

Report Title	PLANNING APPLICATIONS
Meeting	DEVELOPMENT MANAGEMENT COMMITTEE
Meeting Date	23RD JUNE 2026
Report Author	NEIL WATSON
Directorate	PLACE
Lead Executive Member(s)	COUNCILLOR L. WHIPP
Wards Affected	BRIERFIELD WEST & REEDLEY, EARBY & COATES, MARSDEN & SOUTHFIELD
Public. Part Exempt, or Fully Exempt	PUBLIC
Appendices (if any)	NONE

REPORT TO DEVELOPEMNT MANAGEMENT COMMITTEE ON 23RD JUNE 2026

Application Ref: 26/0018/VAR

Proposal: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 25/0431/HHO.

At: 33 Heyhead Street, Brierfield

On behalf of: Mr Mehdi Khan Dad Bibi

Date Registered: 09.01.2026

Expiry Date: 06.03.2026

Case Officer: Luke Jones

The application was deferred at the last Development Management Committee on 26/05/26 to provide a final opportunity for the applicant to submit amended plans that are in line with Policies DM16 and DM24 of the Pendle Local Plan Fourth Edition (2021-2040).

Site Description and Proposal

This application site is a semi-detached bungalow with a garage and a rear extension, on a corner plot situated within the defined settlement boundary of Brierfield. The main access is from Heyhead Street. The original dwelling has buff brick walls, a pitched roof of concrete tiles and UPVC doors and windows.

Planning permission was previously granted under 25/0431/HHO for the erection of a single storey side extension. This application seeks to vary the plans of the existing permission, altering Condition 2 by changing the external materials of the walls from matching buff brick walls to an off-white-coloured render finish.

Note that at the time of site visit black and gold marble tiling had been used as the external materials of the approved extension.

Relevant Planning History

21/0838/HHO – Full: Insertion of first floor bedroom window in North gable elevation. APPCON.

24/0470/HHO – Full: Erection of a single storey rear extension. APPCON.

25/0431/HHO – Full: Erection of a single storey side extension. APPCON.

Consultee Response

Highways

The application seeks to vary the previously approved elevation plans with changes to the materials and fenestration layout. Having reviewed the documents submitted Lancashire County Council acting as the highway authority does not raise an objection to the proposed variation to the plans.

Parish/Town Council

No response.

Mining Remediation Authority

I have reviewed the site location plans and the proposals and supporting information submitted and available to view on the LPA website and can confirm that the site falls within the defined Development High Risk Area.

The Coal Authority records indicate that the site lies in an area of probable unrecorded underground coal mine workings at shallow depth. If shallow workings are present then those may pose a potential risk to surface stability and public safety.

We note that this Variation of Condition application relates to planning application reference 25/0431/HHO, however we note that the development proposal is for the erection of a single storey side extension and would therefore fall on Part A of our published exemptions list. As such we were correctly not consulted on this application and would not require the submission of a Coal Mining Risk Assessment.

We note that the applicant has now applied to vary Condition 2 of the issued consent in order to enable the development to proceed in accordance with revised plans The Planning Team therefore has no specific comments to make regarding the proposed revised proposal and we wish to raise no objection to this application.

Please do not hesitate to contact me if you would like to discuss this matter further.

PBC Public Rights of Way

No response.

Public Response

The neighbouring properties have been notified by letter with seven responses raising objections to the following:

- Material is not in keeping with the existing dwelling and wider area
- All soft landscaping has been removed
- Extensive lighting through spotlights placed under eaves and overhang roof
- Window is larger than originally planned

- Working outside of working hours

Relevant Planning Policy

Pendle Local Plan Fourth Edition (2021-2040)

Policy SP01 (Presumption in Favour of Sustainable Development) echoes the presumption set out in National Policy and promotes the three strands of sustainable development: economic, social and environmental. Applications which accord with policies contained within the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM16 (Design & Place Making) seeks high quality design in all new developments. Proposals should promote local character and distinctiveness and demonstrate a good standard of amenity for existing and future occupants.

Policy DM21 (Design & Quality of Housing) requires residential development to make a positive contribution to the built and natural environment. It sets out that new homes should make efficient use of land.

Policy DM24 (Residential extensions and alterations) states that in defined settlement boundaries residential extensions and alterations will be supported where the amenity of neighbours is retained, and design and materials respect the character of original dwellings.

Policy DM37 (Parking) standards are set out in Appendix 5 of the plan, adequate parking provision is required to serve all new development.

National Planning Policy Framework

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

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

Officer Comments

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

Design and Materials

The Design Principles SPD advises that in certain circumstances there may be a place for the use of other materials, such as render. However, any proposed use of these materials must be part of a high-quality design.

The proposed variation seeks to amend the external finish of the approved extension from matching buff brickwork to an off-white rendered finish. The submitted plans have been amended during the course of the application, with the previously proposed brick effect cladding and black and gold marble tiling omitted in favour of the rendered finish.

Whilst the proposed render would not match the materials of the existing dwelling, it is an acceptable alternative in this instance. The application site is located within a residential area containing a variety of building styles and external finishes, and the proposed off-white render would provide a simple and cohesive appearance that would complement the host dwelling. The material would not appear incongruous within the street scene and would not result in the extension appearing unduly prominent or visually intrusive.

The proposed variation is therefore considered acceptable in terms of design and complies with Policies DM16 and DM24 of the Pendle Local Plan Fourth Edition (2021–2040) and the adopted Design Principles SPD.

Residential Amenity

The proposed variation would not materially impact on residential amenity.

Highways

The variation would not impact on parking requirements or arrangements hence there are no highway implications arising from the proposal.

Other issues

- Concerns have been raised regarding the removal of soft landscaping; however, this matter does not form a material consideration as part of the original planning application and therefore cannot be considered in the determination of this application.
- Objections relating to extensive external lighting are noted; however, it is not considered that the lighting would result in any adverse impact on the amenity of neighbouring occupiers, and no further assessment is therefore required. Any issues arising from excessive or intrusive lighting are controlled under separate legislation.
- Concerns relating to construction activity outside of permitted working hours fall under separate regulatory controls and are not material to the determination of this application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. Within three months of the date of this permission, all black marble tiling installed on the extension shall be permanently removed and replaced with the approved off-white rendered finish shown on the approved plans. The rendered finish shall thereafter be retained as such for the lifetime of the development.

Reason: In the interests of the character and appearance of the host dwelling and the wider street scene in accordance with Policies DM16 and DM24 of the Pendle Local Plan Fourth Edition (2021–2040) and the Design Principles SPD.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

2264-05; 2264-07D

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.

