

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

TO: COLNE & DISTRICT COMMITTEE

DATE: 05TH SEPTEMBER 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE & DISTRICT COMMITTEE ON THE 05TH SEPTEMBER 2024

Application Ref: 24/0208/FUL

Proposal: Full: Partial demolition, reconstruction and extension of former agricultural building to form 1 no. single dwelling, new boundary walls and the erection of a detached garage.

At: Brook View Barn, Skipton New Road, Foulridge

On behalf of: Ms Gemma Wheeler

Date Registered: 15/04/2024

Expiry Date: 10/06/2024

Case Officer: Laura Barnes

The application was deferred from to allow for a site visit; a definitive calculation on the percentage increase from the original building; clarification on whether concerns over the overbearing impact of the development have been successfully addressed; and an opportunity for the applicant to submit, in writing, any very special circumstances that may exist, and a legal view to be taken on this.

Site Description and Proposal

The application site is an existing dwelling which has been converted from a former agricultural building. It is set amongst a cluster of buildings associated with Loach Brook Farm, accessed via a driveway off Skipton New Road. The application site is located within the Green Belt and outside the settlement boundary, in the Open Countryside.

At the time of the site visit a dwelling had been erected, along with the associated driveway hardstanding and stone boundary walls. The dwelling which has been built is not in accordance with the approved plans for the conversion of the building.

The proposal seeks to regularise the issue by applying for the partial demolition of the building, in order to reconstruct and extend it, making it suitable for habitable accommodation in the form of a single dwelling. The application also seeks permission for new boundary walls and a large, detached garage. At the time of the site visit the garage had not been erected.

Relevant Planning History

13/99/0241P: Extend dwelling into part of barn at Lower Borach Farmhouse
Approved with conditions

13/14/0356P: Full: Subdivision of existing property to create two dwellings.
Approved with conditions

16/0334/FUL: Full: Change of use of storage building to boarding kennels for a maximum of 5 dogs (no external alterations)
Withdrawn

17/0149/FUL: Full: Retain converted storage building for use as boarding kennels for up to 5 dogs including external alterations to windows and doors and use of field for exercise area.
Approved with conditions

18/0267/FUL: Full: Installation of a stone access track.
Approved with conditions

18/0425/FUL: Full: Conversion of two outbuildings into two residential dwelling houses.
Approved with conditions

18/0429/CND: Approval of Details Reserved by Condition: Discharge of Condition 3 (Surfacing Materials) of the Planning Permission 18/0267/FUL
Conditions Discharged

18/0750/FUL: Full: Conversion of outbuilding to dwellinghouse and change of use of agricultural land to domestic use.
Approved with conditions

19/0369/FUL: Full: Conversion of two outbuildings into two dwelling houses (Amended scheme).
Approved with conditions

19/0875/HHO: Full: Conversion of outbuilding into one residential dwellinghouse and erection of a single storey extension
Refused

20/0105/FUL: Full: Conversion of outbuilding into one residential dwelling house and erection of a single storey extension (Re-Submission).
Refused

20/0571/CND: Approval of Details Reserved by Condition: Discharge of Conditions 3 (Materials), 5 (Screen) and 9 (Drainage) of Planning Permission 19/0369/FUL.
Conditions Partially Discharged

20/0617/FUL: Full: Conversion of outbuilding into one residential dwelling house, erection of a single storey extension.
Approved with conditions

21/0377/CEA: Lawful Development Certificate (Proposed Use): Use of dwelling as a children's home for up to four resident children (C3).
Refused

21/0876/FUL: Full: Change of use of existing dwellinghouse (Use Class C3) to a children's home for a maximum of six young people (Use Class C2).
Refused

Consultee Response

LCC Highways

The application seeks approval for a 3 bedroom dwelling with garage measuring 5.45m by 5.45m. There is a large enclosed yard which provides extensive parking and turning area.

Access

The site is accessed from a privately maintained road which carries public footpath FP13-12026 for its full length from the A56 Skipton New Road until a point south of the site access when it diverts into the field along the western boundary of the site.

Parking

There is a garage proposed which is below the standard size 6m by 6m to count as 2 parking spaces, however it will provide secure cycle storage. There is ample hardstanding within the site to provide the 2 car parking spaces which are required for the proposed 3 bedroom dwelling.

Conclusion

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development 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.

Foulridge Parish Council

The Foulridge Parish Council fully support this application. We have visited the site and what is proposed will complete the final renovation of the agricultural buildings at Lower Broach.

A recent application to add a double garage on the site to one of the agreed building applications has been approved. So the Council views that this application should also be approved to be seen as a balanced Planning approach for the Borough.

Public Response

Nearest neighbours have been notified by letter and a site notice has been displayed for wider publicity. Multiple responses have been received, both in support and objection of the proposals. The responses can be summarised as follows:

Objections:

- Overbearing impact
- Loss of views towards Blacko Tower and Pendle Hill
- A flat roof would work better in the case of the garage
- The garage could be positioned in a different location, so as not to spoil the view

Support:

- The proposal is in keeping with the local area
- This development will benefit the area

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 1 sets out that proposals for new development should be located within the settlement boundary, unless they meet the circumstances listed in the policy.

Saved Policy 3 identifies that inappropriate development will not be permitted in the Green Belt.

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.

Paragraph 153 states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the Framework is set out below:

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- (a) buildings for agriculture and forestry;*
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- (e) limited infilling in villages;*
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development*

would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

Paragraph 155 states:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- (a) mineral extraction;*
- (b) engineering operations;*
- (c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- (d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- (f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

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

The Development in the Open Countryside SPG is also relevant to this application.

Green Belt

The application site is located within the Green Belt. The applicant is relying on PPG2 in their planning statement. This is an out of date document which has been superseded by the Framework (National Planning Policy Framework). They have also cited Policies 1, 17 and 40 of the Pendle Replacement Local Plan. They have set out that conversion of a redundant building into a dwelling would be acceptable.

The proposed development is mostly retrospective in that the former agricultural building has been converted into residential use. At the time of the site visit work had not commenced on the building of a detached garage. It is clear that the construction of the dwelling has not been carried out in accordance with the approved plans.

The applicant has provided calculations in a report dated 1st May 2024, as to the volume of the building. Their calculations are set out below:

Original building gross external floor area – 96.5m²
Existing building gross external floor area – 128 m²
Floor area increase – 32.64%

Original building volume – 264 m³
Existing building volume – 388 m³
Volume increase 47%

The Council have reviewed the information provided within the applicant's statement and are not in agreement with these calculations. This is mainly due to the starting point for the volume of the 'original building'. The Framework provides a very clear definition, at Annex 2, of what constitutes the original building. This is a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. As such, the Council's calculation of the original building is based upon the drawings of the original building from the application reference: 19/0369/FUL.

