



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

TO: COLNE & DISTRICT COMMITTEE

DATE: 09th JUNE 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE 9TH JUNE 2022

Application Ref: 21/0565/FUL
Proposal: Full: Erection of detached dwelling.
At: Haverholme, Harrison Drive, Colne, BB8 9SJ
On behalf of: Mr Tim Hartley
Date Registered: 24TH January 2022
Expiry Date: 20th April 2022
Case Officer: Yvonne Smallwood

This application is sent to Committee due to having 3+ objections.

Site Description and Proposal

The application site is to the east of Woodside, Haverholt Drive, off Harrison Drive. The proposed detached dwelling would adjoin Woodside.

The proposal is to erect a bungalow using the existing private access track off Harrison Drive.

The proposed bungalow would measure circa 14m x 13.2m and an overall height of 6.49m and would be constructed in natural stone with slate roof and UPVC fenestration.

Relevant Planning History

None.

Consultee Response

Highways LCC –

The proposal is for the erection of a single, detached, three bedroomed dwelling in the curtilage of the existing dwelling, Haverholme. This would be accessed from Harrison Drive by a private access track which serves the dwellings Haverholme and Woodside.

Car & cycle parking

In line with recommendations in the borough council's Parking Standards two parking spaces should be provided for a dwelling with two to three bedrooms. To count as one parking space a single garage should have minimum internal dimensions of 6 x 3m. The proposed single garage is sub-standard in size and cannot be counted as a car parking space. However, it can provide secure storage for at least two cycles and also an electric vehicle charging point. Two parking spaces are shown in front of the garage on the Proposed Site Plan (Drawing 221-P03). This is an adequate level of off-road parking for the size and type of development proposed. The application form states that nine parking spaces will be provided. However, there are only six shown (excluding the garage), as no vehicles should park in the turning area shown on the Proposed Site Plan. There are also two parking spaces shown to the West of Haverholme. The applicant should confirm whether these are proposed for the new dwelling, Haverholme or one space is proposed for both dwellings.

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General

It has been noted that the layout of Haverholme shown on the Existing and Proposed Site Plans is different from that shown on the Location Plan. The applicant should confirm which is the correct

layout as this potentially impacts on the parking provision at the front of Haverholme. Once the additional information has been received further comments may be required, together with any condition(s) considered necessary.

Following on from the highway authority's initial comments dated 21 February 2022 additional information has been submitted in response to queries raised regarding parking, together with a revised Proposed Site Layout plan (Drawing 221-P03A). The highway authority has also noted comments made regarding access over the shared private access track. The applicant should check with their solicitor that they have a legal right of additional access.

As previously stated, the proposed garage is considered sub-standard in size to count as a parking space. However, it can be used for secure storage for at least two cycles, in line with the borough council's parking standards. The following condition should be applied to any formal planning approval granted.

Condition

The proposed development should not be brought into use unless and until the parking and manoeuvring areas shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the new dwelling and existing dwelling known as Haverholme. The manoeuvring areas shall remain free from obstruction for the lifetime of the development. Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

General

Due to the site's location within a residential estate, and no alternative vehicle access on this section of Harrison Drive, we recommend that conditions are applied that a construction method statement is provided and timing of deliveries is restricted to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times on the surrounding highway network.

We recommend conditions relating to access, construction method statement, no deliveries, boundary treatments, car parking spaces and cycle storage.

Environmental Health

1. The contractor shall have regard to the relevant parts of BS 5228 1997 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

2. The local planning authority expects that the best practical means available in accordance with British Standard Codes of practice 5228:1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.

3. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

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

Control of Dust Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development for the suppression of dust from the site; all agreed details shall be implemented throughout the course of the development.

Note

1. The details of dust control measures for Haul Roads, the use of suitable wheel cleaning facilities and proposals for the sheeting of vehicles carrying dusty materials shall be included by the applicant.

2. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To protect human health and the environment from adverse effects of air pollution.

Burning on site

The Borough of Pendle Council has announced a climate emergency, therefore to help improve air quality there should be no burning of any materials on site. Pendle Borough Council receives many

complaints about smoke from bonfires, which are inappropriate in any area of the borough. The practice of burning wastes on site is an old-fashioned practice, which normally constitutes an offence under the Duty of Care provisions of the Environmental Protection Act 1990. The applicant is cautioned against permitting any bonfire to take place during demolition, site clearance or construction. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661199.

United Utilities

If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit

<https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

Arboricultural Assessment

The proposed dwelling and associated improved access have been designed to adhere to guidance within BS5837:2012 in that they are constructed outside the expected root protection areas of adjacent trees.

As indicated on the Site Layout Drawings, space does exist to allow future growth of the retained trees although any retained trees are generally in the mature age category and substantial increases in size / spread would not be expected.

T4 does overhang a section of the proposed garage but, with the garage being non habitable and of single storey construction, no perceived threats would be expected and clearance of leaves or other debris from gutters could be simply and safely undertaken.

