

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

TO: COLNE & DISTRICT COMMITTEE

DATE: 05TH DECEMBER 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE & DISTRICT COMMITTEE 5TH DECEMBER

Application Ref: 23/0750/ADV

Proposal: Advertisement Consent: Display of 1 no. fascia sign.

At: Primet Business Centre, Burnley Road, Colne.

On behalf of: Mr James Knowles.

Date Registered: 30/11/2023

Expiry Date: 25/01/2024

Case Officer: Joanne Naylor

This application was called in by the Councillor and was then deferred at the March Committee Meeting 2023.

Site Description and Proposal

The application site is part of the Holker Mill complex which has a range of uses within the mill complex. The business operates from Unit 5 Holker Mill and operates as an auctioneers. The application site is located within the Primet Bridge Conservation Area and within the Colne Neighbourhood Plan area.

The advertisement seeks to provide directions to the auctioneer business. The signage would be located on the side elevation of Primet Business Centre, it would have a black background with white text and an arrow directing to the business premises, the signage would be 1.5m high and 2m wide and set 1.85m above the ground.

Relevant Planning History

13/92/0344P: SUB DIVISION OF MILL TO FORM INDUSTRIAL UNITS INCLUDING FORMATION OF NEW CAR PARK/SERVICING AREAS WITH NEW ACCESS AND ACCESS DOORWAYS. Approved with Conditions (21st October 1992).

13/97/0058P: CREATION OF COMPOUND AND STORAGE YARD. Approved with Conditions (10th April 1997).

13/94/0296P: USE FOR AEROBIC STUDIO. Approved with Conditions (22nd August 1994).

Consultee Response

LCC Highways

The proposal raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

Parish/Town Council -

Colne Town Council objects to this application as it is not in keeping with the Conservation Area that it sits in.

Environment Agency

There is no objection to the development subject to comments that the application site is within flood zone 2 which is at risk of flooding. The standard comments Flood Risk Standing Advice may apply here.

Public Response

A press notice and site notice have been displayed, and the nearest neighbours notified by letter without response.

Relevant Planning Policy

Pendle Local Plan Part 1 Core Strategy

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

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Colne Neighbourhood Development Plan

Policy CNDP3 seeks high quality, beautiful and sustainable buildings and places, with new development to retain and enhance the defining characteristics and relate to the design code elements of the matrix.

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

The Conservation Area Design and Development Guidance Supplementary Planning Document.

Primet Bridge Conservation Area Appraisal May 2007.

Officer Comments

The issues to consider with this application are Design and Impact on the Conservation Area, Amenity, and Highway Safety.

Design and Impact on the Conservation Area

The application site is located within the Primet Bridge Conservation Area and there is a duty under Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The Design Principles provides guidance for the design of advertisements that they should be of high standard of design, relate well to the building they are fixed to, sympathetic to the surrounding locality and street scene, materials to be blend with surroundings, finished and coloured carefully, to not create a safety hazard to pedestrians or traffic, and to not dominate or clutter buildings or forecourts.

The signage would be located on the side elevation of the mill building Primet Business Centre. The signage would have a black background with white text and a directional sign indicating towards the auctioneer business within Holker Mill. The signage would be 2m wide and 1.5m high and it would be 1.85m above ground. The maximum height of any individual letter and/or symbols would be 18cm and have aluminium fronted by plastic. The signage would not be illuminated and the signage is traditional in colour and in text font. Overall, the proposed signage is small in size and has a more traditional text and colour scheme of black and white, the proposed advertisement would be simple and restrained in its colour and size and would be sympathetic to the surrounding locality due to the muted colours with a more traditional design. The proposed advertisement would be erected 1.85m above ground and would not create a safety hazard to pedestrians or traffic.

Although the signage could have been located on the premises where the business operates from, in a mill complex there are a number of businesses and a directional sign would enable customers to find the business.

The site is located within the Colne Neighbourhood Plan with Policy CNDP 3 being relevant, the application site is located in the Colne Design Code Settlement Focus Area SFAF: Mixed area with employment, commerce and residential uses. The Colne Design Code indicates that SFAF is dominated by large industrial mills, with the remaining structures of great local significance and now primarily occupied by supermarkets and large retail premises. The advertisement would be located on the side elevation of Primet Business Centre to support the auctioneer's business which is located in an area of mixed employment, commerce and residential uses. In this location it would be expected that advertisements were displayed in order to support the employment and commercial uses, the signage seeks to support this.

The application site is located within the Primet Bridge Conservation Area and the legislation places a duty under Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the desirability of preserving and enhancing the character or appearance of that area.

The Primet Bridge Conservation Area Appraisal identified the special character of late 19th century Victorian industrial development of textile mills and industrial premises. With the Primet Bridge the focus point of the conservation area and of particular value is the Grade II Listed Primet Foundry with two mill chimneys and adjacent Bridge Works. There are linear development forms of the railway, river and roads, with the viaduct creating a visual barrier. Buildings are mostly local sandstone and blue slate. The area remains relatively unchanged and is used for industry with buildings used and adapted for modern industrial processes.

In terms of the impact on the conservation area, the advertisement would be located on the side elevation of Primet Business Centre and not directly associated with the premises of the

auctioneer business which is located in Holker Mill. Here the advertisement would provide direction to the business, the sign is 2.5m wide and 1.5m high, it would be black and white in colour with a more traditional font and muted colours, it would not be illuminated and would be set above the ground by 1.85m, and it would only be visible when travelling from Nelson towards Colne along Burnley Road. There are other advertisements located on the wall which are larger and with more modern design with bright colours. If the proposed advertisement was taken on its own merits, it would be acceptable due to the size, design and muted colours which appear of a more traditional sign.

The nearest listed building is Primet Foundry which is set away from the signage, it would have no direct relationship to the listed building due to the distance and being set away from the advertisement, therefore would not impact on the Listed Building.

Due to the advertisement being muted, it would not be illuminated and set back from the road. Therefore, the advertisement would have a neutral impact on the conservation area.

The proposal accords with Policy ENV1 and ENV2 of the Local Plan, Policy CNDP3 of the Colne Neighbourhood Development Plan, the Conservation Area Design and Development Guidance SPD and the Design Principles SPD.

Amenity

In terms of the visual amenity, the proposal is 2.5m wide and 1.5m high, it is set 1.85m above ground and is not illuminated, the design and colours are muted and of a traditional style. On Burnley Road there are residential properties opposite the application site, the advertisement would not be illuminated and is set circa 24m away and at a right angle to the residential properties, the distance between the signage and the residential properties opposite are sufficient distance away to have no unacceptable impact to these properties. The signage would be acceptable in residential amenity terms and would conform to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Highways

The signage raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the signage on highway safety grounds. The signage would not impact on highway safety and would conform to Policy ENV2 and the Design Principles SPD.

Flood Risk

The signage is located within flood zone 2, here the proposal is for an advertisement located on the side elevation of Primet Business Centre which would be 1.85m above ground level and the signage would have no illumination. If a flood did occur the advertisement would not be adversely affected.

Reason for Decision

The advertisement is acceptable in terms of design and material, amenity and highways safety.

RECOMMENDATION: Approve

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, Drawings 20231109_125643, Elevation Plan - Proposed

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

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

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

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the land entitled to grant permission.

Reason: Condition imposed by the Regulations

5. No advertisement shall be sited or displayed so as to –
- a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: Condition imposed by the Regulations.

6. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: Condition imposed by the Regulations.

7. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: Condition imposed by the Regulations.

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

Reason: Condition imposed by the Regulations.

Application Ref: 23/0750/ADV

Proposal: Advertisement Consent: Display of 1 no. fascia sign.

At: Primet Business Centre, Burnley Road, Colne.

On behalf of: Mr James Knowles.

COMMITTEE REPORT FOR COLNE & DISTRICT 5TH DECEMBER 2024

Application Ref: 24/0021/FUL

Proposal: Full: Raising roof height of rear extension, replacement of pitched roof and replacement of shop front with new timber framing.

At: 2 Albert Road, Colne.

On behalf of: Mr Darren Harrison.

