

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

TO: COLNE & DISTRICT COMMITTEE

DATE: 7th January 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 07 JANUARY 2016

Application Ref: 13/15/0575P

Ref: 19161

Proposal: Full: Change of use of first floor to restaurant seating in association with ground floor/basement use: erection of railings, decking and access ramp to front elevation (Retrospective).

At: 74 ALBERT ROAD COLNE BB8 0AG

On behalf of: Mr H Hooks

Date Registered: 3 December 2015

Expiry Date: 28 January 2016

Case Officer: Lee Greenwood

Site Description and Proposal

The development is for the erection of fencing, decking and an access ramp to the forecourt area adjacent to the entrance and a change of use of the first floor to a restaurant. Internally, the first floor has already been converted from living accommodation to additional seating for the existing ground floor use.

The site is located at the junction Albert Road and Lord Street and is located within the town centre of Colne. It also falls within the Albert Road Conservation Area.

Relevant Planning History

13/14/0573P - Erection of single storey mono-pitched extension to rear (Part Retrospective) - **Approved**

13/13/0458P - Vary Condition 3 of Planning Permission 13/13/0004P relating to opening hours - **Approved**

13/13/0004P - Change of use of ground floor and basement from retail (Use Class A1) to café wine bar (Use Class A4) - **Approved**

13/12/0329P - Change of use of ground floor and basement from A1 (retail) to A3 (cafe) and installation of a flue to the rear - **Approved**

13/74/1072P - change of use to fish and chip shop - **Refused**

Consultee Response

PBC Conservation; The building is attractive, having timber sash windows and a traditional style of shopfront in grey painted timber.

There is a variety of boundary treatments to shop frontages in this part of the CA, these include stone walls, walls with railings, glass and steel balustrading, and railings alone. The railings in place are similar to those on other properties nearby and due to their dark colour and simple design are not particularly obtrusive in the street scene. The decking is more noticeable, primarily due to its lighter colour, however it has the benefit of providing the necessary ramped access to the building, and the seating area does add interest and vibrancy to the street scene.

To reduce the visual impact of the decking and the timber posts and planters I would suggest all the woodwork be stained a dark grey to match the shopfront. This would reduce the cluttered appearance of the forecourt whilst also enhancing and simplifying the appearance of the building

and shopfront. There would also be visual benefits from reducing the number of sign boards around the railings.

LCC Highways; no comments received at time of writing.

Colne Town Council; no comments received at time of writing.

Public Response

Thirteen neighbours notified, site and press notice also displayed; no comments received at time of writing.

The consultation and notification period does not expire until the 8th January 2016 - any additional comments will be noted by way of an update report prior to the meeting.

Relevant Planning Policy

Code	Policy
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
LP 10	Areas of Special Architectural or Historic Interest
LP 13	Quality and Design of New Development

Officer Comments

The main issues to consider in this application are design, amenity, impact on the Conservation Area and the suitability of the change of use.

Policy

The application site is located within the Albert Road Conservation Area, as such there is a duty under section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The Council will seek particularly high standards of design which preserves or enhances its surroundings as outlined in Policy 10 of the Replacement Pendle Local Plan.

This is supported by Core Strategy Policy ENV1 which states that heritage assets will be conserved in a manner appropriate to their significance.

Policy 13 of the Replacement Pendle Local Plan requires new development to be in scale and harmony with the surrounding area. These requirements are emphasised in Core Strategy Policy ENV2.

Design & Impacts on the Conservation Area

Externally the works to the frontage comprise black railings enclosing the forecourt of the premises adjacent to the public footway. Inside this area the applicant has installed a raised decking area to accommodate outdoor seating, either side of a central ramped access to the main door of the building.

Whilst of a modest scale and in an area where a variety of forecourt enclosures are visible, the prominence of this development comes from the relatively stark appearance of the timber used in the decking. This is visible through the more traditional appearance and dark colour of the railings to the perimeter.

The Council's Conservation Officer has advised that whilst the seating area does add some vibrancy to the street scene, it would be preferable to reduce the impacts of the timber constructions by way of staining or painting. The existing shop front at the site is of a traditional and attractive style, with frames finished in a dark grey colour. In light of this it is suggested that a similar colour is used to the timber, which would introduce an element of uniformity and simplify the overall appearance of the frontage.

Subject to the imposition of conditions requiring this area to be painted within a defined timescale, the retention of the works to the forecourt are acceptable and raise no undue concerns in terms of design or wider impacts on the appearance of the heritage asset.

Change of Use & Amenity

Internally the applicant has changed the first floor from living accommodation to provide additional seating for the existing commercial use below. The second floor above would remain in residential use.

The primary issues with such a change is to ensure that there are no adverse impacts on adjacent properties. For a use such as this the associated issues would be the generation of noise and the potential to disturb neighbours.

The site is located within a primarily commercial location and is within the Town Centre of Colne. A number of the premises in this row, much like the application site before the change of use occurred, have living accommodation over the first and second floors. As an end of terrace property the most direct impacts would be for the attached neighbour at 76 Albert Road.

The site is currently permitted to remain open until 11pm Monday to Thursday, 1am on Fridays and Saturdays and midnight on Sundays. Other times apply on specific dates such as Christmas Eve and New Years Eve. Subject to a condition that no amplified music is played on this floor and it is used only for seating, the associated impacts for neighbours would not be significant.

Whilst the increase in commercial floor space would intensify the use to a degree, the subsequent impacts within a town centre location would be negligible.

Highways

The site is within a town centre with good access to public transport links, including buses and trains.

The developments subject to this application raise no significant highway safety concerns and are acceptable in this regard.

Summary

Subject to conditions, the retention of the external and internal alterations would be acceptable and raise no adverse design, amenity or highway safety issues.

As the notification period is still running and will go beyond the date of the Committee meeting, the recommendation is to delegate the grant of consent to the Planning Manager.

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

RECOMMENDATION: Delegate Grant Consent Subject to the following conditions:

1. Within 1 month of the date of this decision samples of the colour to be used in the painting of the decking area hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Within 3 months from the written approval of the colour the development shall have been completed in accordance with the approved plans and approved finishes.

Reason: To ensure a satisfactory form of development within the Conservation Area.

2. No amplified music shall be played within the first floor seating area hereby approved at any time.

Reason: In the interests of residential amenity.



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LIST OF BACKGROUND PAPERS

Planning Applications

NPW/HW

Date: 18th December 2015