

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

TO: COLNE & DISTRICT COMMITTEE

DATE: 30 MARCH 2017

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE COMMITTEE ON 30 MARCH 2017

Application Ref: 17/0021/FUL

Proposal: Full: Erection of a mixed use agricultural livestock, dairy and equine stable building and change of use of land from agricultural to mixed agricultural and equine use.

At: Craigmores, Keighley Road, Colne

On behalf of: Mr Lee Duerden

Date Registered: 13/01/2017

Expiry Date: 14/03/2017

Case Officer: Alex Cameron

Site Description and Proposal

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

The application site is an agricultural field to the north of Craigmores. The site falls within the Green Belt and the Lidgett and Bents Conservation Area. Public rights of way run along the north and west boundaries of the field.

The proposed development is the erection of an agricultural and stables building and the change of use of the land from agricultural to mixed agricultural and equine use. Half of the building would accommodate a goat pen, milking pen and dairy, the other half would consist of two stables and a feed / hay store. The building would be formed in a U shape around a central yard adjacent to an existing access point of the field from Craigmores. The building would have an overall width of 15.5m and depth of 11.5m with an eaves height of 2.7m and a ridge height of 4.1m.

The original plans would for a brick building with a clock tower feature, amended plans have been received removing the clock tower feature and altering the finish of the walls to vertical timber boarding. An artificial state roof and timber doors are proposed.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objection subject to a condition restricting the stables to private use only.

PBC Environmental Health – no adverse comments.

United Utilities – No objection subject to foul and surface water drainage conditions and a note relating to a water main crossing the site.

PBC Public Rights of Way – The public footpaths would not be affected by the building. However, the use of the land by horses could result in the footpaths becoming churned. The submitted pasture management plan would help to prevent damage to the land and the rights of way and its implementation should be conditioned.

Colne Town Council - concern regarding the large size of this proposed building, as well as its impact with the Lidgett and Bents Conservation Area. They also noted that the proposed building is to be sited on Green Belt land.

Public Response

A site notice has been posted and nearest neighbours notified – Responses have been received objecting to the application on the following grounds:

The building is overly large and not in keeping with the Conservation Area.

The proposal would be inappropriate development within the Green Belt.

The development would contravene policies of the Pendle Local Plan that new developments should be within a settlement boundary.

There is no provision for disposal of liquid waste.

The land is constantly wet and the development would increase surface water run off onto Keighley Road.

I am worried about drainage a large quantity of water will be required in the dairy and our Victorian sewers are working at capacity. The effluent from the stables and milking parlour will also need to be removed will this be going into the main sewers or will they be utilising a tank with leakage into an already very boggy field draining into the river?

No means of access specified. Concerns about vehicular access from either Keighley Road or Hill Lane in terms of highway and pedestrian safety.

Is the cheese and milk production to be a commercial operation with an increase in people (staff) accessing the site.

The size of the building may lead in the future to an application for a change of use.

Concerns about noise from vehicles, machinery and livestock.

Concerns about odours from waste sewage and production waste.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

Policy ENV2 (Achieving Quality in Design and Conservation) 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.

Policy WRK5 (Tourism, Leisure and Culture) supports the provision of new or improved facilities for leisure where they are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.

Replacement Pendle Local Plan

Policy 39 (Equestrian Development) states that stable developments for up to four horses will be acceptable in the Green Belt provided that the application is within 15m of an occupied building or residential grounds.

National Planning Policy Framework

Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings in the Green Belt are regarded as inappropriate unless they meet one of the exceptions specified in paragraphs 89-90. These exceptions include buildings for agriculture and provision of appropriate facilities for outdoor recreation.

Principle of the Development and Green Belt impact

The proposed use of the building is a mixture of agricultural and equine. The proposed goat pen and dairy facilities are agricultural / ancillary to agricultural uses and the remainder of the building is proposed for equine stable use for two horses.

The erection of agricultural and stable buildings within the Green Belt fall within the exceptions listed in paragraph 89 of the Framework and therefore is not inappropriate development within the Green Belt.

