

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

**TO: COLNE AND DISTRICT COMMITTEE**

**DATE: 4<sup>th</sup> August 2016**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO COLNE & DISTRICT COMMITTEE 4<sup>th</sup> AUGUST, 2016

**Application Ref:** 16/0422/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

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

**On behalf of:** TJX UK

**Date Registered:** 14 June 2016

**Expiry Date:** 9 August 2016

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The application site is the TK Maxx store currently under constructed 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**

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

13/15/0305P – Full: Major: Erection of non-food retail unit (2,044 sqm) and associated parking and servicing areas – approved 13<sup>th</sup> 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Erection of public house (A4) 633 sq.m. with staff accommodation; create 54 parking spaces; access and landscaping - Withdrawn.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 – Requires a noise assessment.

Colne Town Council

### **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 the agent has been requested to provide further information on this in order for the potential for noise nuisance to be fully assessed.

The further information is expected to be submitted prior to the meeting and subject to this assessment being satisfactory there would not be any adverse noise impact to neighbouring residential properties. This may be subject to appropriate conditions.

An update on this will be given at the meeting.

## 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 and 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:

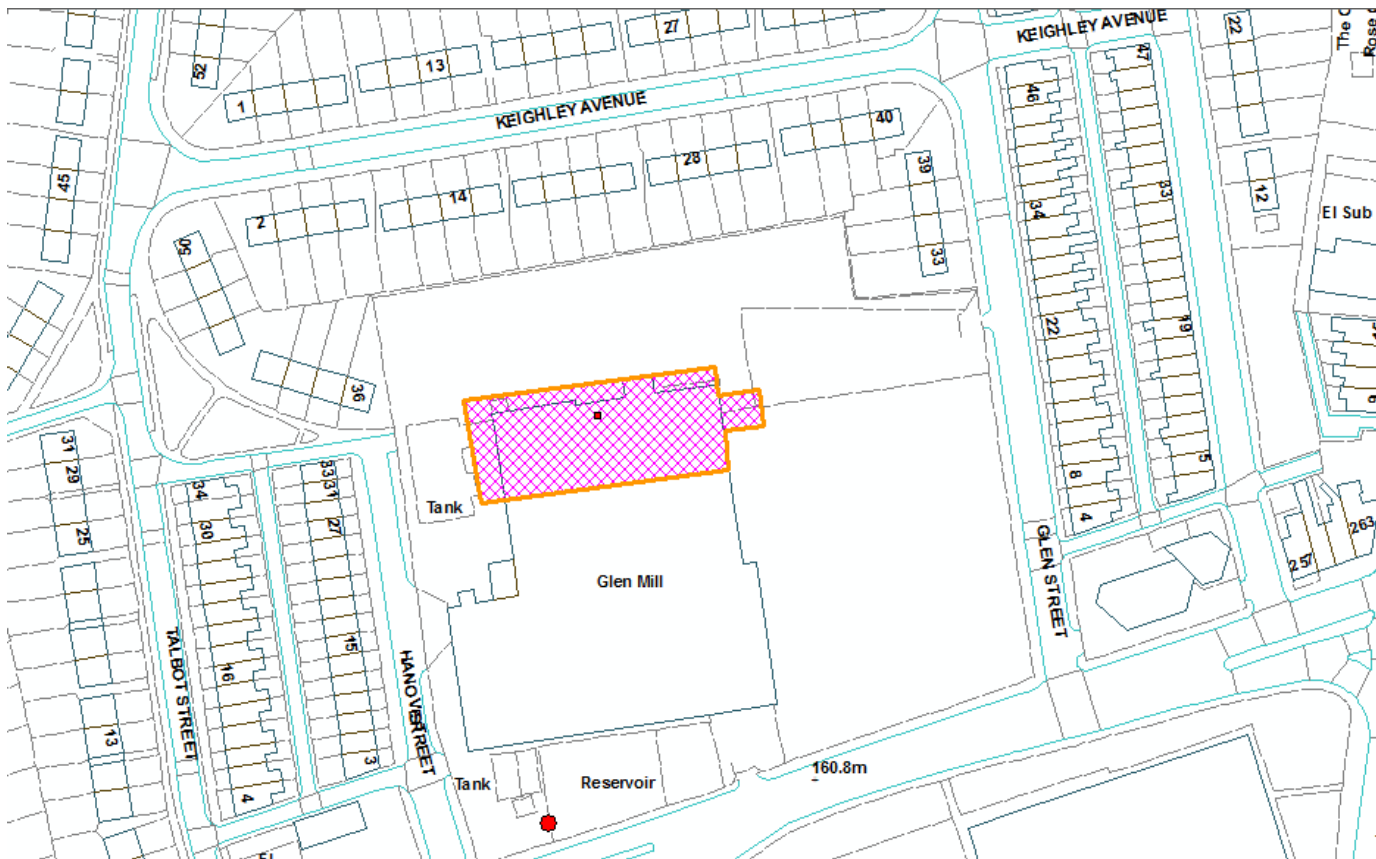
1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**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.



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## LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 27<sup>th</sup> July 2016