



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: COLNE AND DISTRICT COMMITTEE

DATE: 6th October 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE & DISTRICT COMMITTEE 6th OCTOBER, 2016

Application Ref: 16/0399/FUL

Proposal: Full: Change of use from office to health and beauty spa, demolition of existing rear extension and outbuilding and erection of three storey extension including 4 spa accommodation units, garage, swimming pool and sauna and rooftop terrace and a 3 bedroom dwelling; erection of a digital display board to the forecourt.

At: Bank House 61 Albert Road Colne

On behalf of: Dr Zia Ud-Din

Date Registered: 08 August 2016

Expiry Date: 03 October 2016

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is the former Box Office for the Leisure Trust. Bank House is a large, detached, attractive, stone building located within Colne Town Centre and Albert Road Conservation Area.

The proposal is to change the use of the property from a Box Office to a health spa and erection of a rear extension for associated accommodation together with a separate dwellinghouse.

The health and beauty spa would comprise a Hamman, swimming pool, treatment rooms, hairdressing salon, nail bar, laser clinic, skin rejuvenation and cosmetic dentistry together with changing rooms. There would also be overnight accommodation for spa guests having treatments. The majority of these services will be housed in the existing building with the rear extension accommodating a three-bed residential property for use by the owner of the business and four overnight suites for clients as well as spa lounge.

The site is within the settlement boundary and Colne Town Centre.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways – No objections subject to appropriate parking and manoeuvring being provided together with a car parking strategy.

United Utilities – No objection subject to conditions relating to foul and surface water discharge.

Colne Town Council – Broadly supports this development as an economic boost for Colne, the original sash windows on the front façade should be retained and restored. Traditional railings on the front façade would improve its appearance within the Conservation Area. Members were concerned that the Memorial Garden does not appear to have protected by a covenant and would welcome feedback on this point.

Public Response

Site and press notices posted and nearest neighbours notified by letter. One response received raising the following issues:

- The proposed new building at the rear is not in the style of the surrounding area and as the area is a 'Conservation Area' we don't consider the design to be acceptable as it will not blend in with the surrounding buildings;
- On the plans there appears to be a second entrance to the rear down Hill Street which would further reduce the available parking on Hill Street which is already at a premium from the local businesses during the day and local residents in the evening as most addresses on Hill Street have more than one car;
- We are concerned as to the fate of the mature trees in the garden as these are a feature (especially the Lime, Sycamore and Laburnum). We also know there are hedgehogs, squirrels, bats and an owl which reside in the garden all of which are seen or heard regularly by residents.

Officer Comments

The main issues to consider in this application are principle of use, impact on conservation area, impact on amenity, design and materials, protected trees and parking issues.

1. Policy

The following Local Plan Core Strategy: Part 1 policies are relevant in terms of this proposal:

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

The following saved policies of the Replacement Pendle Local Plan are relevant:

Replacement Pendle Local Plan policy 25 sets out the criteria for the location of retail and service development. It sets out a sequential approach which aims to ensure development is located in a designated town centre before other sites are considered. Colne has a defined town centre and any proposal for retail or service provision would be expected to follow this approach.

Replacement Pendle Local Plan policy 26 sets out the criteria for the location of non-shopping uses in town centre and local shopping centres.

Replacement Pendle Local Plan policy 31 sets out the maximum amount of parking for each use class.

2. Principle of Development

The site lies within the town centre but not within a shopping frontage and therefore a non-retail use would be acceptable here.

3. Impact on Conservation Area

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

The site is a prominent building and is a high quality two storey stone house which was built for Thomas Shaw, the son of Robert Shaw a Colne Mill owner. The building is square in form with a large garden area to the rear enclosed by stone walls.

The building retains many original features including chamfered quoins, sash windows, double arched windows to the front although an arched stairway window to the rear is also an attractive feature.

The frontage will be mainly unaltered and will benefit from general repair and improvements. A ramped access and another raised flowerbed are proposed.

The scheme seeks to demolish the modern two storey, mock Tudor extension to rear which do not have any architectural merit or enhance the existing building. This is acceptable.

The site is situated across from the Municipal Hall and close to other prominent attractive stone buildings which help to make the town centre an attractive location and form the character of the conservation area.

Bank House is an important townscape building within the Albert Road Conservation Area, built in the late 19thC Italian Classical style; it presents an imposing symmetrical frontage to Albert Road of fine ashlar stone with expressed quoin stones and moulded architraves to windows and doors. The original front door and some timber sash windows remain to the front and side elevations. To the rear there is a 20thC extension which is of poor quality and does nothing to enhance the original building.

There is a substantial stone wall along the side boundary to Hill Street which incorporates a simple coach house outbuilding; these features together with the original stone gateposts and stone setts at the site entrance make a positive contribution to the character and appearance of the conservation area, as do the mature trees around the rear garden. The site has been vacant for several years and has fallen into disrepair. A new use is urgently needed to secure the building, remove the unsightly extension and to improve this prominent conservation area site for the future.

A contemporary design solution is supported and the applicant has been requested to address the materials and detailing of the extension, with the overall aim being to reduce the bulk and visual impact of the extension when seen from outside the site, so that it would remain secondary and subservient to the original building without appearing to dominate it.

The bulk of the extension has been slightly reduced and the impact on the rear elevation of the main building is not as substantial. The link section to the main building should ideally be smaller in scale, visually lightweight, recessive and simple in design to make the transition from old to new. The tall stair window to the rear has been preserved by setting back the extension link.

The proposed garage to Hill Street is acceptable in terms of scale, however the side wall is built right up to the stone boundary wall, and the stark white render finish will appear out of place on this prominent street elevation. The existing stone coach house outbuilding illustrates the history and status of the site and makes a positive contribution to the conservation area; its loss would cause some harm to the character and appearance of the conservation area that would not be outweighed by the proposed replacement garage building.

Notwithstanding the above, the frontage of Bank House (and the conservation area) would be enhanced by the proposals to create a more attractive and symmetrical access with new stone ramp, steps and flower beds. However amendments are still required to the proposed new build elements at the rear in order that the significance of Bank House and the conservation area are preserved.