The agricultural and equine elements would individually be small in scale, with two stables proposed for the equine use which is within the threshold of four allowed under policy 39, the building is also within 15 of the residential grounds of Craigmores. The scale of the proposed building would not result in an unacceptable impact upon the openness of the Green Belt.

Visual Amenity and Heritage Impact

The amended plans, for a plain building with vertical timber boarding walls and a stone base, would appear as a typical agricultural building or stable which would be in keeping with the predominantly rural character of this part of the Conservation Area. Artificial slate is proposed for the roof, the use of artificial materials is not appropriate within the conservation area, a condition is necessary to ensure that an acceptable roofing material such as natural slate or stone slate is used.

With this as a condition requiring a landscaping scheme to provide some screening of the building, the proposed development is acceptable in terms of visual amenity and would acceptably preserve the character and appearance of the Conservation Area.

The proposed development is acceptable in terms of visual amenity and heritage impact in accordance with policies ENV1, ENV2, WRK5 and the guidance of the Conservation Area Design and Development Guidance SPD.

Residential Amenity

Concerns have been raised regarding the impact of the exiting use on adjacent dwellings. The site is located approximately 43m from the curtilage nearest dwelling and, taking this into account, would not result in any unacceptable residential amenity impacts. The development is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

Drainage

United Utilities have no objection to the application subject to the inclusion of a foul and surface water drainage condition. This condition would ensure that the development is adequately drained.

Highways

The proposed development is of small scale and would not generate a significant level of vehicular traffic. Taking this into account the proposed development would not result in any unacceptable highway safety impacts.

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 is acceptable in terms of policy, visual amenity, residential amenity and highway safety. 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: 17/001/1a, 17/001/2.

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

3. Notwithstanding any indication on the approved plans and application forms no permission is granted for the proposed roofing material. The construction of the external walls of the development hereby approved shall not commence unless and until samples of the external materials to be used in the construction of the, roof and walls of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

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

4. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. Prior to commencement of the use of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

6. The stables hereby permitted shall be used for the stabling of horses owned by or leased to the occupier of Craigmore only and shall not be used for livery or any commercial purpose whatsoever at any time.

Reason: In the interest of highway safety.

The equine use of the land hereby permitted shall at all times be operated in accordance with the Pasture Management Plan received 13/01/2017.

Reason: To preserve the character and appearance of the Conservation Area and ensure the use does not adversely affect public rights of way.

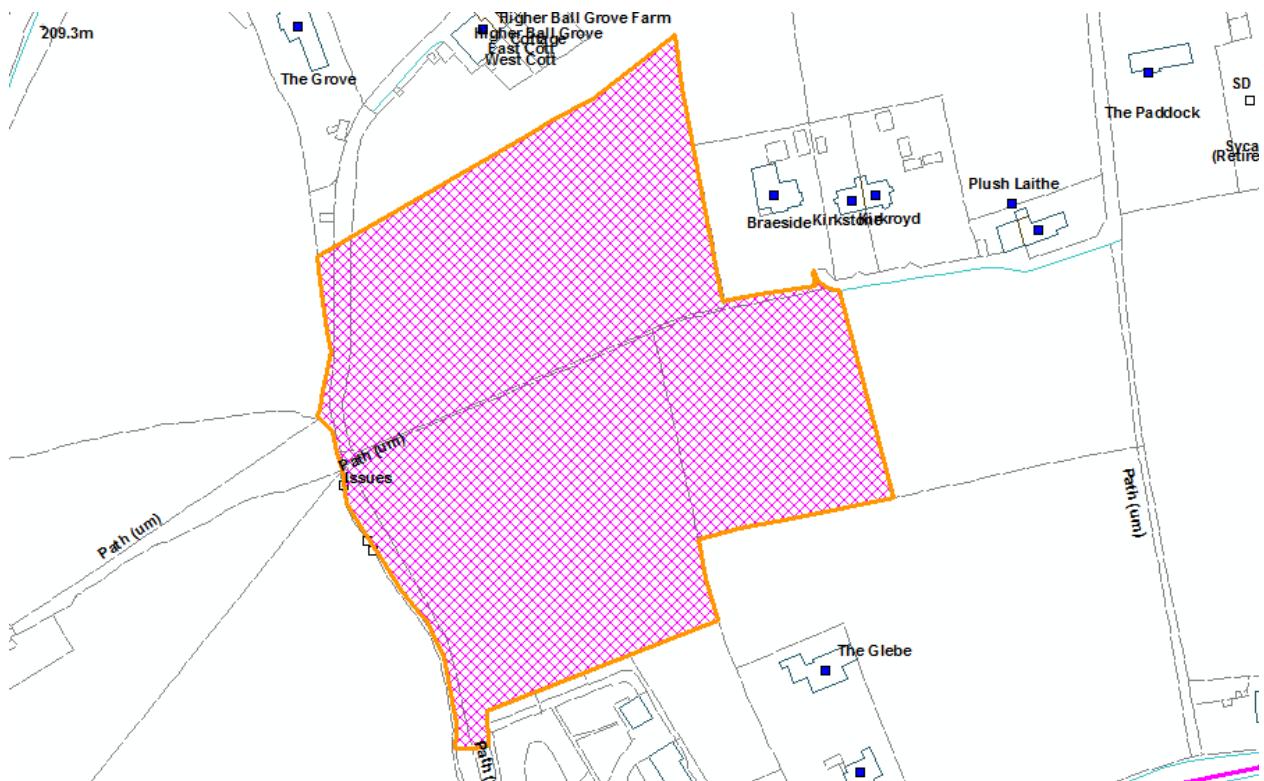
7. Within two weeks of the commencement of the development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provisions for native species landscape screening to the north and west sides of the building and shall include 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;
- c. an outline specification for ground preparation;

- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its 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 preserve the character and appearance of the Conservation Area



Application Ref: 17/0021/FUL

Proposal: Full: Erection of a mixed use agricultural livestock, dairy and equine stable building and change of use of land from agricultural to mixed agricultural and equine use.

At: Craigmore, Keighley Road, Colne

On behalf of: Mr Lee Duerden

Application Ref: 17/0045/HHO

Proposal: Full: Demolition of existing extension and erection of two storey extension to rear.

At: Claines Skipton Old Road Colne

On behalf of: Mr John Macbeth

Date Registered: 1 February 2017

Expiry Date: 3 April 2017

Case Officer: Kathryn Hughes

This application was deferred from the previous meeting to allow for a site visit to take place.

Site Description and Proposal

The application site is a detached stone built house located within the settlement boundary of Colne. The house sits raised above Skipton Old Road in a large plot. It is constructed from natural stone with natural blue slate roof and upvc fenestration.

The site lies within the Lidgett & Bents Conservation Area for which a conservation appraisal was carried out in March 1999.

The proposed development is to demolish the existing rear extensions and outbuilding and erect a two storey extension to the rear which encompasses part of the existing two storey rear extension. The proposed two storey extension would measure 3.581m (beyond the existing two storey element) x 6.501m with a height of 7.698m (5.823m to eaves). The extension would be constructed from natural stone with slate roof and upvc fenestration.

Relevant Planning History

16/0563/HHO - Full: Demolition of existing extension and erection of two storey extension to rear – Withdrawn.

16/0759/HHO – Full: Demolition of existing extension and erection of two storey extension to rear – Refused 13th January, 2017.

Consultee Response

LCC Highways – There would be no loss of off-road parking provision or manoeuvring area the proposal raises no highway concerns. Therefore I would raise no objection to the proposal on highway safety grounds.

Colne Town Council

Public Response

Nearest neighbours notified by letter. One objection has been received raising the following points:

- The extension would have a considerable adverse impact on our property and the Lidgett & Bents Conservation Area;
- The extension would be greater in size than the previous rejected proposal;

- The proximity and depth of the extension would significantly impact on the amenity more so than the previous application;
- The plans show an increase in bedrooms from 3 to 4;
- We believe a further site visit should take place to assess the impact on our property;
- This extension would also impact on the conservation area and would be clearly visible from Skipton Old Road and the footpath; and
- It appears that each application increases the size and scale of the development which was previously a reason for rejection.

Officer Comments

The main considerations for this application are policy issues, impact on residential amenity, impact on amenity including the conservation area, design and materials and highway issues.

