



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: COLNE AND DISTRICT COMMITTEE

DATE: 10th May 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE & DISTRICT COMMITTEE 10th MAY, 2018

Application Ref: 18/0046/FUL

Proposal: Full: Retain use of former car sales premises (Use Class Sui Generis) to dwellinghouse (Use Class C3), erection of garage to side (East) and erection of single storey extensions to East and North elevations.

At: Archway House, Knotts Lane, Colne

On behalf of: Mr S Capstick

Date Registered: 23 January 2018

Expiry Date: 20 March 2018

Case Officer: Kathryn Hughes

Site Description and Proposal

Archway House was previously a car sales unit (Sui Generis) which was converted into residential use approximately four years ago.

The site is within the settlement boundary and Primet Bridge Conservation Area.

The proposal is to retain the building as a three bedroomed house and erect a detached garage to the side.

Two single storey extensions are also proposed to the east and north elevations of the retained dwellinghouse.

The existing building has timber cladding with render, slate roof and upvc windows and doors.

The extension to the north would be an upvc conservatory with a timber clad utility room on the front elevation measuring 8.4m x 3.1m x 2.6m.

The extension to the east would be an upvc conservatory on the side elevation measuring 4.3m x 2.7m x 3m.

The detached garage would measure 7.3m x 3.65m x 2.5m to eaves (3.9m to ridge) constructed in concrete block and render with a grey concrete interlocking tile roof and steel up and over door.

Relevant Planning History

None.

Consultee Response

LCC Highways – The proposal raise no highway concerns and therefore raises no objection on highway safety grounds.

Network Rail – No objection.

Colne Town Council – We have concerns about the materials and design within a conservation area.

Public Response

Site and press notices posted and nearest neighbours notified by letter.

Two responses received raising concerns over the following:

- position of the garage;
- possibly impeding rights of access; and
- position of extensions and garage in terms of privacy.

Officer Comments

The main issues to consider in this application are principle of use, impact on conservation area, impact on amenity, design and materials and parking issues.

1. Policy

The following Local Plan Core Strategy: Part 1 policies are relevant in terms of this proposal:

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

The Conservation Area Design and Development Guidance Supplementary Planning Document is also a material consideration.

The following saved policies of the Replacement Pendle Local Plan are also relevant:

Replacement Pendle Local Plan policy 31 sets out the maximum amount of parking for each use class.

Paragraphs 132 - 134 of the National Planning Policy Framework (NPPF) sets out the weight to be given to the impact of the proposed development on the significance of the designated heritage asset.

2. Principle of Development

The site lies within the settlement boundary of Colne and therefore a residential use and associated extensions and garage would be acceptable here.

3. 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.

A Heritage Statement has been submitted as the proposal involves extensions and new build within the conservation area. The application has been assessed based on the information submitted with regard to the Conservation Area Design and Development SPD, the Conservation Appraisal for the area and the adopted policies in the Development Plan.

Whilst the proposed materials of upvc for the conservatories style extensions and concrete tiles and render for the garage would not usually be appropriate this building is of a modern design with timber and render elevations, slate roof and upvc windows and doors. The dwelling was converted from a modern block and render unit which was originally used for car sales approximately four years previous. As the existing building is not traditional and is set well away from traditional structures it is viewed as being separate from the traditional and historic street-scene especially as it is separated from the highway by a section of open space which adds to the sense of separation.

In this particular case the extensions and detached garage would relate well to the existing building which is isolated from the traditional stone built properties and therefore subject to the colour of upvc and render and a sample of the roof tile the scheme would accord with the guidance set out in the Conservation Area Design and Development Guidance SPD.

The proposed external alterations would be acceptable and therefore accord with policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and the Conservation Area Design and Development Guidance.

4. Impact on Residential Amenity

This area is mixed commercial and residential area and therefore the dwellinghouse and proposed alterations would be acceptable here. The nearest properties on Knotts Lane are some 24m away with the newer properties at The Arches being over 30m and therefore privacy would not be unduly affected by these proposals.

5. Design and Materials

The extensions would be constructed in upvc and timber which matches the existing property. A dark colour would be preferable for the conservatory extensions and timber cladding in order to reduce its potential impact. This can be controlled by an appropriate condition.

The garage would be constructed in block and render with concrete tile roof. The existing house has slate and therefore this would be more appropriate for the garage roof. This can be controlled by condition.

The proposed scheme is acceptable as set out above and accords with policies ENV1 and ENV2 of the Local Plan Part 1: Core Strategy and the Conservation Area Design and Development Guidance.

6. Parking Issues

The site has existing parking for at least three vehicles which is acceptable and accords with policy 31.

7. Summary

The residential use is acceptable in this location and the external alterations proposed can be achieved on this site without unduly affecting the conservation area and therefore the scheme accords with both local and national policy in this respect.

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 external extensions and detached garage are acceptable subject to 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. 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.

