

**REPORT FROM:** PLANNING, ECONOMIC DEVELOPMENT AND  
REGULATORY SERVICES MANAGER

**TO:** COLNE & DISTRICT COMMITTEE

**DATE:** 04th November 2021

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 04 NOVEMBER 2021

**Application Ref:** 21/0230/FUL

**Proposal:** Full: Erection of an agricultural building (18.1m x 9.1m) and formation of associated vehicular access track and hardstandings.

**At:** Land Adjacent To Wanless Water, Barrowford Road, Colne

**On behalf of:** Barrie Jackson

**Date Registered:** 28/05/2021

**Expiry Date:** 23/07/2021

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is agricultural land located within the Green Belt to the north of Barrowford Road. The land is part of an agricultural holding of approximately 32 acres. The site is accessed from Barrowford Road to the south, the nearest dwellings are approximately 180m to the south on Barrowford Road and 220m to the north of Hiers House Lane.

The proposed development is the erection of a general purpose agricultural building with a footprint of 18.1m x 9.1m an eaves height of 4.57m and an overall height of 5.9m. The building would be clad and roofed in profiled metal sheet finished in dark green and a concrete block base.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways – No objections in principle regarding the proposed development at the above location, subject to the following comments being noted, and conditions and note being applied to any formal planning approval granted.

The site is located on Barrowford Road, close to a sharp bend in the carriageway. When approaching the site on Colne Road (from the Barrowford direction) the site access is obscured by this bend. There have been two recorded collisions within the last five years resulting in slight personal injury – one outside the access, the other approximately 38m to the West of the access. This stretch of carriageway is therefore considered to have a poor highway safety record.

Site observations indicate that the site access has not been in regular use for a number of years. The proposed agricultural use would lead to an intensification of the site access. The current layout would not allow vehicles to fully pull off the carriageway with the gate closed, especially a vehicle towing a trailer or other agricultural equipment. Therefore, the gate should be set back 10m from the rear edge of the carriageway on Barrowford Road into the site to allow vehicles to pull off the highway fully.

This section of track should be surfaced in a bound porous material to prevent loose material from being carried onto the adopted highway network.

Surface water from this section of track should be collected within the site and drained to a suitable internal outfall, to prevent it from discharging onto the adopted highway network, where it could pose a hazard to other users.

The existing entrance apron should also be re-surfaced to an appropriate standard to ensure that the intensification of use does not damage the adopted highway network. This would need to be carried out under a legal agreement (short form Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the re-construction of the access to an appropriate standard, including the removal of the channel blocks and tie-in details to the carriageway on Barrowford Road.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process.

If the local planning authority is minded to approve this application, the following conditions and note should be applied to any formal planning approval granted.

Environmental Health – Concerns about the potential impact on nearby residents during the construction of the development. Recommend construction method conditions.

Colne Town Council

### **Public Response**

A site notice has been posted and nearest neighbours notified – Responses received objecting on the following grounds:

- The gate needs to be set back 10m from the highway.
- Highway safety concerns and recent record of serious road traffic accidents this corner.
- Concerns relating to damage to a culvert crossing the route of the access.
- Noise and disturbance from the building and yard.
- Impact on the Green Belt.
- The size of the building and yard should be reduced.
- Visual amenity impact to local residents and footpath users.
- The building is not in keeping with the landscape.
- Impact on wildlife and ecology.
- Loss of trees and hedges.

### **Officer Comments**

#### **Policy**

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

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

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. Developments should maintain the openness of the Green Belt.

##### **National Planning Policy Framework**

Paragraph 149-150 of the National Planning Policy Framework sets out the types of development that are not inappropriate within the Green Belt. This includes the provision of appropriate facilities for outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

### **Green Belt**

The land has been rented to a local farm and grazed for approximately 30 years but there has been little investment in or agricultural activity on the land, it was recently purchased by the applicant and his son to invest and develop a cattle farming enterprise on the land, having farmed land in Blacko for 20 years. The intention is to expand the current herd of 26 cattle. There are no other buildings on the land and therefore a building is necessary for accommodation of livestock and general storage.

The proposed development is for agriculture and therefore is not inappropriate within the Green Belt.

The scale of the proposed development is necessary and proportionate to the needs of the agricultural holding and therefore would not result in an unacceptable impact upon the openness of the Green Belt.

The proposed development therefore accords with the Framework policy ENV1 in terms of Green Belt impact.

### **Visual Amenity and Landscape impact**

Although the building would be sited in an isolated position, with no nearby existing buildings the site is located in a natural depression in the landscape, there would be no prominent public views of the site, it and the track / hardstanding would be well screened by existing landscaping from surrounding roads and public rights of way and would not result in any unacceptable landscape or visual amenity impacts. The development is therefore acceptable in accordance with policies ENV1, ENV2.

### **Amenity**

The building itself is a sufficient distance from the nearest residential properties to ensure that it would not result in any unacceptable residential amenity impacts. Concern have been raised in relation to the use of the access track, however this is an existing access to the land and the proposed development would not result in an increase in the use of the access at a level that would be detrimental to the residential amenity of occupants of the adjacent properties.

Environmental Health have recommended that a construction is attached controlling hours of deliveries, operation construction noise and vibration, dust and burning. The applicant has responded that they believe such conditions would be unreasonable and unnecessary.

It is not standard practice to attach such conditions to a development of this type. The building itself is a sufficient distance from nearby properties that its construction would not be likely to result in any unacceptable impacts, deliveries would not be likely to be significantly more impactful than access by agricultural vehicles in the normal operation of this agricultural land and the construction and use of the access track would not be likely to result in unacceptable impacts. Such conditions would not be proportionate or necessary.

The proposal is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

## Trees and Ecology

There is one protected horse chestnut tree adjacent to the site entrance within the garden of 172 Barrowford Road and a group of unprotected trees adjacent to the entrance proposed to be retained. Concerns have been raised in relation to impacts on those trees from the proposed access track. With the proposed no-dig surfacing within the root protection area of the trees detailed in the tree survey the proposed access track would not result in harm to the trees.

There are no other protected trees within or adjacent to the site. Two trees are proposed to be removed to make way for the development, they are in poor condition and of minimal amenity value and could be removed at any time without the need for permission. The trees are proposed for removal due to their condition and the report makes recommendations for retention of the trucks to provide for improved wildlife habitats.

The proposed development is acceptable in terms of its impacts on trees and ecology.

## Flood Risk

The proposed development does not fall within flood zones 2 and 3. Concerns have been raised in relation to the impact of the access track on a culvert it crosses. The landowner has responsibilities under other legislation to maintain any culverts crossing the land, taking into account the scale and nature of the proposed development it is not necessary to impose any additional controls in relation to any culverts which may cross the site.

