

Report Title	PLANNING APPLICATIONS
Meeting	NELSON, BRIERFIELD & REEDLEY COMMITTEE
Meeting Date	26TH FEBRUARY 2026
Report Author	NEIL WATSON
Directorate	PLACE
Lead Executive Member(s)	COUNCILLOR L. WHIPP
Wards Affected	WHITEFIELD & WALVERDEN AND BRIERFIELD WEST & REEDLEY
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 26TH FEBRUARY 2026

Application Ref: 25/0636/HHO

Proposal: Full: Demolition of existing kitchen and the erection of a single storey rear extension.

At 25 Chapel House Road, Nelson

On behalf of: Mr Awais Zubair

Date Registered: 01.10.2025

Expiry Date: 26.11.2025

Case Officer: Luke Jones

This application was deferred by Committee in February to allow the agent to liaise with the planning officer.

Site Description and Proposal

The application site is a mid-terrace dwelling situated within the defined settlement boundary of Nelson. The original dwelling has stone brick walls, a pitched roof of slate tiles and UPVC doors and windows.

The proposed development is the demolition of existing kitchen and the erection of a pitched roof single storey rear extension.

Note that further considerations have been made to assess the Permitted Development fallback position.

Relevant Planning History

None.

Consultee Response

Highways

Having reviewed the documents submitted the Highway Development Control Section of Lancashire County Council has no objections to the above planning application. 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). My detailed examination of this application concludes there are no highway grounds to support an objection as set out by NPPF.

Rainwater from the roof of the proposed extension must drain wholly within the existing site and must not be allowed to discharge onto the adjacent publicly maintained highway network. (Section 163 of the Highways Act 1980 - Prevention of water falling on or flowing on to the highway refers.)

Parish/Town Council

No response.

Environmental Services (Health)

We are concerned about nuisance being caused during the construction phase, specifically link to working unsociable hours, and would therefore request that the informative below is placed on the development.

To ensure that construction work is carried out at reasonable times.

All construction work will be carried out within the hours of 8am – 6pm Monday – Friday, 9am – 1pm Saturday and no working Sundays and Bank holidays. Failure to work within these hours will result in a service of a notice under the Control of Pollution Act 1974, and potentially prosecution thereafter.

Reason: For the amenity of the neighbouring residents

Public Response

The nearest neighbouring properties have been notified by letter with no response.

Relevant Planning Policy

Pendle Local Plan Fourth Edition (2021-2040)

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

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

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

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

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

National Planning Policy Framework

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

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

Officer Comments

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

Design and Materials

The Design Principles SPD advises that single storey extensions to the rear of terraced properties should not normally extend beyond the line of existing additions in order to maintain the character and appearance of the area. Also, rear extensions to terraced properties should still retain sufficient yard area for the storage of bins, seating and to hang out washing.

The proposed development is a circa 3.67m by 4.87m single storey rear extension with artificial stone walls, a pitched roof with concrete tiles with a height of 3.7m, and two UPVC windows and a door on the side (north) elevation. The proposed extension does not extend beyond the line of other extensions in the street scene and therefore maintains the character and appearance of the area. The extension also leaves sufficient yard area for the storage of bins, seating and to hang out washing.

In overall terms the development would be acceptable in terms of design.

Residential Amenity

The Design Principles SPD advises that single storey rear extensions located immediately adjacent to the party boundary with a neighbouring property will normally be acceptable if they do not project more than 4m from the rear elevation of the existing dwelling. A single storey extension of greater depth 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. To comply with the rule, extensions should be designed so as not to cross the 45-degree line from the neighbours nearest habitable room window. If the rule is breached, an extension would not normally be acceptable due to the impact on the amenity of the neighbouring property. The Design Principles SPD also advises that windows should normally be restricted on rear extensions, to avoid overlooking of neighbouring gardens and dwellings.

The proposed extension would project circa 4.87m from the existing rear elevation, which exceeds the 4m threshold. Whilst the extension would result in a breach of the 45-degree rule when taken from the nearest ground floor rear window at No.27, it is important to consider the context of the site. If the Permitted Development fall-back position is taken into account, it is noted that the existing single storey extension has existed since pre-1948. As such, in accordance with the definition of 'original dwelling' the single storey extension could be included as the original rear wall. The proposed extension would match the height of the original rear extension and extend approximately 2.1m in depth. While the extension would increase the width towards the side boundary of No.23, this would not materially impact on the amenity of No.27. Therefore, in this context, the proposed development would not result in a materially greater impact on neighbouring amenity than could otherwise occur.

The neighbouring property (No.27) also has a side elevation window in the rear extension which faces the application site. This window however already faces the single storey blank wall

elevation of the existing extension and adjoining store and would not result in any further unacceptable impact on amenity. The proposed development also includes two windows to the side (north) elevation however these are positioned directly adjacent to a single storey blank wall of the neighbouring property (No.23) and would not have an impact on privacy.

The proposed development would therefore be acceptable in terms of residential amenity in accordance with DM16 and DM24 of the Adopted Pendle Local Plan Fourth Edition (2021-2040) and Adopted Pendle Design Principles SPD.

Highways

The development does not impact parking requirements and hence there are no highway implications arising from the proposal.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

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

U228-P01; U228-P02; U228-P03A

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

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

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

Informative Notes

1. All construction work will be carried out within the hours of 8am – 6pm Monday – Friday, 9am – 1pm Saturday and no working Sundays and Bank holidays. Failure to work within these hours will result in a service of a notice under the Control of Pollution Act 1974, and potentially prosecution thereafter.

Reason: For the amenity of the neighbouring residents

Application Ref: 25/0636/HHO

Proposal: Full: Demolition of existing kitchen and the erection of a single storey rear extension.

At 25 Chapel House Road, Nelson

On behalf of: Mr Awais Zubair

Date Registered: 01.10.2025

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 26TH FEBRUARY 2026

Application Ref: 25/0701/FUL

Proposal: Full (Major): Erection of building to form a function venue with associated car parking and landscaping.

At: Land At Alder Bank, Manchester Road, Nelson

On behalf of: H S Developments (NW) Ltd

Date Registered: 22/12/2025

Expiry Date: 06/03/2026

Case Officer: Alex Cameron

This application has been brought before Committee as it is a major development.

Site Description and Proposal

The application site is along the canal site at Alder Bank, Manchester Road, adjacent to three Conservation Areas: Lomeshaye Industrial Hamlet; Brierfield Mills and Whitefield. The application site comprises land and buildings off Manchester Road located at the 'gateway' to Nelson, just off the M65 motorway. The site is located within the settlement boundary. The Leeds/Liverpool canal is to the immediate north of the site and further north is Lomeshaye Industrial Estate. B&Q and Pendle Village Mill is to the west. The site is within a mixed commercial and residential area, with dwellings located to the south and east.