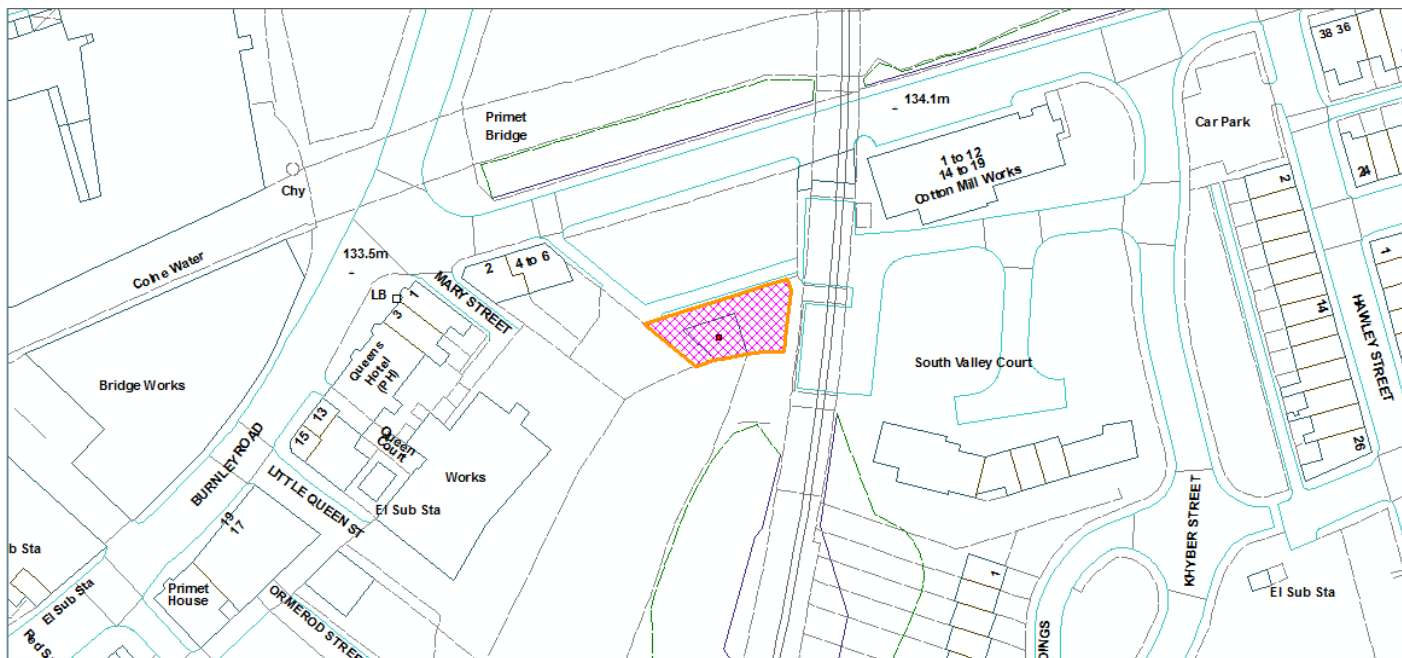
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

01.

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

3. Prior to the commencement of external elevations of the extensions and garage samples of the proposed materials including colour of upvc, timber cladding, render and roof materials shall have been submitted to and approved in writing by Local Planning Authority. 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: 18/0046/FUL

Proposal: Full: Retain use of former car sales premises (Use Class Sui Generis) to dwellinghouse (Use Class C3), erection of garage to side (East) and erection of single storey extensions to East and North elevations.

At: Archway House, Knotts Lane, Colne

On behalf of: Mr S Capstick

REPORT TO COLNE AND DISTRICT AREA COMMITTEE ON 10TH MAY 2018

Application Ref: 18/0138/FUL

Proposal: Full: Replacement of basement windows to front and rear and removal of roller shutter door and insertion of bi-fold doors to rear elevations at ground floor level and replacement window.

At: XLCR House, 35-43 Albert Road, Colne.

On behalf of: XLCR Vehicle Management Ltd.

Date Registered: 22.02.2018

Expiry Date: 14.05.2018

Case Officer: Charlotte Pinch

Site Description and Proposal

The application is brought to Committee as it was called in by a Councillor.

XLCR House comprises of offices for a local vehicle contract hire and leasing company. The building is four storeys in height, including a basement level, with parking and a service yard to the rear.

The site is located within Colne Town Centre, adjacent to a number of listed buildings and within the Albert Road Conservation Area.

The proposal comprises of replacing the existing basement windows with one UPVC, plus four painted hardwood windows. In addition, the existing roller shutter door on the rear elevation, will be replaced with grey power coated glazed bi-fold doors and a new white power coated steel window to the side. This will enable the existing laundry, boiler and store rooms to become additional office space.

Relevant Planning History

None relevant.

Consultee Response

PBC Conservation Officer

The building is the former Colne Head Post Office and is prominent within the Albert Road CA. There are also two red telephone boxes immediately to the front of the building and Norway House opposite, all of which are listed at Grade II.

The building is in local stone in a formal neo-Georgian style typical of the 1930's, with rows of small-paned windows in both steel and timber frames which are characteristic of the early 20th century date. The front elevation retains the majority of its metal windows which have been refurbished in recent years.

The windows at basement level look onto a light well at the front of the building, and most are clearly visible behind the metal railings which guard the light well. Some of these have been altered, and the proposal to replace these with small-paned timber windows is welcomed as an

opportunity to further unify and improve the appearance of the facade. There is no objection to the single uPVC frame as this will be concealed from public view beneath the stone forecourt. The character and appearance of the Albert Rd CA and the setting of the adjacent LB's will be preserved.

To the rear the basement and ground floor levels of the building are concealed from public view by a tall boundary wall around the rear yard. The proposed alterations will therefore have minimal impact on any significance.

Colne Town Council

Inappropriate use of UPVC for a building within the Conservation Area.

Public Response

None received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

National Planning Policy Framework

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.

Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) 2008.

Impact on Conservation Area

The Conservation 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.

Only one single UPVC window is proposed on the front elevation of the property and will be concealed from public view by the stone forecourt. Furthermore, following the receipt of amended plans, the single window at the rear of the site, would be constructed of powder coated steel and would be largely obscured by a large boundary wall. Therefore, the proposed single UPVC window would not have a detrimental impact on the character of the conservation area.

However, the SPD further refers to timber windows as being preferable if replacements are required. Traditional hardwood windows in a style that is appropriate to the age of the building are preferred.

The front elevation of the building at basement level would comprise of the insertion of four replacement painted wooden windows. These would closely reflect the design of the existing windows and be appropriate to the early 20th century features of the building.

Impact on Residential Amenity

The application site is within a town centre location, with some residential development to the rear off Duke Street. However, this proposal will not result in additional window openings and those alterations shown are at ground and basement level.

As a result, this development would not have a detrimental impact on residential amenity.