## Highways

The proposed development would improve the existing access, widening it and allowing vehicles to pull clear of the highway. With suitable condition relating to the construction of the access the proposed development would not result in any unacceptable highway safety impacts.

## 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, amenity and highway safety and Green Belt impact. 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: TS165-1 received 28/05/2021, TS165-2 received 28/05/2021, TS165-3 received 28/05/2021, TS165-4 received 28/05/2021, TS165-6 received 28/05/2021, TS165-8 received 01/09/2021.

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

3. All external materials to be used in 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:** To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. The development shall be carried out in strict accordance with the recommendations of the Arboricultural Impact Assessment & Tree Survey dated May 2021.

**Reason:** to ensure that the works to not cause harm to the trees to be retained in the interest of public amenity.

5. No part of the development hereby approved shall commence until a scheme for the re-construction of the site access has been submitted to, and approved in writing by, the Local Planning Authority. The use of the development shall not commence unless and until the access has been constructed and completed in accordance with the approved scheme.

**Reason:** In the interest of highway safety.

6. Prior to first use of the approved development the access extending 10m from the nearside edge of the carriageway on Barrowford Road into the site shall be surfaced in a bound porous material to in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.

7. The surface water from the approved internal track should be collected within the site and drained to an internal outfall.

**Reason:** In the interest of highway safety to prevent water from discharging onto the public highway.

Note: The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the re-construction of the access to an appropriate standard, including the removal of the channel blocks and tie-in details to the carriageway on Barrowford Road. The applicant should be advised to contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

**Application Ref:** 21/0230/FUL

**Proposal:** Full: Erection of an agricultural building (18.1m x 9.1m) and formation of associated vehicular access track and hardstandings.

**At:** Land Adjacent To Wanless Water, Barrowford Road, Colne

**On behalf of:** Barrie Jackson

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 04 NOVEMBER 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. The approval of the application was delegated by Committee in August subject to the receipt of amended plans setting the extension back by 0.5m.

### **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 application was previously delegated for approval by Committee subject to amended plans moving the front wall of the extension 0.5m back from the front of the house. The applicant has not agreed to that amendment.

Generally, in accordance with the guidance set out in the Design Principles SPD, such set backs are required in order to prevent a terracing effect in streets of detached or semi-detached houses. Such a terracing effect could only be caused by a two story extension so that guidance does not apply to single storey extensions. As this is a single storey extension there would be no possibility of a terracing effect and therefore it is not necessary to require a set-back from the front wall of the house.

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 obscenity 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 & DISTRICT COMMITTEE 4<sup>th</sup> NOVEMBER, 2021

### Application Ref: 21/0476/HHO

**Proposal:** Full: Demolition of conservatory to the North and East Elevations, Erection of replacement sun room to rear, erection of two storey side extension, 2 no. pitched roof dormers, new entrance and minor alterations to the South elevation and basement extension to the rear to house internal pool with balcony and external staircase.

**At:** 5 Noyna View, Colne

**On Behalf of:** Mr Haroon Shah

**Date Registered:** 03 June, 2021

**Expiry Date:** 29 July, 2021

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The application site is a two storey, detached property located within the settlement boundary of Colne. The property lies in a residential cul-de-sac with other residential properties of various styles and frontages. The house is bounded by residential properties to three sides with Foulridge Upper Reservoir and green belt/open countryside to the north. The pale brick property under a concrete pan tiled roof has white uPVC doors and windows and garden areas to the front and rear.

The proposal seeks to demolish an existing wrap-around conservatory and erect a replacement sun room, two storey side extension and two dormers and a basement extension within the rear garden to accommodate a swimming pool.

The basement extension would have a footprint of 17.1m x 6.7m including the side extension of 1.75m and would be 1.8m lower than existing garage floor level. This would accommodate a fitness pool, sauna and hydro pool as well as changing rooms and plant. The basement roof would form a balcony/terrace with sun room and rooflights providing natural light. The structure of the extension would be constructed in brick and ender to match existing.

The sun room would be 19 sq.m. and have glazed elements to the sides and rear elevations.

The two storey side extension would project 13.7m in overall length x 1.75m to the side and accommodate a [passageway and stairway access at basement level, extended utility and bedroom and bathroom at ground floor and extended bedrooms 6 and 7 at first floor.

The two dutch style dormers would be sited on the north (rear) and south (front) elevations on the gable adjacent to No. 7 and serve two first floor bedrooms.

The basement extension would have a footprint of 14.5m x 7.5m with a depth of 3.2m – 4.6m (including pool depth). The basement roof would form a balcony/terrace at a height of 1m above existing floor level and 2.7 above the garden level to the rear with rooflights providing natural light.

The balcony/terrace would be sited on the western side adjacent to No. 3.

## **Planning History**

13/07/0252P - Full: Erect domestic conservatory to rear/side to replace existing – Approved with Conditions – May 2007.

18/0001/HHO – Full: Erection of basement extension to form swimming pool and external staircase to the rear (North) – Approved.

## **Consultee Response**

LCC Highways – No objection.

Colne Town Council

## **Public Response**

Six responses received objecting to the proposal on the following grounds:

- Overdevelopment of the property;
- Sewerage and surface water are an issue;
- Chlorine spillage will affect the wildlife;
- Access and construction will affect us for months or year;
- Disruption in services such as electric, phone line, sewage and gas;
- Inappropriate development in the Greenbelt as very special circumstances have not been demonstrated;
- The proposals would have an adverse impact on no.7 due to their nature, scale and proximity;
- The front elevation is clearly seen in public views from Noyna View whilst the rear is prominent due to sloping nature of the plots and Reservoir to the north which exposes the dwellings and their rear garden;
- The proposed would result in an unacceptable impact due to the two storey element to the side in terms of height and massing adjacent to the side boundary resulting in a substantial impact on the adjacent bedroom window to the front of No. 7 which is worsened by the stagger in building lines and level differences;
- Three new windows are proposed to the gable including a bedroom;
- The dormer windows would overshadow the front elevations and provide from bedroom no.6 into the rear garden;
- The proposal should be refused on poor design;
- An increase to 8 or 9 bedrooms is double the original house and will result in the need for more parking;
- Why would a family of four want such a large extension
- The scale of the extension will result in an unacceptable proximity detrimental to the houses on either side; and
- We object to this becoming a business which will impact on the entire street.

## **Officer Comments**

The main considerations for this application are any potential impacts on Green Belt and the Open Countryside and impacts on residential amenity, design and materials and parking.

The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:

CS Policy ENV1 seeks to protect and enhance the natural and historic environment and sets out the requirements for development proposals.

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

The Design Principles Supplementary Planning Document (SPD) applies to extension and sets out the aspects required for good design.