Having stated that, pruning of trees can be reasonably undertaken with if necessary, consent from the LPA and no detrimental operations would be expected.

Furthermore, if pruning was required / implemented, directional pruning techniques would significantly reduce regrowth towards structures or whatever and the necessity for further pruning would therefore be substantially reduced.

High Bank Farm, Stoney Bank Road, Earby, Barnoldswick, Lancashire, BB18 6LD

Mobile: 07836 246062

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In respect of any shadow patterns, due to the location of the only significant tree on site and in proximity of the proposed dwelling being to the north west of the proposals, no shade will be cast across the dwelling or associated garden areas.

In respect of seasonal nuisances: leaf fall, fruit, honeydew or similar, where conflicts are considered possible, these can be addressed in the detail design stage and the use of non-slip paving, provisions of leaf guards or grills on gutters and gullies, provision of access and means of

maintenance or similar can all be incorporated. All such issues are fully in accordance with the guidelines and advice contained within BS5837 Section 5.3.

In consideration of the foregoing assessments, it is considered that there will be neutral impacts caused to retained trees by the proximity of the dwelling or vice versa.

Colne Town Council -

Public Response

Nearest neighbours notified by letter with three responses with objections and concerns summarised below:

- Visual amenity impact of a 2 storey dwelling near a 1.5 storey neighbouring dwelling, overshadowing, daylight levels.
- Loss of amenity of neighbours at Woodside
- 45 degree rule accordance
- Harm to hedges – arboriculture report
- Insufficient parking space

Non-Material considerations

- No access agreement for a third property in 1914 or 1920
- Access not wide enough for construction vehicles.
- Access at Woodside

Officer Comments

The main issues for consideration are the principal of a new dwelling, impact on amenity, design and materials and highways issues.

1. Compliance with Policy

The relevant policies for this proposal are:

Policy SDP1 requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (NPPF).

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.

Policy LIV1 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 LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character.

The following saved policy from the Replacement Pendle Local Plan is also relevant here:

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

In national terms the National Planning Policy Framework (NPPF) provides guidance on housing requirements, design and sustainable development and landscape protection.

2. Housing Requirements

The National Planning Policy Framework requires housing applications to be considered in the context of presumption in favour of sustainable development and deliver a wide range of high quality homes and create sustainable, inclusive and mixed communities.

Proposals for new development should be located within a settlement boundary. These boundaries will be reviewed as part of the site allocations and development policies in order to identify additional sites to meet development needs where necessary.

This proposal seeks to erect one dwellinghouse within the settlement boundary which is acceptable in principle.

3. Impact on Amenity

The relationship of the proposed property to Swanside is an acceptable one with appropriate separation distances in excess of 21m. There would be no overlooking of an unacceptable nature and the relationship between the properties is sufficient to ensure that residential amenity is safeguarded.

The proposed property would be adjacent to Haverholme, the semi-detached property to the east of the site which adjoins Woodside which is to the west of Harrison Drive.

In terms of potential impact on adjacent properties Woodside and Haverholme are located off Haverholt Drive in excess of 21m away from the front elevation with a high hedge between which would screen the development at ground floor level.

The properties on Haverholt Drive are not affected by this proposal and will continue to be screened by the protected drives and separated by the existing highway.

4. Design and Materials

The proposal is for a three bedroom dwellinghouse at an overall height of circa 6.49m to ridge. There is a lounge, dining kitchen, utility and a bedroom/study at ground floor level with two bedrooms each with a pitched roof dormer and a bathroom in the roofspace. There would be a small gable window serving each bedroom on the first storey.

The materials proposed are natural stone and render to the walls, a natural slate roof with UPVC windows and doors which would be similar to surrounding properties.

The proposed design and materials are acceptable and would therefore accord with Pendle Local Plan policy ENV2

5. Landscaping and Protected Trees

There are no protected trees that would be damaged by this application.

An appropriate landscaping scheme for the house and garage would need to be submitted, approved and implemented in order to ensure the proposed dwelling and garage are screened and blend into the open countryside.

6. Drainage

A condition would need to be attached requiring details of drainage proposals to be submitted and approved prior to implementation.

7. Highways Issues

The proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site subject to appropriate conditions.

The proposed development would have a vehicle turning point to allow vehicles from all three properties on Haverholt Drive, which would be surfaced in bound porous materials. The parking areas would then remain available for the parking of domestic vehicles associated with the new dwelling and existing dwelling known as Haverholme. The proposed surfacing would provide a satisfactory level of off-street parking and prevent any detriment of highway safety.

There are 5 existing car parking spaces which would be increased by an additional 4 spaces – making a total of 9 parking spaces. This is acceptable and accords with policy 31.

Summary

The proposal for a residential dwelling in this location would not adversely impact on amenity of the protected trees and is an appropriate design and materials. The proposal is acceptable subject to appropriate conditions and accords with policies of the Local Plan Part 1: Core Strategy.

