPPF, which require high standards of design and protection of residential amenity. While the personal circumstances of the applicant have been noted, they do not outweigh the material planning harm identified.

Recommendation: Refuse

Reason for Refusal:

1. The proposed rear extension, by reason of its scale, siting, and proximity to the shared boundary with No. 43 Beaufort Street, would result in an unacceptable overbearing impact and overshadowing to a principal ground floor window serving a habitable space. The development would therefore cause harm to the residential amenity of the adjoining occupiers, contrary to Policy 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.

Application Ref: 25/0177/HHO

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

At 41 Beaufort Street, Nelson, Lancashire, BB9 0BQ

On behalf of: Mrs Nafeeza Begum

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 19TH OF AUGUST 2025

Application Ref: 25/0293/FUL

Proposal: Full: Retention of a racing pigeon loft and replacement of former loft.

At 8 Albert Street, Nelson, Lancashire, BB9 7EY

On behalf of: Mr Mohammad Asif

Date Registered: 30.04.2025

Expiry Date: 24.06.2025

Case Officer: Neil Watson

This application has been referred to Development Management Committee as its approval would represent a significant departure from policy.

Site Description and Proposal

The application site relates to a one- two-storey commercial property at No. 8 Albert Street, situated within a block of properties fronting both Albert Street and Stanley Street in Nelson town centre. The building is part of a mixed-use block that accommodates a kitchen unit manufacturing business, a furniture store, a carpet warehouse, and a hot food takeaway. Historically, the premises have also been used as a nightclub.

The site is located within the designated Whitefield Conservation Area, which is an area of special architectural and historic interest. It also lies within the defined Settlement Boundary, and in close proximity to the commercial and service centre around Manchester Road.

The application seeks retrospective planning permission for the retention of a replacement racing pigeon loft, situated on the flat roof of the single-storey rear projection. The new structure replaces an earlier loft which was dismantled in 2024 to allow for roof repairs. The application also includes a new access door from the second-floor staff room onto the roof (formed from a previous window opening) and the installation of a post-and-rail safety barrier, which is set back from the roof edge.

Relevant Planning History

Consultee Response

Highway

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the above retrospective development.

Parish: No answer received.

PBCENG: No answer received.

Environmental services- Health: No answer received.

Public Response

The nearest neighbors have been notified by letter and the site notice is published, and no responses have been received.

Policy Context

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

- ENV1 – Protecting and Enhancing Our Natural and Historic Environments
- ENV2 – Achieving Quality in Design and Conservation
- ENV5 – Pollution and Unstable Land
-

National Planning Policy Framework (2023)

- Paragraph 135 – Achieving well-designed places
- Paragraph 180 – Impact on natural and local environment
- Paragraph 206 – Preservation and enhancement of Conservation Areas

Officer Comments

Design, Visual Amenity and Conservation Area Impact

The pigeon loft is situated on the flat roof of the single-storey rear section of the building. It replaces a smaller, lighter loft which existed from approximately 2013 until 2024. The original structure was accessed from within the building and had a cage door leading onto the roof.

The new loft is a more substantial structure, both in scale and massing. It is constructed from aluminium and glazed panels with internal wooden shelves and recesses and has an approximate increase of 20–25% in length, 30–60% in height (over two levels), and approximately double the overall depth compared to the original structure. These proportions have been assessed through Google imagery and 3D views, as no precise comparative dimensions were submitted.

The proposed loft is visible from parts of Albert Street and the adjacent southeastern backstreet, but views from the northwest and northeast are screened by adjacent two-storey buildings. While the structure is relatively lightweight in material (mesh and aluminium framing), its increased height, volume, and prominence result in a more intrusive appearance than the original.

The door formed from the staffroom window creates a more accessible roof area, and historic imagery shows outdoor furniture placed on the roof from 2018 onwards. The presence of the new loft and rooftop activity introduces an incongruous element to the commercial block. This is poor design and adversely affects the character and appearance of the conservation area.

