

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

TO: COLNE & DISTRICT COMMITTEE

DATE: 07TH DECEMBER 2023

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 07 DECEMBER 2023

Application Ref: 23/0576/CND

Proposal: Approval of Details Reserved by Condition: Discharge Condition 3 (Materials) of Planning Permission 21/0583/FUL.

At: Land Adjacent, Whitewalls Drive, Colne

On behalf of: Miss Rebecca Yates

Date Registered: 17/08/2023

Expiry Date: 12/10/2023

Case Officer: Alex Cameron

Site Description and Proposal

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions of Planning Permission 21/0583/FUL.

This application requests the discharge of condition 3:

Prior to the commencement of development details of the proposed materials to be used externally on the buildings, means of enclosure and all external surfacing shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter conform to the details so approved and thereafter be maintained as such.

Relevant Planning History

21/0583/FUL - Full: Major: Re-development of the site comprising the erection of roadside services including a Petrol Filling Station with ancillary convenience floor space and drive-thru coffee unit (Sui Generis) and Erection of two industrial units (Use Class B2/B8), with associated infrastructure, access, car parking and landscaping (Re-Submission). Appeal allowed

Consultee Response

None.

Officer Comments

Condition 3 (Materials) Only the details of the materials of the shop, coffee shop and car wash have been submitted in this application, the materials of the industrial units, surfacing and means of enclosure are subject to a separate application. The shop would be timber effect cement boarding to the corners of the front elevation and composite panel cladding to the side and rear. The coffee shop would be finished in larch timber cladding and grey composite panels. The car wash would have an aluminium framework to glazed screens with corners in grey cladding. The proposed materials are the same as those used on other similar services throughout the country and are acceptable.

RECOMMENDATION: Partially Discharge Condition 3

Condition 3 (Materials) the submitted details of materials are acceptable. The condition is therefore partially discharged in relation to the submitted details of the materials of the shop, coffee shop and car wash subject to implementation.

Application Ref: 23/0576/CND

Proposal: Approval of Details Reserved by Condition: Discharge Condition 3 (Materials) of Planning Permission 21/0583/FUL.

At: Land Adjacent, Whitewalls Drive, Colne

On behalf of: Miss Rebecca Yates

REPORT TO COLNE AND DISTRICT COMMITTEE ON 07 DECEMBER 2023

Application Ref: 23/0601/FUL

Proposal: Full: Refurbishment and extension of the existing market hall and first floor apartments, including demolition of the existing glazed canopy and rear garages, the construction of a new stair and lift tower and the formation of 2no. 1 bedroom apartments through material change of use with ancillary external works to form a new public car park and bus stop.

At: Market Hall, Market Street, Colne

On behalf of: PEARL2 Limited

Date Registered: 20/09/2023

Expiry Date: 15/11/2023

Case Officer: Laura Barnes

This application was deferred from the previous meeting, in order to allow a meeting to take place between the developer and Members of the Colne & District Committee. The meeting was held on 16th November 2023. Following this meeting the Council are anticipating a set of amended plans being submitted and Members will be updated at the meeting in this regard.

Site Description and Proposal

The application site sits at the heart of Colne's Town Centre, on Market Street. The existing building has been in situ since the early 1970's and is in need of refurbishments. The application site is located within the defined Town Centre boundary and is within the settlement boundary. It is directly adjacent to a Conservation Area and a Listed Building.

The proposal seeks to re-clad the existing building as well as remove a section of the canopy / entrance building to the front elevation. There is also to be a reorganisation of the stair well / lift and loading area to the rear of the building as well as the introduction of an additional two flats. There are currently nine vacant flats within the upper floor of the building. The proposed development would see the re-occupation of these flats as well as two additional ones. Internally, the proposal is to comprise a food hall and market stall area, whilst the upper floor is to accommodate eleven dwellings.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

An area of planting has been added to the eastern elevation side of the building at the bottom of the steps on Nineveh Street which is adopted highway. This needs to be removed from the scheme. An extract of our record with the adopted highway highlighted green is shown below. A zebra crossing marking is shown across the exit of the resident car park/service yard. This needs to be removed from the scheme as this is adopted highway and doesn't comply with highway regulations.

