

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

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 3RD MARCH 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 MARCH 2025

Application Ref: 24/0264/FUL

Proposal: Full: Erection of a three storey building to create 3 no. flats.

At Storage Land To The North West Of 51 To 61 Milton Street, Nelson

On behalf of: Mr. Mohammed Aslam

Date Registered: 17/7/2024

Expiry Date: 11/9/2024

Case Officer: Neil Watson

Site Description and Proposal

The application site sits below the motorway on the north side of Nelson. It comprises of a rectangular section of land facing onto terraced houses to the east and south.

Relevant Planning History

None relevant.

Consultee Response

Environmental Health: Concerned about noise and vibration from the motorway and construction noise during construction. Suggest conditions including to protect the occupants from the noise from the motorway.

LCC Highways. No objection subject to the following conditions:

1. No development shall take place, including any works of clearance, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for: i) The parking of vehicles of site operatives and visitors ii) The loading and unloading of plant and materials iii) The storage of plant and materials used in constructing the development iv) The erection and maintenance of security hoarding v) Wheel washing facilities vi) Measures to control the emission of dust and dirt during construction vii) A scheme for recycling/disposing of waste resulting from demolition and construction works viii) Details of working hours ix) Routing of delivery vehicles to/from site

Reason: To mitigate the impact of the construction traffic on the highway network.

2. Pre-commencement and post completion surveys of Beddington Street to include a written and photographic record of all defects should be submitted to the Local Planning Authority for approval. Any damage to the surface of the carriageway or footway during the construction phase shall be repaired by the developer under an agreed timetable which shall be submitted for approval.

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

3. The new site accesses on Milton Street shall be constructed to Lancashire County Council's specification prior to the first occupation of the development hereby permitted (see informative note).

Reason: In the interest of highway safety.

4. The car parking shall be constructed in a bound and porous material prior to the first occupation of the development hereby permitted.

Reason: In the interest of highway safety to prevent loose surface material from being carried onto the public highway where it could pose a hazard.

5. Secure, covered cycle storage for at least three cycles shall be provided prior to the first occupation of the development hereby permitted in accordance with a scheme to be approved by the Local Planning Authority.

Reason: To support sustainable forms of transport.

6. Prior to first occupation of the approved development an electric vehicle charging point per flat shall be provided in accordance with a scheme to be approved by the Local Planning Authority. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To support sustainable forms of transport. 4 7. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level on Milton Street which would obstruct the 45°visibility splays as shown on the 1:200 Site Plan submitted on 24 April 2024. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development. Reason: To ensure adequate inter-visibility between drivers and pedestrian traffic, in the interests of highway safety

United Utilities: Object based on there not being information on the line of a public sewer that may be affected.

Wish to see the following conditions applied:

1 – Foul and Surface Water Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems. The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

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

Paragraph 202 of the National Planning Policy Framework ("the Framework") states:

Where a development proposal will 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.

Officer Comments

The application site is triangular in shape. It sits below the motorway embankment in a residential area. A main sewer crosses the site.

The principle of having a housing development on the site is acceptable. In the position the property is in a three storey building of the design chosen would fit acceptably into the general design of the area. There would not be any unacceptable privacy issues with the main issue being the bedroom windows facing the dwellings onto Beddington Street. The relationship is across a street and although within the 21m normally expected between windows the fact that there is a road in between means a lesser standard can be accepted.

There are no highway impediments to bringing the site forward and it could be acceptably drained with appropriate conditions.

Other matters such as the use of materials and noise impacts can be controlled through conditions as can biodiversity net gain.

The main issue is that there is a main sewer crossing the site. The applicant has been asked to locate that to ensure the infrastructure is not affected and that the building can be built. The applicant has declined to provide this.

This cannot be conditioned as locating the sewer and protecting it needs to be dealt with at this stage of the application process as without it there is no assurance the development can proceed.

RECOMMENDATION: Refuse

The applicant has failed to provide information as to the structural stability of the site and the impact on important infrastructure. The development is thus contrary to paragraph 196 of the National Planning Policy Framework.

Application Ref: 24/0264/FUL

Proposal: Full: Erection of a three storey building to create 3 no. flats.

At Storage Land To The North West Of 51 To 61 Milton Street, Nelson

On behalf of: Mr. Mohammed Aslam

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

Application Ref: 24/0294/TDC

Proposal: Technical Details Consent: Erection of 4 no. dwellings of Permission in Principle 23/0092/PIP

At: 27 Highgate, Nelson

On behalf of: Mr Ajaz Aslam

Date Registered: 26/06/2024

Expiry Date: 17/10/24

Case Officer: Neil Watson

Site Description and Proposal

This application is for the approval of technical details pursuant to a permission in principle. The application is for 4 dwellings.

The application site is accessed via an existing residential estate. The land rises sharply away from the access road to the south where rocks are visible.

Relevant Planning History

23/0092/PIP Approve the principle of development.

Consultee Response

positive approach United Utilities. No objection but wish to see the following condition attached:

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iii) (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems. The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in

accordance with the approved details and retained thereafter for the lifetime of the development. Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution

Coal Authority: Conclude there is no risk from the shallow mine workings. There is a risk that mine gas may exist

Lancashire Fire and Rescue: Refer to the Building Regulations

LCC Highways:

The National Planning Policy Framework (NPPF) states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' (Paragraph 115).

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

Proposed development

Although the submitted description of the development states six dwellings the plans submitted show a reduction to four dwellings. Site access and off-site highway works The site is proposed to be accessed from the existing turning head on Highgate, which forms part of the highway network maintained at public expense. The Proposed Site Plan (Drawing 02C) shows the publicly maintained service verge along Highgate, including around the turning head.

Notwithstanding the proposed footway shown on Drawing 02C the location of the footway remains to be determined as part of the legal process (Section 278) with the highway authority due to site ground levels, location of services or other on-site conditions.

The formation of the new vehicle access from Highgate to the development site and the off-site footway works would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 5.5m, radius kerbs, the possible re-location of street lighting column No 7 and a street lighting assessment. In addition the works should include the construction of a section of 2m wide footway (approx. length 60m) to an appropriate standard including dropped vehicle crossings to existing driveways and any dropped, tactile paved pedestrian crossings necessary.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process and should not wait until condition discharge stage. Due to the high volume of agreement submissions currently being received by the county council this process can take at least six months to complete. No works should be undertaken within, or which affect, the highway network maintained at public expense without the necessary agreement first being in place in order to prevent legal action from being taken against the developer.

Internal layout

Due to the small number of new dwellings, Lancashire County Council would not seek to formally adopt the access road and associated infrastructure. Nevertheless, the road should still be constructed to the county council's specification and should include street lighting and surface water drainage. As the road would not be considered for adoption a private maintenance and management company would need to be established for its future management and maintenance.

Based on the ground levels shown on the Proposed Site Plan (Drawing 02C) the estate road would have a 1:24 gradient. The construction of the access road should be controlled by condition to ensure that the road is constructed to this gradient and not any steeper.

Refuse collection

The swept path analysis provided on Drawing 02C appears to demonstrate that a refuse vehicle can enter the development in forward gear, manoeuvre internally and leave in forward gear.

Car & cycle parking

Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, maximum parking standards should be applied to this site which would be three car parking spaces for a four bed property. The proposed single integral garages are considered adequately sized internally to provide one car parking space together with secure storage for at least two cycles and also an electric vehicle charging point. Two further car parking spaces per dwelling are proposed on the hardstanding/driveway. The highway authority therefore considers that an adequate level of parking can be provided.

The use of the garages for car parking should be controlled by condition to ensure that there would be no future loss of parking provision.

General

Due to the significant earthworks required at the site and its location within a residential estate a Construction Method Statement and plan would have to be provided. This should include, but not be exclusive to, the timing of movements by HGVs during the site clearance and construction phases to avoid peak traffic on the surrounding highway network; parking for operatives; means of wheel washing and mechanical road sweeping.

The following conditions and informative note should be applied to any formal planning approval granted.

Conditions

1. No development shall be commenced until a scheme for the construction of the site access and off-site highway works to include a footway on one side of Highgate for its full length has been submitted to and approved in writing by the local planning authority. The works shall be constructed in accordance with the approved details prior to first occupation, unless otherwise agreed in writing with the local planning authority.

Reason: For highway and pedestrian safety.