The Development in the Open Countryside Supplementary Planning Guidance (SPG) sets out the criteria for new development in the countryside area of Pendle.

### 1. Impact on Amenity

The basement extension would project out by a total of 6.7m on the sloping garden land to the rear of the site.

The terrace/balcony would be sited within 2.4m of the side elevation of No.3 at a height of 1m above ground floor level and 2.77m above the rear garden level this therefore has potential to impact on amenity in terms of overlooking of No. 3 and therefore an appropriate screen should be erected along this western boundary at a height of 1.8m. This can be controlled by an appropriate condition.

The proposed windows to the north (rear) elevation would not result in any overlooking or privacy issues above that of the existing house.

Alterations to the roof form and two small Dutch type dormer would be sited on the eastern side 1.75m from the side boundary of No. 7 with one facing north and the other facing south each serving a bedroom. These in themselves would not raise any adverse amenity issues. The gable of the two storey side extension would project out by 1.75m at a maximum height of 6.7m to ridge the three ground windows in this gable would serve a bathroom, a bedroom and entrance to the basement pool area. There are no windows in the gable of the adjacent property no.7 which would be affected by this proposal. There are windows in the front elevation of no. 7 which serve habitable rooms, however, the impact on these from the proposed development would be very slight taking into account the height difference of the existing properties and that No. 5 already projects beyond the main front elevation of No. 7.

Along the eastern boundary there would be windows at ground floor which would serve a bathroom, bedroom and the spa access. There is an existing bedroom window and conservatory on this elevation. The bedroom would be 1.75m closer to the side boundary with No. 7, however, as this is a blank gable with an existing block wall to the boundary this would not result in any additional impacts in terms of privacy.

### 2. Design and Materials

The design of the scheme is acceptable subject to appropriate conditions to provide landscaping and protect privacy.

In terms of materials the existing house is of a modern design and therefore materials to match or brick and render and tile roof would be acceptable in this location.

### 3. Impact on Green Belt/Open Countryside

The proposed extensions would replace an existing conservatory which was a later addition to the original dwellinghouse.

Paragraphs 147-151 of the National Planning Policy Framework sets out the requirements to consider types of development that are not inappropriate within the Green Belt. These include the

extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, and the re-use of buildings provided that the buildings are of permanent and substantial construction;

In this case the scheme would result in an increase to the volume of the original property of around 35% which taking into the account the residential nature of the development and the relatively small scale of the extensions would be acceptable and would not result in an unacceptable impact on the openness of the Greenbelt.

The proposed development would therefore not be inappropriate development and would not result in an unacceptable impact on the openness of the Green Belt.

The site is located as part of the landscape character type 'Industrial Foothills and Valleys' that bounds the settlement of Colne to the north and south. The development would be viewed within the existing cluster of residential dwellings in the area. Visibility from the surrounded countryside would be limited and it would be seen in context with the residential nature of the area and relatively small scale of the development.

A suitable condition is also to be applied to the application to ensure the site is appropriately landscaped following works on site.

Policy ENV1 states that development proposals should aim to safeguard or enhance the landscape character of the area and have regard to the landscape types.

#### 4. Other issues

The proposal is to extend an existing residential property. No indication of business use has been made apparent and this application does not seek to operate a business and therefore this does not form part of this application. Whilst comments have been made regarding the site having a business address this is not unusual and many small scale businesses are usually operated in residential properties without any need for planning permission.

#### 5. Highways

The current property has currently has 5 bedrooms and the proposal is to increase to 7 bedrooms.

The requirement for off-street parking therefore would still be 3 spaces.

The current parking capacity for the site is over 3 at present and therefore no additional requirement is necessary and the proposal accords with saved policy 31 of the Replacement Pendle Local Plan.

#### 6. Summary

The proposal seeks to erect extensions within the garden of the property to accommodate a swimming pool and spa area at lower ground level with terrace and sun room above. Two dormers to the front and rear on the eastern side of the roofslope are also proposed and overall the scheme is acceptable in relation to the impacts on residential amenity with the design and materials being acceptable.

There would be limited impact on the openness of green belt and open countryside dues to the small scale of the development and the existing residential nature of the site and adjacent properties.

The proposal is therefore acceptable in this location and complies with Policies ENV1 and ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030), Design Principles Supplementary Planning Document and the Development in the Open Countryside Supplementary Planning Guidance.

### Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is acceptable in terms of design and materials and would not unduly adversely impact on amenity. 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:

1997-NV-004, 1997-NV-005, 1997-NV-006, 1997-NV-007, 1997-NV-010, 1997-NV-011, 1997-NV-012, 1997-NV-013, 1997-NV-014 and 1997-NV-015.

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

3. All materials to be used in the 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. Prior to the commencement of development on site, a detailed landscaping scheme shall have 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 boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours with all existing stone setts/flags being retained;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entire 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.

5. Plans and particulars showing a scheme of surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. The scheme shall include details of the flow attenuation measures for the surface water disposal system including final run off rates. The approved systems shall be completed in their entirety prior to the first use of the proposed extensions and shall thereafter be retained.

**Reason:** In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid potential flooding issues.

6. Prior to any above ground works details of an appropriate screen to the western side of the balcony/terrace shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to avoid potential overlooking and protect the privacy of the adjacent property.

#### **Application Ref: 21/0476/HHO**

**Proposal:** Full: Demolition of conservatory to the North and East Elevations, Erection of replacement sun room to rear, erection of two storey side extension, 2 no. pitched roof dormers, new entrance and minor alterations to the South elevation and basement extension to the rear to house internal pool with balcony and external staircase.

**At:** 5 Noyna View, Colne

**On Behalf of:** Mr Haroon Shah



## REPORT TO COLNE & DISTRICT COMMITTEE 4<sup>th</sup> NOVEMBER 2021

**Application Ref:** 21/0687/FUL

**Proposal:** Full: Partial demolition and conversion of building to form 1 No. retail unit (Use Class E) at ground floor and 5 No. flats (Ground and first floor).

**At:** 1 Windy Bank, Colne

**On behalf of:** Mr Ansar

**Date Registered:** 16/08/2021

**Expiry Date:** 11/10/2021

**Case Officer:** Laura Barnes

### **Site Description and Proposal**

The site relates to an existing retail and warehouse unit located within the Town Centre Boundary of Colne. It is located within the Albert Road Conservation Area.

The application seeks planning permission to demolish part of the warehouse and convert the main part of the building into one retail unit and five flats. The proposal involves creating two new openings to the west and south elevations.

### **Relevant Planning History**

None relevant

### **Consultee Response**

#### LCC Highways

##### *Initial comments:*

Having considered the information submitted, the Highway Development Control Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted, and conditions being applied to any formal planning approval granted.

