

Report Title	PLANNING APPLICATIONS
Meeting	NELSON, BRIERFIELD & REEDLEY COMMITTEE
Meeting Date	06TH OCTOBER 2025
Report Author	NEIL WATSON
Directorate	PLACE
Lead Executive Member(s)	COUNCILLOR L. WHIPP
Wards Affected	BRIERFIELD WEST & REEDLEY, WHITEFIELD & WALVERDEN, BRADLEY, BRIERFIELD EAST & CLOVER HILL AND MARSDEN & SOUTHFIELD
Public. Part Exempt, or Fully Exempt	PUBLIC
Appendices (if any)	NONE

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 06TH OCTOBER 2025

Application Ref: 25/0364/PIP

Proposal: Permission in Principle: Erection of 1 no detached dwelling.

At Potential Development Land To the Northwest Of Holme End,
Brierfield, Lancashire

On behalf of: Mr Mohommed Arif

Date Registered: 10.07.2025

Expiry Date: 14.08.2025

Case Officer: Neil Watson

Site Description and Proposal

The application relates to an irregularly shaped parcel of land situated to the northwest of Holme End, Brierfield. The site lies to the west of the Leeds and Liverpool Canal and to the east of an unclassified road, within open countryside and designated Green Belt. The surrounding context is semi-rural, with a mix of agricultural land and sporadic residential properties to the north and south. Pendle Bridge lies to the south of the site.

The application seeks Permission in Principle (PiP) for the erection of a single detached dwelling. This process assesses the principle of development only; issues such as access, layout, appearance, landscaping, and scale would be addressed at the Technical Details Consent (TDC) stage if the PiP is approved.

Consultee Response

Highways

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the principle of the proposed development.

Parish/Town Council: No answer.

PBC Public Right of Way: No answer.

United Utilities: No answer.

Environment Health:

We are concern about nuisance in the construction phase,

Environmental Agency

Environment Agency Position We object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and planning practice guidance (PPG). We recommend that planning permission is refused on this basis. Reason(s) According to Annex 3 of the NPPF, residential development is classified as 'more vulnerable' in terms of flood risk. The site lies wholly within Flood Zone 3b (functional floodplain), which is land with a high probability of flooding and is intended to store floodwater. This classification is confirmed in the Flood Risk and Coastal Change section of the PPG. As per Table 3 of the PPG, 'more vulnerable' development is not appropriate in Flood Zone 3b and should not be permitted under national planning policy. Additionally, Paragraph 167 of the NPPF (2023) requires that development must not increase flood risk elsewhere and must be safe for its lifetime, which cannot be assured in this high-risk location. Overcoming our objection End 2 The proposal conflicts with national policy, and residential development should be directed to areas of lower flood risk through application of the Sequential Test.

Public Response

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

Relevant Planning Policy

- National Planning Policy Framework (2023)
- Planning Practice Guidance (PPG)
- Pendle Local Plan Part 1: Core Strategy (2011–2030)
- Replacement Pendle Local Plan (saved policies)
- Open Countryside and Green Belt Designations
- Flood Risk and Coastal Change – PPG & Environment Agency Guidance

National Planning Policy Framework (“NPPF”)

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶), unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

110. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and d)

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

154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

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

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

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed ;
- c. The development would be in a sustainable location, with particular reference to [paragraphs 110 and 115 of this Framework] [57](#) ; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

156. Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review [58](#), or on sites in the Green Belt subject to a planning application [59](#), the following contributions ('Golden Rules') should be made:

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;
- b. necessary improvements to local or national infrastructure; and
- c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.

157. Before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50% [60](#). In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability.

158. A development which complies with the Golden Rules should be given significant weight in favour of the grant of permission.

The Glossary to the NPPF defines grey belt as:

For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

174. Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.

175. The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable

elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

Officer Comments

Principle of Development

Permission in Principle applications are assessed primarily on location, land use, and amount of development. The site lies within both the Green Belt and Flood Zone 3b (functional floodplain). These two designations are critical to the assessment of whether a dwelling can be supported in principle at this location.

Green Belt and Countryside Impact

The agent asserts that the proposal qualifies as a very special circumstance on the basis that it would be a self-built project. However, self-build does not amount to a very special circumstance as it is a generic issue that could apply to any self build site..

Paragraph 152 of the NPPF makes it clear that inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 155 describes situations where development in the green belt on land that is defined as grey belt may be appropriate.

Grey Belt Land

The revised NPPF defines 'grey belt land' as Green Belt land comprising previously developed land or land that does not strongly contribute to Green Belt purposes (a), (b), or (d), as set out in paragraph 143 of the Framework.

Paragraph 155 allows for potential development on grey belt land, provided it meets criteria such as not undermining remaining Green Belt purposes, demonstrating unmet need, being sustainably located, and adhering to the 'golden rules.' The applicant asserts this site's grey belt status to justify its development.

Pendle has not undertaken a grey belt assessment but is commissioning work on this currently. There is however a green belt study that has been adopted by the Council that looks into the characteristics of parcels of the green belt. The study is part of the documents at examination and there have been no objections to the method of assessing land parcels within it. The study can therefore help to assess whether the land is or is not grey belt. The role the site plays in terms of criteria a, b or d needs to be considered.

The glossary makes it clear that grey belt land does not include land in the green belt that strongly contributes to any one of the criteria a, b or c.

Criteria a, b and d are:

- (a) to check the unrestricted sprawl of large built-up areas
- (b) to prevent neighbouring towns merging into one another;
- (d) to preserve the setting and special character of historic towns;

The Pendle Green Belt Assessment ("the GBA") identifies the land as part of Parcel PO10.

Criteria (a) to check the unrestricted sprawl of large built-up areas

The GBA assesses the whole of the parcel of land as majorly contributing to purpose a. The site is a part of the overall parcel and is at the western end of it.

Criteria (b) to prevent neighbouring towns merging into one another;

Parcel PO10 does not strongly contribute to preventing towns merging together.

Criteria (d) to preserve the setting and special character of historic towns;

The Green Belt assessment correctly indicates that the site plays no role in preserving the historic features or settings of Colne.

The development is not therefore grey belt land as it plays a strong role in criteria a of paragraph 143 of the NPPF.

Flood Risk

The Environment Agency objects to the application. The site lies wholly within Flood Zone 3b, which is defined as functional floodplain where water has to flow or be stored in times of flood. Residential development is classed as 'more vulnerable' under the NPPF and is not considered appropriate in Flood Zone 3b. Paragraph 174 of the Framework indicates that development should not be allocated or permitted in higher risk sites if there are reasonable alternatives available. Pendle has just gone through an examination in public and sufficient sites are available to cater for the development needs of the area outside of this 3b flood site.

Highways and Other Issues

These, alongside other technical issues, are for consideration at any technical details stage.

