

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

TO: NELSON, BRIERFIELD & REEDLEY COMMITTEE

DATE: 3RD FEBRUARY 2025

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 3RD FEBRUARY 2025

Application Ref: 24/0704/HHO

Proposal: Full: Erection of a two-storey side and rear extension, part single storey rear extension and a front porch.

At 129 Marsden Hall Road North, Nelson, Lancashire

On behalf of: Mr Muneeb Ul Hassan

Date Registered: 10.10.2024

Expiry Date: 05.12.2024

Case Officer: Athira Pushpagaran

This application has been refereed from the last area committee that was held on the 6th of January 2025.

Site Description and Proposal

The application site is an end-terraced dwelling within the settlement boundary of Nelson at a staggered junction between Marsden Hall Road North, Hollins Road and Merclesden Avenue. The main pedestrian access is from Marsden Hall Road North. The application site is situated within a short, isolated line of terrace houses surrounded by open spaces in a visually prominent position within the neighbourhood. It is clearly visible on approach from Marsden Hall Road North, Hollins Road and Merclesden Avenue. The existing dwelling has pebble dash finish on walls, UPVC windows and a pitched tiled roof.

The proposed development is the erection of a two-storey side and rear extension, part single storey rear extension and a front porch. Three previous applications for a similar scheme were previously refused based on their visual impact. It is noted that the current application has removed elements of the proposal which were part of the refused schemes and redesigned the retained elements.

Relevant Planning History

24/0278/HHO Full: Erection of two-storey side and rear extension, 2 no. single storey rear extensions, a side porch and boundary treatment works. Refused

23/0852/HHO Full: Erection of a two-storey side and rear extension, single storey rear extension and boundary treatment works. Refused

24/0117/HHO Full: Erection of a two-storey side extension, single storey rear extension & boundary treatment works. Refused

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 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.

The National Planning Policy Framework (NPPF) states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' (Paragraph 115). My detailed examination of this application, which included accident analysis, visibility requirements and parking concludes that there are no highway grounds to support an objection as set out by NPPF.

The following comments should be noted, and conditions and informative note applied to any formal planning approval.

Site planning history

24/0278/HHO - Full: Erection of two-storey side and rear extension, 2 no. single storey rear extensions, a side porch and boundary treatment works. Refused

24/0117/HHO - Erection of two-storey side and rear extension, 2 x single storey rear extension, a porch to the side and boundary treatment works. Refused.

23/0852/HHO - Erection of a two-storey side and rear extension, single storey rear extension and boundary treatment works. Refused.

Proposal

The proposal is for the erection of double storey side and rear extension and part single storey rear extensions. This will increase the number of bedrooms from four to five.

Car & cycle parking

The highway authority would usually request three off-road parking spaces for the number of bedrooms proposed, in line with the borough council's Parking Standards. However, as there is no existing parking the provision of two off-road spaces is a betterment and the highway authority considers that the third space can be provided on-road. The hardstanding/driveway must be surfaced in a bound porous material to prevent loose surface material from being carried onto the adjacent public highway network where it could pose a hazard to other highway users. It should also be constructed to prevent surface water flowing from the public highway into the site.

Secure, covered storage for two cycles should also be provided in line with the borough council's Parking Standards. As off-road parking is to be provided an electric vehicle charging point should also be installed, which will improve the site's sustainability. This shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

Vehicle crossing

A new dropped vehicle crossing will need to be constructed on Marsden Hall Road North to access the proposed off-road parking. This will need to be carried out under an agreement (Section 171) with Lancashire County Council, as the highway authority. The construction of the vehicle crossing may require the re-location of street lighting column 29, which will be at the applicant's expense. In addition, any works required for the relocation/strengthening of any footway utility box/boxes will be at the applicant's expense.

Construction phase

Due to the site's location within a residential estate, on a bus route and close to Castercliffe Primary Academy on Marsden Hall Road North and on a route to Pendle Vale College on Oxford

Road/Hollins Road a condition should be applied restricting the times of deliveries by HGVs to ensure that there is no conflict with traffic, both vehicular and pedestrian, at peak times. The following conditions and informative notes should be applied to any formal planning approval granted.

Conditions

1. Any HGV construction traffic movements to and from the site shall not occur before 9.30am or between 2.30pm - 3.30pm Monday-Friday during school term time. Reason: In the interests of highway and pedestrian safety.
2. No building or use hereby permitted shall be occupied or use commenced until dropped kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway and grass verge fronting the site onto Marsden Hall Road North in accordance with the approved plans and Lancashire County Council's Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development. Reason: In the interests of highway/pedestrian safety and accessibility.
3. The approved development should not be brought into use unless and until the parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always be kept free from obstructions and remain available for the parking of domestic vehicles associated with the dwelling. Reason: In order to ensure satisfactory levels of off-road parking are achieved within the site.
4. Prior to first occupation of the approved development secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter. Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.
5. Prior to first occupation of the approved development an electric vehicle charging point shall be installed. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available. Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

Informative notes

1. This consent requires the construction of a dropped vehicle crossing to the publicly maintained highway. Only a contractor approved by Lancashire County Council can undertake the approved works under Section 171 of the Highways Act 1980. Before any work begins at the site, please contact lhsvehiclecrossing@lancashire.gov.uk for the list of approved contractors and to start the Section 171 process.
2. The alterations to the existing highway as part of the works to construct the dropped vehicle crossing may require changes to the existing street lighting and strengthening of any footway utility boxes, which will be at the applicant's expense.

Parish/Town Council

No response

PBC Environmental health

We are concerned about nuisance during the construction phase of development caused by working outside of reasonable development hours, we therefore recommend the informative below is added: To ensure that construction work is carried out at reasonable times. All construction work will be carried out within the hours of 8am – 6pm Monday – Friday, 9am – 1pm Saturday and no working Sundays and Bank holidays. Failure to work within these hours will result in a service of a

notice under the Control of Pollution Act 1974, and potentially prosecution thereafter. Reason: For the amenity of the neighbouring residents

Public Response

Five neighbour objections have been received raising the following issues:

- Worsening the traffic on an already busy and accident-prone junction near a school which is expanding
- Danger to pedestrians and vehicles by parking on footpaths
- The proposed drive would impact the privacy of neighbour's front facing rooms
- Poor design
- Inappropriate development
- Same proposal as the planning applications which were refused before
- Contrary to policy
- Overlooking neighbour's gardens and impact their privacy
- Obstruct views
- Setting a bad precedent
- Have already removed the hedges and affected the wildlife living in them
- Disproportionate addition
- Affect privacy of neighbours
-

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

Para 139 of the framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking

into account any local design guidance and supplementary planning documents such as design guides and codes.

