

**REPORT FROM:** ASSISTANT DIRECTOR, PLANNING, BUILDING CONTROL  
AND REGULATORY SERVICES

**TO:** COLNE & DISTRICT COMMITTEE

**DATE:** 07TH SEPTEMBER 2023

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 07 SEPTEMBER 2023

**Application Ref:** 22/0453/FUL  
**Proposal:** Full: Major: Erection of a residential development of 50 dwellings.  
**At:** E L E Advanced Technologies Ltd, Cotton Tree Lane, Colne  
**On behalf of:** E L E Advanced Technologies Ltd  
**Date Registered:** 04/07/2022  
**Expiry Date:** 22/11/2022  
**Case Officer:** Alex Cameron

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

### **Site Description and Proposal**

The application site an industrial building and surrounding open land. The site is located within the open countryside immediately to the south of the settlement boundary of Colne. To the north are dwellings on Barnfield Close and Acresfield separated by Colne Water, there is open land to the west and dense woodland to the south. The site is accessed from Cotton Tree Lane to the east.

The proposed development is the demolition of the existing industrial building and erection of 50 detached houses comprising 22 three bedroom, 21 4 bedroom and 7 five bedroom properties. The dwellings would be finished in reconstituted stone and render, concrete tile roofs and black upvc windows and doors.

### **Relevant Planning History**

13/00/0674P - Retain temporary office accommodation. Approved.

13/02/0701P - New storage extension and raising of roof of previously approved (unimplemented) extension. Approved.

13/03/0804P - Full: Erect substation between car park and river. Approved.

13/04/0698P - Full: Erection of a single storey lean-to extension and compound to rear. Approved.

19/0962/FUL - Full: Major: Erection of an extension to existing industrial premises (2,250m<sup>2</sup> additional floor space) with associated car parking. Approved.

### **Consultee Response**

**LCC Highways** - The site is currently an active employment site, generating staff vehicles and an element of HGV traffic. The proposed change from employment to residential would eliminate the regular heavy vehicle traffic on Cotton Tree Lane which is supported. The proposed residential traffic generation presents a small increase in vehicle trips in the peaks and with the proposed mitigation this is considered acceptable on the wider network. The construction and current condition of the bridge are unknown. Notwithstanding that the infrastructure is to remain private, the matters, outlined above, relating to the bridge need to be addressed and the internal layout needs amending before the decision.

**LCC Education** – Request a contribution for 7 secondary school places.

**PBC Environmental Health** - Request that contaminated land and construction management conditions be attached.

**Environment Agency** – Object. The application site lies within Flood Zone 2/3, which is defined as having a medium/high probability of flooding. The applicant has undertaken hydraulic modelling which appears to indicate that the site is not in Flood Zone 3, thereby challenging the EA's Flood Map for Planning. In doing so, the FRA & supporting hydraulic report must undergo a review by our in-house Evidence and Risk department before this assertion can be supported.

**Lead Local Flood Authority** – No objection subject to conditions for: compliance with Flood Risk Assessment, surface water drainage strategy, construction surface water management, drainage operation and maintenance and verification report.

**United Utilities** – No objection to the amended layout, request that foul and surface water drainage and management and maintenance conditions are attached.

**Cadent Gas** – No objection, request that an informative note is attached.

**East Lancashire NHS Trust** – Request a contribution to meet the acute health care needs of the residents of the development for the first three years of its occupation.

**Lancashire Fire and Rescue** – Comments relating to Building Regulations.

**Colne Town Council** – Colne Town Council has chosen to remove this site from the Colne Neighbourhood Plan due to objections from the Environment Agency with regard to flooding. It will be interesting to see if the EA's concerns can be alleviated when analysing the site in detail.

### **Public Response**

Site and press notices posted and nearest neighbours notified by letter. Responses received objecting on the following grounds:

- Highway safety impact of increase in traffic using Cotton Tree Lane and the roundabout on Keighley Road.
- Highway safety impact of construction traffic.
- Inadequate site access via a narrow bridge.
- The site has been subject to flooding.
- Impact on the open countryside and landscape character of the area.
- Impact on outlook from the adjacent public right of way.
- Impact on outlook from the gardens and windows of adjacent dwellings.
- Loss of trees and green space.
- Lack of affordable housing.
- Impact on wildlife including protected species.
- The Wildlife Trust for Lancashire, Manchester and North Merseyside object: the application does not assess the impact on nesting birds, Lancashire's ecological networks, the applicant has not demonstrated that the development would not result in a net loss in biodiversity.