Informative Notes

1. To minimise the impact on local residents, the following standard hours for noisy works should be adhered to:
 - Monday to Friday: 08:00 – 18:00
 - Saturday: 08:00 – 13:00
 - Sundays and Bank Holidays: No noisy works permitted

Application Ref: 26/0018/VAR

Proposal: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 25/0431/HHO.

At: 33 Heyhead Street, Brierfield

On behalf of: Mr Mehdi Khan Dad Bibi

REPORT TO DEVELOPEMNT MANAGEMENT COMMITTEE ON 23RD JUNE 2026

Application Ref: 26/0180/HHO

Proposal: Full: Erection of a two storey side extension.

At: 153 Walton Lane, Nelson

On behalf of: Mr Bilal Shaheen

Date Registered: 19.03.2026

Expiry Date: 14.05.2026

Case Officer: Luke Jones

The application was called in to Nelson Area Committee by the Chair of Committee. Members voted to approve the application, contrary to the recommendation.

The proposed extension would breach the 45-degree rule in relation to a first floor bedroom window in the neighbouring extension and result in an unacceptable overbearing impact upon that habitable room, which would represent a significant departure from policies DM16 and DM24 of the Pendle Local Plan Fourth Edition and the Design Principles SPD. The application must therefore be determined by the Council's Development Management Committee in accordance with the constitution.

Site Description and Proposal

The application site is a semi-detached two storey dwelling situated within the defined settlement boundary of Nelson. The original dwelling has a combination of stone and rendered walls, a pitched roof of concrete tiles and UPVC doors and windows.

The proposed development is the erection of a two-storey side extension.

Relevant Planning History

None.

Consultee Response

Highways

The Highway Development Control Section of Lancashire County Council has no objections to the planning application in principle.

In line with the Pendle Borough Council Local Plan Appendix 5: Pendle car parking standards, two off street spaces are required for a dwelling with three bedrooms. Parking spaces should each measure 5m in length and 2.4m in width, where a parking space is located adjacent to a fence or similar obstruction, an additional width of 0.6m is required to facilitate access to the

vehicle. The area adjacent to the parking space would also be used for pedestrian access associated with the dwelling, as such, a further 0.2m is required.

Submitted drawing 'Location and site plan AB0613 – 06' proposes three off street parking spaces to accommodate the development. We request that the existing dropped kerbs are widened by one kerb at the carriageway edge (adjacent tree) and the vehicular cross-over extended across the driveway to an adequate width. This will support safe manoeuvrability for all three vehicles when utilising the driveway.

If the Planning Authority is minded to approve the application, the Highway Development Control Section of Lancashire County Council requests that the following condition and informative notes are attached to the decision notice:

Condition

- a) Prior to occupation, the existing dropped kerbs must be widened at the carriageway edge and the vehicle cross-over constructed across the footway fronting the site in accordance with Lancashire County Council Specification for Construction of Estate Roads, it is then to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility.

Informative notes

- 1) This consent requires the alteration of an access to the public highway. Under the Highways Act 1980 Section 171 Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at [http://www.lancashire.gov.uk/roads-parking-andtravel/roads/vehicle crossings.aspx](http://www.lancashire.gov.uk/roads-parking-andtravel/roads/vehicle%20crossings.aspx)
- 2) The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.

Parish/Town Council

No response.

Environmental Services (Health)

To minimise the impact on local residents, the following standard hours for noisy works should be adhered to:

- Monday to Friday: 08:00 – 18:00
- Saturday: 08:00 – 13:00
- Sundays and Bank Holidays: No noisy works permitted.

Public Response

The nearest neighbouring properties have been notified by letter with one response raising objections to the following:

- Overbearing impact and loss of light
- Impact on link-detached character and design and visual harm
- Drainage concerns

Relevant Planning Policy

Pendle Local Plan Fourth Edition (2021-2040)

Policy SP01 (Presumption in Favour of Sustainable Development) echoes the presumption set out in National Policy and promotes the three strands of sustainable development: economic, social and environmental. Applications which accord with policies contained within the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM16 (Design & Place Making) seeks high quality design in all new developments. Proposals should promote local character and distinctiveness and demonstrate a good standard of amenity for existing and future occupants.

Policy DM21 (Design & Quality of Housing) requires residential development to make a positive contribution to the built and natural environment. It sets out that new homes should make efficient use of land.

Policy DM24 (Residential extensions and alterations) states that in defined settlement boundaries residential extensions and alterations will be supported where the amenity of neighbours is retained, and design and materials respect the character of original dwellings.

Policy DM37 (Parking) standards are set out in Appendix 5 of the plan, adequate parking provision is required to serve all new development.

National Planning Policy Framework

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

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

Officer Comments

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

Design and Materials

The Design Principles SPD advises that two-storey side extensions to semi-detached properties should respect the symmetry and spacing of the original pair and avoid creating a terracing effect. Such extensions should typically be set in from the side boundary, set back from the principal elevation by at least 1m, and incorporate a lower ridge line to remain subordinate in scale.

The proposed development comprises a two-storey side extension projecting approximately 3.64m from the side elevation, with a depth of approximately 10.05m. The extension would feature a pitched roof running perpendicular to the main roof, with an eaves height of approximately 5.25m and a ridge height of approximately 6.22m. External materials are proposed to match the existing dwelling, including rendered walls, UPVC windows and doors, and concrete roof tiles.

The host dwelling forms part of a pair of semi-detached properties. The original relationship between the pair includes an attached single storey side element set back circa 4.2m from the principal elevation, creating a clear separation between the two properties. This relationship is characteristic of the immediate area, including neighbouring properties such as No.147 and No.149.

Planning permission has been granted for extensions at the adjoining property, No.151, including a two-storey side extension which extends to the shared boundary but remains set back from the principal elevation. In contrast, the proposed extension would extend to the side boundary and align with the front wall of the host dwelling. As a result, the development would erode the existing spacing between the pair and, when taken cumulatively with the approved development at No.151, would result in a continuous two-storey built form.

This would unbalance the pair of semi-detached dwellings, resulting in a detrimental impact to the character and appearance of the host dwelling and the wider street scene. As such, in design terms, the proposal would be contrary to Policies DM16 and DM24 of the Pendle Local Plan Fourth Edition (2021-2040) and the adopted Design Principles SPD.

Residential Amenity

The Design Principles SPD advises that two storey side extensions should be designed to avoid having an overbearing effect or causing loss of light or privacy for neighbours.

At the adjoining property, No. 151, there is a first-floor side landing window facing the application site. The proposed extension would be positioned approximately 3.2m from this window. Whilst the extension would result in some increase in enclosure to this window, it serves a non-habitable room and is therefore afforded a lower level of protection. Taking this into account, together with the existing relationship between the properties, the resulting impact would not be so significant as to give rise to an unacceptable overbearing effect or materially harmful loss of light to the occupiers of No. 151.