The proposal, therefore, fails to preserve or enhance the character and appearance of the Whitefield Conservation Area, contrary to Policy ENV1 and paragraph 206 of the NPPF.

Whilst the impacts on the designated heritage asset result in a less than significant level of harm there are no public benefits to the scheme which would outweigh that harm.

Residential Amenity

Although the site is predominantly commercial, the increased rooftop access and potential for prolonged activity (e.g. pigeon tending, use of seating) result in a degree of overlooking and loss of privacy to properties across the narrow street to the rear and side.

The elevated position offers oblique views toward first-floor window of properties across backstreet (64-66 which has a residential rooms window opening on the first floor to the rear street). This arrangement could lead to a perceived sense of overlooking and loss of privacy, particularly if rooftop use becomes more frequent due to the new access.

The cumulative impact of the larger loft and increased access raises concerns regarding amenity harm, contrary to Policy ENV2 and paragraph 180 of the NPPF.

Highways and Access

Lancashire County Council has raised no objection to the development from a highways perspective. The structure does not impact parking provision or highway safety.

Conclusion

The retrospective pigeon loft is materially larger than the original structure it replaced, and its design, scale, and elevated siting result in a visually intrusive and incongruous addition to the building, harming the character and appearance of the Whitefield Conservation Area. In addition, the formation of the new door and increased rooftop access give rise to amenity concerns, particularly relating to overlooking and potential loss of privacy to 64-66 first floor window.

The proposal is contrary to Policies ENV1 and ENV2 of the *Pendle Local Plan Part 1: Core Strategy (2011–2030)* and to the guidance in the *National Planning Policy Framework (2023)*.

Recommendation: Refuse

1. The pigeon loft structure, in conjunction with the new access door and roof activity (e.g., placement of chairs and staff use), introduces an intrusive and elevated platform in close proximity to neighbouring properties. This allows for increased overlooking of adjacent residential windows and rear yards on both Albert Street and the southeast backstreet. The resulting loss of privacy is considered to cause an unacceptable level of harm to the amenity of neighbouring occupiers. This is contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011-2030), which seeks to ensure that development does not have an unacceptable impact on the amenity of neighbouring properties, and paragraph 135 of the National Planning Policy Framework (NPPF).
2. The replacement pigeon loft is materially larger and more prominent than the original loft structure. Its increased height, bulk, and use of modern materials (aluminium and glass, compared to the former lighter timber design) introduce a visually intrusive feature on a conspicuous roofscape. The structure is visible from Albert Street and surrounding viewpoints, within the Whitefield Conservation Area, a designated heritage asset. The cumulative visual impact of the loft and associated roof activity fails to preserve or enhance the character and appearance of the Conservation Area, thereby resulting in less than substantial harm to its significance. This harm is not justified or outweighed by any public benefit, contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Part 1, and paragraphs 202 and 206 of the NPPF.

Application Ref: 25/0293/FUL

Proposal: Full: Retention of a racing pigeon loft and replacement of former loft.

At 8 Albert Street, Nelson, Lancashire, BB9 7EY

On behalf of: Mr Mohammad Asif

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 19TH OF AUGUST 2025

Application Ref: 25/0337/FUL

Proposal: Full: Conversion of vacant church (Use Class Use Class F1(f))) into 6 no. residential flats (Use Class C3) and other associated works.

At Saint Peter and Saint Paul's Roman Catholic Church, Gisburn Road, Barrowford, Lancashire

On behalf of: Mr Tom Friar

Date Registered: 29.05.2025

Expiry Date: 23.07.2025

Case Officer: Negin Sadeghi

The Barrowford Area Committee that took place on the 6th of August 2025 resolved to approve this application which would represent a significant departure from Policy SUP1 as it is not based on supporting evidence to justify the loss of the community facility.