The application site is the site of the former Springbank Works, planning permission was granted in 2023 for a wedding venue on the site, and the development is underway. This is a part retrospective revised proposal, the revised development increases the height of the building from 7m to 8.25m to accommodate first floor areas within the building, proposed minor changes to window and door layouts, changes to the levels, parking layout and revised external materials, proposing powder coated steel cladding rather than the approved render

Relevant Planning History

21/0809/DEM - Demolition Determination: Demolition of Mill Building - Prior Approval Not Required

23/0048/FUL - Full (Major): Erection of building to form a function venue with associated car parking and landscaping. Approved

Consultee Response

PBC Environmental Health – This application will mean that the recommendation of the noise assessment submitted for 23/0048/ful will no longer be valid. We will therefore require a new noise assessment to be carried out.

LCC Highways - Car & motorcycle parking: The previously approved car parking layout has been amended, including the removal of the drop off point within the entrance, and additional parking

spaces were provided, including at the rear of the building within the proposed service area. The overall number of car parking spaces had been increased to 205, excluding parking for Alder House. However, the amended plan now submitted has reduced the number of car parking spaces to 185, which is a significant reduction and with no justification to support this. The main loss of parking is in the first two areas on entering the site.

Twelve spaces should be reinstated within the block to the south of the drive and two spaces within the block to the north. The area of staff cycle parking within the main car park area (Figure 3) should be removed and replaced by one car parking space as staff cycle parking will be provided at the rear of the building.

The reinstatement of the parking areas and provision of one space as outlined above would bring the overall car parking provision to 200, a reduction of five spaces to those originally submitted. The submitted Transport Statement prepared by Steve Woods Consultants states that 'a small number of car parking spaces will be available to the rear of the building as an overflow (para 27). It goes on to say that, of the car parking spaces to the rear 'usually only 10 will be required by staff'. The other five spaces could be used as additional visitor parking if required, which would bring the overall visitor parking provision up to 205. As car parking marshalls are proposed to be on site during an event (para 28) then visitors can be directed to this overflow parking area if required. Seven mobility parking spaces are proposed within the main car park. The amended layout now complies with current guidance in the Department for Transport's 'Inclusive Mobility' document. Six motorcycle parking spaces are proposed at the rear in the staff parking area. These should be covered, which can be controlled by condition. None are proposed for visitors as was previously submitted, although given the site's proposed use, the highway authority considers it unlikely that visitors will travel by motorcycle. The Transport Statement (paragraph 47) states that that electric vehicle charging points will be provided. No details have been submitted, although this can be controlled by condition.

Cycle parking was previously proposed for both visitors and staff, with visitor cycle parking adjacent to the front of the building and next to the canal. This provision has been removed on the amended plan. However, given the site's proposed use, the highway authority considers it unlikely that visitors will travel by cycle. Covered cycle parking for staff is still proposed at the rear of the building, although no details have been submitted but can be controlled by condition. As stated in the highway authority's original response a suitable vehicle restraint barrier should be erected across the area between the front of the building and the canal. This is to prevent access by any motor vehicles, either intentionally or due to mechanical failure, and so prevent a vehicle from entering the canal. Details should be submitted prior to determination.

The service area is at the rear of the building where staff/additional visitor car parking is proposed. The Transportation Statement submitted states that deliveries will be made by small vans (para 23) and that refuse vehicles will be able to enter and leave the site in forward gear (para 23). The amended Proposed Site Plan provides a swept path for a 7.6m long refuse vehicle demonstrating that this can enter and leave the service area in forward gear. Whilst this vehicle is shorter than that used by the borough council the highway authority considers that it would be acceptable as refuse collection is likely to take place when the building is not fully operational and the rear parking area not fully occupied.

The tactile paved, dropped pedestrian crossings on Manchester Road at the entrance are in the wrong position. However this will be picked up through the Section 278 process at the technical details stage. Following the satisfactory receipt of an amended car parking layout plan the following conditions and informative note should be applied to any formal planning approval granted.

Please attach conditions for visibility splays, off site highway works, car parking, cycle storage, motorcycle parking, electric vehicle charging and a note relating to off-site highway works.

Lead Local Flood Authority – No objection

Environment Agency – No objection subject to previous conditions.

Coal Authority – No objection subject to a note relating to risk from former coal mines.

Canal and River Trust - The Trust have no specific issue with the amendments to the building shown. We note the revision to the drainage attenuation on site, which should reduce the maximum rate of discharge, and which raises no specific issue for the Trust when compared to the previous consent. Notwithstanding the above comment, however, the Trust have noted that construction works have taken place on an existing weir from the canal (which also drains into the same culvert where surface water is proposed to discharge to the culvert) at the same location of the proposed connection to the weir from the site. Construction works have taken place since the previous consent in 2024 for the previously approved drainage scheme. We are unsure how the 2 connections to the culverted brook interact, and there is a need to ensure that these have been designed appropriately to ensure that the culvert can appropriately accept discharges from both the canal and the application site at the same time. Should the connection have been designed inappropriately, then there is a risk that water might escape and adversely impact the headwall of the existing culvert, or that water might be directly incorrectly into the canal through the waste weir. We therefore request that a large scale drawing to show the layout of the connection to the culvert from the site, and its interaction with the waste weir from the canal is provided to enable us to assess whether the works carried out on site will allow for an acceptable discharge of water from site.

Cadent – No objection, please attach a note regarding works close to gas infrastructure

Lancashire Constabulary – Recommendations relating to secure by design.

Public Response

Nearest neighbours have been notified by letter, a site & press notice have been displayed, responses received objecting on the following grounds:

- Increased noise and odour impacts
- Inadequate parking provision
- Traffic and highway safety impacts
- Emergency vehicle access issues
- Increased flood risk
- Geology of the site
- Potential for the additional gazing to result in condensation resulting in mould and fungus growth
- Lack of detail of purpose of the development
- Disregard for the planning process in applying retrospectively
- Impact on property values

Officer Comments

Policy

Pendle Local Plan Fourth Edition

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

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

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

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

Principle of Development

The principle of the development has been established by the existing permission on the site, the changes to the development proposed do not result in impacts that alter the acceptability of the development in principle.

Design & Heritage

The Leeds/Liverpool canal is to the immediate north of the site and further north is Lomeshaye Industrial Estate. B&Q and Pendle Village Mill is to the west. The site is within a mixed commercial and residential area, with dwellings located to south and east.