This leads to a section of footway which is shown as repaved. This also is adopted highway and needs to be laid to Lancashire County Council specification or removed from the scheme. If it remains in the scheme it would leave a short section of tarmac footway in between sections of block paving, ideally the short section would be included in the new paving scheme.

There is a 'new crossing' shown on Craddock Road to the west side of the junction of Nineveh Street. There is an existing signalised crossing on Craddock Road located approximately 30m to the west of this location therefore a new crossing is not considered necessary.

The proposed highway works are anticipated to form part of the wider works planned for Colne Town Centre and will be carried out under a S278 agreement with the works constructed to Lancashire County Councils specification.

Parking

The Pendle Borough Council parking standards would require a maximum of 14 car parking spaces for the residential element and 56 spaces for the retail Market.

There are 26 car parking spaces retained for the Market users.

There are 12 resident parking spaces proposed including 1 disabled parking bay and 2 electric vehicle charging points.

The site is located within Colne Town Centre and adjacent to the Bus Station therefore it is considered highly accessible and can support travel by sustainable modes.

Secure, covered cycle parking should be provided for the residents, market employees and customers.

Conclusion

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development, subject to the minor amendments on Nineveh Street and provision of cycle parking are described above and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Should the application be approved a condition is requested to submit technical details of the proposed highway works.

1. The highway works proposed on Nineveh Street shall be constructed to Lancashire County Councils specification and under an appropriate agreement.
2. The car and cycle parking shall be provided prior to the first occupation of the development hereby permitted.

Informative note

The grant of planning permission will require the applicant to enter into a S278 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 Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk

Cadent

No objection, informative note required.

Lancashire Fire and Rescue Service

The proposed development must meet with current Building Regulations.

Lancashire Constabulary

Advocate the Secure by Design principles

Colne Town Council

Comments awaited

Public Response

Nearest neighbours notified, a site & press notice have been posted.

Multiple objections have been received, raising the following points:

- Poor design
- Council are allowing the destruction of the town
- The town is full of history, it is a shame to have such an ugly building at the centre which does not reflect the local character
- There is no colour or vibrancy to the proposals
- The building needs a re-paint and does not require £4 million spending. This would be better spent on green spaces
- This demonstrates a lack of ideas
- The interior could have been refurbished without spending this amount of money
- Money would be better spent on the health care system
- Langroyd Hall would benefit from this money instead
- It should be focused on young people
- Traders have already started to leave the market because of rumours surrounding these plans

One person has also written in support, stating:

- In support of improving the market hall but the lettering on the signage should be a darker colour, not red

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SPD5 (Retail Distribution) sets out that new retailing proposals should accord with the retail hierarchy, which favours town centres.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to protect and enhance heritage assets and proposals which would impact upon them.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by

encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 (Promoting Sustainable Travel) sets out that proposals should minimise the need to travel by car. It also states that proposals for new development should have regard to the potential impacts they may cause to the highways network.

Policy LIV5 (Designing Better Places to Live) sets out the Council's aspiration for new dwellings to be built in a sustainable way, increasing energy efficiency and reducing the amount of carbon dioxide emissions.

Policy WRK1 (Strengthening the Local Economy) sets out that opportunities for economic growth should help to strengthen and diversify the local economy. Proposals which will result in an increased number of jobs, promote entrepreneurial activity, and sustainable working practices will be encouraged.

Policy WRK4 (Retailing and Town Centres) reiterates that town centres are the primary focus for retail development. It promotes a sequential approach to development.

Policy SUP4 (Designing Better Public Places) seeks to ensure that buildings are designed to be multi-use to be adaptable both now and in the future.

Colne Neighbourhood Plan

Policy CNDP1 (Colne Market Town) sets out that wherever possible developments in the Town Centre should have a focus on gateways, greening and biodiversity, the inclusion of public art, creating an accessible town centre and including public conveniences. Further, it sets out the importance of active frontages, retaining the market, central open space, repositioning the existing car parking, and respond positively to the heritage assets.