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 would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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 works approved shall be begun before the expiration of three years from the date of this consent. No later than three days after works first begin on site, written notice shall be given to the Local Planning Authority of the date on which works are first commenced.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

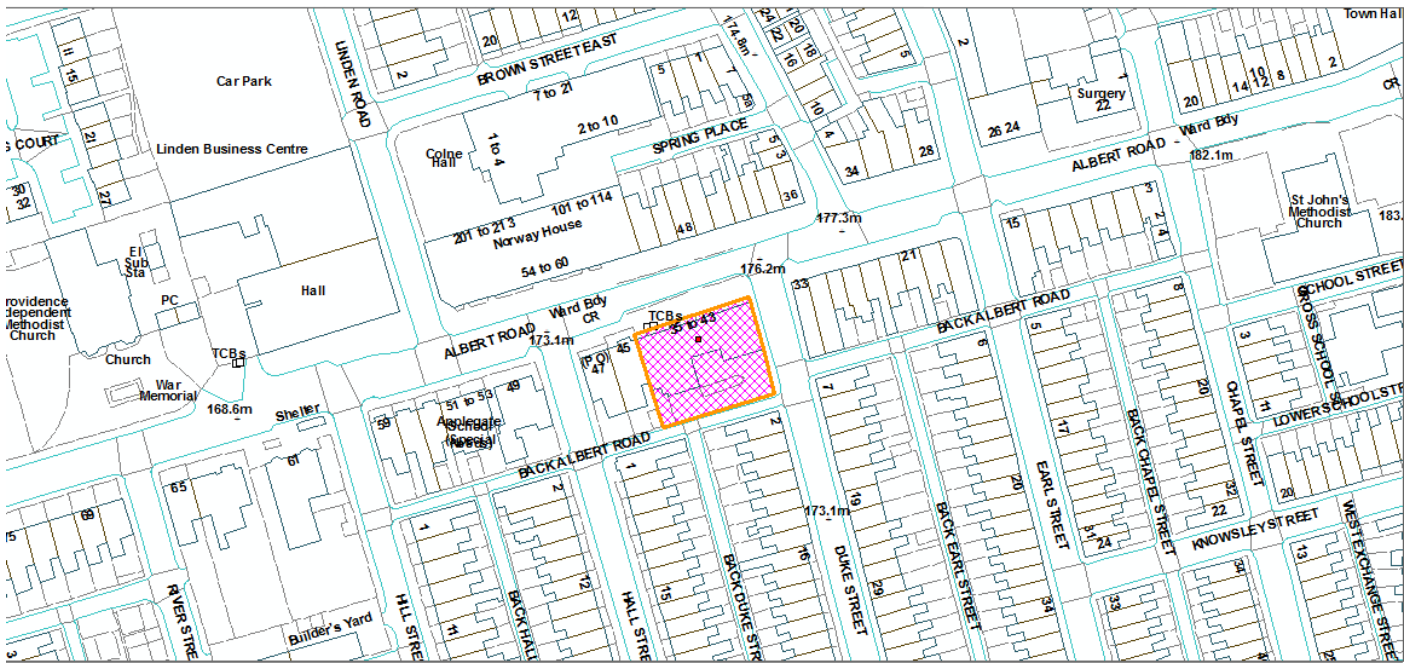
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

575/6A, 575/7A.

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

3. All materials to be used in the replacement windows of the proposed development shall be as stated on the approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These 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: 18/0138/FUL

Proposal: Full: Replacement of basement windows to front and rear and removal of roller shutter door and insertion of bi-fold doors to rear elevations at ground floor level and replacement window.

At: XLCR House, 35-43 Albert Road, Colne.

On behalf of: XLCR Vehicle Management Ltd.

REPORT TO COLNE & DISTRICT AREA COMMITTEE 10th MAY, 2018

Application Ref: 18/0142/FUL

Proposal: Full: Modifications to parish hall to form a day nursery with new windows, ramp to side and extended play area.

At: Church Hall, Church Street, Trawden

On behalf of: Mrs P Hargreaves

Date Registered: 22 February 2018

Expiry Date: 19 April 2018

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a Church Parish Hall located within Trawden Forest Conservation Area and the settlement of Trawden.

The proposal is to alter the building to form a day nursery with a ramp to the side and changes to existing fenestration.

No change of use is required as a Church Hall and children's day nursery both fall within the same use class of D1.

There are mature trees to the rear of the buildings which are not protected by Tree Preservation Order but they are within the Conservation Area and therefore protected by this.

Relevant Planning History

17/0287/FUL – Full: Alterations to parish hall to form a day nursery with extension to rear, ramp to the side and formation of a play area – Refused.

17/0468/FUL – full: Alterations to parish hall to form a day nursery with extension to rear, ramp to the side and formation of a play area – Approved.

18/0073/CND – Conditions discharge – Approved.

Consultee Response

LCC Highways – The proposed ramp has been amended and set-back off the adopted highway. Also a wheelie bin area has been created. No objections to drawing 2017/12/4 Rev B or the amended version C.

Trawden Forest Parish Council – The ramp seems to be in a better position as it is set back from the road. Councillors are concerned that the velux windows facing Church Street do not have obscured glass in them

Public Response

Nearest neighbours notified by letter. Three comments received raising the following issues:

- The business is likely to create large quantities of trade waste which needs to be stored and collected;
- Have the structural defects been addressed?
- Where are the drains for waste and surface water?
- The kitchen has no ventilation other than windows?
- Incorrect planning classification – this needs rectifying so we know what this building can be used for in future years;
- It makes sense to use existing openings but then need to be opaque glass as proposed by Lord Greaves and agreed by the applicant at the last meeting;
- The return on the ramp does appear to make it safer. As the entrance is to the rear I have concerns that users would have to navigate past the bins and a gate at top of the slope;
- I still have concerns as to how the emergency services would access the children in case of fire;
- I query if 3 bins for waste is sufficient; and
- It would seem that most of the amendments have already taken place without planning permission and there has been no attempt to stop all the dust and noise generated either.

Officer Comments

The main issues are impact on amenity, impact on the Conservation Area, materials, trees and highway issues.

Many objections are based upon the use of the premises as a children's nursery, however, as mentioned previously there is no requirement for a material change of use of the premises as both a church hall and children's day nursery fall within Use Class D1 Non-residential institutions of the Town and Country Planning (Use Classes) Order 1987. No external extension to the premises is proposed and therefore parking requirements can not be taken into account for this proposal.

Some of the external alterations have already been carried out and there is an extant permission in place for some of these. As the nursery is due to open shortly some of the changes proposed here have already been implemented.

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.

2. Impact on Amenity

The proposal would have a limited impact on the amenity of the area as it is an existing building located within a settlement boundary. The proposed external alterations would not have a detrimental impact on the amenity of the area.

There has been concerns raised over the two windows inserted at first floor and that these should be obscurely glazed. There is no requirement for this as the distances would be the same as those approved on the previous application where it was agreed that the distances are acceptable.

