

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

**TO: NELSON, BRIERFIELD & REEDLEY COMMITTEE**

**DATE: 02ND JUNE 2025**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications

## REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 02ND OF JUNE 2025

**Application Ref:** 24/0876/HHO

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

**At** 49 Fountain Street Nelson Lancashire

**On behalf of:** Mrs Tahira Ayub

**Date Registered:** 06.01.2025

**Expiry Date:** 03.03.2025

**Case Officer:** Negin Sadeghi

This application has been called in by a Councilor  
Deferred to the next committee 02.06.2025 - to allow for submission of amended plans.

### **Site Description and Proposal**

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

### **Relevant Planning History**

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

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

### **Consultee Response**

#### **Highways**

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

**Parish/Town Council:** No response.

### **Public Response**

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

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

## **Relevant Planning Policy**

### **Pendle Local Plan**

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

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

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

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

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

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

## **Officer Comments**

### **Design and Materials**

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

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

The proposed extension would feature brick-finished outer walls, white UPVC double-glazed windows and doors, and a slate roof to match the existing property. However, with a total height of 3.1m from the yard level—equating to 3.5m from the rear street level—the scale of the proposed

extension is excessive. Its design would be incongruous with the setting, representing poor design that fails to comply with Policies ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy, as well as the Design Principles SPD.

### **Residential Amenity**

The proposed extension would be positioned to the north, sharing a boundary with No. 47's yard to the west. A 2m-high partition wall separates the site from No. 51's yard to the east.

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

The proposal does not include windows or doors facing No. 47. However, while the existing structures extend 3m into the yard, the new extension would extend 6.5m from the rear wall, covering the entire length of the yard. The primary impact would be the increased height and replacement of the flat roof with a pitched roof, resulting in a larger, more dominant structure. Given that No. 47 has a narrow yard adjacent to the proposed extension, the scale and height (exceeding 4m) would cause an overbearing impact, on No. 47.

The new extension would feature one door and two windows, positioned similarly to the existing openings, maintaining the current property relationships. However, due to its overbearing impact on No 47, the proposal fails to comply with Local Plan Policy ENV2 and the Design Principles SPD. As such, it is unacceptable in terms of residential amenity.

### **Highways**

The proposed development would not impact highways.

### **RECOMMENDATION: Refused**

The following reasons are provided:

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

**Application Ref:** 24/0876/HHO

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

**At** 49 Fountain Street Nelson Lancashire

**On behalf of:** Mrs Tahira Ayub

## **REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 02 JUNE 2025**

**Application Ref:** 25/0017/VAR

**Proposal:** Variation of Condition: Vary Condition 2 (Plans) to make material amendments to the approved plans of Planning Permission 21/0265/FUL.

**At:** Site Of Former 1 To 33, O'Hagan Court, Brierfield

**On behalf of:** Together Housing Association

**Date Registered:** 13/01/2025

**Expiry Date:** 08/05/2025

**Case Officer:** Alex Cameron

This application was deferred from the previous meeting for a site visit.

### **Site Description and Proposal**

The application site is an area of open grassed land which was previously the site of the O'Hagan Court. There are dwellings to the north and west, to the south is a medical centre and garage colony to the east is a former school site.

Planning permission was granted in 2022 for the erection of 10 semi-detached bungalows with vehicular access from Stanley Street. The development has been commenced and the permission is extant.

This application is to vary condition 2 to amend the approved plans to alter the design and layout of the bungalows.

### **Relevant Planning History**

13/11/0532P - Demolition Determination: Demolition of block of 33 flats – Approved

21/0265/VAR - Full: Major: Erection of 10 No. semi-detached bungalows.

### **Consultee Response**

LCC Highways – No objection. The formation of the amended and new vehicle accesses from Stanley Street to the development site 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 an amended access to an appropriate standard, including a minimum width of 5.5m, radius kerbs, buff coloured tactile paved dropped pedestrian crossings on both sides of the access from Stanley Street, dropped vehicle crossings outside Plots 1 – 4, re-location of any highway gullies and a street lighting assessment. The section of culvert within the adopted highway network will need replacing. Manholes will also need to be provided at either side of the highway for future maintenance purposes. Easements will be required if the manholes are located out of the adopted highway extents.

The proposed internal site layout for Plots 6 – 10 is not to the county council's specification and would also not be considered for adoption by the highway authority due to the presence of the culverted watercourse. The applicant should therefore provide details of the proposed arrangements for the future management and maintenance of the road, footways, infrastructure etc. This would need to be controlled by condition. Whilst the development would not be considered for adoption it should still be constructed to adoptable standards to allow refuse, emergency and large delivery vehicles to enter and leave in forward gear and to provide appropriate access for residents. The layout should include: • a carriageway width of 5.5m; • a footway no less than 1.8m wide across the front of Plots 6 – 10; • a 2m wide footway from Stanley Street between the access and the turning head; • a 0.5m wide, hard surfaced service strip around the turning head to the end of the cul-de-sac, locally widened to 1m where street lighting columns are located; • surface water drainage gullies; • street lighting. An amended site layout plan should be provided taking into account the above.

The dwellings are two bed for which two car parking spaces should be provided. The parking proposed will provide joint vehicular and pedestrian access to all plots except Plot 10, which will have separate pedestrian access. The highway authority considers that adequate parking can be provided for Plots 1- 4 and 10 based on the submitted layout. It is likely that adequate parking can also be provided for Plots 5 – 9. However this will need to be re-assessed once an amended site layout plan has been submitted, based on the above requirements. In line with recommendations in the borough council's car and cycle parking standards two secure cycle spaces should be provided where two and above bedrooms are to be provided. As there are no garages within the development alternative covered, lockable provision should be made within each property's curtilage.

The proposed 1100mm high fencing proposed from the back of the footway to the boundary return of Plot 1 should be reduced to 900mm high, an approximate length of 3.5m. This is to improve intervisibility between vehicles leaving the site and users on the adjacent highway. Construction phase Whilst a construction method statement has been previously discharged (ref 24/0182/CND) given the significant changes to the development's layout the highway authority considers that a further construction method statement including site plan should be submitted to demonstrate that construction activities can be accommodated on site and will not have a detrimental effect on the surrounding highway network or its users.

Lead Local Flood Authority – Object as the submitted details of fundamentally different to the details previously submitted for the discharge of condition 17.

Environment Agency – No objection. There will no longer be any works to the culvert for a new connection therefore, there is no longer any direct risk to the culvert associated with excavations or engineering operations to create a new surfaced water sewer connection from the proposed development. A permit may still be required from the EA.

United Utilities – A water main crosses the site and the dwellings are now proposed close to or over it. The applicant may be required to divert the water main. This should be addressed prior to determination of the application.

## **Public Response**

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

Lack of adequate parking – the proposed development

Does not provide sufficient parking spaces for residents and visitors. This will inevitably lead to increased on-street parking, exacerbating congestion in an already busy area. The strain on local roads could result in traffic hazards, reduced accessibility for emergency vehicles, and inconvenience for existing residents.

Overcrowding and overdevelopment – the proposed development represents an excessive increase in density that is not in keeping with the character of the surrounding area. The scale of the development could lead to overcrowding, putting additional pressure on local infrastructure, public services, and amenities. This could negatively impact the quality of life for both existing and future residents.

## **Officer Comments**

### **Policy**

#### **Pendle Local Plan Part 1: Core Strategy**

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

Policy SDP2 sets out the roles each settlement category will play in future growth, Nelson & Brierfield are defined as a key service centre.

Policy SDP3 identifies housing distribution in the M65 corridor as 70% of the total.

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

Policy ENV2 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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

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

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

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

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

Policy LIV4 (Affordable Housing) sets targets and thresholds for affordable housing provision. For the M65 Corridor this is 0%.

Policy LIV5 (Designing Better Places to Live) states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

#### Replacement Pendle Local Plan

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

### **Visual Amenity**

The design the proposed housing is appropriate for the area. The proposed development is acceptable in terms of visual amenity in accordance with policies ENV2 and LIV5.

### **Residential Amenity**

North and West facing windows of the proposed bungalows would face the habitable room windows in the front of the adjacent properties. Whilst some separation distances would be marginally below 21m, taking into account that those windows front communal pedestrian access areas and would not benefit from a high degree of privacy at present this would not result in an unacceptable loss of privacy.

The proposed development would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property and would provide an adequate level of privacy and acceptable living environment for the occupants of the proposed dwelling.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV5 and LIV5.

### **Open Space and Landscaping**

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The areas of green space within the proposed development are sufficient in accordance with policy LIV5.



## **Drainage and Flood Risk**

The amended plans move the proposed dwellings out of the 8m easement of the culvert running under the site, The Environment Agency do not object to the proposed amendment but indicate that a permit may still be required for other construction activities within the easement or if a surface water drainage connection is required. The Environment Agency's permitting is a separate matter to the planning permission.

The proposed drainage details differ to those previously approved under the discharge of condition 17, either that condition will need to be varied to make clear that it requires the submission and approval of details for this amended scheme or those details will need to be submitted and agreed by the Lead Local Flood Authority prior to determination of this application.

