

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

**TO: COLNE & DISTRICT COMMITTEE**

**DATE: 07TH NOVEMBER 2024**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

# REPORT TO COLNE & DISTRICT COMMITTEE ON 7<sup>TH</sup> NOVEMBER 2024

**Application Ref:** 24/0306/FUL  
**Proposal:** Full (Major): Erection of 11 no. dwellings.  
**At:** Land To The North Of Hargreaves Street Colne  
**On behalf of:** Mr S. Hilton  
**Date Registered:** 09/09/2024  
**Expiry Date:** 02/12/2024  
**Case Officer:** Alex Cameron

This application has been brought before Committee as it is a major development.

## **Site Description and Proposal**

The application site an area of vacant land within the settlement boundary of Colne on which terraces of houses previously stood. The site comprises two separate plots, a larger plot to the north, and a smaller plot to the south adjacent to No. 7 Bankfield Street. The smaller plot falls within the Primet Bridge Conservation Area, the larger plot does not.

The proposed development is the erection of eleven two storey dwellings, two on the smaller plot and nine on the larger plot. The dwellings would all be three bedroom and would be four pairs of semi-detached and one block of three. The proposed materials are buff brick, concrete tile roofs with stone coping and upvc windows.

## **Relevant Planning History**

13/12/0063P - Full: Major: Erection of 30 dwellings mixed house types of 2 and 3 bedrooms and access. Approved

## **Consultee Response**

**LCC Highways** – No objection, requests conditions for construction management plan, off-site highway works, highway survey and post development repair works, parking, cycle storage and electric vehicle charging.

**LCC Education** – An education contribution is not required.

**PBC Environmental Health** – Please attach a construction method statement condition and contaminated land informative.

**Lead Local Flood Authority** – Object. In the absence of an acceptable surface water sustainable drainage strategy to assess the principle of surface water sustainable drainage associated with the proposed development, we object to this application and recommend refusal of planning permission until further information has been submitted to the Local Planning Authority.

**Natural England** – No objection.

**Lancashire Fire and Rescue** – Comments relating to Building Regulations.

**Colne Town Council** – This site is adjacent to the master planned site within the Colne Neighbourhood Development Site. The Town Council feels that this development is very limited and would prefer to see a joint scheme brought forward for the whole area as this would be the most efficient and effective use of the land. The Borough Council should expedite the remedial work required to their land in order to facilitate this concept.

### **Public Response**

Site and press notices posted and nearest neighbours notified by letter. Response received objecting on the following grounds:

- Inadequate parking provision that would lead to parking on surrounding streets
- Disruption during construction from noise, dust, vibrate and restriction of access
- Loss of green space
- Loss of wildlife habitat

### **Officer Comments**

#### **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 SDP2 sets out the roles each settlement category will play in future growth. Colne is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 identifies housing distribution for the M65 Corridor as 70%, the amount of development proposed here is not disproportionate to the level of housing development Colne would be expected to provide, as a minimum, over the plan period.

Policy ENV1 of the Replacement Pendle Local Plan 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 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy ENV4 seeks the promotion of sustainable patterns of travel.

Policy ENV 5 considers pollution and unstable land. Emissions and public exposure to pollution are required to be minimised.

Policy ENV7 considers water management. It sets out a sequential approach to site selection for flooding and the use of sustainable urban drainage systems. Surface water run off systems have to mimic the natural discharge process.

Policy LIV 1 sets out the minimum level of housing the Borough should achieve over the life of the Plan. It states that until such time as the Council adopts the Pendle Local Plan Part 2 (new Local Plan as it will now be) new housing development will be supported on sustainable sites outside but close to the settlement boundary which make a positive contribution to the five year supply of housing land.

Policy LIV 4 sets out affordable housing targets. There is no requirement of affordable housing in the M65 corridor.

Policy LIV 5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision should be made for open space or green infrastructure.

### Replacement Pendle Local Plan

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

### Colne Neighbourhood Development Plan

Policy CNDP3 (Design in Colne and the Colne Design Code) states that the design of high quality, beautiful and sustainable buildings and places will be supported. Development should be designed to incorporate the Design Code elements for the settlement area (SFA F). As appropriate to their scale, nature and locations developments should use traditional local materials, where appropriate recycled, that make a positive contribution to the character and quality of the area.

Policy CNDP6 (Future Housing Growth) States that new housing development will be supported within the settlement boundary and allocates this site for residential development as part of the wider Bunker's Hill site.

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.

### **Principle of the Development**

This site is in a sustainable location within the settlement of Colne, in the M65 corridor within accessible walking distance of public transport and essential services and facilities. It is a sustainable site which is allocated for housing in the CNDP and would make a positive contribution to the five year supply of housing land in accordance with policy LIV1 and SDP2. Policy CNDP6 states that new housing development is supported within settlement boundaries.

Concerns have been raised that the wider Bunkers Hill site should be brought forward as a single development, however, this is not something that can be required or the principle of this development be resisted on.

The proposed development is therefore acceptable in principle in this location.

### **Design and Heritage**

The site is located partially within Primet Conservation Area and the remaining area within the setting of the Conservation Area. The Grade II Listed Primet Foundry Mill is also located to the south.

The site would not adversely impact upon any significant viewpoints identified in the CNDP and would sit in the context of a mixture of traditional terraced, post war and modern housing.

The design of the dwellings are of good quality and their feature stone copings would be complementary to the Conservation Area. The proposed concrete roof tiles and upvc fenestration would not typically be appropriate within a Conservation Area, and brick is not a material that is typically characteristic of the area. However, this is a site of limited financial viability which has sat undeveloped for many years, and that only a small part of which falls within the Conservation Area. Taking these factors into account, the minor less than substantial harm caused by the use of those materials would be outweighed by the public benefits of this site being developed for housing. The separation from the Listed Building would be sufficient to ensure that the development does not result in harm to its significance.

The proposed development is acceptable in terms of design and heritage impacts.

### **Residential Amenity**

The rear elevations and windows of plots 1 and 2 in the amended plans would be approximately 11m from facing habitable windows in the rear of Hargreaves Street. This is less than the 21m window and 12m two storey elevation separation distances typically required. However, this mirrors the relationship with the adjacent remaining dwellings at 1-7 Bankfield Street and such relationships are characteristic of the terraced streets in the vicinity. Taking that into account, plots 1 and 2 would not result in an unacceptable loss of privacy or overbearing impact upon the adjacent dwellings.

Windows in the front elevations of the proposed dwellings facing the side elevations of dwellings on Leopold Street and Collingwod Street would face windows separated by less than 21m. The windows appear to be to non-habitable rooms, however, taking into account that those views would be across a public highway they would not result in any unacceptable impacts if they were to be habitable room windows.

The development would provide an acceptable living environment for its residents and would not result in any unacceptable impacts upon surrounding dwellings in terms of privacy, loss of light or overbearing impacts.

Concerns have been raised regarding residential amenity impacts from construction, these can be acceptably controlled by condition.

The proposed development is acceptable in terms of residential amenity impacts.

### **Landscaping and Open Space**

Due to the constrained nature of the site it is accepted that it would not be possible for open space provision to be made on-site, therefore a contribution to off-site provision will be necessary to meet the requirements of policy LIV5.

### **Ecology and Biodiversity**

An ecological appraisal has been submitted and this acceptably demonstrated that the development would preserve or enhance the limited ecology of the site and not result in

unacceptable impacts on protected species.

A biodiversity metric and reports have been submitted, these demonstrate that a 10% uplift in biodiversity could not viably be achieved on-site, off site provision is therefore necessary, a planning obligation is required to secure this and monitoring costs for 30 years.