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 dwellinghouse is acceptable in terms of design and materials and would not adversely impact on amenity or protected trees 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:

221-P03A, 221-P04, 221-P05, 221-P06, 221-P09

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

3. The external materials 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: 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 window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 75mm.

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

5. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

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

6. Prior to the commencement of the development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

7. The proposed development should not be brought into use unless and until the parking and manoeuvring areas shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the new dwelling and existing dwelling known as Haverholme. The manoeuvring areas shall remain free from obstruction for the lifetime of the development.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

8. Unless approved in writing by the Local Planning Authority no ground clearance, changes of level or development or development shall commence until, a scheme for the protection of the retained trees, in accordance with BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include specific details of;

- a) Location and installation of services/ utilities/ drainage;
- b) Details of construction within the Root Protection Areas (RPAs) or that may impact on the retained trees;
- c) A full specification for the installation of boundary treatment works;
- d) A full specification for any construction including hardsurfacing using a no-dig specification;
- e) A specification for protective fencing to safeguard trees during the construction phase and a plan indicating the alignment of the protective fencing;
- f) Boundary treatments within the RPAs;

The development thereafter shall be carried out in strict accordance with the approved details.

Reason: In order to ensure that there is minimal impact on the protected trees on the site during construction works.

9. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

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

10. Control of Dust Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development for the suppression of dust from the site; all agreed details shall be implemented throughout the course of the development.

Note

1. The details of dust control measures for Haul Roads, the use of suitable wheel cleaning facilities and proposals for the sheeting of vehicles carrying dusty materials shall be included by the applicant.
2. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To protect human health and the environment from adverse effects of air pollution.

REPORT TO COLNE AND DISTRICT COMMITTEE 09th JUNE 2022

Application Ref: 21/0793/FUL

Proposal: Full: Erection of a 3 bedroom bungalow with attached garage.

At: Garage Site to the east of Crowe Nest, Laneshaw Bridge

On behalf of: Mr. & Mrs. C. J. Hartley

Date Registered: 20/4/2022

Expiry Date: 15/06/2022

Case Officer: Neil Watson

Site Description and Proposal

The application site lies along the main road in the settlement. It lies between a row of mixed designed houses and bungalows to the east and stone buildings to the west.

There is a stone wall along the highway frontage and a large mature tree just inside the existing access.

Relevant Planning History

16/0732/FUL Erection of a dwelling – Refused.

18/0114/FUL. Approval of the erection of a dwelling.

Consultee Response

LCC Highways : Having considered the information submitted, the Highway Development Control Section does not have any objections in principle 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.

Planning history

The site has been the subject of a previous planning application (ref 16/0732/FUL) for the erection of a single dwelling with associated off-road parking. Whilst the highway authority raised no objections to that application concerns were raised about the restricted visibility to the right when exiting onto Keighley Road.

Visibility & site access

Visibility to the west of the site exit is currently severely restricted by a natural stone wall, approximately 1.7m high along most of its length. Visibility is also impaired by a concrete street lighting column and a street sign in the footway immediately outside the exit.

The stone boundary wall along Keighley Road is in poor structural condition in several places and would need to be re-built/repared to prevent it collapsing into the adopted highway network. To improve visibility at the site exit the section of wall from the exit for a minimum distance of 10m (to the west) should be reduced to a height not greater than 1m, with the remaining section of wall rising incrementally in height to its boundary with Crow Nest. As this wall is not a retaining structure the reduction in height should be possible.

The site access should be surfaced in a bound porous material for a minimum distance of 5.5m into the site from the rear edge of the adopted highway network. This is to prevent loose surface material from being carried onto the highway network where it could pose a hazard to other highway users.

Car & cycle parking

The proposed single integral garage has adequate internal dimensions to be counted as one parking space. It can also accommodate an electric vehicle charging point plus provide secure storage for at least two cycles, in line with the council's car and cycle parking standards. A second parking space can be provided in front of the garage. Therefore an adequate level of off-road parking for the type and size of development proposed has been provided.

Public Response

One response raising the following issue:

- The foot print to the new proposal has been considerably moved East towards the property Devefiled, and this results in the blocking of views from the kitchen window
- Request that it goes back to its original position which did not result in loss of view or privacy

Planning Policy

Policy SDP1 'Presumption in Favour of Sustainable Development' requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (NPPF).

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

Policy ENV2 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.

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 LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

Policy 14 'Trees, Woodland and Hedgerows' recognises the importance and amenity functions and seeks to protect them. All new development should respect trees and the contribution they make.

Policy 16 'Landscaping in New Development' requires all development proposals to include a scheme of landscaping sympathetic to the site's character and vicinity. This issue is addressed under the Landscaping/Protected Trees section.

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

Conservation Area Design and Development Guidance requires new development to seek to preserve or enhance the character of the conservation area and take into consideration the context of the conservation area and the building within it.

