

**REPORT OF: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: COLNE AND DISTRICT COMMITTEE**

**DATE: 7<sup>th</sup> JANUARY, 2016**

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**12 CHURCH STREET, COLNE**

**PURPOSE OF REPORT**

For Committee to determine if it is expedient to take Enforcement Action to require the removal of the unauthorised shop front.

**RECOMMENDATIONS**

That no further action be taken.

**REASONS FOR RECOMMENDATIONS**

The shop front does not harm the Conservation Area and does not lead to harm to the heritage asset.

**ISSUE**

1. 12 Church Street lies in a conservation area. It is a shop lying in a terrace of other shops with a direct frontage onto the main thoroughfare through Colne. During 2014 the shop front was remodelled. The stall riser was retained but the shop window was replaced. The matter before Committee is whether that work is contrary to prevailing planning policy and requires the Council to take enforcement action.

**Planning Policy**

2. As with all planning applications the starting point for consideration of any matter relating to development is the statutory development plan. Decisions must be

taken in accordance with the development plan unless material considerations indicate otherwise. The development plan consists of the Core Strategy with policy ENV 1 being relevant. This states that heritage assets will be conserved and enhanced in accordance with their significance.

3. ENV 1 specifically says that development should ensure the significance of an asset is not harmed or lost.
4. Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that regard must be had to preserving and enhancing conservation areas.
5. This approach is echoed in the National Planning Policy Framework (“the Framework”). This states that in taking decisions we should take account of the desirability of sustaining and enhancing the significance of heritage assets as well as the desirability of development making a positive contribution to local character and distinctiveness.
6. Where a proposal would lead to substantial harm or loss to the significance of a designated asset permission should be refused. Where the development would lead to less than substantial harm to the significance of the asset any harm should be weighed against the public benefit.

#### **Impact on the Heritage Asset**

7. The designated heritage asset (“DHA”) is the conservation area. Any impact needs to be measured against the harm to the DHA.
8. Appendix A shows the shop front prior to its recent replacement. Appendix B shows the extent of the work undertaken to it.
9. The replaced shop front consisted of a slate effect stall riser that has not been replaced. Unlike adjacent units to the east there were no pilasters on the sides of the shop window. The shop window itself was a modern wooden unit of no specific architectural merit and of no historic significance.
10. The replacement unit is a upvc frame. It is darker in colour and comprises of two panes of glass whereas the replaced unit was made up of three panes.
11. Unlike the shop fronts in the units to the east which are original fronts containing pilasters and traditional forms of glazing, the replaced shop front had no specific historic or architectural qualities. Although the replaced unit is made of a synthetic material the proportions and design do not have an impact on the conservation area that is worse than the shop front it replaced.
12. The significance of this part of the shop front in terms of the DHA is low. The impact the replacement shop front would have on the DHA would be neutral as what it replaced was of poor quality and design which did not make a positive contribution to the heritage asset.
13. With the new shop front preserving the conservation area and having no detrimental impact on the DHA it would not be appropriate to take enforcement action which could only require the new shop front to be replaced by a copy of

that it replaced. It is recommended therefore that no further action be taken on the unauthorised shop front.

## IMPLICATIONS

**Policy:** None

**Financial:** None

**Legal:** None arising directly from the report.

**Risk Management:** None arising directly from the report.

**Health and Safety:** None arising directly from the report.

**Sustainability:** None arising directly from the report.

**Community Safety:** None arising directly from the report.

**Equality and Diversity:** None arising directly from the report.

## Appendix A



## Appendix B