Recommendation: Refusal

Reason for Refusal:

1. The proposed development is located within Flood Zone 3b (functional floodplain), where 'more vulnerable' development such as residential housing is not appropriate in accordance with the National Planning Policy Framework (NPPF) and Planning Practice Guidance and there are other sites available for development. The proposal is therefore contrary to Section 14 of the National Planning Policy Framework and the principle of development is not acceptable.
2. The site is located within the Green Belt and the proposal represents inappropriate development, which is, by definition, harmful to the Green Belt. No very special circumstances have been demonstrated to justify the development. The proposal therefore conflicts with Section 13 of the National Planning Policy Framework, in particular paragraph 153, and would be inappropriate development harmful to the openness of the green belt and would thus be contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy.

Application Ref: 25/0364/PIP

Proposal: Permission in Principle: Erection of 1 no detached dwelling.

At Potential Development Land To the Northwest Of Holme End,
Brierfield, Lancashire

On behalf of: Mr Mohommed Arif

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 06TH OCTOBER 2025

Application Ref: 25/0415/CND

Proposal: Discharge Condition 5 (Fencing details) of Planning Permission
22/0051/FUL.

At: 212 Railway Street, Nelson, BB9 0SE

On behalf of: Mr Muhammad Bashir Chaudhry

Date Registered: 26/6/25

Expiry Date: 21/8/25

Case Officer Neil Watson

Site Description and Proposal

The site is a food store located in Nelson. It has a rear area that is to be used for car sales.

The application has been called in to Committee. Members should note that to approve a development without a plan showing where the fencing is proposed would constitute maladministration. A Local Planning Authority is not able to approve anything that does not show where that development is to be located.

Relevant Planning History

22/0051/FUL Change of use to car sales.

Consultee Response

None

Public Response

None

Officer Comments

Condition 5 The applicant wishes to erect fencing 2.4m high around the site. No details have been given as to where the fencing is to be located and no response has been received requesting clarification. The condition cannot be discharged.

RECOMMENDATION: Condition not discharged

Application Ref: 25/0415/CND

Proposal: Discharge Condition 5 (Fencing details) of Planning Permission
22/0051/FUL.

At: 212 Railway Street, Nelson, BB9 0SE

On behalf of: Mr Muhammad Bashir Chaudhry

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 06TH OCTOBER 2025

Application Ref: 25/0424/HHO

Proposal: Full: Erection of rear extension

At: 2 - 4 Carleton Street, Nelson

On behalf of: Mr Mohammed Farooq

Date Registered: 25/6/2025

Expiry Date: 20/08/2025

Case Officer: Neil Watson

Site Description and Proposal

The application site is a mid-terrace pair of houses. It has an existing extension to the rear of number 4 with the proposed extension adjacent to number 2.

Number 2 has an extension with windows facing the appeal site. The rear wall of number 2 is set back slightly from the application site which in turn sits slightly higher than the floor level of number 2.

Relevant Planning History

No planning history.

Consultee Response

LCC Highways; No objection.

Parish consultation: No comments received.

Public Response

One objection has been received on the following grounds:

This objection is submitted on the grounds that the development will unacceptably reduce direct sunlight to two habitable room windows, be overbearing due to elevated ground levels, and conflict with national and local planning policy safeguarding residential amenity. The proposed extension will directly overshadow:

- The kitchen window (the only window serving that room), which currently benefits from unimpeded morning and early-afternoon sunlight.

- A living-room window (one of two windows), which is the sole source of direct sunlight into that space.

National policy (National Planning Policy Framework) requires that new development secures a high standard of amenity for existing users, including adequate daylight and sunlight to habitable rooms (NPPF §130(f)). Planning authorities must consider the impact on daylight and sunlight to habitable room windows against the Building Research Establishment's "Site Layout Planning for Daylight and Sunlight" guidance. Where a development proposal obstructs a 25° line in a vertical section from the centre of the lowest window, a full assessment is normally required and refusal may follow if the loss is significant. I note that a daylight or sunlight assessment does not accompany this application.

The neighbour's garden sits approximately 1.5 ft above the natural ground level at the rear of number 2. They have not proposed any re-grading to flush ground levels before construction. This means the roof eaves and ridge of the extension will be substantially higher—increasing the bulk and height of the building as perceived from my kitchen and living-room windows. Local plan policy and the NPPF both require new development to avoid overbearing impacts on neighbouring properties. This structure's elevated height will appear oppressive, erode outlook, and exacerbate light loss. It will directly impact upon my property and my existing rights.

Furthermore, unlike other neighbours, my property is the only dwelling facing this part of the site with a habitable window on its rear elevation. All other properties have their principal windows on the side walls, not rear, so will not suffer any loss of sunlight. The consequence is a uniquely adverse effect on my living conditions, amounting to an unfair and disproportionate diminution of amenity. To conclude, in light of:

- The predicted significant loss of direct sunlight to two habitable room windows without any supporting Daylight and Sunlight Assessment;
- The overbearing nature of the extension due to higher existing ground levels;
- The unique and disproportionate harm to my property's living conditions; I respectfully request that the local planning authority:
 1. Refuse planning permission under NPPF and relevant local plan policies; or
 2. At a minimum, require the applicant to submit a full BRE-compliant Daylight and Sunlight Assessment demonstrating that the development will not cause a noticeable loss of amenity.

I look forward to hearing from you soon with a satisfactory 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. Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development. National Planning Policy Framework The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

The design guide is not a policy document but guides how development should be assessed giving general parameters for how developments should be assessed. Relevant to the development are the following parts of the guide:

16. Extensions must adequately protect neighbours enjoying their own home. Extensions must not overshadow to an unacceptable degree or have an overbearing effect on neighbouring properties.

19. Extensions should have regard to the following minimum spacing standards: Maintain a minimum distance of 12 metres between a principal window (a principal window is that on the main aspect to the property and would normally be the larger window where there is more than one) to a habitable room (e.g. living rooms and bedrooms and not normally bathroom, landing or utility room) in one property and a two storey blank wall of a neighbouring property; and

Single Storey Rear Extensions

- Subject to it being appropriate in terms of relationship to other properties, aspect, design and scale, a single storey rear extension located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling. A single storey extension of greater depth (or in a situation where the application property has a rear elevation which is set further back than the rear elevation of the neighbouring property), will normally only be permitted if it does not breach the 45 degree rule where this would not cause detriment to the character of an area. This dimension (4m) can be increased where the distance between dwellings are considerable, or where the extension itself would stand away from the boundary with the adjoining property.