2. No development shall take place, including any works of site clearance, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Wheel washing facilities and mechanical road sweeping

- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from clearance and construction works
- viii) Details of working hours
- ix) Timing of HGV movements
- x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

2. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the access road proposed have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.
3. Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.
4. Within three months of the start of development details of the proposed arrangements for the future management and maintenance of the proposed access road within the development, including written confirmation that it will not be offered to the highway authority for adoption, shall be submitted to and approved by the local planning authority. The road shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the street infrastructure serving the approved development; and to safeguard the users of the street and visual amenities of the locality.

5. The new internal access road from Highgate shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site and fully 4 constructed to final road levels as shown on the Proposed Site Plan (Drawing 02C) prior to occupation of the first dwelling.

Reason: In the interest of highway safety.

6. The new internal access road shall be constructed to a gradient no steeper than 1:24.

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

7. The proposed 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 areas including garages shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

Environmental Health: Concerns about land being potentially contaminated and construction impacts. Wish to see conditions attached relating to both.

Public Response

5 responses received concerned about:

- Land safety and stability
- Drainage
- Natural environment
- Local community impacts
- Impacts on personal health.
- Construction vehicles

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

Colne Neighbourhood Plan

Policy CNDP3 (Design in Colne and the Colne Design Code) sets out that high quality, beautiful and sustainable buildings and places will be supported. It also sets out that buildings should respond to the urban character area within which it is located.

Officer Comments

The application is to approve the technical details of the proposal to erect 4 dwellings.

Residential Amenity

Plot 2 lies above the existing dwelling at number 27. A timber fence is proposed at 1.8m high to prevent some direct overlooking. Provided that is in place there would be no unacceptable impact on the existing dwelling number 27.

The relationship of the houses and existing dwellings is otherwise acceptable and will not lead to a loss of privacy.

Design

The proposed houses are two storey dwellings made of brick under slate roof. They are located in a residential area with modern dwellings below. The design would fit into the design of the area acceptable.

Coal Mining

A coal mining risk report has been submitted with the applications and reviewed by the Coal Authority. This occludes that the development would not be at risk of subsidence.

Ground Stability

The rear of the site has a proposal to deal with the high bank and to stabilise the bank. Initial proposals have been put forward but these need to be the subject of more detailed design calculations. This will have to be controlled by condition with no other work being allowed to start on site until these have been approved.

Drainage

BNG

A metric and a ecological report has been submitted. This shows that there would be a net loss of ecological units. There would have to be off site provision and some onsite. That would be the subject of the mandatory BNG condition.

Highways

The development would have a safe and adequate estate road into it. There would be adequate off street parking. Highways have suggested conditions to control the design of the estate road and the relevant conditions are set out below.

Ecology

There are some trees on site which would be lost by the development. These are not good specimens and will be augmented by the landscaping scheme. The site otherwise has no specific ecological value.

Contamination

A risk assessment has been submitted with Thea application. This suggests that there is a risk of contamination and from gases. A intrusive report will be needed by condition.

Other issues

Other issues have been raised in relation to access to private properties and inconvenience during construction. The construction process will be controlled by condition.

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: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Temporary Cut Assessment Rev A , AS/01A Dwg 02D, AS/01A Dwg 03, , AS/01A Dwg 04C, , AS/01A Dwg 06B, , AS/01A Dwg 00, , AS/01A Dwg 01, , AS/01A Dwg 05, Town & Country Planning Act 1990 Town & Country Planning (Technical Details Consent) (Amendment) Order 2017 GRANT OF PLANNING PERMISSION (TECHNICAL DETAILS CONSENT).

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

3. No development whatsoever shall commence on site unless and until a full engineering report has been submitted to and approved in writing by the Local Planning Authority. The report shall provide structural calculations and a design for the method of retaining the bank to the rear of the site. It shall also set out the timing for the provision of the work in relation to the development of the remainder of the site. The works shall thereafter be undertaken in strict accordance with the approved design and timing.

Reason: In order to ensure the site is developed and that the land is stable to prevent a danger to the occupants of the dwelling.

4. Prior to the commencement of development samples of all the external facing materials, boundary treatment and all hard surfacing, including parking areas and paving of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

5. Prior to the first occupation of the dwelling on plot 2 the 1.8m high fence shown on drawing "Temporary Cut Assessment Rev A shall be provided. It shall thereafter be retained.

Reason: In order to ensure the privacy of the occupants of number 27.

6. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- a. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - b. A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations); (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - c. (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - d. Foul and surface water shall drain on separate systems. The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution

7. Samples of the materials to be used on the walls, windows and doors of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before they are installed on site. The materials used the after shall strictly accord with the approved details. The materials to be used on the roofs shall be natural slate.

Reason: In order to ensure the external appearance of the dwellings is acceptable.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

8. Prior to the commencement of development, a scheme of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

9. The recommendations detailed in the Preliminary Ecological Appraisal shall be carried out prior to any above ground works at the site. Any further necessary mitigation measures identified should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any further development. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To protect natural species and their habitats.

10. Prior to the commencement of development a scheme for the construction of the site access shall be submitted to and approved in writing by the Local Planning Authority. All works shall be implemented in accordance with the approved scheme.

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.

11. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the highway to the detriment of road safety.

12. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Measures to control the emission of dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works
- vii) Details of working hours

Reason: To minimise the impact and disruption to highway users

13. Prior to first occupation the dwelling shall have an electric vehicle charging point.

Reason: To encourage sustainable travel.

14. The car parking shown on the approved plans shall be constructed, laid out and surfaced in a bound porous material and made available prior to the first occupation of the dwelling. The spaces shall thereafter at all times be retained for the parking of cars associated with the occupants of the dwelling.

Reason: In order to ensure the site is provided with adequate off-street parking in the interests of highway safety.

15. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following: **a.** the exact location and species of all existing trees and other planting to be retained; **b.** all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities; **c.** an outline specification for ground preparation; **d.** all proposed boundary treatments with supporting elevations and construction details; **e.** all proposed hard landscape elements and paving's, including layout, materials and colours; **f.**

the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas. The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

16. No development shall be commenced until a scheme for the construction of the site access and off-site highway works to include a footway on one side of Highgate for its full length has been submitted to and approved in writing by the Local Planning Authority. The works shall be constructed in accordance with the approved details prior to first occupation, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For highway and pedestrian safety.

17. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the access road proposed have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

18. Within three months of the start of development details of the proposed arrangements for the future management and maintenance of the proposed access road within the development, including written confirmation that it will not be offered to the Highway Authority for adoption, shall be submitted to and approved by the Local Planning Authority. The road shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the street infrastructure serving the approved development; and to safeguard the users of the street and visual amenities of the locality.

19. The new internal access road from Highgate shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site and fully 4 constructed to final road levels as shown on the Proposed Site Plan (Drawing 02C) prior to occupation of the first dwelling.

Reason: In the interest of highway safety.

20. The new internal access road shall be constructed to a gradient no steeper than 1:24.

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

21. The proposed 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 areas including garages shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

- 22.** Prior to the commencement of development an intrusive site investigation into the potential contamination on site and potential for methane gas and a full remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall then only proceed in strict accordance with the approved details. A validation Report shall be submitted to and approved in writing by the Local Planning Authority at the end of the development. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

Reason: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed and that the site can be made suitable for the proposed use and does not pose a risk to future users of the site or the wider environment.

BNG Condition

Development may not be begun unless:

- (a)** a biodiversity gain plan has been submitted to the Planning Authority; and
- (b)** The Planning Authority has approved the plan.

NB: A section 106 Agreement will be required for any off site BNG provision and any monitoring costs associated with that for Pendle Borough Council.

Application Ref: 24/0294/TDC

Proposal: Technical Details Consent: Erection of 4 no. dwellings of Permission in Principle 23/0092/PIP.

At: 27 Highgate, Nelson

On behalf of: Mr Ajaz Aslam

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

Application Ref: 24/0452/FUL

Proposal: Full: Conversion and extension of an outbuilding to form 1 no. dwelling.

At 17 Highgate, Nelson

On behalf of: Mr Atiq Rehman

Date Registered: 7/10/24

Expiry Date: 2/12/24

Case Officer: Neil Watson

Site Description and Proposal

The application site forms part of the residential curtilage of 17 Highgate. The curtilage comprises of a detached house sitting to the south east part of the land with a gap to the house to the west. An outbuilding has been constructed in between.