Policy CNDP2 (Shopfronts) requires proposals for new shop fronts to complement the overall building, respond to the building's proportions, the shopfront should not extend the full width of the building.

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

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

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

Principle of Development

The main issue for consideration here is the re-cladding of the building and the introduction of two additional apartments. Comments have been made regarding the spend on the project and whether the money could be spent elsewhere. The issues to be considered here are those of the

external design of the building and any impacts that has as will as relating to the reconfiguration of the rear area. How this is financed is irrelevant to the planning issues.

There is a small amount of re-organisation to the rear of the building which relates to the servicing yard. The principle of retail development in this location is well established. Similarly, the consumption of food and drink on the premises would also be a suitable town centre use. The principle of development is acceptable, subject to accordance with design and amenity policies.

Design & Visual Amenity

The proposed development is a re-fit and re-cladding of an existing building. The design of the building is to remain largely the same, with the cladding introducing a modern material to the external walls of the upper floor and a timber cladding to the lower walls. The materials are to be LUNAwood which is a pressure treated timber cladding with UV protection surface treatment. This is a dark brown colour. The upper walls are to be clad in a zinc vertical standing seam material, in pigment brown. The exact materials could be secured by way of planning condition.

One of the major benefits of the scheme is the removal of the glass house style entrance and display unit to the front of the Market which currently detracts from the streetscene. Although the proposed development does not incorporate traditional shopfronts, these are not characteristic of the existing building at present. The proposed re-cladding and modernisation would provide a refresh to the building, making it more visually attractive than at present. It would open out the market rather than hiding it behind the glazed advertisement area and entrance walkway / canopy. This would improve the overall appearance of the building and contribute to an improvement to the street scene.

The Colne Neighbourhood Plan expects that proposed development within the Town Centre will provide areas of greening and biodiversity. The proposed development is not a new building but re-cladding of an existing one. However, it does seek to provide some street trees along Market Street and Craddock Street, which make a contribution to biodiversity. The test is that it should not reduce biodiversity which it will not.

There is also an expectation that new development will focus on creating gateways to the Town Centre. The proposed development would bring the building up to modern day standards in terms of the external appearance and would host a modern market hall, with a food court at its heart, along with modernised dwellings to the first floor. Although the frontage of the building would not create traditional timber shop frontages, these are not present with the existing building and the policy in the NP says that the development should reflect its surroundings. It is acknowledged that the existing building dates from the 1970's and is not traditional in terms of the other independent shop frontages in the Town Centre. However, the proposed development would de-clutter some of the frontage of the Market making it more accessible and modernising the area with a more contemporary design.

To the rear of the building, closest to Craddock Street, there are some alterations in the form of a modest two storey extension to contain a stairwell. This extension is to be constructed with a natural random coursed sandstone to the lower wall with zinc vertical standing seam cladding to the upper wall (in pigment red). This would contrast with the main part of the building and would be read as an extension. Again, the exact materials could be subject to a planning condition.

In terms of the proposed dwellings, there are to be an additional two apartments. Although the existing nine apartments are currently vacant, the proposed development would bring them back into use. The introduction of two apartments would not result in any major change to the fenestration.

The proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy in this regard.

Heritage

The proposed development is not within a Conservation Area but is directly adjacent to it. There are also two Listed Building / Structures within close proximity: The Red Lion public house directly opposite and the War Memorial which is at the corner of the application site. At present there is a canopy / entrance walkway which is entirely glazed to the front elevation of the Market hall, along with a glazed unit which has advertisements and displays throughout the year. The proposed development would see the glazed unit and walkway removed from the front of the building to open it out more and create more space to this side of the building. This would be accompanied by a small space in front of the building which could be used as an events space.

The muted pallet of colours, being a buff colour artificial stone at the ground floor, with timber cladding and a metal cladding in a burnt / brown colour to the first floor would not detract from the character and appearance of the adjacent Conservation Area.

Overall, the proposed development would result in a more sympathetic approach to the Conservation Area which assists in preserving and enhancing it. There would be a positive impact on the setting of the war memorial, the listed public house and the conservation area by the removal of the modern elements currently in situ to the front of the market hall.