### **Drainage and Flood Risk**

The submitted details are inadequate to assess the principle of surface water sustainable drainage associated with the proposed development, the necessary details have been requested.

### **Highways**

The proposed development would not raise any unacceptable highway safety or capacity impacts and would provide an adequate level of on-site car parking.

LCC Highways have requested a pre and post development condition survey of the privately maintained highway and any repairs necessary to be made by the development, this condition would not meet the test of reasonableness and relation to the permission as it could not be known whether damage or deterioration is as a direct result of the development.

The proposed development is acceptable in highway terms in accordance with policy ENV4.

### **Conclusion**

It is recommended that the approval of the application, and any additional or revised conditions necessary, is delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to the withdrawal of the LLFA's objection.

### **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 development is acceptable in all relevant regards in accordance with the Local Plan Part 1: Core Strategy and 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: Delegate Grant Consent**

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:

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of external materials / finishes of the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

Reason: To allow the Local Planning Authority to control the external appearance of the development.

4. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority the depth of reveal shall be at least 70mm.

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

5. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) The parking of vehicles of site operatives and visitors
- b) The loading and unloading of plant and materials
- c) The storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding
- e) Wheel washing facilities
- f) Measures to control the emission of dust and dirt during construction
- g) Measures to limit noise and vibration
- h) A scheme for recycling/disposing of waste resulting from demolition and construction works
- i) Details of working hours
- j) Details of hours of deliveries
- k) Routing of delivery vehicles to/from site
- l) Restriction of burning on-site

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect residential amenity and highway safety during construction.

6. 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. Works shall include, but not be exclusive to:

- the construction of the dropped vehicle crossings to the highway authority's specification;
- the re-construction of the section of footway outside units 10 and 11 (approx 12m in length) to the highway authority's specification including full height kerbs;
- a short extension of the footway outside Unit 1 to the highway authority's specification, including a buff coloured, tactile paved dropped pedestrian crossing;

- the extension of the existing footway on Cross Street West to the highway authority's specification, including a buff coloured, tactile paved dropped pedestrian crossing. This would require the re-location of the post box and adjacent grey metal box;
- improvements to the existing dropped pedestrian crossings at the junction of Bankfield Street with Greenfield Road to include buff coloured, tactile pavings;
- the re-location of any highway gullies within the dropped crossings;
- a street lighting assessment, which may include the re-location of lighting column 2.

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.

7. The approved development should not be brought into use unless and until the parking areas shown on the approved plans have been constructed, laid out and surfaced in bound porous materials or drained to an internal outfall. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

8. Prior the occupation of each dwelling a secure, covered cycle storage for at least two cycles shall be provided for that dwelling in accordance with a scheme that has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development supports sustainable forms of transport.

9. Prior the occupation of each dwelling an electric vehicle charging points for that dwelling shall be provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. 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 supports sustainable forms of transport

10. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority. All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced.

Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of the new development and to prevent contamination of the controlled waters.

11. The development shall be carried out in strict accordance with the recommendations of the Ecological Appraisal RHE4106. Prior to the occupation of the first dwelling a scheme for ecological mitigation and enhancement, including timescales for implementation, shall have been submitted to and approved in writing by the Local Planning Authority and it shall thereafter be implemented in accordance with approved timescales and maintained thereafter.

Reason: To order to ensure that the ecology of the site is preserved and enhanced by the development.

- 12 Prior to the occupation of the first dwelling a detailed landscaping scheme shall be submitted to the Local Planning Authority and approved in writing. The scheme shall include the following:

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

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

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

13. No part of the development shall commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The obligation shall provide for the provision or enhancement of off-site open space and for 10% Biodiversity Net Gain and monitoring for a 30 year period.

Reason: To provide for the impact of the development on local secondary school provision and to support the implementation of the Travel Plan.

**Biodiversity Net Gain Condition:**

1. The development may not be begun unless—  
(i) a biodiversity gain plan has been submitted to the planning authority and  
(ii) the planning authority has approved the plan

**Phase plan**

- (b) the first and each subsequent phase of development may not be begun unless—  
(i) a biodiversity gain plan for that phase has been submitted to the planning authority and  
(ii) the planning authority has approved that plan

Reason: In order to fulfil the obligations for Biodiversity Net Gain, in accordance with the Environment Act 2021, Schedule 14

**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 dropped vehicle crossings to the highway authority's specification; • the re-construction of the section of footway outside units 10 and 11 (approx 12m in length) to the highway authority's specification including full height kerbs; • a short extension of the footway outside Unit 1 to the highway authority's specification, including a buff coloured, tactile paved dropped pedestrian crossing; • the extension of the existing footway on Cross Street West to the highway authority's specification, including a buff coloured, tactile paved dropped pedestrian crossing. This would require the re-location of the post box and adjacent grey metal box; • improvements to the existing dropped pedestrian crossings at the junction of Bankfield Street with Greenfield Road to include buff coloured, tactile pavings; • the re-location of any highway gullies within the dropped crossings; • a street lighting assessment, which may include the re-location of lighting column

2. 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](mailto: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. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

**Application Ref:** 24/0306/FUL

**Proposal:** Full (Major): Erection of 11 no. dwellings.

**At:** Land To The North Of Hargreaves Street Colne

**On behalf of:** Mr S. Hilton

# REPORT TO COLNE & DISTRICT COMMITTEE ON 7<sup>TH</sup> NOVEMBER 2024

**Application Ref:** 24/0536/FUL

**Proposal:** Full: Erection of 5 no. detached dwellings with associated infrastructure including new vehicular accesses from Keighley Road and 15 no. parking spaces.

**At:** Land to the SE of the junction with Vernon Road and Keighley Road, Laneshaw Bridge

**On behalf of:** Mr J Driver

**Date Registered:** 12/08/2024

**Expiry Date:** 07/10/2024

**Case Officer:** Neil Watson

This application has been deferred from the last meeting, in order to allow the applicant time to prepare a set of amended plans. At the time of drafting this report the amended plans had not been received but were being worked on by the agent. An update report will be provided to Members ahead of the meeting, to take account of any amended plans which are received.

## **Site Description and Proposal**

The application site relates to an open piece of land accessed off Keighley Road. It is a sloping site which is beyond the settlement boundary, in the Open Countryside and within the Green Belt.

The proposal is for the erection of five dwellings in total, four are to be positioned to the eastern side of a tree belt and one is to be to the other side, adjacent to Croft House.

## **Relevant Planning History**

None relevant

## **Consultee Response**

### **Lancashire Fire & Rescue Service**

The proposed development should conform to Building Regulations to ensure that adequate access can be achieved for a fire appliance.

### **Environmental Health Officer**

Requested conditions for a construction method statement, construction site noise / nuisance, control of dust and a contaminated land informative.

### **Lancashire County Council 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 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 subject to the

following comments being noted and conditions and informative notes being applied to any formal planning approval.

#### *Proposal*

The proposal is for the erection of one x three bed and four x four bed detached dwellings with associated off-road parking and the construction of two new vehicular accesses onto Keighley Road.

#### *Site planning history*

No previous planning history.

#### *New site accesses*

The new access for the proposed detached house on the West of the site must be constructed to the county council's specification and not as the details submitted. The highway authority will not permit the proposed cellweb road surfacing within the public footway.

In addition, the first 5m measured into the site from the back edge of the public footway shall be surfaced in a bound porous material to prevent loose surface material from being carried onto the public highway network where it could pose a hazard to other users.