### **Officer Comments**

## **Policy**

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

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the roles each settlement category will play in future growth. Colne is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 identifies housing distribution for the M65 Corridor as 70%, the amount of development proposed here is not disproportionate to the level of housing development Colne would be expected to provide, as a minimum, over the plan period.

Policy ENV1 of the Replacement Pendle Local Plan 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 of the Pendle Local Plan Part 1 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 ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy ENV4 seeks the promotion of sustainable patterns of travel.

Policy ENV 5 considers pollution and unstable land. Emissions and public exposure to pollution are required to be minimised.

Policy ENV7 considers water management. It sets out a sequential approach to site selection for flooding and the use of sustainable urban drainage systems. Surface water run off systems have to mimic the natural discharge process.

Policy LIV 1 sets out the minimum level of housing the Borough should achieve over the life of the Plan. It states that until such time as the Council adopts the Pendle Local Plan Part 2 (new Local Plan as it will now be) new housing development will be supported on sustainable sites outside but close to the settlement boundary which make a positive contribution to the five year supply of housing land.

Policy LIV 4 sets out affordable housing targets. There is no requirement of affordable housing in the M65 corridor.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision should be made for open space or green infrastructure.

### **Replacement Pendle Local Plan**

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

## Colne Neighbourhood Development Plan

Policy CNDP3 (Design in Colne and the Colne Design Code) states that the design of high quality, beautiful and sustainable buildings and places will be supported. Development should be designed to incorporate the Design Code elements for the settlement area (CCA C). As appropriate to their scale, nature and locations developments should use traditional local materials, where appropriate recycled, that make a positive contribution to the character and quality of the area.

Policy CNDP6 (Future Housing Growth) States that new housing development will be supported within the settlement boundary.

Policy CNDP13 (Conserving and Enhancing Landscape Features) States that development should conserve and where practicable enhance the landscape in the area. It identifies significant viewpoints which proposals should respond to.

Policy CNDP14 (Rural Identity and Character) State that within the countryside development should retain and enhance the rural identity and character of the neighbourhood area. It sets criteria developments should respond to as appropriate to their scale, nature and location.

## National Planning Policy Framework

### National Planning Policy Framework (The Framework)

Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where a local planning authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to designated heritage assets); or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **Principle of the Development**

This site is in a sustainable location adjacent to the settlement of Colne, in the M65 corridor within accessible walking distance of public transport and essential services and facilities. It is a sustainable site which would make a positive contribution to the five year supply of housing land in accordance with policy LIV1 and SDP2. Policy CNDP6 states that new housing development is supported within settlement boundaries, this does not preclude development outside the a settlement boundary, which is supported by policy LIV1 of the LPP1. The proposed development is therefore acceptable in principle in this location.

### **Design**

The design of the proposed dwellings incorporate both contemporary and traditional elements, with large contemporary windows but with reconstituted stone surrounds and a mixture of reconstituted

stone and render finishes. The layout of the development acceptable responds to constraints of the site. The development is of good design and taking into account the nature of the location is in accordance with the policies and design guidance of the CNDP.

### **Landscape and Visual Amenity Impact**

The site is within the significant view areas from viewpoints 5 (Cemetery), 6 (Upper Rough), 7 (Lidgett Triangle), 9 (Noyna Rocks), 10 (Winewall) 11 (Mire Ridge) and 12 (Fox Clough Footpath) as defined in the CNDP.

A Landscape and Visual Impact Assessment has been submitted with the application. This demonstrates that due to its position at the bottom of the valley, with dense woodland to the south and east the site is well screened from the viewpoints to the south and east. From the north it would be screened by the topography of the land, trees and existing housing. It would be likely to be partially visible from the cemetery and would be visible from the adjacent public rights of way. From those viewpoints it would appear as a natural extension of the settlement, additional extra heavy standard native tree planting is proposed which would provide additional screening and softening and, overall, it would have a lesser landscape and visual impact than the existing industrial building and previously approved extension.

The proposed development is acceptable in terms of landscape and visual impacts.

### **Residential Amenity**

The development would not result in any unacceptable impacts upon surrounding dwellings in terms of privacy, loss of light or overbearing impacts.