Overall, the proposed development accords with Policy ENV1 of the Local Plan: Part 1 Core Strategy.

Highways

The proposed development is to provide nine car parking spaces, two electric vehicle spaces and one disabled space to the rear of the proposed development. This is one more than is currently available. These spaces would be for the use of residents of the dwellings. Whilst this would create a short fall in the number of spaces in accordance with parking policy, the proposed development is in a sustainable location close to the Town Centre. There is access to public transport and a public car park within a very short distance. The Highways Authority have recommended that covered storage for two cycles is provided. This could be secured by condition.

Residential Amenity

The existing building has nine apartment, to the first floor level. The proposed would see this increase to eleven. The proposed dwellings would be no closer to neighbouring premises than the existing apartments are. It is noted that there have been apartments introduced to the upper floors of the premises directly opposite. However, these are positioned so that there is a distance of 24m between the buildings. As such, there would be no unacceptable neighbouring amenity issue. Similarly, in relation to Market Place, the proposed apartments would be no closer to the existing properties than the existing ones. As such, there would be no unacceptable impact upon residential amenity. To the rear, there are no dwellings within a 21m distance. As such, there would be no unacceptable neighbouring amenity issue here.

Overall, the proposed development accords with Policy ENV2 of the Local Plan Part 1 Core Strategy in this regard.

Other Issues

The issues which have been raised by members of the public are not material planning

considerations which can be taken into account in the determination of a planning application.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 21.211_01_008_A, Proposed Floor Areas 21.211_01_009_A, Proposed Elevation Plans 21.211_01_005_E, First Floor Plans 21.211_01_003_G, Lower Site Plan and Servicing Area 21.211_01_002_M, Ground Floor Site Plan 21.211_01_001_R.

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

3. Prior to commencement of the above ground works of the development hereby approved, samples of all external facing materials including descriptions, name of source/quarry shall be submitted to the Local Planning Authority for written approval. The development shall be carried out using only the agreed materials.

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

4. No customers shall remain on the premises outside the hours of 08:00 and 23:00 Monday to Friday inclusive and between the hours of 08:00 and 23:00 on Saturdays. On Sundays & Bank Holidays no customers shall remain on the premises outside of the hours of 09:00 and 23:00.

Reason: In the interest of residential amenity.

5. Prior to first use of the approved development secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

6. Prior to occupation of the development hereby approved, the car parking shall be provided in accordance with the details on the proposed site plan and shall remain available for the parking of vehicles at all times.

Reason: In the interests of highway safety.

7. Prior to commencement of the development hereby approved, details of the highway works on Ninevah Street shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the agreed details.

Reason: In the interests of highway safety.

Application Ref: 23/0601/FUL

Proposal: Full: Refurbishment and extension of the existing market hall and first floor apartments, including demolition of the existing glazed canopy and rear garages, the construction of a new stair and lift tower and the formation of 2no. 1 bedroom apartments through material change of use with ancillary external works to form a new public car park and bus stop.

At: Market Hall, Market Street, Colne

On behalf of: PEARL2 Limited

REPORT TO COLNE & DISTRICT COMMITTEE 7TH DECEMBER 2023

Application Ref: 23/0674/FUL

Proposal: Full (Major): Change of use to 13 no. flats for supported living accommodation with associated staff accommodation and elevational adaptations.

At: The Exchange, Spring Lane, Colne

On behalf of: Exchange Properties (Colne) Ltd

Date Registered: 11/10/2023

Expiry Date: 10/01/2024

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a part two storey and part single storey detached building, which also has a lower ground floor. The last known use is an office but it has been vacant for some time. At the time of the site visit the building was vacant and there was boarding on the ground floor windows. The application site is not within a Conservation Area or any other statutory designation on the Local Plan proposals map.

This application seeks to change the use from an office building to 13 supported living flats. It also seeks to make some external alterations to the building including the insertion of five dormers to the front roof slope, three dormers to the north west roof slope, one dormer and a roof light to the south west roof slope, and two dormers to the south east roof slope.