United Utilities have identified that a water main crosses the site and the new proposed layout might result in building over or close to the water main. This is a matter that United Utilities would maintain control over as an agreement would be required to build over or close to the water main separate to the planning process. There is the alternative of the approved plans for the applicant to fall back on so this is not a matter that would result in refusal of this application.

It is recommended that the approval of the application is delegated to allow the applicant to address these issues.

## **Highways**

The development is acceptable in principle in terms of highway safety and the impact on the highway network as established by the existing permission, the proposed amendments to alter the layout and accesses would not result in any unacceptable highway safety impacts. LCC Highways have raised that the amended internal road would not be adoptable, however, this is not an uncommon circumstance and can be acceptably addressed by requiring that acceptable private management arrangements are in place by condition. The proposed parking arrangements are acceptable, however, amendments are necessary to the estate road to ensure that refuse vehicles etc. can adequately access the site and to the fencing to ensure adequate visibility. Subject to acceptable amendments that maintain adequate car parking arrangements the proposed variation of condition is acceptable in terms of highway safety and capacity.

## **Other Matters**

Concerns have been raised regarding the density of the development and its impact on local infrastructure and services.

Policy LIV5 recommends that development should normally seek to achieve a density of 30 dwellings per hectare and up to 50 in highly accessible locations. These are not fixed limits and to assess appropriate density factors such as housing type, amenity space local needs and character much be taken into account.

There is an identified need in the Local Plan to provide more bungalows and the development is 40 dwellings per hectare, which is in the middle of the recommended range and the amended site would maintain more than adequate amenity space with relatively generous gardens and open space provision. The density of the development is acceptable.

The Local Plan identifies the need for the provision of new housing, the majority of which is expected to be provided within the M65 corridor, infrastructure and services provision is planned

for taking that into account. The proposed amendments would have no unacceptable impacts on local services and facilities.

## **Conclusion**

It is recommended that the approval of the application, and any conditions necessary, be delegated to the Assistant Director Planning, Building Control and Regulatory Services Manager subject to allow for additional drainage and highway details to be submitted and/or amended conditions to require submission and approval of those details.

## **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 variation of conditions accords with Local Planning Policy and 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: Delegate Grant Consent**

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from 11<sup>th</sup> January 2022.

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: TBC

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the materials of the external walls and roofs of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

4. The window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

Reason: To ensure the continuation of a satisfactory appearance to the development.

5. 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:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction works
- Details of working hours
- Routing of delivery vehicles to/from site
- Construction site noise and vibration
- Restriction of burning onsite

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

6. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the internal road is constructed to an acceptable standard in the interest of highway safety.

7. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

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

8. The new estate road between the site and Stanley Street 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.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

9. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that all highways works are constructed to an acceptable standard in the interest of highway safety.

10. The proposed development should not be brought into use unless and until the parking areas shown on the approved plans has been constructed, laid out and surfaced in bound porous

materials. The parking areas 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.

11. Prior to the occupation of any approved dwelling an electric vehicle charging point shall be installed.

Reason: To ensure that the development provides the infrastructure for forms of sustainable transport.

12. Prior to first occupation of any approved dwelling cycle storage facilities shall be provided in accordance with a scheme to be approved in writing by the Local Planning Authority.

Reason: To ensure that the development provides the infrastructure for forms of sustainable transport.

13. Prior to the start of any development a condition survey of the section of culvert that would be under the estate road should be carried out and submitted to the local planning authority for approval.

Reason: In order to ensure that the development does not have a detrimental effect on the construction of the internal estate road and adopted highway network.

14. The development shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme 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 pavings, 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 within the first planting season following the commencement of the use 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.

15. The development shall not be commenced unless and until a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Reason: In order to protect the health of the occupants of the new development and in order to prevent contamination of controlled waters and the environment.

Notes:

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

## **REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 02<sup>ND</sup> JUNE 2025**

**Application Ref:** 25/0163/HHO

**Proposal:** Full: Erection of a single storey side extension, garage conversion, dormers to side and rear elevation and replacing apex roof to flat roof.

**At** 101 Beaufort Street, Nelson, Lancashire, BB9 0RE

**On behalf of:** Mrs. Maryam Ahmed

**Date Registered:** 13.03.2025

**Expiry Date:** 06.05.2025

**Case Officer:** Negin Sadeghi

**This application has been called in by a Councilor.**

### **Site Description and Proposal**

The application site comprises a two-storey end-terraced dwelling situated at the junction of Beaufort Street (SW) and Napier Street (NW), within the defined settlement boundary of Nelson. The front and main entrance are facing SW. The property is constructed with stone and rendered walls, a pitched slate roof (partially covered with felt and corrugated plastic sheets), and white uPVC windows and doors.

The dwelling benefits from a long rear yard extending to Northeast along the Beaufort Street., the site shares a boundary with No. 116a Napier Street. The boundary wall separating the properties yards—previously constructed from 1.2m high brickwork—has been demolished.

The property occupies a prominent corner location and sits forward of the general building line of the terrace, thereby increasing its visibility in the street scene.

The property hasn't any off-street parking more than the garage.

The proposal seeks planning permission for the following works:

- Erection of a single-storey extension to the northeast (side) elevation.
- Conversion of the existing garage.
- Insertion of dormer windows to the northeast and southwest elevations.
- Replacement of the apex garage roof with a flat roof.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

#### **Highways**

The plans and submitted documents have been viewed and the following comments are made. The proposal results in the loss of the garage which measures 2.8m by 5.5m internally (which is below the standard to count as a car parking space). The garage is positioned close to the footway and would be considered to provide only storage rather than off-road car parking. The area is predominantly terraced housing with no off-highway parking. There are no TRO or parking restrictions within the vicinity of the site. As the proposal results in the loss of a garage, then an alternative secure provision should be provided within the development for the storage of 4 bicycles in order to promote sustainable forms of transport and aid social inclusion. An investigation of the 5-year accident record shows no collisions have occurred in the vicinity of the proposal. There is no objection to the proposal subject to the following condition. Condition 1. Prior to the first occupation a secure, covered cycle store for minimum 4 cycle spaces shall be provided. Reason: To promote sustainable forms of transport and aid social inclusion.

**Parish/Town Council:** No reply.

#### **Environmental Services (Health)**

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

## **Public Response**

The occupier of a neighbouring property has submitted an objection citing structural damage to their home, including visible cracks to the walls, which they attribute to ongoing construction works at the application site. They express concern that the proposed side extension, garage conversion, and structural alterations may cause further harm. The objector requests a full structural assessment before any further approval is granted and seeks guidance on addressing the existing damage.

## **Relevant Planning Policy**

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

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

### **Replacement Pendle Local Plan (Saved Policies):**

- **Policy 31** sets out parking standards for new development.

### **National Planning Policy Framework (NPPF):**

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

### **Design Principles Supplementary Planning Document (SPD):**

- Provides guidance on appropriate design for householder developments.

## **Officer Comments**

### **Design and Material**

The property is visually prominent within the street scene due to its corner location and forward siting relative to the terrace row.

#### **Single-Storey Side Extension:**

The extension would project 3 metres from the wall adjacent to the front elevation of the terraced houses, and would be clad in render and cladding. Its siting forward of the established building line would result in an incongruous and poorly integrated form, disrupting the visual rhythm of the terrace. The proposal fails to respond positively to the prevailing character of the area, contrary to Policy ENV2 and the Design Principles SPD.

#### **Garage Roof Alteration:**

The proposal involves replacing the existing apex roof with a flat roof. Given the

modest scale of the change and the existing utilitarian character of the garage, this alteration would not cause harm to the character or appearance of the dwelling or wider street scene. This element of the proposal is acceptable.

#### **Dormer to the rear Elevation:**

The proposed flat-roof dormer would be located on the rear slope, set back from public view. While flat-roofed dormers are generally discouraged, the position at the rear and limited visibility reduce its visual impact. On balance, this dormer is considered acceptable.

#### **Dormer to Front Elevation of the row:**

The proposed flat-roof dormer on the southeast roof slope would face the public highway, making it highly visible. The southeast elevation serves as the principal elevation due to the layout of the surrounding street. Although dormers are uncommon in the area, a few front dormers can be found in the neighbourhood, including on the opposite side of the street. However, front dormers are not characteristic of the site, and the flat-roof design, along with the proposed materials (render/cladding), would appear unsympathetic to the existing architecture. Additionally, the dormer would not be set sufficiently from the eaves or ridge, resulting in an overly dominant feature within the roofscape. This element is considered contrary to the Design Principles SPD and Policy ENV2.

### **Residential amenities**

The proposed extension would be located close to the front elevation of No. 116a. It is the front extension less than 4m in length so complies with the SPD in terms of impact

#### **Northwest Dormer:**

The northwest dormer faces across Napier Street to the rear of properties on the opposite side, with sufficient separation to avoid unacceptable overlooking or loss of privacy.

#### **Southwestern Dormer:**

Faces the hosts long yard and avoids unacceptable overlooking or loss of privacy.

### **Highways**

The existing first floor comprises four bedrooms and one bathroom. The proposal includes the addition of a second floor to accommodate two bedrooms and one bathroom, while the first floor would be reconfigured to provide two bedrooms instead of four. As a result, the total number of bedrooms within the property would remain unchanged. Given that the number of bedrooms would not increase, the proposal is not expected to generate additional parking demand or vehicle movements. Therefore, there are no highway safety or parking concerns arising from the development.