In national terms the National Planning Policy Framework (NPPF) provides guidance on housing requirements, design and sustainable development and landscape protection. The NPPF sets out the fundamental aim of Green Belt land and the exceptions to development within it.

Para 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

One of the exception is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Officer Comments

The application is on a site that has had a planning consent on it. It is well related to the settlement and there are no in principle objections to the development of the site for housing.

The site is in both green belt and in a conservation area. It was formerly occupied by 5 single storey garage type structures which were spread across the whole of the site.

The site forms the south eastern extent of the conservation area which in effect wraps around the site before including the stone but structures to the immediate west of the site.

Design and Impact on Openness

The proposal is to erect a single storey dwelling. It is T shaped with a gable projecting to the front of the site. This is similar to the approved scheme in terms of its design facing the highway.

Approval has been given for a single story unit on the site. This is essentially to reflect the scale of the existing buildings on site and in order for the development not to have a greater impact on the openness of the green belt. A two storey dwelling would increase the scale of what was on site and thus a development of that nature would have an increased impact on openness.

The scale of the dwelling on site, whilst being slightly larger than the combined volume of the former buildings, is more compact presenting a less spread out appearance and this compensates for the increase in volume and hence there is a neutral impact on the openness of the greenbelt.

The design sits in a row of properties along Keighley Road. Moving east there is a row of stone properties on the roadside, then there is a row of properties consisting of white painted bungalow, a dormer bungalow under a mansard type roof, two storey white painted house, brown brick bungalow and red brick bungalow. The designs along the street are mixed and include different scales, designs and materials. There is no consistent design from which the development on the site could take its lead.

The design is simple single storey bungalow which is similar in scale and nature to the property to the immediate east. That has an uncomplicated and simple form to the street frontage. The materials proposed are a mixture of render and stone. This would not integrate well with the buildings to the west and the property should be made of stone. This can be controlled by condition.

Residential Amenity

The only potential impact in terms of residential amenity is to the property to the north. The proposed dwelling will face the garage to this property. The east facing elevations would have blank elevations facing the existing dwelling. Whilst there would be oblique views towards the bungalow the combination of the height differentials between the sites and the angle would mean that there would be no loss of privacy.

Concerns have been raised about the impact of the available views from existing dwellings being affected. The loss of view is not a material planning issue as it is a private interest verses another private interest and should not be taken into account in the planning balance.

Impact on Heritage Assets

The site is one that is being redeveloped. The multiple sheds on site will be replaced by a single development. The wall along the frontage will be retained except for a 10m section which will be reduced to provide visibility splay.

Overall the development would have a benign impact on the conservation area and will not harm the heritage asset.

Highways

There are no objections to the scheme from the highways authority. They however recommend more work to the front wall to improve visibility.

The work to the access has been undertaken and the visibility is now acceptable.

I do not however agree that there are no highway objections to the scheme as proposed. The access is single width and is directly onto Keighley Road. Vehicles need to egress onto Keighley Road un a forward gear. The layout proposed will allow one car to reverse into the other space and go forward out of the site. However a second car will not be able to do that unless the first vehicle drives out of the site before the second vehicle also egresses. It is not likely that this will happen. The reality is that the lack of manoeuvring space will result in a vehicle reversing out onto Keighley Road. This would be inherently dangerous and inimical to highway safety.

Discussion with the applicant have asked for a revised scheme but this has not been received. Therefore the development is deficient in terms of its highway provisions and will lead to a danger to users of the highway.

Ecology

There are no ecological impacts from the development. The tree on site will be protected as part of the development.

RECOMMENDATION: Refuse

For the following reasons:

1. There is inadequate internal turning and maneuvering space to allow a vehicle to enter and leave the site in a forward gear. This will lead to vehicles backing out onto the highway and causing a significant danger to users of the dwelling and highway. The development would thus be contrary to paragraph 111 of the National Planning Policy Framework.

Application Ref: 21/0793/FUL

Proposal: Full: Erection of a 3 bedroom bungalow with attached garage.

At: Garage Site to the east of Crowe Nest, Laneshaw Bridge

On behalf of: Mr. & Mrs. C. J. Hartley

REPORT TO COLNE AND DISTRICT COMMITTEE 9th JUNE, 2022

Application Ref: 22/0098/VAR

Proposal: Full: Variation of Conditions: Removal of Condition 5 (Affordable Housing) and vary Condition 8 (Off-Site Highway Works) of Planning Permission 18/0199/OUT.

At: Land to the North West of Laneshawbridge Methodist Church, Keighley Road, Laneshawbridge.

On behalf of: Montford Developments Ltd

Date Registered: 14/02/2022

Expiry Date: 16/05/2022

Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is an approved development of 4 dwellinghouses on land to the north west of the Methodist Church in Colne. The site is located within the settlement boundary and of no special designation.

