

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

TO: COLNE & DISTRICT COMMITTEE

DATE: 08TH JULY 2024

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 application.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 08TH JULY 2024

Application Ref: 24/0314/VAR
Proposal: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 13/12/0162P.
At: 3 Greenfield House, Greenfield Road, Colne
On behalf of: Mr Dean Brown
Date Registered: 14/05/2024
Expiry Date: 09/07/2024
Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is an area of domestic garden located within the settlement boundary and the Greenfield Conservation Area. Houses are positioned to the northeast with a commercial unit to the south and open areas to the west.

Planning permission was granted in 2012 to erect a pair of semi-detached houses and has since been commenced.

This application is to vary condition 2 of the planning permission to amend the approved plans. The proposed amendments would comprise the addition of a two story extension with integral garage to the side of the southern plot and four rooflights in the roofs of each dwelling, other very minor changes to position and sizes of windows and doors and the internal layout plans have been amended to show two bedrooms in the roof space of each dwelling.

Relevant Planning History

13/12/0162P – Full: Erection of 2 No. dwelling houses with eaves height of 6m and ridge height of 9.3m. Approved

13/12/0162C1 - Approval of Details Reserved by Condition: Discharge Conditions 3, 4, 5, 6, 7, 8, 9, 10, 12 and 13 of Planning Permission 13/12/0162P. Split decision

13/12/0162C2 - Approval of Details Reserved by Condition: Discharge of Conditions 8 & 9 (Landscaping) of Planning Permission 13/12/0162P. Condition discharged subject to implementation

17/0719/CND - Approval of Details Reserved by Condition: Discharge of Condition 3 (Materials) of Planning Permission 13/12/0162P. Condition discharged subject to implementation

19/0420/VAR - Full: Variation of Conditions: Vary Condition 2 (Plans) and Condition 12 (Timber Windows) of the Planning Permission 13/12/0162P. Refused

Consultee Response

LCC Highways – The proposed variation would increase the number of bedrooms in each

dwelling to five. Changes are also proposed to the previously approved parking layout and provision.

Car & cycle parking

Three car parking spaces should be provided for dwellings with four or more bedrooms in line with recommendations in the borough council's Parking Standards. Plot 1 (adjacent to the access from Greenfield Road) A single garage is proposed which is considered adequately sized internally to provide one car parking space, storage for two cycles and an electric vehicle charging point. Two further parking spaces could be provided on the driveway in front of the garage. However, there is limited manoeuvring space within the internal access drive serving the proposed new dwellings and 3 Greenfield House. To improve manoeuvrability within the site access for vehicles entering or exiting Plot 1 the highway authority recommends that the driveway for Plot 1 is widened to a minimum of 5.6m for the first 5m. Plot 2 (furthest away from Greenfield Road)

The parking area in front of the dwelling as shown on Drawing 002 is considered adequate to provide three car parking spaces and allow vehicles to enter and leave in forward gear. This parking/manoeuvring area should be kept free from obstructions and in its entirety to ensure that adequate parking and manoeuvring provision is maintained on site. As no garage is proposed secure, covered storage for two cycles should be provided in line with recommendations in the borough council's Parking Standards.

Details can either be submitted prior to determination or controlled by condition.

Furthermore, a charging point for electric vehicles shall be included within the development to promote sustainable forms of transport. This shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

Public Right of Way

Public Footpath 13-04-173 passes along the privately maintained section of Greenfield Road, with bollards across Greenfield Road just beyond the entrance to 3 Greenfield House, limiting traffic to pedestrians and cyclists.

Colne Town Council – Have asked for this case to be called in and therefore decided on by the Colne Area Committee.

Public Response

Press and site notices posted and nearest neighbours notified. No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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 ENV4 requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Colne Neighbourhood Development Plan (CNDP)

Policy CNDP3 states that, as appropriate to their scale, nature and location, development proposals should:

- a) retain, re-use and, where necessary, sympathetically re-configure existing street patterns;
- b) use and re-use traditional local materials (such as stone, stone slates, slate, and timber). Where appropriate to their setting, such materials should be traditional materials which have been recycled, or have a significant recycled content, and make a positive contribution to the overall quality of the character area;
- c) retain key features of the local vernacular, such as stone flags, stone setts, ironwork, building details and ornamentation; and
- d) ensure building form and layout responds to and is sympathetic to the form and layout within the Urban Character Area within which it is located.

Design and Heritage Impact

The proposed amendment to the plans involves the addition of a two storey extension to the side of the south dwelling, the proposed extension would be subservient to and in keeping with the design and materials of the approved dwellings. It is acceptable in terms of design and would preserve the character and appearance, and thus the significance, of the Conservation Area in accordance with Policies ENV1 and ENV2 of the LPP1, policy CNDP3 of the CNDP and the Conservation Area Design and Development SPD

Residential Amenity

The proposed extension and rooflights raise no unacceptable residential amenity impacts.

