

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

TO: COLNE & DISTRICT COMMITTEE

DATE: 11TH JANUARY 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 11 JANUARY 2024

Application Ref: 23/0684/ADV

Proposal: Advertisement Consent: Display of a single wall-mounted 6 x 3 metre LED display unit

At: 66 Market Street, Colne, Lancashire BB8 0HS

On behalf of: Vivid Outdoor Media Solutions (C) Ltd

Date Registered: 17.10.2023

Expiry Date: 12.12.2023 (Ext until 15.01.2024)

Case Officer: Iain Crouch

Site Description and Proposal

A side elevation at the rear of No.66 Market Street (Hartley Square shopping precinct) a 2/3 storey brick faced, flat-roofed commercial building in Colne. The rear elevation faces Craddock Road. The elevation faces the service area of the development, and is clearly visible from users of Craddock Road. The elevation contained a 'paste and paper' advertising board of the same size as that proposed until 2012.

Within the Settlement Boundary as defined in the adopted Local Plan.

Craddock Road is considered both a 'Gateway' and a 'Through Route' in the Colne Neighbourhood Development Plan. It is also within the Town Centre Boundary and the Town Centre Redevelopment Zone.

The proposal is for a 6.0 x 3.0m LED wall-mounted display unit of a stated 300 candelas/sq.m.

Relevant Planning History

None of relevance.

Consultee Response

Highways LCC:

No objection subject to the following standard Condition:

Any digital advertisement shall be designed so that between sunset and sunrise the intensity of the illumination of the display screen shall not exceed 300cd/m² and between sunrise and sunset the intensity of the illumination of the display screen shall not exceed 5000 cd/m²

Additionally:

- The display screen shall be fitted with a light intensity monitoring sensor to ensure the illumination intensity is dimmable to take account of ambient light conditions and comply with the maximum recommended lighting intensity. The advertisement will go to a blank (dark) screen in the event of a malfunction.
- The advertisement provides static images only for the lifetime of the development. The display screen shall not display any moving or apparently moving images, strobe or flashing light effects.

- The proposed change in image method for the advertisement uses a fade/dissolve process and shall not give the appearance of movement for the lifetime of the development. Any sequential change between advertisements will take place over a period no greater than one second.
- The advertisements displayed shall not change more frequently than once every 10 seconds. No interactive messages or messaging sequences are to be displayed. There shall be no fine grain material such as email address or telephone numbers.
- The illuminance levels shall be checked once every six months and adjusted, if necessary, to ensure that the lighting intensity remains within the permitted levels as prescribed above.
- The advertisement does not contain any images which may be interpreted as road signs or emit sound, smoke, or odours.

Reason: In the interest of highway safety to avoid glare, dazzle, or distraction to passing highway users.

Environmental Health:

None received to date (04.12.2023)

Colne Town Council:

None received to date (04.12.2023)

Public Response

None received to date (04.12.2023)

Relevant Planning 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 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.

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 Development Plan:

Policy CNDP1 – Colne Market Town.

Wherever practicable, development proposals in the defined town centre should incorporate the following measures as appropriate to their scale, nature, and location:

a) Inclusion of improvements to the local environment and public realm, with particular regard to the identified gateways and throughroutes, shown on the Policies Map.

Policy CNDP2 – Shopfronts c) Wherever practicable, signage should be painted timber and where projecting signs are used these should be positioned in line with the fascia board, and top-hung.

Policy CNDP3 – Design in Colne and the Colne Design Code. The Neighbourhood Plan defines the locality as ‘Redeveloped Town Centre’ in which ‘Development will not be supported when it is of poor design when considered against local policy and the National Design Guide and policy.’

Pendle Local Plan Policy SUP4 – proposals should contribute to sustaining or improving the quality, appearance and character of the public realm by ensuring advertisements contribute positively to the public space.

The Design Principles Supplementary Planning Document (SPD) – signage should be sympathetic to the locality and street scene.

Officer Comments

Design:

A 3.0m high by x 6.0m wide LED display unit producing a stated 300 candelas/sq.m. Colne Neighbourhood Development Plan Policy CNDP1 requires that the sign should constitute a ‘improvement to the local environment and public realm’, and Pendle Local Plan Policy SUP4 requires that the sign should ‘contribute to sustaining or improving the quality, appearance and character of the public realm by ensuring advertisements contribute positively to the public space.’ The proposal does neither, however the wall in which it is to be situated is unsightly and faces into a service area, so the net impact of the display unit upon the immediate locale will arguably be a positive one.

