



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

**TO: COLNE & DISTRICT COMMITTEE**

**DATE: 06th January 2022**

**Report Author: Neil Watson**  
**Tel. No: 01282 661706**  
**E-mail: [neil.watson@pendle.gov.uk](mailto:neil.watson@pendle.gov.uk)**

## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## COMMITTEE REPORT TO COLNE & DISTRICT ON 6<sup>th</sup> JANUARY, 2022

**Application Ref:** 21/0761/FUL

**Proposal:** Full: Installation of a raised deck to the front elevation with storage and bin store beneath (re-submission).

**At:** Christ Church School, Keighley Road, Colne.

**On behalf of:** The School Governors

**Date Registered:** 14 September 2021

**Expiry Date:** 9 November 2021

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The proposal to erect a raised deck areas to the front elevation of the school building which lies with Lidgett & Bents Conservation Area.

The composite decked area would measure 11.5m in total length and project out 6.5m maximum from the front elevation of the school at a height of 1.35m with a 1.1m high metal and timber balustrade and a stone wall to western side and front elevations with timber panel gates for access to storage.

The decking would also accommodate bin store and access to the basement in the storage area below.

### **Relevant Planning History**

13/10/0403P - Formation of hard surfaced area, erection of 1.8m high fence and levelling of ground - Approved 05/11/2010.

13/12/0021P - Erection of a single storey extension to the front of school - Approved 15/03/2012.

13/14/01090P –Siting of temporary classroom building comprising 2 classrooms, WC and store room – Approved (temporary permission of five years or one month after the use of extension approved under 13/12/021P) 27/06/2014.

18/0613/FUL: Demolition of modular classroom and erection of a two storey education building (Use Class D1) Floor Area 396 sq.m.), provision of a Multi-Use Games Area (MUGA) pitch and associated landscaping works – Approved.

21/0107/FUL - Full: Installation of a raised deck to the front elevation with storage and bin store beneath – Refused.

### **Consultee Response**

LCC Highways – No objections.

PBC Conservation Officer – The stone base to the deck will be ok provided that the type and coursing of stone is a good match to the building.

All the timber doors should be a dark recessive colour.

The deck is fine in a dark colour, but the timber posts in the railings look a bit bulky - the metal rails are preferable as they are slender and therefore won't be too prominent.

Architectural Liaison Unit – Recommendations for designing out crime suggested.

Colne Town Council – Object as it will have an adverse effect on the street scene and is not in keeping with the surrounding conservation area.

## **Public Response**

Site and press notices posted and nearest neighbours notified by letter without response.

## **Officer Comments**

The main issues for consideration are impact on residential amenity, impact on conservation area/heritage assets and design and materials.

### **1. Policy**

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

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the NPPF (2018), taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.

### **Legislation**

Section 72 of the Planning, Listed Buildings & Conservation Areas) Act 1990 states that when making planning decisions regard must be had to preserving or enhancing conservation areas.

### **Pendle Local Plan**

The relevant adopted Pendle Local Plan Part 1: Core Strategy 2011 - 2030 policies for this proposal are:

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

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

The Conservation Area Design and Development Guidance also applies here.

### **National Planning Policy Framework**

Paragraph 11 sets out the presumption on favour of sustainable development and what decision taking means in this respect.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 124). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 127). Design quality should be considered throughout the evolution and assessment of individual proposals (para.128).

Para 130 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design is should be refused. There is no balancing exercise to be undertaken with other sections of the Framework as poor design is not sustainable development and the requirement under paragraph 11 is to allow sustainable development to come forward.

Para 192 – 199 give guidance on assessing schemes which impact on heritage assets and how the impact on the significance of a designated asset should be attributed weight.

## **2. Impact on Residential Amenity**

Policy ENV1 of the Local Plan states that development should reflect site surroundings and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

The proposed decking would be positioned approximately 2m from the side boundary with No. 301 sited to the west of the site and therefore there is likely to be some impact in terms of the position of the decking in relation to neighbouring properties due to its height of 1.35m and projections of 6.5m at this side which could result in overlooking and loss of privacy for these residents. No screening is proposed along the western elevation. The agent has suggested that there is currently ample screening along this boundary with the plans indicating three large trees and therefore a screen would not be required, however, on viewing the site from the side of No. 301 it is clear that the existing shrubs and foliage would not be sufficient to prevent potential overlooking from the users of the decking and this would lead to some overlooking of the rear garden area and to a limited extent the rear elevations by users of the school.

