

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

**TO: COLNE & DISTRICT COMMITTEE**

**DATE: 5<sup>th</sup> AUGUST 2021**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

# REPORT TO COLNE & DISTRICT COMMITTEE ON THE 5<sup>th</sup> AUGUST, 2021

**Application Ref:** 21/0312/VAR

**Proposal: Variation of Condition:** Major: Removal of Condition 4 (Affordable housing) of Planning Permission 18/0768/FUL.

**At:** Black Carr Mill, Skipton Road, Trawden

**On behalf of:** CRS Plant Ltd

**Date Registered:** 13 April 2021

**Expiry Date:** 13 July 2021

**Case Officer:** Kathryn Hughes

## ***Site Description and Proposal***

This application seeks permission to remove the affordable housing requirement approved under 18/0768/REM. This permission sought permission to convert the upper floors of the mill into 8 dwellings and erect 6 dwellings on the site of the former Weaving shed.

The application site within Trawden Forest Conservation Area and is allocated for housing under the Trawden Forest Neighbourhood Plans

This variation seeks to remove condition 4 which requires at least 20% of the units on the site to be affordable. This would equate to 2 units.

The condition reads:

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

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [ or the management of the affordable housing] (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason:** To ensure the provision of a mix of tenure on the site appropriate for the requirements of the area.

All other aspects remain the same.

## ***Relevant Planning History***

13/93/0081P - Use part of premises for rock climbing practice -Approved with Conditions. 1993.

13/15/0312P - Full: Insertion of 3 windows in western elevation and construct a mezzanine level internally - Approved with Conditions. 2015.

17/0648/FUL - Full: Major: Conversion of three storey mill building into offices (B1) at ground floor and create eight residential units (C3) at first and second floor. Demolition of the Northlight shed and erection of seven dwelling houses with associated access and parking - Application Withdrawn.

18/0768/FUL - Full: Major: Conversion of upper floors and part-ground floor of Mill building to form 8 dwellinghouses; Demolition of Weaving Shed and erection of 6 dwellinghouses and associated external works (Re-submission) – Approved 6<sup>th</sup> November, 2019.

## ***Consultee Response***

Trawden Parish – Objects to this application. Whilst we do feel for the developer, as this has been a problematic side, the Parish Council cannot support this. It is stipulated in our Neighbourhood Plan that affordable housing should be included in developments, and therefore we cannot support this proposal.

## ***Public Response***

Press and site notices posted and nearest neighbours notified by letter without response.

## ***Officer Comments***

The issues for consideration are policy issues, layout and impact on amenity, design and material, flooding and drainage and highways issues.

### **1. Policy**

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (the Framework) must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

## **Local Plan Part 1: Core Strategy**

The following Local Plan policies are relevant to this application:

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

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new

development. It states that siting and design should be in scale and harmony with its surroundings. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy ENV5 seeks to minimise air, water, noise, odour and light pollution and address the risks arising from contaminated land, unstable land and hazardous substances.

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. The proposal's compliance with this policy is addressed in the flooding and drainage section.

Policy SDP2 sets out the housing distribution for Pendle. As Trawden is a Rural Service Centre, this is classed as a settlement to provide the focus for growth in rural Pendle.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 sets out the requirements for affordable units.

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.

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

Policy 16 'Landscaping' seeks to ensure all proposals are adequately landscaped with appropriate species.

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Trawden Forest Neighbourhood Plan policies 1 and 2 relates to location of development and housing site allocations.

The Conservation Area Design and Development SPG is also relevant here.

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which is relevant to this proposal.

## **1. Principle of Housing**

The application site is located within the settlement boundary of Trawden. Policy SDP2 states that proposals for new development should be located within a settlement boundary. Trawden is classed as a Rural Service Centre, for which should provide the focus for growth in rural Pendle. In accordance with the NPPF, sites such as this should be considered in the context of presumption in favour of sustainable development, to deliver a wide range of high quality homes.

The principle of housing has been established under the previous permission 18/0768/FUL which is still extent.

## **2. Layout and Impact on Amenity**

No changes are proposed to the layout and therefore the changes would not result in any further impact to existing or proposed units than the previously approved scheme.

Subject to appropriate conditions this layout would be acceptable in terms of design and impact and accords with policies ENV1 and ENV2.