Date Registered: 12/02/2024

Expiry Date: 08/04/2024

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a two storey property located on a terrace row of mostly commercial business use, the site has a shop to the ground floor which is currently vacant. To the front there is a shopfront window with timber details, to the first floor it has natural stone walls and a pitched roof of natural slate tiles. To the rear of the shop there is an outrigger with lean-to attached and is located on the party boundary with the Listed building Colne Town Hall. The outrigger has natural stone walls and a pitched roof of natural slate roof, the attached lean-to has artificial stone walls and a felt flat roof. There is also a large timber structure to the rear yard which is adjacent to the natural stone party boundary with No. 2 Albert Road and Colne Town Hall and a timber party boundary treatment between No. 2 and No. 4 Albert Road. The application site is located within the Albert Road Conservation Area and adjoins the Grade II Listed Colne Town Hall.

The proposal seeks to replace the shopfront with new timber framing and glazing, to the rear yard the original outrigger and lean-to would replace the flat roof with a pitched roof and increase the roof height.

A Heritage Statement was submitted as part of the application.

Relevant Planning History

None relevant.

Consultee Response

Town/Parish Council
Not for comment

LCC Highways

The Local Highway Authority have viewed the plans and highway related documents and have no objection to the proposal subject to the informative note being noted.

Informative Note:

The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's

Highway Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.

Growth Lancashire

Designations

The application site is within the Albert Road (Colne) conservation area.

Legislation

The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPAs should, in coming to decisions, consider the principal Act, which states the following:

Conservation areas – Section 72(1)

In undertaking its role as a planning authority the Council should in respect to any buildings or land in conservation areas, pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

In relation to conservation areas decision makers should consider the impacts on the character and appearance of a conservation area separately, and development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

Planning Guidance and Policy NPPF

In determining planning applications LPA's should take account of; a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c. The desirability of new development making a positive contribution to local character and distinctiveness.

P.205 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

P. 206 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

P.208 identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Assessment

I have reviewed the supporting documents.

The key heritage issue for the LPA to consider is:

- Whether the proposal preserves or enhances the character or appearance of the Albert Road (Colne) Conservation Area.

Albert Road forms part of the centre of the 'widened street' market town of Colne.

The site

The part of the road where the application property is located is situated within a row of shop units and opposite the Methodist Church. The application property itself is a former shop at GF with accommodation above, currently disused. It includes a traditional style reproduction timber shop front but retains recessed, possibly original, C19 panelled doors and architraves, and possible original panelling to the recesses. Overall the shopfront is a largely traditional example and the historic doors make a positive contribution to the character and appearance of the Conservation, being part of the shop's C19 design, of timber, well-executed and very well preserved.

The proposal

The proposal is for replacement of the shop front with new timber framing, replacement of the pitched roof and raising of the roof height to the rear lean-to, and replacement of window. The submission lacks the necessary information to enable full assessment of whether these are proposed as top-hung casements or vertically sliding sashes. The Conservation Area Design and Development Guidance SPD states mock sashes are harmful (page 52).

The rear elevation is visible from the public realm due to the layout of the streets around the town. Back Bond Street is a traditional cobbled access road which runs to the rear of the main street (Albert Road). It also serves the rear of the residential properties along Bond Street. The rear of the properties along Albert Road display a mix of development and additions. Most have some form of outrigger, with one or two longer extensions which extend to the end of the plot. There are also some modern flat and pitched roof garages located at the end of the plot. In most cases however, the properties retain a courtyard area. The rear of no.2 follows this pattern. It has a modern flat roofed garage directly fronting Back Bond Street but a courtyard area and small, enlarged lean-to stone roofed extension is visible attached to the rear of the property. This may be the original outhouse. The older portion is faced with natural stone and the roof appears to be covered in stone flags. The modern addition has been faced with an artificial stone which is in small, regular blocks and the roof is a flat felt roof. This jars somewhat with the appearance of the original simple outrigger.

There would be no objection to the demolition of the modern extension to the rear outrigger and the alteration of its form so that it becomes an enlargement of the existing outrigger. This would be more sympathetic and consistent with the simple forms of the traditional outriggers in this location and would remove the rather incongruous flat-roofed existing extension.

It would be preferable for the extension to be faced in natural stone which would weather in a more consistent way with the rest of the building. Whilst it is recognised that artificial stone forms the existing facing material, this is a negative feature that should ideally not be replicated. Use of artificial stone is also contrary to the Conservation SPD which states artificial cladding materials such as artificial stone or plastics will not normally be acceptable in conservation areas (p56). This would not preserve or enhance the conservation area.

Whilst natural grey slate is supported in principle, the rear outrigger is currently stone slates. Any extension should use a matching material – e.g. stone flags, particularly as few examples appear to exist in the immediate locale, and it would result in the loss of the existing flags and erode this element of the CA's character. P65 of the Conservation SPD states Where re-roofing is necessary, it is important that as many as possible of the existing slates should be retained, with any new material closely matching the existing in colour, form and texture.

I have no objection to the replacement of the following shopfront elements: consoles, pilasters, fascia board (the original may be hidden), glazing, as none appear original/historic, but I am concerned about the loss of the historic doors, which make a good contribution to the CA, appear in good condition and no justification is provided for their removal. I would recommend, should the

LPA be minded to approve the application the existing fascia is removed to ensure the original is not retained underneath.

Whilst I support the replacement of modern casements with suitably designed vertical sashes, the lack of detail on the proposed windows has not enabled a full assessment of this element of the scheme. Further details should be submitted to enable assessment.

There are discrepancies between the proposed plans and the materials stated in the application form: The plans suggest a pitched roof to the lean-to, but the application states this is flat. The plans suggest artificial stone but the application form states render (which would be preferable to artificial stone but may appear incongruous as the majority is natural coursed stone).

Should the LPA be minded to approve the application, full sections and elevations showing all new joinery at a scale of 1:20 including all moulding profiles, should be provided for approval. No applied elements/beading or panelling should be incorporated.

Conclusion / recommendation

As I am required to do so, I have given the duty imposed by s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments.

I support a suitably detailed replacement shopfront, but the proposal for replacement of the historic doors is not justified in the submission, and would cause a low level of less than substantial harm to the CA. Further detail regarding the proposed windows is required to enable full assessment.

Use of artificial stone and mock sashes are not supported in the Conservation SPD, and would be considered harmful. I would recommend reuse of stone slates and matching for the extension, as re-slating in Welsh slate would result in erosion of the CA's character and would be harmful (low level less than substantial) and contrary to the Conservation SPD.

Whilst there is likely to be some public heritage benefit provided by the reuse of the building, the benefit provided by its reuse must outweigh the harm to be considered acceptable, and to comply with P208 of the NPPF.

In its current form, the proposal does not preserve or enhance the character or appearance of the conservation area, for the reasons outlined above. It is also contrary to Chapter 16 of the NPPF and policy ENV 1 of the Core Strategy, and the Conservation Area Design and Development Guidance SPD

Public Response

The nearest neighbours have been notified by letter and a press notice and site notice posted, no responses received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV 4 seeks to promote sustainable travel.

Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan 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.

Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 139 of the NPPF states that development that is not well designed should be refused.

Colne Neighbourhood Development Plan

Policy CNDP1 (Colne Market Town) aims to ensure development proposals to incorporate local environment and public realm improvements, greening and biodiversity, accessible, electric vehicle points, links to retail, commercial and residential areas, and public conveniences.

Policy CNDP2 (Shopfronts) seeks to ensure new shopfronts maintain and improve the character of the market town in scale, detailing and be proportionate, where shopfronts are located in conservation areas the replacement of new shopfronts to be traditional design and appearance.

The Conservation Area Design and Development Guidance Supplementary Planning Document seeks to ensure that development within or adjacent to conservation areas preserves and enhances its character.

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

Albert Road Colne Conservation Area Appraisal.

Design and Heritage

Local Planning Authorities have a duty under Section 72 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 to preserve and enhance the character and appearance of heritage assets. Policy ENV1 states that the historical significance of heritage assets must not be detrimentally affected by development.

The Heritage Statement identifies that the site is within Albert Road Conservation Area, and adjacent to the listed Colne town Hall. The alterations are limited and do not increase the footprint, only the roof height of the outrigger and adjoining outbuilding will increase marginally in height. The replacement of the shopfront window seeks to retain the details and the character of the shopfront.