This application is to vary conditions 5 (affordable housing) and 8 (off-site highway works) of the outline planning permission 18/0199/OUT to remove requirements for the provision of affordable housing and the provision of bus stops.

Relevant Planning History

13/93/0097P – Extend premises - Refused 21st June, 1993.

13/93/0299P – Erect 5 dwellings – Refused 9th August, 1993.

17/0726/FUL – Full: formation of new access from Keighley Road and parking area to serve existing Church – Approved 24th January, 2018.

18/0199/OUT - Outline: Major: Residential development of land 0.25ha for ten dwellinghouses (Access only). Approved

21/0358/REM - Reserved Matters: Erection of 4 detached dwellings and associated roads, infrastructure and detached garages (appearance, landscaping, layout and scale) of Outline Planning Permission 18/0199/OUT (resubmission). Approved

Consultee Response

LCC Highways – The original outline application, where only the access was applied for, was for ten dwellings. At the Reserved Matters stage (application 21/0358/REM) the number of dwellings had been reduced from ten to four. After examining the information submitted, the Highway

Development Control Section would have no objection to the requested variation of wording to remove off-site highway improvements to the two bus stops referred to in the original condition.

Laneshawbridge Parish Council – The Parish Council does object to the removal of condition 8 of the approved planning application as they feel that it would compromise the safety of all road users and pedestrians. There are huge problems with speeding traffic around this area, and the Police and Crime Commissioner is involved in trying to come to a successful outcome for all road users. There are new road safety measures being requested, it is near to a crossing, on a bend in the road and Councillors feel that it is dangerous to remove this condition.

Public Response

Nearest neighbours notified by letter. Responses received objecting on the following grounds:

- Detrimental highway safety impact
- Traffic calming measures are required

Policy

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

Policy ENV4 advises that development should have regard to the potential impacts they may cause to the highway network. Where these impacts are severe, permission should be refused.

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing, in Rural Pendle for under 5 dwellings the required provision is 0%.

Officer Comments

Affordable Housing

The outline permission was granted for up to 10 dwellings, which being in Rural Pendle required 20% affordable housing provision. However, the reserved matters was granted for 4 dwellings, policy LIV4 does not require affordable housing for developments of less than 5 dwellings in Rural Pendle. Therefore, the proposed removal of the affordable housing requirement is therefore acceptable.

Off-site Highway Works

Taking into account the lower number of dwellings proposed it is not necessary to require the off-site highway works for the provision of bus stops. Concerns have been raised in relation to the highway safety impact of removing the condition, the removal of the requirement for the provision of bus stops has no unacceptable highway safety impacts, however, the other requirements of the condition relating to off-site highway works for the formation of an acceptable access are still necessary. It is recommended that the condition is varied only to remove the requirement for bus stop provision.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed variation of conditions are acceptable in all relevant regards. 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

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, landscaping, layout and scale of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from 9th July 2018 and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

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

ADM18/12/02 & ADM/18/12/01A.

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

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

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

5. Notwithstanding any indication in the application forms, plans and supporting documents the development shall be of not more than four dwellings.

Reason: In the interest of clarity and too ensure that adequate affordable housing and off-site highway works provision is made if alternative reserved matters for more than four dwellings are submitted.

6. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

7. No part of the development shall be commenced unless and until a Construction Code-of-Practice method statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
 - b) The areas and methods of loading and unloading of plant and materials.
 - c) The areas for the storage of plant and materials.
 - e) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
 - h) Location and details of site compounds
 - i) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
 - j) Noise-monitoring to be carried out for the construction period.
 - k) Parking area(s) for construction traffic and personnel
 - L) Details of the provision and use of wheel washing on the site
 - M) Site security

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

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

8. No development shall commence unless and until the site access has been constructed and completed in accordance with a scheme which shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Reason: To enable all construction traffic to enter and leave the development site in a safe manner without causing a hazard to other road users.

Reason: To enable all traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

9. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level to each plot before any development commences on that plot. The final wearing course shall be completed to each plot within 2 years of the substantial completion of each plot or within one week of the substantial completion of the final house on site whichever shall occur first unless another timescale is agreed in writing by the Local Planning Authority. If an alternative timescale is agreed the completion of the highway shall be undertaken in strict accordance with the agreed timescale.

Reason: To ensure that satisfactory access is provided to the site before construction of the development hereby permitted commences.

10. The access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access 2.4m distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at edge of the adjoining carriageway and 43m distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter shall be permanently retained.

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

11. Prior to first occupation each dwelling shall have an electric vehicle charging point.

Reason: To ensure that the development provides for sustainable modes of travel.