The formation of the new vehicle accesses from Keighley Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to:

Single dwelling - the construction of the access to an appropriate standard including dropped kerbs and footway crossing.

Four dwellings - the construction of the access to an appropriate standard including a minimum width of 4.5m, radius kerbs, buff coloured tactile paved dropped pedestrian crossings on both sides of the new access, re-location of any highway gullies within the access, the re-instatement of the redundant field access footway crossing to an appropriate standard including full height kerbs, make good any damage along the site boundary to tie in with the rear of the existing footway.

All dwellings - amendments to the carriageway centre line hatching will also be required, together with a street lighting assessment.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process and should not wait until condition discharge stage. Due to the high volume of agreement submissions currently being received by the county council this process can take at least six months to complete. No works should be undertaken within, or which affect, the highway network maintained at public expense without the necessary agreement first being in place in order to prevent legal action from being taken against the developer.

The applicant should also provide written confirmation that they are not introducing any retaining structures along the site boundary with Keighley Road.

#### *Visibility splays*

The development site is accessed via Keighley Road (A6068), which is subject to a maximum speed limit of 30mph outside the site. For a road with a speed limit of 30mph a Stopping Sight Distance of 43m should be provided (Manual for Streets). The highway authority considers that the visibility splays shown from both accesses on the Proposed Site Plan (Drawing No PL05 Rev B) are adequate. If the development is approved the visibility splays must be controlled by condition to ensure that adequate visibility to and from the accesses is maintained at all times.

### *Car & cycle parking*

In line with recommendations in the borough council's Parking Standards two car parking spaces should be provided for a three bed dwelling and three spaces for a four bed dwelling.

The double garages proposed for all five dwellings are considered adequately sized internally to provide two car parking spaces, secure storage for at least two cycles and electric vehicle charging points. The charging points shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

One further car parking space can be provided elsewhere within the curtilage for the four bed dwellings. The highway authority therefore considers that an adequate level of off-road car parking can be provided. However, to ensure that vehicles can enter and leave the site in forward gear all the manoeuvring areas shown on the Proposed Site Plan (Drawing No PL05 Rev B) should be kept free from obstructions.

### *Refuse bins*

A bin collection area should be provided within both the accesses to prevent bins from being stored on the footway whilst awaiting collection as these may cause an obstruction or hazard to other highway users, particularly for the plot near the bus stop on Keighley Road. A revised plan should be provided

### *Surface water drainage*

The highway authority has noted that surface water from the development is proposed to drain to an existing watercourse (Colne Water).

The applicant would need to apply to Lancashire County Council, as the Lead Local Flood Authority, for consent to discharge water into a watercourse. Any planning permission granted does not provide consent or approval under any other act, enactment, bylaw, order or regulation. The Flood Risk team can be contacted on [SUDS@lancashire.gov.uk](mailto:SUDS@lancashire.gov.uk) and any correspondence should include the planning application reference. Further information regarding Ordinary Watercourse Consent is also available on the council's website at the following link:

Accessing advice about an application for ordinary watercourse consent - Lancashire County Council

### *General*

Given the high volume of traffic which passes along Keighley Road and that this is a greenfield site a Construction Method Statement including site plan will need to be submitted to demonstrate that the development will not have a detrimental impact on highway safety.

Subject to the receipt of an amended plan showing bin collection areas and the removal of the cellweb construction within the new vehicular access for the single dwelling, the following conditions and informative notes should be applied to any formal planning approval granted.

### Laneshaw Bridge Parish Council

Laneshaw Bridge Parish Council strongly objects to the application for 5 dwellings on land to the southeast of the junction with Vernon Road and Keighley Road. The Parish Council is concerned the proposed application will not be in keeping with the street scene and will cause an overbearing presence on the surrounding area.

The Parish Council is aware the application is within the Greenbelt and the applicant has submitted the application under the proviso set out in S154 of the NPPF. However, the view of the parish council is this application isn't "limited infill" instead it significantly alters the relationship

between the Greenbelt and the village. Additionally, this proposal would create a ribboned development from the heart of the village to the boundary with Colne and permanently change the visual outlook of the village.

For these reasons, the Parish Council strongly objects to the application and request the application be refused.

### Environmental Health

Construction Method Statement condition requested

### Environment Officer (Trees)

In principle, I have no real objection to this but, if you are minded to approve the proposals, there are few outstanding issues to deal with.

The main concern is the layout that includes the single property to the west of the site, the access is proposed through the middle of 2 B Category Horse Chestnut trees that are subject to a TPO. The Arboricultural Impact Assessment (AIA) covers the important points about the use of a Cellular Confinement System (CCS) so the roots are not compromised, but this is very expensive operation that needs careful consideration and expertise in its construction.

For this reason, and bearing in mind the Arboricultural Method Statement (AMS) referenced in the AIA is only 'pre-liminary', it is important that a further updated AMS is conditioned that covers details such as: boundary treatments, service runs, and supervision of the construction of the CCS. These finer details are very important to ensure that the trees are not compromised by the proposed development during the construction phase.

The proposals also include the removal of trees to facilitate the design layout and access, (2 sections of approx. 8m of hedge and 4 low grade Hawthorn trees), therefore, a fully detailed landscaping scheme should be conditioned if planning approval for the site is given.

There are also concerns relating to level changes particularly with the access into and out of the site. Please can you assure me that trees are not going to have to be removed later due to sight lines and that fact that the existing A6068 is a very busy road. If you could flag this with Highways that would be appreciated.

### Cadent

There is no objection to the proposed development but there are medium and low pressure gas mains within the vicinity of the site which need to be carefully noted and informative note is requested.

### **Public Response**

There have been multiple letters of objection received, they can be summarised as follows:

- Roadworks will cause disruption
- Destruction of open green fields
- Not beneficial to the local area
- Highway safety - difficulty exiting onto Keighley Road

- Removal of hedgerows
- This is Green Belt land
- The proposed ridge heights do not reflect the adjacent properties
- The roofs are steeper than those in the existing area
- The four dwellings are much closer to Keighley Road than the adjacent dwellings
- Greater variation in the design and massing of the dwellings would be better here, more reflective of local character
- The drawings should include all five dwellings, the street scenes only show four
- The ground levels will have to be altered meaning the houses would perch on top of the land and not nestle into it
- Cumulative effect of this and other dwellings recently approved should be taken into account
- The Infilling of Green Belt land is questionable

## **Officer Comments**

### **Policy**

#### **Local Plan Part 1: Core Strategy**

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy LIV1 (Housing Provision and Delivery) sets out the Council requirement to deliver new housing.

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

Policy ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

The following saved Replacement Pendle Local Plan policies also apply:

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

National Planning Policy Framework ("the Framework")

There are three elements to sustainable development which is the purpose of the planning system. There are economic, social and environmental objectives. Applications that accord with the development plan should be approved without delay.

Part 5 relates to housing. The Government's objective is to significantly boost the supply of housing.

Part 6 identifies the need to build a strong and competitive economy including a prosperous rural economy.

Part 13 relates to the green belt. The purpose of the green belt is to keep land permanently open.

Para 152 In appropriate development is, by definition, harmful to the Green Belt. Inappropriate development should not be approved except in very special circumstances.

Para 154 sets out a number of circumstances where new building is not inappropriate. This includes:

- e) limited infilling in villages;
- 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.

## **Green Belt**

The application site lies in the Green Belt. It is adjacent to the settlement boundary for Laneshaw Bridge and would be reliant on Policy LIV1 for the supply of housing, until such a time as the Part 2 Local Plan is in place. The site is positioned between two existing dwellings, known as Eastfield and Croft House. As such, it is an infill plot of land. It relates well to the settlement boundary, being directly adjacent to it, it is in a sustainable location and would result in an increase in the supply of dwellings in Pendle by five units.