- In the case of some terraced properties, where more lengthy projections are characteristic; where essential facilities need to be provided; or where due to orientation and the relative position of an extension to habitable room windows in an adjoining property a projection greater than 4m may be acceptable, subject to it having an acceptable impact on neighbouring properties.
- In many terraced streets there is a regular rhythm of single storey extensions in rear yards with similar roof pitches and projections. Single storey (and two storey) extensions to terraced properties should not normally extend beyond the line of existing additions in order to maintain the character and appearance of such areas.
- One of the most common forms of single storey extension is to the rear of terraced properties to extend the kitchen or other ground floor accommodation. Such extensions should still retain sufficient yard area for the storage of bins, seating and to hang out washing.
- All conservatories should be in character, scale and proportion with the original house. The plinth and window frames should match or compliment the materials found on the house. Careful consideration should be given to the siting of the conservatory especially in relation to neighbouring properties. If the proposed siting is near to the boundary of an adjacent property then obscure glazing or a solid wall should be used on the elevation nearest the property. It may, in some cases, be possible to erect a screen fence / wall / hedge that would protect the privacy of neighbouring properties.
- Conservatories will not be acceptable on houses formed from the change of use of buildings formerly in non residential use, where they would detract from the simple vernacular appearance of the building (e.g. barn conversions). A standard uPVC conservatory will not be acceptable on a Listed Building. Within a Conservation Area, additional consideration will be given to design, use of materials and position on the building to ensure that the character and appearance are not harmed.

Officer Comments

The applicant site sits to the rear of a row of terraced properties. There are a range of design types for extension and the aesthetic appearance of the proposed extension would fit in with the general appearance of the back street.

The principal issue of concern for the application is the impact on the living conditions of the neighbour.

The application site sits elevated above the neighbouring property by circa 50cm. The neighbouring property has an outrigger with windows in it which faces the site. These

are habitable windows in the extension and the extension does not have any other windows.

There is a living room window in the rear wall of the neighbouring property. That window is set back from the wall of the neighbouring house by circa 20cm. The extension proposed is 4.1m in length and when combined with the recessed window that would mean an extension circa 4.3m in length.

Concerns have been raised about the impact the development would have on the living conditions of the neighbour. Although the planning guidance indicates that normally a 4m extension would, be acceptable the design guide also looks at the relationship between blank walls facing habitable windows, albeit that it does not specifically look at situations such as this.

The lower level of the neighbouring property will exacerbate any detrimental impacts. The extension would be longer than the 4m advised in the design guide and that would impact on the living room window of the adjoining house.

In addition to this erecting a blank wall and roof on a slightly elevated base in extremely close proximity to the kitchen window would, result in an oppressive impact on the living conditions of the neighbour and would be overbearing and unacceptable.

RECOMMENDATION: Refuse

- 1 The proposed development would lead to an unacceptable impact on the living conditions of the occupiers of the adjoining property at number 2 as it would be overbearing and oppressive. This would result in a poorly designed development contrary to policy ENV2 of the adopted Pendle Local Plan and to paragraph 139 of the National Planning Policy Framework.

Application Ref: 25/0424/HHO

Proposal: Full: Erection of rear extension

At: 2 - 4 Carleton Street, Nelson

On behalf of: Mr Mohammed Farooq

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 06TH OCTOBER 2025

Application Ref: 25/0458/FUL

Proposal: Full: Part retention of function room (Use Class F2 b) at first floor, conversion of ground floor from a Pub (Sui Generis) to 1 no. flat (Use Class C3) and a Restaurant (Use Class E(b)), alterations to frontage, insertion of shutters and the installation of an extraction flue to the side.

At: 129 Manchester Road, Nelson, Lancashire, BB9 7AG

On behalf of: Mr Taj Ahmed

Date Registered: 7/11/2025

Expiry Date: 9/5/2025

Case Officer: Neil Watson

Site Description and Proposal

The application site sits in a prominent corner location within a conservation area. It is a stone built 3 storey building that was formerly used as a members club.

The proposal is to use it for a mixed use including as a function room, a flat and a restaurant. External changes are also proposed to the main elevations including the installation of shutters.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways; Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection in principle regarding the proposed development, taking into consideration other uses of the building which could be undertaken without the need for change of use planning permission. The highway authority 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 and informative note applied to any formal planning approval granted. External step not to be on the highway.

There is a car park an acceptable walking distance away and the applicant should the location and use of that.

Details need to be provided about deliveries.

The internal doors not wide enough for bins.

Environmental Health: No response to the consultation.

Public Response

25 letters of objection have been received commenting on the following points:

- There is inadequate parking for the premises and area.
- Why were more residents not written to?
- There are double yellow lines outside
- Traffic light congestion
- Increase noise/smell/litter and vermin
- Where will trade waste bins go?
- The Council has failed to protect the high street to maintain a mixed use of non-food establishments and allowed Manchester Rd to become a dirty litter strewn retail area where both businesses and customers take no pride in the area. Residents in the area (affected by the proposed restaurant) categorically DO NOT want this business on their door step
- Smell from cooking
- Obesity for another food establishment
- We have a peaceful life and it will be detrimental to ourselves and our children
- Already 10 food outlets within 200m

Relevant Planning Policy

Development Plan

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 The

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

National Planning Policy Framework

116. 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.

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

141. The quality and character of places can suffer when advertisements are poorly sited and designed.

207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72 places a statutory duty to have regard to preserving or enhancing conservation areas in making planning decisions

Officer Comments

The application site lies in the St Marys Conservation Area outside of the town centre for Nelson. The proposal seeks to change the use of a former members club into a mixture of uses. The property was previously in a use class of its own (suis generis) and hence all parts of the development require planning permission. The former use of the building, and its lawful use, do however need to be considered in the planning balance.

The proposed use is for a restaurant with a function room. The former use was a town centre use, and the proposed uses are also town centre uses. There is no requirement for a sequential test as the proposed and existing uses are town centre ones. There is therefore no in principle objection to the application.

Design and Impact on the Heritage Asset

The site sits on a prominent corner location. It has a traditional proportions and the conservation area included the site in it as it makes a positive contribution to the conservation area.

The proposal seeks to alter the frontage along Manchester Road and Lomeshaye Road. This involves opening up the frontages by crating large glass shop windows along Manchester Road and extending the lower section of the windows to ground level. Shutters are also proposed. Similar alterations are proposed on the Lomeshaye elevation. The applicant has been informed that in the view of officers these are unacceptable alterations and will affect the design of the building and conservation area unacceptably. Agreement has been reached to retain the Lomeshaye Road elevation as it is but the applicant wishes to alter the Manchester Road one. The Council is therefore asked to assess the development based on the instructions of the applicant.

The prominent location makes the alteration public very visible and will have a significant impact on the street scene. The significance of the heritage asset is the uniformity and simplicity of the buildings and the traditional design. The development would introduce a wholly unsympathetic and poorly designed elevation along Manchester Road that would harm both the street scheme and the significance of the historic asset. The design is unacceptable as is the harm to the significance of the heritage asset.

That harm needs to be balanced against any public benefits the development would have. There would be the re-use of a building that has been empty for some years. There would also be benefits in the construction and supply chain. These benefits would not however be outweighed by the harm the development would cause to the significance of the heritage asset.

Residential Amenity

The existing use has a function room at first floor level. The proposal is to retain this but adding toilets and a kitchen. The potential for noise disturbance will not alter from the existing use to the new use but there is potential for the kitchen to cause a disturbance to the residential units located to the rear due to the proximity of a proposed extraction unit.

Provided the extraction unit operates effectively and is maintained there would not likely be noise or smell issues emanating from it. A condition requiring full details of how it operates would be required.