Neighbourhood Plan Policy CNDP3 requires that development not be of poor design. In the case of an illuminated display unit, the design of the unit is fixed in the sense that it will always be rectangular and flat. Whether this in itself is considered ‘poor design’ is subjective. The location of the display unit in relation to its surroundings however is something that can be considered, and on balance I consider this to be a suitable location given the backdrop.

The display unit will be highly visible to persons travelling along Craddock Road in a westerly direction towards the bus station, hence the applicant’s choice of site. This length of Craddock Road is identified as both a ‘gateway’ to the town centre and a ‘through route’ in the Neighbourhood Plan. Policy CNDP1 states that particular regard should be paid to identified gateways and through routes. In this instance given that a sign of similar dimensions existed until relatively recently, that the intensity of light is restricted to 300 cd/m² (or the light equivalent of 300 candles per sq.metre) and that there are no dwellings in the vicinity, the proposal is considered acceptable on balance subject to the Highway consultee’s preferred Conditions.

Residential Amenity:

No impact as no dwellings in the vicinity.

Highway Safety:

The display board would be mounted on a wall as opposed to a purpose-built frame adjacent to the road. As such it will be less obtrusive to traffic. The Highways consultee’s suggested Conditions include one to ensure that static images only are displayed, thus reducing the potential for distraction. On balance acceptable.

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. Notwithstanding the provision of Part 3 (Regulation 14) of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 this consent shall expire five years from the date of the grant of consent

Reason: In order for the impact of this method of advertising on the highway network at this location to be determined.

2. The display of advertisement hereby permitted shall be carried out in accordance with the following approved plans: CCR1, CCR2, CCR3.

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

3. Any digital advertisement shall be designed so that between sunset and sunrise the intensity of the illumination of the display screen shall not exceed 300cd/m² and between sunrise and sunset the intensity of the illumination of the display screen shall not exceed 5000 cd/m²

Additionally:

- The display screen shall be fitted with a light intensity monitoring sensor to ensure the illumination intensity is dimmable to take account of ambient light conditions and comply with the maximum recommended lighting intensity. The advertisement will go to a blank (dark) screen in the event of a malfunction.
- The advertisement provides static images only for the lifetime of the development. The display screen shall not display any moving or apparently moving images, strobe or flashing light effects.
- The proposed change in image method for the advertisement uses a fade/dissolve process and shall not give the appearance of movement for the lifetime of the development. Any sequential change between advertisements will take place over a period no greater than one second.
- The advertisements displayed shall not change more frequently than once every 10 seconds. No interactive messages or messaging sequences are to be displayed. There shall be no fine grain material such as email address or telephone numbers.
- The illuminance levels shall be checked once every six months and adjusted, if necessary, to ensure that the lighting intensity remains within the permitted levels as prescribed above.
- The advertisement does not contain any images which may be interpreted as road signs or emit sound, smoke, or odours.

Reason: In the interest of highway safety to avoid glare, dazzle, or distraction to passing highway users.

4. 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

5. 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.

6. 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.

7. 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.

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

Reason: Condition imposed by the Regulations.

Application Ref: 23/0684/ADV

Proposal: Advertisement Consent: Display of a single wall-mounted 6 x 3 metre LED display unit

At: 66 Market Street, Colne, Lancashire BB8 0HS

On behalf of: Vivid Outdoor Media Solutions (C) Ltd

REPORT TO COLNE AND DISTRICT AREA COMMITTEE 11TH JANUARY 2024

Application Ref: 23/0798/FUL

Proposal: Full: Alterations to shop front including upgrading of existing front windows, door and fascia.

At: 15 Skipton Road, Colne

On behalf of: Mr Tom Friar

Date Registered: 01/12/2023

Expiry Date: 26/01/2024

Case Officer: Laura Barnes

Site Description and Proposal

The application site is a two storey terraced property within the settlement boundary of Colne. It has a commercial land use, currently operated as a dental practice.

The proposal is for alterations to the shop front including removing the existing panelled window, to be replaced with a sandstone stallriser, white rendered finish and timber panelling, a timber door aluminium roof canopy and high level windows with an anthracite grey frame.