The proposal seeks to replace the shopfront including the doors and windows, and to the raise the roof height of the rear extension.

The application site is an end terrace shop on a row of terraced properties providing commercial and business use, the site adjoins the Grade II Listed Colne Town Hall and is located in the Albert Road Conservation Area, opposite is St Johns Methodist Church with areas of green space.

The application site has an original outrigger to the rear yard, based on the records the Council holds in 1948, on this terrace row the rear elevation of the original outriggers are shown on the records, and the neighbouring properties also have outriggers to the rear yard, this establishes that the rear elevation of the dwellinghouse is the rear elevation of the original outrigger which extends 2.6m, a lean-to building has been attached to the existing outrigger resulting in a building extending 4.8m from the rear elevation, as the outrigger is original to the building, and the lean-to building extends 2.2m more, then the existing lean-to would be within the 4m within the limits of the Design Principles SPD.

It is proposed that the roof would be marginally increased in height and that a pitched roof would be erected over the outrigger and the lean-to which would be an improvement on the appearance of the rear extension. The existing outrigger has natural stone walls and pitched roof of stone tiles, whilst the attached lean-to has artificial walls and a flat felt roof. The Conservation Officer has stated that there would be no objection to the loss of the lean-to which could be rebuilt using materials which are more characteristic and to be more sympathetic to the existing outrigger. The proposed use of artificial stone and grey roof tiles would erode an element of the Conservation Areas character, it is also noted that the Conservation Area SPD would seek that the existing materials should be retained and any new materials to closely match. A condition could be placed for details for the materials to be used to the walls and roof of the outrigger and lean-to and for details for the windows and doors.

In terms of the shopfront, the Conservation Officer has no objection to the replacement of the consoles, pilasters, fascia board and glazing. However, the original fascia sign may still be in place behind the existing fascia sign, and if the original fascia could be re-instated. The Conservation Officer raises an issue for the two shop doors, which appear to be historic doors which contribute to the Conservation Area and should be restored. The applicant has indicated that the doors are in poor condition with one of the doors not able to be opened.

In principle there is no objection to the replacement of the shop front, but the proposed plans lack detail in terms of the timber shopfront profile, glazing, windows and doors. Subject to greater detail regarding the design and the proposed materials, which would improve the public realm, a condition would be placed for greater details of the shopfront. A condition would be placed for full sections and elevations of all new joinery to be submitted at a scale of 1:20 including all moulding profiles, and that no applied elements/beading or panelling should be incorporated.

For the proposed windows, the applicant has confirmed that the windows would be sliding sash windows. A condition could be placed for details for the windows to be submitted.

As the proposal is to the rear it would not be visually prominent in public views, and the existing garage and circa 2m high timber fencing would screen much of the proposal, it would have the same footprint as the existing rear building, and be set away from the side elevation of the Town Hall by 5m.

The tired shopfront would be replaced with new timber framing, external doors and glazing where needed with attention to detail and materials to ensure the historic context is considered. At present the shop is vacant, by replacing the tired shopfront it would create a more visually attractive shopfront within the conservation area and the setting of the listed building and aims to attract new business and provide employment.

The applicant has confirmed that the proposed windows would be sliding sash windows and not mock sash windows, in terms of the historic doors of the shopfront, the doors do need replacing with one of the doors cannot be opened.

Therefore, subject to conditions for greater details for the shopfront, for greater details for the materials of the walls and pitched roof to the rear of the building, the proposed development would result in less than substantial harm, however there would also be some public benefit provided by the reuse of the building.

Subject to conditions, the proposed development would result in enhancing and preserving the character and appearance of the conservation area, and would comply with Policy ENV1, Policy CNDP1 and CNDP2 of Colne Neighbourhood Plan and the Conservation Area Design and Development Guidance SPD

Amenity

The Design Principles SPD states that for single storey rear extensions located on or immediately adjacent to the party boundary with neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation. The adjacent property has a window to the rear, No. 2 rear outrigger and lean-to would not breach the 45 degree guidance to the neighbours window.

The application site has an existing outrigger with a pitched roof and an attached outbuilding with a flat roof. The proposed roof lift would increase the height of the roof by circa 0.3m and form a pitched roof. The increased roof height would mostly result in an impact above the attached outbuilding, the outrigger already has a pitched roof, the proposed roof would be increased by circa 0.3m and taper down to the outer wall of the lean-to, on this boundary there is already a circa 2m high fence and a stone wall which tapers down towards the lean-to, here the eaves height is similar to that already existing at circa 2m high which is the same height as the fencing on the side and rear elevations.

There is an existing relationship on the party boundary wall of the Town Hall, the marginal increase in height here would not have an unacceptable impact on the Town Hall as the outrigger is circa 5m from the windows and there is already an existing relationship of the outrigger and lean-to to the Town Hall windows.

The outrigger has already established a roof height on this elevation. The application site is set at a higher level than the Town Hall yard, there is a circa 2m high existing garage to the rear of the application site and is at the same level as the Town Halls yard. The proposal would be located on the party boundary with the Town Hall and would be set away from the side elevation of the Town Hall by 5m. There are windows to the side elevation of the Town Hall which face towards the application site, here there is an historic relationship between the Town Hall and the application site and there is a circa 2m high fence. The rear extension would present a higher roof height but

retain the same length, with the proposed roof being slightly higher than that existing, this additional height would be minimal, and as the eaves height would remain the same, the impact to the Town Hall would be minimal and have no unacceptable impact in terms of overbearing or loss of outlook to the Town Hall. Therefore, the proposed development would comply with Policy ENV2 and the Design Principles SPD.

To the side elevation of the Town Hall there are windows and a door facing towards the party boundary and the timber fence above, here these windows view the blank boundary wall and timber fence, the increase in height to the proposed extension would not cause any greater impact than that already being experienced by the party wall and the timber fence, and would not result in a loss of outlook due to the higher party boundary treatments.

To the rear of 2 Albert Road there is one window facing towards the Town Hall rear yard, this is an historic relationship of No. 2 window facing towards the Town Halls rear yard.

No. 4 Albert Road has a ground and first floor window to the rear elevation, the original rear elevation is the rear elevation of the outrigger, here the proposed lean-to would be within the limits of the 4m guidance of the Design Principles SPD and would not breach the 45 degree guidance, furthermore there is a 2m high solid fence in-between No. 2 and No. 4 which would ensure no overlooking or loss of privacy.

The proposed development would have no unacceptable impact in terms of amenity and conforms to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Highways

The Local Highway Authority raise no objection subject to informative note being noted.

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 extension is acceptable in terms of policy, design, amenity and highway safety. 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: Approval

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 and Block Plan AHA/312/24/CTC 01
 - Proposed Elevations AHA/312/24/CTC 06
 - Proposed Roof Plan AHA/312/24/CTC 05
 - Proposed Ground Floor Plan AHA/312/24/CTC 04

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

3. Prior to installation of the shopfront, full sections and elevations for all new joinery including moulding profiles at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The materials to be used thereafter shall strictly comply with the details so approved.

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

4. Notwithstanding the plans hereby approved, prior to development details for the samples for the walls, roofing, windows and doors of the rear building shall be submitted to and approved in writing by the Local Planning Authority. The materials to be used thereafter shall strictly comply with the details so approved.

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

Informative Note

The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highway Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.

Application Ref: 24/0021/FUL

Proposal: Full: Raising roof height of rear extension, replacement of pitched roof and replacement of shop front with new timber framing.

At: 2 Albert Road, Colne.

On behalf of: Mr Darren Harrison

REPORT TO COLNE AND DISTRICT COMMITTEE ON 05 DECEMBER 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.

United Utilities – The drainage strategy is not acceptable because it does not contain robust evidence that the drainage hierarchy has been investigated. If planning permission is granted please attach conditions for a scheme of foul and surface water drainage and management and maintenance.

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 Collingwood 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: 23.182.01_002 Rev C, 23.182.02_002 Rev C, 23.182.02_003 Rev D,

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, 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

COMMITTEE REPORT FOR COLNE & DISTRICT ON 5TH December 2024

Application Ref: 24/0326/FUL

Proposal: Full: Erection of 2 no. dwellings.