### **Others**

There was an objection from one of the neighbours regarding the structural assessment needed, which is not a planning issue.

### **Conclusion**

The proposed development includes several elements. The rear dormer and replacement of the garage roof are considered acceptable in terms of design and visual impact. However, the northeast dormer and side extension raise concerns regarding poor design. These elements are



contrary to Policy ENV2 of the Local Plan Part 1, the NPPF, and the adopted Design Principles SPD.

**RECOMMENDATION: Refuse**

**Reason for Refusal:**

1. The proposed southeast dormer, by virtue of its siting, scale, flat-roofed form, and materials, would appear as poor design, an incongruous and unsympathetic addition to the roofscape. The proposed southeast single storey extension would also be poorly designed in relation to the remainder of the terraced street. Singularly and combined these elements would cause visual harm to the character of the host dwelling and the surrounding area, contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011–2030), Paragraph 139 of the National Planning Policy Framework, and the Council's Design Principles Supplementary Planning Document.

**Application Ref:** 25/0163/HHO

**Proposal:** Full: Erection of a single storey side extension, garage conversion, dormers to side and rear elevation and replacing apex roof to flat roof.

**At** 101 Beaufort Street, Nelson, Lancashire, BB9 0RE

**On behalf of:** Mrs. Maryam Ahmed

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 02<sup>ND</sup> JUNE 2025

**Application Ref:** 25/0169/FUL

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

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

**On behalf of:** Mr T Balmer

**Date Registered:** 17.03.2025

**Expiry Date:** 08.05.2025

**Case Officer:** Negin Sadeghi

The application is before committee due to the level of public objection.

### **Site Description and Proposal**

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

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

### **Relevant Planning History**

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

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

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

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

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

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

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

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

18/0652/AGR: DC: PNR: Prior Approval Notification (Agricultural Building): Erection of agricultural storage building 23.07m x 32.8m x 65.8m).

(The building subject to this application is the same as that previously approved under 18/0652/AGR.)

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

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

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

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

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

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

## **Consultee Response**

### **Highways**

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

This is a retrospective application with the change of use having commenced in October 2024. The site access was visited on 8 April 2025. Having reviewed the information submitted, together with site observations, Lancashire County Council acting as the highway authority makes the following initial comments and requests further information as the change of use in the site's operation potentially raises some highway safety concerns. Site planning history 23/0555/HHO - Erection of a 4 car garage. Approved with conditions. 23/0019/FUL - Retention of agricultural storage building with associated infrastructure, including fencing, walls and hardstanding (resubmission of planning permission 22/0555/FUL). Approved with conditions. 22/0555/FUL - Erection of an agricultural building (retrospective) and demolition of an existing agricultural building. Refused. 22/0550/HHO - Erection of a 6 car garage (retrospective). Refused. Proposal The application is for the retention of a change of use of an agricultural building which has taken place from wholly agricultural to mixed use agricultural and commercial storage under Use Class B8 (storage and distribution). This is in connection with the applicant's existing commercial horticultural business. Storage for existing

agricultural machinery is proposed to be retained. No details of the floor area given over to the change of use have been provided. The whole building has a floor area of 842sqm.

**2 Site access**  
The site is accessed from Greenhead Lane along a private access track, which provides access to neighbouring residential properties and a commercial cattery and boarding kennels. No changes are proposed to the access, which the highway authority considers is wide enough to allow two vehicles to pass within the entrance. Visibility splays Greenhead Lane (C663) is subject to a national speed limit of 60mph outside the site access. For a road with a speed limit of 60mph visibility splays (Stopping Sight Distance) of 215m should be provided. However, an automated traffic count was undertaken as part of a planning application (23/0507/FUL) in January 2023 which indicated 85th percentile speeds within the vicinity of the access of just over 40mph in both directions. Visibility splays of 120m would be required for 40mph. The layout of Greenhead Lane would prevent splays of 120m from being fully achieved. Measurements were taken on site for achievable visibility from the site access which were 77m to the North and 103m to the South. Given the significant shortfall of the splay to the North the highway authority would not support any activity where there was a significant increase in traffic generation and vehicle movements at an access which has compromised visibility splays. Collisions Lancashire County Council's five-year database for Personal Injury Accidents (PIA) was checked on 9 April 2025. The database indicates there has been a cluster of collisions on Greenhead Lane to the South of the access, three of which have been speed related resulting in slight and serious injury and one fatality. Site operation We would request that the number and type of vehicle movements associated with the horticultural business is provided. The submitted Planning Statement suggests that conditions could be applied to any planning permission granted linking the site's use to the applicant only (page 6 - 'Due to the specific requirements ...'), which would restrict the site's use to the applicant. However, the highway authority would also request conditions limiting the B8 storage use to be between October and March, as outlined in the Planning Statement; that the use of the B8 storage be ancillary to the operation of the applicant's main sites; and that no members of the public, customers or staff other than those resident on site shall visit site. This is so that the site's change of use does not generate different or additional traffic movements which have not been assessed. Parking Pendle Borough Council's parking standards would require four car parking spaces for a B8 use of 842sqm floor area. It is noted that the applicant lives on site and will operate the facility. There will be no members of the public, customers or staff other than those resident on site therefore the parking provision is not required subject to the necessary controls being conditions of the planning permission.

**3 Public Rights of Way**  
There are no Public Rights of Way which pass through the site. However, Public Footpath ref FP1316046 Reedley Hallows passes along the access track from Greenhead Lane and to the North of the site.

**Conclusion**  
The highway authority requests further information, as outlined, to address the highway safety concerns raised. If this satisfactorily addresses these concerns the highway authority will recommend a number of highway-related conditions which it considers necessary.

Following the highway authority's initial comments dated 9 April 2025 the applicant's agent sent further information to the local planning authority in an email on 22 April. Having considered this email the highway authority considers that the highway safety concerns it raised initially could be addressed by conditions. Therefore, it recommends that the following, or similarly worded, conditions are applied to any formal planning approval granted.

**Conditions**

1. The development hereby approved shall not be open to members of the public, customers or employees who live off site so that the development's operation does not generate traffic movements which have not been assessed. Reason: In the interest of highway safety.
2. Notwithstanding the reference to Use Class B8 in the description of development, the use shall be solely for the mixed use of storage and distribution ancillary to the operation of the applicant's horticultural business and premises, and agricultural purposes as described in the application and as hereby granted and for no other purpose including any other use within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification). Reason: In the interest of highway safety and residential amenity.
3. This permission

shall enure solely for the benefit of the applicant, Mr Thomas Balmer, and not for the benefit of the land to which the application relates, and on Mr Thomas Balmer ceasing to occupy the premises, or the associated business ceasing to trade, the use shall revert to agricultural purposes only. Reason: In the interest of highway safety and residential amenity. 4. The primary use of the building hereby approved is October to March for overspill storage of horticultural machinery, with secondary movements occurring between April 2 and September to accommodate seasonal and weather variations as required. Reason: In the interest of highway safety.

**Parish/Town Council:** No answer

**United Utilities:** No answer

### **Environmental Services (Health)**

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

### **National Grid**

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

The first assessment: Holding Objection:

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

The second assessment: No Objection:

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

### **HSE**

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

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

**PBC Public Right of Way:** No answer

### **Public Response**

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

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

### **Relevant Planning Policy**

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

- Policy ENV4 – Promoting Sustainable Travel
- Policy ENV5 – Pollution and Unstable Land
- Policy WRK1 – Strengthening the Local Economy
- Policy WRK4 – Development in the Countryside and Rural Areas
- Policy SDP1 – Presumption in Favour of Sustainable Development
- Saved Policy 31 – Parking
- National Planning Policy Framework (NPPF, 2023) – Chapter 9 (Promoting sustainable transport) and Chapter 13 (Protecting Green Belt land)

## **Officer Comments**

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

### **Green Belt and Rural Character**

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

### **Highway Safety**

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

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

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

### **Residential Amenity**

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

### **Other Matters**

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

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

## Conclusion

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

## **RECOMMENDATION: Refusal**

Refuse planning permission for the following reason:

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

**Application Ref:** 25/0169/FUL

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

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

**On behalf of:** Mr T Balmer



## REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 02nd JUNE 2025

**Application Ref:** 25/0179/HHO

**Proposal:** Full: Formation of a driveway to side of existing dwelling.

**At** 48 Halifax Road, Nelson, Lancashire

**On behalf of:** Mr Mohammed Raja

**Date Registered:** 13.03.2025

**Expiry Date:** 08.05.2025

**Case Officer:** Athira Pushpagaran

This application has been called to committee by the Chair.

### **Site Description and Proposal**

The application site relates to an end of terrace dwelling in a residential property within the settlement boundary of Nelson. The main access is from Halifax Road. The terraced houses have small gardens to the front bounded by approximately 0.45m stone retaining walls with a flight of 3 stairs up to the house. The access to the backstreet adjoins the side boundary of application site to the southeast. There is an existing outbuilding to the same side of the dwelling towards the rear. The driveway has already been constructed and tarmac surfaced at the time of the site visit.

