

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: COLNE AND DISTRICT COMMITTEE

DATE: 9th MARCH 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE COMMITTEE ON 09 MARCH 2017

Application Ref: 17/0005/FUL

Proposal: Erection of 22 apartments in one 2/3 storey block and formation of 33 space car park with access from Ivegate

At: LAND AT IVEGATE/ WINDY BANK COLNE BB8

On behalf of: Grays Inn Development Limited

Date Registered: 04/01/2017

Expiry Date: 10/04/2017

Case Officer: Alex Cameron

Site Description and Proposal

The application site is a steeply sloping area of scrubland located within the settlement boundary of Colne. To the north is North Valley Retail and Business Park, to the east are the rear of houses on Windy Bank, to the south is a sheltered housing development and to the west are flats at Ivegate Mews and the rear of terraced houses on Mason Street.

The proposed development is the erection of a block of flats comprising 22 two bedroom dwellings. The building would be a split level, with two stories to the front (south) and a third lower ground floor level to the rear (north). The footprint of the building would be approximately 54m x 14m with an overall height of 9.4m at the front and 12.2m at the rear. The building would be constructed from artificial stone with a concrete tile roof and upvc fenestration. The site will be accessed from the existing car park at Ivegate Mews, the existing car park would be extended to the east to provide an additional 33 car parking spaces.

An identical development was granted planning permission in 2014.

Relevant Planning History

13/99/0557P - Erect retail units, foodstore, car showroom, offices, vets, a3 (food & drink) units and improvements to north valley road. erect 6 dwellings on windy bank, 13 dwellings off Ivegate and parsonage on land at Ivegate. Approved, 31/03/2000.

13/01/0617P - Erect 40 apartments in three 2/3 storey blocks with access from Ivegate and erect 8 semi-detached houses fronting Windy Bank. Withdrawn, 08/01/2002.

13/05/0954P – Formation of a Multi Use Games Area. Approved, 09/07/2006.

13/12/0167P - Major: Erection of ten dwelling houses with access from Windy Bank. Withdrawn, 05/07/2012.

Consultee Response

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

LCC Highways - The Highway Development Control Section understands this planning application is renewal of planning application 13/13/0544P and no changes are proposed to the originally approved scheme and therefore the Highway Development Control Section does not raise any objections to this application. The turning head appears small and fire/refuse vehicles would need

to reverse for the full length of the car park and would not be able to enter and exit the site in a forward gear.

LCC Education - Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 2 primary and 1 secondary school places. Calculated at the current rates, this would result in a claim of: 2 Primary places – £26,949.06, 1 Secondary place - £20,303.59.

PBC Environmental Health - Attach standard contamination condition.

Lancashire Constabulary Architectural Liaison – The following conditions should be attached: access control system, internal door security, illumination, window security, CCTV system, construction site security.

Colne Town Council In order to reduce the impact of the appearance of the substantial retaining wall it should be softened through use of planting. Other than that, the Council is broadly supportive.

Public Response

A press and site notice was posted and 60 neighbours notified – Responses have been received objecting to the proposed development on the following grounds:

Is there a drainage scheme in place for this development? The land has numerous springs and the water will have to go somewhere my concern is that it will end up being diverted under my property and I will end up with a damp / water ingress problem.

The land is unstable and unsuitable for building.

The trees to be removed should be replaced.

The site should have a secure boundary fence to prevent overlooking.

Does the development fit within the boundaries of the site?

There is a significant problem with litter in the area, how will the proposed apartments improve this?

Highway safety concerns in relation to the use of Ivegate.

Concerns about construction traffic access.

The design of an imitation mill is an insult to the heritage of the people of Lancashire. For example, I don't recall any stories of women standing on a Juliet balcony in a mill.

Increase in traffic and pollution.

The Council should think how to create something for a community and make some sort of a park so people can enjoy it. Council also should push the business park to give something back and help with this. This is the only green area in this location with loads of trees and wildlife now.

There is no demand for apartments of this type.

Officer Comments

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 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 NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

National Planning Policy Framework

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The Council has recently agreed to consult on a revised housing provision figure for the Borough as well as an up to date Strategic Housing Land Availability Assessment. The position is that the Council now has an available five year supply of land available for housing. Although this site is not one set out in the SHLAA it will still make a contribution to the five year supply.