The development site is in a town centre location with access to locate facilities and amenities, including public transport.

Four car parking spaces are proposed. The layout shown on the Proposed Site Plan (Drawing 06) needs amending as bays 1 – 3 should be at least 2.4m wide. Although the width of bay 4 could be reduced to 2.6m a vehicle, the overall width of the bays would need to be a minimum of 9.8m. This would mean that a vehicle parked in bay 1 would obstruct access to the storage building.

There is, however, space adjacent to the bin store to provide an adequately sized bay (5m x 2.6m) at 90o to the main building wall.

The parking bays should be allocated to residents to ensure the efficient use of the parking area.

Whilst there would be no off-road parking for the retail unit's staff, there are a number of free, long-stay public car parks and bus stops within walking distance.

Storage for five cycles is proposed in a building within the car park, although no further details have been submitted.

Subject to the satisfactory receipt of a revised parking layout plan, the following conditions should be applied to any formal planning approval granted.

#### Conditions

1. The proposed development should not be brought into use unless and until the parking area shown on the approved plans has been laid out and appropriately signed. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the development. Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site.
2. The cycle storage facilities to be provided in accordance with a scheme to be approved by the Local Planning Authority and the cycle storage facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted is first occupied and permanently maintained thereafter. Reason: In order to provide infrastructure for sustainable forms of transport.

#### *Final comments*

An amended parking layout has been submitted which is satisfactory.

#### Lancashire Constabulary

Comments have been made in relation to lighting, windows, general security, emergency exit doors, climbing aids, CCTV, seating, intruder alarms and bin storage areas. These comments are available on the website and have been made available to the applicant.

#### Colne Town Council

The developers need to conform to the plans provided and a sympathetic approach needs to be taken to the conservation area. The building should be considered for being listed.

### **Public Response**

A site and press notice have been displayed, and nearest neighbours notified by letter.

Two letters of objection have been received, raising the following issues:

- Five flats is too many for the size of the building
- Removing part of the warehouse to the rear would leave other property vulnerable to the rear
- Concerns that this may become a takeaway and is not capable of housing six families
- The proposed window would look out on the garden to the rear this would overlook properties at Black Horse Yard, limiting the privacy of a bathroom and bedroom

### **Officer Comments**

The main issue relates to the use of the property from solely retail (Use Class E) to residential (Use Class C3) and retail (Use Class E).

### **Policy**

The following Pendle Local Plan Part 1: Core Strategy policies apply:

- Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

- Policy SDP2 (Spatial Development Principles) categorises settlements and aims to allocate most new development within existing settlement boundaries along the M65 Corridor;
- Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (Achieving Quality in Design) identifies the need to protect and enhance the 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 the siting and scale of development should be in context and harmony with the wider location;
- Policy LIV1 (Housing Provision and Delivery) sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.
- Policy LIV3 (Housing Needs) encourages the support and provision of a range of residential accommodation.
- Policy LIV4 (Affordable Housing) sets out the targets and thresholds to contribute towards the provision of affordable housing. Where the relevant target cannot be met a financial viability assessment should be provided to allow for negotiation and adjustment accordingly.
- Policy LIV5 (Designing Better Places to Live) requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and be built at a density appropriate to its location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.
- Policy WRK4 (Retailing and Town Centres) states that to help promote vitality, and maintain viability, the Council will seek to prevent high concentrations of non-shopping uses within Secondary Shopping Frontages;

#### Pendle Replacement Local Plan

- Saved Policy 25 (Location of Service and Retail Development) sets out a hierarchy for the effective allocation of new service/retail developments;
- Saved Policy 26 (Non-Shopping Uses in Town Centres and Local Shopping Areas) covers all proposals that would introduce non-shopping uses within town centre locations.
- Policy 31 sets out the requirement parking standards.

#### 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 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.

Paragraph 202 of the Framework sets out that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### **Principle of the use**

The application site is located within the Town Centre boundary. It is currently used entirely for retail, although it has been vacant for some time. The proposed development would introduce a residential use into the town centre as well as reducing the amount of retail floor space currently within the building. Some of the building could have been changed from retail to residential, certainly the upper floors, under Permitted Development. However, the Permitted Development Rights would only allow for a small number of residential units to be created, it does not extend as far as five. Therefore, the principle of allowing this change of use is already established in the General Permitted Development Order.

Similarly the new Use Class Order means that shops fall under Use Class E, as such they would not require a change of use to go from retail to any of the following uses: sale of food or drink, financial services, professional services, indoor sports, medical or health services, crèche or nursery. Permitted Development rights also exist so that up to 1,500 sqm of Class E space can be changed to residential (subject to a prior notification procedure), unless Permitted Development rights have been removed. Therefore, the principle of changing the use of a retail premises to a smaller amount of retail with some residential is acceptable, subject to accordance with design, heritage and amenity policies.

### **Impact on Amenity**

The site is an existing commercial premises within the town centre close to other commercial and residential properties.

Residential use here, at ground and first floors, would be compatible with surrounding commercial uses without causing any undue harm to residential amenity. The site is located within a Town Centre and there are both commercial and residential units in the area.

The proposed development is to have three rear elevation windows to the ground floor (serving a bedroom and kitchen / lounge), adjacent to where part of the existing outrigger is to be demolished. There is an existing stone wall to the side of the application site which is much greater in height than 2m, it is not proposed to be altered, as such the removal of part of the existing outrigger to create an outbuilding would not result in an unacceptable impact upon neighbouring amenity of the residential properties to the other side of Black Horse Yard. To the ground floor on the opposite side of the building, overlooking the entrance to Black Horse Yard there is to be a single bedroom window. The proposed window does not look directly towards any other habitable room windows but looks directly towards the alleyway entrance to Black Horse Yard, as such it would not result in an unacceptable impact upon neighbouring dwellings. To the side elevation

also overlooking Black Horse Yard the proposal involves the opening up of a window which has been blocked up previously at first floor level, along with a small store window. There is an outbuilding in between the side of the application site and the closest residential properties (Nos. 4, 6, 8 and 10 Black Horse Yard). The proposed window is to serve a kitchen and would be located 7m from the first floor windows at No. 6 Black Horse Yard. Given this close proximity and that views above the height of the existing outbuilding could be sought with plain glazed windows, the opening would need to be obscure glazed in order to maintain privacy between the buildings. This can be secured by planning condition.

The applicant has not put forward proposed opening hours of the retail unit, however these can be imposed by condition to ensure that the operating hours of the proposed retail unit would not have an adverse impact upon adjoining residential property.

Overall, the proposed development accords with Policy EVN2 of the Local Plan: Part 1 Core Strategy in relation to amenity.