Site Description and Proposal

The application site is a disused Roman Catholic Church located on Gisburn Road within the Higherford area of Barrowford. The site is situated within the designated Higherford Conservation Area and lies within the defined settlement boundary. It occupies a prominent, elevated position near the junction with Foreside and adjacent to Higherford Bridge. Due to the site's topography, vehicular access directly to the building is not feasible. The building is bounded to the rear by a tall stone retaining wall along Pinfold. It is a locally distinctive structure and falls within Flood Zones 2 and 3 as designated by the Environment Agency.

The site adjoins Nos. 10 and 259 Gisburn Road to the east and is otherwise surrounded by landscape, highway, and Pendle Water to the west, north, and south. The church building sits approximately 1.8 metres below road level and is partially screened by a stone wall, forming part of a larger green landscape.

The proposal seeks full planning permission for the conversion of the existing church building into six self-contained one-bedroom residential flats (Use Class C3), with associated external alterations, refuse and cycle storage, and parking arrangements. Twelve car parking spaces are proposed off-site under a lease agreement with the Heritage Trust at the Malt Kiln Car Park, located directly opposite the site. The scheme

proposes to retain key architectural features of the building, where feasible, and introduces minimal external alterations.

Relevant Planning History

22/0263/FUL; DC: WDN: Full: Change of use from Place of Worship (Use Class F1(f)) to Mixed Use comprising a dental practice (Use Class E(e)) and 3 No. residential dwellings (Use Class C3).

Consultee Response

Highways

summarised Highways consultation responses, clearly numbered for reference:

1) Initial Consultation:

- No objection in principle to the proposed conversion to 6 apartments.
- Car parking via a lease for 12 spaces at Malt Kiln car park is adequate but must be secured by condition.
- Cycle storage generally acceptable; concerns over rear access and level differences require amended plans.
- Refuse storage arrangements are inconsistent; must be revised for accessibility and to avoid obstructions.
- A Construction Traffic Management Plan (CTMP) is required due to parking restrictions and site constraints.

2) Detailed Initial Response After Site Visit (11 June 2025):

- Reaffirms no objection in principle.
- Parking: 12 leased spaces acceptable; must be signed for resident use and secured by condition.
- Cycle storage: Internal spaces acceptable; rear storage problematic due to level differences and retaining wall – alternatives suggested.
- Refuse storage: Discrepancies in documents; rear storage for flats 1–3 problematic (steps, level issues). Recommend relocation to the front of site; revised plans needed.
- CTMP required due to lack of on-site parking and difficult access.
- Conclusion: Further information and amended plans required; final highway conditions will follow.

3) Follow-Up Comments (14 July Submission):

- Cycle storage for flats 1–3 still proposed at rear – not supported due to distance and impact on retaining wall. Should be addressed by pre-commencement condition.
- Refuse bins: Revised plan places 9 bins at top of ramp – unacceptable due to space constraints and safety concerns for refuse vehicles.
- Bins for flats 4–6 must be stored internally; placement on ramp not supported.

- Collection from front on collection day is acceptable.
- Pre-commencement conditions recommended for:
 1. Construction Traffic Management Plan
 2. Cycle storage for flats 1–3
 3. Refuse bin storage

4) Final Highways Position:

- Cycle storage for flats 1–3 at the front is acceptable, subject to condition.
- Refuse bins for flats 1–3 could also be stored at the front (closer to collection point).
- Bins for flats 4–6 should not be stored on the ramp due to space and refuse wagon safety concerns.
- Urges resolution of bin storage before approval, though it still must be conditioned.