The erection of an appropriate screen to the side boundary with No. 301 would prevent any undue overlooking by users of the school. This can be controlled by an appropriate condition.

## **3. Impact on Conservation Area/Heritage Assets**

As with all applications the statutory requirement is that the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration of the application must also be in accordance with primary legislation.

The Framework sets out the mechanism for how heritage assets need to be assessed in planning applications. Applicants must assess the significance of the heritage asset with the detail being proportionate to the importance of the asset. The particular significance of the asset needs to be assessed.

In making a decision on the application account needs to be taken of:

1. The desirability of sustaining and enhancing the significance of the assets and putting them to a viable use consistent with their conservation.

2. The positive contribution assets can make to sustainable communities
3. The desirability of new development making a positive contribution to local character and distinctiveness

Great weight should be given to be given to the asset's conservation when the impact on the significance of a designated asset is considered. The more important the asset the greater that weight should be.

Harm to assets is not precluded from happening but this needs clear and convincing justification. Less than substantial harm to a designated asset should be weighed against the public benefits of the proposal.

A Heritage Statement has been undertaken which assesses the potential impact of the proposed development on the significance of the Heritage Assets. This concludes that there would be less than substantial harm to the heritage asset.

The decking would be sited across part of the front elevation and would sit below the existing windows of the school thus not unduly obscuring views of the building.

The decking would be seen from Keighley Road but would not be overly prominent in these views as it would be seen in relation to the existing school and with the distance to the road this would reduce its potential impact.

The Conservation Area Design and Development Guidance SPD emphasises the need for simple and robust forms, good quality and predominantly natural building materials, for buildings to be well detailed and to respect local character and distinctiveness.

The scheme as submitted is acceptable in terms of siting, scale and massing. There is an issue in terms of amenity with the adjacent property no. 301, however, this can be addressed by an appropriate condition requiring a screen to be erected along that boundary.

The proposal is relatively minor in scale and any harm would be less than substantial and as such should be weighed against the public benefits of the proposal.

- Improved educational facilities by providing additional facilities to ensure the school is fit for purpose;
- Limited employment for building trade and local tradesmen/businesses,

These benefits would achieve the public benefits required to outweigh the limited harm caused by the small scale scheme subject to conditions attached to any grant of permission. This would assist in integrating the development into its context and preserving local distinctiveness.

#### **4. Design & Materials**

Whilst the decking would be seen from views along Keighley Road it would not be overly prominent as it would be viewed within the context of the existing school buildings.

The changes to the materials ensures that the proposed decking would blend in with the existing building and is of an appropriate design standard within the conservation area. This can be controlled by appropriate condition.

Taking this into account the proposal is acceptable in terms of visual amenity and would result in less than substantial harm to the Conservation Area subject to appropriate conditions.

#### **5. Conclusion**

The scheme will attain an acceptable design standard and would reduce the potential impact on residents and the conservation area and therefore would be acceptable.

In terms of the planning balance it is clear that the scheme would achieve benefits of providing the improvements and facilities required to ensure the school can progress and provide a vital community facility in the future. This outweighs the less than substantial harm to the conservation area.

Subject to appropriate conditions the scheme would be acceptable and accord with policy.

### ***Reason for Decision***

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

### ***RECOMMENDATION: Approve***

Subject to the following conditions:

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

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

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

10323 - L07A and 10323 - L16C

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

3. Prior to the decking being installed on the site samples of all the materials to be used in the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out strictly in accordance with the approved details.

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

4. Prior to the decking being installed on the site details of an appropriate screen in terms of height, position and materials to be erect along the western (side) boundary with No. 301 Keighley Road shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in strict accordance with the approved details.

**Reason:** In order for the Local Planning Authority to control the external appearance of the development and prevent any loss of privacy.

**Application Ref:** 21/0761/FUL

**Proposal:** Full: Installation of a raised deck to the front elevation with storage and bin store beneath (re-submission).