The proposal seeks to add to the size of the outbuilding an add another storey and for this to create a new dwelling

Relevant Planning History

23/0548/HHO Full: Formation of tarmac drive, installation of retaining structures and the erection of a standalone garage /gym structure. Approved 4/10/23.

Consultee Response

Highways: No objection but request conditions

1. Prior to first occupation the parking and maneuvering areas shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials and thereafter always remain available for the parking of vehicles associated with the approved annexe and shall be kept free from obstructions in perpetuity.

Reason: In the interest of highway safety to ensure that satisfactory levels of parking and maneuvering are provided within the site.

2. Prior to first occupation a secure, covered cycle store shall be provided at the dwelling.

Reason: To support sustainable travel.

Environmental; Health: Wish to see construction hours limited.

The Coal Authority: No objection subject to the following conditions:

1. No development shall commence until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Public Response

Several objections have been received raising the following points:

- The development will result in loss of privacy to neighbours.
- A resident suffers from a disease and the thought of the extension is making this worse.
- Another resident suffers from depression and this could cause significant onsets
- The law is clear that if any planning for building causes medical issues to worsen the development must not go ahead.
- I enjoy long views which this development will block
- It will affect the privacy of nos. 19 and light.
- Trees have already been removed.
- It will impact on the beautiful landscape of Highgate.
- The original gym would not have affected privacy.
- Local wildlife affected.

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

Officer Comments

The application site lies in an urban area with the settlement limits of Nelson as defined in the adopted Local Plan. There are no designations on the site which would impact on the potential to develop it for housing. The principle of development is therefore acceptable.

The main issues for the site are the impacts on neighbours, design, coal mining and highway safety.

Design and Visual Amenity

The development lies in an urban area. Leading to it is a range of houses with different design types. Beyond the site going into Highgate is a modern housing estate with properties of a similar modern style. The house on the application site is different in design to those surrounding.

The approved gym was a single storey structure with stone cladding for the external walls. The proposal is to continue with the use of those materials but add a second floor with a pitched roof.

The design would be different to the housing estate beyond but so are the properties leading up to it. The design would reflect the nature of designs up to the housing estate which are mixed with them being more homogeneous into the estate. On balance the design would not unacceptably affect the street scheme or character of the area.

A curtilage for each dwelling has not been set out on the submitted plans. This could be controlled by a condition to ensure that there is no unacceptable loss of privacy or amenity between the two sets of occupants. It would also ensure that there would be adequate private garden and recreation space for the occupants of both houses.

Residential Amenity and Living Conditions

The dwelling would lie 25m from 4 Highgate which is situated opposite on the other side of the estate road. It lies behind a hedge and faces to the east. There would be no loss of privacy or amenity with that dwelling.

The dwelling adjacent at nos 19 has a blank gable facing the proposed dwelling. A stairwell window would face the side. As it is facing a blank elevation there would be no loss of privacy.

The proposed dwelling would extend beyond the rear of nos 19. It would not however breach a 45 degree line from the rear of that property and there would be a gap. There would not be any adverse unacceptable impact on the living conditions of the occupants of number 19.

The development would have a direct view of the rear of 23 Highgate. That would be into a conservatory. That would be a distance of 19m which would be within the 21m advised. This would lead to an unacceptable impact and loss of amenity with direct views into the rear conservatory. The applicant has put forward a proposal to obscurely glaze the two first floor windows. That would prevent any overlooking and would alleviate the privacy concerns.

Coal Mining

A coal mining risk assessment has been submitted. That is adequate for stage one but further investigation needs to happen. That can be controlled by condition.

Highways

The development would have a safe access and space for 2 cars to

Other Issues

Comments have been made about loss of view. The planning system does not protect one person's interests from another person's. The loss of a private view is not a material planning consideration. The impact on the public environment is relevant and that is discussed in the Design section.

A construction code as requested by Environmental Health could be added by condition as could the requirement to provide foul and surface water systems.

RECOMMENDATION: Approve

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: LU279P203C, LU279P202.

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

3. No windows other than those shown on the approved drawing LU279P203C shall at any time be inserted in the rear elevation. The first floor windows on the rear elevation shown on the approved drawing LU279P203C shall at all times be obscurely glazed to level 5 and shall be hung in such a way so as to prevent overlooking when the windows are open.

Reason: In order to protect the privacy of the occupants of the adjoining dwelling.

4. The facing materials to be used externally on the development hereby authorised shall be as stated on the plans and application forms.

Reason: These materials are appropriate for the design of the property.

5. The car parking space on the site shall at all times be available for the parking of a car in association with the residents of the property.

Reason: To ensure that there is car parking available on the site to prevent excessive parking on the estate road.

Application Ref: 24/0452/FUL

Proposal: Full: Conversion and extension of an outbuilding to form 1 no. dwelling.

At 17 Highgate, Nelson

On behalf of: Mr Atiq Rehman

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

Application Ref: 24/0542/FUL

Proposal: Full: Change of use with extensions from an agricultural building to a holiday let (Use Class C3).

At: Agricultural Building And Land To The West of Southfield House, Southfield Lane, Southfield.

On behalf of: Mr. F Owen.

Date Registered: 17/09/2024

Expiry Date: 12/11/2024

Case Officer: Neil Watson

Site Description and Proposal

The application site is an L-shaped detached agricultural barn of breeze block plinth with timber planks above and a pitched roof of corrugated sheets. The site is within the open Countryside and within the Southfield Conservation Area, there are listed buildings within the vicinity of the site, in particular the Southfield Methodist Church and Barn are Grade II listed. There are single storey agricultural buildings south of the site, and fields to the other sides.

The proposal is for a change of use of an agricultural building to a dwelling house (Use Class C3) to form a four bedroom holiday let with on-site parking and external amenity area. There will be other works over and above the change of use to alter the roof and add features to the building.

There is a slurry pit next to the curtilage of the listed building.

Relevant Planning History

17/0527/AGD: Prior Approval Notification (Agricultural to residential): Proposed change of use of agricultural building to dwelling house (C3) (Class QA). Withdrawn 5th October 2017.

Consultee Response

LCC Highways

PROPOSAL: Full: Change of use from an agricultural building to a holiday let (Use Class C3). AT: Agricultural building & land to the West of Southfield House, Southfield Lane, Southfield

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 subject to the following comments being noted and conditions being applied to any formal planning approval.

Car & cycle parking

A minimum of three car parking spaces should be provided for the number of bedrooms proposed as more than one household may stay at the property. The Proposed Site Plan submitted is not to scale and therefore a properly scale parking plan should be provided. The internal maneuvering area should also allow vehicles to enter and leave in forward gear. A minimum distance of 6m from the rear of a vehicle would be required.

The applicant has proposed the installation of two electric vehicle charging points. These 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.

Secure, covered cycle storage for at least four cycles shall be provided as there are no outdoor buildings or suitable internal storage space. This is to ensure that there are adequate storage facilities for tourists staying in the holiday let to leave their cycles on site when not in use.

Public Rights of Way

There are no Public Rights of Way through the development site but Public Footpath ref FP13-06-042 Nelson passes immediately adjacent to the site's access. However it is unlikely that the development will have a negative impact on this Public Footpath or its users.

Restriction of use

The highway authority notes the condition applied to an adjacent site, approved as a holiday (planning permission ref 19/0472/FUL), restricting the site's use as holiday let only (Condition 8). The authority recommends that the same or a similar condition is applied if planning approval is granted for this application to ensure that the site's use does not generate traffic movements which have not been properly assessed.

The following conditions should be applied to any formal planning approval granted.

Conditions

1. Notwithstanding the plans submitted a car parking and maneuvering scheme for at least three cars shall be submitted to and approved in writing by the Local Planning Authority and shall be provided prior to first use of the approved development. The car parking and maneuvering areas shall be surfaced in a bound porous material and shall be retained thereafter.

Reason: In the interest of highway safety to ensure that an adequate level of car parking and maneuvering is provided on site and retained thereafter.

2. Prior to first occupation of the approved development two electric vehicle charging points shall be provided in accordance with a scheme to be approved by the Local Planning Authority. Charge

points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development supports sustainable forms of transport.

3. Prior to first occupation of the approved development secure, covered cycle storage for at least four cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

Reason: To ensure that the development supports sustainable forms of transport.

Parish Council

No comment.

PBC Environment Officer (Trees)

There is to be development works on the site in the form of cladding with stone therefore, the trees are classed as a constraint. If you are minded to approve the application, please set a condition for an Arb Impact Assessment that includes a Tree Protection Plan. The trees are within a Conservation Area.