Parish/Town Council

No Objection provided the 12 parking spaces on the Malt Kiln Car Park are Guaranteed and comments addressed: This site falls within the Higherford Conservation Area and is a prominent building in the streetscape situated on the bank of Pendle Water just above Higherford Bridge. The building has some land to the front and side of the building but due to the topography of the site vehicle access is not possible. The buildings' location just past the abutment of Higherford bridge which has a 120° bend to the left lower abutment and a 90° turn into the junction with Foreside preclude safe on street parking near the building. The previous application for a dental practice was totally impactable through the potential amount of parking required. This application for six apartments if backed up by a guarantee of 12 available spaces on the car park opposite would be a sensible reuse of the former church. The design to the basement level frontage could be improved so as not to adversely change the current symmetrical frontage of this most prominent aspect within the conservation area, The Parish Council has concerns regarding the storage of waste bins which if all apartments have grey/brown/green bins could total 18 and if stored in a n inappropriate location could have a detrimental effect on the visual amenity of the conservation area. the Parish Council would like these two matters considered and addressed before approving the application. The Parish Council would like to know if the stained-glass windows to the first floor are to be retained and if not would like the opportunity to record them for the local records?

Environment Health: no answer.

Environment Agency: no objection.

We have no objection to the proposed development; however, we offer the following comments for your consideration:

Flood Risk Standing Advice – for the Local Planning Authority
The site lies within Flood Zones 2 and 3, as defined in national planning guidance. As the proposal constitutes 'lower risk' development, it falls under our Flood Risk Standing Advice (FRSA), which replaces the need for direct consultation. We recommend the Local Planning Authority reviews the FRSA in full before determining the application. Further information is available at:

<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>

Environmental Permit – for the Applicant

Pendle Water is classified as a statutory main river. Under the Environmental Permitting (England and Wales) Regulations 2016, a permit may be required for any works:

- within 8 metres of a main river (or 16 metres if tidal),
- within 8 metres of a flood defence structure or culverted main river (16 metres if tidal),
- within 16 metres of a sea defence,
- involving excavation within 16 metres of a main river or flood defence,
- or within the floodplain if the activity may affect flood flow or storage and is not controlled by planning permission.

Further guidance can be found at:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Alternatively, contact our National Customer Contact Centre on 03708 506 506.

Applicants are advised not to assume that a permit will automatically be granted following planning approval and should engage with the Environment Agency at the earliest opportunity.

Architectural Liaison Unit: no answer.

PBC Engineering: no answer.

PBC Public right of way: no answer.

Public Response

The nearest neighbours have been notified by letter, and site and press notices were posted. A number of objection letters (3+) were received, raising the following concerns:

- Construction Access and Safety:
The site is located on a constrained road with no provision for skips or delivery vehicles. There is a lack of a Construction Traffic Management Plan and risk assessments.

- **Traffic and Parking:**
Inadequate visitor parking. The car park is shared with the public and often full. Parking pressures already exist locally.
- **Design and Conservation:**
Concerns about alterations to the symmetrical front façade and whether stained glass windows will be retained.
- **Refuse Storage:**
Potential visual harm and operational difficulty with the proposed bin storage.

Related Planning Policy

National Planning Policy Framework (NPPF, 2023)

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

- Policy ENV1: Protecting and Enhancing Our Natural and Historic Environments
- Policy ENV2: Achieving Quality in Design
- Policy LIV1: Housing Provision and Delivery
- Policy LIV5: Designing Better Places to Live
- Policy SUP1: Community Facilities

Saved Policies of the Replacement Pendle Local Plan (RPLP):

- Policy 31: Parking
- Policy 13: Quality and Design of New Development

Higherford Conservation Area Appraisal

National Design Guide (2021)

Officer comments

The proposal involves the change of use of a vacant community church within the defined settlement boundary to a residential use. The main considerations of this application are as detailed below:

Loss of a Community Facility

Policy SUP1 of the Local Plan deals with the Loss of Community facilities and states that:

With the exception of sports and recreational facilities, which are addressed in Policy ENV1, the Council will resist the loss of community facilities that require a change of use application unless:

- an appropriate alternative is provided, OR
- evidence is presented that the facility is no longer required or financially viable and that the facility cannot provide for an alternative community use (including health and education facilities) identified as being needed in the area, OR
- it can be proven the property has been vacant and actively marketed for a community use for over one year

The applicant has since informed us that the auction house that sold the property to the applicant has marketed the property for a month, and the property was put on the market in the first place as the church was no longer required following dwindling numbers in attendees for Sunday evening mass. This is supported by a statement from the church's former priest. However, this does not sufficiently prove that any of the above criteria has been met. No evidence has been submitted to demonstrate that the property was financially unviable and cannot provide for an alternative community use OR that the property has been actively marketed for a community use for a reasonable price for over a year.