Comments have been made by members of the public objecting to this application, regarding its position in the Green Belt. Many revolve around the view that the site is in green belt and there should not be any development within it.

Planning policy nationally restricts development in the Green Belt as being inappropriate unless specified otherwise. Where inappropriate development is proposed permission should only be granted if there are very special planning circumstances.

One of the circumstances where development is not inappropriate is under part e) of paragraph 154 of the Framework as set out in the policy section above. The issue for Committee is whether the development is in accordance with part e). This requires the land to be infill in villages. There is no definition of infilling within the Framework or its glossary, nor is there any guidance or interpretation on this matter within the Core Strategy. The applicant has put forward some relevant case law which assists in the decision making process in this particular

case. It is that of Julian Wood v SoS and Gravesham Borough Council [2015]. This set out that settlement boundaries are not necessarily to be considered the same as a 'village' for the purposes of the Green Belt tests. The Framework does not stipulate a specific size requirement with regards limited infilling and as the Wood case demonstrates, assessments should be made with regard to the matter as found on the ground, with due consideration to the prevailing development pattern and physical characteristics of the site. It is clear that the prevailing characteristic of Laneshaw Bridge is that of a linear settlement running along Keighley Road. Indeed, this argument has previously been accepted by the Council in relation to similar development to the west of the application site which also represent limited infilling. The site would infill a gap between properties and for the reasons set out in case law, this would comply with paragraph 154 of the Framework. As such it is an exception to Green Belt policy.

## **Heritage**

The proposed development is adjacent to the Conservation Area. The application is accompanied by a Planning Statement which includes commentary on heritage. The significance of the area is primarily derived from its landscape and the features associated with historic farming and use of the land. It also states that the designation is "rich in evidence of human occupation" and that "the medieval, post medieval and modern periods are all strongly expressed in the landscape". The application site is separated from the northern boundary of the conservation area by Colne Water and also demarked by a significant change in topography and land rises up towards the A6068.

The enclosed nature of the site means that intervisibility between the development and the conservation area will be limited and cause no tangible harm to the setting of the asset. As such, the level of harm to the heritage asset is less than substantial and must be balanced against public benefit. In this particular case, the public benefit would be modest, being a contribution to the borough's housing land supply, creation of jobs in the construction period and benefits to the local economy once the five dwellings are occupied.

Therefore, in terms of heritage impact, the proposal accords with Policy ENV1 of the Local Plan: Part 1 Core Strategy and paragraph 208 of the Framework.

## **Design**

The applicant has submitted a proposed layout including five large detached dwellings, each with their own off street parking and garden areas. There are three different house types and they are arranged in a linear form along the line of Keighley Road. House Types 1 & 2 are four bedroom dwellings split across three floors. House Type 3 is a three bedroom dwelling with two floors. The land slopes away steeply from Keighley Road to Colne Water to the south of the site. As such, the dwellings are to be set into the land with the single storey element to the Keighley Road side and the two and three storey elements closer to Colne Water, working with the natural ground levels.

In terms of materials, there is a mix of natural stone, timber boarding, standing seam zinc and render. Roofs will be natural slate and window frames would be timber or aluminium. The pallet of materials is generally traditional and there is a variety of material in the surrounding area including stone, brick, timber boarding, terracotta roof tile and slate.

The majority of openings to the proposed dwellings are of a domestic scale and although there are some larger openings to the rear, in order to maximise the appreciation of views across the valley, these are not unacceptable. They are characteristic of rear elevations elsewhere in Pendle and indeed other properties which look over Colne Water. The dormers to the front of the dwellings (House Types 2 & 3) are indicated as being flat roof with zinc cladding. The applicant has been asked to amend these to a dual pitched dormer and amended plans are awaited.

In terms of visual amenity, the application site would be viewed from the opposite side of Colne Water in the context of the existing ribbon development along Keighley Road. Although there would be a change to the long and short range views, given the existing development to the north of Keighley Road the overall visual impact would not be significant.

Subject to the receipt of amended plans in relation to the dormers, the proposed development is in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

### **Impact on Amenity**

Turning next to the relationship of the dwellings with existing properties. There are houses on the opposite side of Keighley Road but there is a public highway between where members of the public could stand and gain views into the properties at reasonably close quarters. As such, there would not be an unacceptable neighbouring amenity issue with regard to the neighbours opposite on Keighley Road.

To the rear, there are no properties within a 21m distance which would result in an unacceptable neighbouring amenity issue. To the side of the application site closest to Eastfield, there is a distance of at least 21m separating the side elevation of the main dwelling and the proposed dwelling. However, there is also a single storey structure between Eastfield and the proposed dwellings, which has a conservatory wrapping around the side and rear of it. There is a separation distance of 9.5m between the conservatory and the proposed dwelling. However, the buildings are not aligned, so the proposed dwelling is off-set from the neighbouring conservatory. There are also several sources of light to the conservatory and there is to be a staggered rear elevation to the closest proposed dwelling. All these factors mean that the proposed dwellings would not have an unacceptable impact upon neighbouring amenity at Eastfield.

To the other side of the application site there is a property known as Croft House. This is in excess of 21m from the nearest proposed dwelling. As such, there would be no unacceptable neighbouring amenity issue.

A construction method statement could be imposed as part of a planning condition, in order to minimise disruption during the construction phase. A condition could also be imposed relating to boundary treatments, particularly in relation to the raised patio area to the rear garden adjacent to Eastfield. This would ensure that the raised patio would not result in an unacceptable neighbouring amenity issue with the garden or the conservatory area at Eastfield.

In terms of their interrelationship with each other, the proposed dwellings are all set at a sufficient separation and do not have windows which would allow visibility between the dwellings. As such, there would be no unacceptable impact upon the future occupants of the proposed development.

Overall, the proposed development would not result in any unacceptable neighbouring amenity issues.

### **Ecology & Trees**

The application is accompanied by an Arboricultural Impact Assessment and a Preliminary Ecological Appraisal. In total four trees are required to be removed to facilitate the development as well as two short sections of hedgerow. The applicant has submitted a plan which indicates that the existing hedgerow would remain in place, with the exception of the two points of access which would be required, which would create gaps in the hedging. There are TPO trees within the site and the Council's Environment Officer (Trees) has recommended that a further arboricultural method statement is provided prior to any commencement of development. This is something which could be secured by condition. A landscaping scheme is also required to mitigate the tree

loss but there is scope within the site boundary to provide a suitable planting scheme to replace the losses. Tree protection fencing would also be required by way of a planning condition, in order to protect the trees which are to remain on the site.

In terms of ecology, the preliminary assessment confirms that there are no protected species within the site and recommends some mitigation measures. This can be secured by a suitably worded planning condition.

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

## **Highways and Access**

The application currently has one field gate into the site. The proposed development is to have two points of access, one serving House Type 3 and the other serving the four dwellings further east within the site. The Highways Authority have not objected to the scheme. They initially suggested some alteration to the bin collection area and also the inclusion of cell web material within the public highway. The Council's Environment Officer has reviewed the amended plans and agrees that cell web is not required in the existing footpath, in order to adequately protect the trees.

There would be adequate off-street parking within the site. Cycle storage and electric vehicles charge points could be secured by planning condition.

The proposals are satisfactory from a highway safety perspective.