PBC Environmental Health

A Construction Method Statement shall be submitted to the Local planning authority and approved prior to commencement of the development. The Method statement must cover the topics detailed below, including:

- Hours of operation
- Hours of deliveries
- Construction site noise and vibration
- Control of Dust - Burning onsite Hour of Work
- Operations No machinery shall be operated nor any potentially noisy processes carried out at the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no machinery operated or potentially noisy processes carried out at all on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

Hours of Deliveries

No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays.

No Vehicles shall be left idling onsite with the engine running.

Reason: In the interests of the amenity of nearby properties.

Construction Site Noise/Vibration

Demolition or construction work shall not begin until a scheme for protecting the residential and business neighbours from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Reason: In the interests of the amenity of nearby properties.

United Utilities

No response

PBC Public Right of Way

No response

PBC Environmental Health

Private water supplies

The development is likely to be served by a private (i.e. non-mains) water supply. The applicant is advised to ascertain the quality and sufficiency of the water supply. If the water is used in a commercial or public activity, or if it is rented to tenants, it must be tested every year by the Council. If there is no commercial or public activity but more than one property uses the same water source, it must be tested by the Council every five years. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661031.

Construction Phase Nuisance Condition

With regards to this development we are concerned about the development causing nuisance for residential neighbours and would like the condition below to be used. Construction Phase Nuisance Condition

A Construction Method Statement shall be submitted to the Local planning authority and approved prior to commencement of the development. The Method statement must cover the topics detailed below, including:

- Hours of operation
- Hours of deliveries
- Construction site noise and vibration
- Control of Dust - Burning onsite

Hour of Work – Operations

No machinery shall be operated nor any potentially noisy processes carried out at the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no machinery operated or potentially noisy processes carried out at all on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

Hours of Deliveries

No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays.

No Vehicles shall be left idling onsite with the engine running.

Reason: In the interests of the amenity of nearby properties.

Construction Site Noise/Vibration

Demolition or construction work shall not begin until a scheme for protecting the residential and business neighbours from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Public Response

A press notice and site notice was posted and nearest neighbours have been notified by letter, five objections have been raised relating to:

- The lane that leads to the proposed development does not belong to the applicant but the applicant has access to the building and land
- Concerned about the maintenance of the lane, the lane is approximately three quarters of a mile long and maintained by the Smith family
- The building has no utilities, concerned it would seek access to the cess pit and could overwhelm the sewage system
- Objects to a change of use to holiday let
- Two previous applications were refused due to proximity of the septic tank
- No objection to sympathetic development of the site, it should enhance and protect the area, which it does not.
- Proposed development directly adjacent to the septic tank serving six dwellings
- The proposed development with three vehicles, would have a significant impact on residents with increase in traffic and noise impact
- Concerned the development could be let permanently
- The access track has blind bends and is not gritted in winter and no lighting
- If approved would want to see that the proposal could not be used as a sole occupancy
- Concerned about the strain on utilities and management of the proposed holiday let
- Concerned who would manage the holiday let, as the applicant has left items on the land
- Concerned about the increase in traffic using the lane,
- Concerned about increase in crime with theft of machinery
- Sewage pit lies next to the proposed holiday plot about a metre away, planning permission was rejected due to the proposed development being so close to the sewage pit which is free draining into the fields.
- The applicants heavy machinery has broken drains and caused an area to flood with effluent, additional residential properties would need there own separate sewerage disposal
- The septic tank serves six properties and would be within 1m of the septic tank. No details how sewage will be dealt with
- A four bedroom holiday let would stretch the existing sewage provision
- Concerned about the disruption during development

- Concerned any construction vehicles, deliveries would cause damage to the lane and impact on neighbours amenity
- A large holiday let would not contribute to the community
- Concerned about how any disruptive holiday makers will be dealt with.
- Construction traffic result in disruption to residents and walkers

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP2 (Spatial Development Principles) states that new development should be located within the settlement boundary. Proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough, will be conserved and where appropriate should be enhanced.

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 ENV4 (Promoting Sustainable Travel) seeks to minimise the need to travel. It requires new development to have regard to the potential impacts which may be caused to the highways network, particularly in terms of highway safety.

Policy ENV 5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and address risks from contaminated land, unstable land and hazardous substances.

ENV7 (Water Management) seeks to address potential flood risk to new developments and changes of use, and to manage surface water run-off.

Policy WRK5 (Tourism, Leisure and Culture) states that proposals associated with tourism must support and benefit the local tourism industry where identified needs are not met by existing facilities, whilst ensuring there are no detrimental effects on the natural environment or character of the area. New and or improved tourism facilities, leisure, and cultural activities including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.

2. Help to improve the quality and diversity of the existing tourism offer and extend the tourist season.
3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards in terms of design and accessibility.

Expansion of the rural economy and farm diversification projects will be supported by promoting the re-use of existing buildings of traditional design and construction and by allowing extensions to existing business premises. Premises alongside the Leeds and Liverpool Canal provide a unique opportunity to preserve our industrial heritage, whilst creating new employment opportunities.

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) sets out guidance in relation to the layout and orientation of development which should be followed and sets out the aspects required for good design.

The Supplementary Planning Guidance: Development in the Open Countryside offers advice to applicants on the type of development which will be acceptable in rural areas of the borough which are located within the Open Countryside. These can be particularly sensitive sites from a landscape perspective so the guidance offered centres around the impact which proposed development would have upon the wider visual amenity.

Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) sets out general principles and guidance for conservation areas to ensure new development preserves and enhances the character of conservation areas, their setting and characteristics.

Officer Comments

Principle of Development

The site is located within the defined Open Countryside and outside the defined settlement boundary. However the development would be within a cluster of existing dwellings and buildings, the proposed development would reuse a redundant circa 1970s agricultural barn albeit with

extensions. An application was submitted for the conversion of part of an agricultural barn to form a holiday let which was approved on the 4th October, this approved development is within the vicinity of the proposed development. The proposal considered here would reuse and extend an agricultural building with very limited merit, and would form a holiday cottage. Whilst a new dwelling would not be acceptable in this location the provision of tourist accommodation would aid the rural economy and the location is an appropriate one for a new tourist facility.

A suitably worded condition would be placed for the proposed development to restrict its use for tourism. The proposed development would be acceptable in principle in accordance with Policy WRK5.

Design and Heritage

Policy ENV2 seeks that new development are to meet high standards of design, particularly for conservation areas and listed buildings. Whilst Policy ENV1 and the Conservation Area SPD supports the setting, enhancement, conservation and protection of the heritage assets and enhance their significance.

The proposed development is for the conversion and extension of a redundant agricultural building to form a four bedroom holiday cottage with parking areas and outside space.

The applicant has submitted a structural survey to establish the structural integrity of the existing barn to be converted into a holiday cottage. The building cannot be converted without adding to some of the walls and altering the roof. The application therefore seeks to alter the building to facilitate these alterations. This does not affect the principle of development for tourism being acceptable in this location.

The proposed holiday cottage would be an L-shaped building, the external walls would be clad with pitch faced natural stone, embedded in a sand lime mortar, the pitched roof would be reclad in natural stone flag and two Velux conservation roof windows inserted, the amenity space around the development would be stone flagged, and dry stone walling to the boundary treatments at 1.3m high, the windows would be wooden sliding sash with natural stone cills and heads, and doors would be wood and stained or painted and cast iron rainwater goods.

The methodist chapel is immediately adjacent to the site. That is a grade 2 listed building. There are other listed buildings close by but the chapel will be the one potentially most impacted by the scheme.

The building is currently in agricultural use. It is a dilapidated and run down. It has a silage pit adjacent to the listed building and is able to be used by the usual machinery and equipment associated with agriculture. The setting of the listed chapel is detrimentally affected by the agricultural building which detracts from its setting providing a historical new and unattractive feature next to the curtilage of the chapel.

The development would enhance the appearance of the dilapidated and run down building. The design would enhance that of the existing building by use of natural materials more reflective of the materials used on the listed buildings adjoining. It would remove the slurry pit and provide a

landscaped garden. Agricultural machinery would no longer use the site. There would be a car parking area between the chapel and the site. That would be the only element of the scheme that would affect the setting of the listed building but as that replaces an agricultural use that in itself would be a benefit.

A landscaping scheme would be needed to ensure that the development fitted into the area and did not affect the trees surrounding.