The Council's calculations are as follows:

Original building volume: 167m³

As built volume: 486m³

Percentage increase from the original building, to as built volume: 191%

Percentage increase from the original building, to proposed building (including the volume of the proposed detached garage): 287%

It is clear that the roof of the building has been increased in height significantly since the original building was on the site. The Council have photographic evidence from July 2018 which shows the original building, being a single storey low lying agricultural building which had a long and narrow footprint. The building which is currently on the site is a much taller structure which has been substantially re-built since the permission in application reference 19/0369/FUL was given. There is a telegraph pole adjacent to the building which assists in providing a measure of scale. The original building extended to a height within the lower third of the telegraph pole. However, the height of the existing building comes within the top third of the pole. It is clear that the original building has significantly increased in volume as a result of the major increase in height.

The consideration for Members of the committee is to understand the proposals in the context of the requirements in the Framework. The Framework makes exceptions for development within the Green Belt. However, in this case it would need to be demonstrated that the extension or alteration to the building does not result in disproportionate additions over and above the size of the original building. It is clear that the building which has been erected fits within the "disproportionate" category of paragraph 154 of the Framework, being over a 200% increase in volume. The applicant has been given ample opportunity to prepare their set of volume calculations but nothing has been forthcoming.

The applicant has provided a "Very Special Circumstances" case since the application was discussed at the last committee meeting. They have set out within this case that the proposed development would not lead to sprawl because the boundary is tightly defined. They also state that the proposed development, combined with the building which has unlawfully been erected is not disproportionate in Green Belt terms. Finally, they claim that this case is unique and the dwelling would always remain subservient to the main farmhouse. These comments are not very special circumstances for the purpose of assessing a planning application against national policy. The agent has also attempted to run the case that the approved scheme did not provide bedroom spaces which accord with the Nationally Described Space Standards, as such the applicant is required to create larger bedrooms, hence the need for the increase in volume. It may be possible for the applicant re-configure the internal walls of the property to create a number of rooms which does comply with the Nationally Described Space Standards. Therefore, it is the Council's view that the case the applicant is attempting to run regarding the Nationally Described Space Standards does not to Very Special Circumstances.

As such, the development would not benefit from the exemptions in Green Belt terms and is not inappropriate development in the Green Belt. No valid very special circumstances case has been advanced here. The proposals are contrary to national and local policy on this issue and should be refused for this reason.

Design

The dwelling which has already been constructed unlawfully is a three bedroom (one with ensuite), single storey dwelling with a large roof space. It has an open plan kitchen / dining / lounge area to the centre of the dwelling as well as a family bathroom. The building is constructed of natural random stone with a natural blue slate roof. The roof has eight roof lights in total.

The proposed garage is to have a footprint of 6m x 6m. It has been reduced in height from that which was originally submitted. The proposed garage is to have a dual pitched roof with an eaves height of 2.3m and a ridge height of 4.1m. The detached garage is to be constructed of materials to match the main dwelling.

The application also seeks permission for boundary treatment in the form of stone walls, most of which had already been erected at the time of the site visit. These in themselves would have an impact upon openness. Notwithstanding this they are of grand proportions and would be more akin to development in an urban setting, rather than land set within this rural location in the Open Countryside.

The dwelling and garage are to be constructed of materials which are of high quality and would be in keeping with the surrounding cluster of farm buildings. As such, the proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy in this regard.

Residential Amenity

The proposed detached garage is to be sited 9m from the existing dwelling at The Old Dairy. The proposed garage is to be 3.6m in height. The main habitable room windows are in the end of the barn conversion (The Old Dairy) which would be closest to the proposed garage. At 3.6m in height and being 9m away, the proposed garage would not result in an overbearing impact upon the neighbouring property.

In terms of the main dwelling, the windows are no closer to neighbouring dwelling than has previously been assessed as part of the application to convert the building from an agricultural one to a dwelling. As such, there would be no greater impact upon neighbouring amenity as a result of the dwelling itself.

Overall, there would be no unacceptable impact upon the neighbouring dwelling at The Old Dairy as a result of the proposed detached garage. Overall, the proposed development would accord with Policy ENV2 and the Design Principles SPD.

Highways

In terms of the dwelling and proposed garage there is ample parking within the site to allow for the parking of three vehicles. The garage would be capable of accommodating space for cycles in addition to this.

There would be no change to the Public Right of Way which runs up the main access drive to the property.

RECOMMENDATION: Refuse

Due to the following reasons:

1. The development which has been constructed is not in accordance with previously approved plans for the conversion of this building from agricultural use to domestic use (19/0369/FUL). The dwelling which has been constructed is disproportionate to the original building and does not meet any of the exceptions in Green Belt terms. It would lead to an unacceptable level of harm to the openness of the Green Belt by reason of inappropriateness. Moreover, the Very Special Circumstances case which has been put forward does not accord with national policy on this issue. As such, there is a direct conflict

with paragraph 154 of the National Planning Policy Framework and Policies 1 & 3 of the Pendle Replacement Local Plan.

Application Ref: 24/0208/FUL

Proposal: Full: Partial demolition, reconstruction and extension of former agricultural building to form 1 no. single dwelling, new boundary walls and the erection of a detached garage.

At: Brook View Barn, Skipton New Road, Foulridge

On behalf of: Ms Gemma Wheeler

REPORT TO COLNE & DISTRICT COMMITTEE ON 05TH OF SEPTEMBER 2024

Application Ref: 24/0317/HHO

Proposal: Full: Erection of wall to front of property and levelling of garden.

At 1 Castercliff Bank, Colne, Lancashire

On behalf of: Mr Peter Holdsworth

Date Registered: 31.07.2024

Expiry Date: 25.09.2024

Case Officer: Athira Pushpagaran

This application has been called to committee by the Chair.

Site Description and Proposal

The application site is a semidetached dwelling situated in a residential neighbourhood within the settlement boundary of Colne. The dwelling is situated at the corner where Castercliff bank meets South valley drive. main access from Castercliff bank. The residential estate on Castercliff bank appears to be following an open plan. There is one property across the road from the application site which has a circa 1.5m high fence along its side facing Castercliff bank. The existing dwelling has artificial buff stone walls, white UPVC windows and doors and a pitched tiled roof and are surrounded by dwellings of similar scale and materials.

The proposed development is the erection of wall to front of property and levelling of garden. This is a retrospective application.