An obscure glazing conditions is necessary for the first floor side landing window of plot 4 which would overlook the garden and rear windows of plot 5 in close proximity. With that condition, taking into account interface distances and angles of view, the development would provide an acceptable level of privacy for its residents.

Therefore, the principle of a housing development on this site is acceptable in terms of residential amenity.

### **Landscaping and Open Space**

A landscaping scheme has been submitted which includes planting of 96 new extra heavy standard native trees throughout the site in addition to the trees to be retained around the boundary of the site. The proposed landscaping scheme would be acceptable. Open space is proposed in the form of green infrastructure around the site, this acceptably meets the requirements of policy LIV5.

### **Ecology**

An ecology assessment of the site has been submitted, and updated in response to the concerns raised by the Wildlife Trust, this acceptably demonstrates that with the mitigation and enhancement recommended the development would not result in unacceptable impacts upon habitats and the ecology of the site and would meet the requirement to preserve or enhance the ecology of the site.

### **Drainage and Flood Risk**

The site is bounded to the north and east by Colne Water and parts of the site are shown within

flood zones 2 and 3 of that river on the Environment Agency's flood risk map.

The applicant has submitted hydraulic modelling of the site in order to demonstrate that the development would not be at unacceptable risk from flooding. The EA have conducted a review of that modelling and accepted it.

A revised FRA has been submitted based on that modelling and the EA have been consulted on that. It appears likely that this addresses the EA's objection and, subject to formal confirmation of that, the development is acceptable in terms of drainage and flood risk in accordance with policy ENV7.

## **Highways**

A transport assessment has been submitted which acceptably demonstrates that the development would not result in unacceptable impacts upon the surrounding highway network. The site is sustainably located and an acceptable level of car parking is proposed for each dwelling.

A claim has been submitted for a public right of way through the site, an amended plan has been submitted demonstrating that it can be acceptably accommodated within the development.

Queries have been raised regarding the bridge over which the site would be accessed, a survey of the bridge has been submitted which demonstrates that, although some remediation is required, the bridge has capacity to carry up to 40 tonne vehicles. The ongoing maintenance of the bridge can be ensured with a management and maintenance condition.

The proposed development is acceptable in highway terms in accordance with policy ENV4.

## **Contributions**

### Education

LCC have requested a contribution for 7 secondary school places and provided acceptable demonstration that this is necessary and related to the development.

### Healthcare

A request has been made from East Lancashire Hospitals NHS Trust for a contribution towards the cost of healthcare interventions it calculates will be generated by the residents of the dwellings in the first three years of their occupation, for which there is a funding gap.

In terms of health service contributions there are a number of concerns about the request and justification for those requests. Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:

Section 106 of the 1990 Act provides as follows:

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106C as "a planning obligation"), enforceable to the extent mentioned in subsection (3)—

- (a) restricting the development or use of the land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way; or

(d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.

(2) A planning obligation may—

(a) be unconditional or subject to conditions;

(b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and

(c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

The relevant parts of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”) are as follows:

(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

Section 216(1) of the Planning Act 2008 together with Regulation 59 of the CIL Regulations requires charging authorities to apply CIL payments to “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”.

Section 216(2) defines “infrastructure” as follows:

“infrastructure” includes—

(a) roads and other transport facilities,

(b) flood defences,

(c) schools and other educational facilities,

(d) medical facilities,

(e) sporting and recreational facilities, and

(f) open spaces”

The request for contributions for health care services does in my view overall fit into a category of infrastructure that could, if necessary to make the development acceptable, fall within a category of infrastructure that can be funded through a section 106 agreement. However that does not mean to say that the contribution being requested meets the tests set out in the CIL Regulations detailed above.

Case law is clear that planning permissions cannot be bought or sold hence any sum to be paid to a planning authority must be for a planning purpose which should in some way be connected with the land in which the developer is interested.

The issue for Committee is whether the funding has a direct connection to the development and whether this would be fairly and reasonably related in scale and kind to the development.

Robust evidence is required to support a request for a contribution. In London for example a model has been produced which attempts to provide robust and up to date evidence on the need for a contribution. The model is referred to as the HUDU model. This looks at the specific circumstances of each development in its own location reflecting the population characteristics of the area.

The evidence supplied with this request does not in my view go far enough to support the view that the impacts of the individual development is directly related to healthcare deficiencies. A flat rate is



applied to all developments which will inevitably result in some developers over providing and some underproviding. The model does not factor in demographic modelling of the area and does not for example look at any percentage of the population that may move into the developments and that they are already resident in the area thus not increasing the demand on services.