In overall terms there would be an enhancement to the setting of the listed buildings and a positive impact on them.

Residential Amenity

Concerns have been made that the development would lead to impacts on residential amenity. A C3 dwelling use is compatible with other dwellings and the Chapel. There are not objections in terms of impacts on neighbours.

Highways

The site is served by an adequate access and there are adequate parking arrangements. Highways have suggested that the property be restricted to a holiday let but there are no highway grounds to support such a condition.

Proximity to Septic Tank

Concerns have been raised as to the proximity of the building to a septic tank which serves 6 properties in the cluster of buildings adjacent to the site. Many properties have sewage disposal facilities on or adjacent to them. That is not an unusual relationship to have. The septic tank is on the land that forms part of the application site and to the rear of the building.

Ecology

A bat survey has been undertaken which concludes the building does not have any suitability for bats and they are highly unlikely to roost there. The conclusions of that survey are reasonable. However unlikely were bats to be found during construction they have statutory protection and work would have to cease.

Other issues

Environmental health have commented on private water supply and the testing regime. These are covered under separate legislation and are not material to this application. Maintenance of the private road is a private matter and not a material planning consideration.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: FO-23-07-24-B,

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

3. The development to be used for holiday purposes.

4. Prior to the first use of the building hereby permitted the car parking area shown on the approved plans shall be laid out and made available for use. It shall thereafter at all times be available for the parking for vehicles used in association with the holiday let

Reason: In the interest of highway safety.

5. The septic tank on site shall at all times be maintained properly.

Reason: In order to ensure smells do not affect the occupants of the holiday let.

6. Within 1 month of the commencement of development a landscaping scheme shall be submitted to the Local Planning Authority. This shall include a schedule of the timing of works, details of trees to be retained and planted, hard standing areas, grassed areas and the proposed boundary treatment with the Methodist Chapel. The approved landscaping scheme shall be implemented in accordance with the approved schedule of works. The landscaping shall be maintained for 5 years during which any loss of trees shall be replaced with opening of a similar species and size. The boundary treatment with the Methodist Chapel shall be retained at all times in strict accordance with the approved scheme.

Reason: In order to ensure the site is properly landscape to integrate into the landscape of the area and to ensure that the setting of the adjacent listed building is protected.

7. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: In order to control the external appearance of the building and the development within the curtilage to protect the setting of the adjacent grade 2 listed building.

8. The dwelling shall be occupied for holiday purposes only:

Reason: The development is in a location and form that would not otherwise be acceptable other than for tourist accommodation.

9. No part of the development shall be commenced unless and until a Construction Code-of-Practice statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A program of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.

Reason: In order to ensure that the development is constructed without detriment to the amenity of adjacent residence premises.

10. Prior to the first occupation of the development hereby permitted a foul and surface water attenuation scheme shall have been installed and be fully functional in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure the site is properly drained and in order to prevent pollution.

11. Samples of the materials to be used on the development and outside surfaces shall be submitted to and approved in writing prior to any above ground works being commenced. The materials used thereafter shall strictly accord with the approved details.

Reason: In order to ensure the satisfactory appearance of the development and to protect and preserve the appearance of the conservation area and heritage assets.

Application Ref: 24/0542/FUL

Proposal: Full: Change of use with extensions from an agricultural building to a holiday let (Use Class C3).

At: Agricultural Building And Land To The West of Southfield House, Southfield Lane, Southfield.

On behalf of: Mr. F Owen.

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

Application Ref: 24/0693/FUL

Proposal: Full: Erection of a single storey first floor extension to existing building.

At: Whitefield Community Centre, 212A Manchester Road, Nelson.

On behalf of: Mr M Hassan.

Date Registered: 23/10/2024.

Expiry Date: 18/12/2024.

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is the Whitefield Community Centre located on Manchester Road, it is relatively modern single storey building with a shallow pitch to the roof, the site is on a corner plot formed by Manchester Road and Farrer Street. Adjacent to the proposed building there are terrace rows, and the site is surrounded by stone built dwellings to three sides with a railway line and open land to the south. The application site is within the Whitefield Conservation Area and within the defined settlement boundary of Nelson.

The proposal seeks to erect a first floor extension above the existing building, to the front and rear it would present a pitched gable with windows to the first and second floor.

Relevant Planning History

17/0067/FUL: Full: Erection of entrance lobby to front elevation. Approved with Conditions

19/0518/FUL: Full: Proposed new fenestration inserted to the rear elevation. Application withdrawn.

20/0118/FUL: Full: Erection of front extension with roof lantern and installation of additional windows to the rear elevation. Approved with Conditions.

23/0326/CND: Approval of Details Reserved by Condition: Discharge Condition 3 (External Materials) of Planning Permission 20/0118/FUL. Conditions Discharged.

23/0492/VAR: Variation of Condition: Vary Condition 2 (Plans) for the erection of an additional door to front elevation and altering the position of the washroom to create a larger lobby of Planning Permission 20/0118/FUL. Approved with Conditions.

Consultee Response

LCC Highways

Site planning history

Proposal

The proposal is for the erection of a first floor extension creating 198 sq m of new internal floorspace, with the building's internal layout also being altered. The proposed first floor would be used as a multipurpose room.

The proposed extension would almost double the building's internal floor area.

Site operation

The Planning Statement states *'The proposals do not result therefore in increased use of the building, but rather make more suitable provision for the existing users. The centre does not operate late night uses. Rather, it's a teaching and prayer centre, with prayers in the mornings, with attendance of about a dozen or so people and after school classes. Given the nature of the centre, the proposals will not significantly alter the comings and goings of people or of traffic generation'*. The concern we raise relates particularly to events extraordinary to the normal daily user generation at the site. We would request that additional information is submitted to provide more information in relation to this and how this can be managed, together with the other uses (education and prayers) to ensure that an influx of vehicles does not cause a highway safety concern. Numbers of users on site at any one time and frequency, nature and timing of events.

Car & cycle parking

There is no off-road car parking associated with the site, nor can any be provided. The site is bounded by residential terraced streets with parking restrictions along both sides of Manchester Road, with a limited amount of on-road parking outside neighbouring residential properties. There is therefore an existing high demand for on-street car parking by local residents as was noted at the time of the mid-morning site visit. Vehicles were parked on both sides of Farrer Street between Manchester Road and Every Street with only parking space available for three vehicles.

The nearest public car park is on Rigby Street, approximately 535m away, which is unlikely to support the community centre users using this car park due to the distance.

There is currently no cycle storage provided on site. Secure and covered cycle parking for at least 4 bicycles is considered necessary to support sustainable travel modes.

There are two bus stops on Manchester Road within acceptable walking distances of the site – approximately 34m inbound to Nelson and outbound to Brierfield opposite the site approximately 15m. However, there is no signal controlled pedestrian crossing close to these stops to enable pedestrians to cross safely, with the nearest one being outside 236 Manchester Road, approximately 99m away.

The proposed intensification of use and lack of car parking raises a highway safety concern given the overspill of cars which will occur on the surrounding highways where the demand for car parking is high.

The Pendle parking standards for a 'Public Halls/Place of worship' would be 1 space per 10sqm, which equates to 22 spaces for the existing floor area increasing to 42 spaces for the total proposed area.

The provision of a Travel Plan outlining measures that can be taken to reduce the reliance on the use of private motor vehicles by visitors to the site and increase sustainable travel modes including walking, cycling, car sharing and bus travel.

The inclusion of parking surveys on the surrounding streets undertaken at peak demand times can be submitted to support the proposal. Demonstrating spare capacity on street would partly allay our concerns.

Conclusion

The highway authority considers that insufficient information has been submitted to demonstrate that the proposed development would not have a detrimental impact on the safety, capacity and residential amenity of the surrounding highway network. The authority therefore considers that the highway safety concerns raised are to such an extent to object to this application as it has been submitted.

Further information needs to be provided to address the concerns raised and to demonstrate that the development and site's operation would not have a detrimental impact on the surrounding highway network, its users or local residents.

The submission of an Operational Statement and Travel Plan is requested together with the inclusion of secure and covered cycle parking.

Parish/Town Council

No comment received.

Environmental Health

With regards to development, what is the building currently used for?

Section 4.1 of the planning statement says: 4.1.