Relevant Planning History

13/07/0378P Full: Erect two storey domestic extension to side. Approved with Conditions

13/13/0202P Full: Erection of a porch to the front of dwelling house. Approved with Conditions

13/14/0142P Full: Erection of single storey extension to rear. Approved with Conditions

Consultee Response

Highways

Having reviewed the documents submitted, together with site observations, Lancashire County Council acting as the local highway authority does not raise an objection regarding the development and are of the opinion that the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Parish/Town Council

No response

The Coal Authority

No response

Public Response

One neighbour objection has been received raising the following concerns:

- Already built and affects the vision of motorists turning the corner

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.

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 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.

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

Colne Neighbourhood Plan, in particular Policy Colne CNDP3 that lays down the Design Code to support quality of design and materials.

Officer Comments

The proposed development is in a residential area situated within the settlement boundary of Colne. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Design and Materials

The development relating to this application is the erection of wall to front of property and levelling of garden. The existing garden was sloping from the house to the footpath with a difference of 0.45 - 0.75m between the highest and lowest points. The development levelled the garden to be at the existing level closest to the house and is accessed by 3 steps from the footpath along South valley drive. The wall erected around the garden is 1.35m at its highest point and 0.6m at its lowest.

Permitted development rights are given for a wall up to 1m in height, adjacent to a highway under

Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015. The development is only a 0.35m above 1m, at its highest point. This is a very marginal difference from the permitted development fallback position that it would not have any significantly greater impact on the character of the dwelling and its surroundings.

The wall is finished in Buff faced brick to match the walls of the existing dwelling and would be acceptable.

In conclusion, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Residential Amenity

The wall is only 0.6m above the ground level closest to the adjoining neighbour No.3 and would not have any overbearing impact on its occupants.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Highways

The development raises no issues of highway safety.

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. 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 (received on 14.05.24)
- Site Plan (received on 14.05.24)
- Proposed Elevation Plans (received on 01.08.24)

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior consent 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: 24/0317/HHO

Proposal: Full: Erection of wall to front of property and levelling of garden.

At 1 Castercliff Bank, Colne, Lancashire

On behalf of: Mr Peter Holdsworth

REPORT TO COLNE & DISTRICT COMMITTEE ON 05TH OF SEPTEMBER 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 deferred for further discussions with the applicant.

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.

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:

4. 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.
5. 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.

6. 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

7. No advertisement shall be sited or displayed so as to:
- Endanger persons using the highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - 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

8. 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

9. 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

10. 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

11. 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

REPORT TO COLNE AND DISTRICT COMMITTEE ON 5th SEPTEMBER 2024

Application Ref: 24/0423/FUL

Proposal: Full (Major): Change of use from agricultural land to mixed agricultural and equine use (Sui Generis) and alterations to access gate.

At: Land Opposite Edge End Bungalow, Red Lane, Colne

On behalf of: Mr S. Weston

Date Registered: 02/07/2024

Expiry Date: 01/10/2024

Case Officer: Alex Cameron

This application has been brought before Committee as it is a major application due to the site area being over 1 hectare.

Site Description and Proposal

The application site is 16.2 hectares of agricultural land located within the Green Belt to the north of Red Lane, Colne. The site includes an existing stable building and portal framed building off Smithy Lane.

The proposed development is the retrospective change of use of the land from agricultural use to a mixed use of and agricultural and equine use and alterations to an existing vehicular access on Red Lane.

Relevant Planning History

13/00/0282P – Erect three bay stable block and separate store with forecourt and perimeter fencing. Approved

13/04/0465P - Agricultural Determination: Erection of an agricultural building. Approved

Consultee Response

LCC Highways – No objection.

PBC Environmental Health – No objection.

Environment Agency - We have no objection. The red-edge boundary of the planning application includes an area that is located within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations. An FRA has not been submitted. While the application boundary falls within Flood Zone 3, no development is proposed within Flood Zone 3. It will be for the Local Planning Authority to decide whether or not the application should be supported by an FRA to consider the risk of flooding from other sources in this instance.

Lead Local Flood Authority – No objection.

Lancashire Fire and Rescue – Comments related to building regulations for access and fire fighting water.

Colne Town Council – No comments.

Public Response

A site notice has been posted and nearest neighbours notified – One response received in support of the application.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability. Where applicable proposals should maintain the openness of the Green Belt.

Replacement Pendle Local Plan

Policy 39 relates to Equestrian Development, this states that the location, size and design of a proposal must preserve the landscape character and openness of an area.

Colne Neighbourhood Development Plan

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

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

National Planning Policy Framework

Paragraph 143-146 of the National Planning Policy Framework sets out the types of development that are not inappropriate within the Green Belt. This includes the provision of appropriate facilities for outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Green Belt Impact

The exceptions in the Framework for development that is not inappropriate include changes of use of land provided that they preserve openness. With a condition to control associated paraphernalia the development would preserve the openness of the Green Belt in accordance with the Framework and policies ENV2 and 39.

Visual Amenity

With conditions to control the use and siting of paraphernalia the proposed use would not result in any unacceptable impacts upon the visual amenity of the area.

Residential Amenity

It has been confirmed by the agent that land would be used for grazing of up to 25 ponies, the fields will be harrowed and manure broken up and absorbed into the land. Give the aerial of land and number of ponies proposed this is acceptable.

The portal framed building on Smithy Lane is included in the application site, the building was erected under agricultural permitted development rights and as it is within 400m of protected buildings it is not permitted to be used as a livestock building. The agent has confirmed that there is no intention to use the building for accommodation of animals.

If ponies were to be accommodated this would require consideration of alternative manure storage arrangements and specific details of that proposed use. For that reason and to replicate the controls over accommodation of agricultural livestock it is therefore necessary to attach a condition to preclude the use of the building for accommodation of animals.

The development is acceptable in terms of residential amenity in accordance with policy ENV2.

Highways

With a condition to ensure that the equine use is limited to the personal use of the landowner the proposed development would not result in an unacceptable increase in traffic accessing the site. The alterations to the access would be beneficial to highway safety allowing vehicles to pull clear of the highway to open the gate. LCC Highways have raised concerns about parking in the access. The agent has stated that it is not intended to use the area for parking, only to allow for access.

It is the case that vehicles could potentially park in any such access, it is not standard practice for parking to be restricted by condition and it would be likely to be impractical to enforce. The ability of vehicles to pull clear of the highway to open the gate would be of overall benefit to highway safety and the proposed development is acceptable in terms of highway safety.

Flood Risk

Whilst the site lies partially within flood zone 3 taking into account the nature of the use it would not result in unacceptable vulnerability to flooding.

Summary

The proposed development is acceptable and is therefore recommend 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 development is in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and the saved policies of the Replacement Pendle Local Plan. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 03.