## **Design & Heritage**

The proposed development is to largely utilise the existing building, with the demolition of part of the existing outrigger to the rear to open up the yard and use part of the remaining outbuilding as storage / a cycle store. There are a total of three additional openings to the ground floor, where public views of this elevation are not prominent. To the first floor there is to be a small store room window (non-habitable room) and a first floor window serving s kitchen which would involve re-opening a window which has previously been blocked up. The proposed openings are to be similar in scale to the existing openings and would not look out of character.

The shop frontage to Windy Bank is to be changed from three tall slim windows, to one larger shop front window. The shop frontage would retain the same proportions as the existing arrangement and the frontage would retain some traditional features, such as a stall riser. The proposed shopfront is to have a roller shutter, concealed behind the signage board. This should be a slotted shutter style, in order to allow some surveillance. The shutters should be of a harmonising colour to the shop front and should be powder coated. This can be secured by planning condition.

The proposal involves the creation of five flats / apartments across the ground and first floor of the building, in addition to the retail unit. Two flats would be created to the ground floor and three to the first floor. The residential units would vary in size from 38sqm to 57 sqm and would either be one bedroom or studio arrangements. The Government has set out standards for the minimum size of residential units in the “Technical housing standards – national described space standards” This states that a one person, one bedroom dwelling must be 39 sqm but states that where a one person, one bedroom dwelling has a shower room instead of a bathroom, the floor area may be reduced to 37sqm from 39 sqm. As such, the proposed dwellings all meet the national standard in this regard.

The Framework requires any harm to a heritage asset to be weighed in the planning balance, against any public benefit to the scheme. The introduction of additional openings is the only external change to the building, this would result in less than substantial harm to the heritage asset and should be weighed in the planning balance. In accordance with the Framework. The building is not on the main street in the town centre but lies adjacent to it. The active frontage is the existing

shop front, which would not change as part of the proposals. The proposed development lies within the Conservation Area. Whilst the Town Council have commented on this application stating that it is worth of Listing, the building is not currently Listed and must be treated as any other building in the Conservation Area would be, for the purpose of this planning application. The proposed flats would contribute positively to the housing land supply in Pendle, although this would only be a limited contribution. There would also be benefits in terms of impacts upon the local economy through the construction period and through local spend. The existing building is currently vacant, so the proposal would bring about a new use to the building, allowing it to be brought back into use. These factors both weigh positively in the planning balance. Overall, the proposed development would result in less than substantial harm to the heritage asset (the Conservation Area), there would be some public benefit which would outweigh this harm. As such, the balance is weighed in favour of the proposed development.

### **Parking and Highway Issues**

The proposed development is to provide four car parking spaces in the yard to the rear of the building along with a building for cycle storage. Given that this is a town centre location within walking distance of long and short stay car parks, as well as a regular bus service to Nelson, Burnley and Keighley this is an eminently sustainable location. Policy 31 requires one space per flat. However, given the location of the proposed development in this town centre location, one space deficiency would not cause an unacceptable highway safety impact.

### **Other Issues**

The applicant has provided a waste management strategy which sets out their intentions for waste storage and collection. The proposed amounts of waste have been calculated and waste storage would be made available to the future residents and operators of the retail unit, within the yard to the rear of the property. The statement identifies Pendle Council as the waste collector and states that general waste would be collected once per week with recycling collected every two weeks. The proposals provide an acceptable arrangement for a scheme of this scale.

### **Summary**

The site is located within Colne Town Centre and has previously been used as a retail unit. The proposed external alterations include windows to the ground floor rear elevation and first floor side elevation. The application site is located within the Conservation Area, the proposal would result in a neutral impact upon the Conservation Area and would result in limited benefit to the local economy and housing land supply, both during the construction phase and once completed. As such, in accordance with paragraph 202 of the Framework this weighs positively in the planning balance.

### **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: Approval**

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 ANS/01 Dwg 00
  - Proposed Site Plan ANS/02 Dwg 06A Rev A
  - Proposed Elevation Plans ANS/01 Dwg 05A Rev A
  - Proposed Floor Plans ANS/01 Dwg 04a Rev A
  - Proposed Shopfront Detail ANS/01 Dwg 07

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

3. All windows shall be set back from the external face of the walls by a minimum of 70mm.

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

4. Prior to the installation of the security shutters hereby approved the applicant shall submit details of the colour and finish of the shutters in writing to the Local Planning Authority, these shall not be varied without the prior written permission of the Local Planning Authority.

**Reason:** In order to allow the Local Planning Authority to control the external appearance of the development.

5. The proposed development should not be brought into use unless and until the parking area shown on the approved plans has been laid out and appropriately signed. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the development.

**Reason:** In order to ensure satisfactory levels of off-street parking are achieved within the site.

6. The cycle storage facilities to be provided in accordance with a scheme to be approved by the Local Planning Authority and the cycle storage facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted is first occupied and permanently maintained thereafter.

**Reason:** In order to provide infrastructure for sustainable forms of transport.

7. The first floor side elevation (serving the kitchen area of Unit 3) of the development hereby permitted shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

**Reason:** To ensure an adequate level of privacy to adjacent residential properties.

8. Operating hours shall be as follows and shall not be altered without the prior approval in writing of the Local Planning Authority:

Monday - Friday 09:00 – 17:00

Saturday, Sunday & Bank Holidays – 10:00-16:00

**Reason:** In the interests of neighbouring amenity

**Application Ref:** 21/0687/FUL

**Proposal:** Full: Partial demolition and conversion of building to form 1 No. retail unit (Use Class E) at ground floor and 5 No. flats (Ground and first floor).

**At:** 1 Windy Bank, Colne

**On behalf of:** Mr Ansar



## REPORT TO COLNE & DISTRICT COMMITTEE 4<sup>TH</sup> NOVEMBER 2021

**Application Ref:** 21/0691/HHO

**Proposal:** Full: Demolish existing garage extension and erect two storey side extension and single storey rear extension, including a balcony to the rear.

**At:** 2 Boulview Terrace, Colne

**On behalf of:** Mr Andrew Day

**Date Registered:** 20/08/2021

**Expiry Date:** 15/10/2021

**Case Officer:** Laura Barnes

### Site Description and Proposal

The application site is a two storey semi-detached dwelling, sited amongst dwellings of a similar scale and design. The property is located within the defined settlement boundary of Colne.

The proposal is for the demolition of the existing single garage and erection of a two storey extension to the side of the dwelling and a single storey extension to the rear, which includes a balcony. The extension would comprise a bedroom to the first floor, along with larger living accommodation to the ground floor as well as a garage and utility room. The proposal would not result in an overall increase to the number of bedrooms. The extension is to be constructed of materials to match the existing dwellinghouse.