## **Drainage**

The applicant has submitted detail in the form of a drainage strategy setting out that foul drainage would be connected to an existing combined sewer in Keighley Road. The surface water would be drained via an attenuation tank at a restricted discharge rate, into Colne Water. The applicant has followed the surface water drainage hierarchy in the Planning Practice Guidance and it is not possible to drain the site by infiltration due to the conditions of the sub soil. Subject to condition for a final drainage strategy, the proposed development is acceptable in this regard.

## **Biodiversity Net Gain**

The application is accompanied by a small site metric, as is required for minor applications of this nature since 2<sup>nd</sup> April 2024. The metric sets out that some modified grassland would be lost as a result of the proposed development, the applicant intends to create a 10.81% uplift in the area habitat and a 12.64% uplift in the hedgerow habitat at the post intervention stage. As such, it more than meets the threshold for applications which are now required to provide at least 10% biodiversity uplift.

The applicant would have to enter into a s106 in order to take care of the 30 year management and maintenance arrangements which are required for the proposed intervention. This would be subject to a condition as would other applications nationally.

## **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 access and principle of the proposed development accord with the policies of the Replacement Pendle Local Plan and National Planning Policy 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 conditions**

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 PL01, Proposed Site Layout Plan 23-062 PL05 Rev D, Proposed Elevations (House Type 1) 23-062 PL09, Proposed Elevation Plans (House Type 2) 23-062 PL10, Proposed Elevations (House Type 3) 23-062 PL11, Proposed Floor Plan (House Type 1) 23-062 PL06 Rev A, Proposed floor Plan (House Type 2) 23-062 PL07 Rev A, Proposed Floor Plans (House Type 3) 23-062 PL08 Rev A,

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

3.Samples of materials including descriptions, [name of source/quarry] shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

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

4.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 Schedule 2 Part 1, Classes A, B and C of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: in order to preserve the openness of the green belt.

5.No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours

ix) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety.

6.No development hereby approved shall commence until a scheme for the construction of the site accesses, including off-site highway works, has been 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 to the highway authority's specification of a dropped vehicular crossing to the single dwelling to the West of the site;
- the construction of the access to the four dwellings to an appropriate standard including a minimum width of 4.5m, radius kerbs and buff coloured tactile paved dropped pedestrian crossings either side of the access;
- the re-instatement of the redundant field access footway crossing to an appropriate standard including full height kerbs;
- make good any damage along the site boundary to tie in with the rear of the existing footway;
- amendments to the carriageway centre line hatchings on Keighley Road;
- a street lighting assessment;
- the re-location of any highway gullies within the new accesses.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

7.Prior to occupation of the first dwelling visibility splays measured 2.4m back from the centre line of the access and extending 43m in both directions on the nearside carriageway edge on Keighley Road shall be provided as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free from obstruction thereafter for the lifetime of the development.

Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

8.Prior to occupation of the first dwelling the vehicular access shall be constructed to an appropriate standard and the driveway paved in a bound porous material for a minimum distance of 5m into the site from the rear of the footway.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway.

9.Prior to first occupation of any dwelling hereby approved the parking and manoeuvring areas shown on the approved plans shall be constructed and laid out and thereafter always remain available for the parking and manoeuvring of vehicles associated with that dwelling and shall be kept free from obstructions in perpetuity.

Reason: In the interest of highway safety to ensure that satisfactory levels of parking and manoeuvring are provided within the site to allow vehicles to enter and leave in forward gear.

10. Prior to occupation of the first dwelling the footway shall be reinstated to full kerb height where any vehicle crossover is redundant in accordance with the approved plans and Lancashire County Council's Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety.

11. 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 supports sustainable forms of transport

12. No above ground works shall commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
  - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
  - c. an outline specification for ground preparation;
  - d. all proposed boundary treatments with supporting elevations and construction details;
  - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
  - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.
- The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: In order to ensure the site is properly landscaped in the interest of the visual amenity of the area.

13. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

14. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

15. The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment, prepared by Lakeland Tree Consultancy, dated 07/08/2024.

Reason: To protect the trees in the interests of amenity of the area.

16. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

Reason: To prevent trees from being damaged during building works.

17. Prior to commencement of the development hereby approved, a further updated Arboricultural Method Statement shall be submitted and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in strict accordance with the details of the method statement.

Reason: In order to adequately protect the trees on site.

18. No part of the development commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for monitoring of Biodiversity Net Gain over a 30 year period.

Reason: To ensure that the proposed development makes provision to enhance biodiversity on the site and that this can be monitored for a period no less than 30 years following completion of the development.

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19. The development may not be begun unless—

- (i) a biodiversity gain plan has been submitted to the planning authority and
- (ii) the planning authority has approved the plan

Phase plan

(b) the first and each subsequent phase of development may not be begun unless—

- (i) a biodiversity gain plan for that phase has been submitted to the planning authority and
- (ii) the planning authority has approved that plan

Reason: In order to fulfil the obligations for Biodiversity Net Gain, in accordance with the Environment Act 2021, Schedule 14

### Informative Note

1. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions). Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.
2. 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 to the highway authority's specification of a dropped vehicular crossing to the single dwelling to the West of the site;

- the construction of the access to the four dwellings to an appropriate standard, including a minimum width of 4.5m, radius kerbs and buff coloured tactile paved dropped pedestrian crossings either side of the access;
- the re-instatement of the redundant field access footway crossing to an appropriate standard including full height kerbs;
- make good any damage along the site boundary to tie in with the rear of the existing footway;
- amendments to the carriageway centre line hatchings on Keighley Road;
- a street lighting assessment;
- the re-location of any highway gullies within the new accesses.

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](mailto: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.

3. The applicant would need to apply to Lancashire County Council, as the Lead Local Flood Authority, for consent to discharge water into a watercourse. Any planning permission granted does not provide consent or approval under any other act, enactment, bylaw, order or regulation. The Flood Risk team can be contacted on [SUDS@lancashire.gov.uk](mailto:SUDS@lancashire.gov.uk) and any correspondence should include the planning application reference.

**Application Ref: 24/0536/FUL**

**Proposal:** Full: Erection of 5 no. detached dwellings with associated infrastructure including new vehicular accesses from Keighley Road and 15 no. parking spaces.

**At:** Land to the SE of the junction with Vernon Road and Keighley Road, Laneshaw Bridge

**On behalf of:** Mr J Driver

# REPORT TO COLNE & DISTRICT COMMITTEE ON 07th NOVEMBER 2024

**Application Ref:** 24/0546/HHO  
**Proposal:** Full: Erection of a replacement first floor balcony to the rear.  
**At** 1 Hollin Hall, Trawden, Lancashire  
**On behalf of:** Mr A & Dr V O'Neill  
**Date Registered:** 15.08.2024  
**Expiry Date:** 10.10.2024  
**Case Officer:** Athira Pushpagaran

This application has been deferred from the last meeting,

## **Site Description and Proposal**

The application site is an end terrace house situated in a predominantly residential neighbourhood along Hollin Hall situated within the settlement boundary of Trawden. The application site also falls within the Trawden Forest Conservation Area and Lane house and Hollin Hall Townscape character Area identified in the Trawden Forest Neighbourhood Plan. The main access is from Hollin Hall. The existing dwelling has natural stone walls and a pitched tiled roof.

