

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

TO: COLNE & DISTRICT COMMITTEE

DATE: 03RD APRIL 2025

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE COMMITTEE ON 3rd of APRIL 2025

Application Ref: 24/0505/HHO

Proposal: Full: Conversion and alteration of existing outbuilding to form ancillary accommodation, driveway and access.

At 18 Keighley Road, Colne, Lancashire

On behalf of: Mr C. Wood

Date Registered: 08.08.2024

Expiry Date: 03.10.2024

Case Officer: Athira Pushpagaran

This application has been called to committee by the Chair.

Site Description and Proposal

The application site is at the end of a short row of terraced properties at the corner of carry lane and Keighley Road. One of the side boundaries of the application is Carry Lane. The main access is from Keighley Road. It is currently in a derelict state with the outbuilding to the rear missing its roof. The main building is a good surviving example of the historic Regency architectural style and is identified as a non-designated heritage asset in the Colne Neighbourhood Plan.

The proposed development is the conversion and alteration of existing outbuilding to form ancillary accommodation, driveway and access.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

Initial comments:

The National Planning Policy Framework (NPPF) states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' (Paragraph 115).

Having reviewed the documents submitted, together with site observations, Lancashire County Council acting as the local highway authority raises an objection regarding the proposed development and concludes that, as submitted, there are highway grounds to support an objection as set out by NPPF because adequate visibility splays cannot be provided at the proposed new access.

The inadequate visibility splays on Carry Lane are likely to lead to an unacceptable conflict between those emerging from the private access and highway users travelling along Carry Lane which could result in collisions.

Site planning history

None.

Proposed development

The proposed development is for the conversion and alteration of an existing derelict outbuilding to create ancillary accommodation in the form of a four bed dwelling. A new access on Carry Lane is proposed to provide a new car parking and turning area for 3+ cars.

New site access

The new access proposed on Carry Lane will be approximately 68m from its junction with Keighley Road.

Carry Lane is unclassified highway maintained at public expense and subject to a 30mph speed limit. There is a footway on the west side (opposite side to the development) and a scheme of street lighting. Carry Lane is cut into the land at both sides and has a Lancashire County Council retaining wall along the development frontage (matters arising due to the wall are discussed below).

An automated seven-day traffic survey was carried out between 28 October and 3 November 2024 with 85th percentile speeds of 24.0mph North-West bound and 24.8mph South-East bound being recorded. The exact location of the survey equipment is not presented and this should be confirmed by the applicant.

Based on the above 85th percentile speeds visibility splays measuring 2m by 34m to the North-West side and 2m by 30m to the South-East side are required (Manual for Streets) and are shown on drawing 02A. The visibility splay to the North-West side of the new access is over the applicant's land and subject to the lowering of the retaining wall, land and vegetation, this is considered acceptable. The visibility splay to the South-East side of the new access lies significantly across third party land, resulting in a significantly reduced splay of approximately 8-9m which is significantly below the required 30m. The third party land appears higher than 1m therefore the splay cannot be implemented or controlled in the future by the applicant. The splay could be adjusted to be 1m off-set from the wall into the carriageway of Carry Lane. However it would still appear to be significantly over third party land and cannot therefore be provided or controlled.

For this reason, we raise an objection to the proposal as insufficient visibility splays are likely to result in an unacceptable conflict with highway users.

Other site access issues

Notwithstanding the objection to the site access due to insufficient visibility splays, for completeness the following comments are made regarding other matters relating to the site access.

The formation of the new vehicle access from Carry Lane 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, the construction of the access to an appropriate standard, including works to the existing retaining wall owned by the county council, piping of surface water across the drainage channel and a street lighting assessment.

The highway authority does not accept the proposed Aco drain within the highway network as shown on Drawing 05. Surface water within the highway drainage channel will need to be piped and connected through over the highway drainage channel. Surface water from the bound surfaced driveway needs to be collected within the site and drained to an internal outfall. The

gradient of the new access is 1:8 which is too steep for a vehicle access. This needs to be reduced to a maximum gradient of 1:10.