The proposed development is the formation of a driveway measuring 10.4m x 2.85m constructed of tarmac to the side of the existing dwelling. A previous application for the same scheme was refused in 2024. The only difference in the current application is the proposed secondary access from the back street.

## **Relevant Planning History**

24/0544/FUL Full: Formation of a driveway to side of existing dwelling. Refused. 2024

## **Consultee Response**

### **Highways**

The Local Highway Authority's advice is that the impacts of the development are severe in accordance with the National Planning Policy Framework (2024) and the Local Planning Authority is advised to consider refusal on highway grounds for the reason outlined in this report.

#### **Advice to Local Planning Authority**

The Local Highway Authority advises the following reason for refusal:

1. The proposal, if permitted, would lead to the use of an access which lacks the adequate width deemed safe and suitable for such a proposal. The proposal therefore is not in the interests of highway safety and is contrary to paragraph 115 the National Planning Policy Framework (2024).
2. The proposal, if permitted, would lead to the use of an access which lacks the adequate visibility deemed safe and suitable for such a proposal. The proposal therefore is not in the interests of highway safety and is contrary to paragraph 116 of the National Planning Policy Framework (2024).

#### **Introduction**

The Local Highway Authority (LHA) are in receipt of an application for the formation of a driveway to the side of the existing dwelling at 48 Halifax Road, Nelson, Lancashire. The LHA have considered a similar proposal previously, application 24/0116/HHO which was refused on the 25 March 2024. Since the proposal was refused, the LHA are aware that the applicant has moved forward with the construction of a driveway.

#### **Site access**

The proposal will result in a new access onto Halifax Road, Nelson which is a C-classified road, the C658, subject to a 30mph speed limit.

The Local Highway Authority have reviewed the Proposed Site Plan, Drawing No. RAJ/01 Dwg 02B. The proposed access is to be approximately 2.7m wide however as previous advised in our response to application 24/0116/HHO, the Local Highway Authority guidance requires vehicle access to be a minimum width of 3.2m, therefore the proposal is not in the interests of highway safety and is contrary to paragraph 115 the National Planning Policy Framework (2024).

The positioning of the access is a concern given its placement on the kerb radius and being situated directly next to the back street entranceway. Whilst no visibility splay drawings have been provided, given the access location the applicant will not be able to provide an acceptable visibility splay which does not cross third-party land. This means that the Applicant is unable to maintain the proposed access's visibility splay ensuring that there are no obstructions placed higher than 0.9m for the lifetime of the development.

Given the number of terrace properties along Halifax Road, on-street parking takes place close to the proposed access, therefore there is also a concern that vehicles trying to exit the site will have further reduced visibility of the highway and highway users travelling along Halifax Road will have limited view of vehicles trying to enter the highway from the proposed access.

Whilst the applicant has include an alternative option to exiting onto the back street by removing a section of wall, the concern remains the same as there is no options to control exiting the driveway in the usual manner in the future with an access also directly off Halifax Road as such the LHA would not support an access onto Halifax Road which could be used to enter and exit in the future.

The applicant has also suggested as part of this application to install a traffic mirror at the access onto Halifax Road to provide visibility along the road, this again raises concerns that the applicant is intending to enter and exit the driveway onto Halifax Road as well as showing that the applicant believes there is a need for a mirror due to poor visibility.

There is currently no evidence to suggest that traffic mirrors make a positive contribution to road safety and in certain circumstances, the presence of a mirror could be noted as a contributory factor in a traffic collision. The DFT strongly discouraged their installation in areas where identified road safety issues evidenced by recorded incidents were absent and this was clearly reinforced by their stringent assessment criteria.

This is due to a number of identified safety issues which may arise from their use, notably:

- Potential distortion of the reflected image;
- Potential for glare from sunlight or headlamps;
- Reduction in effectiveness during inclement weather conditions (rain, snow, frost);
- Difficulty in judging speed and distance of approaching vehicles via a mirror image;
- Potential maintenance issues due to vandalism miss-alignment which can affect the reflection of approaching vehicles;
- Reliance on the mirror's restricted image may compromise the safety of other road users (pedestrians and cyclists) whose image does not appear in the mirror.

As such the LHA would not support the use of a traffic mirror at this location and are of the view that the proposal is not in the interests of highway safety and is contrary to paragraph 116 of the National Planning Policy Framework (2024).

#### Internal layout

The Proposed Site Plan, Drawing No. RAJ/01 Dwg 02 states that the driveway is to be finished in tarmac which is an acceptable surface material to the LHA. The driveway is proposed to be 10m long. However, the proposal does not take into account that the driveway is restricted on both sides by the dwelling's wall and a retained section of the site's boundary as such, the walls are likely to prevent drivers from safely opening their vehicle doors without causing interference. The LHA guidance requires parking spaces to measure 2.4m wide x 5m long, however, where they are adjacent to a wall or similar obstruction, an additional width of 0.6m should be provided as such, the proposal is only likely to provide adequate space for the parking for one vehicle.

#### Conclusion

In conclusion, the proposed development fails to meet the necessary standards for highway safety due to insufficient access width, poor visibility splays, and inadequate internal layout. Furthermore, the reliance on a traffic mirror highlights the inherent safety issues rather than mitigating them. The proposal contravenes paragraphs 115 and 116 of the National Planning Policy Framework (2024) and poses a significant risk to road users. As such, the Local Highway Authority advises the Local Planning Authority to consider refusal on highway safety grounds.

#### Informative

The information above sets out why the Highway Authority advises the Local Planning Authority should be refused planning permission. However, should the Local Planning Authority be minded to grant planning permission, please notify the Highway Authority so that advice can be provided on appropriate conditions and contributions to minimise the impact of the development.

## **Parish/Town Council**

No response

## **Coal Remediation Authority**

No response

## **Public Response**

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

## **Relevant Planning Policy**

### **Pendle Local Plan Part 1: Core Strategy**

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

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

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

Policy ENV4 seeks to ensure that new development promote sustainable travel, accessibility and highway safety.

### **Replacement Pendle Local Plan**

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

### **National Planning Policy Framework**

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

Paragraph 115 outlines criteria for assessing applications for development, emphasizing the promotion of sustainable transport, ensuring safe access, adhering to national design standards, and mitigating transportation impacts effectively.

Paragraph 116 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.

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

## **Officer Comments**

The proposed development is the formation of a driveway measuring 10.4m x 2.85m constructed of tarmac to the side of the existing dwelling. A previous application for the same scheme with different access arrangements was refused in 2024. The only change in the current application is that the proposal seeks to remove a portion of the side boundary wall to provide a second access. This access would be used for egress from the parking area.

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

### **Design and Materials**

The proposed driveway is proposed to the side of the dwelling where there was an existing garden. The proposal includes demolishing the existing stone retaining wall to the front of the garden and partly to the side and installing a sloping tarmac driveway. The driveway would measure 10.4m x 2.85m.

The design and materials of this development are acceptable in this location and as such comply with Policies ENV1 and ENV2 and the Design Principles SPD.

### **Residential Amenity**

The proposed development due to its function and position would not result in any unacceptable impacts on residential amenity of neighbours.

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

### **Highways**

The proposal will result in a new access onto Halifax Road, Nelson which is a C-classified road, the C658, subject to a 30mph speed limit. The access would be situated directly next to the back street entranceway and positioned on the kerb radius.

A visibility splay of 2.4m x 43m is required for 30mph roads without any obstructions above 0.9m. This can likely be achieved without permanent physical obstructions at present, however the large number of terraced properties on the road would result in significant on street parking close to the proposed access, within the visibility splay, reducing visibility of the highway, and highway users travelling along Halifax Road will have limited view of vehicles trying to enter the highway from the proposed access. This would have an adverse impact on highway safety.

Whilst the applicant has included an alternative option to exit onto the back street by removing a section of the side boundary wall, there would be no mechanism to prevent future use of the access onto Halifax Road for both entry and exit. The proposed installation of Traffic mirror at the access onto Halifax Road further suggests that the applicant intends to enter and exit the driveway onto Halifax Road. LCC highways note that there is currently no evidence to suggest that traffic mirrors make a positive contribution to road safety and in certain circumstances, the presence of a

mirror could be noted as a contributory factor in a traffic collision and therefore do not support the installation of one at the access.

Furthermore, the proposed access would be located directly parallel to the access to the back lane, this provides vehicular access to numerous garages to the rear of both Halifax Road and Brier Crescent and so is likely to be in regular use. The proximity of the proposed accesses to this existing access would result in potential conflict between vehicles accessing and egressing at the same time and resulting highway and pedestrian safety danger.

The internal dimensions of the driveway also do not meet the specified Highway standards and would be inadequate to ensure safe access and egress. The available turning area would also not be sufficient for exiting in a forward gear and therefore vehicles would have to be reversed on to Halifax Road, which would exacerbate the highway safety risk.

LCC Highways object to the proposal and suggests refusal as it fails to meet the necessary standards for highway safety due to insufficient access width, poor visibility splays, and inadequate internal layout. I concur with their assessment.

