

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

**TO: COLNE & DISTRICT COMMITTEE**

**DATE: 06TH FEBRUARY 2025**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

# REPORT TO COLNE AND DISTRICT COMMITTEE ON 06 FEBRUARY 2025

**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 was deferred from the previous meeting.

## **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 natural stone to the front elevations and render to the side and rear, slate 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, with natural stone to their front elevations and slate roofs with feature stone copings, which would be complementary to the Conservation Area. Only the two dwellings to the south fall within the Conservation Area and the rendered side and rear elevations would not be prominent.

The proposed development would preserve the character and appearance and thus the significance of the Conservation Area.

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 UU and LLFA objections.

### **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, 23.182.03\_001 Rev C, 23.182.03\_002 Rev C, 23.182.00\_002 Rev C, 23.182.00\_006 Rev D, 23.182.00\_004 Rev A.

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

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

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

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

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

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

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

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

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

6. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Works shall include, but not be exclusive to:

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

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

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

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

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

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

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

9. Prior the occupation of each dwelling an electric vehicle charging points for that dwelling shall be provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

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

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

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

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



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

Advisory Notes:

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

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

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

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

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

- 12 Prior to the occupation of the first dwelling a detailed landscaping scheme shall be submitted to the Local Planning Authority and approved in writing. The scheme shall include the following:
- a. all proposed boundary treatments with supporting elevations and construction details;
  - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
  - c. an outline specification for ground preparation;
  - d. all proposed hard landscape elements and pavings, including layout, materials and colours;
  - e. the proposed arrangements and specifications for initial establishment maintenance of all planted or turfed areas.

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

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

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

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

**Biodiversity Net Gain Condition:**

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

**Phase plan**

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

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

**Notes:**

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to: • the construction of the dropped vehicle crossings to the highway authority's specification; • the re-construction of the section of footway outside units 10 and 11 (approx 12m in length) to the highway authority's specification including full height kerbs; • a short extension of the footway outside Unit 1 to the highway authority's specification, including a buff coloured, tactile paved dropped pedestrian crossing; • the extension of the existing footway on Cross Street West to the highway authority's specification, including a buff coloured, tactile paved dropped pedestrian crossing. This would require the re-location of the post box and adjacent grey metal box; • improvements to the existing dropped pedestrian crossings at the junction of Bankfield Street with Greenfield Road to include buff coloured, tactile pavings; • the re-location of any highway gullies within the dropped crossings; • a street lighting assessment, which may include the re-location of lighting column

2. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk), in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number. 2. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

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

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

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

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

# REPORT TO COLNE AND DISTRICT COMMITTEE ON 06 FEBRUARY 2025

**Application Ref:** 24/0583/FUL

**Proposal:** Full: Conversion of 2 no. disused rooms into a takeaway (Sui Generis) and the installation of an extraction flue.

**At** Unit 1, Dockray Street, Colne.

**On behalf of:** Mohammad Zaman.

**Date Registered:** 19/09/2024

**Expiry Date:** 14/11/2024

**Case Officer:** Joanne Naylor

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

## **Site Description and Proposal**

The application site is the former stables to the former Fire Station, the site is currently leased for a taxi business. The site is within the settlement boundary, out with the Town Centre Boundary and is adjacent to Secondary Shopping Areas.

The proposal seeks to change the use of two rooms into a takeaway (Sui Generis) and for the installation of an extraction fan to the rear. The existing use is for a taxi base and for storage compound.

## **Relevant Planning History**

16/0662/FUL: Full: Use premises as taxi base for 8 private hire vehicles with parking at Dockray Street and adjacent storage compound. Approved with Conditions.

13/96/0544P: ERECT AERIAL AND USE AS PRIVATE HIRE BASE FOR 5 CARS. Approved with Conditions.

13/97/0681P: CONTINUE USE AS PRIVATE HIRE BASE AND MODIFY COND.3 OF 13/96/0544P TO PERMIT THE OPERATION OF 6 VEHICLES AFTER 6:00PM. Approved with Conditions.

## **Consultee Response**

### **Cadent Gas**

No objection subject to informative:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only

take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

### LCC Highways

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development and 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.

#### Site planning history

16/0662/FUL - Use premises as taxi base for 8 private hire vehicles with parking at Dockray Street and adjacent storage compound. Approved.