Relevant Planning History

22/0414/RTD: Prior Approval: Conversion of building to 11 No. flats.

Prior Approval Approved

22/0422/FUL: Full: Insertion of 1 No. side elevation window, 3 No. roof lights and 8 No. dormers to roof.

Approved with conditions

Consultee Response

LCC Highways

Having reviewed the documents submitted, together with site observations, the Highway Development Control Section does not raise an objection regarding the proposed development at the above location, subject to the following comments being noted, and conditions being applied to any formal planning approval granted.

Given the limited on-street parking available, as outlined above, and the site's proximity to the strategic highway network on North Valley Road, a Construction Management Statement should be provided. This is to ensure that the development during the construction and fitting out phases does not have a detrimental impact on the surrounding highway network nor residential amenity.

Conditions – construction method statement, parking space shall be laid out in bound porous material and cycle storage shall be provided.

Colne Town Council

Colne Town Council is in support of this application, however, would request that the design of the dormer windows be in keeping with the rest of the building.

Lancashire Fire and Rescue Service

The development must confirm to Building Regulations Part B5

Environmental Health

The Environmental Health Officer has requested details of where the bins would be stored. The applicant has been asked for this information.

Lead Local Flood Authority

No comments to make on the above application, as the proposed development has no surface water implications.

Public Response

Nearest neighbours have been notified by letter, a site & press notice have been displayed. One letter of objection has been received which raises the following issues:

- Car parking will be difficult for spiritualist church next door

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

Colne Neighbourhood Plan

The following policies are relevant to this application:

Policy CNDP3 – (Design in Colne and the Colne Design Code) requires design to be of a high quality creating beautiful and sustainable buildings and places.

Policy CNDP6 – (Future Housing Growth) sets out the housing allocations for Colne. It also states that within the defined settlement boundaries housing growth will be supported.

National Planning Policy Framework

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

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

Principle of the Development

The site is located within a built up area close to the town centre, it is within a predominantly residential area. The Colne Neighbourhood Plan Policy CNDP6 sets out that residential development within the defined settlement boundary will be supported. Planning Permission under a Prior-Notification has previously been approved for the conversion of the building to 11 apartments. A planning application for external alterations to add the dormer windows has also been approved.

Design

The proposed external alterations include the insertion of dormers to each roof slope. In this case, the external alterations including the dormers have largely been previously approved. It is noted that the Town Council have requested that these are more in keeping with the rest of the building. However eight of the dormers have previously been approved. There is one additional dormer to the north west roof slope and one to the south west roof slope. These are the least prominent roof slopes of the building and would not be highly visible from public vantage points. Moreover, the design of the dormers reflects the panelled existing windows which have vertical and horizontal glazing bars. They are in proportion with the design of the roof and would not look out of character.

The applicant intends to restore and retain the ironwork railings which form the boundary treatment to the sides and rear of the property. This is something which is supported by Policy CNDP3 of the Colne Neighbourhood Plan.

There are no other openings or extensions to the building which would result in an unacceptable impact upon the character and appearance of the street scene here.

The proposed development is acceptable in terms of visual amenity in accordance with Policy ENV2 and Policy CNDP3 of the Neighbourhood Plan.

Amenity

Policy ENV2 of the adopted Pendle Local Plan Part 1 requires good design including impacts on privacy. The Design Principles SPD adds non-policy guidance on how this can be achieved and seeks to ensure that proposed developments do not as a result of their design, scale, massing and orientation have an unduly adverse impact on amenity.

The proposed development involves inserting dormer windows and roof lights to the roof slopes, as such an assessment of potential impact upon nearby neighbouring properties must be made. Taking each elevation in turn the report will now focus on the residential impact of the proposed development.

The proposal involves inserting two dormer windows to the side roof slope which is closest to the Spiritualist church. The Spiritualist Church does have windows to the side elevation at ground floor level but this is not a building which is used for habitable accommodation. As such, it would not afford protection in the same way that two habitable room windows facing each other would.