A restaurant is proposed at the ground floor. Restaurants are not places that generate noise and with appropriate opening times there would not be unacceptable impacts on neighbours by people entering and leaving. The impacts of this could be adequately controlled by conditions.

No details of the potential noise impact on the flat have been provided. Again however a condition requiring adequate noise insulation would be an effective way of ensuring the occupants were not disturbed by noise from the function room or restaurant

Highway Safety

The site does not have any car parking. It has restricted parking to the frontage as it is located on a signalised junction. Any customer parking there would lead to a significant danger to highway users. Nelson suffers from high levels of unlawful parking in the evening and were this to extend to this site that would be unacceptable.

Users of the facility will normally be there for some time. Provided a condition prevented any off-site sales customers would be likely to park any vehicle they would use in a lawful parking area not directly on the junction. Vehicles dropping people off may act unlawfully but due to the proximity of the site on the signalised junction it is likely that vehicles would drop customers off away from the signalised area. The building also has a lawful use as a members club/pub which would involve customers using vehicles in a similar way to the overall use proposed. In overall terms the proposed use is not therefore likely to lead to a worse position than re-using the facility for its lawful use.

RECOMMENDATION: Refuse

- 1 The proposed development is unsympathetically designed and does not respond to the architectural style of the building or conservation area. The development would result in an unacceptable design contrary to paragraph 139 of the National Planning Policy Framework and Policy ENV2 of the adapted Pendle Local plan Part 1.
- 2 It would also lead to less than less substantial harm to the designated heritage asset due to its unsympathetic and poor design and this harm would not be outweighed by the limited public benefit it would bring. The development would thus be contrary to policy ENV2 of the adopted Pendle Local Plan Part 1 and to paragraph 215 of the National Planning Policy Framework and would be

contrary to part 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Application Ref: 25/0458/FUL

Proposal: Full: Part retention of function room (Use Class F2 b) at first floor, conversion of ground floor from a Pub (Sui Generis) to 1 no. flat (Use Class C3) and a Restaurant (Use Class E(b)), alterations to frontage, insertion of shutters and the installation of an extraction flue to the side.

At: 129 Manchester Road, Nelson, Lancashire, BB9 7AG

On behalf of: Mr Taj Ahmed

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 06TH OCTOBER 2025

Application Ref: 25/0495/HHO
Proposal: Full: Extension to existing front dormer.
At: 97 Hibson Road, Nelson, Lancashire BB9 0AU
On behalf of: Mr Munawwar Hussain
Date Registered: 28/07/2025
Expiry Date: 22/09/2025
Case Officer: John Halton

Site Description and Proposal

The application relates to a site comprising a four-bedroom detached residential property and its associated domestic curtilage.

The site is in a predominantly residential area within the settlement boundary for Nelson, so the presumption in favour of sustainable development applies.

The surrounding area has a varied built form comprising a mixture of detached bungalows, two-storey semi-detached houses and two-storey terraced properties. Front-facing dormers are not a defining feature of the local street scene.

The applicant is seeking planning permission to extend the existing front dormer to the full width of the building.

Relevant Planning History

13/13/0454P – Approved: Roof lift to dwelling to create a two-storey property, including a two-storey rear extension, flat roof dormer to front elevation, and associated external alterations.

Consultee Comments

LCC Highways

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

Public Response

Nearest neighbour's notified by letter, with no objections received.

Officer Comments

The main issues associated with this planning application are compliance with adopted planning policy and guidance on design, and the potential impact on residential amenity.

Policy

Pendle Local Plan Part 1: Core Strategy (December 2015)

Policy ENV1 – Protecting and Enhancing Our Natural and Historic Environments requires development to preserve the character and appearance of the area, avoiding adverse impacts on landscape and townscape

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

Policy LIV5 – Designing Better Places to Live requires residential development and alterations to be designed in a way that integrates well with surrounding buildings and enhances the residential environment.

National Planning Policy Framework (NPPF) (February 2025)

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

Paragraph 139 advises that significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents, and that development which is not well designed should be refused.

Design Principles Supplementary Planning Document (SPD) (December 2009)

The Design Principles SPD applies to extensions and sets out the principles that reflect good design practice.

Design and Materials

The main issues associated with this planning application are compliance with adopted planning policy and guidance, design and impact on residential amenity.

The Design Principles SPD sets out the principles and guidelines for householder extensions. These have been reviewed and considered in the context of the proposed development and on their own merits in arriving at the recommendation of this report.

The property occupies an elevated position to the west of Hibson Road in Nelson on a site that slopes downhill towards the north. There are detached residential properties to either side of the application site. The principal elevation fronts a highway (Hibson Road). A 1.5-metre-high boundary wall, built of natural stone, screens much of the paved area to the front of the dwelling-house, which provides off-street parking.

The houses to the west of Hibson Road (nos. 93-105) are generally equidistant with parking to the front and/or side of each dwelling. Given the falling gradient to the north along Hibson Road there is a gradual stepped appearance to the ridge lines of these dwellings when viewed from the opposite side of the road, where terraced properties offer a more uniform building line.

The appearance of number 97 Hibson Road is not typical of the surrounding area having been extensively remodelled between 2013 and 2015. Planning approval 13/13/0454P permitted the installation of a flat-roof dormer on the front elevation together with a roof lift to the dwelling and the erection of a two-storey rear extension. The dwelling is finished in white render with black uPVC window frames and doors and a dark concrete tiled pitched roof.

Front dormers are not a feature of houses in the immediate vicinity of the application site. The only other front dormer on this stretch of Hibson Road is at No.170, a terraced property approximately 100 metres to the south. Adjacent detached and semi-detached properties with rooms in the eaves are typically fitted with skylights that sit flush with the pitched roofline.

The existing dormer is centrally located and occupies approximately one-third of the front elevation. The applicant is looking to extend this to the full width of the building.

A full-width extension would significantly increase the size and visual prominence of the dormer. However, in view of the substantial changes made to the property between 2013 and 2015 and based on the submitted plans extending the dormer across the full width of the property would not have an adverse impact on design quality or the balance and character of the dwelling.

The Design Principles SPD recommends that dormers should be set back from the side elevations by a minimum of 0.5 metres, to avoid having an overbearing effect on the street scene. However, full-width dormers are not unusual in this part of Nelson and can be found on several properties on nearby Causey Foot. As such this requirement is not deemed to be necessary in this instance.

Given the separation distances from neighbouring properties and the set-back from the road the proposal would not adversely impact the street scene or the character of the area.

The Design Principles SPD states that dormers should be faced in materials that match the existing roof coverings. The applicant proposes to use a rubber flat-roof system with concrete interlocking tiles, to match the existing finish, on the front elevation. The proposed materials for the development are acceptable.

Whilst a full-width front dormer does not accord with the guidance in the Design Principles SPD, taking the above design considerations into account, the proposal is consistent with Policy ENV2 of the Pendle Core Strategy (2015), which seeks to deliver the highest possible standards of design in both form and sustainability.