### Relevant Planning History

13/11/0519P: Full: Erection of a domestic single storey rear extension.  
Approved with conditions

13/12/0339P: Full: Erection of first floor rear extension.  
Approved with conditions

### Consultee Response

#### LCC Highways

Having considered the information submitted, together with site observations, the Highways Development Control Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted.

The property currently has three bedrooms and two off-road parking spaces, provided by a single garage and driveway. The proposed development would not increase the number of bedrooms but would only provide one off-road parking space on the driveway. The garage shown on the proposed layout plan (Drawing DWG/01) is sub-standard in size and cannot be counted as a parking space. A single garage should have minimum internal dimensions of 5.6 x 3m to count as one space, and where secure, covered cycle storage is also provided elsewhere within the curtilage.

Although it may be possible to provide a second off-road space in the garden across the front of the house, a vehicle parked here would have to reverse out into the junction of Boulview Terrace. This raises highway safety concerns as it would pose a hazard to other road users. The widening of the driveway would also lead to the loss of on-road parking, which is currently available to

anyone. There was limited capacity for on-road parking on Boulview Terrace at the time of the visit, and so, on balance, the retention of on-road parking is preferable to its loss.

### Colne Town Council

Colne Town Council are concerned that the balcony will be overlooking the neighbours.

## **Public Response**

Nearest neighbours notified by letter, one objection has been received raising the following issues:

- Concern that views will be blocked
- Loss of natural light
- Clearance of trees to the banking has resulted in a loss of wildlife
- There is a nursery opposite which will be affected
- Noise and air quality will be affected
- The property is a terrace and should remain so

## **Officer Comments**

### **Policy**

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

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV2 (Achieving Quality in Design and Conservation) 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.

#### Replacement Pendle Local Plan

Saved Policy 31 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 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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

### **Design**

The Design Principles SPD advises that single storey rear extensions should be constructed in materials and style to match the existing dwellinghouse. Pitched roof elements are preferred and forward projections would only be supported if they are appropriate to the dwellings design.

The single storey rear extension is to be set down from the ridge of the existing dwelling and is set

back from the front elevation, this assists in making the proposed extension subordinate to the main dwelling. The single storey rear extension is to have a flat roof with a roof lantern and an area of the flat roof to be used as a balcony. The proposed two storey extension is proportionate to the original dwelling, in accordance with the design principles SPD.

The fenestration of the windows and doors are of a similar size and detail to the main dwellinghouse and the materials proposed, of brick and render, with a Welsh slate roof, will be appropriate and match the existing dwellinghouse.

The design and materials of this development are acceptable in this location and as such complies with Policy ENV2 and the Design Principles SPD.

## **Residential Amenity**

The Design Principles SPD advises single storey rear extensions located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwellinghouse.

The proposed extension is to be sited at the side furthest from the adjoining property (No. 4). Although the proposed single storey extension is to have a 1.6m high parapet wall to each side, the projection out from the rear wall which is to form the balcony is 2m, with a further 0.5m above the proposed single storey extension furthest from the adjoining neighbour. This is a modest projection and due to its position away from the shared boundary would not result in any unacceptable neighbouring amenity issues. In terms of the proposed balcony, parapet walls are to be erected to either side of it (1.6m in height). Due to the stepped nature of the balcony, the distance from the neighbouring dwellings and the proposed parapet wall, the proposed balcony would not result in any unacceptable impact for the adjoining neighbours. To the opposite side, the dwelling is bound by a mature hedge which runs along Cotton Tree Lane. It is noted that there is a children's nursery to the opposite side of the road. However, due to the distance and the road in between this would not result in an unacceptable neighbouring amenity issue.

In terms of windows, the proposed extension is to have a ground floor side facing full length window which faces towards the rear of the properties on Standroyd Road. It is a secondary window but it does serve a habitable room. The rear of No. 32 is 17m from the proposed window, as such, obscure glazing would be required to this window. This could be secured by planning condition. To the opposite side of the dwelling, there are two existing side elevation window which are to be removed as part of the proposals. The proposed development would result in one ground floor wide elevation window serving the hallway and a first floor side elevation window serving a WC. These are a sufficient distance to the other side of Cotton Tree Lane not to cause an unacceptable neighbouring amenity issue.

To the front elevation, there are to be two additional openings to the first floor, with a garage to the ground floor. The first floor openings are to serve an en-suite bathroom, they are set back from the existing openings to the front elevation and would not cause an unacceptable impact upon neighbouring amenity. To the rear, there is to be a set of patio doors to the ground floor, serving the kitchen extension and a set of bi-folding doors serving the lounge. To the first floor there are to be two sets of patio doors which open out onto the balcony. The proposed openings to the rear are positioned in such a way that would not cause an unacceptable impact upon neighbouring amenity.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

## **Highways**

The proposed development would not result in an increase to the number of bedrooms, as such

there is no requirement for an increase in the number of off-street car parking spaces. Whilst the proposed development would result in the loss of a garage, if the applicant was made to create an additional parking space to the front of the dwelling this may result in a danger to highway safety. As such, it is not recommended.

Therefore, no objections are raised in relation to Policy 31 of the Replacement Pendle Local Plan.

## 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:

9. 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.

10. The development hereby permitted shall be carried out in accordance with the following approved plans:  
DWG/01 received on 20<sup>th</sup> August 2021

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

11. All the external materials to be used in the elevations and roof of the development hereby permitted shall match those of the existing building in colour, form and texture and there shall be no variation without the prior consent 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.

12. The ground floor side elevation window (serving the kitchen) of the development hereby permitted shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

**Reason:** To ensure an adequate level of privacy to adjacent residential properties.

**Application Ref:** 21/0691/HHO

**Proposal:** Full: Demolish existing garage extension and erect two storey side extension and single storey rear extension, including a balcony to the rear.

**At:** 2 Boulview Terrace, Colne

**On behalf of:** Mr Andrew Day

**Date Registered:** 20/08/2021

## REPORT TO COLNE & DISTRICT COMMITTEE 4<sup>th</sup> NOVEMBER 2021

**Application Ref:** 21/0735/HHO

**Proposal:** Full: Demolition of existing conservatory and erection of two storey rear extension with rooms in the roofspace.

**At:** Hollin Hall Barn, Hollin Hall, Trawden

**On behalf of:** Mr S Whalley

**Date Registered:** 17/09/2021

**Expiry Date:** 12/11/2021

**Case Officer:** Neil Watson

### Site Description and Proposal

The application site is a two storey barn conversion located within the Conservation Area of Trawden Forest. The property is located within the defined settlement boundary of Trawden.

