

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

TO: COLNE AND DISTRICT COMMITTEE

DATE: 9th FEBRUARY 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE COMMITTEE ON 9 FEBRUARY 2017

Application Ref: 16/0738/OUT

Proposal: Outline: Major: Erection of up to 10 dwellings (All matters reserved) (Reg 4).

At: Land off Lenches Road, Colne

On behalf of: Pendle Borough Council

Date Registered: 14 November 2016

Expiry Date: 13 February 2017

Case Officer: Lee Greenwood

Site Description and Proposal

This application is brought to Committee as a major development, with the Council as applicant.

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13/00/0489P - Outline application for residential development (0.4 ha) (Reg. 4) – **Withdrawn**

16/0467/OUT - Outline: Major: Erection of up to 10 dwellings (All matters reserved) - **Withdrawn**

Consultee Response

LCC Highways; no objection in principle providing a suitable access can be provided. Subject to the provision of adequate sight lines, a development of this scale should have a negligible impact on highway safety and capacity. TRICS estimates 70 vehicular movements per day with a peak flow of 7 during busy AM and PM periods.

LCC 5 year database shows no reported accidents within the vicinity. As such the highway network here is deemed to have a good record.

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; object – no evidence has been provided in relation to higher priority discharge points for surface water run-off. In the absence of these details recommend the application is refused.

United Utilities; no objections subject to imposition of drainage conditions.

Natural England;

The Coal Authority; application is now supported by a Risk Assessment. The CA concurs with the findings of the investigations in that coal mining legacy poses a risk to the new development and requires remediation works prior to the commencement of works.

Recommend a condition is added to any approval granted, including within the reserved matters a layout plan which identifies zones of influence for the mine entry on site; the definition of 'no-build' zones; a scheme for the treatment of the mine entry; a scheme for remedial actions on shallow workings; subsequent implementation prior to commencement.

PBC Environment/Trees; no objection.

PBC Environmental Health; request contaminated land condition.

PBC Drainage; no comments received at time of writing.

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

Lancashire Constabulary; do not object but suggest conditions relating to site security during development. More detailed comments to be provided at reserved matters stage.

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

Public Response

Fifty six neighbours notified, site and press notices also displayed; two responses received, commenting on;

- Would need further information on changes to main water supply and how that may impact adjacent properties
- How will parking be affected? Possible adoption/inclusion of Hartley Terrace in to the scheme
- Limited capacity and width of adjacent bridge – vehicles often use pedestrian footway to pass side by side causing danger to walkers. Suggest traffic lights are required if development granted
- Surrounding land includes privately owned allotments/farm – how would this be integrated with the proposed use accounting for close proximity of farmers access.
- Impacts of additional traffic, particularly around the bridge
- Low water pressure in area already, fear development may undermine this further.

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 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 is 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, the indicative plan identifies a possible vehicular entrance from Hartley Terrace to the northern boundary of the site.

The road is currently cobbled and due to its location would not carry significant traffic flows. LCC Highway Engineers have raised no objection in principle, subject to consideration of detailed access arrangements at the reserved matters stage.

The surrounding area has a good accident record based on LCC's 5 year incident database and overall a scheme of up to 10 houses should not have significant impact on highway safety or capacity in the vicinity.

Neighbour comments in relation to highway matters in the area are noted. They will be given full consideration when an access design is sought as part of any reserved matters submission.

Coal Risk

The Coal Authority (CA) have assessed the Risk Assessment provided with the application and have withdrawn previous objections to the scheme.

The Assessment does however highlight that there are coal mining legacy issues at the site which will need remediation and dictate future layout proposals. As such a condition will be added to any approval granted which requires the necessary information to be provided as part of the reserved matters application.

Drainage

Whilst the application is only in outline, the Lead Local Flood Authority have raised objections due to a lack of an evidenced approach or information in relation to choice of higher priority surface water run-off destinations. In the absence of this information the LLFA have advised that the application is refused, being contrary to paragraph 103 of the Framework and paragraph 80 of the Planning Practice Guidance document.

Further information is expected prior to the Committee meeting in relation to this matter and will be reported by way of an update.

Neighbours have expressed concerns that the development may impact on water pressure in the vicinity. United Utilities have raised no objection in this regard and have advised that their consent would be required for connection to the system, should planning permission be granted.

Education Contribution

Lancashire County Council Education have requested a contribution towards both primary and secondary school places.

Further information is awaiting in regard to this matter and will be reported 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 information regarding drainage and education contributions, 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 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 Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement 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).

7. The first submission of reserved matters shall, in accordance with the findings of Coal Mining Investigation Report undertaken by Betts Associates dated 6th December 2016, include information and corresponding drawings detailing all works proposed in relation to former coal mining workings within the site. This scheme shall include;
- a) zones of influence of the mine workings on site, including the definition of 'no-build' zones within the proposed layout.
 - b) a scheme for the treatment of the mine entry on site
 - c) a scheme for all remediation works in relation to the shallow coal workings on site

Any agreed works shall be undertaken prior to the commencement of any other development at the site and implemented in strict accordance with the agreed details.

Reason: In order to prevent land stability issues in relation to historic mine workings at the site.

8. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-
- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
 - b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling

and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

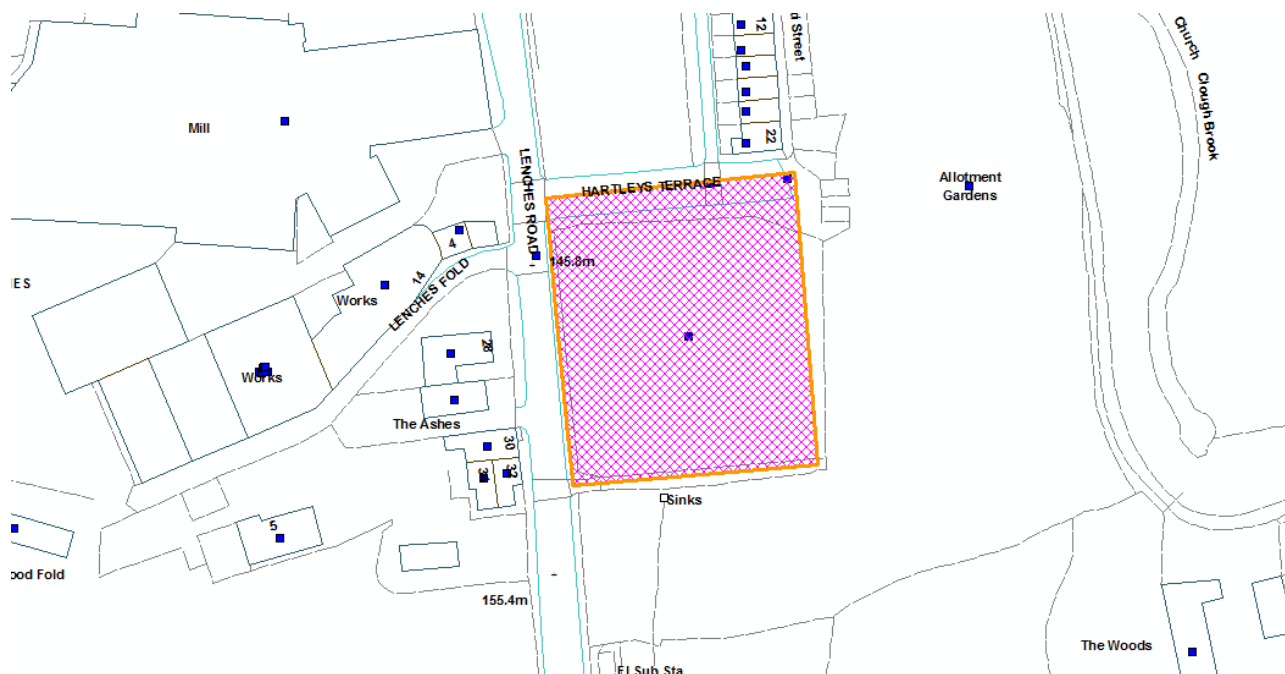
All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.



Application Ref: 16/0738/OUT

Proposal: Outline: Major: Erection of up to 10 dwellings (All matters reserved) (Reg 4).

At: Land off Lenches Road, Colne

On behalf of: Pendle Borough Council

Application Ref: 16/0778/FUL

Proposal: Full: Erection of twenty dwellinghouses with associated car parking and landscaping.

At: Land at Warehouse Lane, Foulridge

On behalf of: Bowsall Ltd

Date Registered: 7 December 2016

Expiry Date: 8 March 2017

Case Officer: Lee Greenwood

Site Description and Proposal

This application is brought to Committee as a major development.

The proposed scheme seeks to erect 20 dwellings on land at Warehouse Lane, Foulridge. The site comprises open grassland, roughly 0.55 hectares in area. The topography of the land means that there are significant level changes to the eastern boundary at the rear of the site. Remodelling works are proposed here in order to facilitate the proposed development.

Of the 20 units, it is intended for 8 to be within the definition of affordable housing (2 rent to buy and 6 shared ownership).

The site straddles two designations within the Local Plan, with the front section adjacent to Warehouse Lane falling within the settlement boundary and the rear within the Open Countryside. The surrounding area is mixed, with a combination of industrial, residential and commercial/leisure uses in close proximity.

Relevant Planning History

N/A

Consultee Response

LCC Highways; no objections in principle. TRICS estimates 140 vehicular movements per day with an estimated peak flow of 12 between 17:00 and 18:00. Based on these figures the development should have a negligible impact on highway capacity.

LCC's 5 year database of personal injury/accident shows no recent incidents from the B621 to the site, therefore it is considered to have a good accident record and indicates that there are no underlying issues that the development would exacerbate.

Applicants should demonstrate that the necessary sight lines (2.4m by 43m) are achievable over land within their ownership and/or the public highway.

Location of the access point is acceptable in principle but should be proved by swept path analysis for twin axle vehicles.

The carriageway width at the front of the site should be widened to 5.5m.

A 2m wide pedestrian footway should be provided along the site frontage to aid pedestrian flows and protect the sight lines.

The applicant should extend street lighting for the full frontage of the development.

Advise that the scheme does not provide adequate of street parking for this size of development.

As shown the highway layout would not be to adoptable standards. Revisions to the turning head and the relocation of driveways for plots 1 and 2 would be required to address this.

PBC Conservation;

PBC Trees; no objections – recommendations for tree retention to be added as a condition.

PBC Environmental Health; development should be carried out in accordance with best practice in terms of dust/on site burning.

Noise mitigation measures as detailed within the REC report should be implemented.

Lancs Constabulary; no objection – make comments/recommendation in relation to wall heights, street lighting, site security during construction.

National Grid;

Canal and River Trust; advise the conditions are required regarding surface water drainage, as water here currently discharges directly in to the canal without any protection.

Natural England; no comments to make.

LCC Education; make a contribution request for 3 primary (£40,423.59) and 1 secondary (20,303.59) school places.

LLFA;

United Utilities; no objection subject to separate surface and foul water drainage and use of sustainable systems.