However, this conclusion should not be seen as setting a precedent for similar proposals on other detached, semi-detached or terraced properties in the area, which have a markedly different character to No.97 Hibson Road.

Residential Amenity

The impact on neighbouring properties arising from the scale, bulk and mass of the dormer extension must be assessed.

There are no new windows proposed in either side elevation so there is no impact on the privacy of the occupiers of neighbouring properties.

At its closest point the dormer extension would be 3.5 metres from the side elevation of No.99 Hibson Road, which occupies an elevated position to the south of the application site. There are two glazed units in this elevation, which raises the possibility that the proposed development could result in overshadowing. The larger of the two windows (i.e. that closest to Hibson Road) provides light for a habitable room, but the principal window is situated on the front elevation. Given the elevated position of No.99 and the fact that the side elevation is north facing, which means that it does not receive direct sunlight and is in shadow for much of the day, any loss of natural light arising from the extension of the dormer will be minimal.

To the north the dormer extension would be 6.0 metres from the end gable of No.99 Hibson Road, which sits at a lower elevation than the application site. On this elevation there is a part-glazed UPVC door, but no windows. Given the distance between the two dwellings even accounting for the difference in elevation, any loss of natural light arising from the extension of the dormer will be minimal and will not impact a habitable room.

Given the above the proposed dormer extension would not have an adverse impact on amenity.

Parking

Policy 31 and Appendix 2 of the Replacement Pendle Local Plan (2006) establish car and cycle parking standards for Pendle. These require three car parking spaces to be provided for dwellings with four or more bedrooms.

The application indicates that the extension of the dormer will not create any additional bedrooms. There is currently off-road parking for up four vehicles, with three spaces provided on the driveway and one within an integral single garage. The garage can also provide secure storage for at least two cycles. The dwelling remains compliant with the local parking standards.

Biodiversity Net Gain (BNG)

Householder applications are exempt from BNG requirements.

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 raises no significant policy, design or amenity issues subject to compliance with conditions. As the proposal complies with the development plan and there are no material considerations to object to the application, the presumption in favour of sustainable development applies.

Recommendation: Approve

Subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990, as amended 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:

Drawing No.	Description	Received
JULY 25	Location and Block Plan	28/07/2025
JULY 25	Front Elevations Existing & Proposed	28/07/2025
Rev'd: SEP 13	Side Elevations Existing & Proposed	28/07/2025
JULY 25	Proposed Roof Plan	28/07/2025

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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.

4. The external facing and roofing materials shall match those of the existing building in terms of type, size, form, texture and colour and there shall be no variation without the prior consent of the Local Planning Authority.

Reason: In order to ensure that new material matches the existing.

Application Ref: 25/0495/HHO

Proposal: Full: Extension to existing front dormer.

At: 97 Hibson Road, Nelson, Lancashire BB9 0AU

On behalf of: Mr Munawwar Hussain

REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 6th OCTOBER 2025

Application Ref: 25/0511/CEA

Proposal: Certificate of Lawful Use (S.192 Proposed Development): Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2) for up to 2 no. children.

At 16 Hillside View, Brierfield, Lancashire

On behalf of: Baytamor Ltd

Date Registered: 05.08.2025

Expiry Date: 30.09.2025

Case Officer: Athira Pushpagaran

This application has been sent to committee due to the level of public interest received.

Site Description and Proposal

The application site is a detached dwelling situated in a residential neighbourhood within the defined settlement boundary of Brierfield. The main access is from Hillside View.

This proposal seeks to gain a Certificate of Lawfulness (Section 192 – Proposed Development) for a change of use of existing dwelling (Use Class C3) to a Residential Institution (Use Class C2) for up to 2 no. children.

Relevant Planning History

25/0440/CEA Certificate of Lawful Use (S.192 Proposed Development): Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2). Refused. 2025

25/0340/CEA Certificate of Lawful Use (S.192 Proposed Development): Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2). Refused. 2025

21/0401/FUL Full: Sub-divide dwelling house into two dwellings. Approved with Condition. 2021

Consultee Response

PBC Legal

No response

Public Response

A number of comments were received from members of the public despite no notice being served as it is not necessary for applications of this type. These comments, raising objections to the proposal, are summarised below:

- Lack of experience, operational history, and staff credentials.
- No physical homes, licenses, or Ofsted oversight.
- Use of vague, unverified clinical and behavioural care language.
- Serious risk to public safety and community cohesion.
- Inappropriate location for this type of facility.
- Lack of public consultation and transparency.
- Parking and traffic problems
- number 16 is not a semi as noted but a terraced house with adjoining neighbours on either side unsuitable as a place of business of this nature
- Impact on and change to the community that includes the elderly and vulnerable
- There is over 4 times as much Children's Home provision than is needed in Lancashire. There is no need for this facility in the area
- Property has no sound proofing
- The driveways stated by the applicant do NOT exist due to there being NO dropped kerb
- The area has a considerable problem with antisocial behaviour which is currently increasing and not appropriate for housing vulnerable youngsters.
- reduce the present housing stock at a time of undersupply
- As per the previous email from the CHA sent to me and Planning 'The applicant Baytamor Ltd is not a member and having reviewed the properties we would be unlikely to support a children's home in these locations (also mentioning Rockwood which was passed at a previous Planning Meeting). Further it is not possible to operate a Children's Home safely with the stated number of Care Staff. More staff are required

Officer Comments

Assessment

The consideration in determining this Lawful Development Certificate is whether the use proposed would constitute a material change of use requiring planning permission.

The existing residential property is lawful to be used as a house under Class C3. The proposed use would technically fall within Use Class C2 (residential institutions) as the only full-time residents would be children, and they cannot look after themselves as a

single household. However, case law has established that in such circumstances where a C3 and a C2 use are indistinguishable from each other, it would not result in a material change of use.

Two previous identical applications for change of use from C3 use to C2 use were refused earlier this year. The only difference of these from the current scheme is that the previous schemes proposed to house three children while the current one only proposes up to two. The previous certificates were refused as the proposed use would result in car parking and activity over and above that which would be experienced by using the premises as a C3 dwelling.

The applicant has submitted a supporting statement along with the current submission which sets out their operational procedures. The proposed use would involve up to two children aged 8 to 18 living in the property with two full time staff present at all times working on a working on a 48-hour shift pattern, with staff handovers happening at 10.00 every two days. A registered manager and deputy manager will be responsible for ensuring compliance. There are no regular visitors to the property beyond a local authority social worker, who will visit for a one-hour session every six weeks. All other engagement with professionals or family members will be arranged virtually.

As a 5-bedroom dwellinghouse, the application site could accommodate a family of 4 or more people. This would generate levels of noise and disturbance associated with activity undertaken by different generations of a family. For example, parents going to and from work at different times of the day and separate activities undertaken by the children, especially if the children were young adults. A typical family home would also generate activity associated with visitors and deliveries as part of its normal usage. Therefore, the activity associated with the proposal would not be significantly greater than if it were used as a family home. Consequently, the proposal would not result in a significantly more intensive use of the property than what could be expected if the dwelling were occupied by people living as a single household. As detailed in the application, on the balance of probabilities, the proposed use would not result in a material change of use from use Class C3.