To the rear roof slope the proposal involves the insertion of two roof lights closest to back Lancaster Street. There is a separation distance between the rear of properties on Lancaster Street and the rear of the application building of 15m. There are existing windows to the ground floor of the application building. The proposed roof lights are no closer to the properties on Lancaster Street than the existing windows. Similarly, the dormer which is to the rear of the building on a side roof slope also faces into the rear yard of the application site. It is no closer than existing windows to the rear of the building and would not result in an unacceptable neighbouring amenity issue.

Next, turning to the proposed dormers to the front roof slope, there are to be three inserted upon the principle elevation roof slope of the building and one to a lower roof slope also facing towards the front of the building. The closest property to the opposite side of Spring Lane is No. 60 which is positioned 13m from the front elevation of the application building. There are existing front elevation windows to the application building which are also 13m from the properties opposite. The proposed dormers would be no closer to the properties opposite than the existing front elevation windows. As such, the proposed dormers to the front elevation would not result in any unacceptable neighbouring amenity issue.

Turning next to the side elevation closest to Calder House, there are two dormers proposed to the roof slope here. Calder House and the application site have a separation distance which is a minimum of 5m, with a public highway between the two buildings. Planning history associated with Calder House indicates that it is in commercial use, with the last known planning application here (13/14/0336P) relating to a change of use of the third floor, to personal / ground training (Use Class D2). Calder House has also previously had permission to use the ground floor as a Gym. At the time of the site visit it was noted that some of the ground floor windows were obscurely glazed. It should be noted that there are existing windows to the application building to this elevation. The proposed dormers are no closer to Calder House than the existing windows. Therefore, taking all these factors into consideration the proposed dormers to the side elevation would not result in an unacceptable impact.

In terms of waste storage, the applicant has indicated on a layout plan that the bins would be stored in the yard to the side of the building. There is sufficient space in this area to accommodate the required number of Euro bins to serve 13 apartments and it is gated for security purposes. This would be acceptable.

Overall, the proposed development accords with Policy ENV2 in this regard.

Highways

Although there is only one parking space for a member of staff, this application is within a residential area where there is on-street parking. There are also public car parks within an acceptable walking distance.

The applicant has confirmed that there would be no staff staying at the premises to sleep over night.

Rather staff would operate on a shift pattern, so there is no need for an additional flat to accommodate live-in staff.

Although comments have been received that additional flats will make it more difficult for members of the spiritualist church to park on the surrounding streets, this is an existing issue. There is very limited (6 spaces) off street parking for the church. The proposed development cannot be expected to improve an issue with existing parking issues. The principle of 11 dwellings in this location has already been approved and in this particular proposal there is to be one off-street parking space for staff.

The proposed development is therefore acceptable in highway terms in accordance with policy 31 of the Replacement Local Plan.

Ecology

The applicant has submitted a Preliminary Ecological Appraisal and Bat Report – this recommends undertaking surveys during the correct survey window May-August 2024. The applicant is content to carry out this additional survey work in the requisite surveying period. Should this establish that there are bats present then a suitable mitigation scheme should be drawn up. This is something which can be secured by condition.

Flood risk

The development is located within Flood Zone 1 which is the area classified as least at risk from flooding. The Lead Local Flood Authority have no comment on this application because it does not involve any development which would pose surface water implications. As such, the proposed development accords with Policy ENV7 in this regard.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity and highway safety. The development is therefore compliant 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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan dates 06/10/2023, Proposed Site Plan and Elevation Plans 1026/PL/04, Proposed Floor Plans 1026/PL/03.

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

3. All materials to be used for the proposed development hereby approved shall be as stated on the application form and approved drawings and they shall not be varied without the prior written permission of the Local Planning Authority.

Reason: Those materials are appropriate for the development and site.

4. Prior to commencement of any works hereby approved, the bat roost surveys recommended within the Preliminary Ecological Appraisal 11611 PEA-SB-V1-11.10.2023 and the Bat Report Version 1 received on 11.10.2023 shall be carried out during the appropriate season and submitted and approved in writing by the Local Planning Authority.

Reason: In the interest of protected species.

5. Prior to first occupation or use of the approved development secure, covered storage for at least one cycle shall be provided in accordance with a scheme to be approved by the Local Planning Authority, and permanently maintained thereafter.