#### Proposed development

The proposed development is for the conversion of two disused rooms adjacent to the taxi base into a takeaway (Use Class Sui Generis) and the installation of an extraction flue

**Car parking** The application form refers to four existing car parking spaces, which will be retained. However, the highway authority notes that the provision of off-road parking for the taxi based was controlled by condition under planning permission 16/0662/FUL. The highway authority therefore considers that there is no off-road parking available for the proposed takeaway.

#### Traffic Regulation Orders

There are parking restrictions on both sides of Dockray Street between its junction with Market Street and Water Street. These are in the form of No Waiting At Any Time, No Waiting Monday – Saturday 7am – 7pm outside the development site and Limited Waiting of one hour no return within two hours Monday – Saturday 7am – 7pm. As no details of opening hours have been submitted the highway authority is unable to assess any likely conflict between traffic generated by the development's operation and the parking restrictions.

The type of development proposed can generate indiscriminate parking behaviour due to the short stay nature of visits. However, the site is a town centre location with a free, disc parking public car park opposite on Dockray Street. Customers to the takeaway may either work nearby or visit the premises as part of a linked journey and so traffic movements generated by the development would not all be in addition to existing movements.

### Town/Parish Council

Colne Town Council objects to this application as, yet another takeaway is not needed in Colne and the Councillors believe that the applicant is subject to a converted lease that prohibits this type of development.

### Environmental Health

#### Noise & Vibration from Industrial plant, Extract Ventilation & Ducting

A scheme for the enclosure of any noise emitting plant and machinery with sound-proofing material, including details of any sound-insulating enclosure, mounting to reduce vibration and transmission of structural borne sound, and ventilation or extract system, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

The approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained. Before any extraction equipment is used on the premises other than as provided in the approved scheme, a further scheme evidencing the same matters shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed before the it is first used.

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

#### Details of Extraction Equipment

Prior to the commencement of development a scheme for the extraction, treatment and dispersal of particles, fumes and odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the use commencing and thereafter retained. No extraction equipment carried out on the site save during such times as the approved extraction and treatment equipment is operational and effective to the level of the approved scheme.

Reason: To ensure that any particles, fumes or odours generated by the premises are minimised in the interests of the amenity of occupiers of nearby properties.

### **Public Response**

The nearest neighbours have been notified by letter, no responses received.

### **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.

ENV1 seeks to ensure a positive contribution to the protection, enhancement and conservation of the natural and historic environments, and that proposals should seek to conserve and enhance biodiversity.

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.

Policy WRK4 (Retailing and Town Centres) states that town and local shopping centres will be the primary focus for retail development, that retail and main town uses should identify sites that are available and viable following the sequential approach and located in order of priority with major retail developments located in one of the three main town centres.

All development within a Town Centre or Local Shopping Area should seek to make a positive contribution to:

- Safeguarding the retail function of the center.
- Improving vitality and viability of the center.
- Improving the overall mix of retail and other land uses.
- Supporting the creation of comfortable, safe, attractive and accessible shopping environment.
- Enhancing access to the centre by sustainable modes of transport, and encouraging multi-purpose trips.

To help promote vitality and maintain viability, retail proposals out with the Town Centre Boundary will be resisted. Any applications out with the town centre must follow the approach for site selection set out in the Framework.

Retail proposals on edge-of-centre or out-of-centre sites will generally be resisted. Any applications of this nature must follow the approach for site selection set out in the Framework. This includes sequential and impact test (paragraphs 24 and 26 respectively), which may also require the potential effects on centres beyond the borough boundary to be considered.

Policy SDP2 (Spatial Development Principles) seeks to ensure that spatial development principles direct future growth in the most sustainable locations and the roles that settlements are defined.

Policy SPD5 Retail Distribution seeks new retail development to be in scale with the position of the settlement retail hierarchy with major retail located in one of the three main town centres.

### Colne Neighbourhood Development Plan

Policy CNDP1 – Colne Market Town seeks to improve the local environment and public realm. That for hot food takeaways within the primary shopping area, primary shopping frontage and in predominantly residential blocks that hot food takeaways will only be supported where they would be subsidiary to retail and other commercial uses.

### 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.

Paragraph 91 requires that a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out-of-centre sites be considered.

Main Town Centre Uses are Defined as: (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Paragraph 92 when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Paragraph 94 requires that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set

floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:

- (a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- (b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Paragraph 95 requires that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.