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

2. The external materials to be used in the 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.

3. The equine use shall be operated in accordance with the details received 19/08/2024, there shall be no increase in the number of equine animals kept on the land without the prior written approval of the Local Planning Authority.

Reason: To protect controlled waters from pollution and protect the amenity of neighbouring residential properties from odours and flying insects and to ensure that the use does not unacceptably impact upon the visual amenity of the area.

4. There shall be no jumps, field shelters, horse boxes or other equine paraphernalia sited or stored externally on the land without the prior written approval of the Local Planning Authority.

Reason: In order to preserve the visual amenity of the area and openness of the Green Belt.

5. The portal framed building off Smithy Lane within the application site shall not be used for accommodation of agricultural or equine animals other than in the following circumstances:

(i) that the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or

(ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions.

Reason: In the interest of residential amenity.

6. The equine use hereby permitted shall be for the keeping equine animals owned, or leased, by the operator of the site only, the site shall not be used for livery or any commercial equine purpose whatsoever at any time.

Reason: In the interest of highway safety.

7. Unless otherwise agreed in writing the alterations to the access hereby approved shall be completed in strict accordance with the approved plans within 3 months of the date of this permission.

Reason: In the interest of highway safety.

Application Ref: 24/0423/FUL

Proposal: Full (Major): Change of use from agricultural land to mixed agricultural and equine use (Sui Generis) and alterations to access gate.

At: Land Opposite Edge End Bungalow, Red Lane, Colne

On behalf of: Mr S. Weston

REPORT TO COLNE & DISTRICT COMMITTEE ON 05TH OF SEPTEMBER 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 was deferred from August committee for further discussions with the applicant.

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

Colne Town Council objects to this development as the number and height of the illuminated signs is far too excessive. The Town Councillors are concerned about the amount of light pollution that these signs will generate and the impact this will have on local residents and the surrounding wildlife considering that there is a Nature Reserve in the vicinity, not to mention the Americanisms

reflected in the spelling. Something will need to be done to ameliorate the cumulative impact of this signage if this development is to be considered plausible.

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 nature reserve. There is no evidence to suggest that the proposed signage would result in an unacceptable impact to the nature reserve. In terms of material planning considerations, we can consider amenity and public safety in relation to the signage / advertisement application. The principle of development for a Petrol Filling Station in this location has been determined by the appeal which was allowed by the Planning Inspectorate. Inevitably the Petrol Filling Station will require some kind of signage and illumination so that members of the public can find it safely. The impact which the lighting may have on the nature reserve is not for consideration here. Moreover, the illumination of the advertisements would mainly be at the other side of the site to the nature reserve, and not likely to have a greater impact than the existing street lighting.

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:

- d) Endanger persons using the highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- e) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- f) 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:

- 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 ON 05TH OF SEPTEMBER 2024

Application Ref: 24/0451/FUL

Proposal: Full: Conversion of existing barn to form 3 no. dwellings with associated parking and garden areas.

At: Peter Laithe Farm, Foulds Road, Trawden.

On behalf of: Mr Darren Blackburn.

Date Registered: 10/07/2024.

Expiry Date: 04/09/2024.

Case Officer: Joanne Naylor.

Site Description and Proposal

The application site is a group of building known as Peter Laithe Farm located in the countryside to the north of Trawden. The application site is within the Trawden Forest Conservation Area, the Open Countryside, and within the boundary of Trawden Forest Neighbourhood Plan.

The proposal seeks to convert the existing stone and/slate barn to three dwellings (one 4 bed and two 3 beds) with parking area to the side and creation of separate garden areas to each of the proposed new dwelling which would include the construction of stone boundary walls. The proposal would demolish the existing structures attached to the barn. The proposal would also make alterations to the access onto Colne Road, all access would be from Colne Road and an existing access track would provide access to the proposed development. This access track is a public right of way, as is Foulds Road which runs along the south-western elevation of the barn.

The application is accompanied by a Design and Access Statement and a Heritage Statement.

Relevant Planning History

13/95/0645P: Convert attached barn to dwelling. Approved with Conditions (8th August 1966)

23/0719/FUL: Full: Conversion of existing barn to form 3 no. dwellings with new detached garage block and associated parking and garden areas. Refused (10th May 2024)

Consultee Response

LCC Highways

No objection subject to the following Conditions:

1. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Works shall include, but not be exclusive to the construction of the access to an appropriate standard, including kerbed radii and tie in details to the carriageway edge of the publicly maintained highway network on Mire Ridge.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

2. Prior to first occupation of any approved dwelling the first 6m of the access track from its junction with Mire Ridge shall be surfaced in a bound porous material and an appropriate means of surface water drainage installed in accordance with a scheme to be approved by the Local Planning Authority.

Reason: In the interest of highway safety to protect the structural integrity of the publicly maintained highway network.

3. Notwithstanding details shown on the approved plans the gates across the access onto Mire Ridge shall be removed and the access shall remain ungated for the lifetime of the development to prevent vehicles waiting on Mire Ridge where they could cause an obstruction.

Reason: In the interest of highway safety.

4. Prior to first occupation of the proposed development, the parking and manoeuvring areas shown on the approved plans shall be provided and thereafter always remain available for the parking of vehicles associated with the dwellings and the manoeuvring areas shall be kept free from obstructions in perpetuity.

Reason: To ensure that satisfactory levels of parking and manoeuvring are provided on-site.

5. Prior to first occupation each dwelling shall have an electric vehicle charging point. 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 vehicle currently available.

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

Informative notes

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, including kerbed radii and tie in details to the carriageway edge on Mire Ridge. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developer@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

2. The settings of Public Footpaths FP13-07-008, FP13-07-009 and FP13-07-010 (Trawden) may be affected by the proposed development. The grant of planning permission does not entitle a developer to obstruct a right of way. Any proposals for the temporary diversion or closure of any of the above footpaths should be made to Lancashire County Council's Public Rights of Way team before any development works begin. They can be contacted by email at PROW@lancashire.gov.uk – the location, district and planning application number should be included in any correspondence.

Parish/Town Council

Councillors feel that is still too much glazing detracting from its historic origin. The building is very visible from long range views, especially Keighley Road near to the Recreation Ground. It would be at the discretion of the owner of the property to close the shutters over the patio doors, and Councillors feel that they would not be used so this glass would be visible very often. They also feel that not enough of the character of the original building has been kept.

