

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 07th JULY 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 7TH JULY 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

This application has been brought before Committee as it was deferred from last month's meeting.

Since then the applicant has prepared a plan indicating that a stall riser is included within the shopfront and confirmed that the shutters are of a pinhole perforated style.

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. However, given that this is to the rear of the property and not in a highly prominent location, in this particular case would be acceptable.

To the front elevation the proposal is for a new entrance door and window, with a roller shutter. The original front elevation plans which were before the June committee indicated that the shop front was 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. The applicant has now prepared an amended plan which indicates that there is to be an aluminium stall riser and provided confirmation that the shutter is of a pinhole perforated style.

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. Within 3 months of the date of this decision, 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 C
 - Extraction System Details: 1st Aurora 000/001

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

2. The materials shall be as set out on the application form and approved plans and shall not be varied without the prior written approval of the Local Planning authority. The security shutter to the shop front shall be as installed, with pinhole perforation and shall not be varied unless otherwise agreed in writing by 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.

3. 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.

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

REPORT TO COLNE AND DISTRICT COMMITTEE ON 07 JULY 2022

Application Ref: 22/0222/FUL

Proposal: Full: Major: Proposed development of B2/ B8 commercial units with associated parking, infrastructure and altered access following from the previous approved phase.

At: Former Spring Gardens Mill, Spring Gardens Road, Colne

On behalf of: Mr Mark Taylforth

Date Registered: 05/05/2022

Expiry Date: 04/08/2022

Case Officer: Alex Cameron

This application has been brought before Committee as it is a major development.

Site Description and Proposal

The application site is the site of the former Spring Gardens Mill located within the settlement of Colne. The site is accessed from Spring Gardens Road adjacent to the junction with Daisy Street, to the west are dwellings on Daisy Street and Green Road, Colne water runs to the north, there are commercial/industrial buildings to the east and a farm house to the south. The mill has been demolished and the site cleared but for a former engine house building that more recently housed a substation and a more modern industrial unit at the south end of the site which is accessed via Daisy Street.

Planning permission has been granted for the first phase of development comprising the demolition of the former engine house and erection of a building for general industrial / storage and distribution use in the central area of the site. This application is for the development of the remainder of the site with five buildings, divided into nine units with a total floor area of 5,770 m² for general industrial / storage and distribution use. It is proposed for the existing unit to be retained and the access to Daisy Street to be closed, with all access to be from the Spring Gardens Road access.

Relevant Planning History

13/99/0558P - Certificate of lawfulness to use premises for manufacturing, processing of waste materials and associated storage and warehousing. Approved.

13/13/0068P - Demolition Determination: Demolition of vacant mill building. Prior Approval Not Required.

19/0917/FUL - Full: Major: Demolition of substation building and erection of a commercial unit (1,273m²) for Use Class B2 (General industrial) / B8 (Storage and distribution) use with associated parking, infrastructure and altered access. Approved.

Consultee Response

Environment Agency – We have reviewed the amended FRA and, in so far as it relates to our remit, and we have no objection to the development proposed. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form

part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

LCC Highways – The site is located within walking distance of mainline bus services and Colne Town Centre. A footway is proposed alongside the access road which will provide a safe walking route for pedestrians from the public highway to the buildings however pedestrian routes from the access road to the main entrances should be included on the plan. Also the provision of a secure, covered cycle store is necessary. This will support the travel of staff by sustainable modes to support the sustainability of the site.

Delivery management plan submitted identifies a route, Green Road, Knotts Lane, Burnley Road for the HGV traffic. The route via Shaw Street and Bridge Street is most suitable for large vehicles to the A56 for both construction vehicle routing and thereafter once the site is trading.

The existing access arrangement has sufficient visibility within the adopted highway on Spring Gardens Road which is unclassified and 20mph speed limit. The previously agreed scheme for Phase 1, to realign the site access is acceptable and is required for this application.

The works within the adopted highway, including the closure of the access on Daisy Street, must be completed under a S278 agreement with Lancashire County Council.