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

### **Officer Comments**

The proposal seeks to change the use of two rooms of the ground floor of the stables associated with the former fire station to a takeaway (Sui Generis) and installation of an extraction flue. The proposal would make external alterations to the front by inserting a window to the existing opening to the fire engine room and building up a section of the wall below the proposed window openings. It is proposed that an extractor flue would be inserted into the existing chimney stack.

Policy SDP5 identifies Colne as a main town centre and is identified as a key service centre in Policy SDP2.

The main issue is the impact of the development on the vitality and viability of Colne town centre. The Framework defines the main town centre uses within the Glossary, in this case, a hot food takeaway (Sui Generis) would be a main town centre use.

Policy WRK4 of the adopted Local Plan focuses on retail development in Pendle and states that:

Policy WRK4 (Retailing and Town Centres) states that town and local shopping centres will be the primary focus for retail development, that retail and main town uses should identify sites that are available and viable following the sequential approach and located in order of priority with major retail developments located in one of the three main town centres.

All development within a Town Centre or Local Shopping Area should seek to make a positive contribution to:

- Safeguarding the retail function of the center.
- Improving vitality and viability of the center.
- Improving the overall mix of retail and other land uses.
- Supporting the creation of comfortable, safe, attractive and accessible shopping environment.
- Enhancing access to the centre by sustainable modes of transport, and encouraging multi-purpose trips.

Retail proposals on edge-of-centre or out-of-centre sites will generally be resisted. Any applications of this nature must follow the approach for site selection set out in the Framework. This includes sequential and impact test (paragraphs 91 and 94 respectively), which may also require the potential effects on centres beyond the borough boundary to be considered.

Main Town Centre Uses are Defined as: (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas,

restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities). The application site is located in an area of commercial and residential use, with some first floor dwellings above the shops.

The main issue for this application is that it is a change of use of storage to a hot food takeaway (Sui Generis) which is a main town centre use. As the proposed development would be located out with the main town centre, then a sequential test should be undertaken to justify the need for the proposed development to be out of the main town centre use. Policy WRK4 seeks to focus main town centre uses within town centres and local shopping centres, Policy WRK4 clearly sets out that the provision of appropriate mixed use allows the vitality and viability of these town centres, where a main town centre development is proposed out with the town centre then the applicant needs to undertake an assessment identifying the sites or premises that are suitable, available and viable by following the sequential test.

No sequential test has been undertaken. Therefore, allowing a main town centre use to be provided out with the main town centre use, would undermine the role of the town centre, and if allowed it may result in additional out of town centre uses being put forward which would undermine the main town centres viability and vitality. Although the site is relatively small, it sits adjacent to some commercial uses which are within the main town centre, and it is likely that there are other vacant buildings of a similar size which could be available in the town centre. Having undertaken a simple search, there is a site currently vacant at 9 Albert Road, Colne which is located within the main town centre. By allowing the proposed development to be approved, it would allow premises within the town centre to remain vacant which would harm the vitality and viability of the town centre. And in the absence of a sequential appraisal, the applicant has failed to demonstrate that there would not be more sequentially preferable sites for the proposed hot food takeaway, and therefore it is not possible to assess the effect the proposed development would have on the viability and vitality of Colne town centre.

Therefore, the proposed development fails to satisfy the sequential test for town centre uses as set out in Paragraph 95 of the Framework, and conflicts with Policy WRK4 of the Pendle Local Plan Part 1: Core Strategy and would be contrary to Policy CNDP1 of the Colne Neighbourhood Development Plan.

## **Highways**

The proposed development would require a change of use from storage to hot food takeaway (Sui Generis), the site already has a taxi service from the premises, the proposed development would increase the number of vehicles coming and going and would potentially increase the number of people walking to the site. The existing taxi business approved under 16/0662/FUL states in Condition 3 restricts the private hire base to seven vehicles only, and Condition 4 states that the existing and proposed parking spaces shall be at all times available for the parking of a minimum total of five private hire vehicles, and that no private hire vehicles operated from the premises shall take place on Dockray Street Car Park between the hours of 8am to 6pm.

LCC Highway have noted that there would be no off-road parking available for the proposed takeaway, and that there are parking restrictions on both sides of Dockray Street between Market Street and Water Street, with no waiting at any time, no waiting Monday to Saturday 7am to 7pm outside the site, and limited waiting for one hour and no return within two hours Monday to Saturday 7am to 7pm. Therefore, the restrictions on both sides and the Condition 4 that restricts using Dockray Car Park for taxis associated with the taxi business would result in cars parked where they can. There is already an existing taxi business operating from the site which limits the number of taxis operating from the site. The proposed hot food takeaway would increase the



intensity of the use of the site with people visiting the site and for deliveries. The applicant has not indicated the days and hours of opening, however it is likely to be similar to other hot food takeaways in the area.