LCC Historic Environment Team

"Peter Laith" is recorded on the 1st Edition 1:10560 Ordnance Survey (Lancashire Sheet 57, surveyed 1844), when a "Peter Laith Meadow" is also recorded on the Trawden Tithe Apportionment of the same year. Both Yates' 1786 map of "the County Palatine of Lancaster" and Henhet's 1828 "a map of the County Palatine of Lancaster" possibly show a building in this area.

The period 1750-1880 has been recognised as the most important period of farm building development in England. The Council for British Archaeology's 2007 'An Archaeological Research Framework for North West England: Volume 2, Research Agenda and Strategy' has indicated that "there is an urgent need for all local authorities to ensure that farm buildings undergoing adaptation are at least considered for recording" (p. 140) so that "a regional database of farm buildings can be derived and variations across the region examined." (ibid.)

The buildings (farmhouse & barn), by virtue of their nature and date, are therefore considered to be of sufficient historic interest to be categorised as non-designated heritage assets, and such historic farm buildings are becoming increasingly rare due to dereliction or conversion. The alterations as proposed will have a significant impact on the character of the barn and will result in the loss of some historic fabric.

Consequently should the Local Planning Authority be minded to grant planning permission to this or any other scheme, the Historic Environment Team would advise that a record of the barn be made prior to conversion, secured by means of the following condition:

Condition: No site preparation, clearance or demolition works shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of building recording, analysis and reporting work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a Level 2-3 record as set out in "Understanding Historic Buildings" (Historic England 2016). The work must be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of this record shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

Notes: Relevant archaeological standards and lists of potential contractors can be found on the ClfA web pages: <http://www.archaeologists.net> and the BAJR Directory: <http://www.bajr.org>. 'Understanding Historic Buildings' can be accessed online at <https://historicengland.org.uk/images-books/publications/understanding-historicbuildings/>.

This is in accordance with National Planning Policy Framework (MoHCLG 2023) paragraph 211: "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their

importance and the impact, and to make this evidence (and any archive generated) publicly accessible".

Environmental Health

Non received to date (16/08/2024)

PBC Engineering (Drainage)

Non received to date (20/08/2024)

Architectural Liaison Unit

Non received to date (20/08/2024)

United Utilities

Non received to date (20/08/2024)

PBC Public Rights of Way

Non received to date (20/08/2024)

Public Response

A press notice and site notice was posted, and nearest neighbours notified by letter, no responses received.

Relevant Planning Policy

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new development 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.

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

Trawden Forest Neighbourhood Plan

Policy 4 Parking seeks to reduce on-road parking and that parking spaces to be 3mx7m in size.

Policy 6 Heritage Asset seeks to support the conservation and enhancement of heritage assets and the local lists assets.

Replacement Pendle Local Plan

Policy 10 seeks to conserve areas identified as historic or of architectural interest in their setting.

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 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.

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

The Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) provides guidance to ensure development preserve and enhance the character of conservation areas.

Development in the Open Countryside Supplementary Planning Guidance (SPG).

Officer Comments

Principle of Development

The principle of whether a conversion is acceptable is based on whether or not the location is isolated. Paragraph 84 of the Framework states that development of isolated homes in the countryside unless more than one of the circumstances apply. In this particular case the proposed development falls within circumstance that the proposed development would reuse a redundant or disused building which would enhance its immediate setting, and it would also represent the optimal viable use for a heritage asset or would be appropriate enabling development to secure the future heritage assets. The application site is located 137m outside the settlement boundary for Trawden and therefore the site would not be in an isolated location for the purpose of the assessment against National Policy.

The proposal would be adjacent to the Green Belt, the proposed conversion would not be within the Green Belt.

Access/Parking

Access to the site is currently from Foulds Road which leads to Colne Road and the settlement of Trawden to the south. It is proposed that this access will be ceased and access will be from the historic track to the west of the farm group and leading up to Mire Ridge. This historic track is within the red line boundary on the Location Plan. It is a public footpath and was unmade until it was surfaced sometime between 2020 and 2023. The submitted plan shows visibility splays and vehicle/pedestrian gates set back by 6m from the highway. Plan 1426-19-A indicates that adequate visibility splays can be provided over land within the applicants ownership and/or the publicly maintained highway network.

Although LCC Highways have said that a public right of way would be blocked up, the applicant has confirmed that no Public Rights of Way are going to be blocked up.

Design and Materials

This application seeks to make changes to the proposed development following the refusal of 23/0719/FUL which was refused due to the design of the new openings and fenestration which affects the character and appearance of the traditional agricultural barn.

The proposal considered here has been submitted to address the design of the building, particularly for the openings and fenestrations. To the proposed south west elevation, unit three would have three original windows glazed, and one window at first floor would be a new opening. To unit 2 a new window would be inserted into an existing opening and a first floor opening would be glazed, the barn door would have door size glazed window either side of the door. The proposed south west elevation would reuse existing openings for windows and doors, and there would be three new window openings, the barn door would have windows either side of the door. The new openings would be similar in size as the existing window openings, the proposed design of the windows, both existing and proposed, would be sympathetic to the building and has limited the number of new openings to this elevation.

To the north east elevation there are fewer existing openings, due to the form of the barn, there are less openings, if any, due to the nature of how a barn is used, where the ground floor would require door and window openings and the first floor of barns was usually used for hay storage. As such, the applicant has limited the number of openings to the first floor with four new openings inserted, whilst to the ground floor has utilise the existing openings and would insert one new window opening and two new door openings. On this elevation the amount of glazing has been reduced as much as possible to allow the proposed dwellings to function. It is also noted that the doors to the south west and to the north east elevations have solid doors to reduce the amount of glazing on these elevations.

The proposed north east elevation has now changed the materials of the pitched roof to all be natural stone slate tiles.

To the north west elevation there was a garage door to this elevation, the proposal would put the wall back to stone which would be an improvement to this elevation, there are already two existing windows at ground floor, and the one new opening proposed to the first floor, the new opening would reflect the existing windows on this elevation and therefore it would not be out of keeping with the character on this elevation.

The proposal has addressed the issues regarding the amount of glazing, with the doors being solid, and limiting the number of new window openings. Overall the proposed design would be sympathetic to the barn, whilst allowing the barn to be converted for dwellinghouses, which would ensure the barn would be used and therefore protect the building for the foreseeable future.

Policy 6 of the Trawden Forest Neighbourhood Plan seeks that new development enhances the setting, character and appearance of the heritage assets and Policy 10 of the Replacement Pendle Local Plan requires a high quality design that preserves and enhances the character and appearance of the area and its setting.