In conclusion, the proposal would severely impact pedestrian and vehicular safety and would have an unacceptable impact on highway safety and would be contrary to policy ENV4 and paragraphs 115 and 116 of the NPPF.

### **RECOMMENDATION: Refuse**

1. The proposed development, due to its insufficient width and visibility would have an unacceptable impact on highway safety and would be contrary to Policy ENV4 of the Local Plan: Part 1 Core Strategy and Paragraphs 115 and 116 of the National Planning Policy Framework.

**Application Ref:** 25/0179/HHO

**Proposal:** Full: Formation of a driveway to side of existing dwelling.

**At** 48 Halifax Road, Nelson, Lancashire

**On behalf of:** Mr Mohammed Raja

## **REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 02<sup>ND</sup> JUNE 2025**

**Application Ref:** 25/0197/HHO

**Proposal:** Full: Erection of Front and Rear Dormers

**At** 138 Berkely Street, Nelson

**On behalf of:** Amor Asset Management Ltd

**Date Registered:** 21/03/25

**Expiry Date:** 16/05/25

**Case Officer:** Ian Lunn

This application has been brought before Committee at the request of a Councillor.

## **Site Description and Proposal**

138 Berkely Street is a mid-terraced house constructed of natural stone, for the external walls, under a natural blue slate roof. It is located approximately 50 metres north of the junction of Berkely Street and Langholme Street in a residential area.

Planning permission is sought to add dormer windows to the front and rear facing roof planes of the property.

## **Relevant Planning History**

The property has not been the subject of any recent relevant planning history.

## **Consultee Comments**

LCC Highways:- No objections

Nelson Town Council:- No observations received.

## **Public Response**

Surrounding residents were individually notified of this proposal by letter on 2<sup>nd</sup> April 2025 giving them 21 days to comment. The statutory publicity period expired on 23<sup>rd</sup> April 2025 but no representations have since been received.

## **Relevant Planning History**

### **Pendle Local Plan Part 1: Core Strategy**

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

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

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

### **National Planning Policy Framework (December 2024)**

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



The Sections of the Framework that are specifically relevant to this development are:-

Section 12 (Achieving Well Designed Places) – This seeks to ensure the creation of high quality, beautiful and sustainable buildings and places considering this aim as fundamental to what the planning and development process should achieve. It also advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Section 15 (Conserving and Enhancing the Natural Environment) – This seeks to ensure that planning policies and decisions contribute to, and enhance, the natural and local environment and sets out the ways in which it expects this to be achieved.

### Supplementary Planning Guidance

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

## **Officer Comments**

### **Principle**

The proposal is acceptable in principle. It involves the extension of an established dwelling that is sustainably located within the identified settlement boundary of Nelson.

### **Design**

Policies ENV1 and ENV2 of the Core Strategy, Sections 12 and 15 of the NPPF and the Council's Supplementary Planning Document 'Design Principles' collectively require development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design. This proposal fails to meet the requirements of these policies/this guidance for the following reasons.

Both dormers will be visible in the street scene. The new front dormer will be the most prominent being fully visible from Berkeley Street and Langholme Street. However, the rear dormer will also be visible, albeit at a slight distance, from Langholme Street.

The dormers will be very large occupying virtually the whole of the front and rear facing roof planes of the property, and constructed almost to the eaves and up to the ridge line in each case. As such they will fail to fully meet the requirements of the Council's 'Design Principles' SPD which requires that they should be set in 0.5 of a metre from the property boundary on either side, a metre back from the front elevation of the house, and 0.2 metres below the ridge line.

The structures will also incorporate flat roofs and will be faced using cladding, materials that will not match those used in the construction of the main house. They therefore fail to satisfy the requirements of the SPD for this reason as well.

The terrace, in which this property is located, is largely free of dormer windows as is the terrace to the rear (northwest) fronting Napier Street. Planning permission was granted for the addition of one to the front of 128 Beaufort Street at the extreme northeastern end in 2018 (under planning permission no. 2018/0016/HHO) and this appears to have been built. However, it is much smaller than either of the dormers currently proposed. There have been no other recent planning permissions for the addition of dormer windows to properties in the terrace.

It is the combination of the above factors that renders the proposed development unacceptable in design and scale terms in this instance.

### **Impact on Neighbours**

Development needs to be designed and positioned so that it does not significantly affect the privacy, daylighting or amenity space of neighbouring properties. In pure neighbour amenity terms the proposal will satisfy this criterion for the following reasons.

- a) Light:- The new dormer windows will 'sit' above the front and rear facing windows in the adjoining properties and, in the case of the rear dormer, will stand over 15 metres away from the facing windows in the terrace opposite. They will not therefore adversely affect the level of light currently received by those properties.
- b) Privacy:- The rear dormer will house a bedroom which is a 'habitable room' in planning terms. It will also look directly at facing windows in the terrace opposite at a distance of just over 15 metres, almost six metres less than the normally required minimum distance of 21 metres. However, currently all of the rear facing windows in this terrace face windows in the terrace opposite at a similar distance. Consequently, the proposal will not lead to a materially greater level of overlooking than is currently occurring and on this basis a further refusal on these grounds could not reasonably be justified.

### **Highway Safety**

The proposal will not give rise to any undue highway safety concerns, a view supported by County Highways. Whilst it will lead to the creation of additional bedrooms within the property there will be no requirement to provide any additional parking as a result so the situation will remain unchanged in this regard.

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 proposal fails to fully accord with the plan for the reason outlined below and could not reasonably be rendered acceptable through the imposition of planning conditions. The development does not therefore comply with the development plan and accordingly refusal is recommended.

### **Recommendation: Refuse**

For the following reason:

The proposed dormer windows, by virtue of their siting, scale, flat-roofed form and materials, would appear as poorly designed, incongruous and unsympathetic additions to the roofscape. Combined these elements would cause visual harm to the character of the host dwelling and the surrounding area, contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy, Paragraph 139 of the National Planning Policy Framework and the Council's Design Principles Supplementary Planning Document.

**Application Ref: 25/0197/HHO**

**Proposal: Full: Erection of Front and Rear Dormers**

**At** 138 Berkely Street, Nelson  
**On behalf of:** Amor Asset Management Ltd

**REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 02<sup>ND</sup>  
JUNE 2025**

**Application Ref:** 25/0204/HHO

**Proposal:** Full: Erection of Front and Rear Dormers

**At** 20 East Street, Nelson

**On behalf of:** Mrs Shahida

**Date Registered:** 24/03/25

**Expiry Date:** 19/05/25

**Case Officer:** Ian Lunn

This application has been brought before Committee at the request of a Councillor.

### **Site Description and Proposal**

20 East Street is a mid-terraced house constructed of natural stone, for the external walls, under a natural blue slate roof. It is located approximately 20 metres north of the junction of Calder Street and East Street in a residential area.

Planning permission is sought to add dormer windows to the front and rear facing roof planes of the property.

### **Relevant Planning History**

The property has not been the subject of any recent relevant planning history.

### **Consultee Comments**

LCC Highways:- Concerned that the proposal will increase the number of bedrooms within the property from two to four without any additional 'off-street' parking facilities being provided. However, do not feel that they can reasonably sustain a refusal of the application on these grounds in this instance.

PBC Environmental Health:- Recommend a condition limiting the hours of construction of the development in order to safeguard surrounding residents from noise at unsocial hours.

Nelson Town Council:- No observations received.

### **Public Response**

Surrounding residents were individually notified of this proposal by letter on 2<sup>nd</sup> April 2025 giving them 21 days to comment. The statutory publicity period expired on 23<sup>rd</sup> April 2025 but no representations have since been received.

### **Relevant Planning History**

Pendle Local Plan Part 1: Core Strategy

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

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

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

#### National Planning Policy Framework (December 2024)

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

The Sections of the Framework that are specifically relevant to this development are:-

Section 12 (Achieving Well Designed Places) – This seeks to ensure the creation of high quality, beautiful and sustainable buildings and places considering this aim as fundamental to what the planning and development process should achieve. It also advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Section 15 (Conserving and Enhancing the Natural Environment) – This seeks to ensure that planning policies and decisions contribute to, and enhance, the natural and local environment and sets out the ways in which it expects this to be achieved.

#### Supplementary Planning Guidance

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

### **Officer Comments**

#### **Principle**

The proposal is acceptable in principle. It involves the extension of an established dwelling that is sustainably located within the identified settlement boundary of Nelson.

#### **Design**

Policies ENV1 and ENV2 of the Core Strategy, Sections 12 and 15 of the NPPF and the Council's Supplementary Planning Document 'Design Principles' collectively require development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design. This proposal fails to meet the requirements of these policies/this guidance for the following reasons.

Both dormers will appear quite prominently in the street scene, the front dormer being fully visible from both East Street and Calder Street, and the rear dormer from Clayton Street.

The rear dormer will 'sit' approximately 0.3 of a metre below the ridge line of the property which is 'in line' with the requirements of the Council's 'Design Principles' SPD. However, the front dormer will fail to meet this requirement 'sitting' less than 0.2 metres below the ridge. Neither of the dormers will be 'set in' a minimum of 0.5 of a metre on either side, as required by the SPD, nor will they be set back a metre from the front and rear walls of the house. Whilst the rear dormer will be the smaller of the two, both will be very large covering significantly more than one third of the front and rear facing roof planes of the property.