At: Land to North of 6 Parkinson Street, Foulridge.

On behalf of: Mr A Philip.

Date Registered: 26/09/2024

Expiry Date: 15/01/2024

Case Officer: Joanne Naylor

This application has received 3+ objections.

Site Description and Proposal

The application site is a piece of land adjacent to No. 6 Parkinson Street, Foulridge. The site is located in a predominantly residential area of terrace rows and adjacent to Foulridge Village Hall. To the rear of the site is a car park at a lower land level.

The proposal seeks to erect a pair of two storey semi-detached dwellings with two bedrooms with parking space for two cars to the drive and an area of garden to the rear.

Relevant Planning History

Non relevant.

Consultee Response

Highways LCC

Proposal

The application seeks to erect 2 x 2 bedroom dwellings on land adjacent to 6 Parkinson Street. Each dwelling will have 2 tandem parking spaces.

Access

Parkinson Street and Chapel Street are privately maintained. The red edge should be extended to the nearest adopted highway, Towngate or Skipton Road and the correct notices should be served on the landowners.

The applicant should demonstrate that they have rights of vehicle access over the land between the site and the nearest adopted highway.

Parkinson Street and Chapel Street are both in a poor condition and construction traffic is likely to cause rapid deterioration to the surface. A condition is recommended to require pre-commencement and post-completion surveys on the roads and that any damage is repaired by the developer. It is noted that the developer is not the landowner and therefore approval to carry out works on the roads will be required.

A construction traffic management plan will be required to ensure that the delivery vehicles are managed to minimise disruption to highway users and that vehicles are routed via Causeway, Highgate and Towngate and not Skipton Road/Chapel Street.

Parking

Each dwelling is provided with 2 off-street parking spaces which is considered acceptable in accordance with the parking standards for a 2 bedroom dwelling. In addition, a secure covered cycle store is required at each dwelling.

The width of the driveways needs to be increased to at least 3m and extended to at least 10m in length behind the opened gates.

The gates and boundary treatment on the Parkinson Street boundary should be provided and kept below 1m high to ensure that visibility for drivers is maintained.

Refuse

The storage area for the refuse bins needs to be shown on the drawing.

Conclusion

We would recommend that further information is submitted to address the access matters and detailed above and that the red edge is extended before our final comments are submitted.

United Utilities

United Utilities has no further comment on this application.

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development.

We recommend the applicant visits our website for further information on how to investigate the existence of water and wastewater pipelines and what to do next if a pipeline crosses or is close to their red line boundary: Working near our pipes - United Utilities.

United Utilities will not allow building over or in close proximity to a water main.

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities.

DRAINAGE

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority: 1
. into the ground (infiltration);

2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

Environmental Health

Environmental Health are concerned about the nuisance during the construction phase to nearby residents.

1. Subject to the findings of the assessment, it may be necessary before construction starts to make layout and other design changes to reduce the impacts of environmental noise.
2. Reference should be made to the Council's guidance note 'Advice for Applicants - Noise and Vibration'.
3. The development shall be constructed so as to provide sound insulation against external noise and vibration, to achieve indoor noise levels not exceeding 30dB LAeq at night for all habitable rooms, with windows shut and other means of ventilation provided.
4. Development shall not commence until details of a sound insulation scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the Local Planning Authority. This scheme shall include post-construction compliance testing.
5. The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity.

Reason: To protect the amenities of the occupiers of the proposed dwellings.

Town/Parish Council

The Parish Council have no objections to the proposal within this application but would appreciate a condition be added to resurface the road to counteract residents' complaints regarding the additional use.

Public Response

Nearest neighbours notified by letter comments relate to:

Five objections relating to:

- Neighbour co-owns the land in front of the site, and applicant would need authorisation to access the site
- Lack of parking
- Road in poor condition construction traffic would further deteriorate the road
- Parkinson Street and Chapel Street are narrow and not suitable for large vehicles
- Impact of noise during construction
- Dwelling is out of character on the street
- Issue of lorries making deliveries
- Concerned about noise and potential dust
- Disruption during deliveries
- Proposed houses will block natural light and views
- Highways safety issue with more vehicles using the road
- There are other sites viable within the village, which would be a better option

Two supporting relating to:

- Supports the application but concerned about the volume of vehicles
- The development will enhance Parkinson Street.

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

Policy LIV1 (Housing Provision and Delivery) sets out the housing requirement for Pendle, on allocated sites within settlements.

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.

ENV4 seeks development to reduce the demand for travel and consider the potential impacts to the highways network.

ENV5 seeks to avoid pollution in terms of air, water, noise, odour and light pollution.

ENV 7 seeks to control and minimise flood risk.

Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan 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. Foulridge is defined as a Rural Service Centre with a focus for growth.

Principle of Development

Policy SDP2 sets out that proposals for new development should be within a settlement boundary as defined on the proposals map. The application site is located within the settlement boundary.

Policy LIV1 deals with housing provision and delivery. It states that non-allocated sites within a settlement boundary, where they are sustainable and make a positive contribution to the five year supply of housing land will be supported. It also states that until such a time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites

outside but close to a settlement boundary, which make a positive contribution to the five year supply of housing land, including those identified in the Strategic Housing Land Availability Assessment (SHLAA) will be supported where they accord with other policies in the Core Strategy. Therefore, the policy is clear that development within the settlement boundary are acceptable. The application site is within the settlement boundary of Foulridge and located within a predominately residential area. Therefore, the principle of development on this site is acceptable.

Design and Materials

The application site is for a pair of semi-detached two storey dwelling houses located on Parkinson Street, Foulridge. The proposal seeks to erect a pair of semi-detached dwellings with two parking spaces to each dwelling. The design would be two-storey with a pitched roof, two car parking spaces to the side of the dwellings, and provide two bedrooms to each semi-detached with a garden area to the rear. The proposed material would be coursed natural stone, natural blue slate tiles, upvc windows and doors, and boundary treatments of garden fence to the front, there is already an existing fence to the rear and sides which would be retained. A condition would be placed for samples of the materials to be used in the development.

Subject to a condition for samples of the materials to be submitted, the proposed design and materials would be acceptable, and comply with Policy ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD states that developments should avoid causing overshadowing, loss of outlook or loss of privacy to the neighbours, or appear unduly dominant to neighbours.

Opposite the application site is a terrace row with ground and first floor windows, the proposed development would follow the build line of the terrace row. Therefore, the proposed development would retain the characteristic distance between the terrace row, and as there is a highway in between the proposed ground floor windows would have no greater impact than that already existing on this terrace row.

To the rear, there would be a kitchen window to the ground floor and bedroom windows to the first floor. To the rear of the site, there is a car park which is set at a lower level than the application site, the proposed rear windows would view towards the car park and the roofs of the commercial businesses. The residential building to the rear are sufficient distance away by more than 21m to have no unacceptable impact from the proposed development.

The proposed development would have ground and first floor windows to the side elevation facing towards 6 Parkinson Street which has a side extension for a kitchen and first and second floor windows. The proposed windows would serve the kitchen diner which could look directly into No. 6 Parkinson Street kitchen window, therefore a condition for either obscure glazing or a 1.8m high solid fence would be placed. To the first floor the window serves a bathroom.

There are commercial uses to the rear of the proposed site, in this location there are a number of dwellings which are in close proximity to the commercial use. These houses are already equally close in proximity to these commercial uses, the proposed dwellings would have the same impact from the commercial uses as the existing dwellings are already experiencing. A condition could be placed to ensure the development is constructed with sound insulation to address any noise and vibration impact.

As the site is in a residential area, a condition would be placed for a construction method statement for hours of delivery, operating hours and days, for construction site noise/vibration.

Subject to conditions for addressing the noise impact to the proposal, for a construction nuisance condition, to assess the site for contamination, and for the proposed kitchen window to either be obscurely glazed or a 1.8m fence erected between the proposed development and 6 Parkinson Street kitchen window. Therefore the proposed development would have no unacceptable residential amenity impacts to neighbouring properties and would comply with Policy ENV2 and the Design Principles SPD.