## **3. Design and Materials**

No changes are proposed to the design and materials. All design issues remain as previously approved.

The materials proposed remain the same as natural stone and natural blue slate with grey upvc windows and doors which are acceptable in this location. Samples of materials have been submitted and agreed and this can be controlled by an appropriate condition.

## **4. Flooding and Drainage**

In terms of drainage this can be controlled by appropriate conditions to ensure that the development is acceptable in terms of flood risk and accords with policy ENV7.

## **5. Highways Issues**

No changes are proposed to the access approved.

Acceptable visibility splays can be achieved and this scheme would provide off-street car parking for vehicles in a combination of garages and driveways.

The scheme would provide off-street car parking spaces in line with the car parking standards set out in the Replacement Pendle Local Plan.

Subject to appropriate conditions the proposal would not result in any adverse impact on highway safety issues.

## **6. Landscaping**

Policy LIV5 requires all proposals for residential units to provide on-site open space which can take the form of Green Corridors and spacious layouts.

The site layout provides ample private amenity spaces for the plots which helps to soften the scheme and provide some visual interest in the overall layout.

Details of the overall landscaping for the site can be controlled by an appropriate condition.

The proposal therefore accords with this policy.

## **7. Affordable Units**

Policy LIV4 requires all proposals for new housing to contribute towards the provision of affordable units. For 10 – 14 dwellings in Rural Pendle would require 20% units on site which equates to 2 units.

Trawden Forest Neighbourhood Plan Policy 2 Housing Allocations, which includes the Black Carr Mill site, also lists the following requirement:

xi) Provide 20% of the site as affordable homes (for sites of 5 or more dwellings).  
A Residential Viability Appraisal has been submitted which sets out the appraisal methodology, inputs and commentary for including affordable units within and excluded from the scheme in terms of the viability of the site and the Gross Development Value (GDV).

The report discusses potential values for residential use, profit margins for open market and including for including affordable units. Comparable sales data has been submitted although house sales are high at the present time and build/conversion costs have been estimated albeit build costs have increased in the last 6/9 months so site costs are likely to be slight higher than usual.

Whilst the profit margins are lower for a scheme including affordable units this is to be expected and whilst still a good profit it is below what a developer would require in the current housing market.

These figures conclude that in order for the developer to achieve an acceptable profit margin then the affordable units

Therefore on the basis of economic grounds, without evidence to the contrary, then the two affordable units can not be provided within the site.

The proposal therefore is acceptable and accords with policy.

## **Summary**

The principle of residential development in this location is acceptable in terms of layout, design, materials, highway safety, flood risk and landscaping subject to appropriate conditions. The proposed development would not have a detrimental impact on residential amenity and accords with the adopted policies of the Pendle Local Plan: Part 1. Condition 4 requiring affordable units to be provided on site has been removed and the remainder of the conditions remain as previous.

## ***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, impact on conservation area, noise, flooding 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 5<sup>th</sup> November 2022.

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:

1045-142\_1 (A3), 145-142\_2(A3), 1045-142\_E(A1), 1045-142\_G(A0), 1045-142\_XS(A1), 1681 A1-02 F, 1681 A1-01 A, 1681 A2-02 A, 1681 A2-02 Rev A, 1681 A2-03 C, 1681 A2-04 D, 1681 A2-05, 1681 A2-06A, 1681 A2-07, 1681 A4-01B, 1681 A4-02 A, 1681 A4-03 A, 1681 A4-04 C, 1681 A4-05 B, 1681 A4-06 B, 1681 A4-08 C, 7997-CRS, 1000-007-002 and 1000-007-003B

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

3. No part of the development hereby approved shall take place until a Planning Obligation pursuant to section 106 of the Town and Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for a contribution towards education provision.

Reason: In order to ensure that the development has adequate education provision available for secondary school places.

4. Prior to commencement of development, a plan and written-brief detailing the proposed phasing of the site shall have been submitted to and approved in writing by the Local Planning Authority. Development shall not commence unless and until the scheme has been submitted and approved. Such detailing shall include details of the works involved in each phase and how each phase is to be completed in terms of the completion of roads , building operations, foul and surface water sewers and landscaping, and each phase shall be substantially completed before the next successive phase of the development is commenced. The approved scheme shall thereafter be carried out in strict accordance with the plan and brief.