1. Policy

The relevant policies are:

ENV1 covers protection and enhancement of the natural and historic environment including biodiversity, ecology, trees, landscapes, open space and green infrastructure and historic environment.

ENV2 sets out general design principles, historic environment and climate change.

The Design Principles Supplementary Planning Document applies to extensions and set out the aspects required for good design whilst the Conservation Area Design and Development Guidance Supplementary Planning Document applies to development within Conservation Areas.

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

2. Impact on Residential Amenity

The two storey rear extension would retain adequate separation distances between the nearest properties.

The proposed extension would be set 7m from the side boundary with No. 1 Bents. The proposed extension would have a first floor obscured bathroom window in this side elevation. This is no closer than the existing house. Although No.1 has a first floor window which would face onto this there would be no privacy issues.

The proposed extension would be acceptable in terms of impact on residential amenity and does not raise any undue concerns.

3. Impact on the Conservation Area and Amenity

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 prominent in the streetscene and the side elevations of the two storey extension would be visible from public vantage points along Skipton Old Road and the adjacent footpath which runs to the side onto Bents and allows view of the side and rear elevations.

The building is a simple pitched roof stone dwelling of the late 19th century.

The Conservation Area Design and Development Guidance SPD states that extensions should not dominate the existing building in their position, size or scale and should be well designed and detailed.

Extensions should be subservient to the original building with rear extensions respecting the architectural form and roof slopes.

The existing outbuilding will be demolished and does not have any architectural merit.

The proposed extension would have a neutral impact on the conservation area in terms of scale, design and massing due to its limited size.

The proposed extension would not have a significant impact on the Lidgett and Bents Conservation Area and accords with policy ENV1 of the Pendle Local Plan in this respect.

4. Design and Materials

These plans propose a single two storey pitched roof extension which will partly encompass the original two storey outrigger.

This is an appropriate design and would not result in a large extension that would submerge the original. The design of this extension would still allow for the original building to be read and seen in context with the surrounding area.

Materials in natural coursed stone and blue slate to match the existing house are proposed. The forms and plans state that the fenestration would be grey upvc with stone surrounds. The materials proposed are acceptable in this location and are similar to other properties in the area.

The proposal therefore accords with policy ENV2 of the Pendle Local Plan in this respect.

5. Highway Issues

Four bedrooms would require a maximum of three spaces which the site can accommodate.

At present the dwelling has three bedrooms and has off street parking provision for more than three vehicles. Although the proposal would increase the number of bedrooms the site would still require three parking spaces which can be accommodated on the site and therefore this is acceptable and accords with policy 31.

6. Summary

The scheme as proposed would be acceptable in terms of impact on the appearance and character of the conservation area and would be acceptable in terms of scale, design and massing on the Lidgett and Bents Conservation Area and accords with policies ENV1 and ENV2 of the Pendle Local Plan and the Conservation Area Design and Development Guidance SPD.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal for a two storey rear extension is acceptable subject to appropriate conditions. The development 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.