No.151 also includes a first-floor front elevation window serving a bedroom (habitable room) within the approved two-storey side extension. This window would be positioned approximately 6.4m behind the principal elevation of the dwelling. The proposed extension would substantially breach the 45-degree line when measured from this window and, given the application site is positioned at a slightly higher land level than No.151, the overbearing relationship would be further intensified. It is noted that there is also a rear facing window serving this room, providing another potential source of light. However, given the length of this room and the north facing orientation of the rear-facing window this would not significantly mitigate the impact on the front-facing window. The extension would therefore result in a harmful sense of enclosure and an unacceptable overbearing impact to this habitable room window of No.151.

In terms of privacy, the proposed extension includes windows to the front and rear elevations. These would align with the existing principal elevations of the dwelling and would not introduce new or direct overlooking beyond that which already exists. As such, the proposed development would not result in unacceptable impacts in terms of loss of privacy.

Overall, the proposal would result in unacceptable harm to the residential amenity of the occupants of No.151 by reason of overbearing impact and loss of light, contrary to Policies DM16 and DM24 of the Adopted Pendle Local Plan Fourth Edition (2021–2040) and the Adopted Design Principles SPD.

Highways

The development would retain three off-road parking spaces at the front of the dwelling meeting the maximum parking requirements of Policy DM37 of the Pendle Local Plan Fourth Edition. Therefore, there are no highway implications arising from the proposal. LCC Highways raises no objection subject to conditions which would be placed on any approval given.

Other considerations

Concerns have been raised regarding the potential for rainwater runoff from the proposed extension to affect the adjoining property. Whilst these concerns are noted, details of rainwater goods and drainage arrangements would be controlled through the Building Regulations process. The proposal is not considered to give rise to any significant planning harm in this regard.

RECOMMENDATION: Refuse

1. By reason of its siting, scale and design, the proposed extension would fail to appear subordinate to the host dwelling and would erode the spacing between the pair of semi-detached properties. When taken cumulatively with the approved development at the adjoining property, the proposal would result in a continuous two-storey built form and an unbalanced form of development, causing demonstrable harm to the character and appearance of the host dwelling and the wider street scene. The development is therefore contrary to Policies DM16 and DM24 of the Pendle Local Plan Fourth Edition (2021–2040) and the adopted Design Principles SPD.
2. By reason of its height, scale, and close proximity to the boundary with No.151, the proposed two-storey side extension would result in an oppressive relationship with the adjoining dwelling being overbearing and result in an unacceptable impact on the living environment of the occupants of number 151. The proposal is therefore contrary to Policies DM16 and DM24 of the adopted Pendle Local Plan Fourth Edition (2021–2040) and the principles in the adopted Design Principles SPD.

Application Ref: 26/0180/HHO

Proposal: Full: Erection of a two storey side extension.

At: 153 Walton Lane, Nelson

On behalf of: Mr Bilal Shaheen

REPORT TO DEVELOPEMNT MANAGEMENT COMMITTEE ON 23RD JUNE 2026

Application Ref: 26/0191/HHO

Proposal: Full: Demolition of existing pedestrian gate, widening of existing vehicular access with the addition of a privacy screen and the installation of electric sliding gates.

At: 509 Colne Road, Reedley

On behalf of: Mr Imran

Date Registered: 26/03/2026

Expiry Date: 21/05/2026

Case Officer: Laura Barnes

This application has been referred to Development Management Committee for determination due to the adverse effect on visibility and therefore highway safety, which breaches the principles of Policy SP13. The Highway Authority oppose this retrospective application for this reason.

Site Description and Proposal

The application site is a domestic property on Colne Road, the main route between Burnley and Nelson. It is at the junction with an unadopted highway which serves Reedley Business Centre, the delivery / servicing area for the Oaks Hotel, Caldervale Sports Pitches and a children's day nursery.

The application seeks retrospective permission for the insertion of metal boarding to the back of railings, which have been installed on the top of a low red brick wall. The railings run the perimeter of the property including along Redman Road and Colne Road.

Relevant Planning History

13/96/0682P: Raise height of existing boundary wall
Approved with conditions

Consultee Response

Highway Authority

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 raises an objection regarding the development and concludes that there are highway grounds to support an objection as set out by NPPF as the works already carried out block visibility for vehicles and pedestrians exiting Redman Road and from No 509 Colne Road.

Proposal

The application seeks to widen the existing vehicular access on Colne Road by removing the separate pedestrian gate and replacing the existing inward opening gates with a sliding electric gate. The existing boundary railings on top of the brick boundary walls to Colne Road and Redman Road will be infilled with metal panels resulting in solid boundaries to a height of 1.81m on Colne Road and 1.46m on Redman Road. The original brick boundary walls are 0.9m high. The site was visited on 1 April 2026, and it was noted that most of the development for this partly retrospective application had already taken place.

Access

Colne Road is a classified road (A682) carrying a high volume of traffic. There is a history of speed compliance on this section of Colne Road, which is subject to a 30mph speed limit, with traffic speeds still a concern. The highway authority notes that there is a permanent speed camera situated on Colne Road approximately 66m to the south of the access and bus stops approximately 33m south of the access.

The existing vehicular access to No 509 is immediately adjacent to the junction of Redman Road with Colne Road. Redman Road provides access to a dwelling (Reedley House), a children's nursery, a service yard for the Oaks Hotel and Belvedere and Caldervale Sports Club which holds social events and has cricket, rugby and football pitches. The visibility splay at Redman Road/Colne Road should be provided at 2.4m, set back from the edge of the carriageway edge of Colne Road, for 47m to the nearside carriageway kerb edge to both sides of the junction along Colne Road. A drawing showing the splays should be submitted and all solid walls, fences, railings with infill panels, etc must be below 0.9m high. The railings without infill panels will be acceptable at the existing height as drivers and pedestrians can see through the structure. The measurement of 47m is based on 85th percentile speeds obtained from data collected through the static speed camera. It is evident on site, as the works have already commenced, that the works create an obstruction to the visibility splays for drivers waiting to exit onto Colne Road who have to edge out into the carriageway to be able to see vehicles, or pedestrians, approaching from the right with the front of their vehicle projecting into the carriageway. Due to Colne Road being a busy A classified road, this presents a highway safety concern.

Conclusion

Lancashire County Council acting as the highway authority objects to the development as submitted and considers that it is contrary to Paragraph 116 of the NPPF. We would request a drawing to show the visibility splay at the Colne Road/Redman Road junction with the boundary treatments within the splay reduced in height below 0.9m. The railings, without infill panels, can remain at the existing height.

Public Response

Letters have been sent to neighbours, without response.