Retaining wall

Notwithstanding the objection to the site access due to insufficient visibility splays, for completeness the following comments are made regarding the retaining wall. The following comments are provided by the Lancashire County Council Bridges team.

The existing retaining wall features solid stone buttresses. These are an unusual historic detail that appears to be local to this area. Whilst they are not listed, or within a conservation area, they could be considered a heritage asset so we ask that the proposal considers retaining this detail where possible. The highway authority requires that any buttresses removed are carefully taken up under supervision and either incorporated into the new entrance (not internally) or delivered safely to one of the authority's depots for reuse as appropriate.

The county council's records show this wall to be 1.6m high on average. A detailed design of the works to be carried out on the wall to reduce the height and to tie into the new walls to both sides of the site access will be required to be submitted prior to commencement. The authority will also require written confirmation that the walls within the entrance are to become private and not the responsibility of the highway authority.

It is unlikely that the stone boundary wall could sustain any further loading due to surcharge from material being placed on land above the wall. The highway authority would require technical approval for any proposed changes in loading to the remaining sections of the wall. Looking at the plans it does not appear that this will be the case however the formation of the site access will require a significant amount of earth to be excavated and we would request details of if the earth is to be retained on site and where or removed off site. All the above matters relating to the retaining wall can be addressed with appropriately worded conditions.

Construction phase

Given the location of the site close to the junction with Keighley Road, the limited capacity for on-road parking on Carry Lane and no existing vehicular access/off-road parking a Construction Traffic Management Plan will be required. This should include details of how the site access will be constructed to manage and minimise the impact upon highway users on Carry Lane.

A surface water drainage scheme for the construction period and for the permanent works will be required. No connections to the highway drainage system in Carry Lane will be permitted.

Car & cycle parking

No 18 Keighley Road is a five-bed property with no associated off-road parking currently. The annex will provide four bedrooms. The proposed parking area will provide three offroad car parking spaces which aligns with the Pendle Borough council's Parking Standards for 4+ bedrooms. There is limited on-road parking on Keighley Road and we would expect the generous sized parking area to provide off-road parking for both No 18 and the annex.

Secure, covered storage for at least two cycles should be provided for the annex in line with the borough council's Parking Standards to ensure the development supports sustainable forms of transport. An electric vehicle charging point should be included within the development to promote sustainable forms of transport. This shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

Conclusion

To conclude, the proposed development as submitted raises highway safety concerns due to the provision of insufficient visibility splays. Lancashire County Council acting as the highway authority considers this is contrary to paragraph 115 of the NPPF. Whilst the proposed position of the new access is not considered acceptable, should the site access be re-located with visibility splays fully provided over land in the applicant's ownership and/or the public highway network then we will review the proposal.

Further comments:

Following the highway authority's objection response dated 29 November 2024 additional plans have been submitted where the position of the proposed new access has been moved closer to the junction with Keighley Road. Based on these plans the highway authority makes the following further comments.

Having reviewed the additional documents submitted, together with previous site observations, Lancashire County Council acting as the local highway authority withdraws its previous objection and concludes that there are no highway grounds to support an objection as set out by the NPPF, subject to highway-related conditions and informative notes being applied to any formal planning approval granted.

New site access

The new access proposed on Carry Lane has been moved closer to the junction with Keighley Road and will now be approximately 58m from the junction. Carry Lane is an unclassified highway maintained at public expense and subject to a 30mph speed limit. There is a footway on the west side (opposite side to the development) 2 and a scheme of street lighting. Carry Lane is cut into the land at both sides and has a Lancashire County Council retaining wall along the development frontage (matters arising due to the wall are discussed below).

Visibility splays

An automated seven day traffic survey was carried out between 28 October and 3 November 2024 with 85th percentile speeds of 24.0mph North-West bound and 24.8mph South-East bound being recorded.