Section 7 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 64 of the Framework states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the roles each settlement category will play in future growth. Nelson (including Brierfield) is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 identifies housing distribution for the M65 Corridor as 70%, the amount of development proposed here is not disproportionate to the level of housing development Brierfield would be expected to provide, as a minimum, over the plan period.

Policy ENV1 of the Replacement Pendle Local Plan seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 of the Pendle Local Plan Part 1 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.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies.

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For the M65 corridor this is 0%.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

Policy 16 (Landscaping in New Development) requires that all development proposals which involve new building include a landscaping scheme sympathetic to the site's character.

Policy 31 (Parking) sets out maximum car parking standards.

Principle of the development

The application site is in a sustainable location within the settlement boundary of Colne within walking distance of shops, services and public transport within the town centre. Therefore, the location accords with the guidance set out in the Framework. The principle of residential development of the site is acceptable.

Design

The rear elevation of the building would be prominent in views from North Valley Road, particularly at the entrance to North Valley Retail Park. Although this view faces towards Albert Road Conservation Area, the buildings of the Conservation Area are largely hidden behind modern buildings which the proposed building would sit below and therefore the proposed development would not adversely impact upon the setting of the Albert Road Conservation Area.

The rear of post war housing on Windy Bank, the Ivegate flats and the Turney Crook sheltered housing are currently the most prominent buildings. The proposed building would largely obscure the housing on Windy Bank and the Turney Crook sheltered housing when viewed from North Valley. It is proposed that the building be constructed of artificial stone with, concrete tile roofing and uPVC windows and doors. These materials are appropriate in this setting.

The four gabled elements of the rear elevation of the proposed building would mirror the gable of the existing Ivegate Mews development and somewhat reflect the traditional vertical street pattern of the terraces on the valley side. The building would be prominent but in keeping with its setting and is therefore acceptable in terms of design and visual amenity in accordance with Policies ENV2 and LIV5.

Amenity

The car park would sit some 2-4m below the adjacent properties on Windy Bank separated by a retaining wall. Taking into account this and the distance to the rear of those properties the use of the car park would not unacceptably impact upon the residential amenity of those or any other surrounding properties.

The windows of the proposed building would be separated from the closest facing windows by a minimum of 26m and a minimum of 16m from the nearest garden boundary. These separation distances would provide an acceptable level of privacy to adjacent properties and ensure that the development would not have an overbearing impact upon those properties.

Therefore, the proposed development is acceptable in terms of amenity in accordance with Policies ENV2 and LIV5.

Highways and Parking

A car park providing an additional 33 spaces leading off the existing car park at Ivegat Mews is proposed. This is below the maximum car parking standard of two spaces per dwelling set out in the Local Plan. However, that is a maximum rather than a minimum standard, taking into account the proximity to the town centre and that cycle storage of at least one cycle per dwelling is proposed, this level of parking provision is acceptable.

Concerns have been raised regarding the impact of additional vehicular traffic on Ivegat, which is steeply sloping and has a single lane access under a narrow stone gateway. LCC Highways have raised no objections to the proposed development. The site can also be accessed from Rook Street which has direct access to Church Street and North Valley Road via New Market Street. Taking into account the restricted nature of Ivegat's junction with Church Street residents and construction traffic would be more likely to choose the Rook Street route rather than Ivegat. Therefore, the increase in traffic along Ivegat would be minor.

The proposed development is therefore acceptable in highway terms.

Ecology

A habitat survey was submitted with the application which concluded that there is potential for the site to be used by foraging and/or commuting bats and breeding birds. In mitigation it is recommended that bat and bird boxes are fitted on trees and structures around the site and tree and vegetation removal should be carried out outside of the bird breeding season and should be replaced in line with a suitable landscaping scheme.

Drainage

Concerns have been raised about the proposed development adversely impacting on underground watercourses and the drainage of neighbouring properties. The Lead Local Flood Authority, United Utilities and the Council's drainage engineer have been consulted on the application and have raised no objections subject to conditions requiring the submission and agreement of a drainage scheme. I agree that drainage could be adequately controlled by a suitable condition.

Other issues

Concerns have been raised that the land is unstable and unsuitable for development. There are no known mine workings or other abnormal conditions that require any survey or other intrusive work to be undertaken. How the buildings are built is not a material planning consideration and is controlled by the Building Regulations.