Officer Comments

Policy

Pendle Local Plan Fourth Edition

Policy SP01 (Presumption in Favour of Sustainable Development) echoes the presumption set out in National Policy and promotes the three strands of sustainable development: economic, social and environmental. Applications which accord with policies contained within the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy SP13 (Transport and connectivity) sets out that where there is an unacceptable impact upon highway safety, planning permission is likely to be refused.

Policy DM16 (Design and Placemaking) sets out that high quality, beautiful and sustainable design will be sought at all developments. It requires developments to demonstrate a good standard of amenity for all existing and future occupiers.

Policy 37 (Parking) sets out that proposals for parking and driveways should not adversely affect the quality and the appearance of the street scene.

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

Principle of Development

The proposed development is located within the settlement boundary, where the principle of development is acceptable, subject to design, amenity and highway issues.

Design

The design and detailing of boundary gates, walls and fences, particularly on highway frontages, plays an important role in defining the character of all residential areas. The Design Principles SPD sets out that highways visibility should be preserved. This will be discussed in more detail in the Highways section of this report. The application is

retrospective (see photos - Fig 1.0 and 1.1). At the time of the site visit, the applicant had installed metal boarding to the existing railings, resulting in the effect of a blank, 2m high, solid structure stretching along the perimeter boundary of the dwelling.

The boarded railings provide no visibility into the site and create a gated-off private space which is divorced from the surrounding street scene. This is more akin to a close boarded fence which would typically be found to the rear of a domestic property and has no place in this prominent position on the public highway, where it stands out as an alien feature in the street scene. The dark colour which has been chosen for the boarding behind the railings sits in stark contrast from the red brick of the dwelling which it surrounds. It creates a visually jarring effect which is not characteristic of the dwellings in the surrounding area and screens much of the frontage from public view. This creates a fortified structure upon the most prominent boundary of the dwelling, when viewed from the public highway. In turn, this not only causes an unacceptable impact upon the character and appearance of the area but introduces a negative closed frontage to the dwelling so there is no active surveillance of the highway, which contributes to the fear of crime in the area. The height and design of the boarded railings creates a fortified entrance and divorces the public highway from the dwelling.

The applicant has pointed out that the neighbour has installed a similar arrangement to their front boundary with Colne Road, in an attempt to justify why this retrospective development should be approved. The neighbouring boarding has been installed beyond the time limit for enforcement and is now immune from taking action. However, despite the poor design to the neighbouring property is no justification for the current application to be approved.

The development amounts to poor design, contrary to paragraph 139 of the Framework, Policy DM16 and the Design Principles SPD.



Fig 1.0 Image from Google Street View dated October 2024 (above), prior to installation of boarding to the inside of the railings. There is visibility into the front garden area of the dwelling which allows visibility of the grand red brick dwelling set back from the roadside, which contributes positively to the character and appearance of the area.



Fig 1.1 Site visit photo: April 2026 (above) with black boarding to the inside of the railings, sitting on top of the red brick wall, creating a dark, overwhelming fortified

structure on the edge of the public highway which does not contribute positively to the wider visual amenity.

Residential Amenity

The black boarding to the inside of the railings prevents views out of the neighbouring property at No. 507 Colne Road. However, in planning law there is no right to a view and it would be possible for the applicant to erect a boundary fence running perpendicular to the highway which would have a similar effect upon the neighbouring property, under Permitted Development.

The introduction of the metal boarding to the inside of the railings would not result in an unacceptable impact upon residential amenity.

Highways

The application site takes a position upon the junction with Redman Road and Colne Road. Redman Road provides access to a dwelling (Reedley House), a children's nursery, a service yard for the Oaks Hotel and Belvedere and Caldervale Sports Club which holds social events and has cricket, rugby and football pitches. The introduction of metal boarding at the junction reduces the visibility for highway users of Redman Road. As can be seen from the photo at Fig 1.2, the boundary treatment sits within the visibility splay, which would result in reduced visibility for drivers at this junction. The applicant has prepared a visibility splay drawing following initial comment from LCC highways, which underlines this. It is clear to see the effect which the boarding has upon a driver's ability to see right when turning from Redman Road into Colne Road. Drivers would have to enter the carriageway before they had assessed whether it was safe to turn. There is also a danger that a pedestrian could be walking along the pavement and the development would result in drivers not being able to see them clearly. This causes a highway safety danger and is not an acceptable arrangement.

Paragraph 116 of the Framework sets out that development should be refused on highway grounds if there would be an unacceptable impact on highway safety. Similarly, Policy SP13 of the Local Plan: Fourth Edition echoes this. The development is unacceptable and should be refused based upon the unacceptable safety impact.



Fig 1.2 Photo taken on site visit, April 2026

RECOMMENDATION: Refuse

For the following reason(s):

1. By virtue of its position upon the most prominent boundary of the application site, the boundary treatment introduces a fortified structure to a public highway which unacceptably impacts upon the wider visual amenity of the area, contrary to Policy DM16 of the Local Plan: Fourth Edition and paragraph 139 of the Framework.
2. The development results in an unacceptable highway safety danger to users of Colne Road and Redman Road, contrary to paragraph 116 of the Framework and Policy SP13 of the Local Plan: Fourth Edition.

Application Ref: 26/0191/HHO

Proposal: Full: Demolition of existing pedestrian gate, widening of existing vehicular access with the addition of a privacy screen and the installation of electric sliding gates.

At: 509 Colne Road, Reedley

On behalf of: Mr Imran

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 23rd JUNE 2026

Application Ref: 26/0204/FUL

Proposal: Full (Major): Erection of 28 no. dwellings with detached garages and associated landscaping, infrastructure and altered vehicular access.

At Land at Field Number 0087, Earby Road, Salterforth, Lancashire

On behalf of: Mr R Calderbank

Date Registered: 01.04.2026

Expiry Date: 01.07.2026

Case Officer: Athira Pushpagaran

This application has been brought before Development Management Committee, having been referred from West Craven Area Committee. Members were minded to refuse the application, contrary to officer recommendation, for the following 6 reasons:

- Poor design of the layout resulting in residential amenity issues
- Ecology and BNG issues concerning the spring which runs across the site
- Highway safety particularly in relation to not having an adequate crossing from the Public Right of Way onto the road
- Outside the settlement boundary (Policies SP02, DM09, DM26, Local Plan Fourth Edition)
- Drainage – insufficient information and inadequate sewage
- Access arrangements

Site Description and Proposal

The application site is an agricultural field situated outside and adjoining the defined settlement boundary of Earby, in the open countryside. The site is triangular in shape and slopes down to the east. It is bounded by the dwellings on Kennilworth Drive to the East, Open Countryside to the South and Earby Road to the North

The proposed development is the erection of 28 no. dwellings with detached garages and associated landscaping, infrastructure and altered vehicular access. The site has extant planning permission for the erection of 34 dwellings (outline permission 16/0630/OUT and subsequent reserved matters 19/0863/REM). The proposed development follows the same access arrangements as this previously approved scheme and follows roughly the same overall internal layout.