The increase in the height of the building would not result in an unacceptable additional visual impact, the external changes to design are minor and the proposed cladding replacing the approved render finish is appropriate and likely to maintain it's appearance better in the long term than large areas of render. The use of dark green cladding to the south east side would blend in better with the tree line to that side of the site and the use of areas of different colour cladding to the elevations fronting the canal would break up those elevations and be acceptable in terms of appearance. Subject to samples of the materials being submitted for approved the proposed development is acceptable in terms of visual amenity and would not cause harm to the adjacent Conservation Area.

Residential Amenity

The proposed revised development includes an internal mezzanine balcony and first floor areas that increase the floor area and capacity of the venue. Environmental Health have requested that the noise assessment is updated to reflect the changes and this is awaited.

Highways and Access

The proposed revise car parking layout has reduced the number of car parking spaces from 205 to 185, LCC Highways have requested amendments to the car parking layout that would increase

this to 200 spaces, which would provide an acceptable level of on-site car parking. Amended plans have been requested.

Drainage and Flood Risk

Details have been submitted acceptably resolving the Lead Local Authority's queries about the impacts of the changes on drainage and flood risk. The Canal and River trust have raised additional queries in relation to the works and drainage to the canal. A response to those queries is awaited.

Land stability

The Coal Authority have advised that the development is acceptable in relation to the potential impact of the former coal mine works subject to a suitably worded note.

Other matters

Concerns have been raised regarding issues such as internal building condensation control and impact on property prices, these are not material considerations in determining a planning application.

Conclusion

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

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions: TBC

Application Ref: 25/0701/FUL

Proposal: Full (Major): Erection of building to form a function venue with associated car parking and landscaping.

At: Land At Alder Bank, Manchester Road, Nelson

On behalf of: H S Developments (NW) Ltd

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 26TH FEBRUARY 2026

Application Ref: 25/0860/HHO

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

At 24 Selby Street, Nelson

On behalf of: Mr Saqib Ali

Date Registered: 29.12.2025

Expiry Date: 23.02.2026

Case Officer: Luke Jones

Site Description and Proposal

The application site relates to a mid-terrace dwelling situated within the defined settlement boundary of Nelson. The main access is from Selby Street. The original dwelling has brick walls, a pitched roof of slate tiles and white UPVC windows and doors.

The proposed development is the erection of a pitched roof dormer to the front roof slopes, a flat roof dormer to the rear roof slopes, and a single storey rear extension.

Relevant Planning History

None.

Consultee Response

Highways

Having reviewed the documents submitted Lancashire County Council acting as the highway authority makes the following comments.

Proposal

The proposed development is for the erection of dormers to the front and rear roof slopes and the erection of a single storey rear extension. The development would increase the number of bedrooms from two to four and provide a single storey kitchen extension.

Comments

There is no associated off-road parking, nor can any be provided. The property is located within an area of terraced housing where there is an existing high demand for limited on-road parking. Whilst this raises concerns, as the increased demand for on-road parking can be difficult to absorb without causing loss of amenity for existing residents, these are not to such an extent to raise an objection as outlined in the NPPF. The highway authority also notes that the site is within acceptable walking distances of public transport on Brunswick Street and Railway Street which may reduce the reliance on the use of private vehicles.

The proposed kitchen extension would only leave a 1m wide access from the back street through what was previously the back yard. The highway authority considers that this is too narrow to both allow refuse bins to be stored internally and also provide pedestrian access. This is therefore likely to lead to bins being stored permanently on the back street where they could be an obstruction or hazard to other users.

Parish/Town Council

No response.

Environmental Services (Health)

We are concerned about nuisance being caused during the construction phase, specifically linked to working unsociable hours, and would therefore request that the informative below is placed on the development.

To ensure that construction work is carried out at reasonable times.

All construction work will be carried out within the hours of 8am – 6pm Monday – Friday, 9am – 1pm Saturday and no working Sundays and Bank holidays. Failure to work within these hours will result in a service of a notice under the Control of Pollution Act 1974, and potentially prosecution thereafter.

Reason: For the amenity of the neighbouring residents.

Public Response

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

Relevant Planning Policy

Pendle Local Plan Fourth Edition (2021-2040)

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

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

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

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

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

National Planning Policy Framework

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

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

Officer Comments

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

Design and Materials

The Design Principles SPD advises that generally dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms. The front wall of a dormer should normally be set back at least 1m from the front elevation and 0.5m from either side, to prevent it having an overbearing effect on the street scene and adjoining properties.

The proposal is for a pitched roof front dormer and a flat roof rear dormer on the roof slopes. Both dormers would be set back from the respective front and back elevations by less than 1m and less than 0.5m from either side. The dormers would dominate the entire roof slope of the dwelling and would have a harmful effect upon the character and appearance of the original dwelling. To the front elevation, this also has a wider effect on the street scene in a terrace which has a simple and uninterrupted roof line especially since dormers are not a characteristic feature of the locality. The proposed dormers would have wall hung tiled cladding with UPVC windows, a slate roof to the front dormer and a rubber roof to rear. Whilst to the rear a dormer would not have an unacceptable impact upon the visual amenity of the area, the front dormer would cause harm to the character and appearance of the original dwelling and have a wider impact on visual amenity. This part of the development would be contrary to policies DM16 and DM24 of the adopted Pendle Local Plan Fourth Edition (2021-2040), and the adopted Design Principles SPD.

The proposal also includes the erection of a single storey rear extension with a flat roof. The materials will include cream render walls, white UPVC doors and windows, and a rubber flat roof. Considering that extensions and outbuildings are common to the rear of properties in the street scene this development would not adversely impact on the character and appearance of the wider area.

Residential Amenity

The Design Principles SPD advises that single storey rear extensions located immediately adjacent to the party boundary with a neighbouring property will normally be acceptable if they do not project more than 4m from the rear elevation of the existing dwelling.

The proposed rear extension would project circa 5m beyond the rear elevation of the existing dwelling. When assessing the 45-degree rule from the nearest ground floor habitable room of No.26, the extension would be in breach. However, taking into consideration the circa 1.3m set off

from the shared side boundary and the fact that the neighbouring property is set at a higher elevation, the extension would not have any unacceptable overbearing or overshadowing impacts on No.26. In considering privacy impacts, the extension would include two side elevation windows directly facing the side boundary with No.26. However, the existing circa 2m high boundary stone wall between the properties would largely screen views towards No.26 and therefore this would not have any unacceptable privacy impacts.