Yorkshire Water;

Environment Agency; no requirement to consult.

Foulridge Parish Council; support the application but make the following points; natural stone should be used; improved parking provision; Warehouse Lane already congested and new development will increase this.

Public Response

54 neighbours notified, site and press notices also displayed; responses/objections received, commenting on;

- Road in dangerous and in poor condition, cars damaged and cycling accidents caused due to parked cars blocking views
- New traffic would increase road safety risk, as would heavy vehicles during construction process.
- Not against the development but wish to ensure property is not overlooked and new dwellings are as low as possible.

- No right of way beyond the site on to the wharf, where would traffic turn?
- Difficult and busy highway/junctions between main road and the site
- Houses/materials are not compatible with surroundings
- Large numbers of walkers/cyclists use the land and more traffic may cause danger
- Concerns that this development may impact on neighbouring proposals.
- Some plots too close to existing dwellings and listed building
- Local businesses will suffer from increased traffic during construction
- Residents of the development will have large vehicles nearby serving adjacent units and may give rise to complaints.
- Cramped development
- More residents/businesses should have been notified
- Seek assurances that full access to businesses will be maintained during construction – would impact on collection/deliveries if road is closed.

Officer Comments

Policy

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 seeks to encourage high standards of design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 advises that development should have regard to the potential impacts they may cause to the highway network. Where these impacts are severe, permission should be refused.

Policy ENV5 seeks to minimise air, water, noise, odour and light pollution.

Policy ENV7 requires developments to consider the potential for flood risk on and off site.

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.

Saved Policy 31 of the Replacement Pendle Local Plan details the current parking standards for new development.

With regard to the **National Planning Policy Framework**, the following issues are relevant;

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).

Paragraph 55 seeks to avoid isolated new homes in the countryside.

Principle of Housing

Policy LIV1 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.

Also for consideration, until such time as the adoption of the Local Plan part 2, will be sustainable sites outside but close to a settlement boundary which make a positive contribution to the five year supply of housing land, including those within the SHLAA.

This site here technically meets both definitions due to the split designation across the land. Dwellings to the front of the site would be within the settlement (also identified in the SHLAA) and those within the open countryside would be located and not isolated for the purposes of the Framework.

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

Design and Heritage

The proposal takes the form of a cul-de-sac, accessed directly from Warehouse Lane. Plots 1 to 6 would present a frontage to Warehouse Lane either side of the proposed vehicular access point. Internally the remaining plots would be located around the estate road terminating at Plots 15 and 16 at the eastern boundary of the site it. As the site is an irregular shape, the orientation of the properties (all to be semi-detached) varies throughout. Each property would have curtilage areas to the front and rear providing for off-street parking, outdoor amenity space and bin storage.

The design of the dwellings combines traditional and more contemporary elements, with windows of varying sizes with a vertical emphasis. Externally walls would be finished in a combination of artificial stone a horizontal cladding to create variety in appearance. Roofs would be of blue/grey slate and windows/doors to be of grey upvc. The surrounding area is characterised by a mix of development types and styles, as such there is no strong architectural vernacular to replicate or adhere to. In the absence of this, there is an opportunity to accommodate something with individual character, in a site which is not part of a regular or defined street scene.

The more contemporary approach would avoid pastiche or replication of more traditional forms and create what is effectively a stand-alone development. Any built form at the site would struggle to form a tangible visual relationship with the street scene, owing to their use, style and layout. Therefore a high quality, more modern development can work in this location.

Third party comments have called for the use of natural materials to the walls of the development. Whilst the site is not of any special designation itself, there are listed buildings in the vicinity and dwellings adjacent are primarily finished in coursed stone. A condition requiring the agreement of

materials prior to commencement can be added to any grant of permission to ensure that those used are suitable in this location.

As detailed above, part of the site falls within the open countryside, albeit immediately adjacent to the established settlement. The land here sits at a relatively low point, meaning wider vantage points are limited. When seen from higher land, the development would be set against a backdrop of existing development to the east, west and south.

It is intended to reduce land levels at this point of the site to facilitate the development. This would further reduce any minimal landscape impact from the new built form.

Accounting for the topographical features referred to above, plots 12-16 will have retaining features within their curtilage and sections of split level gardens. This would be the most effective method of utilising the space, with the man-made works here having a negligible impact on the wider landscape.

There are a number of heritage assets in the vicinity of the site. The closest and most directly affected would be Canal House to the north (a late 18th century property), and Great House Farm to the east (farmhouse with date stone of 1660). Both properties are Grade 2 Listed. Others exist further afield however the impacts of the development on their setting and/or special character is diminished owing to separation.

Both Policy ENV1 and para.128 of the Framework places the onus on applicants to describe and consider the significance of any assets affected by a proposal. A detailed heritage statement has been undertaken and finds that the proposal would have less than substantial harm (para.134 of the Framework) and highlights that the public benefits of the scheme, such as the provision of affordable units, would also weigh in favour of the scheme.

I would concur that the impact of the development on the setting or character of Canal House or Great House Farm would not be so significant as to be harmful. With regard to the former, the proposed dwellings along the site frontage would maintain the building line (and be set slightly further back) so that views of the house are still possible on approach from Warehouse Lane. The latter, Great House, is set up and elevated from the site owing to the difference in land levels. In addition the ground works proposed to facilitate development would mean the dwellings are set lower and would not adversely impact on the limited public vantage points of the building from this direction.

In light of the above, the proposed development is acceptable and compliant with both local and national policies.

Amenity/Noise

The key relationships within the development are with those existing residential properties to the north and east, along with the proximity of proposed units to the adjacent industrial complex to the south.