Section 106 agreement

The previous permission included a requirement for 3 affordable housing units to be provided and a contribution of £22,000 for open space provision.

With the adoption of the Core Strategy there is no longer a requirement to provide affordable housing within the M65 Corridor, therefore, the contribution of 3 affordable is not justified under current policy.

LCC Education have requested a contribution of 2 Primary places and 1 Secondary place (£47,252.65 total). The developer has provided a viability appraisal of the development, this includes the open space contribution of £22,000, however, it demonstrates that any additional contributions would jeopardise the financial viability of the development.

The Framework is clear that councils should not impose contributions which would jeopardise the financial viability of a development. In this circumstance, the contribution towards school places is a higher priority than open space provision and therefore the contribution of £22,000 should instead be made as an education contribution.

Summary

The proposed development is acceptable in accordance with the Replacement Pendle Local Plan, Local Plan Part 1: Core Strategy and the National Planning Policy Framework. It is therefore recommended that the approval of the application is delegated to the Planning, Building Control and Licencing Manager subject to the Section 106 agreement being finalised.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of policy, design, amenity and highway safety. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 10, 11, 12, 14, 15.

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

3. The erection of the external walls of the development shall not be commenced unless and until samples of the external materials to be used in the construction of the development

hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

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

4. The window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

5. Prior to the commencement of the development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

6. Prior to commencement of development a scheme for the provision of bat and bird boxes shall be submitted to the Local Planning Authority and approved in writing. The boxes shall be installed in accordance with the scheme before the first dwelling is occupied and thereafter retained.

Reason: To ensure protection of the habitat of bats and barn owls which are protected under the Wildlife & Countryside Act, 1981.

7. Unless otherwise agreed in writing by the Local Planning Authority, no tree felling, branch lopping or vegetation clearance in connection with the development hereby approved shall take place between the 1st March and 31st July.

Reason: To ensure protection of the habitat of nesting birds which are protected under the Wildlife & Countryside Act, 1981.

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

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

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

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

11. Prior to occupation of any part of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

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

12. Demolition or construction work shall not begin unless and until a scheme for protecting the nearby residents from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Note

1. The contractor shall have regard to the relevant parts of BS 5228 1997 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.
2. The local planning authority expects that the best practical means available in accordance with British Standard Codes of practice 5228:1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.
3. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To ensure a satisfactory standard of amenity for neighbouring properties.

13. Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:
- i) the parking 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) the erection and maintenance of security hoardings including decorative displays, where appropriate

- v) wheel-washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for re-cycling/disposing of waste resulting from demolition and construction works
- the development shall proceed strictly in accordance with that method statement.

Reason: In the interest of the amenity of the area and highway safety during construction work.

14. 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 to prevent contamination of the controlled waters.

15. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and the vehicular turning space shall be laid out and be available

for use and thereafter shall be permanently retained unobstructed before the development is brought into use.

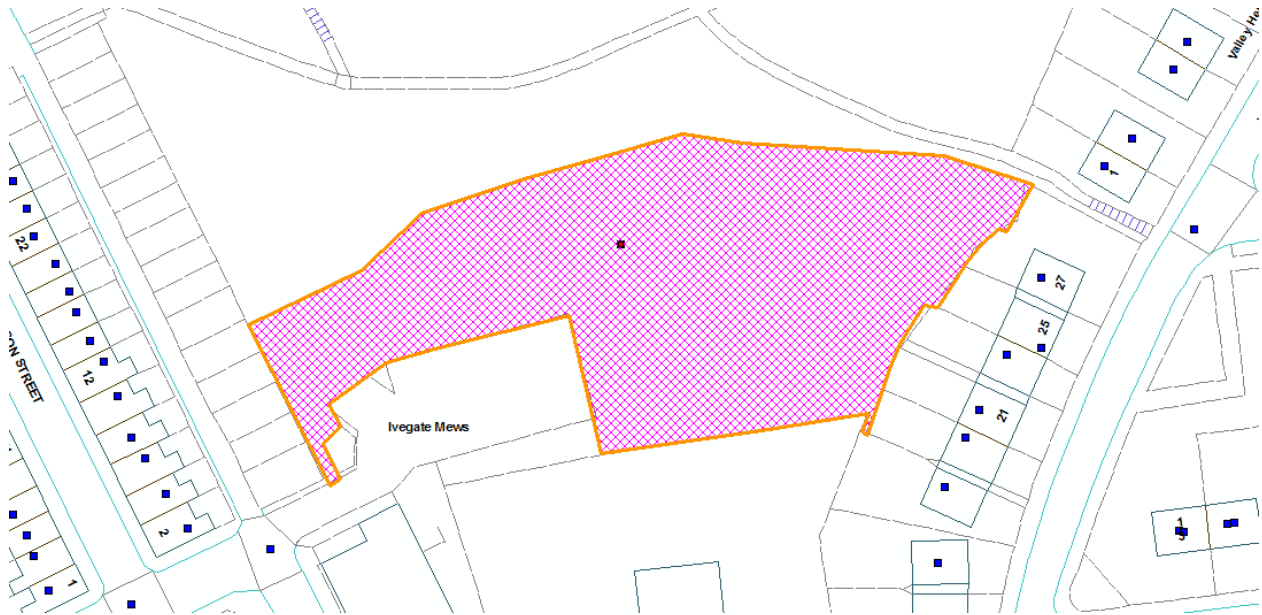
Reason: Vehicles reversing to and from the highway are a hazard to other road users.