The proposal is for the demolition of an existing conservatory along with the erection of a two storey rear extension to accommodate an additional bedroom to the first floor and an additional bedroom to the second floor. To the ground floor the proposed extension would comprise a kitchen dining area. The proposed extension would be constructed of natural stone to match the existing dwelling, with a new grey slate roof.

### Relevant Planning History

13/02/0151P: Erection of porch, conservatory and detached garage  
Approved with conditions

13/10/0318P: Full: Demolition of existing garage & erection of detached dwellinghouse (height - 7.7m to ridge, 6m to eaves).  
Refused

13/10/0477P: Full: Demolition of existing garage and erection of detached dwelling house (Height 7.5m to ridge and 5.8m to eaves).  
Approved with conditions

13/10/0477C1: Approval of Details Reserved by Condition: Discharge Condition 11 (Drainage) of Planning Permission  
Conditions discharged

16/0300/FUL: Full: Erection of a detached dwelling house and change of use of agricultural land to residential use.  
Refused

17/0323/FUL: Full: Erection of detached dwelling house.  
Approved with condition

### Consultee Response

**LCC Highways**

Having considered the information submitted, together with site observations, the above proposal raises no highway concerns. An adequate level of off-road parking for the type and size of development proposed will be retained, as shown on the 1:500 off-road parking plan. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

### **Trawden Forest Parish Council**

The Parish council are commenting on the original plans for this proposal dated September.

The proposed extension has cream uPVC windows and doors - these should be wood as we are in a conservation area.

The proposals increase the bedrooms from 3 to 5 and therefore additional parking will be required.

As per Policy - 3 parking spaces should be available.  
There is no heritage statement included with the plan.

### **Conservation Officer**

The former barn was built sometime between 1840-1890, perhaps first for agricultural purposes but most likely taken over as a mill workshop and so used until its conversion to residential. As such the building contributes to the historic character of the CA. It has a simple vernacular form, constructed of local materials including a stone slate roof, with the formality of its coursed rock-faced frontage forming a contrast with the more random rubble of the side and rear elevations. The sloping eaves line is a distinctive feature. Despite the bland mock sash window frames that have replaced earlier hardwood frames, the building makes a very positive contribution to the appearance of the CA.

The existing single storey rear extension is built in matching stonework and is modest in scale, clearly appearing as a subservient feature and allowing the original form of the building to be understood in views from the public footpath to the side and rear. The existing conservatory is well tucked away beside the extension and, contrary to the Design and Access Statement, does not detract greatly from the character or appearance of the CA.

By contrast, the proposed extension would appear very large in scale, owing to its height and width. It is not explained why the extension would need to rise above the existing eaves, but this would no longer allow the characteristic form of the building to be appreciated. The extension would dominate the rear view of the building, particularly due to the size and prominence of the first floor window. The DAS states that this is intended to reflect the large window in the house to the rear, but there is a great difference between the main window on the principal elevation of a new-build dwelling, and that on the rear elevation of an extension to an historic building. The window would appear incongruous in scale and design and would detract from the character of the building.

The overall design of the extension is poorly resolved with the side wall bearing immediately above the ground floor patio door opening and a poor visual relationship between the ground floor and first floor openings. It is not clear what amount of useful space would be created within the roofspace, and whether this would provide sufficient justification for the insertion of rooflights. The wholesale replacement of the existing original stone slate roof with new slate would also be harmful.

Overall, the proposal would detract from the character and appearance of the CA.

## **Public Response**

A site and press notice have been displayed and the nearest neighbours notified. Two letters of support has been received, stating that the proposed extension would be more in keeping with the dwelling than the existing conservatory.

## **Officer Comments**

### **Policy**

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

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (Achieving Quality in Design and Conservation) 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.

#### Replacement Pendle Local Plan

Saved Policy 31 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 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.

Paragraph 202 of the Framework sets out that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

#### Trawden Forest Neighbourhood Plan

The application site is located within the Trawden Forest Neighbourhood Plan area. Policy 1 of the Neighbourhood Plan seeks to support development within the settlement boundary.

### **Design & Heritage**

The Design Principles SPD advises that two storey extensions should be subordinate to the existing dwelling and should have a pitched roof.

The extension is to have a pitched roof which is at the same ridge height as the main dwelling. The proposed extension is to project out 3.5m from the rear wall and be 7.5m in width. The extension is to be constructed of natural stone with the full roof being replaced with grey slate.

The front of the building is prominent but the rear is seen from the track leading down from above. In front of it there is a new house that has been built that frames the scale and setting of the site. The proposed extension would not be out of context with the rear of the site and the design reflects the design that has been approved on the building to the rear of the site.

The comments of the conservation officer refer to the height of the extension rising above the eaves. That is a common form of development throughout Pendle and the area and the fact that the development rises above the eaves is not significant in design terms.

The development is proportionate in its scale to the building and surroundings, reflects the design of adjacent premises and does not have a detrimental impact on the character of the conservation area.

### **Residential Amenity**

The Design Principles SPD advises that windows should normally be limited to rear facing, to avoid neighbour amenity issues. The proposed windows to the rear of the dwelling (including a set of patio doors and small kitchen window to the ground floor as well as the apex window serving the first and second floors) are to be sited 12m from the side gable of the new property known as Hollin House. However, the windows to the side elevation of Hollin House are obscure glazed to the first floor and there are no windows to the ground floor. As such, the proposed extension would not result in an unacceptable neighbouring amenity issue.

To the side elevation, closest to the Public Right of Way there are to be two small windows serving a bedroom (first floor) and kitchen (ground floor). These are set in from the existing side elevation of the dwelling where there are other side elevation windows serving habitable rooms. To this side the application site is not bound by any other residential property, as such it would not result in an unacceptable impact. There are no windows proposed to the side closest to No. 59 and 60.

The Design Principles SPD advises that rear extensions will be acceptable only where they do not breach the 45 degree rule. The proposed extension set away from the neighbouring dwelling to ensure that the 45 degree rule is not breached. Due to the scale of the proposed extension, it would not have an overbearing impact upon neighbouring dwellings.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

### **Highways**

The proposed development would result in an increase in the number of bedrooms serving the dwelling. The Highways Authority have not objected to the proposals, given the number of existing off-street car parking spaces. As such, the proposal accords with Policy 31 of the Replacement Local Plan.

### **Summary**

On balance, whilst the design is not necessarily the most appropriate in this prominent location, this proposal reflects the modern dwelling immediately adjacent to the rear. The impact upon the Conservation Area would be neutral.



## 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 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:

Proposed Plan: ref 1002 received on 21/10/2021

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

- 3.Samples of materials including descriptions, name of source/quarry shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

**Reason:** In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

**Application Ref:** 21/0735/HHO

**Proposal:** Full: Demolition of existing conservatory and erection of two storey rear extension with rooms in the roofspace.