Since the agent was informed of this close to the date of the committee meeting, they were offered the option to submit evidence to demonstrate any of the above criteria as identified under SUP1. Had they agreed the officer recommendation would have been to defer the application to the next committee meeting to allow the applicant time to submit this further information. However, the agent has since informed that they do not intend to submit anything further.

In this case the proposed development would result in the loss of a community facility and would be contrary to policy SUP1 of the Adopted Pendle Local Plan Part 1: Core Strategy, and Paragraph 88 of the NPPF.

Heritage and Visual Impact

The site lies within the Higherford Conservation Area and comprises a building of local architectural merit. The scheme proposes to retain and convert the existing structure, thereby preserving its contribution to the character of the area. Minimal external alterations are proposed, including the reuse of existing openings and preservation of the principal symmetrical frontage.

Concerns raised by the Parish Council regarding the basement-level design are noted. Conditions can cover this aspect to maintain the visual balance of the elevation.

Residential Amenity

To the north, west, and south, the building is separated from neighbouring properties by landscaping, a road, and a river, and therefore has no immediate neighbours on these sides. To the east, it adjoins the roofs of Nos. 10 and 259. Given its lower ground level, the building is further screened by the surrounding stone boundary wall.

The conversion would not result in unacceptable overlooking, overbearing, or loss of privacy to adjoining properties. Given the site's layout and orientation, the proposal does not result in harm to neighbouring amenity.

Highway Safety and Parking

Twelve parking spaces are proposed within an existing car park opposite the site under a formal lease arrangement. This provision exceeds the minimum standard of one space per unit and would ensure that on-street parking pressure is mitigated.

The Highway Authority raises no objection in principle but requests that the parking arrangement be secured by condition and clearly marked for residents' use.

Cycle storage provision is generally acceptable, but amendments are required to ensure accessibility and avoid undue intervention into the public highway or retaining walls. An amended site plan is required, and relevant conditions should secure full details of cycle parking.

Subject to conditions and receipt of an acceptable Construction Traffic Management Plan, the proposal would not result in harm to highway safety and would comply with Policy WRK5.

Flood Risk

The site lies within Flood Zones 2 and 3. The application is supported by a Flood Risk Assessment and falls within the scope of the Environment Agency's Flood Risk Standing Advice. It is therefore acceptable subject to compliance with mitigation measures set out in the FRA.

The development would be required to adopt appropriate floor levels, drainage measures, and evacuation strategies to minimise residual risk.

Others:

1. Construction Access and Safety:

The lack of on-site access and constrained nature of the road is acknowledged. A Construction Traffic Management Plan (CTMP) is required by condition to ensure safe and managed construction activities, including deliveries, vehicle routing, and timing.

2. Traffic and Parking:

The scheme provides 12 dedicated off-site parking spaces under a formal lease, which exceeds the minimum policy requirement. The spaces will be conditioned for exclusive resident use, thereby mitigating on-street parking pressure. Visitor parking demand is expected to be low for one-bedroom units.

3. Design and Conservation:

The proposal retains the principal symmetrical façade, with only minimal and reversible changes. A condition ensures all materials and details match the existing building. Stained-glass windows will be recorded and documented prior to any removal, as secured by condition, to preserve local heritage.

4. Refuse Storage:

Initial concerns over refuse storage have been addressed. A condition requires a revised refuse storage and collection plan, to ensure that bins are stored appropriately off the highway and do not harm the conservation area's visual amenity.