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

Officer Comments

The proposed development is in a residential area situated within the 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 application site is an end-terraced dwelling situated within a short, isolated line of terrace houses surrounded by open spaces resulting in its visually prominent position within the neighbourhood. The line of terraced dwellings has a continuous sloping roof that end at the application site with a turned gable forming dormers to the front and rear. The exterior of the existing dwelling is finished with pebble dash and has UPVC windows like the other dwellings of the terrace. There is no other context of two-storey extensions in the area which are visually related to the application site.

The proposed development consists of a pitched roof two-storey extension to the side less than the width of the original dwelling. The existing dwelling has a dormer element to the front elevation. The proposed side elevation would remove this dormer element and continue the continuous roofline of the terrace and reposition the dormer to the end of the side extension preserving the original character of the terrace. The proposed development consists of a dual pitched porch of dimensions 3.3m x 1.6m to the front of the proposed two-storey side extension. The design of the porch by itself would not be unacceptable.

The proposed development would also have a two-storey rear extension to the rear of the existing building and the proposed side extension. This two-storey rear extension would setback from the party boundary by 2m. It would comprise of two pitched roof dormer elements to the rear set below the roof ridge. Between the two-storey rear extension and the party boundary there would be a single-storey flat roof element which would be in line with the two-storey element.

The SPD advises extensions to be designed to appear subordinate in scale to the original dwelling. The application site in this case is highly prominent within the street scene with its rear and side elevations visible from two highways. Albeit having a pitched roof design, the overall scale and massing of the proposed extensions would not be sympathetic to the modest scale of the original dwelling and would not appear subordinate to it and would have an adverse impact on the street scene. Therefore, the proposed rear and side extensions would be of poor design and have an overbearing impact on the character and scale of the dwelling and its surroundings and would thus be unacceptable and contrary to policies ENV1, ENV2, the Design principles SPD and paragraph 139 of the NPPF.

The proposed development would be finished in off-white silicone render, concrete roof tiles on the roof and UPVC windows. While this would be different from the existing materials of the dwelling and of other dwellings within the terrace, it would not look completely unacceptable provided the context of other dwellings within the neighbourhood within the neighbourhood.

Overall, the proposed development would be of an unsympathetic scale in a prominent and exposed location. It would thus be contrary to policies ENV1 and ENV2, para 139 of the National Planning Policy Framework and the guidance set out in the Design principles SPD.

Residential Amenity

The proposed development consists of a two-storey extension to the side and a porch on to this extension. The side extension would have habitable room windows both on the ground and first floor, but they will not be facing any neighbouring properties. This element of the proposed development would thus have no unacceptable impact on residential amenity.

The neighbouring No.131 has a conservatory to the rear adjacent to the party boundary. The proposed development has a single-storey flat roofed element adjoining the party boundary between the proposed two-storey rear extension and the neighbour's conservatory. There is an existing shed in its place although not as tall as the proposed extension and therefore the overbearing impact due to this element of the proposal would be marginal. The single storey extension would extend 4m from the rear elevation of the existing dwelling in accordance with the Design principles SPD.

The proposed development has a two-storey pitched roof extension to the rear, extending 4m from the rear elevation of the neighbour's conservatory and set back from the party boundary by 2m. This element of the proposed development would not breach the 4m rule and would be in accordance with the guidance set by the Design principles SPD in terms of residential amenity of neighbours.

The proposed development would have ground floor and first floor windows to the rear. These would not overlook any neighbouring properties and thus would not impact on the privacy of neighbours.

In conclusion, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 and the Design principles SPD.

Highways

LLC Highways raised no objection to the proposed development subject to their comments being noted, and conditions and informative notes being applied to any formal planning approval granted.

LCC requests a condition regarding controlling any HGV construction traffic movements during construction phase. However, given that the proposed development is of a small-scale development it would not be reasonable to impose such a condition in this particular case.

LCC requests a condition regarding the provision of electric vehicle charging points and covered cycle storage for at least two cycles prior to first occupation. However, given that the proposed development is of a small-scale development it would not be reasonable to impose this condition.

LCC requests a condition that prior to occupation dropped kerbs must be installed at the carriageway edge and a vehicle crossover constructed across the footway and grass verge fronting the site onto Marsden Hall Road North. However, since this would be carried out under Section 171 agreement with Lancashire County Council it would not be reasonable to impose this condition.

Other matters

No weight is given to objections from neighbours on the grounds of loss of private view as this is not a planning consideration.

RECOMMENDATION: Refuse

For the following reason(s):

1. The proposed development would be prominent in the street scene, and its scale would be inappropriate to the original scale and character of the property and its surroundings, and hence would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan, paragraph 139 of the National Planning Policy Framework and the principles set out in the Adopted Pendle Design Principles Supplementary Planning Document.

Application Ref: 24/0704/HHO

Proposal: Full: Erection of a two-storey side and rear extension, part single storey rear extension and a front porch.

At 129 Marsden Hall Road North, Nelson, Lancashire

On behalf of: Mr Muneeb Ul Hassan

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 03RD FEBRUARY 2025

Application Ref: 24/0770/HHO

Proposal: Full: Bricking up of existing doorway and replace existing window opening with a doorway opening to front elevation.

At 2 Victoria Street, Nelson.

On behalf of: Mrs Shugufta Tahseen.

Date Registered: 06/11/2024

Expiry Date: 01/01/2025

Case Officer: Joanne Naylor

The Councillor called this application to go to committee.