In terms of No.22, while the 45-degree rule would ordinarily be a relevant consideration, in this instance the extension would not result in a materially greater impact on the amenity of the habitable room windows of No.22 than the existing situation. The shared boundary is currently defined by a sloped boundary wall with a maximum height of circa 3.3m. The proposed extension would have an overall height of circa 3m and would increase the height of the smallest part of the existing boundary wall by around 0.7 metres. However, given the presence and height of the existing boundary treatment, this increase is not considered to result in a material additional loss of light or overbearing impact to No.22.

The proposed dormers would face habitable room windows to the front and rear. The building already has a relationship of first floor windows to the rear elevations facing the other properties to the rear and the proposed dormer window would be no closer than these existing windows.

The proposed development would therefore be acceptable in terms of residential amenity in accordance with DM16 and DM24 of the adopted Pendle Local Plan Fourth Edition (2021-2040) and adopted Pendle Design Principles SPD.

Highways

The proposed development would increase the number of bedrooms at the property from two to four which would increase the maximum parking requirements from one space to three spaces. The site has no off-street car parking provision, however, taking into account that this is an area of terraced housing where that is characteristic this is acceptable.

LCC Highways raised concerns of the limited access left to the rear of the property however amended plans have been submitted to extend the width from 1m to 1.3m. This is considered adequate to allow for the storage of bins and provide pedestrian access. Therefore, there are no highway implications arising from the proposal.

RECOMMENDATION: Refuse

1. By virtue of its position to the front elevation of the dwelling, the proposed front dormer would have an unacceptable impact upon the design of the original dwelling and in turn cause harm to the wider character and appearance of the street scene, in conflict with Policy DM16 and Policy DM24 of the Pendle Local Plan Fourth Edition (2021-2040) and the adopted Design Principles SPD.

Application Ref: 25/0860/HHO

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

At 24 Selby Street, Nelson

On behalf of: Mr Saqib Ali

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 26TH FEBRUARY 2026

Application Ref: 26/0015/HHO

Proposal: Full: Erection of dormer windows to front and rear roof slopes.

At: 21 Taylor Street, Brierfield

On behalf of: Mrs Erim Bano

Date Registered: 08.01.2026

Expiry Date: 05.03.2026

Case Officer: Luke Jones

Site Description and Proposal

The application site relates to a mid-terrace dwelling situated within the defined settlement boundary of Brierfield. The main access is from Taylor Street. The original dwelling has stone walls, a pitched roof of slate tiles and UPVC doors and windows.

The proposed development is the erection of a pitched roof dormer to the front roof slopes and a flat roof dormer to the rear roof slopes.

Relevant Planning History

13/15/0556N – Permitted Development Notification (Larger Home Extension): erection of bay window to rear (projection from rear elevation 4.1m, height 2.45m). PNR.

Consultee Response

Highways

Having reviewed the documents submitted Lancashire County Council acting as the highway authority makes the following comments.

The proposed development would not increase the number of bedrooms, remaining at four. The proposed second floor store and office do not meet the national space standards to be considered single bedrooms. In order to constitute a single bedroom the room must have a floor area of at least 7.5m² and be at least 2.15m wide, having regard to the government's nationally described space standard. As there would be no increase in bedrooms the highway authority does not raise an objection on highway grounds.

Parish/Town Council

No response.

Environmental Services (Health)

We are concerned about nuisance being caused during the construction phase, specifically linked to working unsociable hours, and would therefore request that the informative below is placed on the development.

To ensure that construction work is carried out at reasonable times.

All construction work will be carried out within the hours of 8am – 6pm Monday – Friday, 9am – 1pm Saturday and no working Sundays and Bank holidays. Failure to work within these hours will result in a service of a notice under the Control of Pollution Act 1974, and potentially prosecution thereafter.

Reason: For the amenity of the neighbouring residents.

Public Response

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

Relevant Planning Policy

Pendle Local Plan Fourth Edition (2021-2040)

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

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

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

National Planning Policy Framework

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

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

Officer Comments

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

Design and Materials

The Design Principles SPD advises that generally dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms. The front wall of a dormer should normally be set back at least 1m from the front elevation and 0.5m from either side, to prevent it having an overbearing effect on the street scene and adjoining properties.

The proposal is for a pitched roof front dormer and a flat roof rear dormer on the roof slopes. Both dormers would be set back from the respective front and back elevations by less than 1m and less than 0.5m from either side. The dormers would dominate the entire roof slope of the dwelling and would have a harmful effect upon the character and appearance of the original dwelling. To the front elevation, this also has a wider effect on the street scene in a terrace which has a simple and largely uninterrupted roof line especially since dormers are not a characteristic feature of the locality. The proposed dormers would have wall hung tiled cladding with white UPVC windows, and rubber roofing. Whilst to the rear a dormer would not have an unacceptable impact upon the visual amenity of the area, the front dormer would cause harm to the character and appearance of the original dwelling and have a wider impact on visual amenity.

In terms of design, this development would be contrary to policies DM16 and DM24 of the adopted Pendle Local Plan Fourth Edition (2021-2040), and the adopted Design Principles SPD.

Residential Amenity

The proposed dormers would face habitable room windows to the front and rear. The building already has a relationship of first floor windows to the rear elevations facing the other properties to the rear and the proposed dormer window would be no closer than these existing windows.

The proposed development would therefore be acceptable in terms of residential amenity in accordance with DM16 and DM24 of the adopted Pendle Local Plan Fourth Edition (2021-2040) and adopted Pendle Design Principles SPD.

Highways

The proposed development would not impact on parking requirements hence there are no highway implications arising from the proposal. LCC Highways raises no objection.

RECOMMENDATION: Refuse

2. By virtue of its position to the front elevation of the dwelling, the proposed front dormer would have an unacceptable impact upon the design of the original dwelling and in turn cause harm to the wider character and appearance of the street scene, in conflict with Policy DM16 and Policy DM24 of the Pendle Local Plan Fourth Edition (2021-2040) and the adopted Design Principles SPD.

Application Ref: 26/0015/HHO

Proposal: Full: Erection of dormer windows to front and rear roof slopes.

At: 21 Taylor Street, Brierfield

On behalf of: Mrs Erim Bano

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 26TH FEBRUARY 2026

Application Ref: 26/0018/VAR

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

At: 33 Heyhead Street, Brierfield

On behalf of: Mr Mehdi Khan Dad Bibi

Date Registered: 09.01.2026

Expiry Date: 06.03.2026

Case Officer: Luke Jones

This application has been called in by a member of the committee. Following the call-in, amended plans have been received and this report is therefore based on the amended plans.