Planning Balance

The council is in a position of housing undersupply and therefore the tilted balance applies to the consideration of the application, the benefits of the development and level of undersupply must be balanced against the adverse impacts of the development and the application approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

The development would provide economic and social benefits from contribution to the economy from the construction of housing, the provision of new housing and would contribute towards addressing the 2.2-year deficit in the borough's 5-year housing supply. However, taking in to account the scale of the development at 6 flats those benefits would be minor.

On applying the tilted balance, the adverse impacts from the loss of the community facility would significantly and demonstrably outweigh the benefits therefore the principle of development would be unacceptable.

RECOMMENDATION: Refuse

Due to the following reason:

1. The proposed development would result in the loss of a community facility and would be contrary to policy SUP1 of the Adopted Pendle Local Plan Part 1: Core Strategy, and Paragraph 88 of the NPPF.

Application Ref: 25/0337/FUL

Proposal: Full: Conversion of vacant church (Use Class Use Class F1(f)) into 6 no. residential flats (Use Class C3) and other associated works.

At Saint Peter And Saint Pauls Roman Catholic Church, Gisburn Road, Barrowford, Lancashire

On behalf of: Mr Tom Friar

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 19TH OF AUGUST 2025

Application Ref: 25/0388/PIP

Proposal: Permission in Principle: Erection of up to 5 no. dwellings.

At Greenbank Farm, Greenbank Drive, Fence, Lancashire

On behalf of: Pendleside Hospice

Date Registered: 13.06.2025

Expiry Date: 18.07.2025

Case Officer: Athira Pushpagaran

The Barrowford Area Committee that took place on the 6th of August 2025 resolved to refuse this application on the grounds of impact on the green belt. However the proposal meets two of the green belt exceptions identified by the NPPF- 154e-limited infilling in villages, 155a-d – grey belt and therefore the reason for refusal would cause a significant risk of an adverse costs decision on appeal.

Site Description and Proposal

The application site has the defined settlement boundary of Fence passing through it with the larger part of the site area falling outside the settlement, within the open countryside and green belt land. The site is situated at the end of Greenbank drive which is the main access to it.

The proposal is for the erection of up to 5 dwellings. The principle of residential development in this location is the only aspect to be considered as part of this application.

Relevant Planning History

23/0422/FUL Full: Retaining the agricultural building and the erection of 2 no. containers and 2 no. hen huts. Approved with Conditions. 2023

13/94/0288P Convert Outbuilding to Dwelling. Approved with Conditions. 1994

Consultee Response

Highways

Principle of Development acceptable. If Permission in Principle is granted there are several matters that would need addressing at the technical details stage. These include but are not exclusive to Car parking and Cycle Storage Provisions Plan, Refuse Storage

Plan, Construction Method Statement including site plan, Street Lighting Assessment, Swept Path Analysis for a refuse vehicle or large emergency vehicle.

National Grid

Cadent Gas

No objection. Requests an informative on any decision notice regarding Cadent assets in proximity to the development.

United Utilities

No objection and strongly recommends that the applicant or any subsequent developer contacts United Utilities, using their pre-development enquiry service to discuss their proposals directly with our Developer Services team. Suggests a condition to be added to a subsequent Technical Details application along with an appendix of supporting information in a number of matters including drainage design and SuDs schemes.

Mining Remediation Authority

Coal outcrops run through the site which may have been subject to unrecorded shallow workings, posing potential risks to surface stability and public safety. As required by the NPPF, the applicant must demonstrate the site is safe and suitable for development, including any necessary remedial works. Should permission in principle be granted, any technical details application must be supported by a Coal Mining Risk Assessment to assess and address these risks.