The proposed development is the erection of a first-floor balcony to the rear. The new balcony was in place at the time of the site visit, and this is a retrospective application.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

### **Highways**

No objection

### **Parish/Town Council**

Councillors feel that this new balcony does not complement or enhance the terraced row or the house itself. The previous one was wooden throughout, and had some gaps and decorative features within it, making some effort to alleviate the square box on legs. It is highly visible from the road, poorly designed, too large both in height and depth for the house and terrace, and inappropriate in its current form for the Conservation Area. From ground level, none of the rear of the original property walls can be seen as it is covered by the conservatory and the balcony

## **Public Response**

The nearest neighbours have been notified by letter, a site and press notice have been displayed. Several responses have been received with 8 of them supporting and 5 objecting the proposal. Out of the 5 objections 2 are from the same address and would be counted as one, and out of the 8 supporting comments 2 are from the same address and would be counted as one.

The supporting responses raised the following points:

- There has always been a balcony there.
- Earlier one had become unsafe and in need of repair or replacement and posed safety issues
- improvement to the house and keeping with other buildings in the surrounding area
- allows more privacy to all parties.
- An approval would align with the council's climate action plan, as energy has already been expended in constructing the balcony, and additional energy would be required for its demolition.
- Minimal change in dimensions from the earlier balcony
- Does not draw attention

The objections raised the following issues:

- New balcony will worsen the intrusion into the privacy of neighbours' bedroom window and garden that the previous balcony already had.
- Inappropriate to the conservation area
- Poor design
- Taller metal girder handrails appear more oppressive than the previous one
- Overbearing structure
- Too large for the building
- No1 is at the end of a row of terraced cottages and the erected balcony can be clearly seen from the main road at the front
- will set a precedent for any further development within conservation areas within the borough
- not in keeping with the ethos of a conservation area
- no planning decision was taken on the previous development, and it only remained in place because no action was taken by the Council for the relevant 4-year period
- neighbour would be subject to the noise of conversations or music on the balcony, which was the case with the previous balcony
- The extension would be physically dominant and overbearing in the bedroom because of its mass and proximity

### **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.

Para 139 of the framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

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

The Conservation Area Design and Development Guidance SPD sets out that new development should use good quality and predominantly natural building materials, be well detailed, and respect local architectural detailing and styles. It provides specific guidance on development relating to agricultural building and their sensitive adaptation to other uses.

Trawden Forest Neighbourhood Plan, in particular Policy 6 that states that development should respect, and where possible enhance, the setting, character, and appearance of Heritage Assets within the Neighbourhood Plan area and Policy 7 that sets out criteria for development with the Areas of Townscape Character.

## **Officer Comments**

The proposed development is in a residential area situated within the settlement boundary of Trawden. 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**

Policy 7 of TFNP states that development proposals in an Area of Townscape Character, which comply with other policies of this Neighbourhood Plan and the Pendle Local Plan, will be supported where there is no unacceptable impact on the character and appearance of the area.

The application site already had an existing timber balcony to the rear. This balcony as per the plans submitted measured 2.36m x 5.445m and was entirely wooden including the posts and had a simply designed timber balustrade. The balustrade was 1m tall and had a criss-cross design in its upper half, giving it a more open appearance rather than a solid, enclosed, boxy look. Historic street imagery shows this previous balcony in place at least from 2008 which made it immune to enforcement action.

The replacement balcony this application seeks permission for measures 2.725m x 5.2m. It is erected on steel posts above the existing conservatory to the rear, with a 1.1m high balustrade along its edges, made with solid softwood boarding enclosed by a framework made with 100x100mm steel cross sections. The steel frames are all painted light brown, and the soft wood is

light in colour. The new balcony extends 0.365m deeper and has a balustrade 0.1m taller than its predecessor.

It is noted that there was no planning permission for the earlier balcony and therefore no assessment of its design was carried out at any time. Despite this, the current design of the replacement balcony has a greater negative impact on the character of the dwelling and the setting of the conservation area. The solid, boxy appearance of the balcony seems overbearing and out of place in its context. The design, materials, and scale of the structure sharply contrast with the random coursed natural stone walls of the house. The balcony entirely covers the rear wall of the dwelling almost making it appear like a flat roofed extension. Moreover, as the property is an end-terrace, the balcony is highly visible from the highway and does not fit with character of the street scene. In this case the development illustrates poor design and has a detrimental impact on the character of the dwelling, the conservation area and the Lane house and Hollin Hall Townscape character Area.

It is noted that there are two other balconies within the same terrace, however these are situated significantly lower than the balcony in question and are smaller in dimensions. These also use sympathetic materials and are not visible from public vantage points.

To conclude, the proposed development would not be acceptable in terms of design and would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, the Adopted Pendle Design principles SPD, Conservation Area Design and Development Guidance, Policy 6 and 7 of the TFNP and paragraph 139 of the NPPF.

## **Heritage**

The development illustrates poor design and has a detrimental impact on the character and appearance and thus the significance of Trawden Forest Conservation Area.

The development would lead to less than substantial harm to the significance of the Conservation Area and thus would require an assessment as per paragraph 208 of the NPPF. There are no public benefits to the proposal to weigh in favour against the harm caused and therefore the less than substantial harm to the significance of Conservation Area is not acceptable.

## **Residential Amenity**

It is noted that there was no planning permission for the earlier balcony and therefore no assessment of its impact on residential amenity was carried out at any time. It had become non enforceable due to it being in place for more than 4 years. However, the new balcony is not immune since it is a new structure of different design and dimensions. The current balcony is 0.2m narrower but 0.365m deeper than its predecessor.

The balcony is setback by 0.2m from the party boundary with 3 Hollin Hall and is a couple steps up from the first-floor level of the dwelling. This means that the balcony's floor level is slightly above the floor level of the neighbours first floor rooms. No. 3 has a bedroom adjoining the party boundary with a window to the rear. The balcony has a direct view into this window as well as the rear garden of the neighbour.

The balcony therefore results in an unacceptable impact on the privacy and living conditions of the occupants of No. 3 Hollin hall. The current balcony has a materially greater impact on the neighbours' privacy due to it increased depth, particularly in relation to the bedroom window.

The balcony also has a direct view to the west into a habitable room window to the side of 1 Slack Booth Barn and over the garden of that property and therefore also unacceptably impacts upon the privacy and living condition of the occupants of that property.

Whilst these impacts could be addressed with 1.8m privacy screens to the sides of the balcony such screens would exacerbate the harm to the visual amenity of the area and significance of the Conservation Area.

Therefore, the proposed development would not be acceptable in terms of residential amenity and would be contrary to policies 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.

## **RECOMMENDATION: Refuse**

For the following reason(s):

1. Due to its poor design, finish, scale and its prominent position adjacent to a highway, the development is harmful to the character and visual amenity of the area and the significance of the Conservation Area. The harm to the significance of the Conservation Area would be less than substantial and there are no public benefits to the development to outweigh that harm. As such it is contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, the Adopted Pendle Design principles SPD, Conservation Area Design and Development Guidance, Policy 6 and 7 of the TFNP and paragraph 139 of the NPPF.
2. The development results in an unacceptable impact on the privacy and living environment of the occupants of 3 Hollin Hall and 1 Slack Booth Barn, it is therefore contrary to policy ENV2 of the Local Plan: Part 1 Core Strategy, and the principles set out in the Adopted Pendle Design Principles SPD.

**Application Ref:** 24/0546/HHO

**Proposal:** Full: Erection of a replacement first floor balcony to the rear.

**At** 1 Hollin Hall, Trawden, Lancashire

**On behalf of:** Mr A & Dr V O'Neill

# REPORT TO COLNE & DISTRICT COMMITTEE ON 7<sup>TH</sup> NOVEMBER 2024

**Application Ref:** 24/0557/CEA

**Proposal:** Certificate of Lawful Use (S.192 Proposed Development): Use of residential curtilage as a recreational campsite.