LCC Highways considers that there would be no off-road parking available for the proposed Hot Food Takeaway, although there would be an impact on the highway, it would not result in a significant impact in terms of highways safety, capacity and amenity. Therefore, the proposal would be acceptable in terms of highways impact and comply with Policy 31 of the Replacement Pendle Local Plan.

### **Residential Amenity**

The site is located in an area of mixed commercial and residential uses. There are shop fronts on Dockray Street and adjacent to Dockray Car Park. On Dockray Street there are commercial uses at No. 22 and No. 18 Dockray Street, No. 18 Dockray Street has converted the first floor under approved application 13/13/0565P for residential use (Use Class C3).

There is a residential terrace row on Skelton Street which has the rear elevation of this row adjacent to the application site, the terraces on Skelton Street have ground and first floor windows close to the proposed takeaway business. The proposed hot food takeaway would be circa 14m from the rear elevation of Skelton Street, and the combination of the taxi business and the proposed hot food takeaway which is likely to deliver, then there would be more vehicle movements during the evening, and potential operating from early evening to late evening, however, the site is relatively close to the town centre, the proposal would have a similar impact as that of this would have a harmful impact on the occupants of Skelton Street with the proposed development generating more vehicle movements later into the night.

The applicant has not provided the hours and days of operation, as the site is out with the town centre, and hot food takeaways usually operate in close proximity to residential use which are already subject to some level of disturbance, and that hot food takeaways usually operate in the evening, it is likely that the hours of opening are unlikely to demonstrably harm the neighbouring properties amenity and being just outside the town centre it is accepted that a degree of noise is to be expected.

The change of use to a takeaway would require the extraction and ventilation from the proposed development for the purpose of cooking which may have an adverse effect for neighbouring business and the general public within the vicinity of the premises in terms of noise, odour and vibration. A suitable condition would be placed for the submission of further details for the management of noise, odour and vibration and for details for the management of bin storage. The applicant has not submitted details for the opening hours, this could be conditioned. Details for the bin storage would need to be conditioned to ensure no unacceptable impact in terms of odour and litter created by the proposed development. Subject to conditions, the proposed development would be acceptable, and comply with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy.

### **RECOMMENDATION: Refuse**

The application is for a main town centre use located outside of the town centre for Colne. No sequential impact test has been submitted to justify the change of use which if permitted would set a precedent for other unjustified main town centre uses to be brought forward which would undermine the vitality and viability of the town centre. The development is thus contrary to Policy WRK4 of the adopted Pendle Local Plan (Core Strategy), contrary to Paragraph 95 of the National Planning Policy Framework and contrary to Policy CNDP1 of the Colne Neighbourhood Development Plan.

**Application Ref:** 24/0583/FUL

**Proposal:** Full: Conversion of 2 no. disused rooms into a takeaway (Sui Generis) and the installation of an extraction flue.

**At** Unit 1, Dockray Street, Colne.

**On behalf of:** Mohammad Zaman.

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 06 FEBRUARY 2025

**Application Ref:** 24/0803/VAR

**Proposal:** Full: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 23/0176/FUL (Plots 1 and 2)

**At:** Land To The West Of Garfield, Keighley Road, Colne

**On behalf of:** Mr Marion Arnone

**Date Registered:** 22/11/2024

**Expiry Date:** 17/01/2025

**Case Officer:** Alex Cameron

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

### **Site Description and Proposal**

The application site is a field located within the Green Belt to the south of the settlement boundary of Laneshawbridge. To the north is the former Hartley Hospital site including the Grade 2 Listed almshouses, gate and gardens. To the west are dwellings on Spring Grove, to the east is a pair of semi detached dwellings and a new residential development under construction, to the south is a wooded area with Colne Water beyond and the boundary of the Trawden Forest Conservation Area.

Planning permission was granted in 2023 for three detached dwellings on the site, replacing one of two dwellings previously approved.

One of the three dwellings has been built, this application is to amend the design of the remaining two dwellings.

The design of the dwellings increases their footprint but alters them to two storeys rather than split level three storey, alters the design with hipped roofs and double gables to the front and alters the layout of the garages.

The plans show the materials changed from stone to predominantly render with stone sections to the front and stone window surrounds and stone garages. The applicant has stated that this is no longer proposed and the external walls would be entirely natural stone and roofs slate as approved.