Contamination

The proposed site was a car park, there is potential for contamination on the land, therefore a condition would be placed for an investigation and for any subsequent remediation if the site is found to be contaminated.

Highways

The proposed two dwellings would have two bedrooms, it is proposed that two parking spaces can be parked on the drive of each dwelling.

LCC Highways have requested that the red line to be extended to the nearest adopted highway, however Parkinsons Street is already being used for access to the dwelling houses, therefore the access is acceptable in this case.

LCC highways have requested that a construction traffic management plan is submitted in order to ensure delivery vehicles are managed to minimise disruption to highway users and to travel via Causeway and Towngate.

Subject to a condition for parking spaces with porous or drained within the site, and for a traffic management plan, the proposed development would comply with Policy 31 of the Replacement Pendle Local Plan.

Drainage

United Utilities raised no objection as long as their infrastructure is not built over or in close proximity to the water main. Prior to commencement of development, details for a drainage scheme for the foul and surface water to be submitted and to follow the drainage hierarchy. Subject to details to be submitted the proposed development would comply with Policy ENV 7.

Ecology

An ecology survey of the site was undertaken to assess any bat, badger or other protected species relating to the site. The site is a small area of land in an urban area of Foulridge. Badgers are unlikely to be foraging in this area. In terms of bats, the trees are not mature enough to offer potential roosting features. There is potential for a bat flight lines/foraging routes given the optimal foraging habitat close by and therefore be maintained and protected from light spill and noise disturbance. The trees provide nesting for birds.

It is recommended that:

- vegetation is not removed during bird breeding season (March to August)
- wildlife friendly low level lighting scheme to be adopted during and post-development to minimise disturbance to any nocturnal wildlife using the peripheries of the site
- potential net gain can be met by replanting ruderal type plants and scrub to attract pollinators, planting trees that provide nectar, fruit or nuts.

The application is subject to bio-diversity net gain, and a condition for a landscaping scheme, and for a condition for the submission of a lighting scheme that would not impact on nocturnal wildlife, therefore the proposal would comply with Policy ENV 1.

Biodiversity Net Gain

The proposal is accompanied by a small site metric, as is required for minor applications of this nature since 2nd April 2024. This indicates that a 26.1% uplift in biodiversity net gain can be achieved, this would be through tree planting. As such, the proposal would more than meet 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.

Other Matters

The ownership of the road is a civil matter between the owner and the applicant.

The Parish Council have requested that the applicant repair the road, however the state of the road is not solely the applicants responsibility as other users drive their vehicles over this road, it would be unreasonable to expect the applicant to repair the road where others are also using it.

There was concern that the proposed development would impact on the natural light and the views, the proposed development is in line with the existing build line, the development would be at a similar height to the terrace rows in this area, therefore the proposed development would have no greater impact as that already existing on this terraced row, and that there is no right to a view.

A condition has been placed for the hours of operation and for deliveries to reduce any impact to the neighbouring properties

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan 01 (received 26 September 2024), Proposed Plans 02, Proposed Elevations 03.

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

3. Prior to any above ground works samples of all the materials to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of work on the site. The development shall be carried out using only the agreed materials to be used in the proposed development and shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

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

4. The development hereby permitted shall not be commenced 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; and the trees removed to be replaced;
 - 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: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

5. 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.

Reason: To protect the amenity of the occupiers of the proposed

6. Prior to commencement of development, details for the external lighting shall be submitted to minimise the impact of lighting on nocturnal wildlife activity, the external lighting scheme shall be submitted to and approved in writing Local Planning Authority and thereafter retained.

Reason: To ensure the protection of the habitats of bats and other nocturnal wildlife which are protected under the Wildlife & Countryside Act, 1981.

7. All windows shall be set back from the external face of the walls by a minimum of 70mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

8. Prior to first occupation of the approved development an electric vehicle charging point for each dwelling shall be provided in accordance with a scheme to be approved 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.

9. A Construction Method Statement shall be submitted to the Local planning authority and approved prior to commencement of the development. The Method statement must cover the topics detailed below, including:

- Hours of operation
- Hours of deliveries
- Construction site noise and vibration
- Control of Dust - Burning onsite

Hour of Work – Operations

No machinery shall be operated nor any potentially noisy processes carried out at the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no machinery operated or potentially noisy processes carried out at all on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

Hours of Deliveries

No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays.

No Vehicles shall be left idling onsite with the engine running. Reason: In the interests of the amenity of nearby properties.

Construction Site Noise/Vibration

Demolition or construction work shall not begin until a scheme for protecting the residential and business neighbours from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Reason: To protect the amenity of the occupants of neighbouring properties.

10. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority, and be in accordance with the drainage hierarchy. The scheme shall be constructed and completed in accordance with the approved plans before the dwelling is occupied.

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

11. Prior to the occupation of the dwellinghouse facing towards the side elevation of Parkinson Street, Foulridge, either a solid fence/wall of a minimum height of 1.8m or for the side window to be obscurely glazed to Level 5, which ever is undertaken, shall be submitted to and approved in writing by the Local Planning Authority. The fence/wall or obscurely glazed window shall thereafter at all times be maintained in strict accordance with the approved details.

Reason: To ensure the development does not adversely affect the privacy and amenity of the occupants at 6 Parkinson Street ground floor kitchen window.

12. Prior to the first use of the development hereby authorised the parking spaces shown on the approved plan shall be provided in their entirety. The parking areas must be constructed of a bound material which shall at all times be either porous or drained within the site in accordance with details that have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained for the parking of residential vehicles associated with the dwelling.

Reason: To ensure that satisfactory parking is provided and to prevent water from discharging onto the public highway in the interests of highway safety.

13. No part of the development commences 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.

BNG Conditions

14. 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.

Application Ref: 24/0326/FUL

Proposal: Full: Erection of 2 no. dwellings.

At: Land to North of 6 Parkinson Street, Foulridge.

On behalf of: Mr A Philip.

REPORT TO COLNE COMMITTEE ON 5TH DECEMBER 2024

Application Ref: 24/0467/FUL

Proposal: Full: Change of use of land from a small holding to arboricultural business including the erection of a store and fencing.

At Land to The South of White House Farm, Noyrna Road, Foulridge, Lancashire

On behalf of: Mr John Whiteside

Date Registered: 09.10.2024

Expiry Date: 04.12.2024

Case Officer: Athira Pushpagaran

Site Description and Proposal

The application site is a piece of land situated outside the settlement boundary of Foulridge. It is situated within the open countryside and the green belt. The surrounding area is rural in nature with a scattering of farmhouses, barns and cottages. The main access is through a track from Noyrna road. FP1312036 passes through part of the access track leading up to the application site.

The proposal is the change of use of land from a small holding to arboricultural business including the erection of a store and fencing. The development includes processing felled trees and splitting them and making logs for fires. The proposed change of use has started, and the fence and store has been erected at the time of the site visit. There are also other buildings including two storage containers on site. There is no planning permission for these structures and no evidence has been submitted to establish their lawfulness.

Relevant Planning History

There is no planning history to the site.

Consultee Response

Highways

23 July 2024

Having reviewed the documents submitted, 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.

Further Comments 08 November 2024

Following the highway authority's comments dated 23 July 2024 additional information has been submitted by the applicant, including a revised Supporting Statement submitted on 30 October 2024. Further to our comments dated the 6 November 2024 we would submit an additional comment.

The highway authority took the initial view that as the applicant lives on Noyrna Road that trips generated by the business would also be partially occurring on Noyrna Road. The highway authority has investigated the imposition of conditions to control the site's operation in terms of

linking its use to the applicant/their business only and other site operational conditions to try and mitigate the site's operation on the surrounding highway network. However, the planning authority has advised that such conditions would not meet the test for applying conditions.

Although the plans do not show any welfare facilities for staff the highway authority would not support the use of the site for the three staff plus applicant referred to in Supporting Statement as this would constitute an intensification in use of the site. No information has been submitted about where the staff travel to and from.

Deliveries by third parties to the site cannot be controlled and it is unclear whether the site is generating additional traffic movements on Noyna Road.

The only operation on the site which the highway authority considers could be controlled by condition is that there are no direct sales to members of the public.