The proposal seeks to convert a barn into three dwellinghouses, the design has retained the historic fabric of the building and uses materials of natural stone walls and natural slate tiles. The proposal has reused existing openings for windows and doors, and has minimised the number of

new openings in order to retain as much of the historic material and its character and appearance. The materials proposed would be that of natural stone roof slates, the garage door would be removed and blocked up with natural stone slate which is an improvement to the barn and to the setting of the conservation area. The design of the windows and doors would be sympathetic in this setting and would retain the character, the proposed windows and doors would be aluminium which would be acceptable.

The proposed conversion of Peter Laithe Farm Barn would secure the barn for the future as it would bring back to life a building that is in danger of falling into disrepair, the openings inserted are not so extensive that they would damage the fabric of the building to an unacceptable level. The proposal would have a neutral impact on the conservation area and therefore does not need to be weighed against any public benefit, in accordance with paragraph 208 of the Framework.

The proposed development would comply with Policy ENV1 and ENV2 of Pendle Local Plan Part 1: Core Strategy, Policy 6 of the Trawden Forest Neighbourhood Plan, and Policy 10 of the Replacement Pendle Local Plan, the Design Principles Supplementary Planning Documents and the Conservation Area Design and Development Guidance Supplementary Planning Document.

Residential Amenity

The farm group is 140m from the closest dwellings, therefore the proposal would have no unacceptable impact upon the residential amenity of the other neighbours. The farm group does have one existing dwelling and this is attached to the southern end of the farm. The neighbouring impact upon this dwelling would not be detrimental as it will not be overlooked and would retain its own residential curtilage. Therefore the proposal would be acceptable, there would be no unacceptable residential amenity impacts to the farm group and other neighbouring properties, therefore the proposed development would comply with Policy ENV2 of Pendle Local Plan Part 1 Core Strategy and the Design Principles SPD.

Ecology

The applicant has submitted a Bat Survey Report June 2024 by Knight Sky Ecology. The report found that the property contains a bat roost comprising of solitary common pipistrelle, the proposed development of the barn would likely result in the loss of the roost. The roost type is day roost which is of low conservation status, mitigation measures would need to be applied to avoid harm to the bat, as well as compensate for the loss of the roost by fixing a bat box on the building. Bat activity around the property was generally low and comprised common pipistrelle only, and no habitats of foraging value for bats are to be affected by the proposal.

An EPS mitigation license will be required to allow the destruction of the roost. A condition would be placed for details for the bat box. Prior to commencement of development, the applicant must obtain the appropriate license and it is the onus of the applicant to ensure the appropriate licence is sought prior to any works being carried out.

Subject to conditions for the bat box and that development does not start before the suitable licenses are in place, the proposal would comply with Policy ENV1 of the Pendle Local Plan: Part 1 Core Strategy.

Drainage

Plan 1426 09 D shows the location of a surface water soakaway in a field to the north-east of the group, however there are no details for foul drainage. United Utilities were consulted, however no response has been received as of 20 August 2024. Therefore a condition would be placed for further details for the drainage details to be submitted.

Biodiversity Net Gain

Biodiversity Net Gain (BNG) statement was submitted with information indicating this proposal is exempt from BNG, the Council is in agreement with this statement given that the existing hard standing would be for the parking of vehicles.

Landscape

The site is within the Open Countryside. The Development in the Open countryside Supplementary Planning Document (SPG) indicates the site is on the border of Valley sides/Western Industrial Foothills and Moorland Fringe. In this location the development is to be limited in scale and to relate closely to existing settlements. The proposal accords with the Open Countryside SPG in respect of its location as a conversion of an existing building.

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. 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 1426 01, Site & Roof Plan – Proposed 1426 09D, Proposed Ground Floor Plan 1426 10C, Proposed First floor Plans 1426 11B, Proposed Sections Sheet 1 of 2 1426 12C, Proposed Section Sheet 2 of 2 1426 13C, Proposed Elevations 1 of 2 1426 14C, Proposed Elevation 2 of 2 1426 15D, Vivibilty Splays 1426 19A

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

3. Prior to any above ground works involved in the erection of the external walls of the development samples of all the external materials to be used in the proposed development shall have been submitted to and approved in writing by the Local Planning Authority, this shall include a 1m x 1m sample panel of the natural stone walling and its coursing to be provided on site, and samples for the stone dressings and architraves, rainwater goods, the development shall thereafter be carried out in strict accordance with the approved materials.

Reason: To ensure the design and materials are appropriate to the locality and to control the external appearance.

4. Prior to the commencement of the development hereby permitted, details of the design, joinery details, materials and finishes of the windows and doors shall be submitted to, and agreed in writing by the Local Planning Authority and shall not be varied without prior written permission of the Local Planning Authority.

Reason: To ensure the design and materials are appropriate to the locality and to control the external appearance.

5. Prior to commencement of the development hereby approved, a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans before the dwelling is occupied.

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

6. Each dwelling hereby approved shall not be occupied unless and until the car parking area as identified on the approved plan specific to that dwelling has been laid out, surfaced in a bound material and made available for use. The car parking areas shall thereafter be maintained free from obstruction and available for parking in association with the dwellings.

Reason: In the interests of highway safety.

7. Notwithstanding details shown within the submitted planning application, the dwellings shall not be occupied until each one has a secure cycle storage facility and an electric vehicle charging point. These elements shall be retained for the lifetime of the development.

Reason: In order to promote sustainable transport as a travel option and reduce thereby carbon emissions

8. Prior to first occupation each dwelling shall have an electric vehicle charging point. 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 vehicle currently available. Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

9. Notwithstanding details shown on the approved plans the gates across the access onto Mire Ridge shall be removed and the access shall remain ungated for the lifetime of the development to prevent vehicles waiting on Mire Ridge where they could cause an obstruction.

Reason: In the interest of highway safety.

10. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E, F, G & H of Part 1 and Classes A, B & C 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.

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 rural area and the character and appearance of the Conservation Area.

- 11.** Prior to the commencement of development, a scheme for the protection and enhancement of the bat or barn owl habitat shall be submitted to the Local Planning Authority for prior written approval. The scheme shall be wholly implemented before the development is brought into use and thereafter retained.

Reason: To ensure protection of the habitat of bats and barn owls which are protected under the Wildlife & Countryside Act, 1981.

- 12.** No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Works shall include, but not be exclusive to the construction of the access to an appropriate standard, including kerbed radii and tie in details to the carriageway edge of the publicly maintained highway network on Mire Ridge.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

- 13.** Prior to first occupation of any approved dwelling the first 6m of the access track from its junction with Mire Ridge shall be surfaced in a bound porous material and an appropriate means of surface water drainage installed in accordance with a scheme to be approved by the Local Planning Authority.

Reason: In the interest of highway safety to protect the structural integrity of the publicly maintained highway network.