We have also raised a concern about the timing of funding and that developments can take several years in order to come to fruition. From the information supplied to us it appears that once a development is known about then financing is included in the next budgetary year. The issue therefore is that if developments take several years to come forward and they are included in financial planning after year 1 then the developer would be paying for services already funded in the standard funding formulae.

Whilst more accurate evidence could be provided were the model to be finessed as it stands it is not sufficiently robust to prove the level of contribution fairly reflects the impact the development would have on services.

This is an important issue that will arise in other developments in the Borough. In order to get an independent view on this we have obtained Counsel's opinion on this. That advice is legally privileged but supports the view that the evidence is not sufficiently robust to be able to support a requirement for the contribution requested.

Committee are therefore recommended not to require a contribution to the NHS as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development.

## **Conclusion**

It is recommended that the approval of the application, and any additional or revised conditions necessary, is delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to confirmation of the withdrawal of the EA's objection and confirmation of highways conditions.

## **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 development is acceptable in all relevant regards in accordance with the Local Plan Part 1: Core Strategy and saved policies of the Replacement Pendle Local Plan. 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: SP01A, P02C, P03A, P04, P05, PP01.01-P1, PP01.02-P1, PP01.03-P1,

PP01.04-P1, PP01.05-P1, PP01.06-P1, PP01.07-P1, SS-01, HTA-01, HTB-01, HTC-01, HTD-01, HTE-01, HTE-02, HTF-01, HTF-02, HTG-01, HTG-02, HTH-01, HTH-02, MAT-01.

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, and notwithstanding any indication on the approved plans or forms, samples of external materials / finishes of the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

Reason: 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. Unless otherwise agreed in writing by the Local Planning Authority the depth of reveal shall be at least 70mm.

Reason: To ensure the continuation of a satisfactory appearance to the development.

5. The first floor side elevation window of plot 4 shall at all times be glazed with obscure glazing to a minimum level of Pilkington Level 4 (or equivalent), the window shall be hung in such a way that prevents the effect of the obscure glazing from being negated by opening.

Reason: In the interest of residential amenity.

6. No part of the development shall be commenced unless and until a Construction Code-of-Practice 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) The parking of vehicles of site operatives and visitors
- b) The loading and unloading of plant and materials
- c) The storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding
- e) Wheel washing facilities
- f) Measures to control the emission of dust and dirt during construction
- g) Measures to limit noise and vibration
- h) A scheme for recycling/disposing of waste resulting from demolition and construction works
- i) Details of working hours
- j) Details of hours of deliveries
- k) Routing of delivery vehicles to/from site
- l) Restriction of burning on-site

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. 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 residential amenity and highway safety during construction.

7. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (20th June 2022 / HYD646\_COTTON.TREE.LANE\_FRA&DMS / Betts Hydro) and Technical Note Document ( 25th September 2022 / HYD646-CottonTreeLn-RDN-HM-TN001 / Betts Hydro) The measures shall be fully implemented prior to occupation of the development 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.

8. 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 surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water 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. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
- 100% (1 in 1-year) annual exceedance probability event;
  - 3.3% (1 in 30-year) annual exceedance probability event + XX% climate change allowance, with an allowance for urban creep;
  - 1% (1 in 100-year) annual exceedance probability event + XX% climate change allowance, with an allowance for urban creep
- Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

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

- Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
- Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- Details of proposals to collect and mitigate surface water runoff from the development boundary;
- Measures taken to manage the quality of the surface water runoff to prevent pollution, protect 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 BRE 365.

d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

e) Evidence of an agreement in principle with the third-party asset owner to connect to the onsite surface water body.

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.

9. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance. The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: 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 surface water flood risk on-site or elsewhere during any construction phase.

The development shall not be occupied unless and until a site-specific Operation and Maintenance Manual 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 in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

a) A timetable for its implementation;

b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;

c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water 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, and to ensure that the sustainable drainage system is subsequently maintained.

10. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water 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.

11. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

12. Prior to the occupation of the first dwelling the remediation measures recommended by the Structural Inspection and Review report P9071/22/07 shall have been completed and details of ongoing management and maintenance arrangements to ensure the structural integrity of the bridge shall have been submitted to and approved in writing by the Local Planning Authority. The bridge shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure the structural integrity of the bridge in the interest of highway safety.