12. Before a dwelling unit is occupied waste containers shall be provided on each plot.

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

13. As part of any reserved matters application and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority:

a) A detailed surface water drainage strategy for the development proposal;

b) Information about the lifetime of the development, the design storm period and intensity (1 in 1, 1 in 30 and 1 in 100 year + allowance for climate change), final surface water discharge rates and volumes, temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, and details of flood levels in AOD;

- c) Demonstration that surface water run-off from the application site will not exceed 5l/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing where applicable;
- f) Site investigation and test results to confirm infiltrations rates. If infiltration is shown to be a viable option for the disposal of surface water, then this should then be used as the primary method for disposing of surface water from the site. Disposal via a surface water body will only be considered where infiltration is proved to be unsuitable.
- g) Details of water quality controls, where applicable.

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

Reasons To ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the development proposal

Notes

1. 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. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email 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.
2. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

Application Ref: 22/0098/VAR

Proposal: Full: Variation of Conditions: Removal of Condition 5 (Affordable Housing) and vary Condition 8 (Off-Site Highway Works) of Planning Permission 18/0199/OUT.

At: Land to the North West of Laneshawbridge Methodist Church, Keighley Road, Laneshawbridge.

On behalf of: Montford Developments Ltd

REPORT TO COLNE AND DISTRICT COMMITTEE 9th JUNE, 2022

Application Ref: 22/0099/VAR

Proposal: Full: Variation of Condition: Variation of Condition 2 (Plans) for the Erection of 4 detached dwellings and associated roads, infrastructure and detached garages (appearance, landscaping, layout and scale) of outline planning permission 18/0199/OUT (resubmission) Application Reference Number: 21/0358/REM.

At: Land to the North West of Laneshawbridge Methodist Church, Keighley Road, Laneshawbridge.

On behalf of: Montford Developments Ltd

Date Registered: 14/02/2022

Expiry Date: 11/04/2022

Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is an approved development of 4 dwellinghouses on land to the north west of the Methodist Church in Colne. The site is located within the settlement boundary and of no special designation.

This application is to vary condition 2 (plans) of the reserved matters permission to amend the approved plans. The following alterations to the plans are proposed:

The size of the proposed garage of plot 4 is increased and attached to the dwelling and it is to be rendered rather than natural stone.

The conservatories of plots 2, 3 and 4 are changed to single storey natural stone extensions with lantern roofs and an extension of that design is added to plot 1.

Minor sections of render replacing stone on plots 1, 2 and 4 and the

Minor changes to the size of some window openings on all plots.

Relevant Planning History

13/93/0097P – Extend premises - Refused 21st June, 1993.

13/93/0299P – Erect 5 dwellings – Refused 9th August, 1993.

17/0726/FUL – Full: formation of new access from Keighley Road and parking area to serve existing Church – Approved 24th January, 2018.

18/0199/OUT - Outline: Major: Residential development of land 0.25ha for ten dwellinghouses (Access only). Approved

21/0358/REM - Reserved Matters: Erection of 4 detached dwellings and associated roads, infrastructure and detached garages (appearance, landscaping, layout and scale) of Outline Planning Permission 18/0199/OUT (resubmission). Approved

Consultee Response

LCC Highways – No objection.

Laneshawbridge Parish Council – The parish council feel that the revised plans make the properties too large and as a result too close to the boundary of the site. This will have a substantial negative impact on the local residents visual amenity - particularly those on Kinsley Road.

The Parish Council would also like to note they find it unusual that it appears that the consultation period has been delayed and that this coincides with the Easter Break.

Public Response

Nearest neighbours notified by letter. Responses received objecting on the following grounds:

- Overdevelopment of the site
- Privacy impacts
- Overshadowing
- The development is not in keeping with the village
- Impact on telephone wires

Policy

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

Policy ENV4 advises that development should have regard to the potential impacts they may cause to the highway network. Where these impacts are severe, permission should be refused.

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing, in Rural Pendle for under 5 dwellings the required provision is 0%.

Officer Comments

Design

The proposed amendments to the design of the development are very minor and would not result in any unacceptable visual amenity impacts. The use of sections of render and rendered garages is acceptable in this location which is not a designated area.

Residential Amenity

The proposed extension to the rear of plot 1 would be 17m from windows in the rear of the dwellings to the north, taking into account that this would be at ground floor level and that a standard 1.8-2m garden fence would acceptably preserve privacy this is acceptable.

That and the other alterations would not result in any unacceptable residential amenity impacts upon the occupants of surrounding dwellings.

Other Issues

The proposed amendments would have no impact on telephone wires, furthermore, this is a separate matter between the developer and the telecoms system operator.

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 amendments to the development are acceptable in all relevant regards. 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

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No. 18/0199/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.18/0199/OUT.

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

Location Plan 1:1250, ADM/21/008/01 Rev A, ADM21/08/02 Rev A, ADM/21/008/03 Rev A, ADM21/08/04 Rev A, ADM/21/008/05 Rev A, ADM/21/08/06 Rev A, 20362-DR-C0100 P4, 20362-DR-C0101 P2, 20362 DR-C102 P1, 20362-DR-C0103 P1, 20362-DR-C0104 P1 , 212-21-1 and CG230321/4B REV.