The structures will also incorporate flat roofs and will be faced using grey cladding, materials that will not match those used in the construction of the main house. They therefore fail to satisfy the requirements of the SPD for this reason as well.

The terrace, in which this property is located, is currently completely free of dormer windows as is the terrace to the immediate southeast.

It is the combination of the above factors that renders the proposed development unacceptable in design and scale terms in this instance.

### **Impact on Neighbours**

Development needs to be designed and positioned so that it does not significantly affect the privacy, daylighting or amenity space of neighbouring properties. In pure neighbour amenity terms the proposal will satisfy this criterion for the following reasons.

- a) Light:- The dormers will not adversely affect the level of light currently received by the surrounding properties. They will 'sit' above the front and rear facing windows in the adjoining properties; the front dormer will stand over 16 metres away from the facing windows in the terrace opposite, and there are no properties to the immediate rear of the house.
- b) Privacy:- The front dormer will house a bedroom which is a 'habitable room' in planning terms. It will also look directly at facing windows in the terrace opposite at a distance of just over 16 metres, almost five metres less than the normally required minimum distance of 21 metres. However, currently all of the front facing windows in this terrace face windows in the terrace opposite at a similar distance. Consequently, the proposal will not lead to a materially greater level of overlooking than is currently occurring and on this basis a further refusal on these grounds could not reasonably be justified.

The rear dormer will not unacceptably overlook neighbouring properties either. It will face Back Clayton Street, a car park and then Clayton Street.

Environmental Health are concerned that surrounding residents could be unduly disturbed by noise if the extension is constructed at unsociable hours and have therefore requested a condition to limit the hours of construction. However, given that this will be a very small-scale development that is unlikely to take very long to construct, and as this issue can reasonably be addressed using separate Environmental Health legislation, a condition to this end is not considered reasonably necessary in this case.

### **Highway Safety**

County Highways have some concerns that the proposal will increase the number of bedrooms within the property from two to four without any additional 'off-street' parking facilities being provided. However, they accept that there is no space within the property curtilage to provide any parking facilities in this case and on balance do not feel that they can reasonably sustain an objection to the application on these grounds. No objections are therefore raised to the proposal on highway safety grounds.

### **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 proposal fails to fully accord with the plan for the reason outlined below and could not reasonably be rendered acceptable through the imposition of planning conditions. The development does not therefore comply with the development plan and accordingly refusal is recommended.

### **Recommendation: Refuse**

For the following reason:

The proposed dormer windows, because of their size, design, position and prominence, would unduly detract from the character and appearance of the host dwelling, from the appearance of the terrace as a whole and from the character of the surrounding area in general. The proposal is therefore contrary to the requirements of Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy, Sections 12 and 15 of the National Planning Policy Framework and the provisions of the Design Principles Supplementary Planning Document.

**Application Ref:** 25/0204/HHO

**Proposal:** Full: Erection of Front and Rear Dormers

**At** 20 East Street, Nelson

**On behalf of:** Mrs Shahida

## **REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 02<sup>ND</sup> JUNE 2025**

**Application Ref:** 25/0205/HHO

**Proposal:** Full: Erection of Front and Rear Dormers

**At** 15 Oak Street, Nelson

**On behalf of:** Mr Shahnawaz Hussain

**Date Registered:** 24/03/25

**Expiry Date:** 19/05/25

**Case Officer:** Ian Lunn

This application has been brought before Committee at the request of a Councillor.

### **Site Description and Proposal**

15 Oak Street is a mid-terraced house constructed of natural stone, for the external walls, under a natural blue slate roof. It is located approximately 40 metres north of the junction of Eleanor Street and Oak Street in a residential area.

Planning permission is sought to add dormer windows to the front and rear facing roof planes of the property.

### **Relevant Planning History**

The property has not been the subject of any recent relevant planning history.

### **Consultee Comments**

LCC Highways:- No objections

Nelson Town Council:- No observations received.

### **Public Response**

Surrounding residents were individually notified of this proposal by letter on 2<sup>nd</sup> April 2025 giving them 21 days to comment. The statutory publicity period expired on 23<sup>rd</sup> April 2025 but no representations have since been received.



## **Relevant Planning History**

### **Pendle Local Plan Part 1: Core Strategy**

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

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

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

### **National Planning Policy Framework (December 2024)**

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

The Sections of the Framework that are specifically relevant to this development are:-

Section 12 (Achieving Well Designed Places) – This seeks to ensure the creation of high quality, beautiful and sustainable buildings and places considering this aim as fundamental to what the planning and development process should achieve. It also advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Section 15 (Conserving and Enhancing the Natural Environment) – This seeks to ensure that planning policies and decisions contribute to, and enhance, the natural and local environment and sets out the ways in which it expects this to be achieved.

### **Bradley Area Action Plan**

This document sets out the vision and objectives for regenerating Bradley and identifies a strategy for achieving this. Policies 3 (Property Improvements) and 6 (Design Quality) of this are specifically relevant to the consideration of this proposal. The former states, in part, that the Council will support the external improvement and repair of existing residential properties in the area. The latter seeks to ensure that new development is of a high quality).

### **Supplementary Planning Guidance**

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

## **Officer Comments**

## **Principle**

The proposal is acceptable in principle. It involves the extension of an established dwelling that is sustainably located within the identified settlement boundary of Nelson.

## **Design**

Policies ENV1 and ENV2 of the Core Strategy, Sections 12 and 15 of the NPPF, Policies 3 and 6 of the Bradley Area Action Plan and the Council's Supplementary Planning Document 'Design Principles' collectively require development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design. This proposal fails to meet the requirements of these policies/this guidance for the following reasons.

Both dormers will be visible in the street scene. The new rear dormer will be the most prominent being fully visible from the well-used New Scotland Road. However, the front dormer will also be fully visible from Oak Street.

The dormers will each 'sit' approximately 0.3 of a metre below the ridge line of the property which is 'in line' with the requirements of the Council's 'Design Principles' SPD. However, neither of them will be 'set in' a minimum of 0.5 of a metre on either side, as required by the SPD, nor will they be set back a metre from the front and rear walls of the house. They will also be very large covering significantly more than one third of the front and rear facing roof planes of the property.

The structures are to be 'tile hung' using slate which would be an acceptable material to use in this instance given that it will match the slate of the existing roof. However, both will incorporate flat roofs and both will be clearly visible from public vantage points. They therefore fail to satisfy the requirements of the SPD for this reason as well.

The terrace, in which this property is located, is completely free of dormer windows as are the terraces to the immediate northeast and southeast.

It is the combination of the above factors that renders the proposed development unacceptable in design and scale terms in this instance.

## **Impact on Neighbours**

Development needs to be designed and positioned so that it does not significantly affect the privacy, daylighting or amenity space of neighbouring properties. In pure neighbour amenity terms the proposal will satisfy this criterion for the following reasons.

- a) Light:- The dormers will not adversely affect the level of light currently received by the surrounding properties. They will 'sit' above the front and rear facing windows in the adjoining properties; there are no properties to the immediate rear of the house, and the building opposite to the front is a church.
- b) Privacy:- The proposal will not lead to unacceptable overlooking of neighbouring properties either. The front dormer will face a building on the opposite side of Oak Street at a distance of less than 11 metres. However, as indicated above this is a church. The rear dormer will face the back street and thereafter New Scotland Road.

## **Highway Safety**

The proposal will not give rise to any undue highway safety concerns, a view supported by County Highways. Whilst it will increase the number of bedrooms within the property from two to four there is unrestricted parking available for use by residents to the rear on the privately maintained back street. The property is also sustainably located within walking distance of local facilities and a bus route.

### **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 proposal fails to fully accord with the plan for the reason outlined below and could not reasonably be rendered acceptable through the imposition of planning conditions. The development does not therefore comply with the development plan and accordingly refusal is recommended.

### **Recommendation: Refuse**

For the following reason:

The proposed dormer windows, because of their size, design, position and prominence, would unduly detract from the character and appearance of the host dwelling, from the appearance of the terrace as a whole and from the character of the surrounding area in general. The proposal is therefore contrary to the requirements of Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy, Sections 12 and 15 of the National Planning Policy Framework, Policies 3 and 6 of the Bradley Area Action Plan and the provisions of the Design Principles Supplementary Planning Document.

### **Informative**

This decision has been made having regard to the details shown on the following drawings:-

- AB0256-06 - Location and Site Plans
- AB0256-01 - Existing Floor Plans
- AB0256-02 - Proposed Floor Plans
- AB0256-03 - Existing and Proposed Rear Elevations
- AB0256-04 - Existing and Proposed Side Elevations
- AB0256-05 - Existing and Proposed Roof Plans

**Application Ref:** 25/0205/HHO

**Proposal:** Full: Erection of Front and Rear Dormers

**At** 15 Oak Street, Nelson

**On behalf of:** Mr Shahnawaz Hussain

## **REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 2nd JUNE 2025**

**Application Ref:** 25/0222/HHO

**Proposal:** Full: Erection of a roof lift to facilitate first floor accommodation, two-storey side extension, creation of timber deck and first floor balcony to rear.