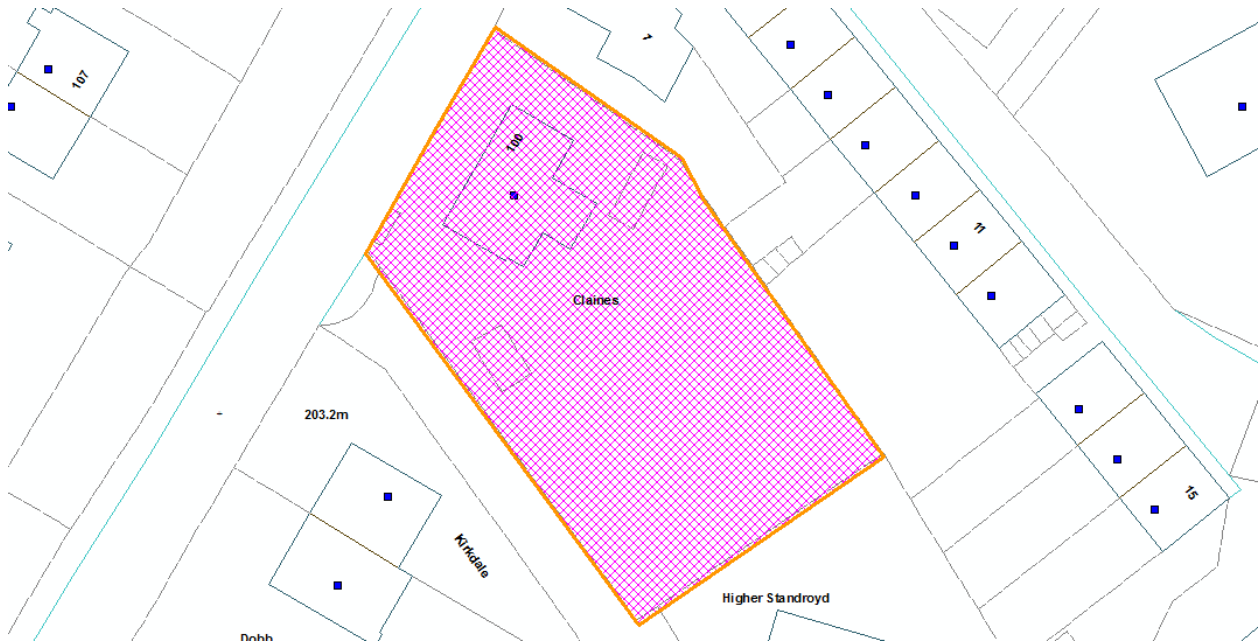
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

ADM/16/35/04, ADM/16/035/03A/ ADM/16/35/01 & ADM/16/35/02.

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

3. Prior to the commencement of development samples of the proposed materials shall have been submitted to and approved in writing by Local Planning Authority. A sample panel of the approved stone coursing and pointing shall be erected on the site for approval by the Local Planning Authority prior to the extension being commenced. The development shall thereafter be carried out in strict accordance with the approved details.

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



Application Ref: 17/0045/HHO

Proposal: Full: Demolition of existing extension and erection of two storey extension to rear.

At: Claines Skipton Old Road Colne

On behalf of: Mr John Macbeth

Application Ref: 17/0085/VAR

Proposal: Full: Major: Removal of Condition: Remove Condition 3 (Chimneys) of Planning Permission 13/16/0018P.

At: Land at Peter Birtwistle Close and Carry Lane, Carry Lane, Colne

On behalf of: Peter Birtwistle Trust

Date Registered: 20 February 2017

Expiry Date: 22 May 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is vacant agricultural land located to the south-east of Colne and lies outside the settlement boundary in Open Countryside.

Permission has been granted to erect 12 dwellings on the site.

Conditions were attached to the outline and reserved matters including one which required details of the garage doors, balustrade and chimneys to be submitted and approved.

This application seeks to remove condition 3 from the approval for the Reserved Matters for 12 dwellinghouses under planning permission 13/16/0018P which is listed below:

3. Notwithstanding the submitted plans, details of the garage doors, balustrade and chimneys shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: In order to ensure a satisfactory appearance to the proposed development.

Details have been submitted to justify the removal of the chimneys from this scheme which includes: financial implications, that there is no traditional streetscene to maintain, the existing bungalows have had their chimneys removed as part of the re-roofing process and that use of public money for decorative purposes is not appropriate.

Relevant Planning History

13/14/0077P: Outline: Major: Erect 30 dwellinghouses (access only) (1.135ha) with access from Peter Birtwistle Close for 11 dwellinghouses and access off Carry Lane for 19 dwellinghouses - Approved 28th May, 2014.

13/16/0018P- Reserved Matters: Major: Erection of 12 dwelling houses (Appearance, landscaping, layout and scale) – Approved 19th April, 2016.

13/16/0019P - Full: Major: Erection of sixteen 2 and 3 storey dwellings with two access roads off Carry Lane and landscaping works – Invalid

16/0139/FUL – Full: Major: Erection of twenty one 2/3 storey dwellinghouses with two access roads off Carry Lane and associated landscaping works – Approved 21st June, 2016.

16/0642/CND – Approval of Details Reserved by Condition: Discharge of Conditions 3 and 4 of Planning Permission 13/16/0018P – Conditions Discharged 20th March, 2017.