- 16.** The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative. They shall thereafter be permanently retained and be available for use of vehicles solely associated with the development.

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

Notes:

- The external communal entrance to the apartment block should be fitted with an anti-vandal proof access control system such as a key fob/keypad system. Communal entrance doorsets should be certificated to PAS24/2012 security standards or an equivalent standard such as LPS 1175 SR2. All glazing in external doorsets should be laminated.
- The internal doorsets for each of the 22 apartments should be certificated to PAS 24/2012 standards. These doorsets should incorporate a door viewer and security bar/chain.
- The building should be illuminated externally with dusk till dawn lighting, all external entrances should be illuminated. The car park and binstore/cycle store area should be illuminated.
- Windows should be PAS24/2012 certificated, fitted with laminated glazing at ground floor level and all windows should be fitted with restrictors.
- An infrared CCTV system should be considered for the scheme. Coverage of the communal entrance to the apartment block and the car park is recommended.
- Plans show that access to the scheme will be via the existing gate to Ivegate Mews Car Park. This is supported in terms of reducing the opportunity for vehicle crime and exposing the vulnerable rear of the apartment block to intruders.
- The site must be secured throughout the construction phase. Construction sites are easy targets for opportunist thieves. There are a number of threats to consider including theft, vandalism and criminal damage. The site should be secure at the perimeter with 2m high fencing and gates as well as other measures such as monitored CCTV and security patrols.



Application Ref: 17/0005/FUL

Proposal: Land To The North Of Turney Crook Mews, Ivegate, Colne

At: LAND AT IVEGATE/ WINDY BANK COLNE BB8

On behalf of: Grays Inn Development Limited

Application Ref: 17/0045/HHO
Proposal: Full: Demolition of existing extension and erection of two storey extension to rear.
At: Claines Skipton Old Road Colne
On behalf of: Mr John Macbeth
Date Registered: 1 February 2017
Expiry Date: 3 April 2017
Case Officer: Kathryn Hughes

Site Description and Proposal

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

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

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

Relevant Planning History

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

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

Consultee Response

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

Colne Town Council

Public Response

Nearest neighbours notified by letter. Publicity expires on the 17th March any comments received will be reported to the meeting.

Officer Comments

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

1. Policy

The relevant policies are:

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

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

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

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

2. Impact on Residential Amenity

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

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

3. Impact on the Conservation Area and Amenity

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

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

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

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

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

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

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

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

4. Design and Materials

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

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

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

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

5. Highway Issues

At present the dwelling has three bedrooms and has off street parking provision for more than three vehicles. The proposal would not increase the number of bedrooms and therefore this is acceptable and accords with policy 31.