Conditions would need to be attached to any grant of permission relating to:

- Details of materials and finishes for extension and garage building;
- Details of design and materials for stone steps, ramp, railings, balustrade, flower beds and surfacing to the front and side forecourt areas; and
- Design/finish of gates to Hill Street.

The agent has been requested to consider suitable alternatives to the materials proposed as this would reduce the impact on the conservation area and from public viewpoints into the site. Details of this will be updated to the meeting.

Subject to amended plans and appropriate conditions the proposed use, rear extension and alterations would not have a significant impact on the Albert Road Conservation Area and accord with policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy in this respect.

4. Impact on Residential Amenity

There are mixed commercial and residential properties on Albert Road with the Municipal Hall being directly opposite and restaurants and shops nearby. Hill Street to the side (east) is mainly residential and is on a steep incline down the hill.

The nearest residential properties are on the opposite side of Hill Street across the road. The only potential concern is the rooftop terrace which would be sited above the garage along the Hill Street elevation and although across the road could have the potential to lead to loss of privacy for the dwellinghouses immediately opposite.

There would be no undue impact on amenity. This area is mixed commercial and residential area and the proposed change of use from box office to spa and residential is acceptable here.

5. Design and Materials

The proposed extension is modern and contemporary in terms of design and materials and this provides a contrast to the existing building and the surrounding area.

However, the most prominent façade is to be retained and refurbished and the existing mock Tudor rear extension is not a good example of what can be achieved here. In my opinion there is some scope for a more modern alternative extension especially as the rear of the site is relatively secluded in terms of public views and is screened by existing mature trees and vegetation.

The agent is considering the materials for the proposed rear extension and further details are expected prior to the meeting as in principle a modern rear extension and subject to appropriate materials this can be achieved.

6. Protected Trees

The site is within the Albert Road conservation area which affords protection to the trees on the site. A tree survey has been submitted which provides root protection areas to inform the design

and recommends four trees to be felled (T7, T8, T10 and G1). The line of trees along the south boundary are particularly prominent and worthy of retention.

The proposed removal of the four trees as detailed in the tree survey is acceptable provided suitable replacement planting is achieved.

There is some concern over the proposed access and car parking space to the bottom of the site which would require the removal of tree T1 and significant encroachment into the Root Protection Area of trees T2 and T3. This is not acceptable for protected trees which are visually prominent. Tree protection fences will need to be erected on the site prior to the commencement of development.

The applicant has suggested that in order to reduce the potential impact a green 'living wall' is constructed on the extension elevation facing Hill Street. This would assist visually in ameliorating the building into the conservation area. Construction detail and planting specification would be necessary for this and could be controlled by an appropriate condition if the applicant wanted to proceed with this aspect.

The scheme is not acceptable in its current form due to the formation of the access and parking space off Hill Street and subsequent loss and damage to protected trees.

The following conditions are proposed to be attached to grant of permission:

- Tree protection fences in accordance with BS 5837 (2012) should be erected prior to any works being undertaken on site.
- Replacement tree planting detail (species, sizes, numbers etc) and specification for ground preparation, planting, staking etc should be provided.
- If it is agreed that a 'living wall' is to be used, full construction details and planting specification should be submitted for approval.

An appropriate landscaping scheme can be controlled by condition.

The agent has been requested to revise the scheme to omit the proposed bottom access and parking space off Hill Street which would result in significant harm and loss of some of the protected trees which is not acceptable for the creation of just one on-site space.

7. Parking Issues

The site does not have any existing parking. A total of six parking spaces are proposed within the site. Five via the existing side vehicular access, four in the garage and one in the forecourt and one via a new access to be created further down Hill Street.

The site is within the town centre and there is some parking available on the adjacent streets which can be used during the day and overnight. There are some parking restrictions on Albert Road, however, this would be an appropriate town centre use albeit it is more likely to bring customers in from out of town and the residential use will create a need for overnight parking provision.

It would be appropriate to have at least one dedicated parking space for the residential use and four for the clinic on site with other visitors using nearby town centre car parks or available on street parking facilities.

The agent has been requested to look at this issue as at present although six spaces are proposed on site one is not acceptable due to the potential harm to the protected trees and needs to be removed from the scheme.

8. Other Issues

There is an existing memorial garden to the front of the property which was previously maintained by Colne in Bloom the applicant has advised that they are keen to work with Colne in Bloom to continue to provide the memorial feature in the future.

No details of the digital display screen have been provided except that it would be a 42" monitor on an enclosed weather[proof stand with the screen positioned at eye level. This can be controlled by an appropriate condition.

9. Summary

The proposed use is acceptable in this location and subject to appropriate revisions to the scheme then a satisfactory scheme can be achieved on this site without unduly affecting the conservation area.

Appropriate conditions are recommended below subject to the revisions listed above being submitted.

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:

LU31-P01A, LU31-P02, LU31-P03. LU31-P04B, LU31-P05A, LU31-P06A, LU31-P08.

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

3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the dwelling is occupied.

Reason: To control foul and surface water flow disposal and prevent flooding.

5. The car parking areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

Reason: To allow for the effective use of the parking areas.

6. No development on the site shall be commenced unless and until a full scheme for the following:
- Details of design and materials for stone steps, ramp, railings, balustrade, flower beds and surfacing to the front and side forecourt areas;
 - Design/finish of gates to Hill Street;
 - Digital display sign to the front; and
 - Any replacement windows and doors.

has been submitted to and approved in writing by the Local Planning Authority. Any work subsequently undertaken shall conform strictly to the details so approved.

Reason: In order to allow an assessment of the work to protect and preserve the character and historic fabric of the building.

7. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2012 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

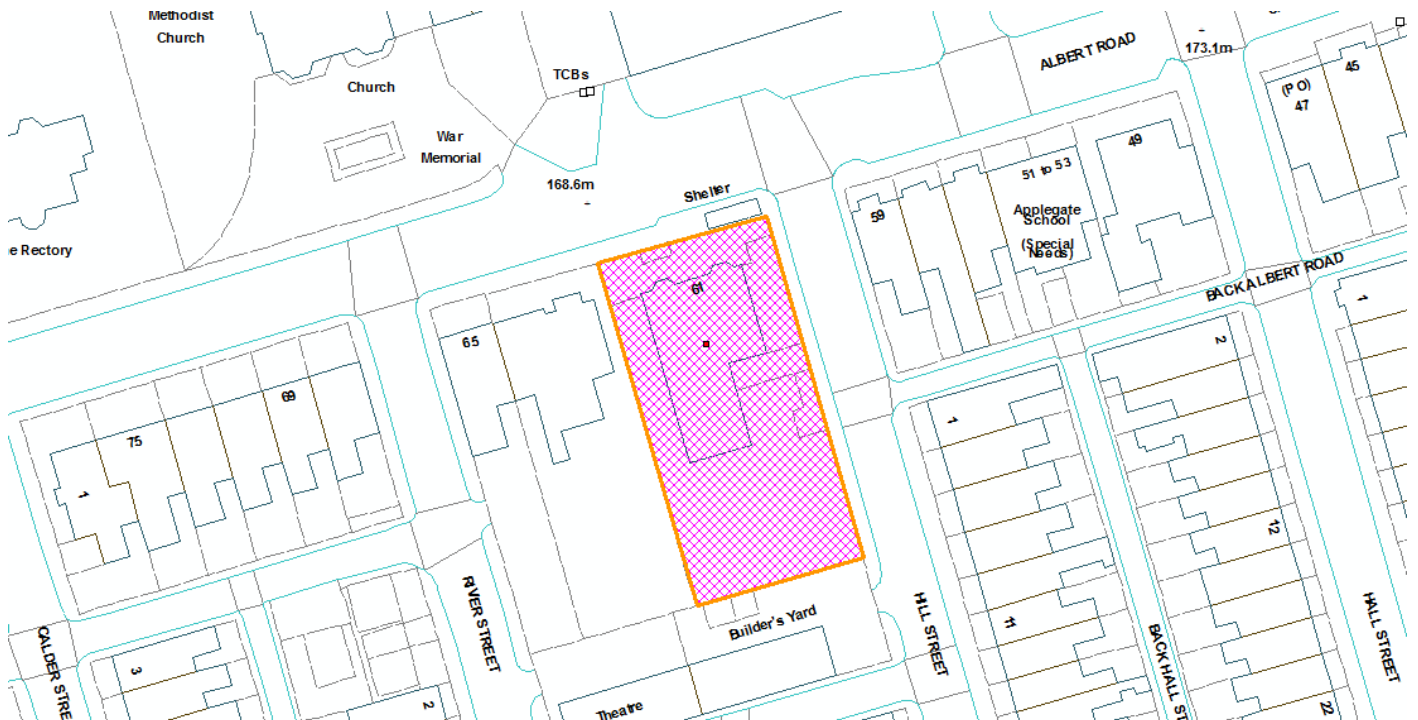
8. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

9. Before the dwelling unit is occupied waste containers shall be provided for each one within the site.

Reason: To ensure adequate provision for the storage and disposal of waste.



Application Ref: 16/0399/FUL

Proposal: Full: Change of use from office to health and beauty spa, demolition of existing rear extension and outbuilding and erection of three storey extension including 4 spa accommodation units, garage, swimming pool and sauna and rooftop terrace and a 3 bedroom dwelling; erection of a digital display board to the forecourt.

At: Bank House 61 Albert Road Colne

On behalf of: Dr Zia Ud-Din

REPORT TO COLNE AND DISTRICT COMMITTEE ON 06 OCTOBER 2016

Application Ref: 16/0467/OUT
Proposal: Outline: Major: Erection of up to 10 dwellings (All matters reserved) (Reg 3).
At: Land off Lenches Road, Colne
On behalf of: Pendle Borough Council
Date Registered: 25 July 2016
Expiry Date: 24 October 2016
Case Officer: Lee Greenwood

Site Description and Proposal

This application is brought to Committee with the Council as applicants and also as a major development.

The site comprises an area of open, maintained grassland, roughly 0.25 hectares in size currently occupied by sheep and grazing animals. The site is on a gradient owing to the topography of the area, rising upwards from its northern to southern boundary.

The land is within the settlement boundary as defined in the Local Plan but of no special designation. Historic maps and aerial photos also show that the site had previously accommodated three rows of terraced dwellings (30 dwellings) which presumably accommodated workers of the nearby mills. The area has long since been cleared however and shows no obvious signs of its past.

The application is made in outline with all matters reserved. Some indicative information has been provided and whilst it cannot be afforded any significant weight at this stage, gives some idea how the land may be developed in the future. Such details would be fully assessed and considered as part of any subsequent reserved matters submission.

Relevant Planning History

13/00/0489P - Outline application for residential development (0.4 ha) (Reg. 4) - **Withdrawn**

Consultee Response

LCC Highways; no comments received at time of writing.

LCC Education; seeking a financial contribution for 4 primary (£53,898.12) and 2 secondary school (£40,607.18) places. This may be subject to recalculation when accurate information on the number of bedrooms proposed becomes available.

LCC LLFA; no comments received at time of writing.

Natural England; no comments to make.

The Coal Authority; raise fundamental concerns and object to the application in the absence of a risk assessment report. The site is within a high risk area meaning that there are recorded and possibly unrecorded historic works within the boundary of the site.

PBC Drainage; no comments received at time of writing.

PBC Rights of Way; no comments received at time of writing.

Lancashire Constabulary; no comments received at time of writing.

Colne Town Council; support the development.

Public Response

Fifty six neighbours notified, site and press notices also displayed; no comments received.

Policy

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework ('the Framework') must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

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 paragraphs 18 to 219 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.

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

National Planning Policy Framework

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which is relevant to this proposal.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 56). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 58). It is also proper to seek to promote or reinforce local distinctiveness (para. 60).

Para 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design it should be refused.

Principle of Housing

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that to encourage significant and early delivery of the housing requirement, proposals for new development will be supported where they accord with other policies of the Core Strategy and are on;

“non-allocated sites within a settlement boundary where there are sustainable and make a positive contribution to the five year supply of housing land”.