Plot 1 would have its gable elevation facing that of Canal House. With a separation of circa 12m and only ancillary windows within the side of the new dwelling, there would be no adverse impact either by scale/massing or overlooking.

The aforementioned earthworks to the rear of the site would bring down the levels of plots 12-18 to something more akin to the relatively level plateau at the front of the site. This provides a suitable step within the land to avoid any significant or overbearing impacts for those dwellings to the east of the site boundary. First floor windows would be below adjacent garden level and whilst the

uppermost points of the nearest new builds would be visible from the houses, separation distances (21m and upwards) mean that the relationship between the site and those residents is acceptable.

In terms of noise, the site currently shares an open boundary with the adjacent industrial units, some of which have openings within the elevation facing the land. A noise survey has been submitted which concludes that the most suitable and appropriate method to deal with noise relating to external amenity areas is the provision of a 2.5m high acoustic fence along this boundary. There is a difference in land levels between the site and the car park of the units of roughly 1m, though this varies along the length of the boundary. The applicant has confirmed that it would be mounted to the shared wall, with the fence atop, to ensure that the mitigation meets the necessary requirements.

The Council's Environmental Health Service has assessed these proposed measures and are happy that it would be suitable to mitigate any proposed issues of noise nuisance.

Affordable Units

The applicant intends for 8 of the units to be within the definition of 'affordable' with 2 as rent to buy and 6 as shared ownership. This number exceeds the requirements of Policy LIV4 which requires developments of this size to provide 20% of any scheme as affordable.

The proposal is therefore acceptable in this regard.

Highways

LCC Highway Engineers have raised no objection to the scheme in principle, subject to clarification and amendments in certain regards. The surrounding highway network is considered to have a good accident record and the movements associated with the development would not have a significant or adverse impact on highway safety or capacity.

Revisions have subsequently been provided which include confirmation of achievable sight lines; a swept path analysis for refuse vehicles; an increase in carriageway width at the site entrance; provision of a pedestrian footway to the front of the site; changes to provide greater on-site parking and the relocation of driveways away from the site entrance.

Further comments are awaited from LCC in regard to these changes, however the amendments appear to address all outstanding matters. Any further updates will be reported to the meeting accordingly, however subject to appropriate conditions, the development would be acceptable in highway safety terms.

Comments from neighbouring properties about impacts of the development during construction are noted. It would be prudent to condition the submission of a method statement before the commencement of development to ensure that any disruption, highway related or otherwise, is kept to a minimum.

Drainage

A drainage strategy has been provided within the submission, which sets out the proposed disposal of foul and surface water.

The site is within flood zone 1 and does not meet other thresholds which would trigger the need for a flood risk assessment.

For surface water, greenfield run off rates have been established and initial assessments of ground conditions indicate that soakaways may not be suitable here.

It is therefore proposed to attenuate flows from the site (accounting for 1 in 100 years and 30% climate change) via hyrdobrake to ensure that peak flows are no greater than greenfield run off rates.

Foul sewage is intended to discharge in to the current system.

Comments from the LLFA are awaited at the time of writing, however both United Utilities and the Canal and Rivers Trust have no objection subject to the imposition of conditions.

Based on the information provided the proposed system would be acceptable, subject to a response from the LLFA.

Trees, Landscaping and Ecology

The applicant has provided an arboricultural assessment, landscape proposals and an ecology survey to support the submission.

Tree recommendations with regard to retention and protection during construction can be controlled via condition (primarily on adjacent land).

With regard to protected species, the report finds limited evidence or opportunities within the site for habitats or foraging opportunities. It concludes that no habitats would be harmed but recommends that some enhancements may be made via landscaping and the provision of bat/bird boxes.

A combination of hard and soft landscaping is proposed across the site, including new trees along the northern boundary with the adjacent field. Stone walls will be retained and supplemented with internal fencing to divide plots.

The proposals in this regard are acceptable and compliant with adopted policy.

Education

LCC have made a request for a financial contribution towards the provision of school places. The applicant has requested that this is subject to a 106 Agreement if permission is granted, but is also undertaking a viability appraisal with regard to this request.

Any additional information on this matter will be reported by way of an update.

Summary

The proposed development would be acceptable and compliant with the Local Plan Part 1 and the National Planning Policy Framework.

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 development is compliant with the aims of the Local Plan Part 1 and saved Policies of the Replacement Pendle Local Plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approved

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: A 000, A002 I, C-52 A, A004 A, A005 JH, A003 A, A006 A, A007 A, A007 B.

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

3. Prior to the commencement of development samples of the external materials to be used (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. 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. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users

5. Prior to the first occupation of any dwelling hereby approved, the vehicular access, as shown on drawing A 002 Rev I, shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

Nothing shall be planted, erected or allowed to grow on the triangular areas of land so formed, which would obstruct the visibility described in the condition above

Reason: In order to ensure satisfactory visibility splays are provided in the interests of highway safety

6. The estate road into the site shall be constructed in accordance with the Lancashire County Council specification for the construction of estate roads. The estate road shall be completed to base course level to each plot before any work is commenced on that plot.

Reason: In order to ensure that the development is served by an adequate highway network.

6. The car parking shown on each plot shall be provided prior to occupation of the dwelling it relates to. The spaces shall thereafter be retained at all times for the parking of cars in association with the occupants of the dwelling

Reason: In the interests of highway safety and to ensure adequate onsite parking.

7. Prior to commencement of development full details of the retaining structures to be provided on the site shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance and finish to the development.