Highways

The proposed layout provides for adequate car parking for three cars for each dwelling in accordance with the parking standards set out in the Replacement Pendle Local Plan for a four or more bedroom dwelling. The proposed layout does not provide adequate manoeuvring area for the southern dwelling to allow cars to turn and exit onto Greenfield Road in forward gear, this can be addressed by condition 13 as it was in the original permission.

LCC Highways have requested that cycle storage and electric vehicle charging is provided, however, whilst rooflights are proposed the use of the roof space as bedrooms does not constitute development and, as this is a variation of conditions application of an approval that does not have those requirements, it would not be reasonable to impose them at this stage.

Trees and Landscaping

There are no existing trees on the southern boundary that would be impacted by the development. The trees previously in that location were assessed at to be in poor condition in 2012 and allowed to be removed, whilst the extension would partially affect the approved replacement planting scheme a revised landscaping scheme can be conditioned for replacement planting elsewhere.

Other conditions

Where appropriate the recommended conditions have been updated to reflect the details approved under discharge of conditions.

It is recommended that the approval of the application be delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to the expiry of the publicity period.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed variation of condition is acceptable in all relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegated Grant Consent

- 1 The development must be begun not later than the expiration of three years beginning 09/07/2012.

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: SL/2, Roof and Site Plan as Proposed, Floor Plans as Proposed, Elevations and Sections as Proposed.

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

- 3 Unless otherwise agreed in writing by the Local Planning Authority the materials of the development shall be in strict accordance with the details approved under discharge of conditions refs: 13/12/0162C1 and 17/0719/CND.

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

- 4 Unless otherwise agreed in writing by the Local Planning Authority the rainwater goods of the development shall be in strict accordance with the details approved under discharge of conditions ref: 13/12/0162C1.

Reason: In order to ensure the design of the features of the building are acceptable.

- 5 The window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 100mm.

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

- 6 The windows in the north elevation of the development hereby permitted shall at all times be glazed only with obscure glass in accordance with the details approved by discharge of conditions ref: 13/12/0162C1, or Pilkington Level 4 (or equivalent) or above. Any replacement glazing shall be of an equal degree of obscurity to that which was first approved or Pilkington Level 4 (or equivalent) or above. The windows shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: To protect the privacy of the occupants of the adjacent dwelling.

- 7 Notwithstanding previously approved discharge of conditions a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the extension hereby approved. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

Reason: To control foul and surface water flow disposal and prevent flooding.

- 8 Notwithstanding previously approved discharge of conditions prior to the commencement of the erection of the extension hereby approved a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment of all planted and/or turfed areas.

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

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

- 9 No trees within the site shall be uprooted, felled, removed, lopped, topped, destroyed or in any way damaged until a landscaping scheme indicating the trees to be retained has been submitted to and approved in writing by the Local Planning Authority pursuant to Condition 8. The development shall be implemented in accordance with the approved details.

Reason: To protect the trees and ensure that future landscaping incorporates those specimens.

- 10 Before the development is occupied waste containers shall be provided in the bin storage area.

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

- 11 The development shall be carried out in accordance with the recommendations set out in the bat and barn owl survey received 18/04/2012.

Reason: To ensure protection of the habitat of birds.

- 12 All new or replacement window frames shall be of timber construction only and prior to the

occupation of the dwellings shall be painted, not stained, and thereafter maintained in accordance with the details approved under conditions discharge 13/12/0162C1 or an alternative paint colour that has been submitted to and approved in writing by the Local Planning Authority.

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

- 13 Notwithstanding previously approved discharge of conditions, prior to the occupation of the first dwelling details of vehicle access and turning arrangements shall have been submitted to and approved in writing by the Local Planning Authority and laid out and surfaced in accordance with the approved details, they shall thereafter at all times be maintained free from obstruction and available for car parking and turning purposes.

Reason: To ensure that vehicles can enter and leave the site in forward gear in the interest of highway safety.

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

Part 1 (delete as appropriate)

A) no extensions shall be erected

B+C) no alterations to the roof of the building shall be carried out

D) no porches shall be erected

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

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

F) no hard surface shall be provided within the curtilage of the building(s)

G) no installation or replacement of a chimney, flue or soil and vent pipes.

H) no installation or replacement of microwave antenna

Part 2 (delete as appropriate)

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

B) no means of access shall be constructed to the curtilage of the building(s)

C) the exterior of the building shall not be painted

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

Application Ref: 24/0314/VAR

Proposal: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 13/12/0162P.

At: 3 Greenfield House, Greenfield Road, Colne

On behalf of: Mr Dean Brown

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 30th May 2024