Relevant Planning History

23/0049/VAR Variation of Condition- Remove Condition 18 (s106 for improvements to 2 bus stops on Earby Road) of Planning Permission 16/0630/OUT. Approved with Conditions. 2023

20/0445/CND Approval of Details Reserved by Condition: Discharge of Condition 4 (Materials), Condition 5 (Ground Levels), Condition 6 (Construction Code of Practice), Condition 7 (Car Park), Condition 8 (Highway Works), Condition 9 (Off-Site Highway Works), Condition 12 (Drainage), Condition 13 (Drainage), Condition 15 (Surface Water Pollution), Condition 17 (Management Plan), Condition 19 (Affordable Housing) and Condition 20 (Off-Site Highway Works) of Planning Permission 16/0630/OUT. Discharged. 2022

19/0863/REM Reserved Matters: Major: Erection of 34 dwellinghouses (access; appearance; layout; scale and landscaping). Approved with Conditions. 2019

16/0630/OUT Outline: Major: Erection of 34 dwelling houses and creation of new access (Re-Submission). Approved with Conditions. 2016

16/0329/OUT Outline: Major: Erection of 34 dwelling houses (1.26ha) (Access and Layout only). Refused. 2016

Consultee Response

Highways

Off-site highway works

New footway link

To provide a safe and suitable access arrangement for pedestrians accessing the site, a new footway is proposed and is required to be constructed between the site and the existing footway network on Earby Road. This is to provide access to the bus stops and local facilities in Earby. It will be necessary to construct the footway link prior to first occupation of any dwelling.

Speed limit Earby Road

The 30/40mph speed limit change on Earby Road is proposed to be moved to the south side of the new site access. This was previously approved and still considered necessary.

PROW

A new pedestrian link is proposed between the site and public footpath FP1318018 and a new link to Earby Road opposite Moor View farm, where there is an existing field gate. We would request further details are submitted later by condition for the construction, boundary treatments and future maintenance of this link. The advice from the Countryside Officer is that the developer dedicates the route as a public right of way under the Highways Act Section 37 process, or for the footpath to be included in a Section 38 Agreement.

Local Cycling and Walking Infrastructure Plan (LCWIP)

The Colne-Skipton Greenway is considered to be a significant route to support Active Travel to benefit residents at the development and the wider community. Improvements are identified for this route, and we would request a contribution is made in a Section 106 agreement to support this of £36,900. This includes 480m of path and ramp improvements.

Access

The new site access is proposed on Earby Road which is classified C684 and subject to a 30/40mph speed limit. The site access is proposed in the same position as the previously approved access. Visibility splays of X2.4m by Y52m are shown on the site access arrangement. The previous approval agreed splays based upon recorded vehicle speeds.

There are no recorded collisions on Earby Road in the previous 5 years, only collisions where injuries have been reported are passed to the Highway Authority. The photos on the website submitted by members of the public of vehicles which have collided/lost control are noted and either these are vehicle damage only (no injuries) so not reported to the Highway Authority or they have occurred very recently and have not yet been reported/recorded. The exact locations are not identified. There is a collision recorded at 78 Salterforth Road with a slight injury of an adult recorded with a number of causation factors including aggressive, exceeding speed limit, impaired by alcohol/drugs, loss of control.

Layout

The carriageway is proposed at 5.5m wide with 2m wide footways to both sides where necessary or a 0.5m wide service strip where there are no property frontages. The turning heads are tracked for a 10.4m long refuse vehicle, Pendle have a longer 11.2m long vehicle in use. There should be no surface water tanks located beneath the proposed highway infrastructure as Lancashire County Council will not adopt the infrastructure.

Parking

Each dwelling has at least 2 off-street car parking spaces and those plots without garages will require a secure cycle store to support sustainable travel. The detached single garages measure 3m by 6m and the detached double garages measure 6m by 6m internally which are considered to meet the required standards to provide car and cycle parking. The integral garage measures 5m by 2.7m which is sub-standard and would count only as cycle parking.

Conclusion

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Should the application be approved the following conditions are requested.

Environment Officer Trees/ Landscape

Following a review of the Arboricultural Report prepared by Iain Tavendale, it is noted that several trees on site may be affected by the proposed development. The site is not subject to a Tree Preservation Order and does not fall within a conservation area.

The report identifies a number of trees requiring removal due to Ash dieback and other diseases and fungal issues, as well as several trees requiring maintenance works. Having visited the site and inspected the trees, I am satisfied that the proposed removals and works are justified.

I have also reviewed the submitted Tree Protection Plan and am content that the Root Protection Areas (RPAs) identified are appropriate for safeguarding the retained trees. Should planning permission be granted, it is recommended that suitable planning conditions are imposed to protect the retained trees throughout the development. In particular:

1. Tree protection measures, including protective fencing in accordance with the approved Arboricultural Impact Assessment and Tree Protection Plan, shall be installed prior to the commencement of any works on site and retained for the duration of the construction period.

I have also considered the proposed planting scheme submitted with the application. It is considered appropriate to the site and its surroundings, incorporating suitable tree and shrub species. If you are minded to approve the application, I recommend a condition requiring the planting scheme to be implemented in accordance with the plan prepared by PDP Associates (drawing no. C-2205-02, dated November 2025).

Salterforth Parish Council

Having reviewed the documents submitted, Salterforth Parish Council wish to object to the above application and makes the following comments.

This proposal represents unsustainable development in a location where long-standing and well-documented constraints already exist. The development would result in demonstrable harm to highway safety, drainage, wildlife, infrastructure capacity and the character of the area, and these harms have not been adequately addressed.

Highway Safety and Risk to Children

The surrounding road network, including Earby Road and Salterforth Road, is narrow, winding and lacks continuous footpaths. These roads contain multiple pinch points and narrow sections where larger vehicles and buses already struggle to pass. There is a documented history of traffic incidents and near-misses. Residents report regular pavement obstruction, with vehicles forced onto footways. Parking restrictions have already been introduced in Salterforth because of previous developments, particularly at the former Silentnight site. Pedestrian safety is a serious concern, especially for children

walking to and from school, with no adequate provision for safe walking routes. Increasing traffic levels from a further 28 homes will materially worsen congestion and increase the risk of serious injury or fatal accidents. The road network is not suitable for additional development, particularly when other approved and proposed sites will also generate further traffic.

Flood Risk, Drainage and Sewer Capacity.