Site Description and Proposal

The application site is a two storey gable end terraced property with walls of natural stone and a pitched roof of natural slate tiles. The application site is a larger property compared to the terrace properties on this street. The proposed site appears to have been a shop with a central door and windows either side of the door and subsequently given planning permission to use as an office. To the rear there is a two storey outrigger and yard space. The site is on sloping land, located in the defined settlement of Nelson and located within Whitefield Conservation Area. The site is located in Article 4(2) land which removes certain permitted development rights therefore a planning application has been submitted.

The proposal seeks to make alterations to the front elevation of the property, it would remove the two windows and door and insert a door adjacent to No. 4 Victoria Street and remove one window and retain one existing window.

Relevant Planning History

13/03/0604P: Use as Office. Approved with Conditions.

Consultee Response

Growth Lancashire

Site / Building / Location

The proposal site is a mid-late C19 end terraced property, constructed from coursed sandstone, with a slate roof. The property has simple stone detailing, including an eaves cornice, cills and lintels.

Designations

The key heritage issue for the LPA to consider is:

The impact of the proposal upon the character and appearance of the Whitefield Conservation Area.

Legislation

The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPAs should, in coming to decisions, consider the principal Act, which states the following:

Conservation areas – Section 72(1)

In undertaking its role as a planning authority the Council, in respect to any buildings or land in conservation areas, should pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

In relation to conservation areas decision makers should consider the impacts on the character and appearance of a conservation area separately, and development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

Planning Guidance and Policy

NPPF (updated 2024)

P207 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

P208 states Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

P210 of the NPPF states in determining planning applications LPAs should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

P212 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

P213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

P215 states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Local Plan

Pendle Local Plan Part 1: Core Strategy 2011-2030 (adopted 2015)

Policy ENV 1 Protecting and Enhancing Our Natural and Historic Environments

Policy ENV 2 Achieving Quality in Design and Conservation

Conservation Area Appraisal – Whitefield (2005)

Assessment

I have reviewed the submission documents, which include the existing and proposed plans and elevations and a brief Heritage Statement. Whilst the submission documents provide a Heritage Statement, it is limited in its information and fails to provide an assessment of the heritage assets or a Heritage Impact Assessment, which is a requirement of P207 of the NPPF.

2 Victoria Street is part of the dense, grid pattern of terraced streets which form a significant part of the Whitefield Conservation Area.

It appears that this property along with the rest of the terraces along the road have been renovated as part of the Whitefield Townscape Heritage Initiative as they have a uniform appearance and new timber sliding sash windows.

No.2 displays many features common to the unified terraces in this and surrounding streets however the ground floor of its front elevation does differ from most of the rest of the street. Rather than the regular arrangement of one window and door to the ground and one directly above at first floor, the ground floor of the application property has a central doorway and a window either side. A substantial stone lintel above the ground floor openings and detailing to the light above the door and stone cills suggests that this arrangement has been in existence for some time. The property is slightly wider than the others in the terrace so it may be that it was designed as a larger property or alternatively as a shop. The Heritage Statement does not present any information to the contrary, so the informed assumption is that the present front elevation has heritage value and is illustrative of the different uses and layouts of the buildings in this and surrounding terraced streets.

The proposal is to remove one of the windows and the central door, effectively swapping these features over within the front elevation. The Heritage Statement presents the reason for this change as a desire for the resident to make internal changes to create a hallway.

The visual impact of the changes would create a misaligned front elevation. The current appearance of the building is clearly different from the rest of the terrace, but it is balanced and symmetrical. The proposal would create a building which would have misaligned openings (with the first floor above) and an unbalanced appearance in comparison with the surrounding uniform terraced properties. The result would be harm caused to the appearance of the individual property and the historical layout and appearance of the wider terrace and therefore, the conservation area.

Conclusion / recommendation

As I am required to do so, I have given the duty imposed by s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments.

For the reasons identified above, the proposal, currently outlined in the submission documents, represents (less than substantial) harm. As such the proposal fails to meet the duty to preserve under the Act and would need to be considered by the LPA under P215 of the NPPF. The Heritage Statement provided does not appear to identify any public benefits arising from the proposal – benefit appears to be to the property owner only.

If in undertaking that weighing exercise a positive balance cannot be achieved then the scheme would remain contrary to Chapter 16 of the NPPF, local policy ENV1 and ENV2 and the guidance

contained in the Whitefield Conservation Area Appraisal and the Conservation Area Design and Development Guidance - Supplementary Planning Document 2008.

LCC Highways

LCC Highways raise no objection.

Public Response

A site notice and press notice were posted and nearest neighbours consulted, with no responses received.

Relevant Planning Policy

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

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

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

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

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 Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) seeks to ensure that development within or adjacent to conservation areas should preserve and enhance the character of the conservation areas.

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

Whitefield Conservation Area Appraisal 2005

Officer Comments

Design & Impact on Conservation Area

The application site has permitted development rights removed by Article 4, therefore a full planning application has been submitted.

The Conservation Area Design and Development Guidance SPD seeks to preserve or enhance the character of the conservation area and to consider the context of the conservation area and the buildings within it.

Whitefield Conservation Area encompasses a planned settlement from the industrial revolution, with rows of terraces, mills for employment, schooling, worship and to meet everyday needs. It provides a uniformity in design and materials with grid pattern layouts.

The application site is a gable end terrace property which is larger than the terrace dwellinghouses on Victoria Street. The site is different in that it has a wider elevation, with a central door and windows either side, and very likely it was a shop, subsequently planning permission was given for office use. The site is now a dwelling house. On this terrace row it appears that the properties were renovated as part of the Whitefield Townscape Heritage initiative resulting in a uniform appearance and new timber sliding sash windows.

From outside No. 2 Victoria Street there are views though to St Marys Church with the cobbled lane drawing the eye to the setting of St. Mary's Church.