8. Notwithstanding the provisions of Article 3 and Part 1 of the second schedule of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E of Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: In order to enable the Local Planning Authority to control any future development on the site, in order to safeguard the character and visual amenity of the area.

9. The proposed drainage strategy, in accordance with the details and specification as shown on drawing C-50 A, shall be implemented in its entirety prior to the first occupation of any dwelling hereby approved.

Reason: To ensure that the site is suitably drained and to prevent flood risk on site and elsewhere.

10. The approved landscaping scheme, as shown on drawing 01 A, 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: In the interests of visual amenity and to ensure that the site is suitably landscaped.

11. Before any dwelling hereby approved is occupied, waste containers shall be provided within the site.

Reason: To ensure adequate storage facilities for domestic refuse, in the interest of residential amenity.

12. Unless and until approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land as detailed in the Arboricultural Impact Assessment dated 3rd November 2016. 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.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained

on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To protect trees and shrubs as essential elements in the development.

13. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking and access of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) Wheel-washing facilities
- v) Measures to control the emission of dust and dirt during construction.

Reason: In the interests of amenity and highway safety

14. No construction work shall be carried out on the site outside the hours of 8:00 and 17:00 on weekdays and 8:00 - 12:00 on Saturdays.

Reason: In the interests of residential amenity.

15. The acoustic fence, as shown on approved landscape drawing 01 Rev A and as detailed within Noise Impact Assessment (paragraph 5.1) shall be installed in strict accordance with those specifications detailed and retained at a height of no less than 2.5m when measured from ground level within the site.

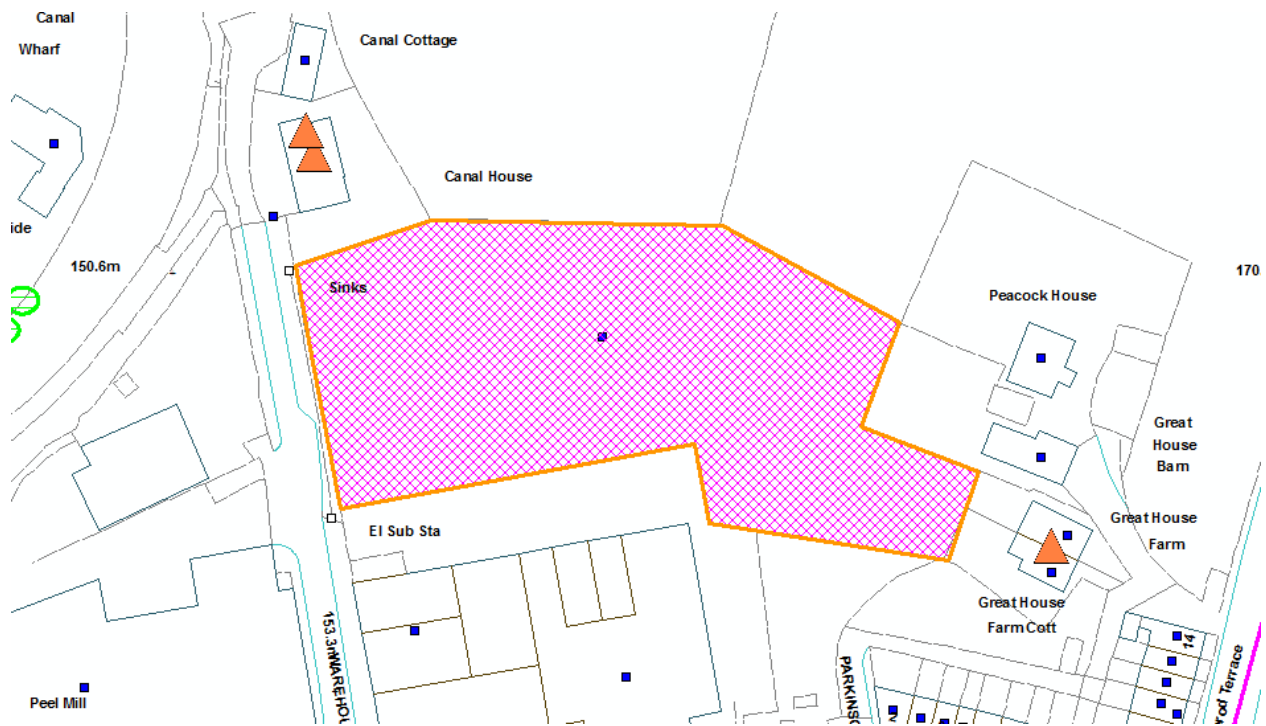
Reason: In the interests of residential amenity.

16. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 8 of the housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order for the development to contribute to the supply of affordable housing in accordance with the need identified in the Strategic Housing Market Assessment and the National Planning Policy Framework.



Application Ref: 16/0778/FUL

Proposal: Full: Erection of twenty dwellinghouses with associated car parking and landscaping.

At: Land at Warehouse Lane, Foulridge

On behalf of: Bowsall Ltd

Application Ref: 16/0803/OUT
Proposal: Outline: Erection of 9 No. dwelling houses (Re-Submission).
At: LAND OFF LAITHE STREET COLNE BB8
On behalf of: Maro Developments Limited
Date Registered: 20th December 2016
Expiry Date: 14th February 2017
Case Officer: NEIL WATSON

Site Description and Proposal

This application is an identical application to that approved under reference 13/11/0378P. Whilst the proposed scheme is identical there have been changes to the prevailing planning policies and consideration also needs to be given to any physical changes to the land and the surrounding uses.

The application site is a piece of land 0.24 hectares in size located within the settlement boundary of Colne. The site does not have any specific designated in the Local Plan but is identified as open space within the Council's Open Space Audit.