There would not be any undue loss of amenity for neighbouring properties and the external alterations accord with policy ENV2 and the Conservation Design Guidance SPD.

3. 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.

The site is set at a higher level than the general streetscene and therefore is prominent in views especially as it is sited on the corner of the junction with the highways. There are traditional terraced houses located near to the site.

The Conservation Area Design and Development Guidance SPD states that new development should use good quality and predominately natural building materials, be well detailed and respect local architectural details and styles.

The existing window on the south elevation has been extended to form a door opening. Two new windows have been reinserted at first floor in powder coated aluminium which is appropriate.

The ramp and handrail would be concrete with stone flags and black painted steel with timber panel fencing and railings to the boundaries.

These are acceptable and accord with policy ENV1 and the Conservation Area Design and Development Guidance.

4. Design and Materials

The reinserted windows and door opening in the south gable elevation are powder coated aluminium which is appropriate.

The ramp and handrail to the north gable is sited between two existing buildings and is not be readily visible in the streetscene. A gate is now proposed to the footway side of the ramp for safety reasons. The ramp is finished with stone flags whilst the handrail is a simple steel design and black in colour.

Timber panel fencing and railings are proposed to the boundaries which are now insitu and acceptable.

Sectioned play areas have also been formed to the side and rear.

The external changes are small scale and would not adversely affect the design of the existing building details of design, materials and colours which are acceptable in this location have already been agreed.

This scheme is acceptable in terms of design and materials and accords with policy ENV2 and the Conservation Area Design and Development Guidance.

5. Trees

There are five mature trees along the boundary of the building to the rear of the site and it is proposed to remove two Ash trees in order to facilitate the extension, play areas and boundary treatments. Three other mature trees are shown to be retained.

A tree survey has been submitted with this application which indicates that the trees will need to be removed due to their condition. The Environment Officer agrees with this assessment.

There are existing hardsurfacing and boundary treatments to the western boundary and therefore it is unlikely that these proposals would adversely affect the trees any more than the existing building.

This is acceptable.

6. Highway Issues

The external alterations do not result in any adverse impacts on highway issues.

Summary

The external alterations are acceptable in terms of policy, impact on amenity, design and materials and would not adversely impact on highway safety.

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 external alterations are acceptable and the development complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

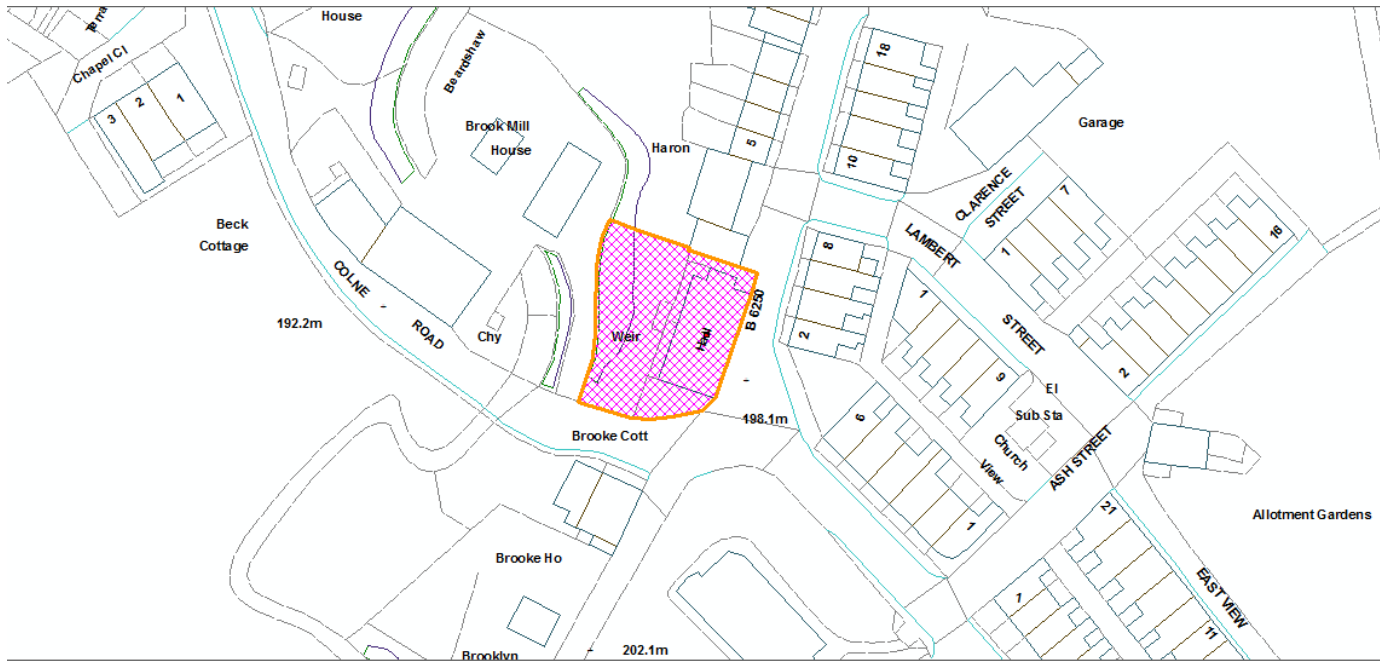
1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

2017/12/1, 2017/12/2D & 2017/12/3D.

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



Application Ref: 18/0142/FUL

Proposal: Full: Modifications to parish hall to form a day nursery with new windows, ramp to side and extended play area.

At: Church Hall, Church Street, Trawden

On behalf of: Mrs P Hargreaves

REPORT TO COLNE AND DISTRICT AREA COMMITTEE ON 10TH MAY 2018

Application Ref: 18/0193/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 4 (Landscaping), 5 (Skate park design) and 6 (Drainage) of application 17/0505/FUL.

At: All Weather Games Court, Crown Way, COLNE

On behalf of: Pendle Borough Council

Date Registered: 15.03.2018

Expiry Date: 14.05.2018

Case Officer: Charlotte Pinch

Site Description and Proposal

This application is brought to committee as the applicant is Pendle Borough Council.

This application is made under Article 21 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to seek confirmation of compliance with conditions on Planning Permission 17/0505/FUL.