The front of the elevation is very attractive, it is different to the uniform terrace rows and clearly reads as a traditional shop or other use to the ground floor. The ground floor of the 2 Victoria Street has a central door and windows with side, with a substantial lintel above the ground floor openings, with details to the light above the door and stone cills and has been in place for some time. The site is wider than the terrace properties and designed to be a larger property of possibly a shop. The Heritage Statement does not indicate any other use. 2 Victoria Street illustrates different uses and layouts of buildings in this and the surrounding terraced streets

The proposal seeks to change the front elevation to appear more like a terrace dwelling house. The proposal would remove the door and relocate the door to be adjacent to No. 4 Victoria Street, a window would be removed and one window retained. The proposal would result in a section of wall between the proposed door and the existing window to be rebuilt, a condition could be placed for samples of the walling material to be submitted. The Heritage Statement details that the changes are to allow for an internal hallway to be formed.

The proposed changes to the front elevation would lose the symmetry to this front elevation and result in a misaligned front elevation. The existing frontage is different to the terrace rows but it retains the balance and symmetry, it would retain the cornice which would look odd and appear incongruous in this location. The proposed development would not appear as a terrace house nor as a shop front. The proposal would create a building which would have misaligned openings with the first floor above and an unbalanced appearance in comparison to the uniformed terraced rows. The proposed changes to the 2 Victoria Street would harm the appearance of 2 Victoria Street and harm the appearance of the historical layout and appearance of the wider terrace, it would harm the appearance of the conservation area.

The proposed changes to the front elevation of the property would result in a property that appears unbalanced in appearance with misaligned openings to the first floor above, it would result in an unbalanced appearance with the surrounding uniform terrace properties, and result in harm to the appearance of Whitefield Conservation Area, harm to the appearance of 2 Victoria Street and to the historical layout and appearance of the wider terrace.

Paragraph 215 of the Framework requires the "public benefit" of the scheme to be balanced against any harm. The proposed development would not provide any public benefits, as the scheme would solely benefit the private individual. The proposed development would represent a low level of less than substantial harm to Whitefield Conservation Area. The alterations to the front would not be a sympathetic addition to 2 Victoria Street and the appearance of the wider terrace

and the conservation area and would be visually prominent from public vantage points. The proposal fails to accord with Policy ENV1 and Policy ENV2 of the Local Plan Core Strategy, and contrary to Chapter 16 of the National Planning Policy Framework and contrary to the Conservation Area Design and Development Guidance Supplementary Planning Document.

Residential Amenity

The proposal seeks to make alterations to the front elevation. The proposal would move the door to be adjacent to the No. 4 Victoria Street existing door, as No. 2 and No. 4 are next to each other there would be an impact to No. 4 with more coming and goings, however this is a residential area, there would be no greater impact than that which is already existing. The proposal would remove one window and retain an existing window, it would have no greater impact than that which is already existing.

Therefore, the proposed development would have no unacceptable impact on the residential amenity of neighbouring properties and would conform with Policy ENV2 and the Design Principles SPD.

Highways

LCC Highways have no objection to the proposal and would have no significant impact on highway safety and capacity in the immediate vicinity.

RECOMMENDATION: Refusal

1. The proposed development by virtue of its position on a prominent location of the conservation area, where public views of it would be highly prominent, the alterations to the front would remove an attractive frontage which has balance and symmetry, the development would appear uncharacteristic in this location, the visual impact would result in misaligned openings to the first floor and result in an unbalanced appearance to 2 Victoria Street, the uniform terraced properties and the historical layout and appearance of the wider terrace and Whitefield Conservation Area, it would present as poor design which impacts on the character and appearance of the conservation area and its setting and would impact on the wider views towards St. Marys Church. The proposal would result in less than substantial harm to the Conservation Area. This harm is not outweighed by any public benefits, contrary to paragraph 215 and paragraph 139 of the Framework, contrary to Policy ENV1 and Policy ENV2 of Pendle Local Plan Part 1 Core Strategy, contrary to Chapter 16 of the National Planning Policy Framework and contrary to the Conservation Area Design and Development Guidance Supplementary Planning Document.

Application Ref: 24/0770/HHO

Proposal: Full: Bricking up of existing doorway and replace existing window opening with a doorway opening to front elevation.

At 2 Victoria Street, Nelson.

On behalf of: Mrs Shugufta Tahseen.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 03RD FEBRUARY 2025

Application Ref: 24/0815/HHO

Proposal: Full: Erection of dormer windows to front and rear roof slopes and the erection of a single storey rear extension.

At: 17 Fountain Street, Nelson, Lancashire, BB9 7XU

On behalf of: Mr Bilal

Date Registered: 25.11.2024

Expiry Date: 20.01.2025

Case Officer: Negin Sadeghi

Site Description and Proposal

The application site is a two-storey mid-terrace property located on Fountain Street within the settlement boundary of Nelson. The property features brick and block walls, a dark pitched roof, and UPVC windows and doors. There is no provision for off-street parking.

The proposal involves the erection of dormer windows to the front and rear roof slopes and the erection of a single-storey rear extension. The development aims to create two additional bedrooms and a shower room on the loft floor, while extending the kitchen and lounge on the ground floor.

Relevant Planning History

22/0891/S215ES (EN: 05.10.2022) CLOSED: Enforcement Enquiry

Consultee Response

- LCC Highways: No objection.
- EHO Would like to see limitations on times of working.

Public Response

None

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Officer Comments

Design and Materials:

The proposed single-storey rear extension is located on the west side of the rear yard, leaving a strip of open yard to the east. The back street has a number of different designs and scale of rear extensions and the dormer would look acceptable in the context of what exists.

The site sits on a street that has a number of other dormers added. These dominate the street scene and another dormer would fit into the pattern of design in the locality. The use of materials is important to keep some uniformity of design and that can be controlled by condition.

The rear dormer, though less visually intrusive and there are permitted rights to erect rear dormers. There are no objection to this element. some instances, does not sufficiently mitigate the overall impact of the proposal.

Residential Amenity

The proposed dormers include windows on both the front and rear elevations, with no side windows. The front dormer would face properties across the street but would maintain sufficient separation to avoid any privacy concerns, consistent with the established relationships in the neighbourhood. At the rear, the dormer would overlook the host property's yard, the back street, and windows of the two-storey buildings on the opposite side of the back street. Given the existing rear-to-rear relationships, the dormer would not result in unacceptable overlooking or privacy issues. Therefore, the dormer elements of the proposal would not have a detrimental impact on residential amenity.