Noyna Road is unclassified and subject to the national speed limit. The road is single vehicle width for the majority of the length which is approximately 850m long between Skipton Old Road and the privately maintained road. The privately maintained road is approximately 550m long between Noyna Road and the site and for the last 100m it carries public footpath FP13-12036.

Noyna Road is unlit with no footways and has a limited number of small passing places. There are field boundary stone walls close to the carriageway edge which limits pedestrians stepping off the carriageway whilst a single vehicle passes. Additional commercial vehicles on Noyna Lane generated by the staff and vehicles associated with the proposed use are likely to cause conflict between vehicles and vulnerable road users, pedestrians, cyclists and horse riders which would result in a highway safety concern.

Conclusion

Taking into account the additional information submitted and that conditions cannot be applied to any planning permission to mitigate the site's operation on the surrounding highway network the highway authority now objects to this application on highway safety grounds.

Parish/Town Council

24/0467/FUL Due to Foulridge residents contacting the Parish Council regarding this application, unfortunately we are unable to support this planning application. Our reasons are: - Change of use in the Green Belt from agriculture to a logging business. - Disturbance to nearby residents and walkers due to noise levels from the use of chain saws and associated equipment. - Access to the site is via Noyna Road which is classed by LCC Highways as unsuitable for HGVs.

PBC Environmental health

We have had noise complaints from a number of residents who live close to this development and would therefore like a noise assessment carried out, we would suggest use of the condition below: Noise Assessment for the control of noise from the proposed development Details of a noise assessment of the proposed development to BS 4142 carried out by a suitably qualified person (Institute of Acoustics) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.. The development shall not be carried out otherwise than in complete and full accordance with the specifications, recommendations and noise attenuation measures contained within the approved assessment/report. Reason: To safeguard a satisfactory standard of amenity for neighbouring properties. We may also need to think about conditioning the developments operating hours and delivery times.

Further comments following the submission of further information by the applicant:

Objects to the proposed development due to the lack of sufficient and accurate information to make a full assessment.

United Utilities

Location: Land To the South Of White House Farm Noyna Road Foulridge Lancashire. Proposal: Full: Change of use of land from a small holding to Arboricultural business including the erection of a store and fencing.

United Utilities provides the following comments to support the Local Planning Authority in their determination of the planning application detailed above, and to direct the applicant to further sources of support and guidance on matters that might impact their proposal. The letter and Appendix should be read in their entirety to support the determination, the design, and should the scheme be approved, the subsequent delivery of the proposal.

DRAINAGE

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.

UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

It is important that the supporting information contained in the Appendix, Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides

information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. See Appendix. Section 4.0 'Contacts'

Water main

A water main crosses the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website: <https://www.unitedutilities.com/builders-developers/your-development/planning/buildingover-or-working-near-our-assets/working-near-our-pipes/>. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period.

Based on the information currently available, it is unclear whether sufficient distance is provided between proposed development features and our water asset(s). We recommend the applicant contacts our Water Developer Services team to ensure existing water assets, along with our required access widths, can be accommodated in the proposed layout. If the applicant fails to investigate and resolve any concerns prior to a positive determination, there is a risk that as the scheme progresses, the applicant, or any subsequent developer, may discover that their plans are not implementable in their existing form or that diversion of assets is required.

If the Local Authority requires any additional comment on the acceptability of the proposed layout from United Utilities, we will require a detailed site layout plan, which overlays the PROVEN location of the water asset(s) in relation to any proposed development (including walls, fencing, parking etc.). In this scenario, we will require evidence to show that the location of the pipeline(s) has been confirmed by site specific survey, a copy of asset maps will not suffice.

OBJECTION

Until such time as the applicant has resolved all concerns regarding the proximity of proposed development to our water assets, our position is that we OBJECT to the proposal.

To discuss the proposal in relation to the water main we recommend the applicant contacts our Water Developer Services team by email at DeveloperServicesWater@uuplc.co.uk. If direct communication, between the applicant and our Developer Services team, results in an acceptable solution to address our current objection, the applicant must submit any agreed details to the Council for formal consideration. It is the applicant's responsibility to ensure that the Council have all information that is relevant to their application.

PBC Public Rights of Way

No response

PBC Engineering

No response

Architectural Liaison Unit

No response

Public Response

The nearest neighbours have been notified by letter, and a site notice have been displayed. 17 neighbourhood responses have been received. Out of these 16 were objections and 1 was for support. The objections raising the following concerns:

- Proposal is not for an Arboricultural business but for a log processing, storage and distribution (commercial site) with a hardcore standing, large metal industrial gates at the entrance, with shipping containers, plant machinery and all associated equipment, excavator and vehicles coming to and from the site and all the associated noise from processing and moving large bags of logs on site. The business is inappropriate in the green belt and should be located on an industrial estate.
- The use of the site is proposed to be a timber processing operation. The trees once felled are removed from a site elsewhere and brought to the application site. Rather than simply being stored, the timber is subjected to processing, in the form of cutting, before being further processed by way of drying
- The applicant is advertising on Facebook thus proving that the site is not for storage and is indeed a timber processing and distribution site
- At present, there are approximately 200 tonne bags each containing logs on site. This is clearly a commercial business activity which is ongoing.
- The proposed use does not fall into any of the green belt exceptions.
- the activities, noise, fuel and fumes resulting from the business will harm the ecology of the area. Would have a harmful impact on wildlife including bats, curlews, lapwings, owls, sparrows, starling greenfinch, deer and skylark which are present in the area of the proposed site. It is also an important feeding area for Fieldfares in winter.
- The ecological report submitted indicates that there is no habitat suitable for foraging or bats. On the eastern boundary there are a large number of trees that have the potential for foraging and roosting. There has been no assessment of these trees. The trees provide a connected habitat that could be used for foraging, commuting, and roosting.
- The proposed development has the potential to have a detrimental impact on protected species, onsite linear habitat and off-site ecology and biodiversity.
- Site is adjacent to a public footpath, contrary to application's claims
- Four proposed parking spaces suggest increased traffic on Noyna Road and nearby public footpaths. Noyna Road's narrow, potholed condition poses risks to pedestrians and horses; additional traffic may worsen this.
- Logs stored on the site are stored in 1x ton bags. For stock management and distribution, this will require heavy plant machinery to manoeuvre this stock on-site.
- Noyna road is not designed to accommodate regular lorries and good vehicles that the business is using and is sign posted as unsuitable for HGVs.
- The narrow, single-track access from Noyna Road also has a public footpath passing thorough part of it; it lacks passing places, posing injury risks to pedestrians and horses with near misses in the past. Increased traffic or larger vehicles will raise safety risks and worsen track deterioration, imposing costs on the council without benefit
- the high fencing above the dry-stone wall has an overbearing impact on the users of the public footpath and affects the openness of the greenbelt
- Degrades the visual and rural amenities of the area