Reason: To secure the proper development of the site in an orderly manner.

5. 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 in order to prevent contamination of the controlled waters.

6. No dwelling hereby permitted shall be occupied unless and until it is connected to the public foul and surface water systems or an alternative agreed under Condition 8.

Reason: In order to ensure satisfactory drainage systems.

7. No development shall commence unless and until details of the design, based on sustainable drainage principles, and implementation of a sustainable surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the post development surface water run-off will not exceed 17l/s for rainfall events up to and including the 1 in 100 year return period. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) A plan showing flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development

8. A management scheme for the maintenance and management of the Surface Water Drainage Scheme shall have been submitted and agreed in writing by the Local Planning Authority prior to the commencement of development and this scheme shall thereafter be implemented and completed prior to the occupation of the first dwelling.



No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - i. on-going inspections relating to performance and asset condition assessments
  - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

9. Prior to any work commencing on the conversion of the mill to apartments details of the proposed acoustic mitigation measures set out in the Noise Impact Assessment ref. 11-987-R3 dated March, 2019 shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in strict accordance with the approved details prior to occupation of each apartment and shall remain as such in perpetuity.

Reason: To ensure that the development has adequate mitigation against potential noise nuisance from the adjacent commercial premises.

10. No part of the development shall be commenced unless and until a Construction Code-of-Practice method statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- e) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
- h) Location and details of site compounds
- i) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- j) Noise-monitoring to be carried out for the construction period.
- k) Parking area(s) for construction traffic and personnel
- L) Details of the provision and use of wheel washing on the site
- M) Site security

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

11. 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. No work shall take place on site on Sundays and Bank Holidays.

Reason: In the interests of residential amenity and to safeguard local residents from noise and disturbance.

12. No development shall commence unless and until all the highway works to facilitate the new access have been constructed in accordance with Lancashire County Council's Specification for construction of Estate Roads to at least base course level for a minimum distance of 5m into the site from the near side carriageway edge of Skipton Road. The access shall be constructed to a minimum width of 4.8m and this width shall be maintained for a minimum distance of 5m into the site measured back from the nearside edge of the carriageway. The final surfacing of the access shall be laid prior to first occupation of any residential unit.

Reason: To ensure that satisfactory access is provided to the site before the development is commenced and to enable vehicles to enter and leave the site in a safe manner without causing a hazard to other road users.

13. No development shall commence unless and until a scheme for the construction of the site access and the off-site highway works to facilitate the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include uncontrolled pedestrian crossing points with associated works on Skipton Road. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwellinghouse.

Reason: To ensure the final details of the highway works are acceptable prior to work commencing on site and to enable all traffic can enter and leave the premises in a safe manner without causing a hazard to other road users.

14. There shall not at any time be erected, planted or allowed to remain on the land any building, wall, fence, hedge, tree, shrub or other device over 0.9 metres above road level. The visibility splay shall be 2.4 metres distant from the adjoining edge of carriageway of Skipton Road measured 38m in each direction offset 1m from the nearer edge of the carriageway of Skipton Road and shall be constructed and maintained at footway level in accordance with a scheme to be submitted and agreed in writing by the Local Planning Authority.

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

15. Notwithstanding the submitted landscaping plan, the development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and

approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and 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 hard landscape elements and pavings, including layout, materials and colours;
- e. 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 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: To ensure that the development is adequately landscaped so as to integrate with its surroundings

16. A scheme for the management (including maintenance) of the landscaped areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellinghouse. The approved scheme shall be carried out in full accordance with the agreed scheme before the first dwelling is occupied.

Reason: To ensure the site is properly maintained and managed in the interests of visual amenity.

17. Prior to any above ground works samples of the all materials to be used in the construction of the external surfaces of the development hereby permitted (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 development shall then be completed in accordance with the approved details.

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

18. Prior to any above ground works details of walkway to the rear of the mill including finishes shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in strict accordance with the approved details.

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

19. All windows and doors shall be set back from the external face of the walls of the units by at least 70mm in depth.

Reason: To ensure a satisfactory form of development.

20. Before a dwelling unit is occupied waste containers shall be provided within the site.

Reason: To ensure adequate provision for the storage and disposal of waste.