The proposed rear extension, featuring a dual-pitched roof, would extend 6.8m from the rear wall with a height of 3m. The dwelling at number 15 to the west has an extension with a blank gable which would attach to the proposed extension. There would be no amenity issues with that property.

The dwelling at nos 19 has windows at ground floor level. The proposed extension would be 6.9m long and would subtend a 45-degree line. Although set back from the joint wall its length and extent would have a detrimental impact on the living conditions of the occupants o number 19.

Highways

The proposed development would add two additional bedrooms to the dwelling, increasing the demand for parking. However, adequate on-street parking is available in the area, and its use would not compromise highway safety.

RECOMMENDATION: Refuse

The rear extension would have an unacceptable impact on the living conditions of the occupants of number 19. As a result, the proposal would conflict with Policy ENV2 of the Local Plan Part 1: Core Strategy, Paragraph 139 of the National Planning Policy Framework, and the Council's adopted Design Principles Supplementary Planning Document.

Application Ref: 24/0815/HHO

Proposal: Full: Erection of dormer windows to front and rear roof slopes and the erection of a single storey rear extension.

At: 17 Fountain Street, Nelson, Lancashire, BB9 7XU

On behalf of: Mr Bilal

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 03RD FEBRUARY 2025

Application Ref: 24/0832/FUL

Proposal: Full: Change of use from a vacant shop to a hairdressers (Use Class E(a)) and a cafe (Use Class E(c)); insertion of windows, install new shopfront and a bin enclosure to the rear.

At: 115 Manchester Road, Nelson, BB9 7HB

On behalf of: Mr Ismaeel Latif

Date Registered: 29/11/2024

Expiry Date: 24.01.2025

Case Officer: Negin Sadeghi

Site Description and Proposal

The application site is in the Whitefield Conservation Area opposite to St Mary's Church, a grade 2 listed building. There are terraced houses immediately to the rear and west side and a detached house to the south east.

The premises is a vacant shop with a range of window styles and flues which are currently on the building.

The proposal is to change the use to a shop and café.

Relevant Planning History

Application 16/0396/FUL. Refused to allow change of use to A1 and an A3 Café. Appeal against refusal allowed.

Consultee Response

LCC Highways: No objection as we note the principle has previously been established. Whilst the proposed change of use raises some highway safety concerns these are not to such an extent to support an objection as set out by the National Planning Policy Framework. The highway authority has also taken into account the planning approval (16/0396/FUL) allowed at appeal and the site's previous use as retail.

Public Response

Two letters objecting to the applicant have been received raising the following issues:

- There are parking issues already in the area.
- There are rat problems already
- Do not want the side street blocking

- Concern about the loss of privacy from the windows to the rear of the shop
- There is no need for another food establishment
- There will be an increase in smells
- Operating times will affect residential enjoyment
- A previous application was refused
- Customer parking on yellow lines
- There will be an increase in littering

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Officer Comments

The application was originally submitted to include the change of use from a shop to a hairdressers and a café. The application has since been amended to only include the physical changes which consist of the alterations to the shop front and the rear bin storage area.

The reason for the change is that the unit has been established to have a lawful use as a retail outlet. That was formerly in Use Class A1 of the Town & Country Planning Use Classes Order 1987 (as amended) ("the Use Class"). An application was made to change the use from the A1 use to an A3 café under application 16/0396/FUL. Since then the law has changed on use classes. The former A1 and A3 uses are now contained within a single use class which is Class E of the Use Class. Any uses that are within that class E category can take place without the need for any planning permission. The premises can therefore be lawfully used at any time as a hairdressers and café.

The consideration of the application revolves around the physical changes proposed.

Residential Amenity

The application does not propose to add any new windows to the building. The windows to the rear are not proposing to be replaced so the scheme will not alter the relationship with existing properties. As such privacy will not be affected and more or less than occurs presently.

A bin storage area is proposed to the rear of the site which face onto residential premises. The bins would be commercial bins associated with the operation of the café and hairdressers and would therefore have mixed waste within them. The bins would need to be covered.

Concerns have been raised about the possibility of the bins leading to rat problems and smells. The rear of the residential properties lie immediately opposite to the rear of the building. The bins are proposed to be located in an opening created in the building. A single vehicle width cobbled street lies between the site and the residential units. There is currently domestic bin storage to the rear of the houses. Were the proposed bins to smell there would be a potential nuisance to the neighbours. Properly used bins with sealed lids would prevent smells from emanating from them. That would not lead to a detrimental impact on neighbours.

Bins with lids on would also not be open to vermin to feed from.

With the correct use of bins with lids there would not be a detrimental impact on neighbours by way of smells or increased vermin.

Heritage and Conservation

The proposal is to alter the rear of the premises and to replace the shop front. This is in a conservation area facing a listed building.

The rear changes will have a benign impact on the conservation area and will not have any impact on its significance.

The current shop front is a mixture of styles and designs of window and, except for the Pallisters, not a historically significant shop front. The design is of top hung openings with modern tongue and groove boarded doors.

The first floor windows would remain the same with the changes being to the ground floor. The design of the ground floor windows would be simple and would replace the moderns tongue and groove boarding. The entrances would be recessed adding some depth to the frontage. Provided the profile of the aluminium coated windows is acceptable, this to be controlled by condition, the development would have a neutral impact on the historic significance of the conservation area. There would be no adverse impact on the setting of St Mary's Church, the grade 2 listed building opposite.

Highways

The use of the premises as a café is lawful and as such any highways impact relating to that are not for consideration as they do not require planning permission.

The only impact would be access for bin wagons to the bins. That is an infrequent occurrence and would be necessary regardless of where the bins were stored. There are no objections to the applications relating to highway concerns for bin collection.

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

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Plans, Existing Elevations, Existing Plans, Proposed Elevations.

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

3. The external materials to be used for the construction of the development hereby approved shall be as stated on the application form and approved drawings and shall not be varied without the prior written consent of the Local Planning Authority.

