

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

TO: COLNE AND DISTRICT COMMITTEE

DATE: 8th AUGUST 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 08 AUGUST 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 was deferred from July's Committee meeting for a site visit.

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, subject to the garage door being appropriate in design and materials, which can be ensured by condition, the extension is 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 application be approved.

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: Approve

- 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. Prior to its installation details of design, materials and finish of the garage door shall have been submitted to and approved in writing by the Local Planning Authority, unless otherwise approved that garage door shall be of timber construction, the door shall be installed and thereafter maintained in strict accordance with the approved details and any replacement door shall be in accordance with the approved details.

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

- 14 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.

- 15 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

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

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

REPORT TO COLNE & DISTRICT COMMITTEE 8TH AUGUST 2024

Application Ref: 24/0430/ADV

Proposal: Advertisement Consent: Display of 4 no. illuminated fascia signs, 9m Pylon Sign, "Drive Thru" directional sign, Height Restrictor, Digital Menu Board, "Order Here" Canopy, Triple Digital Menu Screen, Drive thru "No Entry" and "Thank You" sign, Mini Monolith directional sign, 2 no. "DRIVE THRU" text, "STARBUCKS" lettering, 2 no. Siren Logos, "STARBUCKS" wordmark and non-illuminated banner frame.

At: Land adjacent Whitewalls Drive, Colne

On behalf of: EG On The Move Limited

Date Registered: 01/07/2024

Expiry Date: 26/08/2024

Case Officer: Laura Barnes

This application has been called in by a Councillor.

Site Description and Proposal

The application site is a piece of land adjacent to the M65 motorway and Whitewalls Drive. At the time of the site visit construction work was underway for a petrol filling station and a drive thru coffee shop. The application site is inside the settlement boundary and there are no other designations which would affect this type of application.

The application seeks permission to erect signage for the drive-thru Starbucks. This includes fifteen signs in total which are to be displayed either upon the coffee shop itself or within the car parking area immediately adjacent.

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

LCC Highways

Comments awaited
Colne Town Council

No comments received

Environmental Health Officer

Comments awaited

Public Response

Nearest neighbours notified, one response has been received raising the following issues:

- Light pollution
- Effect upon local wildlife
- A 9m high illuminated sign is too high

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.

Colne Neighbourhood Plan

Policy CNDP3 set out a design code for Colne, which is a relevant policy to the determination of this application.

Design & Visual Amenity

The proposal includes the display of 15 advertisements in total. The signs can be summarised as follows:

Sign 3:

9m high totem with Starbucks logo

Sign 4:

Directional signage indicating the drive-thru location

Sign 5:

Height restrictor barrier

Sign 6:

Menu display

Sign 7:

Drive Thru canopy

Sign 8:

Triple display menu

Sign 9:

No entry signage and thank you signage

Sign 10:

Monument signage, 2.3m in height including Starbucks logo and directional sign for drive-thru

Sign 11:

Drive thru lettering to be displayed to the shop front and rear elevation of building (two in total)

Sign 12:

Shopfront lettering for Starbucks

Sign 13:

Logo sign – rounded Starbucks logo (two in total)

Sign 14:

Wording Starbucks sign

Sign 15:

Banner frame sign

Each of the signs which are to be illuminated would be lit so that they are no brighter than 300 cd/m². This not unusual for signage of this nature and scale.

The appeal site was allowed at appeal. However, the original application for the petrol filling station was refused based partly upon visual amenity grounds. This argument was rejected by the Inspector and it is a reasonable requirement of a scheme for a petrol filling station to have some form of signage.

The signage on the building itself is located within the site and away from the roadside. It contains standard logos which would be fully acceptable in this setting. The proposed signage is proportional in size and would not adversely affect the visual amenity of the area. It is acknowledged that there is a Conservation Area adjacent to the site but this does not mean that development automatically affects it. In this particular circumstance, the adverts are set back from the highway in a commercial area they would not have an unacceptable impact upon the character and appearance of the Conservation Area such that an assessment against paragraph 208 of the Framework would be required.

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

Amenity

Although there is illumination to the proposed signage, the signage is rotated so that it would direct light in the location that most passers-by would travel, which would be along Whitewalls Drive or the M65. It is not directly orientated towards or directly facing any of the properties on Greenfield Road. In any event, the proposed advertisement is over 100m from the closest residential property and there are trees between the row of terraced dwellings and the drive thru coffee shop. As such, there would be no unacceptable neighbouring amenity issues associated with the proposed development.