This site falls within this definition and would be as sustainable in terms of its location accounting for the proximity of local services and facilities in the nearby town.

The principle of housing is therefore acceptable and accords with policy LIV1.

Officer Comments

Design, Layout and Amenity

As the application is made with all matters reserved, no formal details have been submitted regarding the future development of the site. Only the principle is sought at this stage.

The most obvious constraint facing any future development is the topography of the site, with significant level changes across the land. Historically however Colne has developed along challenging terrain, using linear development with stepped rooflines beside arterial roads and routes.

Taking in to account the layout of the area, the position of adjacent buildings and their uses, a scheme could be designed which is both suitable and sympathetic to its surroundings without having an adverse impact on the amenity of existing residents.

The most obvious local architectural vernacular centres around stone built terraced dwellings, under traditional slate roofs. A development which incorporates some of these local features and materials is likely to be suitable in this setting, which is within but on the edge of the settlement limits.

A scheme of up to 10 units would give scope to provide a range of housing, as required by Policy LIV5.

Open Space

Policy LIV5 requires all proposals for residential units to provide open space/green infrastructure in the following order of priority;

1. On-site provision;
2. Contribution to off-site provision;
3. Enhancements of existing facilities in the area.

The amount and type of open space is dependent on the size of development, existing provision and density. This would therefore be addressed at reserved matters stage and incorporated in to any final designs.

Highway Safety

Whilst access does not form part of this application it is important that it is established at this stage that appropriate access to the proposed residential site can be achieved.

The indicative plan show identifies a proposed access from Hartley Terrace to the northern boundary of the site. This is a cul-de-sac which due to its location would not carry significant traffic flows. In principle this would be acceptable. Comments from LCC Highway Engineers are awaited at the time of writing and will be reported by way of an update.

Coal Risk

The Coal Authority (CA) have objected to the proposal in the absence of a Coal Mining Risk Assessment Report. There are records of old mine workings on and adjacent to the application site, as such it falls within a high risk area.

A report has subsequently been commissioned and the results of both desktop and intrusive investigatory works are awaited at the time of writing.

On receipt of the report, the CA will assess the information and provide further comments.

Drainage

The site is not within a Flood Zone and subject to an acceptable design, a drainage system can be accommodated to deal with all associated surface and foul waters.

Education Contribution

Lancashire County Council Education have requested a contribution towards both primary and secondary school places. This is under consideration and further comments will be provided by way of an update.

Summary

The principle of residential development in this location is acceptable. Details of scale, layout, appearance, landscaping and access are reserved matters for later consideration.

Subject to the receipt of satisfactory comments from the Coal Authority, the application is recommended for approval.

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 use of the land within the settlement boundary for residential development is acceptable subject to the submission of Reserved Matters and appropriate 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. An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan.

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

4. The first submission of reserved matters shall include details of the proposed ground levels and a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess how the development will accommodate the varied land levels and control the final form.

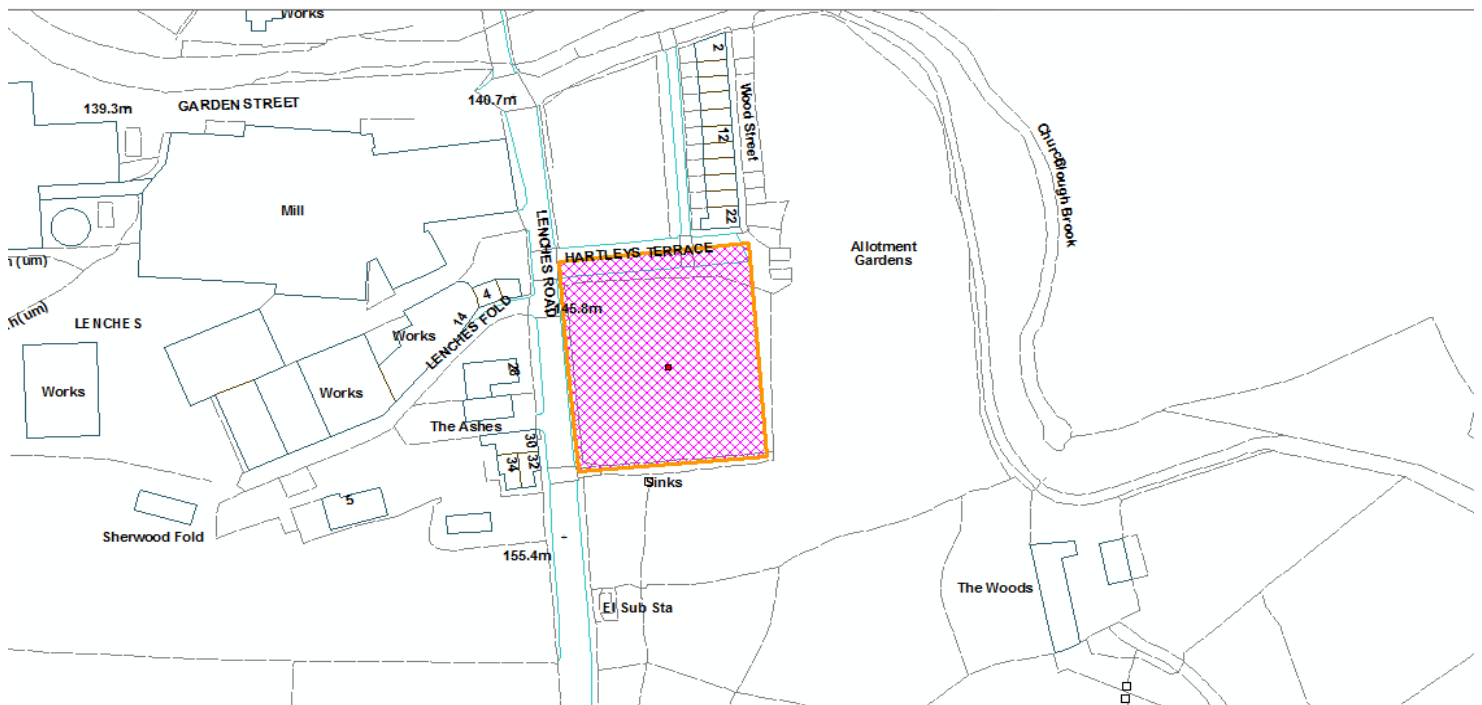
5. The first submission of reserved matters shall include details of the provision of on-site open space.