Reason: Those materials are appropriate for the development and site.

4. The materials to be used in the formation of the bin storage area shall match in colour, form and texture the existing materials on the rear of the building. Physical samples of the materials to be used on the replacement shop front shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The material used thereafter shall strictly match the approved materials

Reason: In order to allow the Local Planning Authority to assess the acceptability of the materials in order to ensure they are compatible with the conservation area.

5. The existing Pallisters on the front elevation shall be retained at all times..

Reason: In order to retain the features of historical importance.

Application Ref: 24/0832/FUL

Proposal: Full: Change of use from a vacant shop to a hairdressers (Use Class E(a)) and a cafe (Use Class E(c)); insertion of windows, install new shopfront and a bin enclosure to the rear.

At: 115 Manchester Road, Nelson, BB9 7HB

On behalf of: Mr Ismaeel Latif

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 03RD FEBRUARY 2025

Application Ref: 24/0836/FUL

Proposal: Full: Removal of existing wind turbine and the erection of a replacement wind turbine with associated development.

At: Doughty Farm, Back Lane, Southfield

On behalf of: Constantine Wind Energy Limited

Date Registered: 29/11/2024

Expiry Date: 30/01/2025

Case Officer: Alex Cameron

This application has been brought before Committee due to the number of objections received.

Site Description and Proposal

The application site is an existing 250kW wind turbine with a hub height of 30m and tip height of 44.5m in an agricultural field located within the open countryside. The site is approximately 420m to the west of the main cluster of buildings at Doughty Farm. The site would be accessed from Back Lane, along the existing tarmac farm lane, with a new roadway leading across the field to the proposed turbine. Footpath no.184 runs along the route of the access track from Back Lane, Footpath no.183 continues to run down to the farm and Footpath no.179 crosses the field approximately 100m from the base of the turbine.

The proposed development is the removal of the existing wind turbine and erection of replacement wind turbine with a hub height of up to 50m and a tip height of 76m.

Relevant Planning History

13/12/0593P - Full: Erection of a single 250kw wind turbine (Hub height 30.4m, overall height 45.4m), including new access track and underground cable. Approved

13/14/0238P - Full: Installation of new access, cable trench and ancillary infrastructure to serve wind turbine. Approved

13/14/0327P - Full: Variation of Condition: Vary Condition 8 (Noise) of Planning Permission 13/12/0593P. Approved

Consultee Response

LCC Highways – No objection subject to conditions for a construction traffic management plan and scheme for widening of the site access and a note relating to highways works.

PBC Environmental Health – No objection subject to a condition controlling noise levels.

NATS Safeguarding – No objection

Public Response

Site notice posted and nearest neighbours notified – Responses received objecting on the following grounds:

- Noise impacts on surrounding area and dwellings nearby
- Impacts of low frequency infrasound on human health
- Concerns that the exiting turbine results in unacceptable noise impacts and those will be exacerbated
- The noise data was collected during a period of low wind speeds and so is not representative of normal conditions
- Impact from shadow flicker
- Impact on birds and bats
- Impact on habitats
- Harm to the landscape and scenic beauty of the area
- Concerns about extent and timing of publicity
- Effect on property values
- The alternative of battery storage should be considered

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

Policy ENV3 (Renewable and Low Carbon Energy Generation) states that the Council will encourage new developments that are appropriate to their setting and make a positive contribution towards increasing levels of renewable and low carbon energy generation in Pendle. All proposals must be accompanied by appropriate supporting evidence which can include landscape, visual, noise and environmental assessments. Applicants must demonstrate that satisfactory mitigation measures can be employed to offset any potentially negative impacts that are identified, or that the positive benefits of the scheme outweigh these impacts.

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

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 164 states that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;
- b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;
- c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.

Visual Amenity and Landscape Impact

The land is open countryside with no other special designation. The LCC report Landscape Sensitivity to Wind Energy Development in Lancashire (2005) identifies the area as having moderate sensitivity to wind energy development and that only small and possibly medium scale wind energy developments will be likely to be appropriate.

The report defines small scale wind energy developments as clusters of 2-5 1.3MW+ turbines. The proposed development is for a single up to 850kW turbine and therefore falls within the limits of small scale wind energy development for the purposes of this report.

The Framework requires that significant weight is given to the benefits associated with renewable and low carbon energy generation a proposal's contribution to a net zero future and that, in the case of applications for the repowering and life-extension of existing renewable sites, significant weight is given to the benefits of utilising an established site.

The turbine would be clearly visible from nearby dwellings, public vantage points and the surrounding landscape including public footpaths in close proximity. However, wind turbines by their nature are prominent features and both local planning policy and national planning guidance establish that, taking into account the wider environmental and economic benefits of proposals for renewable energy projects, they are acceptable features in rural locations with no special designation where it has been determined that they would not have a significant individual or collective impact.

There are a number of vertical features in the immediate landscape including trees, masts and pylons. Due to the size of the turbine and when viewed from a wider context, a more expansive landscape such as this moorland fringe, backed by larger hills, is an appropriate setting.

A number of photomontage viewpoints have been submitted showing both the existing and proposed turbine and these demonstrated that the proposed larger turbine would not appear unacceptably more prominent or have an unacceptably greater impact than the existing turbine. The proposed turbine would also not have an unacceptable cumulative impact together with other turbines in the vicinity. It will be seen against the skyline from certain view points, but due to the scale of the development and other features in the area, the wind turbine proposed would not appear unduly dominant or incongruous.

Taking into account the environmental benefit of the proposed turbine, which would more than triple the potential power output of the existing, the impact of the proposed turbine on the landscape and the visual amenity of the area is acceptable.

The proposed development is therefore acceptable in terms of visual amenity and landscape impact in accordance with policies ENV1 and ENV2.

Heritage Impact

The site lies within 800m of the nearest boundary of the Trawden Forest Conservation Area. The Area is characterised by the open land around the main settlement, with distinctive field patterns and boundary walls. Views of the turbine from the area would be intermittent due to the topography of the area and existing landform screening such as trees and planting. The introduction of such a development in this position, well away from the boundary and screened by the land, would not erode or impact on the character of the Conservation Area preserving its setting.