The site lies within a known floodplain, and is known to experience surface water runoff, poor drainage and flooding, with water regularly flowing into neighbouring land and properties. Local drainage and sewer infrastructure is already under pressure, with reported flooding of roads and sewage issues in the area. The land is clay-based and includes natural springs, meaning infiltration is limited. The increase in hard surfaces associated with this development would exacerbate existing problems and poses a real risk to both existing and future residents. The applicant has not convincingly demonstrated that flood risk can be mitigated safely.

Impact on Wildlife and Loss of Greenfield Land.

This proposal would result in the loss of valuable greenfield land that currently supports a wide range of wildlife, including badgers, bats, hedgehogs, woodpeckers and other protected species. Development would cause irreversible habitat loss and environmental harm, contrary to the principle of protecting and enhancing biodiversity. The loss of open countryside would also significantly erode the rural character of the area, which planning policy seeks to conserve.

Pressure on Local Infrastructure and Cumulative Impact.

Earby and the surrounding area are already subject to multiple housing developments, many of which are ongoing, unsold or recently approved. Local services - including GP surgeries, dentists, schools, roads, drainage and utilities - are already overstretched. The application fails to properly assess the cumulative impact of this development alongside others in the vicinity. The combined effect of additional traffic, increased flood risk and further strain on infrastructure would be severe and unsustainable.

Housing Need Has Already Been Met

Importantly, the area has already met its allocated housing requirement in line with Government targets and the local plan. There is therefore no overriding need to justify further speculative development on greenfield land, particularly where the harms are clear, evidenced and unresolved.

Risk of Further Expansion (Ribbon Development)

Pendle's Spatial Development Principles state that rural villages will only accommodate housing development to meet local needs. There is no local need.

When weighed against the demonstrable risks to public safety, flooding, biodiversity, infrastructure capacity and cumulative overdevelopment, this proposal offers no clear

public benefit. The adverse impacts clearly and significantly outweigh any potential benefits.

Furthermore, Pendle's core principles indicate that planning should recognise the intrinsic character and beauty of the countryside, contribute to conserving and enhancing the natural environment, and that there will be restrictions to help protect open countryside and the landscapes within it.

For these reasons, this application should be refused.

Lancashire Fire and Rescue

No objection. Makes recommendations to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application

Yorkshire Water

Objection. Insufficient information has been provided to be able to make a thorough assessment of this proposal. Flood risk, pollution and public health may all be negatively impacted as a result of the development.

The drainage details submitted on drawing labelled "Draft Drainage Strategy South Parcel Plan - Proposed" added to public access on 07/04/2026 (no drawing number, date or company that produced the drawing were included on the drawing) require amendments. The following points should be addressed:

Surface Water

The submitted drawing should show surface water storage and flow control rate. The drawing appears to show a surface water system serving the site discharging to the southeast of the site, Yorkshire Water require further clarification of this outfall, is this point of discharge a watercourse? Will this system also serve the site to the north of Earby Road? The drawing shows what is assumedly a surface water system in Earby Road, this appears to have a connection with the pipe linking the site north of Earby Road with the site to the south, the purpose of this connection and its point of discharge will need to be clarified. Yorkshire Water promote the surface water disposal hierarchy, and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

Foul Water

The site falls to the south, the drawing shows a proposed foul connection to a sewer in Earby Road in the north, a pumping station is likely to be required to facilitate the properties in the south of the site - is the building in the southeast corner of the site a

pumping station? If pumping is required to drain foul water the rate must not exceed 6 (six) litres/second.

Other Observations

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

Lead Local Flood Authority

Objection.

No Surface Water Sustainable Drainage Strategy In the absence of an acceptable surface water sustainable drainage strategy, we object to this application and recommend refusal of planning permission until sufficient information has been submitted to the Local Planning Authority.

Overcoming Our Objection

You can overcome this objection by submitting a surface water sustainable drainage strategy that addresses the deficiencies identified above and demonstrates how surface water will be managed within the development in accordance with:

- Paragraphs 181 and 182 of the National Planning Policy Framework,
- The Flood Risk and Coastal Change section of the Planning Practice Guidance, and
- The National Standards for Sustainable Drainage Systems.

Please note that submission of additional information will not automatically result in the removal of this objection. The submitted evidence must be technically robust, policy compliant, and proportionate to the nature and scale of the development. Please note that our objection(s) will be maintained until the required information, as outlined above, has been received and reviewed. The submission of amended information alone will not in itself result in the removal of the objection.

Lead Local Flood Authority Site-Specific Advice

The following comments are provided to assist the Local Planning Authority in its consideration of this application. While they do not constitute a formal objection, they highlight areas that may benefit from further attention, either at this stage or in future submissions. These comments are intended to support informed decision-making and encourage the adoption of relevant guidance, standards, and best practice. • The applicant should ensure that any updated design and drainage strategy takes into consideration the updated National Standards for SuDS.

National Standards for Sustainable Drainage Systems: Water Quality

Based on our assessment of the submitted drainage strategy, we note that the development has not proposed SuDS features that have the potential to deliver additional benefits in line with the National Standards for Sustainable Drainage Systems, particularly in relation to water quality (Standard 4) and has not provided a water quality risk assessment. To ensure these benefits are realised, the design, operation, and long-term maintenance of these features should be clearly demonstrated and secured through the planning process. Responsibility for ensuring compliance with the Standards ultimately rests with the Local Planning Authority.

Architectural Liaison Unit

We strongly advocate that all new and refurbishment developments in Lancashire be designed and constructed to Secured by Design security standards, and developers encouraged to apply for SBD accreditation, which provides a security framework that can be applied during the design, layout, and construction phases of a development.

PBC Environmental health

No response

PBC Engineering

No response

Local Plans

No response

Earby & Salterforth Internal Drainage Board

No response

Public Response

The nearest neighbours have been notified by letter, a site & press notice have been displayed, with 42 objections received as summarised below:

Objections:

- drainage and flooding issues
- Highway safety impact
- Lack of local need
- Inappropriate development of a greenfield site which causes harm to wildlife & natural environment.
- loss of green space, including established trees and hedgerows
- strain on local infrastructure and services

- Cumulative Impact with other nearby approved schemes.
- proposed excavation works may destabilise the ground and adversely affect the integrity of surrounding property foundations.
- Impact on residential amenity for adjoining neighbouring property
- Site unsuitable for development
- The layout suggests potential future expansion.
- may set a precedent for additional development in the surrounding area.
- Noise impact from construction and the proposed drainage pump
- No detailed decay detection report for removal of 9 mature trees
- Failure to deliver Biodiversity Net Gain on site.
- The PEA is not accurate
- The PEA is a "snapshot" survey with significant limitations- No breeding bird surveys or bat activity surveys were conducted, despite the site providing high-value foraging and nesting habitats. It also dismisses the site as "suboptimal" for hedgehogs and terrestrial mammals, but there is evidence of hedgehogs killed by vehicles at the site boundary. No Hedgehog Connectivity Plan proposed.
- Green belt land
- would result in Earby and Salterforth just merging

Relevant Planning Policy

Pendle Local Plan Fourth Edition (2021-2040)

Policy SP01 (Presumption in Favour of Sustainable Development) echoes the presumption set out in National Policy and promotes the three strands of sustainable development: economic, social and environmental. Applications which accord with policies contained within the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy SP02 (Spatial Strategy) sets out the spatial development principles for developments in Pendle. Proposals to develop outside of a defined settlement boundary will only be permitted for exceptions to Policy DM09 that are identified in the NPPF, an adopted development plan document, or a made neighbourhood plan, or that are in accordance with Policy SP04 part 5 when the Council is unable to demonstrate a five year housing land supply.