The proposal is to erect 9 dwelling houses on the site. The application is in outline only with all matters reserved.

There are residential properties on the east side of the site abutting it. Residential properties face the site to the north across Lathe Street. These have windows in the ends of the gables.

The site itself slopes up gently in a north to south direction. The land has been left unattended and consists of a number of naturally occurring trees on it. It is enclosed by grey palisade fencing along Laithe Street, wooden fencing on the public open space and fencing to residential properties. Since the last application the site has become considerably more overgrown.

An open ditch crosses the middle of the site in a west east orientation.

Relevant Planning History

13/10/0505P - Outline: Erection of 9 no. dwellinghouses - Withdrawn.
13/11/0378P – Outline for 9 dwellings approved 8/9/2011

Consultee Response

Colne Town Council: Support the development.

Lancashire County Council Highways: No objection in principle. Comments about what the future internal layout should consist of. Service strip needed outside of the site.

United Utilities:

United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

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. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 6.5 l/s.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

Public Response

One objection has been received commenting on the following issues.

- The proposed properties are too near to our property as they are within 8m of the corner of 11 Grindlestone Hirst.
- There is nowhere else with a gable so close.
- If plot 4 is built it would be an over oppressive bearing feature.
- Disturbance to wildlife
- Devaluation of property prices
- Would restrict future development of our house
- Requests a site visit to see the development from their property

Officer Comments

Planning Policy

National Planning Policy is contained in the National Planning Policy Framework ("the Framework"). This has at its heart the presumption in favour of sustainable development. This comprises of all of the paragraph 18-219 of the framework which must be read together. It seeks to build a strong economy, promote sustainable transport, develop a wide choice of high quality homes, requires good design, promotes healthy communities, the need to meet the challenge of climate change and conservation and enhancement of the natural environment.

Paragraph 74 says that open space should not be built on unless the space is surplus to requirements or the loss would be replaced by equivalent or better provision.

The Core Strategy was adopted 12 months ago and is an up to date Local Plan that should be given full weight in decision making.

Policy ENV1 seeks developments making a positive contribution to protecting our natural environment.

Policy ENV2 seeks to have good design in developments.

Flood risk must be considered for all developments under policy ENV7.

Officer Comments

The application has been submitted in outline for the erection of 9 houses. All reserved matters have been placed for consideration at the reserved matters stage. However an indicative drawing showing a potential layout has been submitted.

The application site is in the development limits for Colne. It is identified as open space in the Open Space audit, more specifically as allotment land. The principle of development is acceptable for a development in this location. The issues about whether the development is sustainable mainly revolve around impact on neighbours and the impact on open space.

Ecology

The site is now considerably overgrown with shrubs, trees and brambles dominating it. An ecology survey has been undertaken which concluded that there was no evidence of any habitat of significance being there and no opportunity for bat roosts. The recommendation in the conclusions was that before taking any trees down they should be surveyed for birds nests should they be removed in breeding season.

In terms of ecology there is no evidence that any ecological interest of any significance is present on site.

Open Space

The application site forms part of a wider area identified as allotments in the Open Space Audit. Agreement was reached as part of the previous application for the wider land to be transferred to Pendle under a Section 106 agreement. That was in order to allow better quality open space to be provided. The Council has triggered the clause in the S106 agreement for the transfer to occur.

The loss of this site as open space would therefore be compensated for by the opportunity of improvements to the larger area of open space. No further S106 agreement is necessary as the Council has already activated the requirement of the land to be transferred.

Highways

The development of 9 houses can be adequately accommodated onto the highway network. Whilst the final design would be produced at reserved matters stage the applicant owns enough land to allow the necessary footways to be installed to service the development and link it onto the highway network.

Drainage

An open ditch runs across the site, although this is now significantly overgrown. Evidence from the previous planning application showed that in inclement weather there was a significant flow of water across the site. The developer addressed this previously with the Environment Agency. The EA agreed that the ditch can be culverted with a pipe size a minimum of 450mm. The developer will install a culvert to comply with that requirement.

A culvert will also be created along the western boundary of the site leading to an open ditch running parallel with Laithe Street. This will address draining issues along the joint boundary. The

application reserves all details for future considerations including drainage. The final design of the drainage scheme will be required to be submitted as one of the proposed conditions.

Residential Amenity

The application was accompanied by an indicative layout which illustrates what the site may look like. The final design would come forward for consideration at a later stage should approval be granted for this outline application. The precise impacts on residential amenity will have to be addressed at the reserved matters stage should this application be approved.

The principal issues are the relationships between 11 and 15 Grindlestone Hirst, 22 Foulds Close and the three units facing the site in the care home on the western boundary.

A scheme could be designed to ensure that loss of light of an overbearing impact would not occur to the existing properties. 11 Grindlestone Hirst lies parallel with the joint boundary with a single storey garage in between. The remainder of the gable is blank. Whilst the plan submitted is only an indicative layout a two storey dwelling in the location proposed would result in an acute angle between habitable windows and an acceptable relationship.

There is a potential for light impact on unit 15 in the care home as shown on the application site plan. This is a two storey building with living accommodation in it. A light assessment would have to be undertaken when the specific detailed design is submitted. There would however be options to overcome this and hence there is no objection in principle to proposed unit 3.

The design of proposed unit 3 could have a blank elevation addressing any potential loss of privacy to the care home. The acute angle of the properties at 22 Foulds Court would obviate any potential loss of privacy.