- Operating an arboriculture business will generate continuous noise from chainsaws and large vehicles for stacking and storing heavy loads, disrupting the peace of the neighbourhood and causing distress to residents, footpath users, and animals in nearby fields.
- detrimental impact on the residential amenity of a large number of surrounding occupants of dwellings within a 200 metre radius of the site.
- Should this be granted it would result in an extremely noisy commercial activity having the potential to operate 24 hours a day
- Additional equipment not listed on the supporting planning statement are used on site including a large diesel generator, a large excavator and Chainsaws
- out of character with the surrounding countryside and harms the landscape of the area since it is clearly visible far and wide from public footpaths
- This development has an urbanising effect on the landscape which has a significant detrimental effect on the landscape character of the area, rural character, environment, and local identity.
- would be contrary to the National Planning Policy Framework and Policies SDP1, SDP2, WRK2, ENV1, ENV5 and ENV2 of the Pendle Local Plan Core Strategy and paragraph 191 of NPPF.
- There has been a steady increase in traffic, noise, pollution, environmental disturbance and visual degradation since the site changed from a small holding to the current business.
- Increased use of larger vehicles has led to extensive hardcore spreading on-site, with no barrier to prevent lime runoff into nearby watercourses. Additionally, industrial machinery poses a risk of diesel spillage without any preventive measures in place.
- The applicant has indicated on the application form that there are no drains that cross the site. This is incorrect. There is a land drain that runs under the site and flows out south of the site
- In terms of the applicant's business or indeed anyone's business there is no "need for business storage to be near their own residence. This cannot be a reason to justify the approval of a commercial business in a rural area
- In relation to the design of the buildings, it can hardly be said that it is a well-designed building in the countryside. It is more akin to an industrial site
- the applicant has stated in his latest supporting statement that he only attends the site twice a day which is clearly incorrect as he is currently on the site making a lot of noise
- The applicant was on the site on Saturday, 9th November last when he loaded his van with logs at 9.30am using the excavator and making noise. (attachment 2 - video recording taken (date/time stamped)
- also uses the excavator to load his van with the same. This is a very noisy activity
- We have video evidence of chainsaws being used on the site for hours at a time and this level of noise can be heard inside residents homes
- please note that there was a white transit van on the site processing logs most of the day on the 4th November last. Please see attached date and time stamped photograph of the white transit van
- A video showing a large HGV on the applicant's site has been submitted previously and can be forwarded upon request. The HGV can be seen struggling to turn on the site after dropping off a large amount of hard core on the site.
- Residents have also seen a large tractor attending the site early this year leaving a large skip containing green waste (I have the photograph and can submit upon request). The large

tractor also returned to remove the skip a week or so later. The applicant was burying the green waste on the site.

- Visitors to the business parking on private land of neighbours

The neighbourhood responses that supported the proposal raised the following:

- Applicant keeps the area tidy and well maintained

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 SDP2 sets out the spatial development principles for developments in Pendle. Proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

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. Proposals should protect or enhance the natural environment. Where applicable, they should maintain the openness of the Green Belt and not detract from the natural beauty of the AONB, by way of their siting, size, design and appearance.

Policy ENV 4 (Promoting Sustainable Travel) identifies the need for proposals for new development should have regard to the potential impacts they may cause to the highways network, particularly in terms of safety and the potential to restrict free flowing traffic, causing congestion

Policy ENV 5 Pollution and Unstable Land ensure to minimise air, water, noise, odour and light pollution and to address the risks arising from contaminated land, unstable land and hazardous substances.

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.

Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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

Paragraph 155 lays out certain other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

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

Paragraph 191 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁹;

- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

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

Supplementary Planning Guidance: Development in the Open Countryside places great importance on proportion and setting and provides guidance on the materials which would be acceptable for agricultural buildings. Developments must not be detrimental to the landscape and the materials and design must reflect traditional farm buildings.

Colne Neighbourhood Plan, in particular Policy CNDP3 that lays down the Design Code to support quality of design and materials and Policy CNDP14 that deals with development outside the settlement boundaries.

Officer Comments

The proposed development is situated within the open countryside and the Green Belt. The proposal is for the change of use of land from agriculture to arboricultural business including the erection of a store and fencing. The supporting statement states that the applicant runs an arboriculture business and application site is for cutting, splitting and storing the wood produced from arboriculture jobs. It is a manufacturing process. This use does not represent a forestry use for the purposes of section 55 of the T&CPA and paragraph 154 of the Framework as it involves trees that are grown elsewhere.

The site has had a variety of structures on it over a period of time. This has included caravans, buildings built and demolished as well as one building that has been there for many years but has been altered.

There has been a number of correspondence with the applicant trying to establish the precise parameters of what is being applied for and for the submitted plans to differentiate between what was on site lawfully and the new build elements. This is important for consideration of what development is and is not considered to be inappropriate. The planning statement which accompanies the application has considered the application as a change of use but not considered that there is a new build element to the application.

The principal material considerations for the application are as follows:

Green Belt

The application site is situated within green belt land.

Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The applicant claims the exception identified in paragraph 155(e) of the NPPF which states that material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) as not inappropriate in the Green Belt provided, they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 155(e) only relates to the change of use and does not apply to the new structures on site. The applicant mentions that there have always been structures on site. Although evidence has been submitted to establish show soe structures that have been there for a period of time that makes them

immune from enforcement action it is clear that there are other new structures that have been erected to support the needs of the business. The application is not therefore solely for a change of use and involves the erection of a new building(s). As such it is not an application made under para 155(e) of the Framework as it involves new build.

There are no exemptions for new build of this nature in the Framework and the development is thus inappropriate development in the green belt.

The change of use has started, and the fence and store has been erected at the time of the site visit. There are also other buildings including two storage containers on site at the time of the site visit.

Although historic aerial imagery confirms the presence of structures on site previously it shows different configurations at different points of time and indicates that the buildings on the site have undergone changes within the last four years. Para 154(c) of the NPPF allows the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. However, no evidence of the size or lawfulness of structures existing on the site has been submitted to prove that this exception can be applied and that the additions would not be disproportionate. There are also new structures as described in the application which are not extensions and would not benefit from the parameters in exemption 154(b)

In this case due to the lack of sufficient evidence, the proposal would not fall within any of the exceptions identified in chapter 13 of the NPPF for proposals affecting the greenbelt and therefore the proposal would be inappropriate in the green belt.

The applicant's supporting statement claims that very special circumstances exist due to a genuine need for a modest storage area to safeguard the business near their family home on Noyna Road. However, this does not constitute very special circumstances, as there is no requirement for business storage to be located near the applicant's residence. This reason alone does not outweigh the harm to green belt.

Overall, the proposal would constitute inappropriate development within green belt and would be harmful to the green belt without any very special circumstances to outweigh the harm. It would be contrary to policy ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, paragraphs 152 and 153 of the NPPF

Visual Impact

The application site falls within the Drumlin Field and Rolling Upland Farmland character zone of the open countryside. A PROW FP1312036 passes through the front adjoining the application site boundary.

The structures currently on site consists of 2 containers, an arched tarpaulin shelter, profiled sheet building. These are visible from public vantage points and would not be sensitive to the rural landscape setting of the open countryside location.

The proposal also includes a 1.5m high metallic palisade gates and 1.8m high close boarded fence above a stone wall, which would be more than 2m high from the access track to the front. This would have a detrimental impact on the rural character of the area and would have an overbearing impact on the users of the public footpath.

The proposal would have an unacceptable impact on visual amenity of the area and the wider countryside would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part

1: Core Strategy, Policies CNDP3 and CNDP14 of Colne Neighbourhood Development Plan, Development in the open countryside SPG and the Design Principles SPD.

Location of Development

The application is for a manufacturing activity changing trees into logs. This involves cutting trees down and transporting them to be processed. Trees will be from any location that the applicant is engaged to carry out the process and is not required to be in a rural location. It is located where it is due simply to the land being owned by the applicant. It introduces a commercial process into an isolated location and is not sustainable in terms of staff travelling to the site. It could be sited on commercial sites in urban areas which are more sustainably located.

Residential amenity

There are several residential properties within 200m of the application site, the closest being Ragstones house which is less than 100m away.

Environment Health have requested additional information regarding the noise levels of the equipment used on site or a noise impact assessment to ensure that the activities carried out on site due to the change of use would not result in unacceptable impact on the surrounding residential dwellings. It is noted that this application was the result of an enforcement case due to complaints regarding excessive noise from the application site. Noise impact is a material consideration in this application. Members of the public have complained of noise from chainsaws, an excavator, and a diesel generator. Use of chainsaws could be controlled by a condition however information on the noise levels of the equipment used on site or a valid noise assessment is required to make a full assessment of the impact of the proposal on the residential amenity of occupants on neighbouring properties.

There is a lack of evidence on noise impacts and the impact on neighbours from activities on site for the Council to be able to determine that the issues experienced by residents would not re-occur. As such noise controlling conditions cannot also be imposed. The proposal would be contrary to Paragraph 191 of the NPPF and to Policy ENV5 of the Pendle Local Plan.

Highways

LCC Highways initially raised no objection to the proposal. However following the submission of additional information now object to the proposal. The highways authority would not support the use of the site for the three staff plus applicant referred to in Supporting Statement as this would constitute an intensification in use of the site.

The application site has been used as part of an agricultural enterprise. That agricultural land still exists except for this part of it. The machinery etc associated with that land and the requirements to service it still exist. This application results in a new specific use that will in itself generate movements to and from the site.