13. Within 3 months of commencement of the development full engineering, drainage, street lighting and constructional details of the road and footways 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: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

14. Within 3 months of commencement of the development details of the proposed arrangements for future management and maintenance of the proposed estate road and footways within the development have been submitted to and approved by the local planning authority.

The estate road and footways shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

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

15. 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.

16. Prior to first occupation of each dwelling the driveway for that dwelling shall be constructed in a porous bound material and the garages constructed and 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 to the detriment of highway safety.

17. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-
- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
  - b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority. All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

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

Advisory Notes:

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

Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

18. The development shall be carried out in strict accordance with the recommendations of the Ecological Appraisal ref: P.12150.19 updated 23<sup>rd</sup> February 2023. Prior to the occupation of the first dwelling a scheme for ecological mitigation and enhancement, including timescales for implementation, shall have been submitted to and approved in writing by the Local Planning Authority and it shall thereafter be implemented in accordance with approved timescales.

Reason: To order to ensure that the ecology of the site is preserved and enhanced by the development.

- 19 The approved landscaping scheme refs: PP01.01-P1, PP01.02-P1, PP01.03-P1, PP01.04-P1, PP01.05-P1, PP01.06-P1, PP01.07-P1 or an alternative landscaping scheme which has been submitted to and approved in writing by the Local Planning Authority, 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.

20. Prior to the occupation of the first dwelling details of the long term management and maintenance of the areas of landscaped areas shall have been submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall thereafter at all times be managed and maintained as such in accordance with the approved details.

Reason: To ensure the landscaped areas are adequately managed and maintained.

21. No ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, in accordance with Tree Protection Plan Rev A and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with the Tree Protection Plan. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction. All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

22. 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. Unless otherwise agreed in writing by the Local Planning Authority the said obligation shall provide for 7 Secondary School places.

Reason: To provide for the impact of the development on local secondary school provision and to support the implementation of the Travel Plan.

**Application Ref:** 22/0453/FUL

**Proposal:** Full: Major: Erection of a residential development of 50 dwellings.

**At:** E L E Advanced Technologies Ltd, Cotton Tree Lane, Colne

**On behalf of:** E L E Advanced Technologies Ltd



## REPORT TO COLNE AND DISTRICT COMMITTEE ON 7<sup>TH</sup> SEPTEMBER 2023

**Application Ref:** 23/0321/ADV

**Proposal:** Advertisement Consent: Display of 1 no. fascia sign.

**At:** Craven Garage, Norfolk Street, Colne.

**On behalf of:** Mr Howard Whewell.

**Date Registered:** 15/06/2023

**Expiry Date:** 10/08/2023

**Case Officer:** Joanne Naylor

This application was called-in by a Councillor.

### **Site Description and Proposal**

The application site is a commercial building for car/van hire and vehicle repair business, it is on a sloping site and set along Skipton Road and Norfolk Street. The building upon which the advert is sited is a traditional natural stone building with a pitched roof of natural slate tiles. From Norfolk Street the site appears as a single storey and from Skipton Road the gable end of the building is three storeys. The site is located within a residential and commercial area and within the settlement boundary of Colne.

The proposal seeks retrospective advertisement consent for the erection of one fascia sign to the gable end facing towards the A6068. At the time of the site visit, the advertisement was in place.

### **Relevant Planning History**

13/92/0200P: Erect industrial unit. Approved with conditions (22/06/1992).

13/97/0680P: Erect service building (157m square) demolish existing parts building. Approved with Conditions (05/02/1998).

### **Consultee Response**

#### **LCC Highways**

LCC Highways raise no objection to the development, it will not have a significant impact on highway safety or amenity in the immediate vicinity of the site.

#### **Parish/Town Council**

No Comment.

### **Public Response**

The nearest neighbours have been notified by letter without response.

### **Relevant Planning Policy**

### Pendle Local Plan Part 1 Core Strategy

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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

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

### Replacement Pendle Local Plan

Saved Policy 25 (Location of Service and Retail Development) relates to the location of service and retail 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.

### Colne Neighbourhood Plan

Policy CNDP1 – Colne Market Town that development in the defined town centre should consider the scale, nature and location of development and have regard to identified gateways and throughroutes.

Policy CNDP3 – Design in Colne and the Colne Design Code seeks high quality, beautiful and sustainable buildings and places, and development should be informed by the characteristics of the Settlement Focus Area and include the Design Code for each area. For this application this relates to Focus Area SFA: F.