**At:** Christ Church School, Keighley Road, Colne.

**On behalf of:** The School Governors

## REPORT TO COLNE AND DISTRICT COMMITTEE 6<sup>TH</sup> JANUARY 2022

**Application Ref:** 21/0891/FUL

**Proposal:** Full: Major: Change of use of former warehouse building (4890sq.m.) (Use Class B8) to General Industry (Use Class B2).

**At:** Boundary Mill Stores Warehouse, Regent Street, Colne

**On behalf of:** Mr Bannister

**Date Registered:** 10/11/2021

**Expiry Date:** 09/02/2021

**Case Officer:** Laura Barnes

### Site Description and Proposal

The application site is an irregular shaped site with an existing warehouse building on it. The site is located to the south of Colne water, within the settlement boundary. It lies within a Protected Employment Area within the Local Plan and is partially within Flood Zones 2 & 3.

The application seeks planning permission to change the use of the building from its existing use as a warehouse associated with Boundary Mill, to General Industry (Use Class B2). The proposals do not involve any external works. Internally the mezzanine floors are to be removed, this has resulted in a change in floor space from the proposal which was initially submitted. The floor area involved in this change of use application is 4,890 sqm.

### Relevant Planning History

13/00/0179P: Erect Warehouse (5077 square metres)  
Approved with conditions

13/94/0283P: USE AS GOLF DRIVING RANGE AND ERECTION OF SHOP/STORE AND DRIVING BAYS  
Approved with conditions

13/99/0046P: ERECT WAREHOUSING, OFFICES AND TRAINING BUILDINGS, FORM NEW ACCESS AND ACCESS ROADS  
Approved with conditions

17/0209/FUL: Full: Erection of building for the storage of machinery, vehicles and equipment for the spreading of salt/grit and maintenance vehicle (part retrospective).  
Approved with conditions

### Consultee Response

#### LCC Highways

Following the submission of amended plans which result in the floor area being under 5,000 sqm LCC Highways have provided the following comments:

I have viewed the plans and I have the following comments to make.

Further to the original submission of 7767sqm floor area, the floor area has been reduced to 4890sqm by removing the proposed mezzanine floors.

Therefore the threshold of 5000sqm for the submission of a Transport Assessment and Framework Travel Plan for B2 is not exceeded.



### *Site access and servicing*

The existing site access joins Regent Street at a simple priority junction with gates set back by 17m. The site access is suitable to accommodate the development traffic, there are no changes proposed.

There are adequate service areas for the largest service vehicles.

### *Parking*

There are 207 existing car parking spaces including 4 disabled parking bays.

The Pendle parking standards require a maximum standard of 1 space per 45sqm for a B2 use which equates to 108 spaces. There is a significant overprovision of car parking however this is existing and is less severe than the previous B8 use which would have required only 24 spaces.

Secure, covered cycle parking is required for 20 cycles (10% of the parking provision) and EV charging is required for staff.

### *Conclusion*

There is no objection to the proposal subject to the secure, covered cycle parking and EV charging to support sustainable travel by employees.

### Health & Safety Executive

The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site

### Canal & River Trust

No comment

### Environment Agency

Whilst we acknowledge that the building for which the change of use application is submitted lies in Flood Zone 1 (FZ1), there are areas within the site boundary adjacent to the river that fall within Flood Zones 2 and 3. Any change of use application impacted by Flood Zone 3 must be accompanied by a Flood Risk Assessment (FRA).

In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

### Lancashire Lead Local Flood Authority

The Lead Local Flood Authority objects to the development proposal on the basis of the following:

Objection 1 - No FRA submitted (surface water)

In the absence of a flood risk assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

Objection 2 - Inadequate Information to Assess Application

In the absence of adequate information to assess the principle of surface water drainage associated with the proposed development, we object to this application and recommend refusal of planning permission until further information has been submitted to the local planning authority.

### Environmental Health

Given the level of insulation on the building, the position of the delivery depot and the site being in an employment area, there is no objection.

## **Public Response**

Nearest neighbours have been notified, a site and press notice displayed – without response

## **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 SDP2 (Spatial Development Principles) sets out a hierarchy of settlements in order of preference for future growth.

Policy SDP4 (Employment Distribution) sets out the direction for growth of employment land, the M65 corridor is at the top of the hierarchy in order of preference for this.

Policy SDP6 (Future Infrastructure Requirements) expects developers to deliver the necessary infrastructure to support development in the borough.