Reason: In order to provide appropriate on-site open space provision for this development in accordance with policy LIV5.

6. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
 - b) The areas and methods of loading and unloading of plant and materials.
 - c) The areas for the storage of plant and materials.
 - d) Details of wheel-washing facilities including location
 - e) Measures related to construction waste management
 - f) Measures to ensure that vehicle access of adjoining access points are not impeded.
 - g) Location and details of site compounds
 - h) Hoarding details during construction
 - i) Parking area(s) for construction traffic and personnel
 - j) Measures to control the emission of dust and dirt during construction

All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).



Application Ref: 16/0467/OUT

Proposal: Outline: Major: Erection of up to 10 dwellings (All matters reserved) (Reg 3).

At: Land off Lenches Road, Colne

On behalf of: Pendle Borough Council

REPORT TO COLNE & DISTRICT COMMITTEE 6th OCTOBER, 2016

Application Ref: 16/0525/FUL

Proposal: Full: Demolition of existing livestock/storage buildings and erection of general purpose agricultural building including activity day facilities

At: BLUE BELL FARM SKIPTON OLD ROAD COLNE BB8 7ED

On behalf of: Mr Russ Holdsworth and Mrs Jane Rogerson

Date Registered: 4 August 2016

Expiry Date: 29 September 2016

Case Officer: Kathryn Hughes

This application was deferred from the last meeting of Colne & District Committee to allow for a site visit to take place. Revised plans and a justification based on special circumstances have also been submitted.

Site Description and Proposal

A previous application for the same scheme was submitted and refused under delegated powers on the 19th July, 2016.

A proposal to change the use of an agricultural barn to an activity day centre and erect a two storey extension to the rear was approved in 2009. A scheme to change the building which accommodates the day and respite care elements into a dwelling house has recently been approved.

The site falls within the Lidgett and Bents Conservation Area and is designated Green Belt.

The proposed building would measure 18.280m x 12.190m with a height of 3.6m to eaves and 5.4m to pitch constructed in natural stone walls up to a height of 1.8m with olive green corrugated plastisol sheets above and grey fibre cement corrugated roof sheets. A roller shutter door and pedestrian door is proposed to be installed in one gable and a pedestrian door in the other gable as well as five windows 0.9m x 0.9m inserted in the east elevation together with eight rooflights (four on each side).

The building would accommodate ten stalls as well as welfare facilities and storage areas for hay, feed, etc.

An extended parking area for seven vehicles is shown on the proposed layout plan.

Additional landscaping is proposed around the new building including a Hawthorne, Blackthorn and Wild rose hedge.

Relevant Planning History

13/04/0410P - Erection of a three stall stable block. Approved 16th July, 2004.

13/04/0897P - Change of use of workshop and store to 2 holiday cottages - Withdrawn.

13/05/0180P - Change of use of workshop and store to 2 holiday lets, installation of new window/door opening with new highway access off Skipton Old Road - Approved 5th May, 2005.

13/06/0366P - Convert barn to dwelling and erect two storey extension to rear; erect detached double garage and form new access and driveway - Withdrawn.

13/06/0540P - Convert barn to dwelling and erect single storey extension to rear and form new access and driveway (re-submission) - Approved 2nd October, 2006.

13/09/0355P - Change of use of agricultural barn to activity day centre (D1) and erection of two storey extension to rear - Refused 8th October, 2009.

13/09/0494P – Change of use of agricultural barn to activity day centre (D1) and erection of two storey extension to the rear (re-submission) – Approved 13th January, 2010.

16/0288/FUL - Full: Change of use of day centre (D1) and respite care (C2) to dwelling house (C3) Approved – 3rd June, 2016.

16/0291/FUL – Full: Demolition of existing livestock/storage buildings and erection of general purpose agricultural building including welfare – Refused 19th July, 2016.

Consultee Response

LCC Highways – No objection.

Conditions relating to turning areas and parking spaces should be attached to any grant of permission.

PBC Environment – TPO No. 1, 1963 is extant nearby but the trees are on the opposite side of the road and are unaffected by this proposal.

Colne Town Council – Councillors were concerned about potential over development in a sensitive Conservation Area, noting that this six acre smallholding ceased to have farming as its principal activity when previous permission was granted to turn it into an activity centre for vulnerable adults. Councillors also noted that the last development, a barn conversion and extension for the planned overnight stay aspect of the business, has now been shelved, leading to that portion of the former barn and extension becoming a separate residential property in the green belt.

Public Response

Site and press notices posted and nearest neighbours notified by letter without response. Publicity expired on the 16th September,

Officer Comments

The main issues relate to policy considerations, the impact of the proposed extension on the Green Belt, impact on the Lidgett and Bents Conservation Area, impact on amenity, the suitability of this use in this location and parking/highway safety.

1. Policy Implications

Policy ENV1 Protecting and Enhancing Our Natural and Historic Environments requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy ENV5 requires new development to minimise the potential for noise, odour and light pollution. New development should not be sited close to potentially incompatible uses.

The following saved policies from the Replacement Pendle Local Plan are also relevant:

Policy 16 'Landscaping in New Development' requires that developments provide a scheme of planting which is sympathetic to the area.

Policy 25 'Location of Service and Retail Development' sets out where retail and service development should be located. This issue was addressed under the previous application 13/09/0494P and this location was accepted when this was subsequently approved.

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Conservation Area Guidance set out in the SPD which sets out the framework for development within conservation areas. A modern farm building can become a prominent feature in the landscape. Views of the site would be taken into account and the design should blend into the landscape or make a positive contribution to the conservation area. The form of the land and/or screen planting should be used to reduce the prominence of the building.

Appropriate material is important in ensuring that the development blends into its environment and this can be controlled by condition providing the principle of the building is acceptable.