Based on the above 85th percentile speeds visibility splays measuring 2m by 34m to the North-West side and 2m by 30m to the South-East side are required (Manual for Streets) and are shown on drawing 25021-DR-C-0800 P2. This is considered acceptable, and we would request a planning condition to control this.

The amended access arrangement will result in the Lancashire County Council retaining wall which bounds the site and Carry Lane being fully removed and the applicant will construct a new retaining wall, on a new line, behind the visibility splays. This new retaining wall will be on the applicant's land and will be within their ownership and they will be responsible for the future maintenance of the wall.

The new layout will result in an area of land between the edge of the carriageway on Carry Lane and the newly aligned retaining wall. A detailed scheme design of this area including paving or landscaping details and as this land will lie within the visibility splay any vegetation will need to be below 0.9m high. This area of land will be maintained by the applicant and this should be a consideration of the design.

There is an open surface water drainage channel running along the edge of the carriageway of Carry Lane which will need to be considered and piped under the site access and potentially piped for the full frontage or an appropriate design for an open channel will need to be submitted.

Other site access issues

The formation of the new vehicle access from Carry Lane 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, the construction of the access to an appropriate standard, including removal of the existing retaining wall owned by the county council and surface water drainage details.

Surface water from the bound surfaced driveway needs to be collected within the site and drained to an internal outfall. A scheme for surface water drainage from the internal driveway discharging to an internal outfall will need to be provided and controlled by condition.

The gradient of the new access is 1:8 which is too steep for a vehicle access. This needs to be reduced to a maximum gradient of 1:10.

As refuse vehicles would be unable to access the site and there is no footway on that side of Carry Lane a refuse bin collection point within the access would need to be provided so that bins are not stored on Carry Lane and do not obstruct or impede vehicles entering or leaving the access.

Retaining wall

The amended access arrangement will result in the Lancashire County Council retaining wall which bounds the site and Carry Lane being fully removed and the applicant will construct a new retaining wall, on a new line, behind the visibility splays.

The new retaining wall will be on the applicant's land and will be within their ownership and they will be responsible for the future maintenance of the wall. We would request that a detailed design of the new wall is submitted by condition and that the design includes the tie-in detail to Lancashire County Council's wall on the southern edge.

The existing retaining wall features solid stone buttresses. These are an unusual historic detail that appears to be local to this area and that the Planning Authority may wish to retain. Whilst they are not listed, or within a conservation area, they could be considered a heritage asset. The highway authority requires that any buttresses removed are carefully taken up under supervision by the authority and delivered safely to one of the authority's depots for re-use as appropriate or that are re-used in the applicant's new retaining wall along the site frontage.

All the above matters relating to the retaining wall can be addressed with appropriately worded conditions.

Construction phase

Given the location of the site close to the junction with Keighley Road, the limited capacity for on-road parking on Carry Lane and no existing vehicular access/off-road parking a Construction Traffic Management Plan will be required and the site access and internal area will need to be constructed prior to commencement of any work to the dwelling to accommodate the construction vehicles, material storage and operative parking.

The applicant should note that a Section 278 legal agreement with Lancashire County Council and a Street Works permit will be required prior to the commencement of any works and traffic management will be required on Carry Lane. A surface water drainage scheme for the construction period and for the permanent works will be required. No connections to the highway drainage system in Carry Lane, including into the drainage channel, will be permitted.

Car & cycle parking

No 18 Keighley Road is a five-bed property with no associated off-road parking currently. The annex will provide four bedrooms. The proposed parking area will provide three offroad car parking

spaces which aligns with the Pendle Borough council's Parking Standards for 4+ bedrooms. There is limited on-road parking on Keighley Road and we would expect the generous sized parking area to provide off-road parking for both No 18 and the annex.

Secure, covered storage for at least two cycles should be provided for the annex in line with the borough council's Parking Standards to ensure the development supports sustainable forms of transport. An electric vehicle charging point should be included within the development to promote sustainable forms of transport. This shall be fitted in line with the Dept for Transport's 4 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.

Conclusion

To conclude, based on the additional plans submitted the highway authority considers that adequate visibility splays can be achieved from the re-positioned access which will be fully provided over land in the applicant's ownership and/or the public highway network.