**Application Ref: 21/0312/VAR**

**Proposal: Variation of Condition:** Major: Removal of Condition 4 (Affordable housing) of Planning Permission 18/0768/FUL.

**At:** Black Carr Mill, Skipton Road, Trawden

**On behalf of:** CRS Plant Ltd

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 05 AUGUST 2021

**Application Ref:** 21/0374/HHO

**Proposal:** Full: Erection of a single storey side extension to form garage with roof terrace above accessed by external staircase and 2.5m high fence to rear and side boundaries (Re-Submission).

**At:** 41 The Meadows Colne

**On behalf of:** Mr Stuart Oakes

**Date Registered:** 12/05/2021

**Expiry Date:** 20/07/2021

**Case Officer:** Alex Cameron

This application has been brought before Committee as more than three objections have been received.

### **Site Description and Proposal**

The application site is a semi-detached house located on a modern housing estate within the settlement of Colne with similar properties to the side and rear and bungalows to the front.

The proposed development is a single storey extension to the side with a roof terrace above, to be accessed via a staircase to the rear and a 2.5m fence to the boundaries of the rear garden.

### **Relevant Planning History**

Full: Erection of a single storey side extension to form garage with roof terrace above accessed by external staircase and 2.5m high fence to rear and side boundaries – Refused

### **Consultee Response**

LCC Highways – No objection, recommend a condition to require the garage to be retained for car parking.

Colne Town Council – An improvement on the previous application but concerned that it may invade the neighbour's privacy.

### **Public Response**

Neighbours notified – Response received objecting on the following grounds:

- Loss of privacy
- Impact of use of the balcony as a recreational area for seating and barbeques etc.
- The design is not in keeping with the area

## **Officer Comments**

### **Policy**

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

### **Replacement Pendle Local Plan**

Policy 31 (Parking) which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Design Principles Supplementary Planning Document 2009.

### **Design**

The previous proposal was for a taller extension with a large parapet wall around the roof terrace and was refused on grounds of poor design. This proposal replaces the parapet wall with a glazed screen.

The glazed screen would have minimal visual impact compared to the tall parapet wall previously proposed and the revised design is acceptable.

The design and material of the proposed extensions would be sympathetic to the existing building and area. The proposed development is therefore acceptable in terms of design and visual amenity in accordance with Policy ENV2.

### **Impact on Amenity**

A number of concerns have been raised including loss of sunlight and privacy.

The extension would be built at the side of the house which faces onto a gable with one obscurely glazed window in it at first floor. The extension would not affect light to that window or result in an unacceptable loss of privacy.

The extension may affect late evening light but this is not a reason to refuse the application and it would not have any material impact on the amenity of any neighbours.

The proposed 2.5m fence would also not result in any unacceptable overbearing impact or loss of light.

In terms of overlooking there are rear and front windows in the elevations of the neighbour and the host dwelling. These provide for views to rear gardens which would be not materially different to the views from the rear of the proposed balcony and people accessing the balcony from the staircase would also not result in unacceptable impacts.

The previous proposal had a higher parapet wall to the side which would have limited sideways views, which would have a greater impact than existing rear facing windows. A condition is necessary to require that the screen to the side of the balcony is increase to 1.8m in height and obscure glazed. It is only necessary for the screen to be to the rear half of the extension as the frontage of the neighbouring property is not private as it is visible from the street.

The glazed screen would not project past the rear elevation of the neighbouring property and would result in a material loss of light or any other unacceptable residential amenity impacts.

With this condition in place privacy would not be materially differently affected to what is existing.

Comments have been made about the use of the terrace area. Having a residential use at first floor would be materially no different to having a use at ground floor and is not a reason to refuse the application.

The development is in accordance with Policy ENV2 and the guidance of the Design Principles SPD.

## **Highways and Access**

With a condition to ensure that the proposed garage is retained for car parking an adequate level of off-street car parking would be maintained.

## **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 design, residential amenity and highway safety. 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: 10/19/04c, 20/19/05c, 20/19/06c 20/19/07,

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and 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.

4. The roof terrace hereby approved shall not be used unless and until an obscure glazed screen of 1.8m in height from the floor level of the roof terrace and a minimum obscurity of Pilkington level 4 (or equivalent) has been erected along the side of the extension between the mid-point and rearmost point of the side of the extension. The screen shall thereafter be retained at all times.