The signage does not adversely impact on amenity and accords with Policy ENV2 of the Pendle Local Plan: Part 1 and the SPD: Design Principles.

Highways

Highways comments are awaited and members will be updated once these have been received.

Other Matters

Concerns have been raised regarding the impact of the proposed signage upon the local natura reserve. There is no evidence to suggest that the proposed signage would result in an unacceptable impact to the nature reserve.

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: Delegate grant consent, subject to highways and environmental health comments being satisfactory

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: Condition imposed by the Regulations.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan PP-13194265v1, Advertisement plans prepared by IVC Signs, dated 25/06/2024 Job number SD11038, Rev -

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 the 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 advertisement, 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 a condition that does not endanger the public or impair visual amenity

Reason: Condition imposed by the Regulations

8. Any illuminated advertisement shall be designed so that:
- No part of the source of the illumination shall at any time be directly visible to users of the adjacent public highway network;
 - Static illumination is provided and the sign shall not feature intermittent or flashing lights;
 - The level of illuminance shall not exceed the maximum level found within the Institution of Lighting Engineers (ILE) document PLG 5 Brightness of Illuminated Advertisements or its equivalent in any replacement guide;
 - Moving features are not provided.

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

Application Ref: 24/0430/ADV

Proposal: Advertisement Consent: Display of 4 no. illuminated fascia signs, 9m Pylon Sign, "Drive Thru" directional sign, Height Restrictor, Digital Menu Board, "Order Here" Canopy, Triple Digital Menu Screen, Drive thru "No Entry" and "Thank You" sign, Mini Monolith directional sign, 2 no. "DRIVE THRU" text, "STARBUCKS" lettering, 2 no. Siren Logos, "STARBUCKS" wordmark and non-illuminated banner frame.

At: Land adjacent Whitewalls Drive, Colne

On behalf of: EG On The Move Limited

REPORT TO COLNE & DISTRICT COMMITTEE 8TH AUGUST 2024

Application Ref: 24/0331/ADV

Proposal: Advertisement Consent: Display of 14 no. illuminated and 6 no. non-illuminated signs to a new Petrol Forecourt Station.

At: Land adjacent Whitewalls Drive, Colne

On behalf of: EG On The Move Limited

Date Registered: 30/05/2024

Expiry Date: 25/07/2024

Case Officer: Laura Barnes

This application has been called in by a Councillor.

Site Description and Proposal

The application site is a piece of land adjacent to the M65 motorway and Whitewalls Drive. At the time of the site visit construction work was underway for a petrol filling station and a drive thru coffee shop. The application site is inside the settlement boundary and there are no other designations which would affect this type of application.

The application seeks permission to erect signage for the businesses which intend to operate from the site, including SPAR, Greggs, Subway, Starbucks and the petrol filling station. This includes: 14 illuminated signs and 6 non-illuminated signs.

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

LCC Highways

Initial response, dated 17th June 2024

Sign location 19 appears to conflict with the highway signage for Greenfield Road which is required at this location which is 'Prohibition of driving expect for access'. Please review this and relocate the 'EV directional monolith' signage so that it does not distract from or conflict with the highway signage in anyway. Ideally, they would be located away from the Greenfield Road junction.

Conclusion

Subject to this Lancashire County Council acting as the Highway Authority does not raise an objection regarding the remaining signage and are of the opinion that they will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Final response, following submission of amended plans, dated 10th July 2024

Amended plans are acceptable.

Colne Town Council

Colne Town Councillors are concerned about the additional light pollution and what effect this may have on the Greenfield Nature Reserve.

Environmental Health Officer

Does not hold the view that lighting will cause a nuisance here but questioned whether it is possible for all the lighting to be turned off when the shop is not open.

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.

Colne Neighbourhood Plan

Policy CNDP3 set out a design code for Colne, which is a relevant policy to the determination of this application.