Consultee Response

Colne Town Council

Public Response

Site and press notices posted and nearest neighbours notified by letter. Publicity expires on the 24th March. Any further comments will be reported to the meeting.

One response received stating that when the walls were pebble-dashed the chimney pots were removed and the view will not be spoiled as the buildings are far down the hill and under the garden wall.

Officer Comments

The main issue is whether the proposed removal of condition 3 on Planning Permission 13/16/0018P is acceptable.

1. Relevant Planning Policies

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 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.

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.

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. This will be addressed as part of the Reserved Matters application.

Policy 31 ' Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

The National Planning Policy Framework (NPPF) 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. There is no balancing exercise to be undertaken with other sections of the Framework as poor design is not sustainable development and the requirement under paragraph 14 is to allow sustainable development to come forward.

2. Principle of Housing

This has been established under the outline permission (13/14/0077P) granted in May, 2014 and reserved matters (13/16/0018P) approved in April, 2016.

3. Design and Layout

Plots 1 - 6 would be split level with one storey to the front (north) and two storey to the rear (south) with a continuous roof height across the block. This results in a higher retaining structure as it crosses the site to take account of the different ground levels. This would be visible from Carry Lane and nearby public footpaths.

Plots 7 -12 would be a single storey block of six one bed units. This block would have three differing roof heights to take account of the different levels crossing the site.

The main point of concern during the application was the upper part two storey block of six units sited to the north of the site. The height and length of this block would be quite prominent when viewed from the south side of the site due to its increased height and appearance with large expanse of wall and undercroft parking resulting in numerous garage doors. A long straight, unbroken roofline and long expanse of elevation and increased height to the east side of the site would be out of character within this area of single storey bungalow units.

Whilst the principle of a housing development on this site has been accepted and work has commenced on site the submitted scheme was marginal in terms of design and therefore appropriate conditions were attached in order to provide an acceptable standard of design. This included condition 3 which does not just relate to chimneys but also the design of the garage doors and balustrade as without these elements being in place the design of the scheme would be substandard and would be a tipping point to poor design and thereby fail to comply with National policy in the NPPF para 64 and therefore should be refused on that basis.

The reasons for removing the chimneys from this scheme have been given as the following:

- financial implications;
- that there is no traditional streetscene to maintain;
- the existing bungalows have had their chimney's removed as part of the re-roofing process and
- use of public money for decorative purposes is not appropriate.

When the application was submitted discussion were undertaken in the interests of good design regarding potential amendments which would provide some detailing and interest to this block and assist in reducing its impact in the long distance views of the site and lift the design of these units to an acceptable design level.

It was only taking these amendments into account that the proposed design in this location and subject to appropriate conditions requiring further details of design and material was found to be acceptable and accord with the requirements of adopted policy and the National Planning Policy Framework.

Whilst the viability of the scheme is a material consideration in this case the cost of the chimneys does not outweigh the poor design that the removal of the chimneys would result in. Para 64 of the National Planning Policy Framework states permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it function. There is no planning balance required in this instance.

The addition of the chimneys to the roofscape together with the design of the garage doors and balustrade are important elements of this scheme which ensure an acceptable design without which the scheme would be substandard and would be a tipping point to poor design contrary to the NPPF para 64 and therefore should be refused on that basis.

4. Impact on Amenity

This was considered and addressed as part of the outline and reserved matters applications and accords with the policies ENV1 and ENV2.

5. Highways issues

This was considered and addressed as part of the outline and reserved matters applications and accords with policy 31.