Environment Officer Trees/Landscape

No response

PBC Engineering

No response

Parish/Town Council

No response

PBC Environmental health

No response

Public Response

The nearest neighbours have been notified by letter, with nine responses received out of which eight are objections and one is a neutral comment. The points raised in these are summarised below:

Objections:

- On green belt land, inappropriate development
- Inadequate and infrequent public transport
- Nearest surgeries oversubscribed and not within walking distance
- No evidence that existing local amenities have the capacity to accommodate additional demand generated by new housing
- Loss of private view and ambience to neighbours
- Would erode the rural setting of Fence and adjacent rural land
- Compromise the privacy of neighbours
- Compromise the isolated nature of the neighbouring property
- Would lead to increase in traffic and pose danger during school times.
- Increased traffic and congestion posing safety issues
- This is a precursor for more dwellings in the future next to the site
- Drainage issues
- Increased load on existing sewage system
- Loss of essential farmland
- Worsen existing drainage and flooding issues of water draining into Greenbank drive and nearby properties
- Harmfully impact wildlife and habitats on site
- Would set a dangerous precedent for further incremental loss of Green Belt land
- Undermines the openness and visual amenity of the Green Belt
- Would accelerate the urban sprawl in Fence and neighbouring areas
- Legal covenants on land restricting it to agricultural use
- Poor access
- There is a need to protect the sites history and legacy as farmland and shelter for animals in need and stabling horses and donkeys.
- The proposal may result in access to the adjacent brook being blocked making servicing it difficult, leading to flooding issues
- It is accepted that a certain amount of development in this location may be acceptable, but five dwellings are too intense for the site
- unclear from the plans whether the proposed new builds will reflect the existing properties in the area

Neutral

- Would be an improvement from the current asbestos roofed agricultural buildings but would need to be ensured that the buildings to be built should be of sympathetic design to the adjoining natural slate roofed stone buildings.

[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 LIV1 (Housing Provision and Delivery) sets out the housing requirement for Pendle, on allocated sites within settlements.

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.

Paragraph 110 seeks to manage patterns of growth through limiting the need to travel and offering genuine choice of transport modes.

Paragraph 115 states:

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- (a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users;
- (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code ; and

(d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

Paragraph 143: Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 states that development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed⁵⁶;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below

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

Principle of Development

A permission in principle requires to establish if the principle of a development would be acceptable when considering the policy principles of a development at the site. The scope of the considerations at this stage is limited to location, land use and the amount of development permitted.

Most of the application site lies outside the settlement boundary with the defined boundary passing through it. The part of the site outside the settlement boundary also lies within open countryside and green belt land.

The main issues to be considered are:

- whether the proposal would be inappropriate development in the Green Belt
- whether the site is suitable for residential development

Green belt

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances exists to outweigh this harm. It needs to be established whether any of the exceptions in the Framework apply to this development.

The proposed development would fall within the exception of limited infilling in a village identified by paragraph 154e of the Framework. Appeal decisions in the past have established that Fence is a village albeit a larger village. The site is at the edge of the settlement with existing built form to its west, south, east and northeast. The proposal would fall under limited infilling in a village.

Furthermore, the NPPF also supports residential development in the green belt if all of particulars a-d of paragraph 155 (as detailed in the policy section above) apply.

- a. The revised NPPF defines 'grey belt land' as Green Belt land comprising previously developed land or land that does not strongly contribute to Green Belt purposes (a), (b), or (d), as detailed in paragraph 143. Pendle has not undertaken a grey belt assessment but is commissioning work on this currently. Pendle Borough Council Green Belt Assessment from 2017 identifies that the parcel of green belt that includes the site as rating 'major' for purpose (a), 'slight' for purpose (b) and 'low' for purpose (d) of the five purposes of green belt. The 'major' contribution to purpose (a) is attributed to Noggarth Road which is included within this wider parcel to the north that provides a stronger green belt boundary. The site itself does not strongly contribute towards green belt purpose (a). Therefore, the proposed site would be considered Grey Belt, and it does not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan.
- b. Pendle currently does not have a 5-year housing land supply, as noted in the most recent housing land supply assessment and therefore there is a demonstrable unmet need for the type of development proposed (residential).
- c. The site is in a sustainable location as it is situated at the edge of Fence with essential amenities and services close by.
- d. Golden rules do not apply.