- 14.** No site preparation, clearance or demolition works shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of building recording, analysis and reporting work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a Level 2-3 record as set out in "Understanding Historic Buildings" (Historic England 2016). The work must be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of this record shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

- 15.** The permission hereby granted is for the conversion and renovation of the existing buildings only and does not imply or grant permission for demolition or re-building of the external walls beyond the works to insert new openings for windows / doors.

Reason: For clarity and the substantial rebuilding of the barn building to create a new dwelling in an isolated location would be contrary to the development plan.

Informative Notes:

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, including kerbed radii and tie in details to the carriageway edge on Mire Ridge. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

2. The settings of Public Footpaths FP13-07-008, FP13-07-009 and FP13-07-010 (Trawden) may be affected by the proposed development. The grant of planning permission does not entitle a developer to obstruct a right of way. Any proposals for the temporary diversion or closure of any of the above footpaths should be made to Lancashire County Council's Public Rights of Way team before any development works begin. They can be contacted by email at PROW@lancashire.gov.uk – the location, district and planning application number should be included in any correspondence.

Notes: Relevant archaeological standards and lists of potential contractors can be found on the ClfA web pages: <http://www.archaeologists.net> and the BAJR Directory: <http://www.bajr.org>. 'Understanding Historic Buildings' can be accessed online at <https://historicengland.org.uk/images-books/publications/understanding-historicbuildings/>.

This is in accordance with National Planning Policy Framework (MoHCLG 2023) paragraph 211: "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible".

Application Ref: 24/0451/FUL

Proposal: Full: Conversion of existing barn to form 3 no. dwellings with associated parking and garden areas.

At: Peter Laithe Farm, Foulds Road, Trawden.

On behalf of: Mr Darren Blackburn.

REPORT TO COLNE & DISTRICT COMMITTEE ON 05TH OF SEPTEMBER 2024

Application Ref: 24/0481/FUL

Proposal: Full: Erection of a single-storey granny annexe for ancillary use to the main dwelling.

At: West Lynn, Barrowford Road, Colne

On behalf of: Mr Rigby-Wilson

Date Registered: 17/07/2024

Expiry Date: 11/09/2021

Case Officer: Laura Barnes

This application has been called in by a Councillor.

Site Description and Proposal

The application site is a large detached dwelling set within a generous plot off Barrowford Road. Part of the garden area is within the Green Belt but the main dwelling and driveway area are within the settlement boundary and not within the Green Belt.

The application seeks planning permission for the siting of an annex, which would be a pre-fabricated building. It is to be single storey in height with a dual pitched roof and would accommodate extended members of the family.

Relevant Planning History

13/04/0923P: Full: Conversion of coach house to form two dwellings
Approved with conditions

13/06/0238P: Outline: Convert existing house to 4 apartment and erect 4 detached houses
Refused

13/96/0474P: Use as dwellinghouse
Approved with conditions

Consultee Response

LCC Highways

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development and concludes that there are no highway grounds to support an objection as set out by NPPF.

However, to ensure that adequate parking and manoeuvring is retained within the site the use of the annexe as ancillary to the main dwelling should be controlled by condition. The applicant has indicated in the submitted Planning, Design & Access Statement (ref NAPC/JD/1215/JM – page 8) that he is willing for such a condition to be applied.

The following, or similarly worded condition, should be applied to any formal planning approval granted.

Condition

The detached annexe hereby approved shall only be used ancillary to the enjoyment of the existing dwelling (West Lynn) and shall not be used by way of sale or sub-letting to form separate residential accommodation. Reason: To avoid the creation of separate dwellings which may be sub-standard in terms of parking provision and/or vehicular manoeuvring area.

Colne Town Council

Colne Town Council objects to this development due to the use of inappropriate materials within a green belt area. The design and materials are not in keeping with the houses in the area, in particular with the adjacent property which is a non-designated heritage asset within the Colne Neighbourhood Plan.

Public Response

Nearest neighbours notified, one letter of report has been received raising the following issues:

- It was a privilege to support parents in their final years
- There is no planning reason to refuse this application

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 1 sets out that proposals for new development should be located within the settlement boundary, unless they meet the circumstances listed in the policy.

Saved Policy 3 identifies that inappropriate development will not be permitted in the Green Belt.

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.

Development in Open Countryside Supplementary Planning Guidance (SPG).

Colne Neighbourhood Plan

Policy CNDP3 (Design in Colne and the Colne Design Code) sets out the requirements for high quality design.

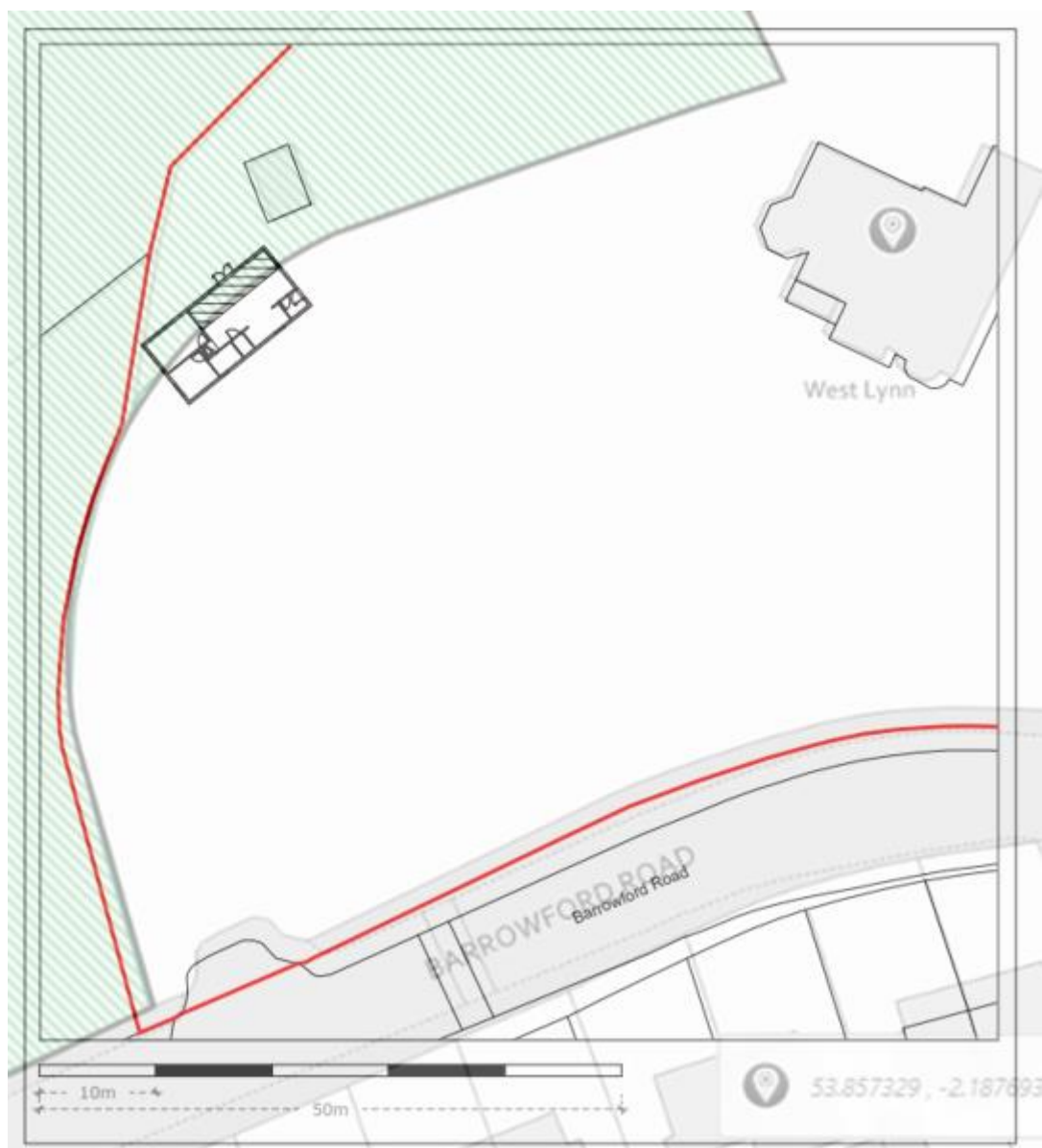
Policy CNDP4 (Development Affecting Non-Designated Heritage Assets) sets out that the designated assets should be conserved in a manner appropriate to their significance.