The Design Principles Supplementary Planning Document (SPD) provides guidance on the display of advertisements and also applies too extensions. It sets out the aspects required for good design.

### **Officer Comments**

The issues to consider with this application are Design and Material, Residential Amenity and Highway Safety.

#### **Design and Material**

The Design Principles SPD provides guidance on the design of advertisements and that corporate image can often be accommodated in most commercial areas. The Design Principles SPD also states that advertisements can have a significant effect on the character and appearance of a building or an area, the size, number, design, and type of advertisements need to be carefully considered in terms of the visual amenity.

The application site is located on the junction formed by Norfolk Street and Skipton Road, with the gable end facing towards the A6068 which is a busy main road. The application site is a traditional building with natural stone walls and a pitched roof of natural slate tiles. The building is located on a sloping site with the location of the proposed advertisement to be on the three storey gable elevation which faces towards the A6068.

The wall mounted advertisement sign is located to the gable elevation. It is 2.5m high x 5m wide x 0.3m deep and is 5.5m above the ground. The lettering to the signage is 0.25m high in white and red colour and has a background of a van with grey and black background. The lettering reads "COLNE VAN HIRE" with further text providing the phone number. The material of the fascia sign is laminated vinyl.

The applicant has indicated that there has been an advertisement sign on this gable end in the past, a planning history search has not identified previous applications for advertisement to the gable end, and from photographic evidence in October 2008 there were no advertisement sign in place.

The Design Principles SPD requires advertisement to be of a high standard, relate to the architecture of the building the advertisement is fixed to, be sympathetic to the locality and street scene, the materials and colours to not be detrimental to the street scene, to not cause a safety hazard to pedestrians, to not clutter the building and usually be confined to ground floor level.

The location of the application site is within a commercial area, with the business having a large forecourt, and a building for servicing vehicles which has an advertisement sign to the front and side elevation. The forecourt and garage building are set at a lower level and from the A6068 the view of the existing advertisement can be obstructed. The proposed signage is at a higher level which would be visible from the A6068, from Skipton Road the application site appears as a single storey building due to the sloping site, the sign is not illuminated. The proposal would have a similar colour scheme as the existing signage on this site, it would be located centrally to the upper part of the building and would be proportionate, it would not adversely affect the architectural character of the building as there would be one advertisement to the gable elevation only. In this area, there are a number of businesses with advertisement signage which are simple and proportionate in this commercial area. Opposite the application site there is a modern commercial building which has an advertisement sign which is wider and less high than the proposed advertisement and faces towards Skipton Road, and there are other buildings within the vicinity with signage. The signage considered here would be sympathetic to the surrounding locality and street scene and would reflect the colours of the existing signage of the business.

Policy CNDP5 – Urban Character Areas seeks that development proposals respond positively to the background character of the Urban Character Area within which they are located. The proposed development is nearest the Urban Character Area is CNDP5/2 Chatham Street/Montague Street/Langroyd, from these areas the proposed development is not visible. The only view of the proposal is from the lower end of Skipton Road travelling towards Colne Town Centre, the proposal is not visible from the streets identified in CNDP5/3, and the proposal is located in a commercial area with more modern industrial buildings.

The proposed scheme would not impact on highway safety and the size, colour and design of the proposal would conform to Policy ENV2, the Colne Neighbourhood Plan CNDP3 and the Design Principles SPD.

The advertisement therefore adversely affects the visual amenity and conflicts with Policy ENV2 of the Local Plan: Part 1 Core Strategy, and paragraph 134 of the Framework.

## Amenity

There are residential properties opposite the application site along the A6068, the distance between the proposal and the residential properties opposite are sufficient distance away to have no unacceptable impact in these properties. The proposal would be acceptable in residential amenity terms and would conform to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

## Highways

LCC Highways raise no objection to the proposal.

## **Reason for Decision**

The proposed advertisement is acceptable in terms of design and material, amenity and highways safety.

## **RECOMMENDATION: Approve**

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: Amended Location Plan (6 June 2023), Site Plan, Proposed Elevations (15 June 2023), Photo submitted by applicant (18 May 2023).

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

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the land entitled to grant permission.