**At** 1 Boulsworth Crescent, Nelson, Lancashire, BB9 8DF

**On behalf of:** Mr Samuel Masih

**Date Registered:** 03.04.2025

**Expiry Date:** 23.05.2025

**Case Officer:** Negin Sadeghi

**This application has been called in by a Councillor.**

### **Site Description and Proposal**

The application site comprises a detached, single-storey, L-shaped bungalow located on the northern side of Boulsworth Crescent. The property has white rendered walls, a concrete tiled pitched roof, and white uPVC fenestration. It occupies a generous corner plot with an expansive yard providing parking for up to five or six vehicles. The house is distinct from others in the street, which are predominantly semi-detached and of a smaller scale.

To the east lies No. 3 Boulsworth Crescent—a smaller, semi-detached bungalow that is linked to No. 5. The subject property, being the first in the row and detached, has a larger footprint and a different architectural form. There are no immediate neighbours to the north and west, with open green spaces adjoining the site.

The proposal seeks planning permission for the erection of a roof lift to enable first floor accommodation, a two-storey side extension, and the creation of a rear timber deck with a first-floor balcony. The development would increase the number of bedrooms from four to six.

### **Relevant Planning History**

13/90/0522P, DC: APPCON: FORMATION OF NEW WINDOW AT VARIANCE WITH CONDITION 2 OF PLANNING PERMISSION FOR EXTENSION TO

24/0408/HHO, DC: WDN: Full: Erection of a roof lift to facilitate first floor accommodation, two storey side extension, creation of timber deck and first floor balcony to rear.

### **Consultee Response**

#### **Highways**

The plans and submitted information have been viewed, together with the previous history (13.24.0408 – application withdrawn), and the following comments are made. Proposal The number of bedrooms will increase from 4 to 5. Access There is an existing vehicle crossing on Boulsworth Crescent serving the dwelling which will remain unchanged. Parking There are currently at least 3 off-street driveway spaces which will remain unchanged and are sufficient to accommodate the proposed development. Conclusion Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

**Parish/Town Council:** No answer received.

**PATHS- PBC Public right of way:** No answer received.

**NATGRD -National Grid:** No answer received.

**TPO-Environment Officer:** No answer received.

#### **Environmental Services (Health)**

We are concerned about potential nuisance during the construction phase, specifically working unreasonable hours, please can the informative below be placed on the development. To ensure that construction work is carried out at reasonable times. All construction work will be carried out within the hours of 8am – 6pm Monday – Friday, 9am – 1pm Saturday and no working Sundays and Bank holidays. Failure to work within these hours will result in a service of a notice under the Control of Pollution Act 1974, and potentially prosecution thereafter. Reason: For the amenity of the neighbouring residents.

## **Public Response**

The nearest neighbours have been notified by letter and the Site Notice, and some responses have been received.

- Reduced sunlight to gardens and rear rooms.
- Overlooking from raised roof and balcony.
- Risk to nearby trees with Tree Preservation Orders (TPOs).
- Out of keeping with single-storey bungalows; potential covenant breach.
- Prolonged noise, dust, and health impact on elderly residents.
- Blocked countryside views; visually intrusive structure.
- Increased parking pressure and restricted driveway access.
- Stability risks from full roof redesign; potential covenant breaches.
- Prolonged disruption from multiple large-scale projects nearby.

## **Relevant Planning Policy**

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

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

Replacement Pendle Local Plan (Saved Policies):

- Policy 31 sets out parking standards for new development.

National Planning Policy Framework (NPPF):

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

Design Principles Supplementary Planning Document (SPD):

- Provides guidance on appropriate design for householder developments.

## **Officer Comments**

The application site is a detached, single-storey, L-shaped bungalow situated on the north side of Boulsworth Crescent. The property occupies a prominent corner position at the start of a row of predominantly semi-detached dwellings and is distinguished from others on the street by its larger footprint and detached form. The surrounding properties vary in size and design, but the immediate context is largely characterised by modest, single-storey bungalows.

The existing dwelling is constructed of white-rendered walls with a concrete pitched roof and white uPVC fenestration. The proposal involves a significant increase in built form, comprising a full roof lift to create a new first floor, a two-storey side extension, and the addition of a timber deck and first floor balcony to the rear. The proposed materials include off-white render and anthracite cement board cladding to feature areas, black uPVC windows, and concrete roof tiles to match the existing.

The design would result in an increase in the height and scale of the property, introducing a full first floor and elevating the roof ridge substantially. Due to its corner location, the house is highly

visible from Boulsworth Crescent, and the raised roof and double-height massing would create a dominant visual presence.

However, as it sits on a corner plot it is visually separate from the other properties and due to the properties to the rear rising on the street the site can hold a larger property without it being detrimental to the appearance of the area.

The fenestration on the unit would need altering though as that presents a chaotic and disjointed design that detracts from the appearance of the area.

## **Neighbouring Amenity**

The application site is relatively well separated from neighbouring properties to the south and east across Boulsworth Crescent, with a high boundary hedge providing additional screening. To the west, the nearest neighbouring dwelling is set at a considerable distance from the host property.

The immediate neighbour is 3 Boulsworth Crescent. This is a dormer bungalow with a steep pitched roof with accommodation in the roof space.

The proposed development would bring the two-storey built form closer to No. 3, with an overall height and roof ridge increase. No. 3 has 3 windows in the elevation facing the site. The upper one is an obscurely glazed bathroom window. One mid height window serves a stairway but there is a ground floor window serving a kitchen/diner. Although the kitchen has a front facing window the diner window is set some 3m from the back of the house. The addition of another storey would present a dominant and overbearing impact on the diner window which would be unacceptable.

The existing dwelling sits lower than the dwelling at no. 3. The house would already breach a 45-degree line when measured from the rear window of number 3. That however is at a single storey height. The proposal increases the height of the dwelling which would raise the roof height to no. 3. This would breach a 45-degree line which would be contrary to the Council's adopted Supplementary Design Guide. The development would therefore have an overbearing impact on no. 3.

In addition, concerns have been raised regarding loss of privacy and overlooking from the proposed rear-facing balcony and first floor windows. While these are oriented towards the applicant's own garden area and do not directly face No. 3, the raised position may give rise to a perception of overlooking. Overall, the proposal would cause significant harm to the residential amenity of the adjacent neighbour and therefore conflicts with Policy ENV2 and the amenity guidance in the Design Principles SPD.

## **Highways**

The property benefits from an existing vehicular access onto Boulsworth Crescent, and a large front yard providing space for parking 5–6 cars off-street. The proposal would increase the number of bedrooms from four to six, which has the potential to increase parking demand.

Lancashire County Council, as the Local Highway Authority, has reviewed the submitted plans and raised no objection. It was confirmed that the existing access arrangement would remain unchanged and that the off-street parking provision is adequate to meet the needs of the enlarged dwelling. It was concluded that the development would not result in an unacceptable impact on highway safety, capacity, or amenity within the vicinity of the site.

As such, the proposal is considered acceptable in terms of highway safety and parking provision and complies with Policy 31 of the Replacement Pendle Local Plan.

## **Conclusion**

While the proposal is acceptable in terms of parking and highway safety, it would result in unacceptable harm to the residential amenity of the neighbouring property at No. 3 Boulsworth Crescent. The proposal fails to comply with Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy, Policy 31 of the Replacement Pendle Local Plan, and the Design Principles SPD.

## **RECOMMENDATION: Refusal**

Reason for Refusal:

1. The proposed development would result in an unacceptable loss of residential amenity to the occupants of No. 3 Boulsworth by virtue of the increased height and close proximity of the proposed built form. The development would therefore be contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and the Design Principles Supplementary Planning Document.

**Application Ref:** 25/0222/HHO

**Proposal:** Full: Erection of a roof lift to facilitate first floor accommodation, two-storey side extension, creation of timber deck and first floor balcony to rear.

**At** 1 Boulsworth Crescent, Nelson, Lancashire, BB9 8DF

**On behalf of:** Mr Samuel Masih

## **REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 02<sup>ND</sup> JUNE 2025**

**Application Ref:** 25/0228/HHO

**Proposal:** Full: Erection of a two-storey front extension and first floor extension.

**At** Edge End Hall Cottage, Edge End Lane, Nelson, Lancashire BB9 0PR

**On behalf of:** Mr Sabah Bapir & Mrs Shahida Ahmed

**Date Registered:** 04.04.2025

**Expiry Date:** 26.05.2025



**Case Officer:** Negin Sadeghi

### **Site Description and Proposal**

Edge End Hall Cottage is a single-storey, L-shaped stone cottage located on a narrow, winding lane within the Edge End Conservation Area. The property features natural stone walls, a pitched roof with natural stone slates, and white uPVC fenestration. It sits to the south of Edge End Lane and faces the Grade II listed Edgend House, separated by a public right of way and a high stone boundary wall. The application site is shared with a historic building; both structures occupy the same site and share a yard. The area is designated for its special architectural and historic interest, noted for its industrial heritage and vernacular building style.