Site Description and Proposal

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

Planning permission was previously granted under 25/0431/HHO for the erection of a single storey side extension. This application seeks to vary the plans of the existing permission, altering Condition 2 by changing the external materials of the walls from matching buff brick walls to black marble tiles with gold detailing.

Note that at the time of site visit the change in external materials had already been made.

Relevant Planning History

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

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

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

Consultee Response

Highways

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

Parish/Town Council

No response.

Mining Remediation Authority

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

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

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

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

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

PBC Public Rights of Way

No response.

Public Response

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

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

Relevant Planning Policy

Pendle Local Plan Fourth Edition (2021-2040)

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

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

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

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

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

National Planning Policy Framework

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

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

Officer Comments

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

Design and Materials

The proposed materials are wholly inappropriate within a residential context and are entirely out of keeping with both the host dwelling and the surrounding area. The use of black marble tiles introduces an alien, visually jarring appearance which bears no relationship to the established character or appearance of the surrounding area.

The harm arising from the proposal is further exacerbated by the site's prominent corner plot position, which results in the extension being highly visible from multiple public vantage points. Rather than integrating with the host dwelling, the extension presents as a dominant and discordant feature that draws undue visual attention and disrupts the cohesion and uniformity of the street scene.

The proposed variation also seeks to alter the approved fenestration, introducing a large floor-to-ceiling window alongside a smaller window on the rear elevation. While this increases the amount of fenestration on the extension, it is not considered to result in any adverse impact on the character and appearance of the host dwelling or the wider street scene.

The proposed variation to introduce a significant change in external material fundamentally undermines the design rationale of the approved scheme and represents a clear failure to respond positively to its context. As such, the development clearly represents bad design, resulting in demonstrable harm to the character and appearance of the dwelling and wider area, contrary to Policies DM16 and DM24 of the Pendle Local Plan Fourth Edition (2021-2040) and the adopted Design Principles SPD.

Residential Amenity

The proposed variation would not materially impact on residential amenity.

Highways

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

Other issues

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

RECOMMENDATION: Refuse

1. By reason of its design, the proposed variation undermines the approved scheme and would result in an incongruous and visually intrusive form of development, causing demonstrable harm to the character and appearance of the host dwelling and wider area. It is therefore contrary to Policies DM16 and DM24 of the Pendle Local Plan Part 1 (2021–2040) and the adopted Design Principles SPD.

Application Ref: 26/0018/VAR

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

At: 33 Heyhead Street, Brierfield

On behalf of: Mr Mehdi Khan Dad Bibi

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 26TH FEBRUARY 2026

Application Ref: 26/0019/HHO

Proposal: Full: Retention of existing raised platform with the formation of a planting area to the rear garden.

At: 19 Highgate, Nelson

On behalf of: Mr Jabran Sajjad

Date Registered: 12/01/2026

Expiry Date: 09/03/2026

Case Officer: Craig Barnes

The application has been called in by the chair of committee.

Site Description and Proposal

The application site comprises the rear garden of 19 Highgate, Nelson. 19 Highgate is a detached dwelling situated within the settlement boundary of Nelson. The domestic curtilage of adjacent neighbouring dwellings border the site to the south, west and east.

The development comprises excavation works to the rear garden and the erection of a raised platform and a retaining wall. Finishes comprise of render / porcelain tiles and 1.8 high timber fencing. The proposal is retrospective with construction having been completed. The application seeks the retention of these works.

The application represents the second attempt to secure planning permission for this development. The first application was refused by the Council in September 2025 for its unacceptable adverse impact on residential amenity by way of overlooking (see app 25/0508/HHO). Only minor modifications have been made to the design of the development through this application. These modifications are insufficient to alter the previous recommendation.

Relevant Planning History

21/0533/HHO (Approved with Conditions) – Erection of a two storey side extension, single storey rear extension and landscaping works including a retaining wall.

24/0156/HHO (Approved with Conditions) – Full: Extension to front of property to form a store.

25/0508/HHO (Refused) - Full: Excavation works to part of the rear garden, raised platform and the erection of a retaining wall.

Consultee Response

Local Highway Authority

The above application is a revised scheme to that previously refused under planning reference 25/0508/HHO.

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

Public Response

One comment in support has been received during the consultation period.

The comment is made by the current occupier of 21 Highgate setting out:

We have no issues with the garden landscaping at the above address. The height of the top terrace is no higher than the top of the slope of the previous lawn prior to the current landscaping. We have no concerns over privacy from next door as the height of the fencing gives us sufficient privacy. It is also to be noted; we would be replacing the existing timber fence by way of continuing the close boarded fence which would also reduce any undue concerns. Overall, the impact to our living conditions would not be affected or even worsened by our neighbour's development proposal.

Officer Comments

Policy

Pendle Local Plan Fourth Edition

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

Policy DM24 (Residential Extensions or Alterations) sets out when and how proposals for householder extensions and alterations will be supported by the Council. It sets out that proposals should ensure that the amenity and privacy of occupiers should not be unreasonably adversely affected as a result of development proposals.

National Planning Policy Framework

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

Design and Amenity

The application is a resubmission of 25/0508/HHO which was refused by the Council in September 2025. Only very minor alterations are proposed to the design of the development with a planted area now proposed on submitted plans rather than a grassed area. The planted area occupies around one third of the raised platform surface and is situated towards the boundary with 21 Highgate.

The development comprises excavation works to the rear garden and the erection of a raised platform and associated retaining wall. The ground level has been increased at the location of the retaining wall which sits roughly mid-way through the rear garden. The ground is then cut to the same level of the existing dwelling for the remainder of the garden, creating two extensive flat areas. A stair case provides access from the lower area to the upper area.

The application site is not bordered by a public highway nor is it visible from public vantage points. The raised platform is of an acceptable appearance. The materials used for the development are suitable for a domestic setting noting the limited visibility of proposals from public vantage points and the absence of broader policy constraints affecting the application site.

Submitted plans show that the constructed retaining wall is 1.2 metres in height. The retaining wall helps support a raised platform which features a patio, a large planted area, and further planting areas which extend from the retaining wall to the rear boundary of the property.

Submitted plans show that at the western boundary, the boundary treatment is a minimum of 1.1 metres higher than the top of the retaining wall / raised platform. On the eastern side, plans show boundary treatments for only part way along this boundary. To the south, a new boundary fence has been constructed. Ground levels remain unaltered along this boundary. For this reason the development will not adversely affect the amenity of the occupiers of 23 Highgate.

The height and proximity of the retaining wall and raised platform to the adjoining side boundaries of the plot permits overlooking into neighbouring property to the degree where it is harmful to the privacy of adjacent occupiers.