The site is approximately 1km from the boundary of Southfield Conservation area to the south west, whilst the wind turbine would be visible from within the northern edge of the Conservation Area, due to the distance and other vertical features in the landscape, including other existing wind turbines with the Conservation Area it would not cause harm to the Conservation Area's setting. From other parts of the Conservation Area the turbine would be screened by landform and trees.

The site is also visible from the Scheduled Monument Castercliff Hillfort 750m to the north west, due to the distance and other vertical features in the landscape the proposed replacement turbine would not cause harm to the Scheduled Monument's setting.

The proposed development would not result in any unacceptable heritage impacts.

Residential Amenity

A shadow flicker assessment has been submitted with the application, this identifies that two properties could potentially be affected by shadow flicker, Doughty Farm and Cock Leach. Doughty Farm is financially involved in the proposal Cock Leach is not.

The assessment models that Doughty Farm could be affected by shadow flicker for up to 48 days per year with a maximum duration of 42 minutes and Cock Leach up to 38 days and a maximum of 30 minutes.

This is under the thresholds that would necessitate mitigation, however it is recommended that in the event of a complaint a protocol be agreed in order to remove the possibility of future occurrences at the same time the flicker was evidenced.

The development would therefore not result in an unacceptable impact from shadow flicker.

A noise assessment to industry standard ETSU-R-97 guidance has been submitted with the application and additional clarification provided showing the predicted noise levels of the turbine

and that of the existing turbine. The noise level would be 2.6dB above the current noise level at the nearest non-financially involved property (Cock Leach), however, it would remain below ETSU-R-97 noise limits, which is the standard noise limit for wind turbines audible at residential properties. The development would therefore not result in any unacceptable noise impacts.

Concerns have been raised regarding the impact of low frequency noise, assessment of low frequency noise forms part of the ETSU-R-97 assessment and no unacceptable impacts have been identified.

Concerns have been raised that the noise data was collected at a time of low wind speed. This does not adversely affect the reliability of noise assessment as the noise data collected was to establish the baseline of background noise levels, with the existing turbine shut down.

Subject to a condition to ensure that the impacts are controlled the development is acceptable in terms of residential amenity in accordance with Policies ENV2 and ENV5.

Highway Issues

The proposed development would require access during construction and occasionally for servicing. The transport assessment explains that the largest component in a turbine of this size are the blades and tower which are up to 15m in length. Because of this, it is anticipated that none of the deliveries will be classified as abnormal loads and will likely use vehicles similar in size to a standard HGV trailer. Three possible delivery routes have been identified, which are all feasible but may require further consultation with LCC to establish any particular constraints. Construction traffic for delivery is expected to be carried out in a single day and there would be ongoing operational traffic for 1-3 months during the construction process. It is proposed to undertake improvement works to the existing access on Back Lane to ensure suitable visibility. Formal comments from LCC Highway Engineers have yet to be received, but based on the information provided the delivery and access arrangements do not appear to raise any adverse issues.

Ecology and Biodiversity

The application was submitted with a ecology report assessing the impact of the proposed development on ecology, including protected species. No unacceptable impacts on bats, birds or other protected species have been identified, and any impacts can be acceptably mitigated by timing of works and pre-development checks.

The development would impact over 25m² of habitat and therefore is required to provide a Biodiversity Net Gain (BNG) of 10%, it is proposed that this will be provided off-site, this can be ensured with the standard BNG condition and monitoring costs covered by a condition for a Section 106 agreement.

Conclusion

The proposed replacement wind turbine would not result in any unacceptable impacts and is recommended for approval.

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 The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 3369-12-SP-01, 3369-12-TSA-02 , 3369-12-EA-03, 3369-12-LP-04, 3369-12-EL-06A.

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

- 3 The colour of the turbine, blades and monopoles shall be in accordance with the approved plans and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: In the interest of visual amenity.

- 4 The planning permission hereby granted is for a period not exceeding 25 years from the substantial completion of the development; at the end of the 25 year period, the turbine shall be decommissioned and all related above ground structures shall be removed from the site.

A minimum of twelve months before the decommissioning of the turbine, a scheme for the restoration of the site shall have been submitted to the local planning authority and approved in writing.

The scheme shall make provision for the removal of the wind turbine and any associated ancillary equipment and shall include details of the management and timing of the works.

All decommissioning and restoration works shall be carried out in accordance with the approved scheme.

If the wind turbine hereby permitted fails to produce electricity for supply to Doughty Farm or the National Grid for a continuous period of 6 months the a scheme for the restoration of the site as set out above shall be submitted to and approved in writing by the local planning authority and the wind turbine shall be decommissioned and all related above ground structures shall be removed from the site in accordance with the approved scheme within 18 months of the last export of electricity to Doughty farm or the National Grid.

The turbine operator shall provide operational data for individual turbines to the local planning authority on reasonable request.

Reason: In the interest of visual amenity.

- 5 Within 4 weeks of full operation of the turbine the reinstatement of any temporary areas of the site used for the construction process such as the hardstandings and laying of cables shall be carried out in accordance with the details approved by the Local Planning Authority on the 28th May 2014.

Reason: In the interest of visual amenity.

- 6 The development shall be carried out in full accordance with recommendations set out in the submitted Preliminary Ecological Appraisal. No ground clearance works shall be carried out between 1st March and 31st August, unless and until details of a pre-construction breeding bird assessment has been submitted the Local Planning Authority and agreed in writing.

Reason: To ensure protection of the habitat of protected species.

- 7 No part of the development hereby approved shall commence until a scheme for the construction of the amended site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority.

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

- 8 No development shall commence until a Construction Traffic Management Method Statement (CTMMS) has been submitted to and approved by the Local Planning Authority in conjunction with the Highway Authority. The CTMMS shall include details relating to:
- Pre-construction highway condition survey and a subsequent scheme for the reinstatement of any highway verges, footways and carriageways disturbed or damaged by abnormal loads or construction traffic associated with the development;
 - Any temporary or permanent highway alterations and improvements necessitated by the development, including details of temporary warning signing;
 - Measures for reinstating the highway after the removal of any temporary works together with details of the timing of any remediation measures;
 - Construction vehicle routeing;
 - The management of junctions and crossings of the public highway;
 - The timing of delivery vehicle movements including turbine component delivery vehicles;
 - Details of banksmen/escorts of abnormal loads;
 - Traffic management of the existing highway network.