6. Summary

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

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal for a single replacement dwellinghouse is acceptable subject to appropriate conditions. The development complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

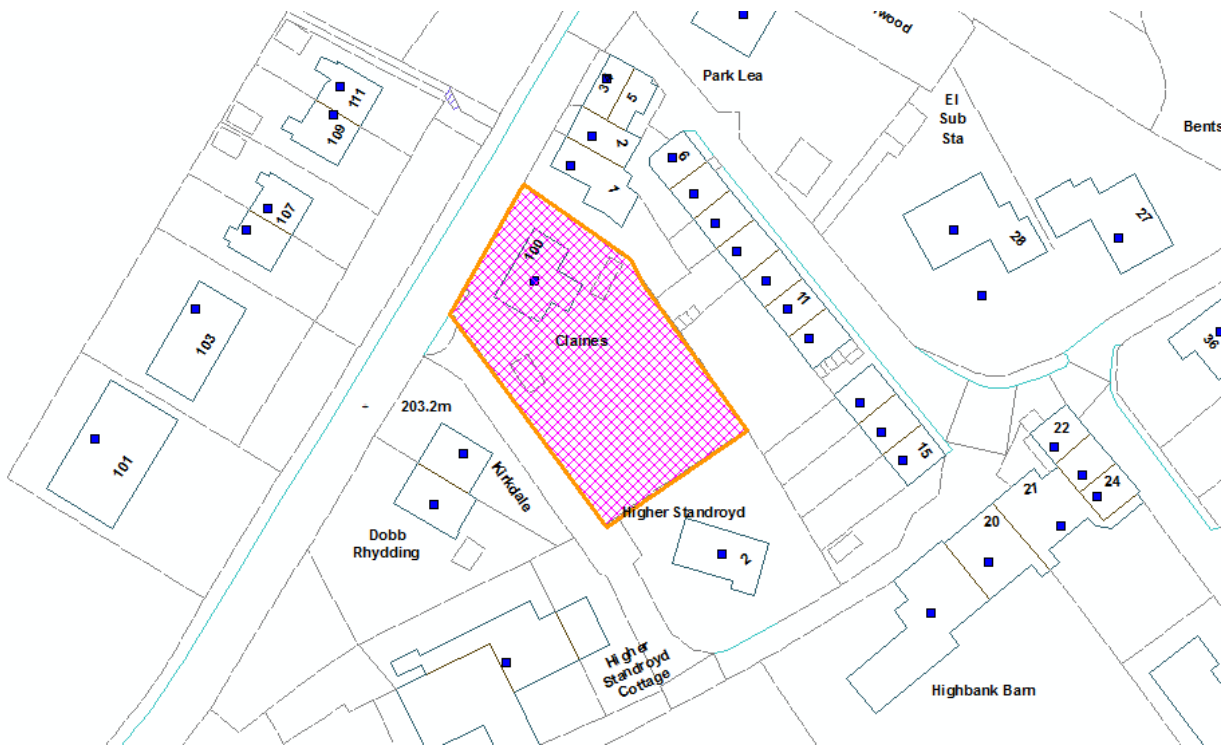
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

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

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

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

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



Application Ref: 17/0045/HHO

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

At: Claines Skipton Old Road Colne

On behalf of: Mr John Macbeth

Application Ref: 17/0072/FUL
Proposal: Full: Formation of ramp to entrance (retrospective).
At: 125 Albert Road, Colne
On behalf of: Mr R Mirfield
Date Registered: 6 February 2017
Expiry Date: 3 April 2017
Case Officer: Kathryn Hughes

Site Description and Proposal

The site is café/restaurant which is located in Colne within Albert Road Conservation Area.

The fencing and creation of the outdoor seating area has been substantially completed and does not form part of this application. The agent stated that it is the applicant's intention to reduce the fence enclosure to less than 1m adjacent to the highway. This would result in the enclosure falling within permitted development rights. If the fence is not reduced within a reasonable timeframe then enforcement action can be pursued.

The seating area is not highway land and therefore does not require change of use.

The ramp does require planning permission and the means of enclosure associated with this can also be controlled through this application which seeks to obtain permission retrospectively.

Relevant Planning History

13/06/0199P – Full: Use as hot food takeaway (Use Class A5) - Approved

16/0627/FUL – Full: Erection of timber fencing and erection of outdoor seating area to front (retrospective) – withdrawn.

Consultee Response

LCC Highways

Architectural Liaison Unit

Colne Town Council – Whilst not against the seating area and ramp, councillors had concerns regarding the materials used to delineate the seating area within the Albert Road Conservation Area.

Deadline for responses is the 8th March. Any further comments will be reported to the meeting.

Public Response

Site and press notices posted and nearest neighbours notified by letter. Publicity expires on the 17th March any comments received will be reported to the meeting.

Officer Comments

The main issues relate to policy considerations, impact on the Conservation Area, impact on amenity, design and materials and highway safety issues.