We would request that the driveway is amended to provide a maximum gradient of 1:10 rather than the 1:8 which is proposed and that a refuse collection point is added. Subject to this we would raise no objection to the proposal.

If the local planning authority is minded to approve the application the following conditions and informative notes should be applied to any formal planning approval granted.

Conditions

1. No development shall take place, including any works of demolition or clearance, until a Construction Traffic Management Plan including site plan 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 and mechanical road sweeping provision
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from site clearance and construction works, including all earthworks
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site
- x) Timing of deliveries
- xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties. Reason: In the interest of highway safety.

2. No development shall take place until the construction site access details and removal of the existing retaining wall and re-grading of the ground within the site have been submitted for approval and subsequently the works shall be implemented with the visibility splays provided prior to first use. Reason: For highway safety.

3. No development shall take place until a detailed scheme design for the new retaining wall along the site frontage/Carry Lane, including the removal or re-use of the buttresses, the tie-in detail on the southern edge and the details of the construction paving or landscaping of the area between Carry Lane and the newly aligned wall has been submitted to, and approved by, the Local Planning Authority. The works shall be completed prior to the first use of the site access. Reason: To ensure the works 5 safeguard the structural integrity of the adopted highway network during the demolition and construction phase of the development.

4. No part of the development hereby approved shall commence until a detailed scheme for the construction of the permanent site access 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 paving of the access for at least 5m, gates set back by at least 5m from Carry Lane and the piping of surface water across the drainage channel. 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.

5. The surface water from the approved vehicle access onto Carry Lane shall be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

6. No building or use hereby permitted shall be occupied or use commenced until visibility splays measured 2 metres back from the centre line of the access and extending 34 metres to the North West and 30 metres to the South East offset by 1 metre from the carriageway edge on Carry Lane have been provided at the new access. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development. Reason: To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety.

7. Notwithstanding details submitted, within three months of the grant of planning permission a car parking and manoeuvring scheme shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority for the provision of a minimum of four off-road parking spaces and manoeuvring area to allow all vehicles to enter and leave the site in forward gear. The scheme shall be provided in accordance with the approved plan prior to first occupation and shall remain available for parking and manoeuvring in perpetuity. Reason: To ensure an adequate level of parking provision to prevent vehicles from parking on-road which would be detrimental to highway safety.

8. Prior to first occupation of the approved development a bin collection point within the access from Carry Lane shall be provided in accordance with a scheme to be approved by the Local Planning Authority. Reason: To prevent bins from being stored on the public highway where they could pose a hazard to other highway users.

9. Prior to first occupation of the approved development an electric vehicle charging point 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.

10. Prior to first occupation of the approved development secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter. Reason: To ensure that the development supports sustainable forms of transport.

11. The detached residential property hereby approved shall only be used ancillary to the enjoyment of the existing dwelling (18 Keighley Road) and shall not be used by way of sale or sub-letting to form separate residential accommodation. Reason: To avoid the creation of separate dwellings which may be substandard in terms of parking provision and/or vehicular manoeuvring area, including the loss of off-road parking for 18 Keighley Road.

Informative notes

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, the piping of surface water across the access, removal of the stone buttresses, details of the new retaining wall, tie-in details to the southern end of the wall, and details of the construction paving or landscaping of the area between Carry Lane and the newly aligned wall. 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. Before proceeding with the scheme preparation the developer should consult with Lancashire County Council for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include any retaining wall supporting land or property alongside the highway. The applicant should contact the county council in the first instance for further information by email on Bridge.Engineering@lancashire.gov.uk to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.
3. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.
4. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways 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.

Parish/Town Council

Having reviewed this property and its recent development, the Town Council is disappointed in the treatment and complete lack of respect for a non-designated heritage asset within the CNDP.