2. Impact on Green Belt/Open Countryside

The National Planning Policy Framework gives advice on development within the Green Belt with Section 9 stating the purpose of Green Belt as well as the construction of new buildings being inappropriate and listing the exceptions to this as:

- Buildings for agriculture and forestry;
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- The extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

As set out above only appropriate development would be allowed in Green Belt and any proposal which would be visually detrimental to the Green Belt by virtue of its siting, materials or design or that does not maintain the openness of the Green Belt will be resisted.

This proposal is for the demolition of a number of small scale existing buildings and the erection of one large livestock/storage building to the rear of the recently approved conversion to residential use.

The volume of the proposed building is 900 cu.m. whilst the volume of the buildings to be demolished would be 315cu.m. this would result in a building nearly 3 times larger than those to be demolished.

It is necessary to assess this application against the criteria set out in the National Planning Policy Framework (the Framework) which sets out the tests for appropriate development in the Green Belt.

Para 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 88 of the Framework states that substantial weight is given to any harm to the Green Belt.

In para 89 point 1 it allows for buildings providing they are for agricultural or forestry use. This would clearly not be the case here as the building would also be used as a day activity centre which falls within class D1 in the Use Classes Order 1987 as already established under the previous application (13/09/0494P) approved in January, 2010.

Para points 2-3 do not apply here.

In para 89 point 4 it allows for replacement buildings providing that these are not materially larger than the one it replaces. This would clearly not be the case here as the replacement building is nearly 3 times the size.

Para 89 points 5- 6 do not apply here.

The agent has submitted as case for very special circumstances which they consider would outweigh the harm the proposed building would have on the openness of the Green Belt.

Part of the justification is that the business model is unique and that the business is established here. Whilst there might not be any other businesses of this nature in the area this use was permitted here under planning permission 13/09/0494P in January, 2010 on the basis that the residential respite was accommodated within the existing building. That building has not been given permission for residential use. This new building would in part replace that respite use albeit on a day care basis instead on residential and therefore the applicant is changing the nature of this business.

Replacement buildings are one of the exceptions in Greenbelt provided that the new building is for the same use and not materially larger than the one it replaces. This is not the case here.

Taking all the information provided into account it is not accepted that very special circumstances apply to this application.

Therefore the proposed building would, by virtue of its size, have an additional impact on the openness of the Green Belt and the Open Countryside above and beyond the existing small scale buildings that it is proposed to replace.

The proposal therefore fails to accord with policy ENV1 and para's 88 and 89 of the National Planning Policy Framework and would, by definition, be harmful to the Green Belt.

3. Impact on the Conservation Area

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

The site is not overly prominent and the building could be effectively screened by landscaping and screening and would have a neutral impact on the conservation area itself subject to appropriate materials.

The proposed building would not therefore have a significant impact on the Lidgett and Bents Conservation Area and accord with policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy in this respect.

4. Impact on Amenity

The proposed building would be sited to the rear of the current respite day centre which has recently been granted permission for change of use to residential use.

This would raise some issues regarding the acceptability of this use in this location and whether it would be compatible with adjacent residential uses.

Amended plans have been submitted which site the proposed building further to the west of the existing building and would result in the distance between the recently approved dwelling and the proposed building to be approximately 25m from north east corner to south west corner and is sited further south than the dwelling to avoid direct line of site.

The operation of the enterprise has been undertaken on the basis that the existing house at Blue Bell Cottage and the former respite centre have been owned and controlled as a single entity.

There was an issue with the impact of the relationship of the recently approved conversion to a dwelling and the associated activities of this proposed building. The proposed parking area has been relocated to the south of the proposed building opposite the parking area for the residential property and further away from the approved dwellinghouse itself. This would reduce the impact from comings and goings to an acceptable degree.

The activities that would be provided are to be tailored to suit the specific needs of the users of the building. As well as this animals would be housed in the new building. There would inevitably be noise and smells associated with keeping a range of animals (the design and access statement indicates this will include sheep, lambs, goats, ponies, geese, ducks, hens and an assortment of small animals).

The nearest point of the proposed new building and the former centre would now be 25m.

There would now be a buffer zone between the approved dwellinghouse and the activities taking place within and adjacent to the proposed building. This would now result in an acceptable relationship and the impact on the occupants of the new house would be reduced to an acceptable level in terms of living conditions and impact on amenity.

5. Parking/Highway Safety

The proposed access is the same as already approved and is acceptable.

The maximum amount of parking proposed is to be extended from four to seven spaces. This can be controlled by an appropriate condition.

This would accord with policy 31 of the Replacement Pendle Local Plan in terms of maximum car parking requirements.

6. Protected Trees and Landscaping

Trees - TPO No. 1, 1963 extant nearby but trees are on opposite side of road and therefore unaffected.

An appropriate landscaping scheme should be controlled by condition.

This proposal would therefore accord with policy 14 'Trees, Woodlands and Hedgerows' of the Replacement Pendle Local Plan.