Other matters

No notice was served to any neighbours since this is an application for a certificate of lawfulness which is to determine whether the use proposed would constitute a material change of use requiring planning permission. There is no statutory requirement for the appellant to engage with community with regard to the proposal. A number of comments were received from members of the public raising concerns on both planning and non-planning matters, which do not fall within the remit of this type of application as this application can only assess whether or not the proposed use is lawful.

Concerns have been raised regarding the parking provision of the dwelling and it affecting highway safety and there not being a dropped kerb. While assessing the planning application 21/0401/FUL to sub-divide dwelling house into two dwellings 16 and 16A, the two parking spaces provided at the front of no.16 were assessed as acceptable for the dwelling house. The current proposal also provides two additional

parking spaces to the rear on Pennine way. A dropped kerb is installed under Section 171 agreement with Lancashire County Council, and this is usually not conditioned as part of planning application as it is governed by other legislation as was the case with 21/0401/FUL. This would need to be carried out whether the property is used as a family home or as a children's home as proposed. In this case the proposal would not result in any increased car parking and activity over and above that which would be experienced by using the premises as a C3 dwelling.

The experience and qualifications of the applicant/ applicant's company is not a planning matter.

Reason for Decision

On the balance of probabilities and in accordance with the submitted details the proposed use would not constitute a material change of use requiring planning permission.

RECOMMENDATION: Grant lawful development certificate

Application Ref: 25/0511/CEA

Proposal: Certificate of Lawful Use (S.192 Proposed Development): Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2) for up to 2 no. children.

At 16 Hillside View, Brierfield, Lancashire

On behalf of: Baytamor Ltd

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 06TH OCTOBER 2025

Application Ref: 25/0515/HHO
Proposal: Full: Erection of 2 no. arches, a well and a bird feeder.
At: 126 Walton Lane, Nelson, Lancashire BB9 8BL
On behalf of: Ms Adina Banatean
Date Registered: 06/08/2025
Expiry Date: 01/10/2025
Case Officer: John Halton

Site Description and Proposal

The application relates to a site comprising a semi-detached residential property and its associated domestic curtilage.

The site is located within the settlement boundary for Nelson. It is situated within a predominantly residential area south of Walton Lane in Nelson overlooking Nelson Cemetery.

The applicant is seeking retrospective planning permission to erect two arches, a well and bird feeder.

Relevant Planning History

None.

Consultee Comments

LCC Highways

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

Public Response

The nearest neighbours were notified by letter, with eight objections received before the close of the consultation period. The issues raised in these representations are summarised below:

- The development is out of character with the surrounding area.
- The scale of the Viking ship fence, golden lions, mad-hatters tea party, garden gnomes and flashing garden lights is inappropriate.
- The arches and porches are not installed correctly and are potentially unsafe
- The bird feeder has attracted vermin to the area increasing the amount of excrement on nearby properties and vehicles.
- The driveway resembles a workshop, which is inappropriate in a residential area.
- The development has created highway safety issues associated with increased, slow moving and stopped traffic.

Officer Comments

The main issues associated with this planning application are compliance with adopted planning policy, guidance on design, and the potential impact on residential amenity.

Policy

Pendle Local Plan Part 1: Core Strategy (December 2015)

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

Policy ENV5 Pollution, Unstable Land and Waste Management seeks to ensure that the implications and risks associated with light pollution are fully considered in new development.

National Planning Policy Framework (NPPF) (February 2025)

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

Paragraph 139 advises that significant weight should be given to development which reflects local design policies and government guidance on design, taking into account

any local design guidance and supplementary planning documents, and that development which is not well designed should be refused.

Design Principles Supplementary Planning Document (SPD) (December 2009)

The Design Principles SPD addresses householder development and sets out the principles that reflect good design practice.

Design and Materials

Three elements of the development that has already taken place in the front garden of 126 Walton Lane are not in accordance with the requirements of the GDPO:

- (1) One painted brick well and timber well-covering with felt tile roof.
- (2) One painted timber bird feeder.
- (3) Two timber arches.

The front door porch aligned with the principal elevation is permitted development.

The Design Principles SPD sets out the principles and guidelines for householder development. It does not however cover situations such as this. The requirements of the SPD have been reviewed and considered in the context of the proposed development and on its own merits in arriving at the recommendation of this report. On page 28 the SPD states that “sheds and outbuildings are rarely acceptable in front garden areas” but is silent on other structures.

The wishing well, bird feeder and arches are all appropriate to a garden setting. Their timber construction is also acceptable.

The principal concerns from a planning perspective are whether the structures harm the outward appearance of the dwelling, the character of the surrounding area, or the amenity of others.

All four structures are set at a lower elevation than the dwelling. Their individual and cumulative impact on the appearance of the primary elevation is not significant when viewed from Walton Lane. The structures also have little or no impact on views of the principal elevation when viewed from Lynchthorpe Road, unless stood at the entrance to the property.

Residential Amenity

The application site is a prominent corner plot, in an area where there is a mix of terraced and semi-detached residential properties and the municipal cemetery.

When approaching from the west along Walton Lane application site is clearly visible from the public highway. It is also visible from Lynthorpe Road and the habitable rooms of properties directly opposite the garden on this public highway.

Nelson Cemetery includes the Grade II Listed Cemetery Chapel (1361734), which is 85 metres north-west of the application site. The chapel is partially screened from the application site by a mixture of hedges and street trees, so the development does not harm its setting.

The structures are illuminated at night increasing its prominence within the street-scene. Policy ENV5 of the Pendle Core Strategy seeks to minimise light pollution in the vicinity of housing and recognises the need to protect and enhance the tranquillity of green open spaces and the public realm. The NPPF also refers to the need to limit the impact of light pollution from artificial light on local amenity (paragraph 198)

However, the intensity and direction of the artificial (solar) lighting does not materially affect light levels to the extent that it would cause disturbance to neighbours or wildlife.

Concerns about the health impacts associated with the development are not a material consideration but may be a matter for Environmental Health to address.

The development is wholly contained within the garden of 126 Walton Lane. The erection of the structures that are the subject of this application do not cause any amenity issues for the occupants of neighbouring properties or cause significant harm to the character or appearance of the immediate area.

Biodiversity Net Gain (BNG)

Householder applications are exempt from BNG requirements.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

There is a positive presumption in favour of approving sustainable development and there are no material reasons to object to the application.

The proposed development subject to compliance with planning conditions accords with national and local planning policy and is compliant with the guidance set out in the Design Principles SPD and the Conservation Area Design and Development Guidance SPD. The proposed development therefore complies with the statutory development plan for Pendle.

Recommendation: Approve

Subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990, as amended 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:

Drawing No.	Description	Dated
No. 1-3 (1)	Site Location Plan	31/07/2025
No. 1-3 (3)	Proposed Block Plan	31/07/2025
No. 1-3 (3)	Existing Plans and Elevations	31/07/2025

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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.