Public Response

The nearest neighbours have been notified by letter and one response has been received supporting the application. This is summarised below:

- Proposal would result in a significant improvement in the current state of the property and its surroundings
- The property has been neglected by previous owners and urges the council to look kindly upon the applicant in this regard and their inherited mess.
- Provides essential parking to the rear which would avoid dangerous on-road parking near the junction.

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. 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.

Para 216 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

Colne Neighbourhood Plan, in particular Policy Colne CNDP3 that lays down the Design Code to support quality of design and materials and policy CNDP4 for development affecting Non-Designated Heritage Assets.

Officer Comments

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

Design and Heritage

The proposal seeks to do alterations to the existing dilapidated outbuilding to convert it into ancillary living accommodation. This would include erection of a new slate tiled pitched roof to the building which currently have no roof. The new roof would have two roof lights on the southern roof slope towards the rear garden and one roof light to the northern roof slope towards the main

house. The proposal would brick up a door and window on the southern side elevation and one window on the eastern elevation.

There are existing stone surround openings for four windows on the front, where new UPVC windows would be installed. The main building currently has UPVC windows on its prominent elevations towards Carry Lane. As such the proposed design and materials of the proposed development would not result in any unacceptable impact on the character of the building and its surroundings subject to acceptable finishes and colours of the materials secured through condition.

The proposal also seeks to form a walled patio and garden to the southern side of the outbuilding, a new parking and turning area at the southern end of the site and a new footpath leading down to the parking area from the patio. A new access would be created to the proposed parking area from Carry Lane through a new gated entrance. The existing dry stone retaining wall along Carry Lane would be replaced by a new dry stone retaining wall which would meet the visibility splay requirements for the new access. The existing retaining wall has solid stone buttresses which are a unusual historic detail that would need to be retained in the design of the new retaining wall. To ensure that the design of the new retaining wall, the access and the gate are sympathetic to the character of the area and the non-designated heritage asset a condition requiring details is suggested to be added to any approval.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, policies CNDP3 and CNDP4 of the Colne Neighbourhood Plan, Paragraph 216 of the NPPF and the Adopted Pendle Design principles SPD.

Residential Amenity

The outbuilding is separated from the rear elevation of the main building by circa 4m. No additional massing to the outbuilding is proposed externally as part of the proposal, except the replacement roof. The outbuilding would only have windows facing Carry Lane. These windows would be bedroom windows at the ground floor and lounge windows at the lower basement floor level. The ground floor windows would face the rear elevation of 4 Peter Birtwistle Close across Carry Lane at circa 15m and side elevation of No.3 at circa 23m. No.4 is significantly higher than Carry Lane with a retaining wall and boundary wall along its boundary. Considering the difference in levels and that the view is across a public highway the proposed bedroom windows would not result in any unacceptable loss of privacy to the occupants of No.3 or 4 or their gardens.

The development would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property. Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Highways

The Highways authority initially objected to the proposal due to the inadequate visibility splays on Carry Lane from the proposed new access. Following this, additional plans have been submitted where the position of the proposed new access has been moved closer to the junction with Keighley Road. The new information submitted is found acceptable and LCC highways withdrew their objection.

The amended access arrangement will result in the Lancashire County Council retaining wall which bounds the site and Carry Lane being fully removed and the applicant will construct a new

retaining wall, on a new line, behind the visibility splays. This new retaining wall will be on the applicant's land and will be within their ownership, and they will be responsible for the future maintenance of the wall. LCC highways requests conditions for a Construction Traffic Management Plan, details of the new retaining wall and access, visibility splay, surface water drainage scheme, car parking plan, EV charging point and cycle store, and the details of a bin collection point to be added to any approval.

LCC Highways also recommends that a condition is applied to any formal planning approval granted that the outbuilding is only used ancillary to the main dwelling to ensure that adequate car parking and manoeuvring areas are retained on site. However, such a condition would be unnecessary and would not pass the 6 tests of planning condition, since planning permission would be required to use the outbuilding as an independent residential unit and any such application would consider the parking provision and highway impact.