**At** Piked Edge Farm, Skipton Old Road, Colne.

**On behalf of:** Mr Stuart Swales.

**Date Registered:** 21<sup>st</sup> August 2024

**Expiry Date:** 16<sup>th</sup> October 2024

**Case Officer:** Joanne Naylor

## **Site Description and Proposal**

The application site is a detached farmhouse property with an attached barn with a lean-to and is within the open countryside. The residential curtilage is deviated by the timber fencing. To the rear of the barn there is a garage building and a timber building. The site is in flood Zone 1.

There is a large poultry shed to the north of the farmhouse which was previously associated with the farmhouse but is now in separate ownership.

This application is for a Lawful Certificate for the proposed use of the residential curtilage as a recreational campsite for 5 plots.

This application seeks to establish that the proposed use for a 5 pitch recreational campsite would be lawful under Schedule 1 Part 4 Class BC - temporary recreational campsites.

## **Relevant Planning History**

21/0986/FUL: Full: Erection of agricultural building. Refused (19 May 2022).

13/07/0160P: Full: Erect agricultural building for storage of feed stuffs, equipment and livestock shelter. Approved with Conditions.

13/06/0017P: Full: Raise and level field no. 5171 (over an area of 0.8ha) to form new pasture land. Approved with Conditions.

13/08/0509P - Erection of an agricultural building to house free range laying hens - Approved

22/0388/HHO: Full: Erection of rear extension to barn to form a garage (Part retrospective). Approved with conditions.

24/0108/FUL: Full: Erection of 5 no. motorhome pitches and the change of use from a single storey lean to, to form a toilet and shower block. Refused 28<sup>th</sup> March 2024.

## **Consultee Response**

Legal PBC – no comment

## Officer Comments

The consideration in determining this Lawful Certificate is whether the use proposed would constitute a material change of use requiring planning permission.

The onus is on the applicant to provide sufficient information to be able to prove that a certificate should be issued.

A planning history search was undertaken to determine if permitted development rights had been removed. Based on the information provided from the planning history, on the balance of probability permitted development rights have not been removed.

The applicant has provided information on the Application Form that the proposal would fall within Class BC of Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The submitted Site Plan indicates 5 pitches on the land, with crushed stone surface added and grassed over the crushed stone surface and for the replacement of the lean-to roof. Section 55 of the Town and Country Planning Act 1990 states that the following operations or uses of land shall not be viewed as development where the carrying out for the maintenance, improvement or alteration of any building works which do not materially affect the external appearance of the building. The site already has crushed stone on the land and the proposed crushed stone surface would not affect the appearance of the land, the replacement of the lean-to roof would not materially affect the external appearance of the building, and the toilet facilities would be provided within the lean-to of the barn which would affect only the interior of the building, therefore crushed stone surface, the replacement of the lean-to roof and the toilet facilities would not constitute development.

Class BC allows for the use of land as a recreational campsite for not more than 60 days in total in any calendar year, and not more than 50 pitches and allows any moveable structure reasonably necessary for the purposes of the permit. The applicant has confirmed that the bin storage area would not be permanent as shown on the Site Plan SP/SS/4313A, the proposed temporary recreation campsite would be used for 60 days only and would continue to have a campsite each year upto 60 days in a year.

Class BC also requires that the developer must notify the local planning authority in writing before commencement of the development in each calendar year, and to provide a copy of the site plan which must include details of toilet and waste disposal facilities, and the dates on which the site will be in use.

*Class BC – temporary recreational campsites*

*Permitted development*

*BC. Development consisting of—*

*(a) the use of any land as a recreational campsite for not more than 60 days in total in any calendar year; and*

The proposal would operate for 60 days only in a calendar year.

*(b) the provision on such land of—*

*(i) not more than 50 pitches; and*

The proposal would have 5 pitches

*(ii) any moveable structure reasonably necessary for the purposes of the permitted use.*

A bin storage would be provided which is moveable.

#### *Development not permitted*

*BC.1 Development is not permitted by Class BC—*

- (a) on a site of a scheduled monument;*
- (b) in a safety hazard area;*
- (c) in a military explosives storage area;*
- (d) on a site of special scientific interest;*
- (e) on a site of a listed building;*

The proposal is not in an area considered under a, b, c, d, and e.

*(f) for the siting of any caravan except a caravan which is used as a motor vehicle designed or adapted for human habitation.*

The applicant has stated that it would be for motor vehicles.

#### *Conditions*

*BC.2 Development is permitted by Class BC subject to the following conditions—*

*(a) the developer must make on-site provision for users of the campsite of toilet and waste disposal facilities;*

The applicant would provide toilet facilities and waste disposal facilities on-site.

*(b) the developer must notify the local planning authority in writing before commencement of development in each calendar year, providing a copy of the site plan, which must include particulars of—*

- (i) toilet and waste disposal facilities; and*
- (ii) the dates on which the site will be in use;*

*(b) the local planning authority (if not the same body as the fire and rescue authority in an area) must as soon as practicable provide to the relevant fire and rescue authority the notice described in paragraph BC.2(b); and*

This certificate is for a proposed rather than an existing use, it would be subject to this condition each year.

*(d) where the proposed development is on land within Flood Zone 2 or Flood Zone 3, the permitted development is subject to prior approval by the local planning authority before commencement of development in each calendar year.*

The site is within Flood Zone 1.

#### **Other matters**

Concerns have been raised that Class BC permitted development rights apply only to the curtilage of a dwelling and require a prior approval notification with consideration of flood risk.

This is not correct, Class BC applies to any land and the prior approval process is only required for site that fall within Flood Zones 2 and 3, which this site does not.

## **Summary**

The proposed development meets the requirements and limitations of Schedule 2, Part 4, Class BC of the Town and Country Planning (General Permitted Development) (England) Order 2015 and would therefore be a lawful development.

## **Reason for Decision**

On the balance of probabilities, the proposed temporary recreational campsite would meet the requirements of Schedule 2, Part 4, Class BC of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposed crushed stone surface to the drive, the replacement of the lean-to roof, and the toilet facilities within the lean-to would not constitute development to the land and to the building as stated in Section 55 of the Town and Country Planning Act 1990.

## **RECOMMENDATION: Approve**

**Application Ref:** 24/0557/CEA

**Proposal:** Certificate of Lawful Use (S.192 Proposed Development): Use of residential curtilage as a recreational campsite.

**At** Piked Edge Farm, Skipton Old Road, Colne.

**On behalf of:** Mr Stuart Swales.

# REPORT TO COLNE & DISTRICT COMMITTEE ON 7<sup>TH</sup> NOVEMBER 2024

**Application Ref:** 24/0608/HHO

**Proposal:** Full: Demolition of single garage and the erection of a double garage, widening of vehicle access, formation of a larger drive area and associated works.

**At** 35 Windermere Avenue, Colne, Lancashire

**On behalf of:** Mr Stephen and Mrs Susan Haygarth

**Date Registered:** 09.09.2024

**Expiry Date:** 04.11.2024

**Case Officer:** Athira Pushpagaran

This application has been called to committee by the Chair.

## **Site Description and Proposal**

The application site is a detached dwelling situated in a modern estate within the settlement boundary of Colne. The main access is from Windermere Avenue. The existing dwelling has a pitched tiled roof, anthracite grey UPVC doors and windows and buffed stone external walls.

The proposed development is the demolition of a single garage and the erection of a double garage, widening of the vehicle access, formation of a larger drive area and associated works. The existing garage had already been demolished at the time of the site visit.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

### **Highways**

The site was visited on 24 September 2024 when it was noted that development works had already started.