**Reason:** To preserve an acceptable level of privacy for the residents of the neighbouring property.

5. The garage hereby approved shall at all times remain available for the parking of a car and shall not be used for any purpose that would preclude its use for parking of a car.

**Reason:** To ensure that an adequate level of off-street car parking provision is maintained.

**Application Ref:** 21/0374/HHO

**Proposal:** Full: Erection of a single storey side extension to form garage with roof terrace above accessed by external staircase and 2.5m high fence to rear and side boundaries (Re-Submission).

**At:** 41 The Meadows Colne

**On behalf of:** Mr Stuart Oakes



## REPORT TO COLNE AND DISTRICT COMMITTEE 5<sup>th</sup> AUGUST 2021

**Application Ref:** 21/0486/HHO

**Proposal:** Full: Erection of front garden fence and gate (Part retrospective).

**At** 14 Castle Court Colne Lancashire

**On behalf of:** Mr Andrew Clough

**Date Registered:** 03.06.2021

**Expiry Date:** 29.07.2021

**Case Officer:** Yvonne Smallwood

### **Site Description and Proposal**

The proposal site is a detached property in a residential area in Colne.

The development is for the erection of a front garden fence and gate and is part retrospective. The fence would be 1m high and dark green. The fence would be set back over 5m from the road. There is existing plants, trees and shrubbery and more is proposed to be planted.

### **Relevant Planning History**

13/02/0497P –

The Permitted Development rights for this site were revoked on 4<sup>th</sup> September 2021. The clause relating to this application being:

17. No additional means of boundary enclosure on the north, east, south or west boundaries of the application site shall be formed, whether erected or planted, without the prior written approval of the LPA.

### **Consultee Response**

Highways - No objections, however there is a recommendation that the gate should be inward opening.

Colne Town Council – Committee decision due to several objections

### **Public Response**

Neighbours – there have been several objections from neighbours which I have summarised below:

- The fence would have a negative impact on the aesthetic appearance and open design of Castle Court.
- The suitability of the materials is not in keeping
- The height of the fence is too high and disproportionate to the setting
- There will be loss of light and space and it would look cluttered
- Biodiversity will be lost and birds and mammals will be adversely affected
- TPOs

There were some comments made which are non-material considerations, noted below:

- Comments relating to the applicant's dog
- View spoilt
- Transferees Restrictive Covenant between residents

### **Relevant Planning Policy**

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 ENV1 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 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. Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development. 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 the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

### **Officer Comments**

#### Policy

ENV2 – requires high standards of quality and design in new development and the need to be in scale and harmony with the surroundings.

SPD 5.24 – the style and materials of gates and fences should match or be in harmony with the existing style of the area. Gates and fences are not normally permitted on open plan estates.

#### Design

The proposed fence is almost 1m high and would be made of treated timber with dark green fence protector. The gate would match and open inwards in accordance with the recommendations on LCC Highways. Proposed shrubbery would mask the appearance of the fence and add to the existing plants and trees, which already stand at approximately 1.2m at 14 Castle Court. The picket style fence allows light to permeate and the rounded pales soften the top line.

The low height of the fence and gates have been chosen to lie fully below the height of the existing well-established hedging. At the height of 1m, the fence does not interrupt the open feel of the estate and is similar to the height of a low trimmed hedge. The height of the fence is not incongruous given that there are boundary hedges in the near vicinity of a similar or greater height.

#### Amenity

Due to its location in relation to neighbouring properties there would not be any unacceptable amenity impact. The height of the fence would not result in a significant loss of light.

### **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 housing development would accord with Local Planning Policy and would

be compliant with the guidance set out in the Framework, subject to compliance with planning 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:

Location Plan: LP\_001

Site Plan: SP\_002 002

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

3. The materials to be used on the development hereby approved shall be as stated on the approved plans.

**Reason:** In order to ensure a satisfactory development within the setting.

**Application Ref:** 21/0486/HHO

**Proposal:** Full: Erection of front garden fence and gate (Part retrospective).

**At** 14 Castle Court Colne Lancashire

**On behalf of:** Mr Andrew Clough

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 20<sup>th</sup> July 2021**