Public footpath 193 runs through the site and the Phase 1 site layout proposed to divert the footpath along the northern boundary of the site. The FP is not shown on the site layout submitted with this application. Please provide details.

The swept path for unit 5 conflicts with the 9 car parking spaces shown on the site layout drawing 18162.001 Rev O. Please amend the swept path or car parking to ensure these do not conflict.

The end users are unknown and the TA states the B2/8 split will be 70/30 which would require a maximum car parking provision of 99 spaces. There are 67 spaces proposed in total which is a shortfall from the maximum.

If there is a shortfall of car parking once the units are occupied, there are areas where staff can park in tandem to maximise space. Parking on the internal estate roads is likely to be detrimental to large vehicle movements.

Lead Local Flood Authority – Object, no sustainable drainage strategy has been submitted.

PBC Environmental Health – please attach conditions for a noise survey, hours of deliveries, contaminated land and construction management.

Lancashire Fire and Rescue – Comments relating to Building Regulations.

Colne Town Council – Concerns with regard to surface drainage as accumulation of surface water can be a problem in this area. Access to and from the main road and the motorway, will also be problematic for larger vehicles. During the previous phase of development, LCC Highways stated that ‘the route via Spring Garden Road and Shaw Street is more suitable as it avoids the residential area of Green Road and Knotts Lane which has a limited carriageway width due to on-street parking’. It is not understood why LCC have altered their stance on this. Should PBC be minded to approve this application, it is suggested that access to and from the site be readdressed and a suitable solution be implemented.

Public Response

Press and site notices posted and nearest neighbours notified – One response received making the following comments:

Whilst I can have no real objections to a brownfield site being developed I would like to ask the developer to:

Have the roofs on units 6 and 7 made from a dark green roofing so as to be as unnoticeable as possible. These units abut my end wall and are in my direct line of sight.
Ensure that the units are not let to businesses that will add motorised roof vents, for example, a welding shop, as the noise from these units will be a significant irritation.

There is an existing unit already against my wall which I believe is used as a redistribution centre. This sort of business is quiet and if the new adjacent units were used for a similar purpose then we can all exist together without issue.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy SDP2 (Spatial Development Principles) States that proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2.

Policy WRK2 (Employment Land Supply) Major employment proposals, particularly those requiring good transport links, should be located in the M65 Corridor, unless the proposal needs to be in close proximity to one or more existing businesses.

National Planning Policy Framework

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

Principle of the development

The site is within the settlement of Colne, which is defined as a key service centre within the M65

Corridor in policy SDP2, it previously accommodated industrial buildings and is in a sustainable location adequately served by public transport. This is an acceptable location for the proposed development in accordance with policies SDP2, SDP4 and WRK2.

Visual Amenity

The proposed development would be located on a site which previously accommodated a large complex of industrial buildings, the proposed buildings would be typical modern industrial buildings which would be in keeping with the industrial nature of the site and other adjacent industrial uses. With appropriate landscaping to soften the edges of the site, which can be controlled by condition, the development would not result in unacceptable visual impacts.

The proposed development is therefore acceptable in terms of visual amenity in accordance with Policies ENV1 and ENV2.

Residential Amenity

There are dwellings to the west on Daisy Street / Spring Gardens Road and to the south at Spring Gardens Farm.

The existing unit on the site is accessed via Daisy Street and there is a condition controlling of the times of access to that unit from Daisy Street.

Environmental Heath have requested assessment of the noise impacts of the development and a condition restricting hours of deliveries. This is an industrial site that previously housed an extensive complex of industrial buildings, the demolition of those buildings would not have extinguished the lawful use of the site. The site could still potentially be used for noise and traffic generating uses of the open land and remaining buildings without the need for permission.

The proposed layout of the site would involve the closure of the Daisy Street access and the main servicing areas would be within the site, with inward facing buildings between them and the adjacent dwellings. The use of the proposed access would not result in unacceptable impacts upon the residential amenity of adjacent dwellings.

Taking these factors into account, with a condition to require that a noise assessment is submitted for units 5, 6 or 7 prior to the commencement of their use the proposed development is acceptable in terms of the potential for residential amenity impacts.