The proposal is to construct a first floor over the existing building. The first-floor addition extends over the whole building, with the exception of the front projecting porch. The building will be provided with a pitched slate roof. The first floor extension will provide for a large open multipurpose room, to be used in connection with the existing community building use. The pitched roof will enable some of the roof space to be used for storage for the building. The first floor and roof space will be access with new internal stairs from the existing ground floor lobby area, which enables a protected means of escape to the front and rear of the building. What is the existing use.

Public Response

A press notice and site notice was posted, and the nearest neighbours have been notified by letter, three objections have been received relating to:

- The building is not a Community Centre it is a Mosque used 5 times a day with no car park, which has resulted in a massive increase in traffic and car parking issues in the surrounding streets between 4:30 pm and 7pm and at Friday congregational prayer times
- A Mosque has recently been opened on Manchester Road resulting in a significant increase in traffic on the main road near to the proposed site
- A wedding venue has been approved near to the site, if this went ahead it would also increase traffic and parking issues
- Already parking issues in the area, cars parked outside the Mosque, impacts on the movement of traffic on the main road, and taking short cuts, parking on double yellow lines, block disabled access. Madina Mosque has parking spaces available.
- Objects to the extension.
- This is an application for a Mosque not a community centre.
- No car parking associated with the building, used 5 times a day.
- Residents can't park
- A big increase in traffic, people travel to the site, Monday to Friday and late evening prayers

- The Community Centre does not serve the immediate area apart from its use as a Polling Station for elections.
- A second floor would mean more people using the centre which increases traffic, noise and litter

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.

Policy ENV4 Promotes Sustainable Travel, for new developments need to consider the potential impacts that the proposed development may cause to the highways network in terms of safety and the potential for causing congestion, if adverse impacts are apparent then mitigation measures to be considered, if severe impacts are caused then planning permission should be refused.

Policy SPD2 Spatial Development Principles identified Nelson as a Key Service Centre. New proposals will be supported in defined settlements, to be of a nature and scale proportionate to the role and function of the settlement.

Policy SUP1 Community Facilities seeks to provide community facilities and services and improve social inclusion, and for new provision.

Policy SUP4 Designing Better Public Places seeks to achieve well designed, high quality public buildings and spaces, to be adaptable, to encourage sustainable travel, and the relationship between the public building and and sense of place and local identity. To contribute to the quality, appearance and character of the public realm.

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.

Paragraph 215 of the Framework states that where a proposed development 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.

Paragraph 139 of the Framework states that poor design should be refused where it fails to reflect local design policies.

Paragraph 98 seeks to provide social, recreational and cultural facilities and services for community needs such, to promote healthy and safe communities, healthy, inclusive and safe places, and includes services the community needs including community facilities and places of worship.

Paragraph 116 states that development should only be prevented or refused on highways grounds where 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.

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

Officer Comments

Design and Heritage

The application site is in Use Class F.1 for the provision of education, as a public hall or in connection with public worship or religious instruction, Class F.2 for the provision of a hall or meeting place for the principle use of the local community.

The application site is a single storey building located on Manchester Road and Farrer Street, the building is not prominent in the street scene or in the conservation area. The proposal seeks to add additional floors to the building, to change the ground floor from prayer hall and multi purpose hall to a prayer hall and teaching room, to erect a first floor for a multi-purpose hall, ablution area and toilets, and the proposed attic floor would be used for storage.

The site is surrounded by Victorian dwellings built with natural stone and natural slate pitched roofs. When viewed from Manchester Road and Farrer Street the proposed development is not in keeping with the terrace dwellings in materials and design.

The design of the proposed extension would present a gable elevation to the front and rear elevations whilst this would normally be on the side elevations of a terrace. To the front elevation it would have windows which are not characteristic in this area and would be an incongruous design in the conservation area, bearing in mind that conservation areas seek to preserve and enhance the conservation area. To the rear elevation there are existing windows, it is proposed that windows of a similar design to the rear would be inserted.

From the front elevation the proposed development would have a pitched and gable roof, which is at odds with the pitched roof presenting front and rear roof slopes.

The existing building has sand coloured tiles to the front elevation and the boundary treatment, to the side and rear the materials are coursed stone. The proposed walls would be rendered in K-Render to the front elevations at first and second storeys, K-Render to the side elevation and K-Render to the rear elevation, the proposed materials would be an alien feature in an area of

dwelling houses and buildings with natural stone walls, furthermore the proposed development would adjoin the terrace row with its natural stone walling and slate tiles to the pitched roof, here there would be a drastic change in the appearance of the conservation area with a large and high building with k-render walls, the proposed development would be out of character and would result in an incongruous building in an area of terrace dwellings with natural stone walls and natural slate tiles.

The development is within Whitefield Conservation Area, the existing building is a single storey building which is not readily noticeable in this location. The proposed development would increase the height and scale of the building to three storeys, with K-render to the front, side and rear elevations, the materials are out of character with the surrounding buildings and would be prominent in the conservation area and highly visible on Manchester Road and Farrar Street. The proposed windows to the front elevation would be an alien feature in an area of traditional terrace rows with simple windows with stone surrounds.

The proposed development would be prominent on this corner plot, and would have public views from a number of vantage points, the proposed development would have a detrimental impact on the character and appearance of the conservation area.

The proposed development would represent less than substantial harm to Whitefield Conservation Area, this is because of the proposed development mass and scale with K-render to the front, side and rear elevations, and would be visually prominent in public views of the building, the proportions and scale of the proposal are out of character, the proposed windows to the front elevation would be incongruous, the proposal would be dominant in this location with Manchester Road and Farrar Street. The proposed development would not be sympathetic to the character of the area and would be highly prominent from public vantage points, it would represent poor design due to its scale, massing, fenestration and materials which would be uncharacteristic in this location.

Paragraph 215 of the Framework states where a proposal would lead to less than substantial harm to a heritage asset, this harm should be weighed against the public benefit of the proposal, including, where appropriate, securing its optimum viable use. In this case there is already an existing building in use, the proposed development would represent poor design to such an extent that the proposal would outweigh any public benefits, and as such the proposed development would harm the appearance of the Conservation Area.

The development would be contrary to Policy ENV1 and ENV2 of Pendle Local Plan Part 1: Core Strategy, the Conservation Area Design and Development Guidance SPD, the Design Principles SPD and Paragraph 215 and Paragraph 139 of the National Planning Policy Framework.

Residential Amenity

The Design Principles SPD advise that proposals should protect neighbours' enjoyment of home, to not overshadow or have an overbearing effect on neighbouring properties, and that windows should not overlook adjacent property.

The proposed development would add a first floor extension, opposite the application site there is a dwelling house with ground floor and first floor windows. The ground floor windows are adjacent to the highway which provides public views to the ground floor windows, and therefore would have no greater impact than that already exists. There are first floor windows to the main dwelling and to the storey outtrigger, here the proposal has an existing relationship to the ground floor windows, however the proposed development would form new first floor windows which would face

towards the dwelling opposite the site, there are two windows with one serving a bathroom and a bedroom. The proposed first floor windows would be 1.7m above the internal floor level, however there would be a section of the window which could view towards the windows of the property opposite. Therefore, a condition could be placed for the lower window pane to be obscurely glazed upto 1.7m above the internal floor level.

To the rear elevation the proposal would have new window openings at the first and second floor, there is a dwelling to the rear at No. 3 Farrar Street, the proposed rear windows would face towards the side elevation of this end terrace, which has a first floor obscurely glazed window to the bathroom, the proposed rear windows would be able to view to the neighbours bathroom window and the separation distance is much less than 21m. The plans indicate that the windows would be 1.7m above the internal floor area, however this would still allow views to the neighbours window, therefore a condition would be placed that the lower pane of glazing to the windows shall be obscurely glazed to a height of 1.7m from the internal floor level to ensure no loss of privacy to the neighbouring property at No. 3 Farrar Street.

Subject to conditions for obscure glazing, the proposed development would have no unacceptable impact on residential amenity and would comply with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development is located in a predominantly residential area where there are cars parked either side of Farrar Street. A site visit was undertaken on the 15th November 2024 at 12:30pm, there were a few parking spaces available on Farrar Street.

The application site is a single storey building under Use Class F, the existing use is for places of worship and public halls. The level of parking required is one parking space per 10sqm for the existing building as specified in Table A Parking Standards of the Replacement Pendle Local Plan which would require 22 car spaces for the existing use.