### **Relevant Planning History**

13/03/0667P - Erect 3 detached dwellings. Refused

22/0333/FUL - Full: Erection of two detached dwellings. Approved

23/0176/FUL - Full: Erection of 3 no. dwellings with vehicular access from Keighley Road. Approved

### **Consultee Response**

LCC Highways – No objection.

Colne Town Council -

### **Public Response**

Site notice posted and neighbours notified – No response.

### **Officer Comments**

#### **Policy**

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

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy ENV7 (Water Management) states that the design of all new developments (Policy ENV2) must consider:

1. The potential flood risk to the proposed development site.
2. The risk the proposed development may pose to areas downslope / downstream.
3. The integrated, or off-site, use of Sustainable Drainage Systems (SuDS) to help reduce surface water run-off from the development.
4. The availability of an adequate water supply and disposal infrastructure.

Policy LIV1 (Housing Provision and Delivery) states that until such 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 will be supported.

#### **Replacement Pendle Local Plan**

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.

#### **Colne Neighbourhood Development Plan**

Policy CNDP3 states that as appropriate to their scale, nature and location development proposals should use traditional local materials such as stone, slates and timber. Ensure that building form

and layout responds and is sympathetic to the form and layout within the Urban Character Area. The site is within CCA A: Lidgett and Bents Conservation Area and its setting.

### National Planning Policy Framework

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include limited infilling in villages.

### **Green Belt**

The Framework allows limited infilling within villages as development that is not inappropriate in the Green Belt.

In assessing this application the settlement limits are governed by the Local Plan, the settlement boundary of Laneshaw Bridge runs along the full length of the frontage of the site, within Policy SDP2 this location would be categorised as part of the rural village of Laneshaw Bridge.

The proposed development, together with the dwelling approved by the previous permission, would infill an area between the dwellings at Spring Grove and Garfield. The scale of this proposed development is similar to that of the three dwellings approved to the east of Garfield which was also determined to be limited infilling.

The amended development would continue to meet the exception for limited infilling within villages and therefore is not inappropriate development.

Taking these factors into account the amended development is not inappropriate development and would not result in an unacceptable impact on the Green Belt.

### **Visual Amenity**

There are a variety of housing styles in the area and the proposed amendments to the design of the dwellings would be reflective of and in keeping with that variety and are acceptable in terms of visual amenity.

### **Heritage Impact**

The site is located opposite the Hartley Hospital almshouses and gate which are Grade 2 Listed buildings. The development is set down on lower land below that site, due to this physical separation and the landscaping between the development has a negligible impact upon the setting of the Listed Buildings and the amendments would result in no harm to their significance.

The site is also adjacent to Trawden Forest Conservation Area approximately 60m to the south. Although the site would be visible in views out of the Conservation Area, for the reasons set out in the visual amenity section the amendments would not result in harm to the significance of that or the nearby Lidgett and Bents Conservation Area.

The proposed development is therefore acceptable in terms of heritage impact in accordance with policies ENV1 and ENV2.

### **Impact on Amenity**

The proposed dwellings would be a sufficient distance from adjacent dwellings to ensure that they would not result in any unacceptable loss of privacy, light or overbearing impact.

The proposed dwellings would raise no unacceptable residential amenity impacts in accordance with policy ENV2.

## **Trees & Ecology**

An landscaping plan has been submitted with the application, this appears to propose the removal of the hedgerow to the front of the site. This is not acceptable and in any case the variation of the landscaping scheme has not been applied for. Therefore, this plan will not be included in the varied plans.

## **Highways and Access**

The proposed access and car parking provision are acceptable.

Concerns have been raised regarding the impact of the development on the access to Spring Grove and the loss of an area used for parking and manoeuvring. Although not necessary to make the development acceptable the applicant has submitted amended plans retaining the strip of land for access / parking for Spring Grove.

The development is acceptable in terms of highway safety.

## **Reason for Decision**

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

## **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 23/11/2, 23/11/3, 23/11/14 – received 01/06/2023, 23/11/5, 23/11/6, 23/11/7, 23/11/8, 23/11/9, 23/11/10, 23/11/11, 23/11/12, 7122-S02C, 7122-P03B, 7122 – P01B, 7122 – P02B (notwithstanding any indication on the approved plans no permission is granted for the landscaping scheme indicating removal of the hedgerow to the frontage, the use of render to the walls or concrete tiles to the roofs)

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

2. Unless alternative materials have been submitted to and approved in writing by the Local Planning Authority, the external materials of the development shall be in accordance with those approved under the discharge of condition application 23/0651/CND.