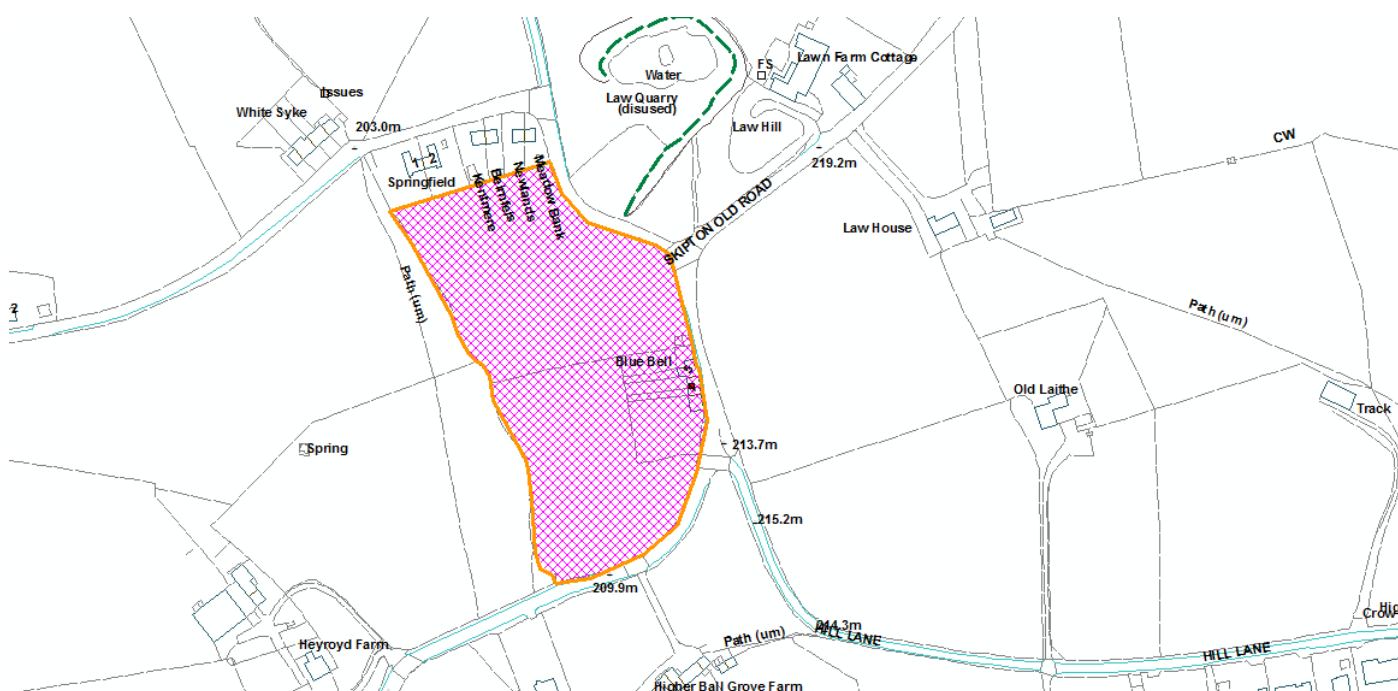
Summary

It is evident that the proposed building would not meet any of the exceptions listed in para 89 of the National Planning Policy Framework and therefore is inappropriate development in the Green Belt as defined by para 88 and fails to accord with policy ENV1 in this respect. This proposal is contrary to national and local policy.

RECOMMENDATION: Refuse

On the following grounds:

1. The proposed building does not meet any of the exceptions outlined in para 89 of the National Planning Policy Framework and therefore is inappropriate development, as defined, by para 88 of the Framework and fails to accord with policies ENV1 and ENV2 and is not sustainable development as it is inappropriate development to greenbelt.



Application Ref: 16/0525/FUL

Proposal: Full: Demolition of existing livestock/storage buildings and erection of general purpose agricultural building including activity day facilities

At: BLUE BELL FARM SKIPTON OLD ROAD COLNE BB8 7ED

On behalf of: Mr Russ Holdsworth and Mrs Jane Rogerson

Date Registered: 4 August 2016

REPORT TO COLNE & DISTRICT COMMITTEE 6th OCTOBER, 2016

Application Ref: 16/0583/FUL

Proposal: Full: Installation of plant equipment, consisting of 13 condenser units to west elevation and 1 air handling unit (unit and pipework) to eastern elevation enclosed within a 2m high palisade fence (resubmission)

At: Unit 2 Glen Mills Retail Park, North Valley Road, Colne BB8 9HH

On behalf of: TJX UK

Date Registered: 31 August 2016

Expiry Date: 26 October 2016

Case Officer: Kathryn Hughes

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

Site Description and Proposal

The application site is the TK Maxx store nearing completion at Glen Mill Retail Park in Colne.

The proposal is to install 13 condenser units and an air handling unit to the side (gable elevations enclosed within a 2m high fence to each site).

Relevant Planning History

16/0422/FUL – Full: Installation of plant equipment, consisting of 13 condenser units to west elevation and 1 air handling unit (unit and pipework) to eastern elevation enclosed within a 2m high palisade fence – Refused.

16/0412/ADV – Advertisement Consent: Display 4 fascia signs to front and side elevations (3 internally illuminated and 1 non-illuminated) – Approved.

13/15/0305P – Full: Major: Erection of non-food retail unit (2,044 sq.m.) and associated parking and servicing areas – Approved 13th November, 2015.

13/14/0434P - Full: Major: Variation of Conditions 2 (Retail Area), 16 (Noise Assessment), 24 (Landscaping) and 27 (Approved Plans) and removal of Conditions 15 (Condenser Unit) and 18 (Acoustic Fence) of Planning Permission 13/13/0591P. Approved, 08/12/2014.

13/13/0591P - Full: Major: Demolition of existing buildings and structures, erect retail store (A1 use 1898 sq.m.), erect public house/restaurant (A4 use 588sq.m.) with managers accommodation and staff changing facilities above, employment units (B1(c), B2 and B8 uses), 131 car parking spaces and associated works - Approved 15/04/2014.

13/11/0202P - Major: Demolition of buildings/structures: Outline: (access only); erection of 3,274 sq.m. retail (A1); cafe/restaurant (A3), hot food takeaway (A5) uses; create 168 parking spaces; Detailed Application: Erection of public house (A4) 633 sq.m. with staff accommodation; create 54 parking spaces; access and landscaping - Withdrawn.

13/07/0711P - Outline: Major: Erect A1 retail unit (food) (3297 sq.m.) car park (234 spaces) associated car parking and servicing (access only) - Refused 7th December, 2007 - Appeal Withdrawn.

13/06/0135P - Erect DIY store (2,323 sq. m) and three units (929 sq.m. each) - Refused, April, 2006 - Appeal - Withdrawn.

13/04/0585P - Advert Consent: Retain 1 free standing, 1 fascia & 1 gable sign - Approved 13th September, 2004.

13/04/0583P - Retain use of part of ground floor for cafe and factory shop - Approved 13th September, 2004.

Consultee Response

LCC Highways – We have noted the loss of six car parking spaces to the east side of the site; we are of the opinion that this should have a minimal impact on the overall parking provision on site. We have no objections on highway safety grounds.

Environmental Health – The mitigation specified in the noise assessment report should be implemented in order to ensure that the noise is acceptable.