A 16m gap is proposed to the boundary of the 15 Grindlestone Hirst with the rear elevation of the nearest house. The new dwelling would face a blank elevation except for a first floor bathroom window. There would be no direct loss of privacy. The garden of number 15 would be visible from the 1st floor of the new dwellings. That however is not a relationship that is uncommon and is an acceptable one in an urban residential environment.

There would be no overbearing relationship with any property with the exception of a potential with the proposed unit number 3. This can be addressed but will need to be specifically assessed when a detailed design is put forward at the reserved matters stage.

Design

The site is in a location that is surrounded by houses in an urban setting. There is nothing in the layout, design and townscape of the surrounding land uses that would prevent an acceptable design being able to be achieved on the development.

Other Issues

Comments have been received concerning the impact on property prices and the scheme possibly preventing development of individual houses.

Property prices are not material considerations nor are possible future development proposals. All existing and committed schemes have been taken into account in assessing the development.

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 would not unduly impact on amenity or highway safety and the details of ecology and drainage have been satisfactorily addressed. The loss of a small part of open space would be mitigated by the formal transfer of the larger area of adjacent allotment and 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. Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter.

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

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. Prior to the commencement of development a scheme for the disposal of foul and surface water shall have been submitted to and approved in writing by the Local Planning Authority. 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 first dwelling is occupied.

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

4. No development hereby permitted shall be commenced unless and until details of a scheme for the diversion of the culvert on site has been submitted to and approved by the Local Planning Authority. Such details shall include the route, size, materials, depth, levels and method of construction. The works shall be constructed and completed in accordance with the approved plans prior to the first occupation of any dwelling.

Reason: To ensure a satisfactory form of development and in the interests of land drainage.

5. Prior to the commencement of development a habitat management plan for the compensatory habitat, management responsibilities and maintenance schedules for the new ditch, shall be submitted to and approved in writing by the local planning authority. The habitat management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

Reason: To ensure that the compensatory habitat remains suitable and there is no net loss of habitats as a result of the development

6. No trees shall be felled, lopped or chopped unless either a nest survey confirming that there are no birds nesting has been undertaken or the work is undertaken outside of the bird

nesting season.

Reason: To ensure no net loss of biodiversity as a result of the development.

7. At all times during development on site wheel washing facilities shall be provided in accordance with details to be agreed in writing by the Local Planning Authority for construction and other vehicles. The wheels of vehicles shall wither all be washed before leaving the site or shall be washed in accordance with a procedure agreed in writing by the Local Planning Authority.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

8. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.



Application Ref: 16/0803/OUT

Proposal: Outline: Erection of 9 No. dwelling houses (Re-Submission).

At: LAND OFF LAITHE STREET COLNE BB8

On behalf of: Maro Developments Limited

Application Ref: 16/0824/FUL
Proposal: Full: Replacement of existing windows with UPVC windows (retrospective).
At: Crown Hotel, Albert Road, Colne
On behalf of: Mr Noel Buckley
Date Registered: 21/12/2016
Expiry Date: 15/02/2017
Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is a 19th century public house building located with the Albert Road Conservation Area. It is relatively large building in its setting and of stone construction and of stone construction. The fenestration is predominantly timber sash, or sash style windows however eight windows in the front elevation and two in the side elevation have recently been replaced in upvc without authorisation.

This application is for the retrospective retention of those upvc windows. The windows are a white upvc finish and top opening with mock sash horns. The first floor windows in the front elevation also have mock 'Georgian' window bars.

Relevant Planning History

13/07/0333P - Full: Erection of timber smoking shelter and decking in outside seating area; first floor timber platform and section of external staircase to rear. Approved, 21/06/2007.

Consultee Response

PBC Conservation - The Crown Hotel is a significant and substantial building within the Albert Road Conservation Area, its location at the bottom of Albert Road giving it additional prominence in townscape terms as it marks the entrance to the town centre and the CA. It also has historical importance as the town's original railway hotel, dating from around 1850.

The building has been altered over the years and has a variety of window openings; some retain original timber sashes though most have been altered to a top-opening style. However these still retain the appearance of timber sash windows, having the typical recessed lower pane which gives the window modelling and depth to the profile. The new UPVC frames, by contrast, stand out due to the flatness of their profile, their lack of moulding, the incorrect position and dimensions of the mid rail and horns, and the fact that the upper pane is markedly narrower in width than the lower, which contributes to an unbalanced effect.

The two small-paned 'Georgian' style UPVC windows to the front elevation are particularly incongruous when seen up against the small-paned timber frames adjacent. The proportions again are incorrect, the UPVC having nine panes over nine whereas the timber windows have the typical six over six pane form of original Georgian and early Victorian sashes. The flat 'stuck on' glazing bars do not have the depth of profile or detailing of the traditionally constructed timber frames and result in a flat and lifeless appearance, which is visibly different to the existing timber frames.

The surviving timber windows at the Crown are very important in setting the quality of the CA at this key location. The UPVC windows that have been introduced detract from the character and appearance of the building, and hence neither preserve nor enhance the character or appearance of the CA.

Colne Town Council - This application is not supported, with councillors believing it should be refused. There was considerable concern that should this application be passed it would lead to other similar applications within the Albert Road Conservation Area, based on precedent and that in so doing, Colne would lose its historic distinctiveness. Councillors felt that the design proportions are incorrect and the use of uPVC material is totally inappropriate and contrary to best practice for Conservation Areas, as advised by English Heritage.

Public Response

Press and site notices posted and nearest neighbours notified - No response.

Officer Comments

Policy

The site is located within the Albert Road Conservation Area, and so 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 and appearance of that area.

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 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 Conservation Area Design and Development Guidance SPD offers additional guidance in support of these policies.