The proposed development would also not result in any unacceptable loss of privacy, loss of light or have an overbearing impact upon any residential property. External lighting of the development and external plant and ventilation in the units close to dwellings could be controlled by condition to ensure that it does not result in unacceptable impacts.

The development is therefore acceptable in terms of residential amenity impacts in accordance with Policies ENV2 and ENV5.

Highway Issues

A Transport Statement has been submitted with the application, this acceptably demonstrates that the access and highway network can adequately accommodate the traffic impact of the proposed development in terms of safety and capacity. LCC Highways have requested some minor clarification and amendments in relation to car parking and the public right of way through the site and routing of traffic. Subject to the receipt of those acceptable details the development is acceptable in highway terms in accordance with policy ENV4.

Flood Risk

Parts of the site fall within flood zones 2 and 3, the Environment Agency have raised no objection to the proposed development subject to the implementation of the compensatory storage in accordance with the Flood Risk Assessment for the whole site, including the previously approved site. The Lead Local Flood Authority have raised an objection because no drainage strategy has been submitted with this application, a drainage strategy for the whole site was submitted with the previous application that has now been submitted for this application and the LLFA reconsulted, their comments are awaited.

Ecology

An ecology survey has been submitted and identifies potential for bat roosting in an opening in the retaining wall to the west of the site, which would not be directly impact by the building, it assesses the existing building as having low potential for roosting and identifies bat foraging within the site. There is also identified potential for bird, mammal, and invertebrates. The report makes recommendations for mitigation and enhancement measure and further survey work if the potential bat roosting site is to be impacted. With a condition to control those measures the proposed development is acceptable in terms of its impact on ecology.

Conclusion

It is recommended that the approval of the application and any conditions necessary is delegated to the Planning, Economic Development and Regulatory Services Manager subject to the withdrawal of objection by the LLFA and amended plans showing the public footpath through the site and acceptable car parking arrangements and any additional conditions necessary.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity, highways impacts and all other 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: Delegate Grant Consent

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 18.162.001O, 18.162.002A, 18.162.02.001C, 18.162.02.002C, 18.162.03.001B, 18.162.03.002C, 18.162.04.001B, 18.162.04.002C, 18.162.05.001B, 18.162.05.002C, 18.162.06.001B, 18.162.06.002C.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the external materials of the walls

and roof the development, including their colour and finish 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: In the interest of visual amenity.

4. The access, parking and manoeuvring areas for each unit shall be laid out in accordance with the approved plans and surfaced in a bound material prior to the commencement of the use of the unit they serve. The parking spaces and manoeuvring areas shall at all times remain free from obstruction and available for parking and manoeuvring.

Reason: To allow for the effective use of the parking areas.

5. Prior to the commencement of the use of the development hereby approved details of works to form the access and access road shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the commencement of the use of the development hereby approved.

Reason: To ensure adequate access in the interest of highway safety.

6. Prior to the commencement of the use of each unit cycle storage facilities for that unit shall be provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

7. Prior to the commencement of the use of each unit electric vehicle charging points shall be installed in accordance with details submitted to and approved in writing by the Local Planning Authority and thereafter retained in accordance with the approved details.

Reason: To ensure that the development provides sustainable transport options.

8. There shall be no external storage within the application site unless otherwise approved in writing by the local planning authority. Any external storage thereafter shall at all times be carried out only in strict accordance with the approved details.

Reason: In the interests of visual amenity.

9. The development shall be carried out and operated in strict accordance with the recommendations of the ecological appraisal Ref: BOW17.1053. Prior to the commencement of the use of the development a scheme of ecological mitigation and enhancement measures shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance prior to the commencement of the use of the development or an alternative timescale approved as part of the scheme.

Reason: To ensure the protection and enhancement of ecology and protected species habitats.

10. No external lighting shall be installed unless and until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity and direction of the lighting. Any external lighting shall at all times be in strict accordance with the approved details.