**At:** Hollin Hall Barn, Hollin Hall, Trawden

**On behalf of:** Mr S Whalley

## REPORT TO COLNE & DISTRICT COMMITTEE 4<sup>th</sup> NOVEMBER 2021

**Application Ref:** 21/0791/FUL

**Proposal:** Full: Formation of a new access onto Linden Road, formalise car parking to residential development and separate public car parking.

**At:** Linden House, Linden Road, Colne

**On behalf of:** Barnfield Construction Limited

**Date Registered:** 28/09/2021

**Expiry Date:** 23/11/2021

**Case Officer:** Laura Barnes

### **Site Description and Proposal**

The site relates to an existing car park to the rear of the building known as the Municipal Hall and Linden House. Linden House has permission to convert into residential apartments and at the time of the site visit this work was ongoing. The application site lies adjacent to the Albert Road Conservation Area but not within it. It is indicated on the Local Plan Policies Map as being 'Protected Car Parking'.

The application seeks planning permission to create a new access off Linden Road onto the car park in order to separate the public area of the car park from the parking which would eventually serve the residential apartments.

### **Relevant Planning History**

13/15/0310P: Full: Major: Conversion of B1 offices (2,200sq m) to 21 flats (13 one-bed and 8 two-bed) retain 21 parking spaces: retain office to ground floor and theatre store to first floor.

Approved with conditions

20/0518/OTD: Prior Notification Office Use Class (B1(a)) to Dwellinghouses Use Class (C3): Conversion of B1 offices to 20 flats. retain 21 parking spaces, retain office to ground floor and theatre store to first floor.

Prior Approval Not Required

21/0193/CND: Approval of Details Reserved by Condition: Discharge of conditions 3 (waste storage), 4 (cycle storage) and 6 (sound insulation) of planning permission 20/0518/OTD.

Pending consideration

21/0319/FUL: Full: Replacement of existing windows with UPVC double glazed frames; formation of enclosure to existing fire escape stair and re-roofing works to strip existing slates and install new slate roof covering.

Refused

21/0557/FUL: Full: Replacement of existing windows with aluminium double glazed frames; formation of enclosure to existing fire escape stair and re-roofing works to install new slate roof covering (resubmission).#

Approved with conditions

## **Consultee Response**

### LCC Highways

#### *Initial comments:*

##### Access

Linden Road is a 20 mph speed limit.

Public Car Park - The position of the access is acceptable, the 25m visibility splays lie within the highway.

The new access should be completed with a S278 with LCC.

Residential Car Park - An amended drawing is required showing

a) the barrier to be a minimum of 5m back.

b) two areas between the barrier and Linden Road must be hard paved to ensure full visibility.

##### Parking requirements

Public Car Park proposed: Cycle parking – 5 spaces required.

Motorcycle spaces – 1 for every 25 spaces required

Disabled spaces – 5 spaces required

Electrical vehicle charging port is supported for both public and residential car park.

I would have no objection in principle to this application, but I would recommend the following conditions:

##### Conditions

1. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials. Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.
2. The cycling facilities to be provided in accordance with a scheme to be approved by the Local Planning Authority and the cycling facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted become operative. Reason: To allow for the effective use of the parking areas and the promoting of sustainable forms of transport and social inclusion.
3. The parking facilities for cycles and motorcycles should be covered and enable the units to be secured.
4. A number of the allotted parking bays shall have a facility of an electrical supply suitable for charging an electric motor vehicle. Reason- in order to promote sustainable transport as a travel option and reduce thereby carbon emission.

##### Notes

1. The grant of planning permission will require the applicant to enter into a Section 278 Legal Agreement, with the County Council as Highway Authority.

The applicant should be advised to contact the contact Highways Developer Support team [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) in the first instance to ascertain the details of such an agreement and the information to be provided.

#### *Final comments*

An amended plan is satisfactory.

### Cadent Gas

There is a gas main in the vicinity of the site, the applicant has been made aware of this. It is the responsibility of the applicant to ensure this gas main is appropriately protected during any construction.

## **Public Response**

A site and press notice have been displayed, and nearest neighbours notified by letter.

Three letters of objection have been received, raising the following issues:

- Concerned about damage to vehicles which park opposite the proposed access, in the permit holders area
- The car park is already heavily used when there is an event on at the Municipal Hall, taking car parking away from this area for private user will exacerbate this issue
- Speed of vehicles using this as a rat-run between Albert Road and North Valley
- The entrance should be put onto Cragg Street instead

## **Officer Comments**

The application site relates to an existing car park. The purpose of this application is to create some private car parking for the future residents of Linden House, this involves creating a new access off Linden Road so that the public part of the car park can be accessed separately. The main issue to consider is highway safety.

## **Policy**

The following Pendle Local Plan Part 1: Core Strategy policies apply:

- Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (Achieving Quality in Design) identifies the need to protect and enhance the 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 the siting and scale of development should be in context and harmony with the wider location;

### **Pendle Replacement Local Plan**

- Policy 31 sets out the requirement parking standards.

### **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 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.

## **Design & Heritage**

The proposal does not involve a change of use of the car park. As such, it would not have any greater impact upon the adjacent Conservation Area than the existing situation. As such, the proposals accord with Policy ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy.

## Parking and Highway Issues

The proposed development is to provide 20 resident spaces and 12 visitor spaces within the section of the car park closest to the building (Linden House). This would leave 49 spaces within the public part of the car park furthest from the building. The speed limit on Linden Road is 20mph and the necessary visibility splays can be achieved. An amended scheme has been submitted which indicates the position of the barrier to be 5m back from the access itself, in order to allow a vehicle to pull in safely whilst the barrier opens / closes without causing an obstacle to traffic using Linden Road. Although some residents have raised concerns about potential damage to cars which already park on the highway opposite the proposed access this is not a material consideration as no one has the right to park on a public highway, only the right to pass and re-pass. The Highways Authority have requested covered cycle storage and electric vehicle charging points. In this case, as the application for the residential units has already been approved, it would not be reasonable to attach these conditions at this stage. Following the submission of an amended plan the proposed development would not result in a danger to highway safety and is acceptable in accordance with Policy 31 of the Local Plan.

### 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: Approval**

- 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 plan:
  - Proposed Car Parking Plan ref: 20.108 Drawing number 028 Rev A

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

- 3.Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

**Reason:** To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

**Application Ref:** 21/0791/FUL

**Proposal:** Full: Formation of a new access onto Linden Road, formalise car parking to residential development and separate public car parking.

**At:** Linden House, Linden Road, Colne

**On behalf of:** Barnfield Construction Limited

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 15th October 2021**