Policy SP04 (Housing requirement and delivery) sets the minimum annual requirement for the number of dwellings to be delivered in Pendle.

Policy SP08 (Towards Net Zero Carbon) encourages applicants to incorporate renewable and low carbon energy generation into development.

Policy SP09 (Water Management) considers water quality, supply infrastructure, wastewater, efficiency and flood risk. It requires that proposed development does not increase the risk of flooding elsewhere.

Policy SP13 (Transport and connectivity) Proposals for new development should have regard to the potential impacts they may cause to the highways network, particularly in terms of safety and the potential to restrict free flowing traffic, causing congestion.

Policy DM01 (Climate change resilience) requires developers to create accessible development which consider pedestrian, cycling and public transport movement. Proposals should minimise the use of natural resources and help mitigate the effects of climate change.

Policy DM02(a) (Flood Risk) echoes the sequential test set out in national policy. The use of SUDs should be prioritised and the use of impermeable surfaces should be avoided wherever possible.

Policy DM02(b) (Surface Water & Foul Water Management) requires applications to be accompanied by a strategy for foul and surface water management and to follow the sustainable drainage hierarchy.

Policy DM04 (Biodiversity Net Gain) sets out that development is required to provide a measurable 10% enhancement above the baseline conditions. If this cannot be provided on site, it should be provided by way of an off-site contribution or biodiversity credits.

Policy DM09 (Open Countryside) sets out the exceptions to develop outside the settlement boundary.

Policy DM13 (Environmental Protection) seeks to ensure development does not result in any adverse impacts relating to air quality, lighting, noise and vibration and soil and water from the development and from the construction phase.

Policy DM16 (Design & Place Making) seeks high quality design in all new developments. Proposals should promote local character and distinctiveness and demonstrate a good standard of amenity for existing and future occupants.

Policy DM21 (Design & Quality of Housing) requires residential development to make a positive contribution to the built and natural environment. It sets out that new homes should make efficient use of land.

Policy DM22 (Housing mix) sets out housing needs of the borough, in terms of tenure and size mix.

Policy DM23 (Affordable housing) Proposals for residential development (Class C3) which meet the relevant thresholds outlined in Table DM23a will be required to contribute towards the provision of affordable housing.

Policy DM26 (Housing in the countryside) sets out the criteria to be met for new housing outside of a defined settlement boundary. Only those meeting these criteria will be supported.

Policy DM31 (Open space, sport and recreation) states that the additional pressures arising from new development and/or any identified deficiencies in open space provision should normally be mitigated through the on-site provision of open space.

Policy DM32 (Walking and cycling) states that development proposals will be required to maintain and where possible improve the existing pedestrian and cycling environment.

Policy DM37 (Parking) standards are set out in Appendix 5 of the plan, adequate parking provision is required to serve all new development.

National Planning Policy Framework

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

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

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

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

Officer Comments

The proposed development is for 28 dwellings on a site outside but adjoining the defined settlement boundary. There is an extant planning permission on this site for 34 dwellings. This establishes the principle of the development. The differences between the proposed development and that of the extant permission do not result in impacts that alter the acceptability of the development in principle.

Objections have stated that the site is within the Green Belt, this is not the case, the land is within the open countryside and of no other designation.

The principal material considerations for the application are as follows:

Housing mix

Policy DM23 requires 5% affordable housing provision which amounts to 1.4 houses. One affordable unit has been provided as part of the proposal. The Local Plan requires the payment of a commuted sum where the affordable housing calculation yields a 'partial dwelling' (0.4 in this case) to cover the 'partial value'. This will need to be secured through a S106 agreement.

Policy DM22 sets out the tenure and size mix for housing developments. Significant departure from the housing mix needs to be adequately justified. For market housing the requirement is 10-15% 1 bed, 40-45% 2-bed, 30-35% 3-bed, and 10-15% 4-bed or higher. The proposal as submitted does not strictly follow the housing mix set out in this policy as it only contains 3 and 4 bed dwellings. This has been raised with the applicant, and the applicant is preparing updated drawings/justification on this. This is awaited.

Design

The application site is located adjacent to Earby Road, adjoining existing dwellings. The site is predominantly screened from Earby Road by an extensive band of mature trees and hedgerows. The southern boundary of the site also benefits from dense boundary treatment comprising of mature trees. The proposal would remove some trees along its boundaries and sections of hedgerow along Earby Road. While the proposed landscaping scheme includes tree and hedge planting softening the built form within the landscape, further enhancement would be required to ensure the proposal would not alter the character of the site and its surroundings and blend in well within it. An amended landscaping scheme would need to be conditioned to ensure more planting is carried out along the boundaries to retain the visual character of the site and its open countryside location.

The proposed dwellings are two-storeys in height with pitched roofs; however, this may change with the anticipated update to the housing mix to include 2-bedroom dwellings, possibly bungalows. However proposed scale of the buildings is not expected to increase and it is in keeping with the locality and acceptable. The design of individual dwellings features square bay windows, artificial stone to the walls, and grey thin leading-edge tiles on the roof. A condition would be required to control the exact materials and their finishes.

Subject to the above conditions, overall, the proposed development would be acceptable in terms of design in accordance with policies DM16 of the Adopted Pendle Local Plan Fourth Edition (2021-2040) and the Adopted Pendle Design principles SPD.

Residential Amenity

The proposed site layout follows roughly the same as the previously approved scheme, in a T-shape. All properties benefit from front and rear gardens, and the layout features an acceptable density of houses. The proposed dwellings would be an acceptable distance from each other and from neighbouring properties on Kennilworth Drive. The smallest separation between an existing residential neighbour and a proposed dwelling

is circa 30m between plot 7 and no.27. Some of the proposed dwellings would have first floor bathroom windows facing each other at less than 21m separation. These would need to be conditioned to be obscure glazed to ensure privacy for future occupants.