The proposal seeks full planning permission for the erection of a two-storey front extension and a first-floor extension, changing the property from a two-bedroom, single-storey dwelling to a five-bedroom house. The extension would alter the footprint from an L-shaped layout to a more rectangular form and would include four additional bedrooms, new bathrooms, and a larger ground floor lounge. The proposal also includes significant changes to both the front and rear elevations, with multiple new window and door openings proposed. The site can accommodate at least four vehicles.

### **Relevant Planning History**

13/05/0444P, DC: APPCON: Full: Extend garage to side to form two bedroom and ensuite

### **Consultee Response**

#### **Highways**

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development is unlikely to have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The proposed development would increase the number of bedrooms from two to four and would not encroach on nor would reduce the existing on-site car parking provision. Three parking spaces can be accommodated on the existing drive, which is an adequate level of off-road parking for the type and scale of development proposed.

**Parish/Town Council:** No answer received.

**PATHS (PBC Public Right):** No answer received.

#### **Environmental Services (Health)**

We are concerned about potential nuisance during the construction phase, specifically working unreasonable hours, please can the informative below be placed on the development. To ensure that construction work is carried out at reasonable times. All construction work will be carried out within the hours of 8am – 6pm Monday – Friday, 9am – 1pm Saturday and no working Sundays and Bank holidays. Failure to work within these hours will result in a service of a notice under the Control of Pollution Act 1974, and potentially prosecution thereafter.

Reason: For the amenity of the neighbouring residents

### **Public Response**

The nearest neighbours have been notified by letter, and a site & press notice has been displayed. No answer has been received.

### **Relevant Planning Policy**

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

- Policy SDP1: Sustainable Development Principles
- Policy ENV1: Protection and Enhancement of the Natural and Built Environment
- Policy ENV2: High-Quality Design
- Policy 31: Parking Standards

National Planning Policy Framework (NPPF)

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

Design Principles Supplementary Planning Document (SPD)

- Provides guidance on appropriate design for householder developments.

### **Officer Comments**

#### **Design, Materials, and Impact on Heritage Assets and the Conservation Area**

Edge End Hall Cottage occupies a prominent and sensitive location within the Nelson Conservation Area, close to the Grade II listed Edgend House.

The building is single storey and occupies a rear portion of the gardens of the adjacent hall. The hall, whilst not listed, is architecturally interesting and forms an important feature of the conservation area. It is stone built with prominent chimneys and has good architectural detailing.

The grade 2 listed building sits just outside of the curtilage of the hall but has the rear elevation facing it. The setting of the listed building is framed by the hall, although the largest stone walls lessen the visibility of that.

There is a modern bungalow set to the side of these buildings. It is however set back and is surrounded by trees. This combination means that it does not contribute to the character or setting of the heritage assets including the listed building.

The proposal seeks to alter the form and scale of the single storey cottage. It would alter to two storeys in height but would be modern in design with features not found on the listed building and hall adjacent. The design does not reflect the character of the conservation area nor the design and setting of the listed building. The increase in height means that the building would strongly compete with the historic area and building adjacent and would look poorly designed and out of character with them.

The design may fit into a more modern unhistoric area but in its location, it would significantly harm the character and appearance of the conservation area and would have a lesser impact on the setting of the listed building.

There is a duty under section 66 of the listed buildings Act to have regard to the setting of listed buildings.

The development, as proposed would harm the significance of the designated heritage assets. Whilst this harm would be less than significant it would be at the upper end of harm in the less than significant scale. There would be minimal public benefits from the scheme which would not outweigh the harm caused to the significance of the designated heritage assets.

The proposal would therefore result in less than substantial harm to designated heritage assets. This harm is not outweighed by any public benefit and is contrary to Paragraphs 200 and 202 of the NPPF, as well as Policies ENV1 and ENV2 of the Local Plan and the SPD.

### **Residential Amenity**

The proposed extensions include several new openings: five ground floor windows, two sets of triple first-floor windows, and a large glazed central feature on the front elevation. While the north, west, and south boundaries benefit from screening by mature vegetation and high walls—limiting potential amenity impacts—the east side of the site directly faces the main historic building. There is a side window that would look directly into habitable windows in the hall unacceptably affecting privacy. A condition requiring obscure glazing could be attached were permission to be granted by Committee.

### **Impact on Landscape and Trees**

Information has been requested from the applicant about the potential to impact on the trees surrounding which are not in the ownership of the applicant.

### **Highways**

The existing driveway provides space for at least three vehicles, with sufficient turning room within the site. Lancashire County Council has confirmed there are no highway objections, and the level of off-street parking provision is considered adequate in relation to Policy 31.

### **Conclusion**

The proposed development is poorly designed extension to a modest heritage cottage in a sensitive conservation setting. The proposal would significantly alter the form and character of the existing building, result in harm to the Edge End Conservation Area and the setting of the Grade II listed Edgemoor House.

The application is therefore contrary to Policies ENV1, ENV2, and SDP1 of the Pendle Local Plan Part 1, guidance in the Design Principles SPD, and Sections 12 and 16 of the NPPF.

### **RECOMMENDATION: Refusal**

Reason for Refusal:

1. The proposed development, by virtue of its scale, design, and massing, would result in a dominant and incongruous addition that fails to preserve or enhance the character and appearance of the Edge End Conservation Area and which would have a detrimental impact on the setting of Edgemoor House, a grade 2 listed building. The development would harm the significance of the heritage assets and while the impact would be less than significant that would not be outweighed by the public benefit. The proposal is contrary to Policies ENV1, ENV2, and SDP1 of the Pendle Local Plan Part 1: Core Strategy (2011–2030), the guidance in

the Design Principles SPD, and Sections 12 and 16 of the National Planning Policy Framework (2023).

2. Insufficient information has been submitted to assess the impact of the development on existing mature trees surrounding the site. The proposed built form is in close proximity to tree canopies and root zones, and the development is likely to result in long-term harm to the trees or pressure for their removal. The proposal fails to comply with Policy ENV1 of the Pendle Local Plan Part 1: Core Strategy.

**Application Ref:** 25/0228/HHO

**Proposal:** Full: Erection of a two-storey front extension and first floor extension.

**At** Edge End Hall Cottage, Edge End Lane, Nelson, Lancashire BB9 0PR

**On behalf of:** Mr Sabah Bapir & Mrs Shahida Ahmed

## REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 02nd JUNE 2025

**Application Ref:** 25/0247/FUL

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

**At** 534 Colne Road, Reedley, Burnley

**On behalf of:** DVL Properties Ltd

**Date Registered:** 07.04.2025

**Expiry Date:** 02.06.2025

**Case Officer:** Athira Pushpagaran

This application is brought to committee at the request of a Councillor.

### **Site Description and Proposal**

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

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

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

#### **Highways**

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

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

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

### Proposal

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

### Car & cycle parking

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

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

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

Furthermore, in order that the site supports other sustainable forms of transport an electric vehicle charging point should be provided. This shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles. This can be controlled by condition.

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

### Conditions

1. Prior to first occupation of the approved development secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter. Reason: To ensure that the development supports sustainable forms of transport.
2. Prior to first occupation of the approved development an electric vehicle charging point shall be provided in accordance with a scheme to be approved by the Local Planning Authority. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available. Reason: To ensure that the development supports sustainable forms of transport.
3. The car parking facilities and manoeuvring areas shown on the plans hereby approved shall be made available in accordance with the approved plans prior to the occupation of any of the buildings; such parking facilities and manoeuvring areas shall thereafter be permanently retained for that purpose. Reason: In the interest of highway safety and to ensure adequate parking is available within the site.

### **Architectural Liaison Unit**

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

#### **Parish/Town Council**

No response

#### **PBC Environmental health**

No response

### **Public Response**

The nearest neighbours have been notified by letter, and 7 responses have been received so far. Out of these 6 were objections and 1 was in support. These are summarised below:

Objections:

- concerns about safety of children living in very close vicinity to this house
- concerns about children loitering the area in the evening and possibly upsetting the peace
- do not fit with the safe, peaceful and clean neighbourhood
- noise concerns from increased activities for staff pickup drop offs and 24 hr shift patterns.
- security concerns
- location of the site near to areas of higher crime rates may vulnerable children propose to be housed there exposed and influenced by anti-social behaviours and crime
- loss of a substantial residential unit to an already burgeoned industry in the area
- detrimental effect on property values
- worsen already existing traffic and parking issues
- lack of local infrastructure to accommodate the specific needs of the home's residents
- concerns about unsociable behaviour by the nature of a children's home

Supporting:

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

### **Relevant Planning Policy**

#### **Pendle Local Plan Part 1: Core Strategy**

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

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

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

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

### Replacement Pendle Local Plan

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

### National Planning Policy Framework

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

### **Officer Comments**

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

#### **Residential amenity**

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

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

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

#### **Highways**



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

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

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

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

### **Other matters**

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

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Approve**

Subject to the following conditions:

3. 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.

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

- 25/26/1 Location and Block Plan
- 25/26/03 Proposed Plan
- 25/26/04 Existing and Proposed Elevations

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

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

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

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

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

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

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

**Application Ref:** 25/0247/FUL

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

**At** 534 Colne Road, Reedley, Burnley

**On behalf of:** DVL Properties Ltd

## LIST OF BACKGROUND PAPERS

Planning Applications

**NW/MP**

**Date: 01st May 2025**