**Reason:** Condition imposed by the Regulations

4. No advertisement shall be sited or displayed so as to –
  - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

**Reason:** Condition imposed by the Regulations.

5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

**Reason:** Condition imposed by the Regulations.

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

**Reason:** Condition imposed by the Regulations.

7. Where an advertisement is required under these Regulations to be removed, the site shall be left in condition that does not endanger the public or impair visual amenity.

**Reason:** Condition imposed by the Regulations.

**Application Ref:** 23/0321/ADV

**Proposal:** Advertisement Consent: Display of 1 no. fascia sign.

**At:** Craven Garage, Norfolk Street, Colne.

**On behalf of:** Mr Howard Whewell.

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 7<sup>TH</sup> SEPTEMBER 2023

**Application Ref:** 23/0453/FUL

**Proposal:** Full: Change of use from retail (Class E) to hot food takeaway (Sui Generis).

**At:** 13 Glenroy Avenue, Colne, BB8 9ET

**On behalf of:** Northwest Properties

**Date Registered:** 07.07.2023

**Expiry Date:** 01.09.2023

**Case Officer:** Yvonne Smallwood

This application has been brought to Committee as it has been called in by a Councillor.

### **Site Description and Proposal**

The application site is McColl's, a convenience store with an off-licence to the west with an ATM cash-point. The store is located in a residential area within the settlement boundary of Colne.

The proposed development would change the use of the store from retail (Class E) to hot food takeaway (Sui Generis). There would be a bin storage area to the north east of the front forecourt within vertical timber fencing and a flue for extraction would be installed to the south west of the kitchen area towards the rear of the site.

### **Relevant Planning History**

13/06/0101P - Full: Use part of premises for hot food takeaway – Refused, 16.02.2006

13/05/0633P – Full: single storey retail extension to east elevation – Approved with Conditions, 05.11.2005

13/04/0603P - Full: Erection of a retail storage extension to rear – Approved with Conditions, 27.07.2004

13/04/0332P - Full: Change of use of ground floor from residential to retail use – Approved with Conditions, 30.04.2004

13/04/0180P - Full: Change of use of ground floor from residential dwelling to hot food takeaway – Refused, 12.03.2004

### **Consultee Response**

#### **LCC Highways –**

Having reviewed the documents submitted, together with site observations, the proposed development raises highway safety concerns. As these cannot be mitigated satisfactorily the proposed development would be contrary to paragraph 111 of the NPPF. Therefore, the Highway Development Control Section objects to the development on highway safety grounds.

Dwellings along the northern side of Glenroy Avenue have no off-road parking meaning that vehicles have to park on the carriageway. Consequently there is a high demand for on-road

parking. Glenroy Avenue is narrow and any vehicles parked on-road further reduce the carriageway width preventing two way traffic flows.

### **PBC Environmental Health –**

With regards to this development, we are concerned about noise/vibration and odour once operating. We require a noise assessment to identify the level of impact on the nearest residential property.

The submitted reports do not provide enough information for a decision to be made.

We are concerned about the discharge point being at the ceiling level of the ground floor and all that has been submitted is a noise level which should be acceptable, but we do not have evidence of any equipment available that would meet this criteria.

With regard to the odour, we are not of the opinion that the extraction system would be adequate, especially as the exhaust is so low.

### **Architectural Liaison Unit –**

We would strongly advocate that this development be designed and constructed to Secured By Design security standards, using the SBD 'Commercial 2015' Design Guide specifications. Further details about Secured By Design, including application forms and security specifications can be found at [www.securedbydesign.com](http://www.securedbydesign.com).

### **Public Response**

Nearest neighbours notified by letter with several responses, summarised below:

- There are already plenty of takeaways with delivery service are available in the town centre, no more are needed
- Parking concerns for residents and customers.
- Increased traffic concerns/taxis
- Vermin
- Noise of vehicles and people waiting
- Obesity issues/unhealthy food
- Odours through doors and windows of neighbouring properties
- Negative impact on the character and appearance of the street
- A petition was received signed by several objecting local residents
- Litter issues
- Unsocial behaviour
- Youths congregating outside the takeaway/late night drinkers
- Issues relating to the hours of opening/antisocial hours
- A hot food takeaway was previously refused at this premises
- Not beneficial to the community in the current economic climate
- Detrimental impact to neighbouring properties
- Some local young people would work there
- Danger to small children playing out on the Avenue
- Senior Citizens live near to the proposed takeaway
- More illuminated signage in the street
- House prices will reduce as it would make it a less desirable area

- A youth club or community centre would be preferable

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

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 seeks to control the location of retail and service development and allows for existing commercial uses that exist outside of designed town centres but within a settlement boundary to be retained or replaced by another commercial use if 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.