Design & Visual Amenity

The proposal includes the display of 20 advertisements in total. 14 of which are to be internally illuminated. The signs can be summarised as follows:

Signs 1-6:

Tombstone sign advertising Greggs, Spar, Subway and Starbucks

This is to be placed at the front of the shop building for the petrol filling station

The sign is to have internal illumination including cool white 6500K LEDs

Signs 7-9:

Fascia signage above the entrance to the shop serving the petrol filling station

Illuminance level: 300 cd/m²

Sign 10:

Halo lit signage on the shop building itself reading "Welcome to Silk Way Services"

Internally lit with halo illuminated lettering via 6500K cool white LEDs

Sign 11:

Glazing graphics including a photo of a sandwich and other products which are available to buy in the shop

Non-illuminated

Sign 12:

Brand signs to the gable end of the building closest to Banny's Fish & Chip Restaurant

Internally illuminated via 6500K cool white LEDs

Sign 13:

Directional signage with the brands listed

Non-illuminated

Sign 14:

Flag signs with a water base

Non-illuminated

Sign 15:

Totem sign stating price of fuel, to be positioned near the entrance at the signalled junction with Whitewalls Drive

Internally illuminated via 6500K cool white LEDs

Sign 16 & 17:

Canopy signs above the covered area of the petrol filling forecourt

Internally illuminated 6500K cool white LEDs

Sign 18:

Totem sign to be sited to the north of the site adjacent M65 motorway, advertising the brands and fuel prices

Internally lit via 6500K cool white LEDs

Sign 19:

EV charging directional signage to be positioned near the charging stations

Sign 20:

EV panel & post signs advertising the charging units and duration of use

Non-illuminated

Each of the signs which are to be illuminated (14 in total) would be lit so that they are no brighter than 300 cd/m². This not unusual for signage of this nature and scale.

The appeal site was allowed at appeal. However, the original application for the petrol filling station was refused based partly upon visual amenity grounds. This argument was rejected by the Inspector and it is a reasonable requirement of a scheme for a petrol filling station to have some form of signage.

The signage on the building itself is located within the site and away from the roadside. It contains standard logos which would be fully acceptable in this setting. The proposed signage is proportional in size and would not adversely affect the visual amenity of the area. It is acknowledged that there is a Conservation Area adjacent to the site but this does not mean that development automatically affects it. In this particular circumstance, the adverts are set back from the highway in a commercial area they would not have an unacceptable impact upon the character and appearance of the Conservation Area such that an assessment against paragraph 208 of the Framework would be required.

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

Amenity

Although there is illumination to the proposed signage, the signage is rotated so that it would direct light in the location that most passers-by would travel, which would be along Whitewalls Drive or the M65. It is not directly orientated towards or directly facing any of the properties on Greenfield Road. In any event, the proposed advertisement is over 100m from the closest residential property and there are trees between the row of terraced dwellings and the petrol filling station. As such, there would be no unacceptable neighbouring amenity issues associated with the proposed development.

The Environmental Health Officer has questioned whether all lighting could be switched off whilst the petrol filling station is not in use. If there were to be a neighbouring amenity issue which would result in an unacceptable impact upon living conditions for occupants of the dwellings on Greenfield Road it would be possible to place a condition restricting the times in which the lighting on the signage could be illuminated. However, in this case for the reasons set out in relation to the distance, orientation and tree cover it would not result in an unacceptable impact upon residential amenity.

The signage does not adversely impact on amenity and accords with Policy ENV2 of the Pendle Local Plan: Part 1 and the SPD: Design Principles.

Highways

Following the submission of amended plans the proposed development would not impact upon highway safety and is therefore acceptable. Lancashire County Council Highways do not have any objection to the proposed development.

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. 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: Condition imposed by the Regulations.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 19.161 dwg 015 Rev A, Advertisement plans prepared by IVC Signs, dated 05/07/2024 Rev O

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 the 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 advertisement, 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 a condition that does not endanger the public or impair visual amenity

Reason: Condition imposed by the Regulations

8. Any illuminated advertisement shall be designed so that:
- No part of the source of the illumination shall at any time be directly visible to users of the adjacent public highway network;
 - Static illumination is provided and the sign shall not feature intermittent or flashing lights;
 - The level of illuminance shall not exceed the maximum level found within the Institution of Lighting Engineers (ILE) document PLG 5 Brightness of Illuminated Advertisements or its equivalent in any replacement guide;
 - Moving features are not provided.

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

Application Ref: 24/0331/ADV

Proposal: Advertisement Consent: Display of 14 no. illuminated and 6 no. non-illuminated signs to a new Petrol Forecourt Station.

At: Land adjacent Whitewalls Drive, Colne

On behalf of: EG On The Move Limited

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 03rd July 2024