Relevant Planning History

23/0265/FUL: Full: Change of use from C (Residential) to Use Class E (Dental Surgery), stepped rear two storey extension and the erection of a single storey link to No. 13.
Approved with condition.

Consultee Response

LCC Highways

No comments received

Public Response

Nearest neighbours notified, no response received.

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 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.

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) contains guidance on shop fronts and signage.

Colne Neighbourhood Plan

Policy CNDP2 (Shopfronts) sets out that replacement shopfronts will be supported where they respond positively to a set of design principles. These principles include: designing the shopfront to complement the overall building, responding to the building's proportions, scale and detailing, vertical emphasis of windows and the main elements of the shopfront should be in proportion to each other.

Policy CNDP3 (Design in Colne and the Colne Design Guide) sets out that the design of high quality, beautiful and sustainable buildings and places will be supported. The design should be informed by the Settlement Focus Area in which it falls.

Design

The Colne Neighbourhood Plan Policy CNDP2 states the following, where shopfronts are not in a Conservation Area:

Proposals for new shop fronts should respond positively to the following general design principles:

- the shopfront should be designed to complement the overall building;*
- the shopfront should respond positively to the building's proportions, its scale, and its detailing. The building width and subdivision between diverse buildings should be reflected in the shopfronts;*
- the vertical emphases of the building in window lines, bays, or pilasters should be carried down to ground level through the shopfront;*
- the shopfront should not extend the full width of the building; and*
- the main elements of the shopfront should be in proportion to each other;*

The proposed development is located in Settlement Focus Area C: Victorian Terraces. The proposed development would still allow the building to be read as a Victorian Terrace because despite the ground floor projection, the upper floor remains uniform with the rest of the terraced row. The existing shop front is not characteristic of a traditional Victorian Terrace where the ground and first floor are flush.

The proposed development would tidy up and modernise a tired and dated shopfront, which would respond positively to the overall building. The proposed development would respond positively to the building's proportions and would not be out of scale with the existing shop frontage. It has been designed to fit within the ground floor of the building and mimic the design to the adjacent frontage. The application site lies in a row of shop frontages which have been extended out from the original front elevation of the building towards the highway. As the terraced row is at an angle to the edge of the highway, the projection is deeper at one end of the block than the other. Given that the building projects out towards the highway more to the ground floor level there is a break in the vertical emphasis. The proposed development would not harm this any more than already existing because the proposed development relates to the ground floor. There is no bay window to the first floor, for which the vertical emphasis could be followed through to the ground floor. The shopfront

does not extend the full width of the building frontage, there are columns either side of the shopfront which are to be rendered and run the full height of the ground floor. The main elements which have been proposed are not out of proportion with each other. As such, in this particular case the proposed development meets the criteria set out in Policy CNDP2 of the Colne Neighbourhood Plan.

The proposed development accords with the Design Principles SPD and Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Highways

The proposed development would not result in a reduction in parking provision, nor would it increase the parking requirements for the property. Therefore, no objections are raised in relation to Policy 31.

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: Existing Site & Location Plan 8809-BOW-A1-00-DR-A-0002, Elevation Plan 8809-BOW-A1-00-DR-A-3002

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

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

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

Application Ref: 23/0798/FUL

Proposal: Full: Alterations to shop front including upgrading of existing front windows, door and fascia.

At: 15 Skipton Road, Colne

On behalf of: Mr Tom Friar

REPORT TO COLNE AND DISTRICT COMMITTEE 11TH JANUARY 2024

Application Ref: 23/0818/HHO

Proposal: Full: Demolition of existing double garage to the rear of the property and the erection of a self-contained single-storey studio flat.

At: 25 Wordsworth Road, Colne

On Behalf of: Mr Damian Tiplady

Date Registered: 08/12/2023

Expiry Date: 19/01/2024

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to an end terraced dwelling within the settlement boundary. The end gable fronts onto Wordsworth Road, where the main pedestrian access door is located. There is a garage to the rear of the dwelling which has vehicular access off Tennyson Road.

The proposal seeks to demolish the existing garage and erect a self contained flat. The building is to be a single storey flat roof building located in the rear garden of No.25.