This application requests the discharge of condition numbers 4, 5 and 6 on the Planning Permission. These conditions are listed below:

4. The development hereby permitted shall not be commenced unless and until full details of the hard and soft landscaping, including planting for the Linear Activity Park in the centre of the site have been submitted to and approved in writing by the Local Planning Authority, and all landscaping shall be carried out in full accordance with those details.

Reason: To ensure the appropriate landscape design and in the interests of the visual amenity of the area.

5. The development hereby permitted shall not be commenced unless and until full details of the design, size and materials of the proposed skate park have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

6. No development shall commence unless and until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be completed in accordance with the approved details.

Reason: To reduce the increase risk of flooding.

Relevant Planning History

17/0505/FUL

Full: Formation of wheel/skate park, formation of linear park to railway line, extension to Boundary Mill car park (145 spaces) and formation of access ramp, extension to BMW car park (146 spaces), extension and realignment of

Leisure Trust car park (122 spaces) and new footpath.
Approved with Conditions. 2017.

13/13/0009P

Full: Erection of high rope activity course.
Approved with Conditions. 2013.

13/08/0604P

Full: Erect multi-games play area.
Approved with Conditions. 2008.

13/02/0273P

Extension of existing car park.
Approved with Conditions. 2002.

Consultee Response

PBC Senior Drainage Engineer

Having considered the submitted drainage strategy and although my calculations deduce a slightly different run off rate to the report, the reductions proposed would still satisfy the requirements of a 30% betterment to the surface water discharge. Therefore, this would be acceptable in terms of discharging the condition.

Public Response

None necessary.

Officer Comments

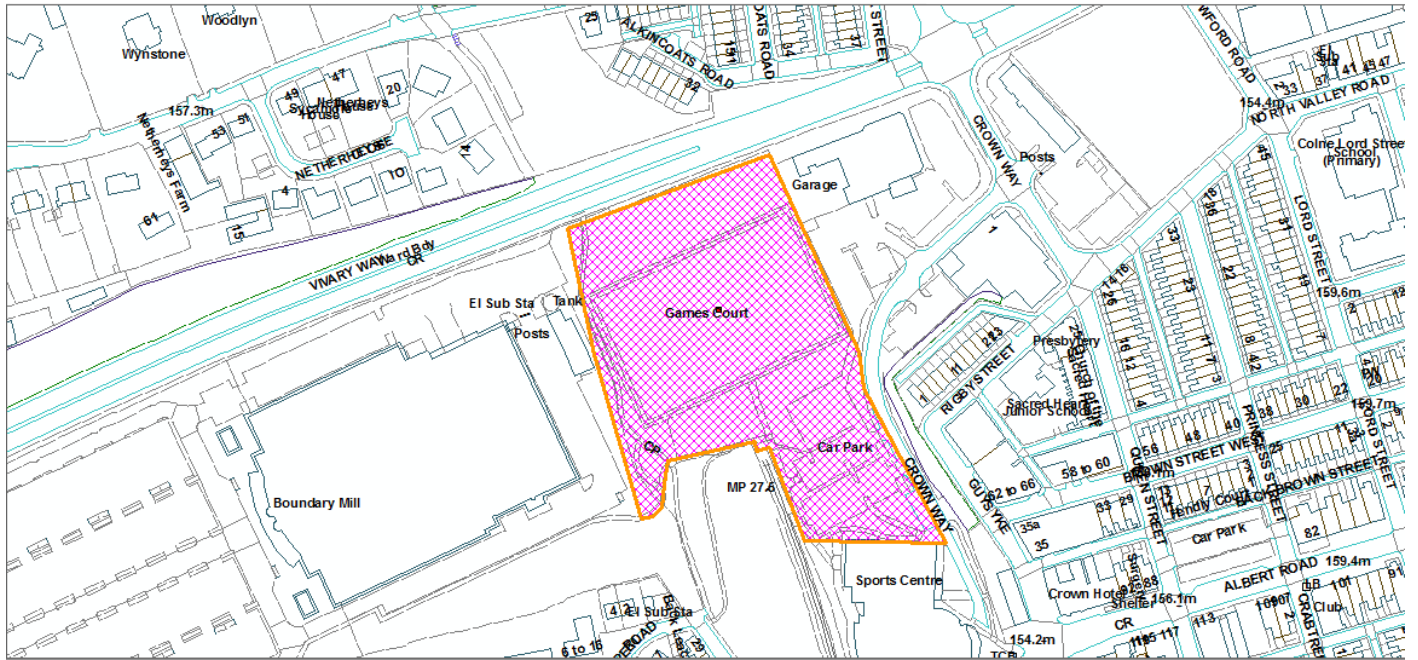
Condition 4 requires full details of hard and soft landscaping across the site to be submitted and approved prior to commencement of development. A plan was submitted showing grassed areas for the park sites and soft landscaping on the border with Vivary Way. Although not of great detail, it is sufficient to discharge the condition, subject to implementation.

Condition 5 requires full details of the design and materials of the skate park to be submitted and approved prior to commencement of development. The plan submitted shows a detailed layout for the skate park, with 7 different pieces of equipment, of suitable scale and design for the area allocated within the wider scheme. As a result, this condition can be discharged subject to implementation.

Condition 6 requires a surface water drainage scheme to be submitted and approved prior to commencement of development. The submitted drainage scheme would result in 30% betterment to the surface water discharge, which satisfied the PBC Drainage Engineer. As a result, this condition can be satisfactorily discharged subject to implementation.

RECOMMENDATION: Approve

Approve discharge of conditions 4, 5 and 6, subject to implementation.



Application Ref: 18/0193/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 4 (Landscaping), 5 (Skate park design) and 6 (Drainage) of application 17/0505/FUL.

At: All Weather Games Court, Crown Way, COLNE

On behalf of: Pendle Borough Council

REPORT TO COLNE AND DISTRICT COMMITTEE 10 MAY 2018

Application Ref: 18/0223/FUL

Proposal: Full: Retain use at ground floor as mixed use A3 (Restaurant/Cafe) and A4 (Drinking Establishment) Retrospective (Re-Submission).

At: 76A Albert Road, Colne

On behalf of: Miss Deborah Sharpe

Date Registered: 26/03/2018

Expiry Date: 21/05/2018

Case Officer: Alex Cameron

This application is brought to Committee at the request of a Councillor.