#### **Colne Neighbourhood Development Plan 1**

Hot food takeaways Within the Primary Shopping Area, Primary Shopping Frontages and in predominantly residential blocks proposals for hot food takeaways will only be supported where they would be subsidiary to retail and other commercial uses and where amenity, litter and noise and general disturbance matters can be addressed in a satisfactory manner.

The number of hot food takeaways in the town centre has grown steadily (Appendix 2). The PLPCS seeks to limit the growth of non-shopping uses in the Primary Shopping Area and Primary Shopping Frontages. Policy CNDP1 supports this aim and also seeks to limit the introduction of such uses in predominantly residential blocks in the town centre.

### **Principle of the Development**

The site is located within the settlement boundary of Colne. CNDP1 seeks to limit takeaways within the Primary Shopping Frontages, however as the application site is not within the town centre, the development would be compliant with policies 25 and WRK4.



The nearest schools to the site are Sacred Heart Roman Catholic Primary School and Sacred Heart Roman Catholic Infant School at a distance of 0.2m from the proposed takeaway. Ideally it is considered that takeaways should not be located within 0.4m of a site that is predominantly for children, in the interests of health.

### **Visual Amenity**

There would be a bin storage area to the north east of the front forecourt within vertical timber fencing and a flue for extraction would be installed to the south west of the kitchen area towards the rear of the site. The timber fenced bin storage area and the flue would not result in an unacceptable impact to the premises or the street scene and would therefore accord with Policy ENV2.

### **Residential Amenity**

Additional information has been requested in relation to noise, odour and vibration, which has not been received. There is insufficient information provided to assess whether the development would be acceptable with regard to the impact the extraction system would have on the amenity of nearby residential properties.

The opening hours proposed are Monday to Friday 11:00 – 20:30, Saturday: 11:00 – 20:30, Sunday/Bank Holiday: 11:00 – 20:30.

The discharge point at the ceiling level of the ground floor would be unacceptable in regard to residential amenity. The odour extraction system would most likely be inadequate, especially as the exhaust is so low.

There is insufficient information to establish whether or not the development would be acceptable in regard to residential amenity, therefore the proposal would not comply with policies ENV2 and ENV5.

### **Other Matters**

A Flue Extraction Statement has been submitted by the agent, BIL/01. Additional assessment of noise, vibration and odour have been requested, due to concerns raised by Environmental Health. These additional assessments have not been received.

### **Highways**

Highways LCC stated that the development to change the use from retail to a hot food takeaway raised highway safety concerns. These cannot be mitigated satisfactorily, resulting in the proposal being contrary to paragraph 111 of the Framework:

*‘Development should only be prevented or refused on highways safety, or the residual cumulative impacts on the road network would be severe.’*

The development would alter the characteristics of the existing shop use. The current use would generate trips by people to utilise the shop. As a local shop it would be likely to attract local residents on foot with few visits from the wider area. A takeaway would however lead to more car borne journeys both from people wanting to pick up and take meals home quickly as well as potentially from customers further afield. There is a lack of on street parking next to the site and the road is narrow. The use as a takeaway would generate more car journeys to the site and with the high demand already for on street parking the development would lead to on street parking inimical to highway safety.

## **RECOMMENDATION: Refuse**

- 1 The development would lead to an increase in car borne visitors to the site increasing the need for on street parking in an area that has limited on street parking and a narrow highway. The development would lead to a danger on the highway contrary to Paragraph 111 of the National Planning Policy Framework, Policy ENV4 of the Local Plan: Part 1 Core Strategy and Policy 31 of the Pendle Replacement Local Plan.
- 2 The application does not include adequate information to establish whether or not the development would be acceptable in regard to the impacts of emissions on the amenity of nearby residential properties and therefore the proposal would fail to comply with policies ENV2 and ENV5 of the adopted Pendle Local Plan – Core Strategy.

**Application Ref:** 23/0453/FUL

**Proposal:** Full: Change of use from retail (Class E) to hot food takeaway (Sui Generis).

**At:** 13 Glenroy Avenue, Colne, BB8 9ET

**On behalf of:** Northwest Properties

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 01<sup>st</sup> August 2023**