Planning History

None relevant

Consultee Response

LCC Highways

Comments awaited

Environmental Health Officer

Comments awaited

Public Response

The nearest neighbours have been notified by letter, without response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy 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 minimum parking standards for development.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and developments, setting out the requirements for good design and protecting residential amenity.

Colne Neighbourhood Plan

Policy CNDP3 (Design in Colne and the Colne Design Code) sets out that high quality, beautiful and sustainable buildings and places will be supported. It also sets out that buildings should respond to the urban character area within which it is located.

Policy CNDP6 (Future Housing Growth) sets out that new housing will be supported within the defined settlement boundary.

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.

Design

The Design Principles SPD requires high quality design. In this case, the proposed development is to take up much more than half of the existing rear garden to No. 25 and is to be a single storey flat roof structure. The height of the roof would be 2.5m and it would be up to the boundary with No. 23. The elevation plans indicate that the roof is to be finished with an EDPM covering with black / grey fascia and guttering. The walls are to be finished in a white render.

The application site is located within Settlement Focus Area D: Northern suburban residential areas. The Design Code which accompanies the Neighbourhood Plan sets out that these are residential areas developed during the early to late twentieth century, including formal and informal arranged suburban communities. The Design Code states that no one style dominates because these housing estates have been developed piecemeal during the 20th century.

None the less, the proposed development would result in a large expanse of flat roof within the rear garden, which is prominent within the street scene on Tennyson Road. The proposed materials are not characteristic of the stone terraced dwelling which it is within the rear garden of. It would leave both the host dwelling and the newly created self-contained flat without amenity space. Moreover, it has a footprint which is larger than that of the original dwelling. It is totally out of character with the wider visual amenity and would result in an alien feature within the street scene. This is contrary to Policy ENV2 of the Local Plan, the Design Principles SPD and Policy CNDP3 of the Colne Neighbourhood Plan.

Residential Amenity

The proposed dwelling is to have a set of bi-folding doors which face back towards the original dwelling. They would be positioned just 4m from the existing bi-folding doors to the rear extension

at No. 25. This would result in an unacceptable level of neighbouring amenity. It is not an annex where the occupiers of the main dwelling would be part of the same family as the occupiers of the proposed flat. Even if this were to be the case, it would result in an unacceptable impact upon the living conditions of the main dwelling. Whilst there are no windows to the side elevation facing Tennyson Road there is one window to the rear elevation closest to No. 32 Tennyson Road. However, there are no side elevation windows to No. 32 Tennyson Road, so there would no unacceptable neighbouring amenity issue here. Finally, there is one side elevation window serving the bedroom of the proposed flat, which faces towards the rear garden of No. 23. It is indicated as a high level window, which would be 1.7m above finished floor level and would mitigate any unacceptable neighbouring amenity issue.

The proposed dwelling is to be sited to the rear garden of No. 25 but up to the shared boundary with No. 23 Wordsworth Road. Over half of the building would sit within the 45 degree line of the centre point of the rear windows at No. 23. At 2.5m in height and sitting 4m from the rear windows of No. 23 this would result in an overbearing effect upon the neighbouring dwelling.

The proposed development would result in an unacceptable level of neighbouring amenity between the occupiers of the existing dwelling at No. 25 and the future occupiers of the flat. There would also be an overbearing impact upon the neighbouring dwelling at No. 23 Wordsworth Road, contrary to Policy ENV2 and the Design Principles SPD.

Highways

The proposed development does not indicate any off-street parking. It would also result in the loss of an off-street parking space in the form of the existing garage. However, given that this is only a single dwelling this is unlikely to result in a serious highway safety danger.

RECOMMENDATION: Refuse

For the following reason(s):

1. The proposed development would result in a large expanse of building with a flat roof taking over almost the entire rear garden at No. 25 Wordsworth Road. This would result in an unacceptable design which is out of character with the wider visual amenity and contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy, the Design Principles SPD Policy CNDP3 of the Colne Neighbourhood Plan.
2. The proposed development would result in an unacceptable impact upon neighbouring amenity at the original dwelling, No. 25 Wordsworth Road and an overbearing impact upon No. 23 Wordsworth Road. This is contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Application Ref: 23/0818/HHO

Proposal: Full: Demolition of existing double garage to the rear of the property and the erection of a self-contained single-storey studio flat.

At: 25 Wordsworth Road, Colne

On Behalf of: Mr Damian Tiplady

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 28th November 2023