Principle of Development

The proposed extension / annex to the main dwelling would provide a self-contained unit. Albeit the planning statement sets out that this would be for elderly relatives and used in conjunction with the main dwelling in order to provide closer care for extended family. It would be possible to attach a condition to any planning permission to restrict the use of the annex to a family member of the main house. It would therefore be possible to control that this development does not become independent of the main dwelling. As such, the principle of development is acceptable, subject to accordance with policies relating to design and amenity.

Green Belt

The application had initially come through indicating that part of the annex would be within the Green Belt, although the main house and driveway are not within the Green Belt. The image below indicates the originally intended position of the annex. However, since the application was originally submitted the applicant has decided to change the position of the proposed building so that it would sit outside the Green Belt and within the settlement boundary. As such, provided the amended plans indicate that the annex is repositioned, there would be no issue in principle to the development of an annex for habitable accommodation in association with the main dwelling, subject to design, tree and amenity issues.



Design & Heritage

The Colne Neighbourhood Plan identifies the host building as a Non-Designated Heritage Asset. Under Policy CNDP4 consideration must be made to conserving the building in accordance with its significance. The building is not a Listed Building and the proposed annex would be sat within the driveway area to the side of the main dwelling. There are no additions to the host building itself. It would not result in harm to the character and appearance of the main dwelling and the balancing exercise at paragraph 208 of the Framework would not be engaged. The proposed extension / annex is subordinate to the main dwelling and takes a simple form. It is to be constructed of a timber frame with OSB3 to the walls, which is an engineered wood-based panel product. The walls are to be finished in an untreated oak cladding. The roof is to be a dark grey Calderdale pitched roof tile. The building would be attached to the ground by means of a screw pile foundation system. The Colne Neighbourhood Plan provides a Design Code at Policy CNDP3, the application site falls within the Northern Countryside Areas (CCA B). Its character is made up of historic villas and scattered residential buildings within the wide countryside to the south of a series of reservoirs. The materials proposed are natural (timber) and traditional (tiles), whilst the building is not designed to reflect and mimic the character of the host dwelling it can clearly be read as a modern addition and would not either compete with the main dwelling, or be confused with the character of the main dwelling in a pastiche style.

The proposed annex is to be set back from the road in an area which is covered in mature trees, there is also a high stone wall to the front boundary with Barrowford Road. As such, the proposed single storey building would not take a prominent position within the street scene and wider visual amenity.

Internally the accommodation is to comprise an open plan living area, kitchen, two bedrooms and a shower room.

The design and materials of this development are acceptable in this location and as such comply with Policies ENV2, CNDP3, CNDP4 and the Design Principles SPD.

Residential Amenity

Given that the proposed accommodation is to be used in conjunction with the main dwellinghouse at West Lynn and this can be secured by condition, the normal separation distances between habitable rooms set out within the Design Principles SPD, do not apply. In relation to other neighbouring dwellings, they are located some distance away and would not be affected to an unacceptable degree by the proposed development.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

Highways

The Highways Authority have not objected to the proposed development. There is ample parking available within the plot for parking of vehicles associated with the main dwelling as well as the proposed annex.

Trees

The application site is host to a large amount of mature trees. There is a blanket TPO covering the entire area, including the fields beyond the application site. The Council's Environment Officer has requested a method statement in relation to the method of attachment of the building to the ground, including the screw pile system. An assessment would be required as to how this would affect the root system of the mature trees. This is something which the agent has been asked to provide and an update will be provided to members ahead of the meeting.

Subject to a satisfactory arboricultural method statement which has been considered by the Council's Environment Officer (Trees), it is requested that delegated powers are sought to grant consent to the Assistant Director to approve the 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: Delegate grant consent, subject to satisfactory outcome of the Arboricultural Method Statement and repositioning of the annex

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 V1 Revision 9 Rev A, Proposed Roof Plan Version 1 Revision 9 Rev A, Proposed Elevation Plans Version 1 Revision 9 Rev A, Proposed Floor Plans Version 1 Revision 9 Rev A. [Proposed site Plan – to be updated]

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.The annexe hereby permitted shall be used solely for domestic purposes incidental and ancillary to the enjoyment of the dwelling at West Lynn and shall not be used as a separate dwelling.

Reason: For the avoidance of doubt and in order to prevent an unacceptable loss of privacy and amenity a new independent dwelling would cause to the occupants of both dwellings.

5.The development hereby approved shall be carried out in strict accordance with the details of the Arboricultural Method Statement.

Reason: In the interests of the Protected Trees.

Application Ref: 24/0481/FUL

Proposal: Full: Erection of a single-storey granny annexe for ancillary use to the main dwelling.

At: West Lynn, Barrowford Road, Colne

On behalf of: Mr Rigby-Wilson

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 01st August 2024