Reason: In the interest of residential amenity and to preserve the habitat of protected species.

11. Details of any external plant or mechanical ventilation relating to units 5, 6 and 7, including noise levels and attenuation, shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and it shall thereafter be operated and maintained in strict accordance with the approved details.

Reason: In the interests of residential amenity.

12. Prior to the commencement of the use of units 5, 6 and 7 an assessment of indoor and outdoor activity noise following BS 4142:2014 shall have been submitted to and approved in writing by the Local Planning Authority. Any noise attenuation shall be fully installed in accordance with the recommendations of the approved assessment for that unit prior to the commencement of the use of that unit and the unit shall be operated in accordance with the approved assessment at all times thereafter unless an alternative assessment is submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the vitality and viability of town centres.

14. No development shall commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) Wheel washing facilities
- v) A scheme for recycling/disposing of waste resulting from clearance and construction works
- vi) Details of working hours
- vii) Timing of deliveries
- viii) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- ix) Measures to control construction noise and vibration
- x) Measures to control dust.

Reason: In the interest of highway safety and residential amenity.

15. No development shall commence unless and until 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 has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how:-

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

and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

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

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

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

- 16.** The use of the development hereby approved shall not commence unless and until a detailed landscaping scheme has been 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 entirety 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.

- 17.** Compensatory storage shall be implemented prior to the construction of the built development in accordance with the drawings set out within Appendix IV of the FRA. The

compensatory storage scheme as detailed within appendix IV shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

Notes: The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of a development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. Enquiries about permanently diverting or closing the footpath may be made to Pendle Council.

The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by telephoning the Developer Support Section (Area East) on 0300 123 6780, or email developeras@lancashire.gov.uk.

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Application Ref: 22/0222/FUL

Proposal: Full: Major: Proposed development of B2/ B8 commercial units with associated parking, infrastructure and altered access following from the previous approved phase.

At: Former Spring Gardens Mill, Spring Gardens Road, Colne

On behalf of: Mr Mark Taylforth

REPORT TO COLNE AND DISTRICT COMMITTEE ON 07 JULY 2022

Application Ref: 22/0242/VAR

Proposal: Full: Variation of Condition: Major: Remove condition 18 (Affordable housing) of Planning Permission 20/0865/FUL.

At: Land To The West Of Brookside Garage, Dean Street, Trawden

On behalf of: Trawden Water Ltd

Date Registered: 22/04/2022

Expiry Date: 22/07/2022

Case Officer: Alex Cameron

This application has been brought before Committee as it is seeking to vary a major planning permission.

Site Description and Proposal

The application site is the site of an approved housing development for 20 houses at Dean Street, Trawden.

The planning permission included a requirement for four affordable houses to be provided. This application seeks to vary condition 18 to remove the requirement for the provision of four affordable dwellings:

Condition 18 - No part of the development shall commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for four affordable dwellings, an education contribution for three secondary school places and an off-site open space contribution.

Reason: To contribute towards the identified need for affordable housing provision in the area, to offset the impact of the development in education services and to ensure adequate public open space provision.

Relevant Planning History

20/0865/FUL - Full: (Major) Demolition of outbuildings/sheds and erection of 20 no. 3 & 4 bed properties comprising 3 terraced, 14 semi-detached and 3 detached dwellinghouses with associated parking and vehicular access from Dean Street and Skipton Road. Approved

Consultee Response

Trawden Forest Parish Council – Objects. Pendle Borough Council seeks an Affordable Housing contribution in accordance with Policy LIV 4 of the Pendle Local Plan Part 1 Core Strategy, adopted in December 2015. The developer should have known this and factored into their proposal prior to submission.

The cost of buying property is ever increasing (with Trawden in particular). Affordable housing is needed to ensure those currently living in the village can buy their first homes.

As per Policy 3 para 4.3.4, It is important that as many affordable homes are delivered as possible in the parish, in line with the Policy LIV4 as quoted above.