Site Description and Proposal

The property is a retail shop located within Albert Road Conservation Area and a secondary shopping frontage of Colne Town Centre.

The shop was used as a temporary bar for the period of the Great British Rhythm & Blues Festival in August 2017. On 29th August 2017 the Applicant contacted the planning department to enquire whether planning permission would be required to permanently change the use of the shop to a bar, stating that they were in the process of purchasing the property. The applicant was informed that planning permission would be required but that the use would be likely to result in an excess of non-shopping uses in the secondary shopping frontage and so would be likely to be resisted. In spite of this advice the Applicant continued with the purchase and unauthorised use of the premises later submitting a retrospective application in December 2017, which was refused.

This is a resubmitted retrospective application for the change of use of the ground floor of the building to a mixed use of restaurant/café (Use Class A3) and drinking establishment (Use Class A4). The application does not include any external alterations.

Although proposed restaurant/café use were not included in the description of the previous application A3 restaurant/café use can be ancillary to or changed to from an A4 use without the need for a planning application and therefore the use proposed in this application is in effect identical to the previously refused application.

Relevant Planning History

17/0728/FUL - Full: Change of use from bike shop (Use Class A1) to drinking establishment (Use Class A4) at ground floor (Retrospective). Refused, 15/02/2018.

Consultee Response

LCC Highways - No objection. Given the development site's location close to the town centre, and proximity to the public transport network, the above proposal raises no highway concerns.

Lancashire Constabulary

Colne Town Council

Public Response

Nearest neighbours notified – No response

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

Policy WRK4 (Retailing and Town Centres) states that to help promote vitality, and maintain viability, we will seek to prevent high concentrations of non-shopping uses within the Primary Shopping Area and Primary and Secondary Shopping Frontages.

Until the Local Plan Part 2 is in place the relevant thresholds are set by Policy 26 of the Replacement Pendle Local Plan.

Replacement Pendle Local Plan (RPLP)

Policy 26 (Non-Shopping Uses in Town Centres and Local Shopping Areas) of the Replacement Pendle Local Plan states that the introduction of non-shopping uses to a defined shopping frontage will be approved unless the proposal would result in the total proportion of non-shopping uses exceeding 50% of a secondary shopping frontage (in terms of frontage length).

Where it has been shown that a unit has remained vacant for over three years permission for a non-shopping use will be granted.

Principle of the development

The most recent use of the ground floor of the building was as a bike shop which was operating until late November 2017, this falls within Use Class A1 (retail).

The proposed use as a restaurant café and drinking establishment (Use Classes A3/A4) is a non-shopping use for the purposes of policies 26 and WRK4.

The unit is located within a secondary shopping frontage (74-82 Albert Road), there are a total of five units in this frontage and their current approved uses are:

- 74 – Green Chimney, café and wine bar (non-retail)
- 76 – Application site (retail)
- 78 - Ivy Palace, restaurant (non-retail)
- 80 – Hair Associates, hairdressers (retail)
- 82 – Tubbs of Colne, restaurant and bar (non-retail)

The percentage of the frontage length currently occupied by non-retails uses is 68%, the proposed change of use of No.76 to a non-retail use would increase this to 83%, leaving just one retail use remaining in the frontage.

The 50% threshold was breached with the granting of permission for a restaurant and bar at No.82. This was under the exemption for units that have remained vacant for over 3 years. The application site had been occupied by a bike shop until November 2017 and so does not meet that exemption. The addition of another non-shopping use would further breach the 50% threshold set by Policy 26 for a secondary frontage and would lead to an excessive concentration of non-shopping uses within this secondary shopping frontage of Albert Road to the detriment of the viability and vitality of Colne Town Centre.

The applicant has submitted a justification statement which states that:

Policy 26 is out of date and as part of the preparation for the Site Allocation and Development Policies DPD, retail boundaries and designations will be reviewed. Using the most upto date evidence base details such as the vacancy survey indicate that the block could be removed from a secondary frontage.

Policy 26 is not out of date, it identified is as a saved policy of the Replacement Pendle Local Plan in the Local Plan Part 1 which was found to be sound at Public Inquiry in December 2015.

The National Planning Policy Framework states that Local Authorities should “*define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations*”. Policy 26 is fully consistent with this.

All designated shopping frontages will be reviewed during the preparation of Local Plan Part 2 : Site Allocations and Development Policies. At this time it is premature to say what the outcome of this review will be. However, existing monitoring information indicates that the retail frontage is currently performing within expectations.

The unit has been found to be occupied in 21 of 28 annual monitoring reports since 1990. The other remaining retail unit in the frontage (No. 80) has been continuously occupied by a retail use (Hairdressers) for at least 12 years.

There is no indication at this time that there would be a need to remove this secondary frontage designation when the designated shopping frontages reviewed.

Furthermore, an A3 (café/restaurant) unit within this block (No.74) is currently on the market and the Retail Survey (2010) states in paragraph 6.51 that “*Eating and drinking establishments account for just over 10% of all town centre premises, the highest figure recorded in the borough’s three town centres.*” The need for additional A3 provision in Colne town centre is therefore not readily apparent.

Policy 26 allows retail uses in secondary shopping frontages to change of a non-retail use beyond the threshold of 50% only if that unit has been vacant and actively marketed for a continuous period of three years. This unit has not been continuously vacant for three or more years and, in addition, no evidence has been presented that it has been actively marketed for retail use for that time period. It should also be noted that the Applicant recently purchased the property and, prior the completion of that purchase, was informed by the Council of the restrictions on anything other than retail use imposed by policy 26.

The purpose of restricting the proportion of non-retail uses is to protect the retail function, vitality and viability of town centres by ensuring a balanced mix of complimentary uses during the day and evening, which can reinforce each other. Retail and food & drink uses side by side can generate greater footfall for both uses and maintain an active frontage both in the day and evening. An over-proliferation of non-retail uses can adversely impact upon the vitality and viability of a town centre, or area of a town centre, particularly in relation to daytime activity and have an adverse impact on both the retail and leisure functions of a town centre.

Allowing the change of this site to a non-retail use would leave just one retail unit in this frontage, it would result in an over-proliferation of non-retail uses in this retail frontage which would result in unacceptable harm to the vitality and viability of Colne town centre contrary to policy 26 or the RPLP and policy WRK4 of the LPP1.