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

3. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing DR-C-0100, Rev P4 - Dated 07.04.21. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5 l/s. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

4. Prior to the commencement of development samples of the external facing materials to be used in the construction of the development and the hard landscaping hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure the external materials and finish of the development is appropriate for the setting and character of the area.

5. All window reveals shall be set back by a minimum of 75mm from the external wall.

Reason: In the interests of good design.

6. Prior to first occupation of each dwelling, the parking area associated with that dwelling, shall be constructed, laid out and surfaced in bound porous material, in accordance with the approved plans. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Reason: In order to ensure satisfactory levels of off-road parking are achieved within the site to prevent parking on the highway.

7. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed estate road within the development have been submitted to and approved by the local planning authority. The estate road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the estate road infrastructure serving the approved development; and to safeguard the users of the estate road and visual amenities of the locality

8. The development hereby permitted shall be carried out in accordance with the approved Landscaping Plan and Landscape Specification CG181021/4B REV.

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

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

9. No additional openings shall be inserted into the southern gable elevation of Plot 4 at any time without the prior consent of the Local Planning Authority as to the size, position and level of obscuring of any proposed windows or doors.

Reason: In order to prevent any impact on the privacy and amenity of adjacent dwellings.

10. The 2m high fence proposed to be sited between the track on the western boundary and the western rear elevation of Plot 4 shall at all times be retained and maintained in that position and at that height unless otherwise agreed in writing by the Local Planning Authority as to any alternative arrangement.

Reason: In order to prevent any impact on the privacy and amenity of adjacent dwellings

11. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, E (a) & (b), F of Part 1 and Class A of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

A) no extensions shall be erected

E(a)) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the buildings

E(b)) no containers for the storage of oil or gas for domestic heating purposes shall be installed within the curtilage of the buildings

F) no hard surface shall be provided within the curtilage of the buildings

Part 2

A) no gates, fence or wall structures shall be erected within the curtilage of the buildings

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and potential impacts on neighbouring properties.

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

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

Application Ref: 22/0099/VAR

Proposal: Full: Variation of Condition: Variation of Condition 2 (Plans) for the Erection of 4 detached dwellings and associated roads, infrastructure and detached garages (appearance, landscaping, layout and scale) of outline planning permission 18/0199/OUT (resubmission) Application Reference Number: 21/0358/REM.

At: Land to the North West of Laneshawbridge Methodist Church, Keighley Road, Laneshawbridge.

On behalf of: Montford Developments Ltd

REPORT TO COLNE AND DISTRICT COMMITTEE 09th JUNE 2022

Application Ref: 22/0135/FUL

Proposal: Full: Change of use of part of ground floor from Retail (A1) to Hot Food Takeaway (A5), insert doorway and shop front with roller shutter, including extraction duct and new wall and roof to enclose rear yard to rear elevation.

At: 104 Green Road, Colne

On behalf of: Mr Arif

Date Registered: 25/02/2022

Expiry Date: 22/04/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a two storey mid-terrace dwelling on Green Road, it is within the settlement boundary but outside the Town Centre Boundary.

The application is retrospective and seeks permission for the change of use from a shop (formerly Use Class A1, now Class E) to a hot food takeaway (formerly Use Class A5, now Sui Generis). The conversion involves inserting a doorway and shopfront together with a roller shutter. There is also an extraction flue and the insertion of a wall to enclose the rear yard.

This is a retrospective application because the takeaway business is currently operational.

Relevant Planning History

17/0449/FUL: Full: Change of use of part of ground floor from Retail (A1) to Hot Food Takeaway (A5) and insert doorway to front elevation and extraction duct to rear elevation

Approved with conditions

22/0143/ADV: Advertisement Consent: Erection of Internally illuminated box sign to front elevation
Pending consideration

Consultee Response

Lancashire Constabulary – Designing Out Crime Officer

No objection, with crime prevention advocated

LCC Highways

The Highway Development Support Section does not have any objections regarding the proposed change of use from A1 (Retail) to A5 (Hot food takeaway) at the above location. We are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site, given the existing retail use.

However as some of the work is to the frontage of the property, (Ref: Design and access statement) submitted, I would recommend the following note to ensure highway safety.

Note

The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highway Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lanashire.gov.uk or on 01772 533433.

Environmental Health

Concerns regarding the position of the extraction flue in relation to neighbouring dwellings.

Colne Town Council

Colne Town Council object to this retrospective application as the location is viewed to be unsuitable and is likely to increase the amount of litter in the area and encourage antisocial behaviour. If PBC are mindful to approve this application, then the Town Council asks that conditions are imposed on trading hours and an adequate bin provision.

Public Response

Nearest neighbours have been notified, no response received

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

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.

Policy WRK4 (Retailing and Town Centres) states that main town centre uses should follow the following sequential approach:

- 1: Town and local shopping centres
- 2: Edge of centre locations
- 3: Out-of-centre sites which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre

Proposals for hot-food takeaways in close proximity to establishments that are primarily attended by children and young people will be resisted.