Reason: To ensure that the development provides the infrastructure to support sustainable transport modes.

6. Prior to first occupation or use of the approved development the parking and manoeuvring area shown on the approved plans shall be provided and surfaced in a bound porous material and thereafter always remain available for the parking of vehicles associated with the development and the manoeuvring areas shall be kept free from obstructions in perpetuity.

Reason: To ensure that a satisfactory level of parking and manoeuvring is provided within the site.

7. No development shall take place, including any works of demolition or clearance, 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) Measures to control the emission of dust and dirt during construction
 - v) A scheme for recycling/disposing of waste resulting from demolition or clearance and construction works
 - vi) Details of working hours
 - vii) Routing of delivery vehicles to/from site
 - viii) Timing of deliveries
 - ix) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

Application Ref: 23/0674/FUL

Proposal: Full (Major): Change of use to 13 no. flats for supported living accommodation with associated staff accommodation and elevational adaptations.

At: The Exchange, Spring Lane, Colne

On behalf of: Exchange Properties (Colne) Ltd

REPORT TO COLNE & DISTRICT COMMITTEE 7TH DECEMBER 2023

Application Ref: 23/0692/NMA

Proposal: Non- Material Amendment: Insertion of 2 no. windows to ground floor utility and WC of Planning Permission 23/0082/FUL.

At: Heyroyd Farmhouse, Skipton Old Road, Colne, Lancashire

On behalf of: Mr David Cockburn-Price

Date Registered: 19.10.2023

Expiry Date: 16.11.2023

Case Officer: IC

Site Description and Proposal

A large detached dwelling of traditional stone and slate construction, in a semi-rural area to the east of Colne. Within a Conservation Area, Open Countryside and the Green Belt as defined in the adopted Local Plan.

Planning permission was granted on 31.03.2023 for 'Erection of two storey rear extension with alterations and the change of use of agricultural land to garden and landscaping', under 23/0082/FUL.

The proposal is to insert an additional two windows into the gable elevation of the extension at ground floor level. The windows are annotated on Drawing No. 22/1076/113B as '2 No. painted timber double glazed casement windows added to match west elevation, obscure glazing'. The windows are to have natural stone heads, cills and jambs to match others approved in the extension.

Relevant Planning History

23/0082/FUL as described above.

Officer Comments

The Council's published Non-Material Amendment Practice Note states that the following criteria must all be met for amendments to be approved:

1. There would be no alteration to the application site boundary.
2. The amendment would not conflict with Development Plan Policies.
3. No conflict with any conditions of the planning permission.
4. No conflict with any comment expressed by any party on the planning application.
5. No external wall will be moved outwards by more than 1 metre.
6. The height of the building or extension would not be increased.
7. Would not result in any potential overlooking of any neighbouring property.
8. There are no other circumstances that would warrant refusal of the request.
9. The amendments must not result in a fundamental change in the design of the building.

To test the proposal against each point in turn:

1. Site boundary to remain the same. **Yes**
2. No conflict with Development Plan policies. **No. Would not cause harm to the Conservation Area**
3. No conflict with Conditions of planning permission. **No 'no further openings Condition imposed on 23/0082/FUL**
4. No conflict with comments expressed on planning application. **No**
5. No external wall to be moved outwards. **No**
6. Height not to be increased. **No**
7. No potential overlooking of neighbours. **No, windows to overlook own garden, plus to be obscure glazed. Closest dwelling 40m away.**
8. No other circumstances that would warrant refusal. **No**
9. A change, but not fundamental. **Yes**

Reason for Decision

The proposed amendments would not result in a material change to the development as defined by the Council's Non-Material Amendment Practice Note, and the proposal is therefore acceptable as a non-material amendment.

Recommendation: Approve

Approve.

Application Ref: 23/0692/NMA

Proposal: Non- Material Amendment: Insertion of 2 no. windows to ground floor utility and WC of Planning Permission 23/0082/FUL.

At: Heyroyd Farmhouse, Skipton Old Road, Colne, Lancashire

On behalf of: Mr David Cockburn-Price

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 07th November 2023