Design and Heritage Impact

The proposed change of use does not involve any external alterations and therefore would have no material visual amenity impact or impact upon the Conservation Area.

Amenity

The upper floors of the premises would remain as residential and there are dwellings to the rear. Potential noise impacts of the use could be controlled with conditions.

Highways

Taking into account its town centre location no on-site car parking provision is necessary. The proposed use is acceptable in terms of highway safety.

Summary

The proposed change of use is contrary to policies 26 of the Replacement Local Plan and WRK4 of the Pendle Local Plan Part 1: Core Strategy as it would lead to an excessive concentration of non-shopping uses within a secondary shopping frontage of Colne town centre to the detriment of the viability and vitality of the town centre. The application is therefore recommended for refusal.

RECOMMENDATION: Refuse

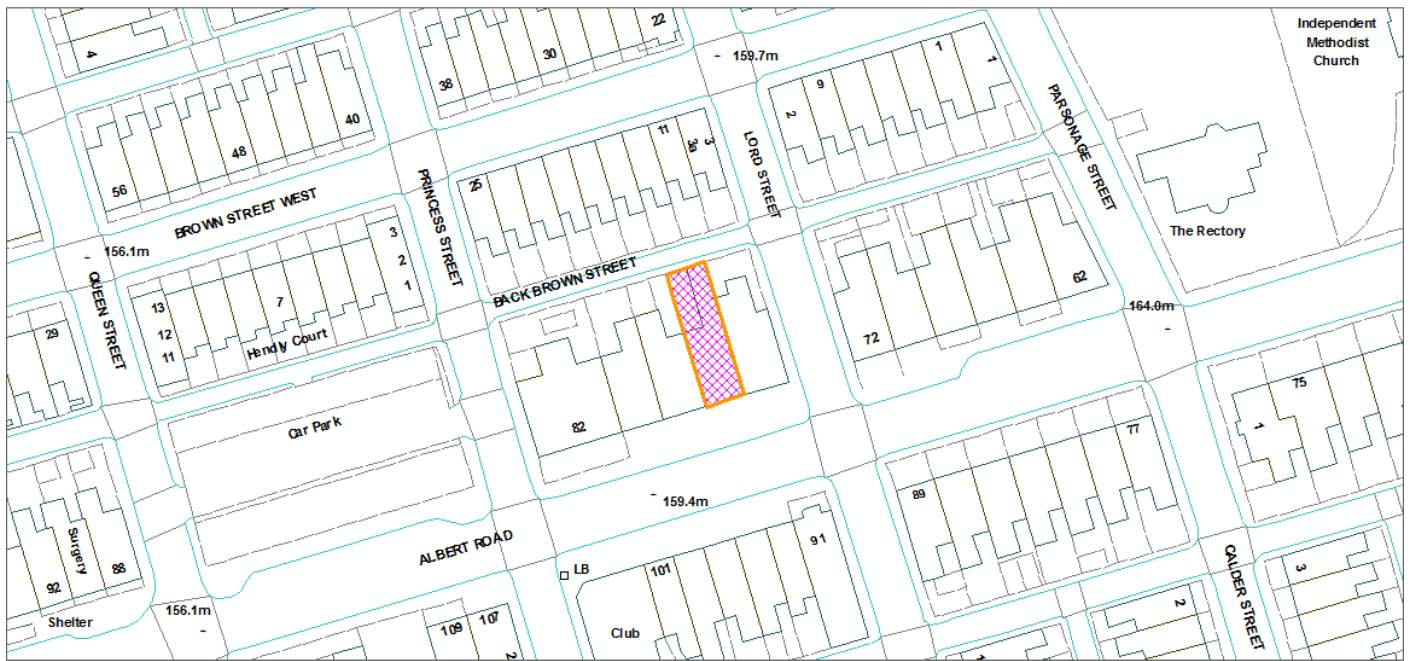
For the following reasons:

1. The proposed change of use constitutes an inappropriate form of development in that the proposal would result in the proportion of non-shopping uses along this designated Secondary Shopping Frontage being at a level that would undermine the retail function of this frontage to the detriment of the vitality and viability of Colne Town Centre which is contrary to Policy 26 of the Replacement Pendle Local Plan and Policy WRK4 of the Pendle Local Plan Part 1: Core Strategy.

Enforcement Recommendation

This is a retrospective application and the unauthorised use as a bar is ongoing. This use unacceptably impacts upon the retail function of the Secondary Shopping Frontage and thus the vitality and viability of Colne Town Centre.

It is recommended that an Enforcement Notice is served requiring the cessation of the unauthorised use.



Application Ref: 18/0223/FUL

Proposal: Full: Retain use at ground floor as mixed use A3 (Restaurant/Cafe) and A4 (Drinking Establishment) Retrospective (Re-Submission).

At: 76A Albert Road, Colne

On behalf of: Miss Deborah Sharpe

REPORT TO COLNE AND DISTRICT COMMITTEE 10 MAY 2018

Application Ref: 18/0258/VAR

Proposal: Full: Major: Variation of Condition: Vary Condition 2 (Approved Plans) of Planning Permission 17/0321/FUL to allow plots 13, 14, 15 & 16 to be raised by 1.5m.

At: Land North Of New Shed, Warehouse Lane, Foulridge

On behalf of: O'Rourke Groundworks

Date Registered: 11/04/2017

Expiry Date: 11/07/2016

Case Officer: Alex Cameron

This application is brought to Committee as it is a variation to a major development.

Site Description and Proposal

The application site comprises open grassland, roughly 0.55 hectares in area. 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. Planning permission has been granted for the erection of 20 semi-detached dwellings on the land.

This is a variation of condition application to make a material amendment to the approved plans referenced in condition 2 of the planning permission 17/0321/FUL.

The proposed amendment is to raise the level of plots 13, 14, 15 & 16 at the east end of the site by 1.5m. This also involves alterations to the retaining walls and land levels around those properties.

Relevant Planning History

16/0778/FUL - Full: Major: Erection of twenty dwellinghouses with associated car parking and landscaping. Approved, 10/02/2017.

17/0321/FUL - Full: Major: Erection of twenty dwelling houses with car parking and landscaping. Approved, 26/09/2017.