Topographical changes between the application site and a new dwelling under construction to the east of the site (approved under ref 24/0452/FUL) means that overlooking can be satisfactorily addressed by the erection of a 1.8 metre high boundary fence along the entirety of the intervening boundary atop of the existing retaining wall. This can be secured by condition.

The rear garden of 21 Highgate is located to the west of the site. The corner of the retaining wall structure is approximately 6m from the rear elevation of 21 Highgate. The nearest opening of 21 Highgate to the development is a rear porch which features side windows and patio doors which open out onto the rear garden. This serves a sitting room (a habitable room).

The occupier of 21 Highgate (whom does not object to the application) has confirmed that they plan to rearrange the internal layout of their property, meaning that the patio doors would no longer serve a habitable room. Whilst this may be planned there is no guarantee this will occur, and any future occupier of the property could reverse these internal layout changes at any time without requiring permission from the local planning authority. This arrangement cannot therefore be controlled by the local planning authority.

The boundary treatment is not a sufficient height to prevent unobstructed views into this habitable room from the constructed platform / retaining wall because of the height and proximity of the platform / retaining wall to the site boundary.

The adverse effect on amenity caused cannot be satisfactorily mitigated by the erection of higher fencing along this boundary. This boundary treatment would result in an overbearing effect on 21 Highgate because of the height necessary to prevent overlooking. This mitigation measure would be a breach of the 45-degree rule and would not therefore be acceptable.

A condition requiring the retention of the planting area on top of the raised platform in perpetuity would similarly be ineffective noting the scale of this area, the need to secure its future maintenance, and continued visibility nonetheless afforded from the platform due to its height and proximity to the boundary and retained paved areas located along the boundary fence itself.

There is no permitted development fall-back position for this application to be considered. The application is retrospective and has been constructed to a level which exceeds permitted development requirements. Submitted plans are inaccurate in depicting ground level change pre

and post development, with the completed platform well in excess of that allowed through permitted development rights. This is demonstrated by photos / plans set out in Annex A of this report.

The revised proposal fails to address the reason for refusal set out in 25/0508/HHO as issued by the Council in September 2025. Ultimately the raised platform is too high and too close to the boundary with 21 Highgate. The platform must be lowered to satisfactorily address the reason for refusal.

Whilst a new Local Plan has been adopted since this application was determined, its policies do not alter the decision made, and do not support the development subject to this planning application. As such, and in absence of any proposal to reduce the height of the platform, the development must be refused for the unacceptable harm caused to the amenity on the occupiers of 21 Highgate in accordance with Policies DM16 and DM24 of the Pendle Local Plan Fourth Edition.

Reason for Refusal

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. Whilst of an acceptable appearance and materials the development will have an unacceptable adverse effect on the amenity of the adjacent occupiers by way of overlooking which cannot be effectively or satisfactorily be mitigated. The development is therefore contrary to Policies DM16 and DM24 of the Pendle Local Plan Fourth Edition.

RECOMMENDATION: Refuse

For the following reason(s):

1. By virtue of its scale and location, the retaining wall and raised platform area will cause unacceptable adverse effects on the amenity of neighbouring occupiers by way of overlooking. The development is therefore contrary to Policies DM16 and DM24 of the Pendle Local Plan Fourth Edition.

Application Ref: 26/0019/HHO

Proposal: Full: Retention of existing raised platform with the formation of a planting area to the rear garden.

At: 19 Highgate, Nelson

On behalf of: Mr Jabran Sajjad

Annex A

21 Highgate, Pre-construction



21 Highgate, During construction

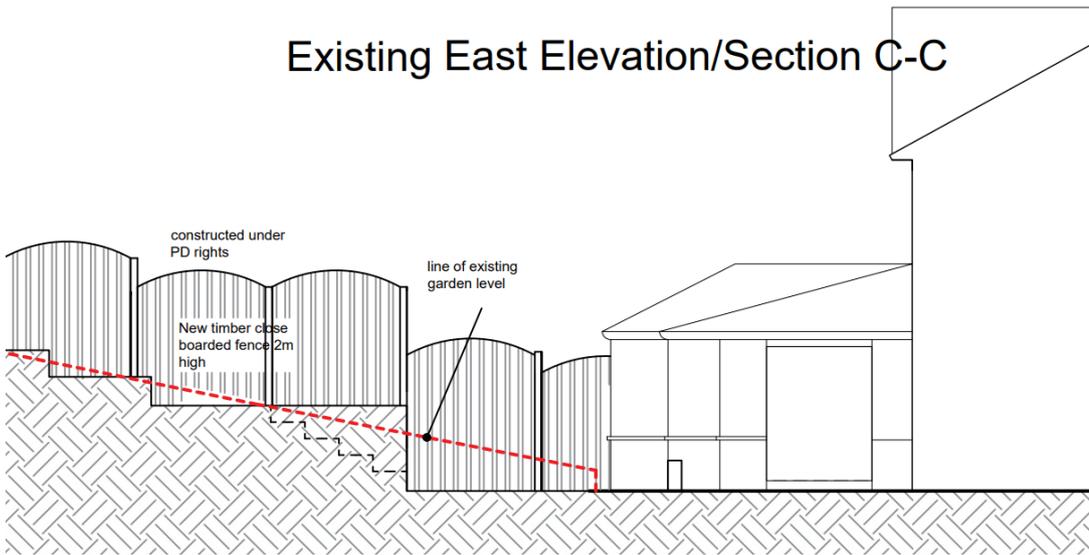


21 Highgate, Post Construction



Submitted Plans (inaccurate depiction of previous ground level)

Existing East Elevation/Section C-C



REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 26TH FEBRUARY 2026

Application Ref: 26/0032/HHO

Proposal: Full: Erection of dormers to front and rear roof slopes.

At: 15 Rook Street, Nelson

On behalf of: Mr Sajjad

Date Registered: 16.01.2026

Expiry Date: 13.03.2026

Case Officer: Luke Jones

Site Description and Proposal

The application site relates to a mid-terrace dwelling situated within the defined settlement boundary of Nelson. The main access is from Rook Street. The original dwelling has stone walls, a pitched roof of slate tiles and UPVC doors and windows.

The proposed development is the erection of a flat roof dormer to the front and rear roof slopes.

Relevant Planning History

None.

Consultee Response

Highways

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority makes the following comments.

The proposed development would increase the number of bedrooms from two to four, which is a significant increase in the potential number of occupants.