The development shall be carried out in accordance with the approved CTMMS at all times unless otherwise agreed in writing with the local planning authority.

Reason: To maintain the operation of through routes in the area during the sites period of construction and to ensure the safety of other highway users.

- 9 The noise emissions from the wind turbine shall not exceed a sound pressure level of 35dBLA90,10mins, within the curtilage of any lawfully existing non-financially involved dwelling at wind speeds up to and including 10 metres a second at hub height. Noise from the turbine shall be measured, at a point within the curtilage nearest to the turbine, at a height of 1.2m and at a minimum distance 3.5 metres from the facade of any relevant noise sensitive property.

Following notification from the Local Planning Authority that a justified noise complaint has been received, the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, by a method to be approved in writing by the Local Planning Authority, whether the noise from the turbine meets the specified level.

The assessment shall be commenced within 21 days of the notification, or such longer times as approved in writing by the Local Planning Authority. A copy of the assessment report, together with all recorded data and audio files obtained as part of the assessment, shall be provided to the Local Planning Authority (in electronic form) within 60 days of the notification.

In the event that the specified threshold is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the aforementioned noise level specified. The development shall then be undertaken in accordance with the approved details. The operation of the turbine shall cease if the specified level is confirmed as being exceeded.

Reason: In the interest of residential amenity.

- 10 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 provide for the impact of the development on local secondary school provision and to support the implementation of the Travel Plan.

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

Application Ref: 24/0836/FUL

Proposal: Full: Removal of existing wind turbine and the erection of a replacement wind turbine with associated development.

At: Doughty Farm, Back Lane, Southfield

On behalf of: Constantine Wind Energy Limited

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 03RD FEBRUARY 2025

Application Ref: 24/0887/HHO

Proposal: Full: Erection of front and rear dormers to facilitate a loft conversion and chimney removal.

At 26 Cumberland Street, Nelson, Lancashire

On behalf of: Mr M Abbas

Date Registered: 30.12.2024

Expiry Date: 24.02.2025

Case Officer: Athira Pushpagaran

This application has been called to committee by the Chairperson.

Site Description and Proposal

The application site is a mid-terrace dwelling, located in a residential area within the defined settlement boundary of Nelson. The main access is from Cumberland Street. The original dwelling has stone walls, a pitched roof of slate tiles and UPVC doors and windows. Except a dwelling within the terrace across the road from the application site which has flat roof front dormer there is no context of other flat roof dormers visually related to the site.

The proposed development is the insertion of dormer windows to front and rear roof slopes.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

Having reviewed the documents submitted, Lancashire County Council acting as the highway authority makes the following comments. The proposed development would increase the number of bedrooms from two to four. There is no associated off-road parking, nor can any be provided. The property is located within a row of terraced housing where there is a high demand for the existing on-road parking, which is limited. Whilst this raises concerns, as the increased demand for on-road parking can be difficult to absorb without causing loss of amenity for existing residents, these are not to such an extent to raise an objection. The highway authority also notes that the site is within acceptable walking distance of local amenities and facilities including public transport on Leeds Road, which may reduce the reliance on the use of private vehicles.

Parish/Town Council

No response

Public Response

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

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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 area situated within the 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 care should be exercised with the insertions of dormers, to ensure that their design is in keeping with the dwelling and that they do not overlook neighbouring property. In general, dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms. The front wall of a dormer should normally be set back at least 1m from the front elevation and 0.5m from either side, to prevent it having an overbearing effect on the street scene and adjoining properties.

The proposal is for flat roof dormers to the front and rear roof slopes. Both the dormers would be set back from the respective front and back elevations by only circa 0.3m and would span almost the entire width of the roof. The dormers would dominate the entire roof slope of the dwelling and would have a harmful effect upon the character and appearance of the original dwelling. To the front elevation, this also has a wider effect on the street scene in a terrace which has a simple and uninterrupted roof line especially since dormers are not a characteristic feature of the locality. The

proposed dormers are to be clad with grey hanging tiles with white UPVC windows and a dark grey membrane roof. Whilst to the rear a dormer may be inserted under Permitted Development rights in some circumstances, one of the conditions within the Permitted Development Order is that the materials are similar in appearance to the existing roof materials. The materials for both the dormers differ from the original slate roof of the dwelling. However, to the rear elevation there would not be an unacceptable impact upon the visual amenity of the area. The front dormer would cause harm to the character and appearance of the original dwelling and have a wider impact upon visual amenity.

Overall, due to the dominance of the dormer to the front roof slope this development is unacceptable in this location and as such conflict with Policy ENV2, the Design Principles SPD.

Residential Amenity

The proposed dormer is to have a window to the front elevation. There would be no windows to the side elevation. The proposed dormer would be no closer to the dwellings on the opposite side of 26 Cumberland Street than the existing front elevation windows, as such they would not cause any greater neighbouring amenity issue. Similarly, the dormer to the rear is to have two windows – a bedroom window and a bathroom window, facing the gable end of 17 Newport Street which only has an obscure glazed window on this side. The proposed development in this case would not result in any unacceptable impact on the residential amenity of neighbours.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Highways

The development raises no issues of highway safety.

RECOMMENDATION: Refuse

1. By virtue of its position to the front elevation of the dwelling, the proposed dormer would have an unacceptable impact upon the design of the original dwelling and in turn cause harm to the wider character and appearance of the street scene, in conflict with Policy ENV2 of the adopted Local Plan: Part 1 Core Strategy and the adopted Design Principles SPD.

Application Ref: 24/0887/HHO

Proposal: Full: Erection of front and rear dormers to facilitate a loft conversion and chimney removal.

At 26 Cumberland Street, Nelson, Lancashire

On behalf of: Mr M Abbas

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 08th January 2025