Public Response

Press and site notices posted and nearest neighbours notified. Responses received objecting on the following grounds:

- This would set a precedent for future removal of affordable housing provision from approved developments.
- The removal of the affordable housing would be contrary to policy.
- The affordable housing needs to be provided to give people the chance to buy their first home in a desirable village.
- The developer should have considered the affordable housing requirement from the start.
- Lack of profit should not be considered in a planning application.
- There is no link between the applicant and a developer so where is the link to the final development profit?
- The company Trawden Water is based in Salford.

Officer Comments

Policy LIV4 of the Core Strategy requires that affordable housing provision is made at a level of 20% for developments of 5 or more dwellings in Rural Pendle.

Where up to date policies set out required contributions they are assumed to be viable, however, paragraph 58 of the National Planning Policy Framework allows for the submission of a viability appraisal by an applicant to demonstrate whether such contributions would result in an individual development being unviable. If that is the case an affordable housing contribution cannot be required.

The applicant has submitted a viability appraisal which concludes that the cost of delivering the affordable housing provision would result in the development not being viable. This is in part due to the constraints of developing this steeply sloping site. National Planning Guidance advises that a 15-20% profit over gross development value may be considered a suitable return for developers, the submitted appraisal estimates a profit level before the cost of affordable housing provision of just 6.43%.

On the basis of the conclusions of the viability appraisal the requirement for any affordable housing would result in the development not being financially viable. Some clarification on technical points of the viability appraisal is being sought and dependent on the outcome of that either the removal of the requirement or variation to reduce the affordable housing requirement may be justified.

It is recommended that the approval of the variation of condition, to either remove or reduce the affordable housing requirement as necessary to ensure the viability of the development is delegated to the Planning, Economic Development and regulatory Services Manager subject to receipt of further clarification and the completion of the assessment of the viability appraisal.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed variation of condition is 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: Delegate Grant Consent

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from 26/10/2021.

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: NN751-PL-101, NN751-PL-201 Rev D, NN751-PL-202, NN751-PL-203 Rev B, NN751-PL-204 Rev B, NN751-PL-205 Rev B, NN751-PL-206, NN751-PL-207 Rev A, NN751-PL-208, NN751-PL-209 Rev A, NN751-PL-210 Rev C, NN751-PL-211 Rev C, NN751-PL-212 Rev A, NN751-PL-213 Rev D, NN751-PL-214 Rev A, NN751-PL-215 Rev A, NN751-PL-216, NN751-PL-218 Rev A, NN751-PL-219 Rev A, NN751-PL-220 Rev A, NN751-PL-221 Rev A, NN751-PL-223, NN751-PL-224.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the materials of the external walls, retaining walls and roofs of the development 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 allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity and to preserve the character and appearance of the Conservation Area.

4. Notwithstanding any indication on the submitted plans and application forms UPVC fenestration materials shall not be used, prior to the installation of windows and doors details of the materials, finishes and design and reveals of the windows and doors shall have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed and thereafter at all times be maintained in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the Conservation Area.

5. The development shall be carried out in strict accordance with the recommendations of the submitted Extended Phase 1 Habitat Survey & Daytime Bat Survey dates June 2021. Prior to the occupation of the first dwelling a scheme of ecological enhancement shall have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in strict accordance with the approved scheme.

Reason: to ensure the ecology of the site is enhanced and protected species are not harmed by the development.

6. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It

shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety and residential amenity.

7. Within 3 months of commencement a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.

a. Skipton Road vehicular crossing to plots b. Upgrade to bus stops on Skipton Road (references NB 2500LAA00178 & SB 2500LAA16002).

Reason: In the interest of highway safety and to ensure acceptable accessibility to essential services and facilities.

8. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: To ensure that the estate road is acceptably maintained and managed in the interest of highway safety.

9. Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

10. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

11. Prior to the occupation of each dwelling the driveways and parking areas serving that dwelling shall be constructed in a bound porous material and made available for use and thereafter maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate car parking provision in the interest of highway safety.

12. Prior to the occupation each dwelling the dwelling shall have a secure cycle storage provided at a ratio of 2 cycle spaces per dwelling.