There is no associated off-road parking, nor can any be provided. The property is located within a row of terraced housing where there is a high demand for the existing on-road parking, which is limited. Whilst this raises concerns, as the increased demand for on-road parking can be difficult to absorb without causing loss of amenity for existing residents, these are not to such an extent to raise an objection as outlined by the NPPF. The highway authority also notes that the site is within acceptable walking distance of local amenities and facilities including public transport on Scotland Road, which may reduce the reliance on the use of private vehicles.

Parish/Town Council

No response.

Environmental Services (Health)

We are concerned about nuisance being caused during the construction phase, specifically linked to working unsociable hours, and would therefore request that the informative below is placed on the development.

To ensure that construction work is carried out at reasonable times.

All construction work will be carried out within the hours of 8am – 6pm Monday – Friday, 9am – 1pm Saturday and no working Sundays and Bank holidays. Failure to work within these hours will result in a service of a notice under the Control of Pollution Act 1974, and potentially prosecution thereafter.

Reason: For the amenity of the neighbouring residents.

Public Response

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

Relevant Planning Policy

Pendle Local Plan Fourth Edition (2021-2040)

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

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

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

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

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

National Planning Policy Framework

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

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

Officer Comments

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

Design and Materials

The Design Principles SPD advises that generally dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms. The front wall of a dormer should normally be set back at least 1m from the front elevation and 0.5m from either side, to prevent it having an overbearing effect on the street scene and adjoining properties. Flat roof dormers will not be acceptable on front elevations or any elevation clearly visible from a public vantage point.

The proposal is for flat roof dormers to the front and rear roof slopes. Both dormers would be set back from the respective front and back elevations by less than 1m and less than 0.5m from either side. The dormers would dominate the entire roof slope of the dwelling and would have a harmful effect upon the character and appearance of the original dwelling. To the front elevation, this also has a wider effect on the street scene in a terrace which has a simple and largely uninterrupted roof line especially since dormers are not a characteristic feature of the locality. The proposed dormers would have grey cladding walls with white UPVC windows, and rubber felt roofing. Whilst to the rear a dormer would not have an unacceptable impact upon the visual amenity of the area, the front dormer would cause harm to the character and appearance of the original dwelling and have a wider impact on visual amenity.

In terms of design, this development would be contrary to policies DM16 and DM24 of the adopted Pendle Local Plan Fourth Edition (2021-2040), and the adopted Design Principles SPD.

Residential Amenity

The proposed dormers would face habitable room windows to the front and rear. The building already has a relationship of first floor windows to the rear elevations facing the other properties to the rear and the proposed dormer window would be no closer than these existing windows.

The proposed development would therefore be acceptable in terms of residential amenity in accordance with DM16 and DM24 of the adopted Pendle Local Plan Fourth Edition (2021-2040) and adopted Pendle Design Principles SPD.

Highways

The proposed development would increase the number of bedrooms at the property from two to four which would increase the maximum parking requirements from one space to three spaces. The site has no off-street car parking provision, however, taking into account that this is an area of terraced housing where that is characteristic this is acceptable. Therefore, there are no highway implications arising from the proposal. LCC Highways raises no objection.

RECOMMENDATION: Refuse

1. By virtue of its position to the front elevation of the dwelling, the proposed front dormer would have an unacceptable impact upon the design of the original dwelling and in turn cause harm to the wider character and appearance of the street scene, in conflict with Policy DM16 and Policy DM24 of the Pendle Local Plan Fourth Edition (2021-2040) and the adopted Design Principles SPD.

Application Ref: 26/0032/HHO

Proposal: Full: Erection of dormers to front and rear roof slopes.

At: 15 Rook Street, Nelson

On behalf of: Mr Sajjad

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 26TH FEBRUARY 2026

Application Ref: 25/0826/FUL

Proposal: Full: Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2) for 2 no. people with a single storey rear extension.

At 92 Regent Street, Nelson, Lancashire

On behalf of: Mr Mohammad Sakib

Date Registered: 29.12.2025

Expiry Date: 23.02.2026

Case Officer: Athira Pushpagaran

This application is sent to committee due to receiving 3(+) objections

Site Description and Proposal

The application site is a semidetached dwelling situated in a residential neighbourhood within the defined settlement boundary of Nelson. The main access is from Regent Street. The building has a hip roof, pebbledash on walls and UPVC openings. The dwelling is set higher than the street accessed through a flight of steps.

The proposed development is the change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2) for 2 no. people with a single storey rear extension.

Relevant Planning History

At 94 Regent street- Full: Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2) for 2 no. people with a single storey rear extension. Pending consideration.

Consultee Response

Highways

Proposal The proposed development is for the change of use of a three bed dwelling (Use Class C3) to a residential institution (Use Class 2) for up to two children aged 7+ supported by staff working on a rota/shift basis 24 hours a day, 7 days a week, together with a single storey rear extension to provide staff accommodation.

Site's operation The Planning Statement submitted states that the site will operate on a rota basis with staff on site 24 hours a day; four shift patterns have been indicated. Two to three employees are expected to be on site at any one time with additional visitors to site dependent on the needs of the cared for children.

The applicant has also submitted a planning application for a change of use from C3 to C2 at the adjacent property, No 94. The applicant should clarify whether both properties would operate completely independently from each other or whether the intention is to have some sharing of resources. For example, would there be a registered manager for each property or would one manager oversee both properties etc?

Access to public transport

Several commercial bus services operate along Leeds Road providing access to local destinations and further afield. Most operate a minimum of a six-day service although none have timings compatible with the weekend early morning shift starts. The highway authority therefore considers that the use of public transport for staff going to and from work is not a realistic alternative to the use of private vehicles. The development's operation is therefore likely to be dependent on private vehicles.

Car parking

There is no off-road parking provided at the property, with vehicles having to park on Regent Street. There is an informal, unrestricted parking bay marked on the carriageway between Nos 82 and 114 Regent Street. This is available to any residents and/or visitors. Whilst some properties on the above section of Regent Street have off-road parking these tend to be on the opposite side of the road or further along Regent Street. Therefore, demand for the onstreet parking outside the property is likely, but not exclusively, to be from residents on the same side as No 92 and therefore with a higher demand. The highway authority is also mindful that the use of the property as a residential dwelling would generate parking demand and vehicle movements, either by residents or their visitors. However, the nature of the change of use is likely to generate more vehicle movements than those from a residential property because of the resident children's age and care needs.

Due to the age and potential care needs of the resident children they are likely to need accompanying by adults when going out, eg to school, appointments etc. Therefore access to a car will be required. The applicant should confirm whether staff would have access to a pool car or whether they will use their own cars for taking the children out. To establish current parking demand and any spare capacity parking surveys should be carried out at weekends, a weekday evening and at the shift changeover times. The dates and times of the surveys should be provided as should photographic evidence where possible. The location and extent of the surveys should also be provided.