In this case the proposal would be in accordance with paragraphs 154 and 155 of the NPPF and would not be inappropriate development within the green belt.

Suitability of Residential Development

Residential development on part of the site within the settlement boundary is acceptable in principle in accordance with policy SDP2 which sets out that proposals for new development should be within a settlement boundary as defined on the proposals map.

Fence is defined as a Rural Service Centre, one of four villages in Pendle which are the focus for growth in rural Pendle. Policy LIV1 deals with housing provision and delivery. It states that until such a time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a settlement boundary, which make a positive contribution to the five year supply of housing land, including those identified in the Strategic Housing Land Availability Assessment (SHLAA) will be supported where they accord with other policies in the Core Strategy.

Pendle currently does not have a 5-year housing land supply, as noted in the most recent housing land supply assessment and does not have a part 2 plan in place and the site is in a sustainable location access to local amenities and bus services. Therefore, in principle the principle of residential development on this site would be acceptable in accordance with policies LIV1 and SPD2.

The number of dwellings proposed would be appropriate to the character and density of this location which is residential in character with mostly semi-detached and detached dwellings.

Other Considerations

LCC highways does not object to the principle of the development and highlights a number of matters that would need addressing at the technical details stage including Car parking and Cycle Storage Provisions Plan, Refuse Storage Plan, Construction Method Statement including site plan, Street Lighting Assessment, Swept Path Analysis for a refuse vehicle or large emergency vehicle.

There is a group of TPO trees adjoining the site boundary. An arboricultural impact assessment would be required at the Technical Details Stage to ensure the development does not harm any trees.

The site lies within Flood Zone One as identified by the Environment Agency's Flood Map. There are no in principle objection to development in Flood Zone 1.

A number of other concerns both planning considerations and not were raised by members of the public. These are addressed below:

Impact on the character of the Area: A suitably designed housing scheme could be accommodated without detriment to the character of the surrounding area

Loss of view: Loss of private view is not a planning consideration. The site is not one that provides a public view that is special in character and should be preserved for the benefit of the wider public.

Future Development: Concerns about this scheme being a precursor to further development are noted; however, each planning application is assessed on its own merits in accordance with current policy.

Loss of Farmland: There are no planning policies that prohibit development on farmland. Each case is assessed based on its own merits in accordance with current policy.

Drainage issues: This is a matter for technical details stage and not a material consideration at PIP stage.

Ecology and wildlife: Ecological impacts are matters for the technical details consent stage including consideration of Biodiversity Net Gain.

Concerns about legal rights and covenants on deeds: These cannot be taken into consideration when determining a planning application as they are not material planning matters and a planning permission would not alter them.

Concerns have been raised that the site cannot accommodate five 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.

Conclusion

The application for Permission in Principle for the erection of up to five dwellings is acceptable in principle, subject to the satisfactory resolution of technical matters at the Technical Details stage. The proposal would contribute to the borough's housing supply in the context of the current housing land supply shortfall.

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

INFORMATIVE

As part of a Technical Details application, the following information should be provided:

- Car parking and Cycle Storage Provisions Plan
- Refuse Storage Plan
- Drainage strategy
- Construction Method Statement including site plan
- Coal Mining Risk Assessment
- Street Lighting Assessment
- Swept Path Analysis for a refuse vehicle or large emergency vehicle
- Bat surveys
- Arboricultural Impact Assessment

Application Ref: 25/0388/PIP

Proposal: Permission in Principle: Erection of up to 5 no. dwellings.
At Greenbank Farm, Greenbank Drive, Fence, Lancashire
On behalf of: Pendleside Hospice