Reason: To ensure adequate provision for sustainable transport.

13. Prior to the occupation of each dwelling the dwelling shall have an electric vehicle charging point installed. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.

Reason: To ensure adequate provision for sustainable transport.

14. Within three months of the commencement of the development a detailed landscaping scheme shall have been 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 entirety within the first planting season following the commencement of the use 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 and to preserve the character and appearance of the Conservation Area.

15. The development shall not be commenced unless and until 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 has been submitted to and approved in writing by the Local Planning Authority. 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 in order to prevent contamination of controlled waters and the environment.

16. The first floor front (west) elevation window of plots 2 and the southmost first floor front (west) elevation window of plot 3 shall at all times be fitted with obscure glazing to at least level 4 or above, unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The windows shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to the adjacent residential property.

17. Notwithstanding the provisions of Article 3 and part 1 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E, F & G of Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and appearance of the Conservation Area and residential amenity.

18. No part of the development shall commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for an education contribution for three secondary school places and an off-site open space contribution.

Reason: To offset the impact of the development in education services and to ensure adequate public open space provision.

19. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the submitted drainage strategy (July 2021, ref: 20207873, BDI Structural Solutions).

The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

20. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage strategy shall be based upon

the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. Those details shall include, as a minimum:

a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;

ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;

iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;

v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;

vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;

vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

21. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reasons: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue

flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

- 22.** No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems.

- 23.** Prior to the commencement of work on each plot the road to that plot shall have been constructed to at least base course level.

Reason: To ensure adequate access for construction in the interest of highway safety.

Application Ref: 22/0242/VAR

Proposal: Full: Variation of Condition: Major: Remove condition 18 (Affordable housing) of Planning Permission 20/0865/FUL.

At: Land To The West Of Brookside Garage, Dean Street, Trawden

On behalf of: Trawden Water Ltd

REPORT TO COLNE AND DISTRICT COMMITTEE ON 7TH JULY 2022

Application Ref: 22/0308/HHO

Proposal: Full: Demolition of conservatory. Proposed 2 storey rear extension

At: 34 Ruskin Avenue, Colne

On behalf of: Mr Paul Coffey

Date Registered: 19/05/2022

Expiry Date: 14/07/2022

Case Officer: Joanne Naylor

This application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

The application site is a two-storey end terrace of four in a predominately residential street with similar rows of terraces. There is a mix of render and pebble dash dwellings, which are of a similar design, form and layout in terms of roof pitch, door and window settings. The application site has front and rear gardens and on street parking. The property is located within the defined settlement boundary of Colne.

The proposal is for the demolition of the existing rear conservatory and to construct a two storey extension to provide a lounge/living room on the ground floor and bedroom, bathroom and WC on the first floor.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

Having considered the information submitted, the above proposal raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway safety and capacity grounds. Although there is limited on-road parking available on Ruskin Avenue the site is within acceptable walking distances of local amenities and facilities, which should reduce the reliance on the use of private motor vehicles.

Colne Town Council

The Town Council objects as the proposed extension is too large and disproportionate to the rest of the houses on the Avenue.

Pendle Borough Council – Environment Officer

The Sycamore tree in the neighbouring garden has been graded as Category C low quality due to past poor pruning. The tree is far enough away from the proposed footings of the development proposal to not be classed as a constraint, in part, due to the hard landscaping already carried out for the summer house. The development proposals will not have a detrimental affect on the tree. No objection to the proposal.

Public Response

The nearest neighbours have been notified by letter, no response has been received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

The main issues to consider in this application are the impact on design and materials, and amenity.

Policy SPD 1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework

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

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

Design and Materials

The Design Principles SPD states that two storey extensions should be subordinate to the existing dwelling and have a pitched roof. The two storey extension would be 5m in length and 5.96m in width and would have a pitched roof, the height and width of the two storey extension would be subordinate to the existing dwelling. The extension would be constructed with bricks and render to match the existing dwelling, the roof would be concrete tiles matching the existing roof. The proposed windows and bi-folding doors would match the existing uPVC windows and doors. The proposed materials would match the existing dwelling and would meet the requirements of the Design Principles SPD.