Those new additional movements to and from the site would be via Noyna Road. This is a single track road with poor vertical and horizontal alignment and is not a highway that can safely carry additional traffic. It is unlit with no footways and has a limited number of small passing places. It is not suitable for commercial vehicles that would be associated with transporting trees and the resulting bags of logs. There are field boundary stone walls close to the carriageway edge which limits pedestrians stepping off the carriageway whilst a single vehicle passes. Additional commercial vehicles on Noyna Road generated by the staff and vehicles associated with the proposed use are likely to cause conflict between vehicles and vulnerable road users, pedestrians,

cyclists and horse riders which would result in a highway safety concern. The proposal would be inimical to highway safety and poses a danger to road users.

Infrastructure

United Utilities have objected to the proposal since a water main crosses the site. Based on the information currently available, it is unclear whether sufficient distance is provided between proposed development features and this main. However, this is covered under separate legislation and a planning permission does not overrule that nor would it be appropriate to duplicate this through a planning condition. Additionally, this is a retrospective application. An informative note can be added to any approval to highlight this information.

Ecology and BNG

A Preliminary Ecological Appraisal and Consideration of Requirement for an Assessment of Biodiversity Net Gain has been submitted along with application.

The proposal will have no impact on designated sites for nature conservation, irreplaceable habitats, Priority Habitat or other ecologically valuable habitats. The change of use application will have no significant adverse effect on protected species. Enhancement measures that are proportionate to the proposals and aim to maximise the benefits for biodiversity as part of the proposals are outlined above and comprise the installation of opportunities for use by nesting birds. It is advised that there are no ecological constraints on the change of use proposals. Based on the above information it is advised that the de minimis exemption applies at the redline boundary for the proposals, and that the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)) does not apply.

Concerns have been raised about whether the area could be used for foraging of bats and that the ecological assessment is inadequate. The application does not impact on the trees surrounding and there is no evidence that the opportunity to forage will be affected. In ecological terms the development does not have unacceptable impacts.

This is found acceptable.

RECOMMENDATION: Refuse

Due to the following reason(s):

1. The proposal constitutes inappropriate development within the Green Belt and would thus affect the openness of the green belt. In the absence of any very special circumstances to outweigh that harm the development is harmful to the openness of the green belt. Therefore, the proposal conflicts with policy ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and paragraphs 152 and 153 of the National Planning Policy Framework.
2. The development is in an unsustainable location and would lead to an intensification of the use of the site which would result in a significant impact on highway safety on the road network leading to the site which is single track and has poor horizontal and vertical alignment. The development would thus be contrary to Policy ENV4 of the Local Plan: Part 1

Core Strategy and Policy 31 of the Pendle Replacement Local Plan and paragraph 115 of the National Planning Policy Framework.

3. Adequate information has not been submitted to prove the proposal would not have any unacceptable noise impact on the amenity of the occupants of neighbouring dwellings. Therefore, the proposal would be contrary to Policy ENV5 of the Local Plan: Part 1 Core Strategy and Paragraph 191 of the National Planning Policy Framework.
4. The proposal would have an unacceptable impact on visual amenity of the area and wider countryside and would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, Policies CNDP3 and CNDP14 of Colne Neighbourhood Development Plan, Development in the Open Countryside SPG and the Design principles SPD

Enforcement

The report above considers the planning merits of the development which has already occurred. The development is significantly detrimental to interests of acknowledged importance and harms the environment.

The taking of enforcement action would be a proportionate remedy in a democratic society to protect the countryside and has within it the opportunity to be independently reviewed were there to be an appeal.

It is recommended that should Committee agree with the recommendation and refuse the application that an enforcement notice is served to require the cessation of the use of the land for the non-agricultural activities and the removal of the unlawful new structures. This should be served whether or not there is an appeal against the planning decision. The reasons for the notice are as set out in reasons 1 to 4 of the planning application recommendation

Application Ref: 24/0467/FUL

Proposal: Full: Change of use of land from a small holding to arboricultural business including the erection of a store and fencing.

At Land to The South of White House Farm, Noyna Road, Foulridge, Lancashire

On behalf of: Mr John Whiteside

REPORT TO COLNE & DISTRICT COMMITTEE ON 5TH DECEMBER 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 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 for five detached dwellings, each with their own off street parking and garden areas. 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. The plans have evolved with the latest amendments showing the properties being set back further into the site to better align with the properties to the east.

The gradients of the drives need to allow the safe use of the accesses and this in turn sets the height that the properties need to be set out to a large degree. Whilst the units have been set back further into the site this does require retaining structures to be provided and infilling of the land to create the platform. This does not detrimentally impact on the views to the site from the south which are framed by the existing settlement pattern. The properties are aligned with the existing house to the east which acceptably reflects the street scene.

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 palette 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.

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 2nd 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, 23-063-PL05 F, 23-063-PL9 C, 23-063-PL10 D, 23-063-PL13, 23-063-PL14,

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. Prior to carrying out works, including the construction of access points, please register on 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 , 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 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 05th DECEMBER 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 resolved at the last committee with delegated powers to the Assistant Director, Planning, Building Control and Regulatory Services, to grant consent subject to the applicant being asked to reduce the size of the proposed balcony. The reason for resolution was to ensure the development is no larger than the original so that it does not have a greater impact on the privacy of the neighbours. The submitted scheme is still deeper than the original balcony despite being set back from the side.

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. Amended plans have been received which show the design of what was proposed to a more open design with vertical timber finished balusters with a lattice design above it.

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 6 objecting the proposal. Out of the 6 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
- The appeal decision submitted by the agent is not directly comparable to the proposal.
- proposal severely impacts on the privacy and amenity enjoyed and is overbearing and dominant for No3, with the increased length of the extension exacerbating this impact.
- proposal should be considered on its merits.

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 Heritage

The latest amended drawings for the balcony consist of open vertical balusters with a lattice design above it. The design of the balusters would be similar in appearance to that of the original balcony albeit being 0.1m taller than it. The vertical balusters would also be spaced to create a

more open appearance in contrast to the solid close-boarded design presented to the previous committee. The design would have a timber handrail, timber lattice elements and timber cladding to steel for all other vertical and horizontal elements. The balusters and lattice design elements would all be rough sawn timber finished with Protek Timber Eco shield weathered wood. The proposed design albeit having a slightly vertical emphasis and 0.1m increased height, due to its open design and weathered finish would not appear overbearing and would be visually similar to the original balcony that was replaced. The balustrade to the side elevation towards No.3 Hollin Hall would have a timber boarding behind the balusters to provide privacy to the neighbours without compromising the design.

The new balcony would still be constructed on the new steel posts. However, the steel posts and the base frame on which the balcony rests would be painted black. The existing dwelling already has window surrounds and rainwater goods on its prominent elevations painted black which is usually considered appropriate for buildings in a conservation area. Given this context, the black painted posts would not be completely out of keeping with the character of the dwelling and the conservation area and would blend in with the surroundings.

On balance, the proposal would not have any greater unacceptable impact on the character of the dwelling and the conservation area than the original balcony and would be acceptable in terms of design in accordance with 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, and Policy 6 and 7 of the TFNP. The development would have a neutral impact on the significance of the conservation area and thus would not require an assessment as per paragraph 208 of the NPPF.

Residential Amenity

The last area committee which was held on 7th of November 2024 took the view that the development would have an impact on the privacy of the neighbour and resolved that the Assistant Director, Planning, Building Control and Regulatory Services be delegated authority to grant consent subject to the applicant being asked to reduce the size of the proposed balcony for reasons:

(1) 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.

(2) To ensure the development is no larger than the original so that it does not have a greater impact on the privacy of the neighbours.

The submitted updated plans shows the balcony setback by a further 0.4m from the side, making it 0.6m setback from the party boundary with No.3. However, the balcony would still be 0.365m deeper than the original balcony and therefore is larger than the original in terms of its depth. In this case the development would have an unacceptable impact on the privacy of the occupants of No. 3. 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

The development results in an unacceptable impact on the privacy and living environment of the occupants of 3 Hollin Hall and 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.

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 30th October 2024