Having reviewed the information submitted, including amended plans submitted on 30 September 2024 (Drawings DG08 and DG09), together with site observations, Lancashire County Council acting as the highway authority does not raise an objection regarding the proposed development at the above location, subject to the following comments being noted, and conditions being applied to any formal planning approval granted.

### **Windermere Avenue**

The property is situated on a section of Windermere Avenue which is currently not part of the highway network maintained at public expense. Therefore, the applicant would need consent from the road owner, McDermott Homes, to carry out the proposed works affecting the footway.

### **Vehicle crossing/driveway**

The existing dropped vehicle crossing is proposed to be widened with a corresponding increase in width of the internal driveway/hardstanding.

To enable the vehicle crossing outside the property to be considered for future maintenance by the highway authority this should be constructed to Lancashire County Council's specification (see following comments).

If the development is not constructed prior to any future legal process (Section 38) for the maintenance of the footways and carriageway on this section of Windermere Avenue being completed then the applicant will need to enter into a legal agreement (Section 171) with Lancashire County Council as the highway authority. Works under this agreement would be the construction of the dropped vehicle crossing to the county council's specification. Only a contractor approved by the highway authority can carry out these works. The list of approved contractors can be obtained from the highway authority by emailing [lhsvehiclecrossing@lancashire.gov.uk](mailto:lhsvehiclecrossing@lancashire.gov.uk). However, as stated previously, consent must first be obtained from the road's owner.

Surface water from the extended driveway/hardstanding should be collected within the site and drained to a suitable internal outfall to prevent water from discharging onto the adjacent highway, where it could pose a hazard to other users.

#### Visibility splay

Part of the purpose of the development is to improve visibility for vehicles exiting from the driveway.

The Proposed Driveway Access Details (Drawing 09) shows details of visibility to the left for a vehicle exiting the driveway in forward gear. The highway authority considers that details shown are acceptable. However, the provision of this visibility splay should be controlled by condition to protect it for the future.

#### Car & cycle parking

The proposed double garage is considered adequately sized internally to provide two car parking spaces and secure storage for at least two cycles. This is in line with recommendations in the borough council's parking standards. A further car parking space can be provided on the extended driveway in front of the garage.

#### Garage door

Due to the irregular layout of the driveway an up and over style garage door would not be appropriate as this style of door requires a minimum distance of 6m in front of the garage to allow the door to be opened/closed with a vehicle parked in front. Details of the style of door can be controlled by condition.

#### Vehicle charging point

An electric vehicle charging point is proposed on the front elevation of the garage. This shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles

The following conditions should be applied to any formal planning approval granted.

#### Conditions

1. Prior to first use of the approved development the proposed extended dropped vehicle crossing shall be constructed to an appropriate standard. Reason: In the interest of highway safety to ensure that the vehicle crossing and footway are properly constructed.
2. The proposed development should not be brought into use unless and until the parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous

material. The parking areas (including garage) shown on the approved plans shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling. Reason: In order to ensure satisfactory levels of offstreet parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

3. Prior to first use of the approved development the proposed visibility splays shall be provided in accordance with the approved plan Drawing DG09 submitted on 30 September 2024 and shall be retained in perpetuity. Reason: In the interest of highway safety.

4. The surface water from the approved driveway should be collected within the site and drained to a suitable internal outfall in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Reason: In the interest of highway safety to prevent water from discharging onto the adjacent highway.

5. Prior to first use of the approved development an electric vehicle charging point shall be installed. 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.

6. The garage door shall be of a type that enables a car to pull clear of the carriageway whilst the door is opened/closed. Details of the garage door shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The garage door shall be installed and maintained thereafter in accordance with the approved details. Reason: In the interest of highway safety.

### **Parish/Town Council**

It is unsure if the garage will be situated in the Conservation Area. If this is the case, then the chosen materials are inappropriate.

### **Public Response**

The nearest neighbours have been notified by letter, with no response.

### **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 existing single garage had a grey tiled pitched roof and pitch faced weathered stone walls and anthracite grey garage door. The drive was tarmacked with timber fencing and stone walls. The application site is not within a conservation area.

The proposed double garage would have a grey tiled pitched roof, pitch faced weathered stone walls, anthracite grey garage door, with the drive paved in 'tobermore regula trio' bracken paving. The ground level would be lowered by 175mm from the existing level to offset the slight increase in ridge height of the new garage compared to the old one. The fence would consist of 0.8m high pillars with 0.3-0.45m high timber fencing in between. To the southern end of the site due to the slope in terrain, the fence would be erected above a retaining wall since the ground would be levelled within the site. At its southernmost point, the retention wall would be circa 1.2m high. There are other dwellings within the vicinity that have similarly designed fences above walls in similar dimensions. The proposed development would match the design and materials of the garage it is replacing and the existing dwelling. The proposed changes to the drive and fences would also respect the character of the modern dwelling and the estate. Therefore, the proposed development would not result in an unacceptable impact on the character of the dwelling and the neighbourhood. In this case 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, policy CNDP3 of the Colne Neighbourhood Plan and the Adopted Pendle Design principles SPD.

#### **Residential Amenity**

The proposed new garage would back onto the gable elevation of no.37. This neighbour only has a first-floor window on this elevation which would not be affected by the proposed garage. The proposed development in this case would not result in any loss of light or overbearing impacts to the occupants of no. 37.

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.

LCC requests conditions that no building or use hereby permitted shall be occupied until an EV charging point to be installed. However, considering this is a small-scale householder application it would not be reasonable to impose this condition.

LCC requests a condition that prior to first use commenced t the proposed extended dropped vehicle crossing shall be constructed to an appropriate standard. However, since this would be carried out under Section 171 agreement with Lancashire County Council it would not be reasonable to impose this condition.

### **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 development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan (received 06.09.24)
- Site Plan (received 06.09.24)
- DG03 Site Layout Plan (received 06.09.24)
- DG04 Propose Elevations (received 09.09.24)
- DG06 Existing and Proposed Roof Plans (received 09.09.24)
- DG08 Existing and Proposed highway and Drive Plans (received 30.09.24)
- DG09 Driveway Access Details. (received 30.09.24)

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

2. 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.

3. The proposed development should not be brought into use unless and until the parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous material. The parking areas (including garage) shown on the approved plans shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

**Reason:** In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

4. No part of the development hereby permitted shall be commenced/brought into use until the land between the existing highway boundary and the visibility splays indicated on the submitted/attached plan (drawing no. DG09 submitted on 30 September 2024 has been cleared of all obstructions exceeding 1 metre in height. The land shall be so maintained thereafter at all times that the proposed development is in use/operation.

**Reason:** In the interest of pedestrian and highway safety.

5. The development hereby permitted shall not be used unless and until details of the drainage from the driveway have been submitted to, approved in writing by the Local Planning Authority and installed. The drainage shall thereafter at all times be retained.

**Reason:** In the interest of highway safety.

6. The garage door shall be of a type that enables a car to pull clear of the carriageway whilst the door is opened/closed. Details of the garage door shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The garage door shall be installed and maintained thereafter in accordance with the approved details.

**Reason:** In the interest of highway safety.

**Application Ref:** 24/0608/HHO

**Proposal:** Full: Demolition of single garage and the erection of a double garage, widening of vehicle access, formation of a larger drive area and associated works.

**At** 35 Windermere Avenue, Colne, Lancashire

**On behalf of:** Mr Stephen and Mrs Susan Haygarth

## LIST OF BACKGROUND PAPERS

Planning Applications

**NPW/MP**

**Date: 01st October 2024**