In relation to upvc windows the SPD states that upvc windows cannot replicate the proportions, detailing and pleasing aesthetic qualities of timber windows and will not normally be appropriate in Conservation Areas.

National Planning Policy Framework

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Design and Conservation Area Impact

The building is an attractive Victorian building which, whilst not intrinsically outstanding, makes an important contribution to the character and appearance of the Conservation Area. The Conservation Area Character Appraisal gives the following description of the contribution of the building to the significance of the Conservation Area:

In contrast to the eastern end, there is reasonably clearly defined western end to the town centre and the conservation area, created by a curve in the road and the railway viaduct. Approaching from the west around the bend and under the bridge, the panorama of Albert Road on a steeply rising gradient suddenly appears. There is an absence of major buildings at the western end of the conservation area because of its distance from the centre of commercial activity. Bearing this in mind, in building terms although the Crown Hotel (the 19th century railway hotel) is not intrinsically outstanding, its townscape importance, particularly when associated with its outbuildings, should not be underplayed.

The building retains painted timber sash style frames in most window openings. Whilst probably not all original, or entirely appropriate in the case of the Georgian style first floor glazing on what is a Victorian building. The painted finish and proportions of the frames are sympathetic to the character and appearance of the building and area.

In contrast, the upvc windows that have been installed have upvc finish, which has an unmistakable and inappropriate modern artificial finish. Although they have mock features of traditional timber windows such as sash horns and glazing bars, these are flat and artificial and 'tacked-on' in appearance, they do not replicate the pleasing aesthetic proportions and detailing of timber window frames.

The upvc windows therefore result in harm to the character and appearance, and thus the significance, of the Conservation Area. Although the harm they cause to the Conservation Area is less than significant, the upvc windows do not offer any public benefits that could outweigh the harm they cause. Their retention is therefore contrary to policies ENV1 and ENV2, the guidance set out in the Conservation Area Design and Development Guidance SPD and paragraph 134 of the National Planning Policy Framework.

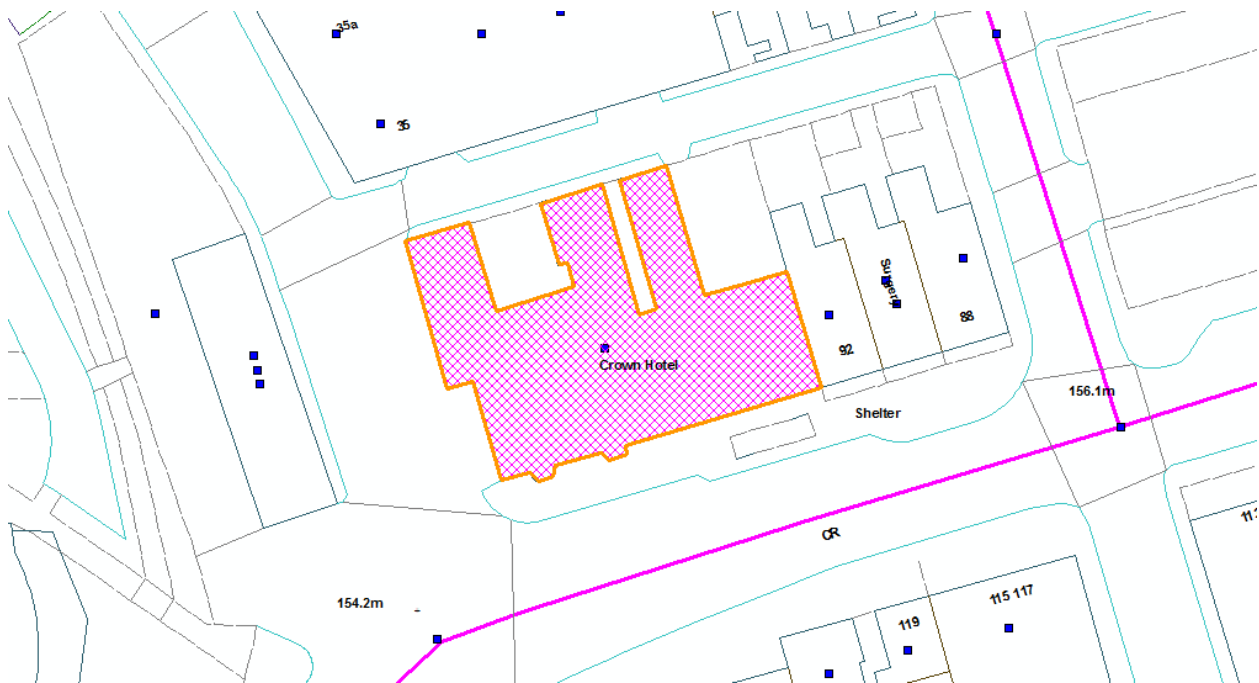
RECOMMENDATION: Refuse

For the following reasons:

1. The proposed upvc windows would not replicate the proportions, detailing and pleasing aesthetic finish of the existing painted timber windows in this attractive Victorian building. The proposed development would therefore harm the character and appearance of the Albert Road Conservation Area contrary to Policies ENV1 and ENV2 of the Local Plan Part 1: Core Strategy and the guidance set out in the Conservation Area Design and Development SPD.

Enforcement Recommendation:

It is recommended that an Enforcement Notice is served requiring that the unauthorised upvc windows are removed and replaced with acceptable painted timber frames within three months.



Application Ref: 16/0824/FUL

Proposal: Full: Replacement of existing windows with UPVC windows (retrospective).

At: Crown Hotel, Albert Road, Colne

On behalf of: Mr Noel Buckley

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/SM

Date: 01 February 2017