The proposal would erect a first floor extension which would increase the internal floorspace by 198 square metres for a multi-purpose hall, with toilets and facilities for ablution area. The proposed first floor extension would require an additional 20 parking spaces based on the floor area. Overall, the existing and proposed development would require 42 parking spaces for the proposed use.

The planning officer and LCC Highways officer visited the site and the surrounding streets to establish the level of parking spaces in proximity to the proposed development. There was very few parking places available.

There is no off-road parking provision associated with the site, and no parking can be provided. Manchester Road has parking restrictions on both sides of Manchester Road, and a limited number of on-street car parking spaces outside residential properties. Vehicles are parked on both sides of Farrar Street, and there is a high demand for on-street parking on Farrar Street, Manchester Road and Every Street, only three parking spaces were available with all the rest being parked on.

The Planning Statement states that *“The proposals do not result therefore in increased use of the building, but rather make more suitable provision for the existing users. The centre does not operate late night uses. Rather, it's a teaching and prayer centre, with prayers in the mornings, with attendance of about a dozen or so people and after school classes. Given the nature of the*

centre, the proposals will not significantly alter the comings and goings of people or of traffic generation”

The Planning Statement goes on to say that *“the use has operated seamlessly without these provision however for many years. That is because the site is located in a highly accessible location, with users drawn from the surrounding and adjacent residential areas who are able to walk to the centre.”*

The Planning Statement states that the proposed floor space *“would not significantly alter the comings and goings of people or of traffic generation”*.

The main issue for this development is the extraordinary events over and above the normal daily use of the site and how people would get to the site, which would attract more people from other areas and not just the immediate vicinity, it is the frequency and influx of the number of people which would have an impact on the highways safety and potentially cause congestion. As already noted, there is very little parking capacity within the vicinity of the proposed development with a high demand for on-road parking outside residential properties. The Planning Statement does not fully address how the building would be used, the frequency, the types of classes, whether it would be for education purposes, would that be for younger children which would need to be picked up and taken home which would generate more traffic.

Three objections have been submitted which identify that the existing parking is already over-subscribed and that the proposed first floor would increase the amount of traffic and aggravate parking issues. The proposed additional floor space would increase traffic with people travelling to the site by vehicle resulting in a worsening impact to the highway

When considering sustainable travel, Manchester Road has two bus stops in walking distance of 34m inbound to Nelson and outbound to Brierfield circa 15m walking distance, but there is no controlled pedestrian crossing to the bus stops for pedestrians to cross safely, nearest pedestrian crossing is 99m away.

The Planning Statement states that the proposed first floor is for teaching and prayer centre with prayers in the morning and after school classes, the Planning Statement states that a dozen people would attend, the proposed floor space would be excessive for 12 people.

As the site has no dedicated parking space, and can not provide any parking provision even though the existing and proposed floor space would require 42 parking spaces for the size and type of development. That there is insufficient information to determine if the proposed first floor extension would result in a highways safety impact, for details for how the proposed use would operate in terms of number of people attending, the frequency and types of uses. Use class F relates to local community centers, it is not possible to identify who is within the vicinity of the proposed development and who would travel in to attend any extraordinary events.

LCC Highways have raised an objection to the proposed development on the basis that there is insufficient information to demonstrate that the proposed development would not have a detrimental impact on safety, capacity and residential amenity of the surrounding highway network, the highway safety concerns raised are to such an extent to object to this application based on the information submitted. That the proposed development can not provide the 42 parking spaces required for the internal floor area, which would result in a significant impact on highways safety and capacity in the immediate vicinity of the site, contrary to Policy ENV4 of the Local Plan: Part 1 Core Strategy and Policy 31 of the Replacement Pendle Local Plan and paragraph 116 of the National Planning Policy Framework.

RECOMMENDATION: Refusal

For the following reasons:

1. There is insufficient information relating to the extraordinary events to the proposed development to demonstrate that the proposed development would not have a detrimental impact on the surrounding highway network. The proposed development would increase the floor area which would require 20 parking spaces to be provided. There is no additional parking provision available and none can be provided, therefore the proposed development would result in a significant impact on highways safety and capacity in the immediate vicinity of the site, it would be contrary to Policy ENV4 of the Local Plan: Part 1 Core Strategy and Policy 31 of the Replacement Pendle Local Plan and paragraph 116 of the National Planning Policy Framework.
2. The proposed development would represent poor design due to the design, materials, massing and fenestrations in an area characterised by natural stone and terraced dwellings, the impact to the conservation area would be less than substantial harm, but that harm would not be outweighed by public benefits. The development would be contrary to Policy ENV1 and ENV2 of Pendle Local Plan Part 1: Core Strategy, the Conservation Area Design and Development Guidance SPD, the Design Principles SPD and Paragraph 215 and Paragraph 139 of the National Planning Policy Framework.

Application Ref: 24/0693/FUL

Proposal: Full: Erection of a single storey first floor extension to existing building.

At: Whitefield Community Centre, 212A Manchester Road, Nelson.

On behalf of: Mr M Hassan.

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

Application Ref: 24/0782/HHO

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

At: 14 East Street, Nelson, Lancashire, BB9 7PG

On behalf of: Mrs Shahida

Date Registered: 11.11.2024

Expiry Date: 06.01.2025

Case Officer: Negin Sadeghi

This application has been called to committee by the Chairperson.

Site Description and Proposal

The application site is a two-storey mid-terrace dwelling featuring stone walls, a slate roof, and white-framed UPVC windows and doors. It is located within Nelson's settlement boundary, surrounded by similarly sized properties. There is no off-street parking.

The proposal includes the installation of dormer windows on the front and rear roof slopes and the construction of a single-storey rear kitchen extension. Currently, the house consists of two bedrooms. The proposed development would add two additional bedrooms on the second floor (loft), bringing the total to four bedrooms.

Relevant Planning History

No relevant planning history.

Consultee Response

- **Environmental Services**

We have concerns about nuisance being caused, because of working unsuitable hours, we would therefore recommend that the informative below is used: 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

- **Parish/Town Council:** No reply.
- **Highway LCC:**

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. Although the number of bedrooms will be increased from two to four the development site is considered to be a town centre location where access to and the use of a private vehicle is not essential.

Public Response

The nearest neighbours have been notified by letter, and no objections have been 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 Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Officer Comments

Design and Materials

The proposal includes the installation of dormer windows on both the front and rear roof slopes. Both dormers are designed with flat roofs and would be clad in grey on the front and sides, featuring UPVC-framed, double-glazed windows with 100mm restrictors. The dormers would be positioned 0.3 meters below the roof ridge and set 0.3 meters from the eastern and western walls. The roof will be covered with 10mm white stone chippings hot bonded to an elastomeric roofing felt system on a 19mm WBP plywood deck.

While the proposed materials generally match the existing ones, the flat dormer roof creates a design mismatch.

The property currently has a one-storey rear extension with a pitched roof, which the proposal seeks to replace with a larger extension. However, the rear dormer appears excessively large and disproportionate, dominating the rear roof. When considering this application, the Council must

assess the fallback position under Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) Order 2015. In this case, the rear dormer's scale and size comply with the provisions of permitted development. With suitable materials (to be conditioned), the rear dormer would be permissible. Therefore, there are no objections to the rear dormer.

The front dormer, however, would disrupt the existing streetscape, especially in a terrace where no other properties feature dormers. While the area contains various dwelling types, dormers are absent in the immediate vicinity. The proposed front dormer is poorly designed and would have an unacceptable impact on the street scene.

The proposal also includes the replacement of the existing 1.8m x 3.1m rear kitchen extension with a larger 1.8m x 4m extension, extending 1 meter further in length. The new extension would feature two windows and one door. One window and the door would occupy the same positions as the current ones, while the second window would be added along the extended length. The design, materials, and scale of the rear extension are in keeping with the established pattern of the neighbourhood and are considered acceptable.

In aesthetic design terms the rear dormer and kitchen extension would be acceptable, the proposed front dormer would cause significant harm to the character and visual amenity of the area due to its poor design. It would conflict with Policy ENV2 of the Local Plan Part 1: Core Strategy, Paragraph 139 of the National Planning Policy Framework, and the Design Principles SPD.

Residential Amenity

The proposed dormers include windows on both the front and rear elevations, with no side windows. The front dormer would be sufficiently distanced from properties on the opposite side of East Street, maintaining the current relationship between windows on the street. At the rear, the dormer would overlook an open lot used as a car park, ensuring no unacceptable impact on residential amenity.