Subject to this condition, the development would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with policy DM16 of the Adopted Pendle Local Plan Fourth Edition (2021-2040), and the Adopted Pendle Design principles SPD.

Highways

A new site access is proposed on Earby Road. The site access is proposed in the same position as the previously approved access. Acceptable visibility splays are provided for the access based upon recorded vehicle speeds.

LCC Highways has acknowledged comments received from members of the public regarding alleged accidents in the vicinity of the site. However, the Highway Authority advises that there have been no recorded injury collisions on Earby Road within the last five years. It is noted that only collisions involving reported injuries are recorded by the Highway Authority and, therefore, there may have been incidents resulting in damage only, or very recent incidents which have not yet been reported. There have been no material changes in circumstances and therefore based on the available information and submitted plans, the proposed access arrangements are acceptable.

A new pedestrian footway is proposed and is required to be constructed between the site and the existing footway network on Earby Road. A new pedestrian link is also proposed between the site and public footpath FP1318018 and a new link to Earby Road opposite Moor View farm, where there is an existing field gate. A condition would be required for details of construction and maintenance of these.

LCC Highways also recommends a S106 agreement for a contribution towards the Colne-Skipton Greenway. This will be added to any approval.

The 30/40mph speed limit change on Earby Road is proposed to be moved to the south side of the new site access as previously approved.

Each dwelling has at least 2 off-street car parking spaces and those plots without garages will require a secure cycle store to support sustainable travel and would need to be secured through conditions.

Subject to the conditions recommended by the Highways Authority, the development raises no issues of highway safety and would be acceptable in accordance with policies SP13, DM32 and DM37 of the of the Adopted Pendle Local Plan Fourth Edition (2021-2040).

Ground Contamination and Stability

A Geo-Environmental Investigation Report has been submitted with the application. No contamination has been found, and no site-specific mitigation and remedial measures are not required with respect to human health as per the findings of the report. The report also recommends appropriate foundations and ground floor construction methods, especially on plots close to the hedgerow and trees along the boundaries. The report also concludes that the majority of the site comprises of cohesive deposits over a highly weathered mudstone bedrock indicating that a soakaway system will likely not be feasible and surface water will need to be disposed of utilising a traditional gravity drainage system.

Drainage and Flood Risk

A Flood Risk Assessment and a drainage plan have been submitted with the application.

The flood risk assessment concludes that that no specific measures need be implemented to mitigate flood risk and recommends finished floor levels to be at least 0.15 m above adjacent ground levels with ground levels sloping down from the dwellings, in accordance with best practice. The proposal would not have any adverse impact on flood risk elsewhere.

Yorkshire Water and Lead Local Flood Authority have objected to the proposal due to the absence of an acceptable detailed surface water drainage strategy. A detailed strategy demonstrating the drainage hierarchy, including SUDs features, a water quality risk assessment and further details of the foul water pumping station. The applicant is preparing updated drawings/ justification on this. This is awaited.

Based on the conclusions of the ground investigation survey that demonstrate that a soakaway system is not feasible and the previous approval which included an acceptable drainage strategy indicates that an acceptable drainage strategy is possible on the site.

Open Space and Landscape

Policy DM31 requires that provision for on-site open space is made to mitigate pressures arising from new development and/or any deficiencies in open space provision. The proposed layout includes acceptable areas of open space and green infrastructure and would be acceptable in accordance with Policy DM31 of the Adopted Pendle Local Plan Fourth Edition (2021-2040).

Trees

Policy DM07 of the Local Plan requires an assessment of the health/condition, amenity value, public safety and wider ecological value to justify the loss of trees and hedgerows. Where it can be shown that loss or damage is unavoidable, appropriate replacement or

compensation will be required. For each tree lost, the provision of two replacement trees, or a minimum commuted sum payment of £500.00 (excluding VAT) per new tree will be required. This will form part of any biodiversity net gain requirement.

An Arboricultural Impact assessment and a Tree Protection Plan has been submitted as part of the proposal. The site is not subject to a Tree Preservation Order and does not fall within a Conservation Area.

The report recommends removal of 9 trees due to Ash dieback and other diseases and fungal issues, as well as several trees requiring maintenance works. The proposal would remove two sections of hedgerow along Earby Road however the extent of the hedgerow to be removed is not clearly marked.

The Landscaping scheme submitted includes tree and hedgerow planting within the site but not along the boundaries except a small stretch of hedgerow along the southeastern boundary. A detailed landscaping scheme which includes more native tree and hedgerow planting along the boundaries would need to be conditioned. This would also need to provide justification of the loss and demonstrate replacement tree planting/compensation in accordance with DM07 as stated above.

Subject to this condition, the proposed development would be acceptable in accordance with policy DM07.

Ecology and Biodiversity

A Preliminary Ecological Appraisal has been submitted as part of the proposal. The report makes recommendations and mitigation for badgers, bats and birds, including bat and bird boxes. A condition would be required to ensure this is followed.

It also recommends that the hedgerows around the site should be retained or improved where possible. Any lengths of intact hedgerow to be removed to facilitate development should be transplanted and or replanted in order that there is no net negative impact on this Habitat of Principal Importance due to development. This would need to be demonstrated through an updated landscaping plan.

A BNG main metric has been submitted as part of the application. This shows that the proposal will result in a net gain of -28.44% (net loss) for area habitats and 91% for hedgerows. Statutory BNG uplift of 10% would need to be demonstrated for all habitat types at condition discharge stage.

The applicant would have to enter into a S106 agreement in order to take care of the 30-year management and maintenance arrangements required for any onsite or offsite BNG provisions within Pendle. This would be subject to a condition as would other applications nationally.

Other matters

Objections have stated that the site is within the Green Belt, this is not the case, the land is within the open countryside and of no other designation.

Concerns have been raised on impact on local infrastructure however the proposal doesn't meet the threshold for a contribution towards local infrastructure.

Concerns have been raised regarding private views an outlook from neighbouring properties however these are not planning matters. Private views are not protected, and the proposal does not affect any protected views.

Concerns have been of the absence of a local need for the proposed housing development. However, the principle of the development is established by the extant previous permission. As such, the acceptability of the site for housing development has previously been accepted and a further assessment of housing need is not required as part of the current application.

Conclusion

The proposed revised development is acceptable in principle, and it is recommended that the approval of the application, and any revised or additional conditions necessary, is delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to the receipt of acceptable amended details of landscaping, housing mix and affordable housing compliance and drainage.

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions: TBC

Application Ref: 26/0204/FUL

Proposal: Full (Major): Erection of 28 no. dwellings with detached garages and associated landscaping, infrastructure and altered vehicular access.

At Land at Field Number 0087, Earby Road, Salterforth, Lancashire

On behalf of: Mr R Calderbank