**Reason:** To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

3. The dwelling hereby approved shall not be occupied unless and until the car parking spaces shown on the approved plans have been surfaced in a bound material and made available for car parking purposes. The spaces shall thereafter at all times be maintained free from obstruction and available for car parking purposes.

**Reason:** to ensure adequate car parking provision in the interest of highway safety.

4. Prior to first occupation of the first dwelling hereby approved that part of the internal access road extending from the entrance gates for a minimum distance of 5m into the site shall be hard surfaced in bound porous material.

**Reason:** In the interest of highway safety to prevent loose surface material from being carried on to the public highway, where it could pose a hazard to road users.

5. Unless alternative materials have been submitted to and approved in writing by the Local Planning Authority, the development shall be carried out only in strict accordance with the Construction Method Statement approved under discharge of conditions application 23/0651/CND.

**Reason:** In the interest of residential amenity and highway safety.

6. The development shall be carried out in strict accordance with the mitigation recommendations of the previously submitted Preliminary Ecological Appraisal.

**Reason:** To ensure that the development preserves and enhances the ecology of the site.

7. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A & E of Part 1 and Class A or Part 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to control any future development on the site in order to preserve the openness of the Green Belt

8. The development hereby approved shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- i) The exact location and species of all existing trees and other planting to be retained;
- ii) An outline specification for ground preparation for landscaped areas;
- iii) All proposals for new planting and turfing, indicating the location, arrangement, species, size, specifications, numbers and planting densities;
- iv) All proposed boundary treatments with supporting elevations and construction details;
- v) All proposed hard landscaping elements and paving, including layout, materials and colours;
- vi) 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 agreed form prior to the end of the first planting season following substantial completion of each phase of the development to which it is associated. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

**Reason:** In the interest of visual amenity and to preserve the setting of the adjacent Listed Buildings.

9. There shall be no alterations to the levels of the site unless and until additional level or section plans detailing any alterations to land levels within the site, including details of any retaining walls proposed, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in strict accordance with the approved details.

**Reason:** In the interest of visual amenity and to ensure that trees to be preserved on site are not harmed.

10. Unless otherwise approved in writing by the Local Planning Authority no ground clearance, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 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. 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 service runs, 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.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

**Reason:** To ensure that the trees are suitably protected throughout the construction process.

11. 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.

12. No development hereby approved shall commence until a scheme for the construction of the site access, including any off-site works of highway improvement, has been submitted to, and approved by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** In order to ensure that the final details of the highway scheme/works are acceptable before work commences on site.

13. Prior to first 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.

14. Prior to first occupation of each individual plot the vehicular access shall be constructed to an appropriate standard and the driveway paved in a bound porous material.

**Reason:** In the interest of highway safety to ensure adequate vehicular access to the plot and to prevent loose surface material from being carried on to the public highway.

15. All windows and balconies in the south elevation shall be fitted with anti-reflective glazing the specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of approved anti-reflective specification.

**Reason:** In the interest of visual amenity.

16. All windows in the east gable side elevations of Plot 1, both gable side elevations of Plots 2 and the west gable side elevation of Plot 3 shall at all times be glazed only with obscure glass of a type and degree of obscurity to be first agreed in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of an equal degree of obscurity to that which was first approved. The window(s) shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

**Reason:** To ensure an acceptable level of privacy for the occupants of the dwellings.

17. Privacy screens of at least 1.8m in height from the floor level of the terraces shall be erected to both sides of the terrace of plot 2 and the west side of the terrace of plot 3 prior to the occupation of each dwelling in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The screens shall thereafter be maintained in strict accordance with the approved details.

**Reason:** To ensure an acceptable level of privacy for the occupants of the dwellings.

Note: Informative Note The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278 short form), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall

include, but not be exclusive to: • the construction of the access to an appropriate standard, including the re-location of any highway gullies necessary, • the existing dropped kerbs within the bus box carriageway markings adjacent to the access shall be reinstated to full height. The applicant should be advised to contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

**Application Ref:** 24/0803/VAR

**Proposal:** Full: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 23/0176/FUL (Plots 1 and 2)

**At:** Land To The West Of Garfield, Keighley Road, Colne

**On behalf of:** Mr Marion Arnone

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 08th January 2024**