Replacement Pendle Local Plan (RPLP)

Policy 25 states that new retail and service development should be located within a defined town centre as the first order of priority. The supporting text states that where existing commercial uses exist outside of a town centre they can be replaced by some other commercial use of the same scale.

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

Principle of the Development

The site is located outside of a town centre, Policy 25 of the RPLP allows existing commercial uses outside of town centres to be replaced by other commercial uses of the same scale.

The proposed use is part of a property which has previously been two separate addresses. The planning history indicates that one part of the unit has been in retail use and the other operating as a takeaway under application reference 17/0449/FUL. The application which is now before the Council has previously had a takeaway use approved. Therefore, it would be unreasonable to resist this use. Additionally, Policy 25 does allow for an alternative commercial use where an existing commercial use of the same scale is proposed. The overall impact of a takeaway would not be more intensive than a retail use. Finally, it should be noted that a retail use (Class E) can be changed to a café, albeit not a hot food takeaway. None the less, a café would be expected to have a similar number of comings and goings along with people staying in the building for longer periods to eat.

As such, the principle of development has already been established.

Design & Visual Amenity

The proposed development seeks to cover over the rear yard with box profile metal sheeting. The floor plans indicate that a large free standing refrigerator is to stand in the rear yard. The materials proposed are of an industrial nature and would be more akin to an extension of an industrial unit. Given that the application site is within a largely residential area, this would appear at odds with the character of the surrounding properties. However, it may be possible to agree an alternative material which would be more appropriate. The proposed materials could be controlled by condition.

To the front elevation the proposal is for a new entrance door and window, with a roller shutter. The front elevation plans indicate that the shop front is to be replaced with a floor to ceiling panel of glazing. This does not align with the Council's Design Principles SPD on shop fronts as some of the traditional features such as a stall riser should be retained. The applicant has been asked to amend the plans to include a stall riser. Subject to this change and conditions controlling the security shutter to be perforated and to be concealed internally rather than express from the front of the building, delegated powers are sought to approve the application.

To the rear, the application which was previously approved required further details of the ducting and ventilation system to be submitted. The previously approved scheme indicated that the extraction system would be positioned to the rear of the building above the rear door and would project 1.2m above the eaves height. However, the application which is now before the Council seeks permission for the ventilation system to be mostly internally within the building with only the top cowl appearing above the roof slope. In design terms this represents an improvement to the previously approved scheme.

Amenity

The takeaway operating hours could be controlled by condition, as with the application which has previously been approved in this location. The ventilation and extraction system details have been submitted to the Council as part of this application. The system would not be as exposed externally as the one previously proposed. The specification of the proposed system has been submitted as part of this application.

It is noted that the attic of a neighbouring property has been converted with a roof light window to the rear roof slope. This has been carried out under Permitted Development and there is no means for the Local Authority to control this. As such, the proposed ventilation flue is necessary for the

appropriate extraction of odour and the use of the building has already been approved under the previous permission. Therefore, the neighbouring amenity has been found to be acceptable as part of the previous scheme. It would be unreasonable to refuse permission on the basis of a loft conversion which has been implemented under Permitted Development.

There are no changes to the openings which would be any closer to any neighbouring properties. As such there is no unacceptable neighbouring amenity issue in this regard.

Subject to this condition, the proposed development would be acceptable in terms of residential amenity in accordance with policies ENV2 of the Local Plan: Part 1 Core Strategy.

Highways

The proposed use would not be likely to result in a significant increase in vehicular traffic. There is currently no off-street car parking and none is proposed. There is no concern over highway safety in this particular case.

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 Replacement Pendle Local Plan and 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 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, received on 25th February 2022
- Proposed Elevation & Floor Plans: CAL 2017 006 001 Rev B
- Extraction System Details: 1st Aurora 000/001

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

3. Samples of materials including descriptions, for proposed elevations, including the roller shutter 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: 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. No customers shall remain on the premises outside the hours of 11.00am and 22:00 Monday to Saturday inclusive and between the hours of 11.00am and 21:00 on Sundays or Bank and

Public Holidays inclusive. The premises shall fully close 30 minutes after the last customer is allowed on the premises.

Reason: In the interest of residential amenity.

5. A scheme for the insulation of the building in respect of noise and vibration so as to provide insulation against internally generated noise shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained throughout its occupation.

Reason: To safeguard the amenities of the neighbouring properties.

Note

The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highway Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lanashire.gov.uk or on 01772 533433.

Application Ref: 22/0135/FUL

Proposal: Full: Change of use of part of ground floor from Retail (A1) to Hot Food Takeaway (A5), insert doorway and shop front with roller shutter, including extraction duct and new wall and roof to enclose rear yard to rear elevation.

At: 104 Green Road, Colne

On behalf of: Mr Arif

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 18th May 2022