Colne Town Council – Residents of Glen Street were told they would have a buffer between their properties and this proposal.

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

The issues to consider in this application are policy implications, impact on amenity, noise nuisance and loss of parking spaces.

1. Policy

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (the Framework) must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

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 paragraphs 18 to 219 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.

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

Policy ENV1 Protecting and Enhancing Our Natural and Historic Environments requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new

development. It states that siting and design should be in scale and harmony with its surroundings. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy ENV5 requires new developments to ensure that the potential for noise, odour and light pollution is minimised amongst other requirements.

2. Impact on Amenity

The units are proposed to be sited on both the east and west side elevations in external plant areas enclosed by 2m high fencing. The plant area to the east would measure 60 sq.m. whilst the plant area to the west would measure 8 sq.m.

The east area lies between the TK Maxx store and the existing Lidl store. This area is over 50m from the boundary of the site to the east and the houses on Glen Street. The west area lies between the TK Maxx store and the parking area adjacent to Hanover Street. This area is 13m from the boundary of the site to the west. With a distance of 16m to the residential property at 36 Talbot Street and 20m from the properties on the opposite side of Hanover Street. Properties on Keighley Avenue are 40m away.

The visual impact on these units would be limited. Potential for noise nuisance is considered below.

3. Noise Assessment

A noise assessment has been submitted and subject to the mitigation set out will be satisfactory and would not result in any adverse noise impact to neighbouring residential properties. This can be controlled by an appropriate condition.

4. Loss of Parking Spaces

The proposed plant areas would result in the loss of six car parking spaces. This is acceptable taking into account that 200 spaces were proposed for the entire site (including Lidl).

Reason for Decision

Section 38 of the Planning & Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would not adversely impact on amenity. In this respect the proposal is consistent with national and local policies.

The proposal, subject to control by condition of appropriate mitigation, would not adversely impact on residential amenity.

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.

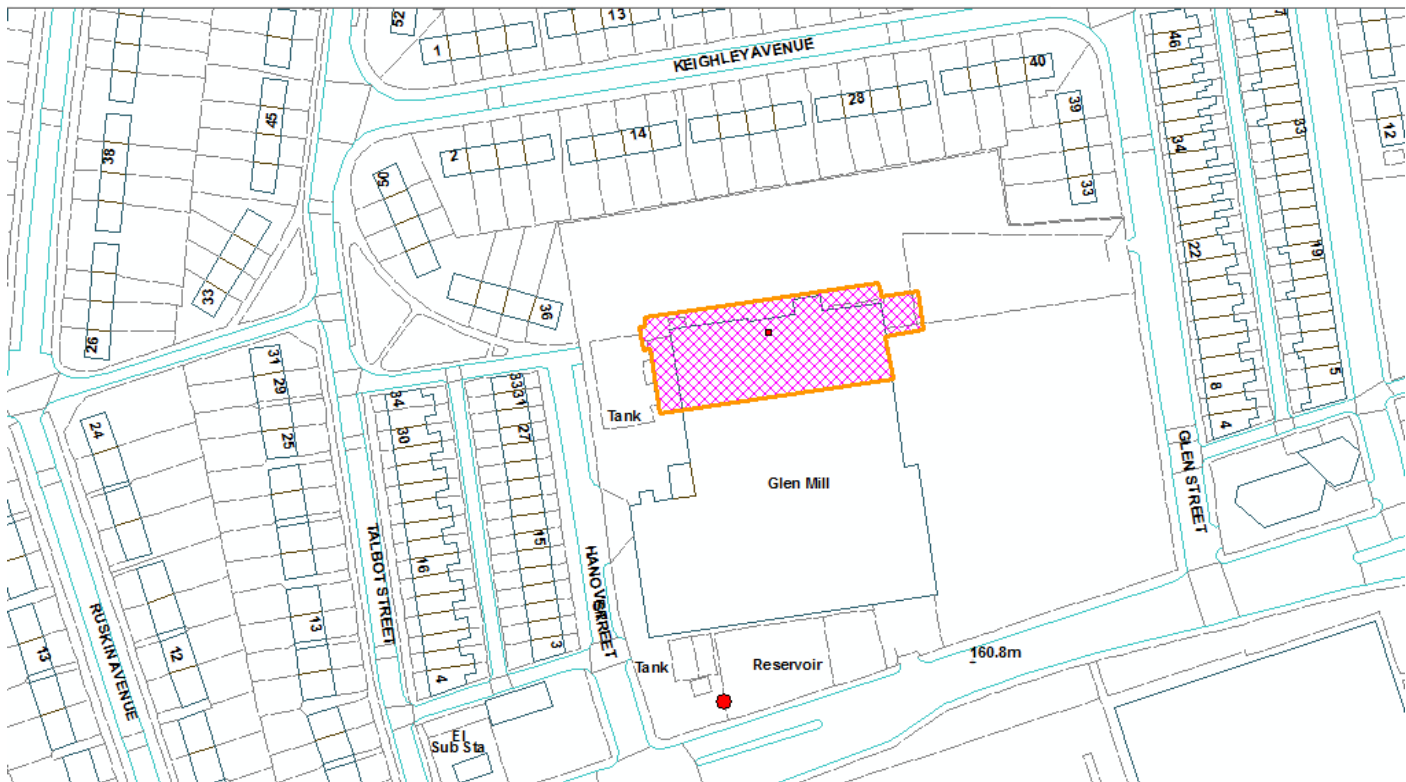
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

TKM_CNE_PLANT & TKM_CNE_SP PLANT.

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

3. The mitigation measures detailed in Section 7 of the Noise Impact Assessment dated 10/08/2016 Revision 01 by Hoare Lea shall have been fully implemented prior to the first operation of the plant and shall thereafter remain in force.

Reason: In the interest of aural amenity.



Application Ref: 16/0583/FUL

Proposal: Full: Installation of plant equipment, consisting of 13 condenser units to west elevation and 1 air handling unit (unit and pipework) to eastern elevation enclosed within a 2m high palisade fence (resubmission)

At: Unit 2 Glen Mills Retail Park, North Valley Road, Colne BB8 9HH

On behalf of: TJX UK

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 21st September 2016