The Design Principles SPD states that the scale and form of the building should be considered along with its relationship to other buildings. The proposed extension is to the rear of the property and it would not be visible from the street and would not result in a negative impact on the

streetscene. The proposed two storey rear extension would project outwards by 5m from the rear elevation and would be 5.96m in width. The length of the rear garden is approximately 17m. The application site has a large garden therefore the size of the extension would be in scale with the garden area.

The development would be proportionate in its scale to the original dwelling and to its surroundings. The proposal reflects the design and materials of the original dwelling and adjacent premises, and it would not have a detrimental impact on the streetscene. The proposed development is acceptable in terms of design, materials and visual amenity in accordance with Policy ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advises that windows for rear extensions should normally be limited to rear facing and that side elevations overlooking neighbouring property should be avoided so as to avoid neighbour amenity issues.

The ground floor of the proposed extension would have one window and bi-folding doors on the rear elevation and two windows on the south elevation to serve the lounge/living room. The rear garden incrementally increases in height and is terraced, the window and bi-fold door would view the rear garden only.

The south wall of the extension would have two ground floor windows facing the garden and the blank gable of No.32 Ruskin Avenue. The boundary treatment between the application site and No. 32 is concrete blocks with wooden fence above circa 2m high. The two proposed side windows would be at a similar height to the existing conservatory windows. The application site already has the conservatory facing onto No. 32, the fencing blocks much of the view into the garden of No. 32. The proposed extension would result in a betterment with two proposed windows being less than the existing all-glazed conservatory. The north wall of the extension would have no windows.

The Design Principles SPD identifies minimum spacing standards of 21m between habitable room windows in properties that are directly facing each other. At the rear of the application site, the rear elevation of bungalows on Talbot Street would face the rear extension. The change in ground levels results in the bungalows being elevated, the windows of the bungalows would be in line with the first floor storey of the proposed extension. The first floor rear windows serving the bedroom, bathroom and office face the rear elevation of the bungalows and potentially look into habitable rooms. The distance from the rear elevation of the proposed extension to the bungalows ranges between 25m and 22m, with the office window set back a further 5m. This distance satisfies the minimum spacing standards of the Design Principles SPD.

The side window on the first floor of the proposal would face the garden and blank gable wall of No.32, the window would be obscure glazed which mitigates any potential amenity issue. Therefore, there would be no unacceptable neighbouring amenity issues regarding windows.

The Design Principles SPD advises that 3m two storey extensions and 4m single storey extensions are normally acceptable. The proposed extension is a larger extension, measuring 5m in length, 5.96m in width and two storey. The 45 degree guideline is used to assess the impact of an extension on the amenity of neighbouring properties. The nearest habitable room of No. 36 is the first floor bedroom window. The nearest habitable room of No. 32 is the ground floor kitchen window. Due to the width of the dwellings and the location of the habitable rooms, the 45 degree guideline was not breached and the proposed extension would be acceptable to the Design Principles SPD in this instance.

However, the proposed extension would be up to the boundary of the neighbouring property of No. 36 Ruskin Avenue. The proposed extension is two storeys high and the side elevation would extend 5m along the boundary. The proposed extension would have an unacceptable overbearing and oppressive impact upon the neighbour's ability to enjoy the amenity of their garden.

Therefore, the proposed development is unacceptable in terms of residential amenity and contravenes Policy ENV2 and the Design Principles SPD.

RECOMMENDATION: Refuse

For the following reasons:

By virtue of the proposed development's proximity to the party boundary of No. 36 Ruskin Avenue and its scale and massing, the proposed extension would result in an unacceptable overbearing effect upon No. 36 Ruskin Avenue, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy, the National Planning Policy Framework and the Design Principles SPD.

Application Ref: 22/0308/HHO

Proposal: Full: Demolition of conservatory. Proposed 2 storey rear extension

At: 34 Ruskin Avenue, Colne

On behalf of: Mr Paul Coffey

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 15th June 2022