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.

Policy ENV4 (Promoting Sustainable Travel) sets out the Council's intentions for supporting sustainable transport.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and to address the risks from contaminated land.

Policy ENV7 (Water Management) follows the sequential assessment set out in National Policy, it also sets out requirements for surface water runoff and water quality.

Policy WRK1 (Strengthening the Local Economy) states that new opportunities for economic development should help to strengthen and diversify the local economy.

Policy WRK2 (Employment Land Supply) sets out that new employment should seek to develop the role of Nelson as the core location for employment.

Policy WRK6 (Designing Better Places to Work) encourages the provision of well-designed workplaces that meet the needs of businesses and their employees.

#### 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.

### **Principle of Development**

The application site is located within the settlement boundary and within a Protected Employment Area. It seeks planning permission for the use of the land as General Industry, rather than storage. Policy SDP2 and SPD4 identify Colne as one of the M65 corridor settlement where the majority of new development will be directed. Colne is a Key Service Centre and these strategic policies are supportive of new development in this area. The proposed development would encourage economic growth through the creation of jobs, in accordance with Policies WRK1 and WRK2 which seek to boost the local economy. Whilst WRK2 directs growth firstly to Protected Employment Areas, outside these areas, existing employment sites and premises in accessible locations are next most preferable. The application site is a Protected Employment Area, identified on the Local Plan policies map. As such, the principle of development is acceptable, subject to conformity with policies relating to design and residential amenity.

### **Design & Visual Amenity**

The applicant has submitted existing and proposed layout and elevation plans. There are no external changes to the building associated with the change of use. Internally, the mezzanine floors are to be removed, which would not affect the character or appearance of the building.

As a result, the proposed development complies with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

### **Impact upon Residential Amenity**

The building is located 180m to the south of dwellings on Greenfield Road, Colne to the other side of Colne water and beyond the sewage works. These are the closest residential properties, as the other uses surrounding the application site are all commercial. It should be noted that the properties on Greenfield Road are also 65m from the M65 motorway, which is a source of background noise. The application site is in a Protected Employment Area where uses such as this (Use Class B2) are encouraged. The building is constructed of concrete block with a metal cladding surrounding it. More recently, with the corporate colours of the occupiers changing, a third 'skin' of kingspan in the cavity and a white colour cladding has also covered the building. Therefore, there are effectively 3 layers of material covering the building, providing both noise and thermal insulation.

Given the distances from existing residential properties and the position of the application site within a Protected Employment Area there would be no unacceptable impact upon neighbouring amenity in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

### **Flood Risk**

Both the Environment Agency and the Lead Local Flood Authority have requested a Flood Risk Assessment as part of this application because parts of the site are located within Flood Zones 2 & 3. The NPPF advises on this at paragraph 166. It says that flood risk assessments should be provided where appropriate. The footnote to it indicates that Flood Risk assessments would be appropriate in areas where there are critical drainage problems identified, areas identified in strategic flood risk assessments, land subject to other sources of flooding and on sites greater than 1 hectare.

The part of the site which lies in flood zone 3 is non-operational land that lies to the north of the site. It has no material impact on the development. The site currently has a large warehouse building on it and there are no proposed external alterations to increase the size of the building itself. The proposal is for a change to manufacturing. There would therefore be no purpose for requiring a FRA and hence in this case we disagree with the EA and LLFA and have not requested a FRA.

## **Highways**

The proposed development does not result in a change to the number of car parking spaces provided. There is a significant over provision of car parking to this site. However, this is an existing position and not something which a current application would reasonably be expected to change.

### **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 access and principle of the proposed development accord with the policies of the Pendle Council Local Plan: Part 1 Core Strategy and the National Planning Policy 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 conditions**

Subject to the following conditions:

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

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

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

Location Plan 1469-4A  
Proposed Elevation Plan 1469-6  
Proposed Floor Plan 1469-5B

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

**Application Ref:** 21/0891/FUL

**Proposal:** Full: Major: Change of use of former warehouse building (4890sq.m.) (Use Class B8) to General Industry (Use Class B2).

**At:** Boundary Mill Stores Warehouse, Regent Street, Colne

**On behalf of:** Mr Bannister

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 09th December 2021**