Application Ref: 25/0515/HHO

Proposal: Full: Erection of 2 no. arches, a well and a bird feeder.

At: 126 Walton Lane, Nelson, Lancashire BB9 8BL

On behalf of: Ms Adina Banatean

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 06TH OCTOBER 2025

Application Ref: 25/0519/FUL

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

At 30-32 Crawford Street, Nelson

On behalf of: Mr Azher Mohammed

Date Registered: 11.08.2025

Expiry Date: 04.09.2025

Case Officer: Luke Jones

Site Description and Proposal

The application site is an end terrace situated in a residential neighbourhood in the settlement boundary of Nelson. It is currently used as a dwelling.

The proposal is to change the use of the ground floor to a shop. The site lies outside of the town centre.

Relevant Planning History

None.

Consultee Response

Highways

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

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

and concludes that there are no highway grounds to support an objection as set out by NPPF.

Parish/Town Council

No response.

Environmental Services (Health)

No response.

Public Response

None.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Policy WRK4 relates to retailing and town centres. Amongst other criteria it states;

All development within a Town Centre or Local Shopping Centre should seek to make a positive contribution to:

- Safeguarding the retail function of the centre. Improving the vitality and viability of the centre.
- Improving the overall mix of retail and other land uses.
- Supporting the creation of a comfortable, safe, attractive and accessible shopping environment.
- Enhancing access to the centre by sustainable modes of transport, and encouraging multi-purpose trips.

Retail proposals on edge-of-centre or out-of-centre sites will generally be resisted. Any applications of this nature must follow the approach for site selection set out in the

Framework. This includes sequential and impact test, which may also require the potential effects on centres beyond the borough boundary to be considered.

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.

P.91 of the Framework states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

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

Main Town Centre Uses are Defined as: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

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 application is to change the ground floor of a dwelling into a shop. Physically there are no changes proposed.

A shop would be a compatible use with surrounding land uses and would not be incompatible with its location.

With the site being situated outside the town centre, the main issue for this application is the change of use from residential to a shop, which is a main town centre use. Both national and local policy states that such uses should be located in a town centre and that a sequential test should be undertaken to justify any out of centre use.

No sequential test has been undertaken. Allowing town centre uses, even on the modest scale proposed here, would undermine the role of town centres and if repeated often enough would undermine their vitality and viability.

In the absence of a sequential appraisal the application is not acceptable. The applicant has been requested to supply a sequential test but has not done so. Paragraph 95 of the NPPF is quite clear what should happen to applications that do not have a sequential test which is they should be refused.

RECOMMENDATION: Refusal

The application is for a main town centre use located outside of the town centre for Nelson. No sequential impact test has been submitted to justify the change of use which if permitted would set a precedent for other unjustified main town centre uses to be brought forward which would undermine the vitality and viability of the town centre. The development is thus contrary to policy WRK4 of the Adopted Pendle Local Plan (Core Strategy) and Paragraphs 91 and 95 of the National Planning Policy Framework.

Application Ref: 25/0519/FUL

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

At 30-32 Crawford Street, Nelson

On behalf of: Mr Azher Mohammed

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 06TH OCTOBER 2025

Application Ref: 25/0550/CEA

Proposal: Certificate of Lawful Use (S.192 Proposed Development): Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2) for up to 2 no. children

At: 138 Berkeley Street, Nelson

On behalf of: Mr Mujahaid Bin Jamshaid

Date Registered: 22/08/2025

Expiry Date: 17/10/2025

Case Officer: Craig Barnes

This application has been called in by the chair of committee

Site Description and Proposal

The application site is a terraced dwelling located within the settlement boundary of Nelson. The prevailing land use in the area is residential. The main access is from Berkeley Street to the front of the dwelling. The existing dwelling benefits from one off-street parking space and garden to the front of the dwelling.

This proposal seeks to gain a Certificate of Lawful Use (Section 192 Proposed Development) for the change of use of the existing dwelling (Use Class C3) to a Residential Institution (Use Class C2) for up to 2 no. children.

The proposed use has not yet commenced. It will be facilitated by the conversion of loft space into two bedrooms, with front and rear dormers and the provision of an additional car parking space in part of the garden to the front of the dwelling. This development benefits from planning permission (see 25/0197/HHO). Construction has not yet commenced.

This report deals only with the Certificate of Lawful Use.

Relevant Planning History

25/0197/HHO Full: Erection of Front and Rear Dormers (Approved with Conditions).

25/0460/CEA Certificate of Lawful Use (Section 192 Proposed Development) for the change of use of the existing dwelling (Use Class C3) to a Residential Institution (Use Class C2) (Certificate of Lawful Use Not Issued)

Consultee Response

None necessary.

Public Response

None necessary.

Officer Comments

Assessment

The consideration in determining this Lawful Development Certificate is whether the proposed use would constitute a material change of use thereby requiring planning permission.

The existing lawful use of the property is use Class C3. The proposed use would fall within Use Class C2 (residential institutions) as the only full-time residents would be children who cannot look after themselves as a single household. Case law has established that in such circumstances where a C3 and a C2 use are indistinguishable from each other, it would not result in a material change of use.

Supporting information prepared by the applicant sets out operational proposals. It confirms that the property would be occupied by a maximum of 2 looked after children with two carers present at all times. Shift changes would occur once every 48 hours (at 10am). Meetings would not take place on site and there will be limited infrequent visits made to the property by social workers and other professionals. Operations are supported by a registered manager and deputy manager who will operate from off-site locations with internal meetings held via video conferencing to minimise disruption. No further structural changes¹ or equipment is necessary to secure the proposed use.

The operational arrangements of the proposal confirm that car parking and activity taking place at the property would align to that which would be experienced by using the property as a C3 dwelling. The proposed 48-hour shift pattern and associated staffing changes represent limited movements at the property. Whilst these movements are regularised, they would be less frequent than typical of a C3 dwelling. Noting proposals for shift changes to occur at 10 am in the morning and over a maximum 10-minute period, the significance and degree of disruption caused is likely to be minimal and consistent with a residential dwelling. Submitted information shows that two members of staff would be present at all times on site. As such, taking into account approved plans to increase the amount of off-road parking from one to two spaces (through 25/0197/HH0), the associated parking pressure caused is likely to be limited and similar to that generated by a C3 dwelling.

¹ Beyond those approved through 25/0197/HHO

Based on the above, it is the Local Planning Authority's view that the proposal would not constitute a material change of use and as a result the certificate can be issued.

RECOMMENDATION: Grant Lawful Development Certificate

Reason for Decision

On the balance of probabilities, the proposed use would not result in activity over and above that which would be experienced by using the premises as a C3 dwelling and as such would not result in a material change of use from Use Class C3.

Application Ref: **25/0550/CEA**

Proposal: Certificate of Lawful Use (S.192 Proposed Development): Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2) for up to 2 no. children

At: 138 Berkeley Street, Nelson

On behalf of: Mr Mujahaid Bin Jamshaid

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 06TH OCTOBER 2025

Application Ref: 25/0564/CEA

Proposal: Certificate of Lawful Use (S.192 Proposed Development): Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2).