The proposed extension would fully enclose the windows in the house adjacent at number 12. This property already has an extension that runs up to the boundary so enclosing the windows even more would have a major detrimental impact on the living environment of the occupants of number 12. The development is unacceptable in terms of the impact on the occupants of number 12.

Highways

The proposed development would increase the number of bedrooms from two to four, necessitating additional parking spaces. Sufficient on-street parking and a nearby parking lot at the rear are available. The development would not compromise highway safety.

RECOMMENDATION: Refuse

The following reasons are provided:

The proposed front dormer would result in development incongruous and out of character with the design of the building and that of the surrounding area thus resulting in poor design. The extension would also have an unacceptable impact on the living conditions of the occupants of number 12. This would cause unacceptable harm to the area's character and visual amenity and to the living conditions of the neighbouring property. 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: 24/0782/HHO

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

At: 14 East Street, Nelson, Lancashire, BB9 7PG

On behalf of: Mrs Shahida

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

Application Ref: 24/0835/HHO

Proposal: Full: Erection of a front dormer.

At 17 Hillside View Brierfield Lancashire

On behalf of: Mr Kashif Hussain

Date Registered: 24/0835/HHO

Expiry Date: 2/23/2025

Case Officer: Neil Watson

Site Description and Proposal

The application site sits in a corner of a street with a bungalow to the south and two storey dwellings to the north/northeast. There is a primary school to the rear.

Relevant Planning History

Planning application 23/0697/HHO sought permission for extension and a rear dormer. Approved 11/12/2023.

Consultee Response

Highways: No objection.

Public Response

One letter of objection has been received based on:

- The works have already been executed.
- The dormer overshadows number 19.
- It changes from a pitched roof to a box.
- Sky was visible from the side window but is no longer available.

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

Officer Comments

The application seeks to erect a single front dormer. That has already been erected and sits on the newly constructed rear extension.

There are two principle considerations for the application. First is the impact on the neighboring property and second is design.

The neighboring property has two side windows facing the site. These are faced by the approved side extension and new garage. The dormer constructed does not impact the neighbour more than the approved scheme which was deemed acceptable. The development is acceptable in terms of its impact on the neighbouring property.

The previous scheme had a dormer approved to the rear. This faced private land and had no impact on the street scene. The approved scheme looked in keeping with the design and amenity of the area.

The proposed dormer alters the aesthetics and design balance of the street. It is a discordant feature in an otherwise uniform setting. It unbalances the building and appears as an ill thought out and poorly designed feature in the street scene. It is poorly designed and out of keeping with the area.

RECOMMENDATION: Refuse

The proposed dormer is unsympathetic to the simple design of the host dwelling and would appear as a discordant design in the street scene. It represents poor design contrary to paragraph 139 of the National Planning Policy Framework and Policy ENV1 of the adopted Local Plan.

Enforcement

As the application is retrospective and the development is unacceptable enforcement action should be taken to require the dormer to be removed.

Application Ref: 24/0835/HHO

Proposal: Full: Erection of a front dormer.

At 17 Hillside View Brierfield Lancashire

On behalf of: Mr Kashif Hussain

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

Application Ref: 24/0854/FUL

Proposal: Full: Change of use of part of a ground floor of a dwelling (Use Class C3) to a dessert shop (Use Class E(a)).

At 181 Leeds Road Nelson Lancashire

On behalf of: Mr Mohammad Ibrahim Rana

Date Registered: 12/9/2024

Expiry Date: 2/3/2025

Case Officer: Negin Sadeghi

This application has been called in by a Councillor.

Site Description and Proposal

The site is a two-storey terraced building with a shopfront-style façade on the ground floor, facing Leeds Road. Currently, the property is used entirely as a residential home and is located just outside the town centre. However, there are several public amenities nearby, including a sports court, the New Zone Youth Centre, and the Bradley Hub. The property does not have off-street parking.

The proposed development is for the change of use of part of the ground floor of the dwelling (Use Class C3) to a dessert shop (Use Class E(a)).

Relevant Planning History

13/14/0425P – DC: 16.09.2014- APPCON: Full: Erection of single storey extension to rear (amended scheme).

13/95/0271P – DC: 25.05.1995- APPCON: INCORPORATE SHOP INTO HOUSE

13/98/0244P – DC: 12.05.1998- APPCON: REPLACE SHOPFRONT WITH

Consultee Response

Highways:

The National Planning Policy Framework (NPPF) states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios' (Paragraph 116).

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development and concludes that there are no highway grounds to support an objection as set out by NPPF. Whilst there is no associated off-road car parking there is a small, free, public car park adjacent to the gable end of No 177 where customers could park as there is no parking or stopping allowed in front of No 181 except for buses. The highway authority has noted that historically part of the dwelling formed a shop with the shop being incorporated into the house under planning permission 95/0271P. The property is also located within an area of mainly residential properties, the majority within

acceptable walking distances. Additionally, there is a signalized pedestrian crossing facility outside No 169, approximately 35m from No 181, which will allow customers from the opposite side of Leeds Road to access the premises safely.

Parish/Town Council: No response

United Utilities: No response

Environment Agency:

Flood risk standing advice - advice to LPA The proposed development falls within Flood Zone 3, which is land defined in the planning practice guidance as being at risk of flooding. We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category. These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>.

We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted.

Public Response

One objection was raised against the application, citing concerns that it would worsen existing traffic and parking issues.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

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

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

Policy WRK4 (Retailing and Town Centres) states that applications for retail and main town centre uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

Replacement Pendle Local Plan

Policy 25 'Location of Service and Retail Development' of the Replacement Pendle Local Plan states that new retail and service uses, should be located in the following order of priority:

1. Within the boundary of a defined town centre, local shopping centre or local shopping frontage.
2. On the edge the town centre allocated site (being Clayton Street, Nelson)
3. Within 300m of the boundary of a defined town centre.
4. Elsewhere with preference given to sites that are close to a town centre and have good transport links to the centre.

National Planning Policy Framework (NPPF)

- Ensuring the vitality of town centres

90. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

94. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- (a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- (b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

95. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.

Policy 31 (Parking) states that new parking provision should be in line with the maximum car parking standards unless this would compromise highway safety

Officer Comments

Design

As the proposal does not involve any physical changes to the building, there are no design-related concerns.

Residential Amenity

The adjacent property in the terrace is residential dwellings. Shops in themselves do not generate noise or antisocial behaviour. It is a compatible use with the row of residential houses adjacent.

Drainage

The EA have made comments on the application pointing to standing advice. The change of use is from a vulnerable land use to a shop does not result in any increase in vulnerability. The drainage arrangements do not change.

Highways

The development is likely to result in an increase in visits to the property which could result in additional parking. That is however likely to be short term and there is a local car park that can be used which is a short distance away. The development is not likely to lead to highway safety issues.

Sequential Test

The sequential test aims to direct retail and leisure developments to the most suitable locations by assessing alternative sites for availability, suitability, and viability.

The supporting statement from the applicant outlines the proposal to convert an existing residential dwelling back into a dessert shop on the ground floor of a two-storey terrace building with a shop front facing Leeds Road. Currently a residential home, the site is located outside the town centre in an out of centre locations. The applicant highlights that there are no dessert shops within 0.5 miles, and the proposal would offer a walking-distance alternative for local residents, reducing the need to drive into town.

The sequential test is in place to ensure that development is located in a town centre. Only if there are no units available in the town centre should a town centre use normally be allowed outside of that centre. The town centre is within walking distance of the site. Residents should go to the town centre if retail units are available. Otherwise approving the application would undermine the vitality and viability of the town centre.

The applicant has been requested to submit a sequential assessment but has not done so. There are a range of empty units in Nelson town centre and these need to be considered before allowing a town centre use to go ahead outside of the designated town centre.

However, the applicant's submission did not fully meet the required criteria and failed to justify the site's suitability.

RECOMMENDATION: Refuse

For the following reason:

The applicant has failed to provide a sequential test to establish that no suitable alternative site is available within Nelson town centre. Consequently, the development would harm the vitality and viability of the town centre, in conflict with paragraphs 90-95 of the National Planning Policy Framework and Policy WRK4 of the adopted Pendle Local Plan.

Application Ref: 24/0854/FUL

Proposal: Full: Change of use of part of a ground floor of a dwelling (Use Class C3) to a dessert shop (Use Class E(a)).

At 181 Leeds Road Nelson Lancashire

On behalf of: Mr Mohammad Ibrahim Rana