1. Policy Implications

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

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

Conservation Area Design and Development Guidance sets out the standards and criteria for development within conservation areas.

2. Impact on Conservation Area

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

There would be no undue impact on the significance of the asset subject to appropriate materials.

3. Impact on Amenity

The ramp is sited to the front of the existing building adjacent to an existing outside enclosed seating area. The ramp serves the main entrance into the restaurant and provided disabled access. A previous ramp ran along the frontage of the property and has been removed. The ramp requires a means of enclosure to order for it to function and therefore this element can be controlled by this application.

4. Design and materials

The design and materials of the ramp are acceptable and appropriate in this location. However, the materials of the means of enclosing the ramp need to be addressed in more detail and this can be controlled by an appropriate condition.

5. Highway Safety

The ramp raises no highway safety issues and is confined within the forecourt and does not encroach onto the public highway.

Summary

The ramp is acceptable and does not harm the character and appearance of the conservation area. The materials can be controlled by an appropriate condition. There would not undue impact on amenity. If the fence is not reduced in height then this would be a matter for enforcement.

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions:

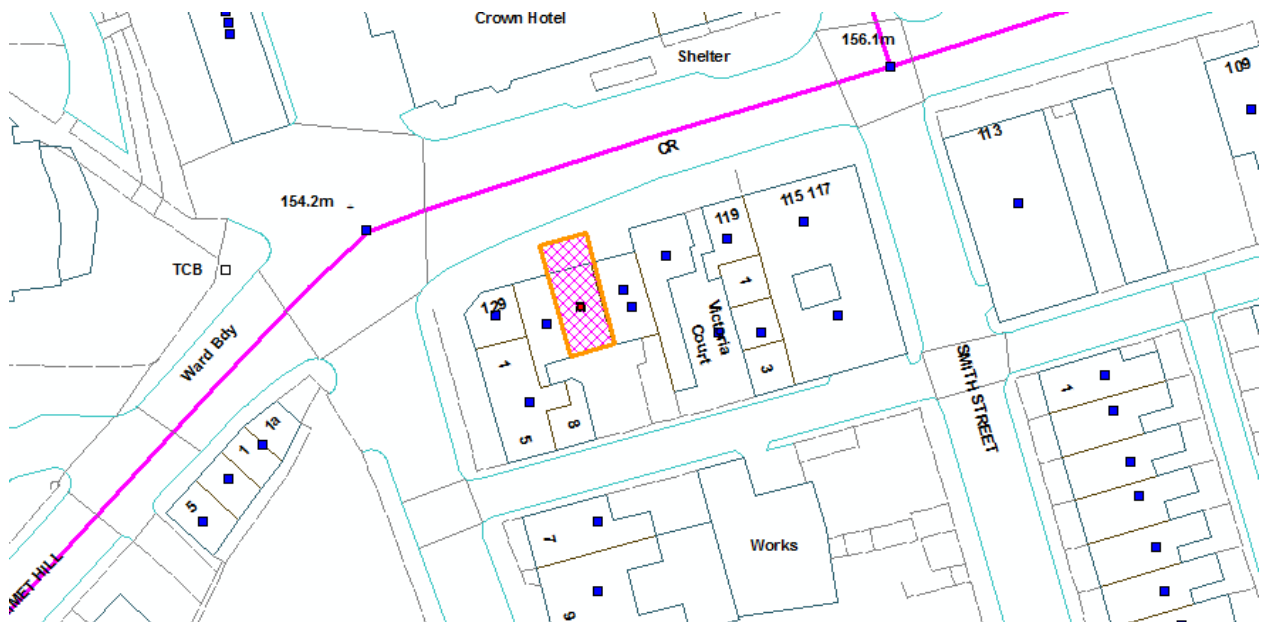
1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan & 1b.

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

2. Notwithstanding the submitted plans and application forms within two months of the date of this decision details (including samples) of the materials for the means of enclosing the ramp shall have been submitted to and approved in writing by the Local Planning Authority and these approved materials shall hereby be strictly adhered to and implemented with three months of the date of this decision.

Reason: In order to ensure that the materials are appropriate for this site within a Conservation Area.



Application Ref: 17/0072/FUL

Proposal: Full: Formation of ramp to entrance (retrospective).

At: 125 Albert Road, Colne

On behalf of: Mr R Mirfield

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/SM

Date: 01 March 2017