At: 58 Hibson Road, Nelson

On behalf of: Mr Naveed Abbas

Date Registered: 3/9/2025

Expiry Date: 29/10/2025

Case Officer: Neil Watson

Site Description and Proposal

The application is for consideration of whether development would take place for the change of use of a Class C3 dwelling to a class C2 children's home.

The application site is a terraced dwelling situated in a residential area.

Relevant Planning History

24/0869/CEA Certificate of lawful use refused for C3 use to C2.

Consultee Response

LCC Highways;

Public Response

Several comments have been received based on:

- Impact of traffic
- Environmental impact

Officer Comments

The application is to lawfully establish whether development would take place using the C3 dwelling as a C2 children's home. The Courts have held that whilst the uses may be in different use classes if there is in effect no difference in how the C2 use functions in comparison with a C3 use then under the provisions of section 55 of the town & Country Planning Act 1990 no development consisting of a change of use takes place.

In order to consider this the parameters of how the C2 use is proposed to function need to be examined. The following precis the information that the applicant has supplied indicating how the C2 use is proposed to operate:

- Providing care for up to three residents aged between 12 and 16.
- It will be a children's home with 24-hour care
- Three children will be on site who will attend school during the day
- Two full time carers during the day and two full time carers at night
- The site will be attended by social workers and other professionals, but this will be no more than twice per month.

The law surrounding what is and is not development is based on section 55 of the Town & Country Planning Act 1990. That defines when development occurs and when it does not. There is no such legal state of something having "potential" to be development. It either is or is not development.

The application proposes to house a maximum of three children at any one time. There will be two adults there at any one time with what is indicated would be professionals visiting no more than twice per month. All of the children will attend school.

A use of the dwelling based on the above would be similar to a C3 use. The difference between the use of this premises and a C3 use would be that there would not be changeovers with a C3 use. This would be minor in terms of its impact and short lived each day. It would not discernibly change the character and use of the premises.

The use, as described in the application, would be similar to a C3 dwelling and not different in character. The applicant would however need to be certain that it will operate at the level of intensity set out in the supporting statement.

On the balance of probabilities and in accordance with the submitted details the proposed use would not constitute a material change of use requiring planning permission.

RECOMMENDATION: Grant certificate of proposed lawful use.

Application Ref: 25/0564/CEA

Proposal: Certificate of Lawful Use (S.192 Proposed Development): Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2).

At: 58 Hibson Road, Nelson

On behalf of: Mr Naveed Abbas

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 06TH OCTOBER 2025

Application Ref: 25/0407/HHO

Proposal: Full: Erection of dormers to front and rear roof slopes (No. 32) with the erection of a single storey rear extension.

At 30 And 32, Scotland Road, Nelson, Lancashire

On behalf of: Mr Faiz Hassan

Date Registered: 19.06.2025

Expiry Date: 08.10.2025

Case Officer: Neil Watson

Site Description and Proposal

The application relates to Nos. 30 and 32 Scotland Road, which form part of a mid-terrace row of two-storey properties constructed in stone with pitched slate roofs. The buildings are situated within Nelson town centre and fall within a designated Primary Shopping Area, as defined in the Local Plan. The ground floors are in commercial use, with residential accommodation above.

Access is available from Scotland Road to the front and Poland Street to the rear. The application site is outlined in red and forms an L-shape, encompassing the entire No. 32 and the rear yard of No. 30.

The proposal seeks full planning permission for the installation of dormer windows to the front and rear roof slopes of No. 32 and the construction of a single-storey rear extension at first-floor level. Internally, the scheme would provide two additional bedrooms and a bathroom at second-floor level, along with a new kitchen within the first-floor rear extension.

Relevant Planning History

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 answer

Public Response

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

Relevant Planning Policy

The proposal falls to be assessed against the Pendle Local Plan policies, in particular:

- Policy ENV2 (Achieving Quality in Design and Conservation)
- Policy LIV5 (Designing Better Places to Live)
- Relevant guidance within the National Planning Policy Framework (NPPF)

Officer Comments

Design and Character

The immediate street scene along Scotland Road is defined by a consistent row of two-storey stone terraced buildings with pitched slate roofs and a uniform roofline. Front-facing dormers are not a characteristic feature of the terrace and their introduction would disrupt the established rhythm of the street. There are dormers on the building to the north west. These are however part of the original design, are some built features that are part of the overall integral design of the building. The proposed dormer does not reflect any characteristic of the street scene it lies in and would visually harm the character and visual appearance of this section of the town centre. The proposed front dormer at No. 32 would appear as an incongruous and visually prominent addition that detracts from the coherence of the terrace.

The rear elevation of the terrace comprises of a range of rear designs and is not uniform except for the roof slope. It is very prominent from the main thoroughfare into Nelson and adding a dormer would be clearly seen and a prominent design feature. The design does not fit into any pattern of development nearby and would look like an ill thought out and alien design in the street scene. It would detract from the already faltering design quality of the town centre and should be resisted as having a negative visual impact on the visual amenity and quality of the area.

Residential Amenity

The ground floors of Nos. 30 and 32 accommodate commercial units, with a small shared rear yard that includes an external staircase. The proposed first-floor extension would be positioned immediately adjacent to No. 34, which has a similarly recessed yard without any boundary treatment between the two properties.

Habitable room windows at No. 34 directly face the shared yard at both ground and first-floor levels. The proposed extension would significantly reduce living conditions to those windows and would result in an overbearing and oppressive relationship. This would lead to an unacceptable loss of residential amenity for occupants of No. 34.

Highways Impact

The proposed development relates to an existing residential unit above commercial premises within a town centre location. No off-street parking is proposed; however, the site benefits from access to nearby public transport and public car parks. Given the scale of the development and its sustainable location, the lack of on-site parking is not considered to raise highway safety concerns. The Highways Authority has reviewed the application and raised no objection.

Recommendation: Refuse

1. The proposed front and rear dormers would appear as an incongruous and intrusive additions to the roofscape, disrupting the established uniformity of the terrace and causing harm to the character and appearance of the street scene and to the aesthetic appearance of this part of Nelson town centre. The proposal would constitute poor design and would not accord with Policy ENV2 of the adopted Pendle Local Plan and Paragraph 135 of the National Planning Policy Framework.
2. The proposed first-floor rear extension, by reason of its siting and proximity to windows in the adjoining property would result in an overbearing impact to the habitable rooms, causing unacceptable harm to residential amenity. The proposal is contrary to Policy ENV2 of the Pendle Local Plan and the principles of good design outlined in the National Planning Policy Framework.

Application Ref: 25/0407/HHO

Proposal: Full: Erection of dormers to front and rear roof slopes (No. 32) with the erection of a single storey rear extension.

At 30 And 32, Scotland Road, Nelson, Lancashire

On behalf of: Mr Faiz Hassan

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 01st September 2025