Consultee Response

LCC Highways – No objection.

Canal & River Trust – No comments.

LCC Lead Local Flood Authority – No comments.

Foulridge Parish Council

Public Response

Press and site notices posted and nearest properties notified by letter, publicity expires on 17th May. No response.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

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 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.

Replacement Pendle Local Plan

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

Visual Amenity and Heritage

The raising of the levels of plots 13-16 would have minimal visual impact, those plots are the east side of the site set against raised land.

The amendments would also alter the details of the proposed retaining walls, reducing the height of the retaining walls required to the rear of plots 13-16. The revised retaining walls would be up to 1.85m formed from steel plates welded to sheet piles faced with feather edged boards. The approved plans show timber crib retaining walls of up to 4m. This would have the finished appearance of a garden fence which in the publically visible areas would be approximately 1m in height. This is acceptable in terms of visual amenity.

The amendments to the plans relate to the east of the site, away from Canal House, they would not result in harm the setting of the Listed Building.

The proposed amendments are therefore acceptable in terms of visual amenity and heritage impact in accordance with policies ENV1, ENV2 and ENV5.

Residential Amenity

They key relationships in terms of the proposed amendments are with the existing residential properties to the east.

The sections plan submitted with the application demonstrates that even raised by 1.5m plots 13-16 would remain well below the level of the dwellings to the east. The habitable room windows in the rear elevations would be both at a sufficient distance from and at a level that they would not result in unacceptable privacy impacts upon those dwellings or their gardens. The windows proposed in the side elevations are small toilet windows and would not result in unacceptable privacy impacts.

The sections also demonstrate that the stepped gardens of plots 13-16 would not unacceptably impact upon the privacy of the gardens of the properties to the east.

The proposed amendments are therefore acceptable in terms of residential amenity in accordance with policy ENV2.

Highways

There are minor alterations to the car parking layout for plots 13 and 15. These do not alter the acceptability of the car parking provision. The proposed amendments are therefore acceptable in terms of highway safety accordance with policy ENV4.

Summary

The proposed amendments raise no unacceptable issues and it is therefore recommended that the approval of the application is delegated to the Planning, Building Control and Licencing Manger subject to expiry of the publicity period.

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 variation of condition 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: 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: A000, A009 G, A012 A, A014 A, A100 C, A200, A201, A202, A203, A204, A205, C57 G, 01 D.

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

- 3 Prior to the commencement of the erection of the external walls of the development samples of the external materials to be used (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. The materials so approved shall thereafter be used on the development at all times.

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 100 Rev C, 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 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 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.

- 8 No development shall commence unless and until a drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority, the approved strategy 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.

- 9 The approved landscaping scheme, as shown on drawing 01 D, 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.

- 10 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.

- 11 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.

- 12 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

- 13 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.

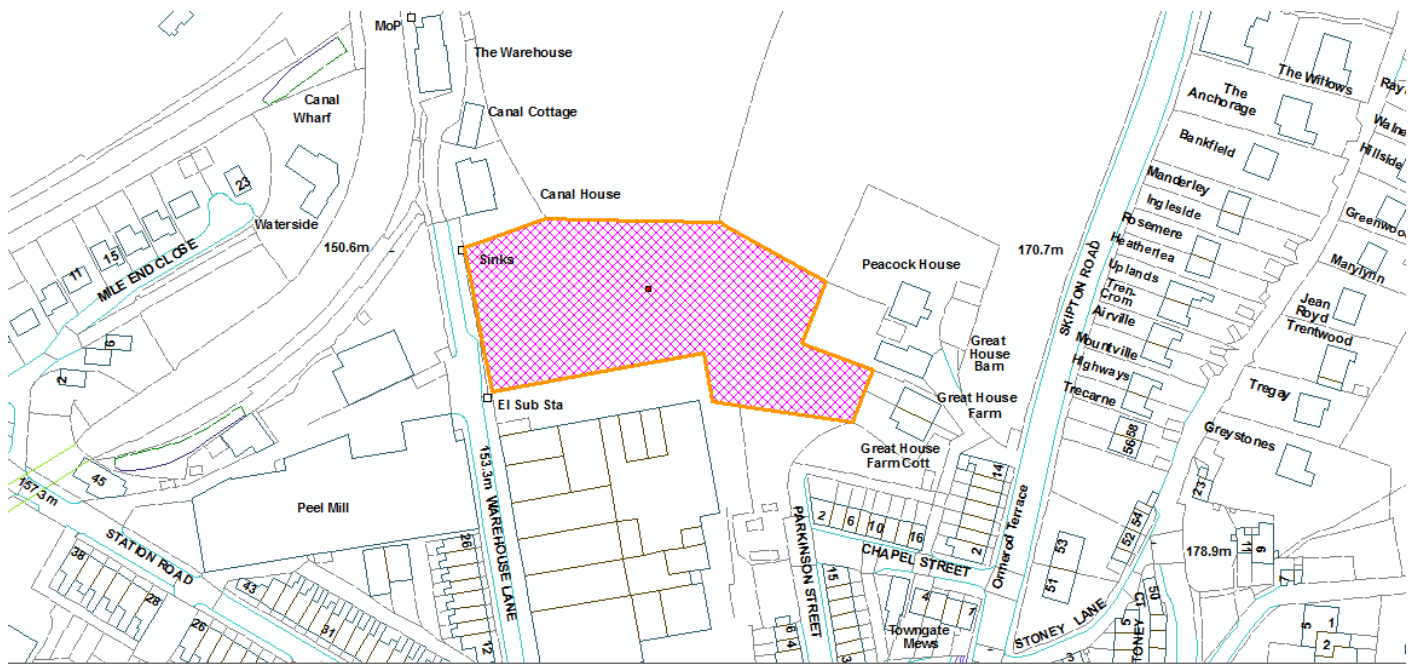
Reason: In the interests of residential amenity.

- 14 The acoustic fence, as shown on approved landscape drawing 01 D 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.

- 15 Unless otherwise agreed in writing by the Local Planning Authority the affordable housing shall be provided in strict accordance with the Affordable Housing Statement Received 01/08/2017.

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.



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On behalf of: O'Rourke Groundworks

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/CPB

Date: 26th April 2018