As there will be a change of use in the site the highway authority considers that two off-road car parking spaces should be provided. These should be a minimum of 5m long to prevent vehicles from projecting over the footway and a minimum of 5.2m wide. The existing pedestrian access can remain unchanged. An appropriately scaled parking layout plan should be provided to demonstrate that these can be accommodated, bearing in mind the change in ground levels and retaining structures which would be required. A dropped vehicle crossing would also need to be constructed to access the off-road parking, and the carriageway speed humps re-located away from the crossing to allow its construction. This would be at the applicant's expense. The parking area would need to be surfaced in a bound porous material to prevent loose surface material from being carried onto the public highway.

Initial conclusion Based on the information submitted to date the highway authority considers that the applicant has not fully demonstrated how the site's operation would impact on the surrounding

highway network and its users, including the parking demand generated. Following the receipt of the additional information requested the highway authority will provide further comments, including any highway-related conditions it considers necessary

Final comments:

Thanks for the further information confirming the use of both properties as independently operating businesses. We dispute the comment that the use of the houses won't generate vehicle movements or parking demand greater than those of typical dwellinghouses as there'll be more movements/parking demand at shift change overs, which will be 7 days a week year round, unlike when you'd have AM peak movements associated with travel to work or school runs mainly Mon - Fri. Plus any visits by external agencies, eg social workers, health visitors etc, would be additional to those generated by a typical household. We consider that the applicant has provided insufficient information and so hasn't demonstrated that the development wouldn't have a detrimental impact on the surrounding highway network in terms of capacity and amenity. Therefore, we recommend that both applications are refused due to insufficient information.

Parish/Town Council

No response

PBC Environmental health

Request an informative on hours of work for operation during construction.

Architectural Liaison Unit

Advises that this residential development is designed to be secured by design specification using - " Residential " design guide. Secured by Design - SBD Design Guides.

Public Response

The nearest neighbours have been notified by letter, and 3 objections were raised raising the following concerns:

- harm to character of the quiet residential area
- not enough parking for all the staff
- will set a precedent
- Harm to residential amenity - disturbance, noise and activity (including at unsocial hours)
- Highway safety and severe parking stress
- Risk of intensification if approved without strict limits
- External lighting / CCTV / security equipment - potential light and privacy impacts
- Servicing, visitors and refuse arrangements not properly addressed

Relevant Planning Policy

Pendle Local Plan Fourth Edition (2021-2040)

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

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

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

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

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

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

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

National Planning Policy Framework

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

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

Officer Comments

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

Design and Materials

The proposal includes a single storey rear extension. This would be flat roofed and would extend 4.5m from the existing rear elevation and would be set back by 1m from the party boundary with no.90. The rear garden of the application site like other properties on this side of regent street back on to the rear gardens of properties along Thursby street and would not be prominently visible from any public vantage points. The only other external alteration proposed is the repositioning of an existing ground floor kitchen window closer to the party boundary.

The proposed developments would not have any unacceptable impact on the character of the dwelling.

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

Residential Amenity

The existing dwelling has three bedrooms one of which one would be converted to a sensory room as part of the proposal. The proposed extension would house the third bedroom/ office for staff. The proposed extension would extend 4.5m and would breach the 45-degree guidance for the nearest rear window of no. 90. This serves a kitchen dining area and has another glazed window to the rear. The extension would not breach the 45-degree guidance for no. 94. In this case the proposed extension would not result in any overbearing impact or loss of light or outlook for the neighbouring property.

The planning statement submitted with the application sets out the operational arrangements of the proposed use. This details that the site would house 2 children above the age of 7. A maximum of three employees would be present at the property at any time including a manager, working on a 24-hour rota shift pattern (8 am- 8pm, 8pm -8am(waking night) and 7am -10pm, 10pm-7am(sleep)) with additional visits from social workers, nurses etc dependent on the needs of the cared for children.

The day to day living arrangements would not be materially different to a family home, nor would the level of comings and goings, noise or parking be materially greater than what could be expected if the dwelling were occupied by people living as a single household.

An identical application is under consideration at the adjoining property no.94 at the time of writing this report. A typical residential occupation of each of the dwellings could reasonably involve a household with two or three vehicles plus visitors and with journeys to work, school and social events, including on weekends. While the proposed use itself is materially different than a typical dwelling, it would not result in any materially higher impact on residential amenity by itself or taken cumulatively with the proposal at no.92.

A condition restricting the use to a children's home would be necessary given the potential of other uses within Use Class C2 to give rise to other planning harms. A condition limiting the maximum number of children and carers (including the manager) accommodated at the property is also necessary to adequately control the use of the site to protect the residential amenity of the area.

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

Highways

There is an informal, unrestricted parking bay marked on the carriageway between Nos 82 and 114 Regent Street. This is available to any residents and/or visitors. There is no restriction for on street parking on the opposite side of the street either. Whilst some properties on the above section of Regent Street have off-road parking these tend to be on the opposite side of the road or further along Regent Street. The comings and goings for 2 children and a maximum three staff (including the manager) would not be materially different to a family home. There is existing on street parking available on Regent Street (both marked and unmarked bays). The proposal by taken itself and cumulatively with that at 92, would result in a minor impact in relation to increase in parking demand but this would not be at a level that would result in a material highway safety risk.

In this case the proposed development would not have any unacceptable impact on highway safety and would be acceptable in accordance with policies SP13 and DM37 of the of the Adopted Pendle Local Plan Fourth Edition (2021-2040).

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

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

- 25080 - 01 Existing/Proposed Plans
- Planning statement (indexed 11.12.25)

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

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

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

4. The use hereby approved will accommodate a maximum of 2no.s children and 3 no. carers (including 1no. manager) within the site at any one time as per the planning statement (indexed 11.12.25). This arrangement will be retained for the lifetime of the development.

Reason: In the interests of residential amenity

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification the premise shall be used solely for the purposes of a children's home, as defined by Class C2 of that legislation, and for no other purposes whatsoever. Proposals to use the premises for any other purpose within that class shall not take place unless a separate formal planning application has first been submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of residential amenity
Informatives

All construction work shall be carried out only within the hours of 8am – 6pm Monday – Friday, 9am – 1pm Saturday and no working Sundays and Bank holidays. Failure to work within these hours may result in a service of a notice under the Control of Pollution Act 1974, and potentially prosecution thereafter.

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 05th February 2026