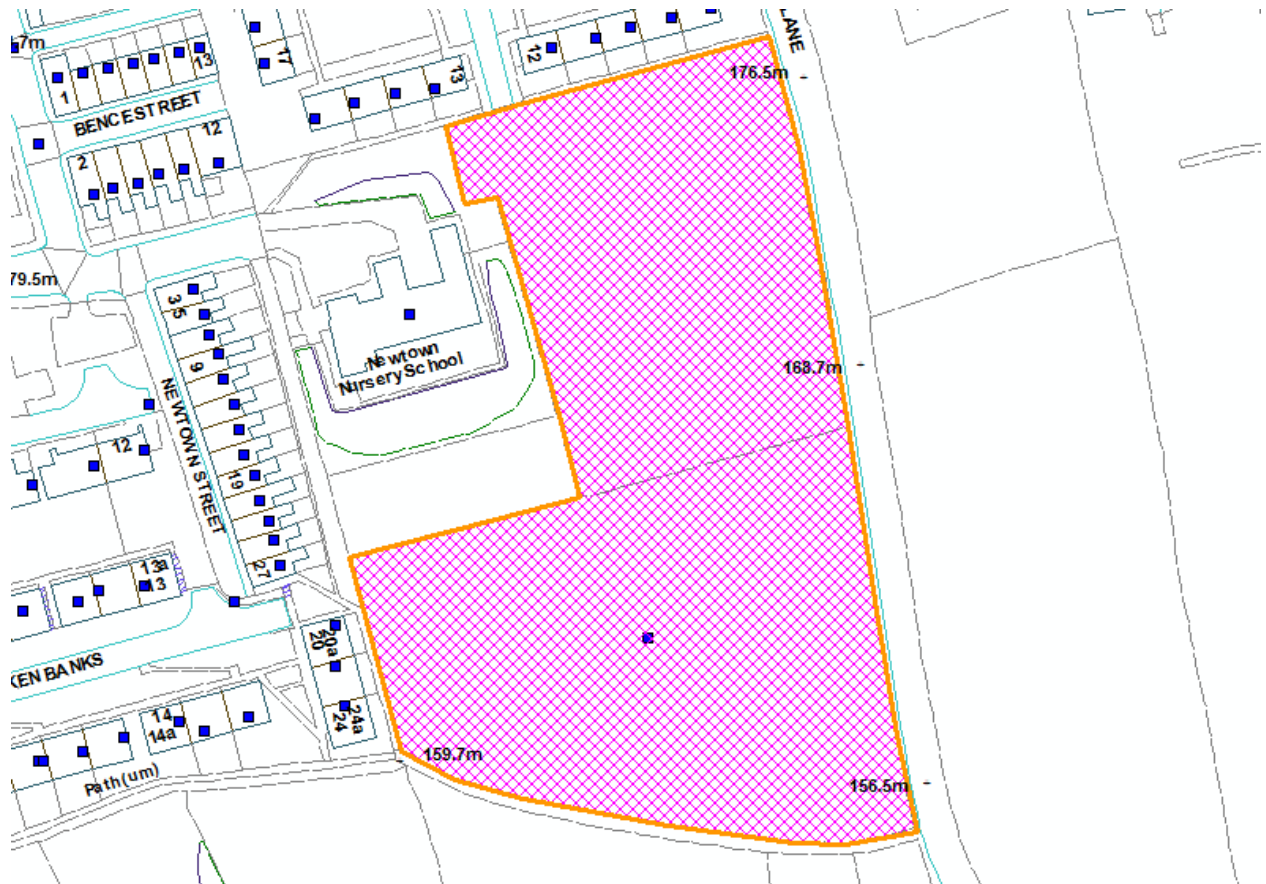
Summary

Condition 3 relates to the design of the garage doors and balustrade as well as the inclusion of chimneys which was a fundamental agreement of the design principles. Without these elements the design of the scheme would be substandard and this would be a tipping point into poor design which would fail to comply with policies ENV1 and ENV2 and national policy in the National Planning Policy Framework para 64 and is recommended for refusal on that basis.

This condition therefore should remain attached to the permission and adhered to.

RECOMMENDATION: Refuse

1. The proposed variation of condition 3 would result in a development of poor design contrary to para 64 of the National Planning Policy Framework and policies ENV and ENV2 of the Pendle Local Plan Part 1: Core Strategy 2011 – 2030.



Application Ref: 17/0085/VAR

Proposal: Full: Major: Removal of Condition: Remove Condition 3 (Chimneys) of Planning Permission 13/16/0018P.

At: Land at Peter Birtwistle Close and Carry Lane, Carry Lane, Colne

On behalf of: Peter Birtwistle Trust

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/SM

Date: 22 March 2017