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:

- WOOD/02 Dwg 01 Location plan
- 25021-DR-C-0800 P2 Proposed Site Access Layout
- WOOD/02 DWG 05 Existing and Proposed Site Sections
- WOOD/02 DWG 04A Proposed Plans and Elevations

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

3. Notwithstanding any indication on the approved plans and application form, prior to any external works commencing, samples of all the external materials and finishes to be used on the elevations and roof shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

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;
 - b. all proposed boundary treatments with supporting elevations and construction details;
 - c. all proposed hard landscape elements and pavings, including layout, materials and colours;
- The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development.

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

5. No development shall take place, including any works of demolition or clearance, until a Construction Traffic Management Plan including site plan 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 and mechanical road sweeping provision
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from site clearance and construction works, including all earthworks
 - viii) Details of working hours
 - ix) Routing of delivery vehicles to/from site
 - x) Timing of deliveries
 - xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

6. No development shall take place until the construction site access details and removal of the existing retaining wall and re-grading of the ground within the site have been submitted for approval and subsequently the works shall be implemented with the visibility splays provided prior to first use.

Reason: For highway safety.

7. No development shall take place until a detailed scheme design for the new retaining wall along the site frontage/Carry Lane, including the removal or re-use of the buttresses, the tie-in detail on the southern edge and the details of the construction paving or landscaping of the area between Carry Lane and the newly aligned wall has been submitted to, and approved by, the Local Planning Authority. The works shall be completed prior to the first use of the site access.

Reason: To ensure the works 5 safeguard the structural integrity of the adopted highway network during the demolition and construction phase of the development.

8. No part of the development hereby approved shall commence until a detailed scheme for the construction of the permanent site access and gate 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 paving of the access for at least 5m, gates set back by at least 5m from Carry Lane and the piping of surface water across the drainage channel.

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.

9. The surface water from the approved vehicle access onto Carry Lane shall be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

10. No building or use hereby permitted shall be occupied or use commenced until visibility splays measured 2 metres back from the centre line of the access and extending 34 metres to the North West and 30 metres to the South East offset by 1 metre from the carriageway edge on Carry Lane have been provided at the new access. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety.

11. Notwithstanding details submitted, within three months of the grant of planning permission a car parking and manoeuvring scheme shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority for the provision of a minimum of four off-road parking spaces and manoeuvring area to allow all vehicles to enter and leave the site in forward gear. The scheme shall be provided in accordance with the approved plan prior to first occupation and shall remain available for parking and manoeuvring in perpetuity.

Reason: To ensure an adequate level of parking provision to prevent vehicles from parking on-road which would be detrimental to highway safety.

12. Prior to first occupation of the approved development a bin collection point within the access from Carry Lane shall be provided in accordance with a scheme to be approved by the Local Planning Authority.

Reason: To prevent bins from being stored on the public highway where they could pose a hazard to other highway users.

13. Prior to first occupation of the approved development an electric vehicle charging point 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.

14. Prior to first occupation of the approved development secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

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

Informative notes

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, the piping of surface water across the access, removal of the stone buttresses, details of the new retaining wall, tie-in details to the southern end of the wall, and details of the construction paving or landscaping of the area between Carry Lane and the newly aligned wall. 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. Before proceeding with the scheme preparation the developer should consult with Lancashire County Council for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include any retaining wall supporting land or property alongside the highway. The applicant should contact the county council in the first instance for further information by email on Bridge.Engineering@lancashire.gov.uk to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.
3. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.
4. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways 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: 24/0505/HHO

Proposal: Full: Conversion and alteration of existing outbuilding to form ancillary accommodation, driveway and access.

At 18 Keighley Road, Colne, Lancashire

On behalf of: Mr C. Wood

REPORT TO COLNE COMMITTEE ON 3rd of APRIL 2025

Application Ref: 25/0018/FUL

Proposal: Full: Demolition of outbuildings and the erection of a two-storey extension to the Parish rooms with an access ramp including minor internal alterations and improvements.

At Church Rooms, Saint Bartholomews Church, Church Street, Colne

On behalf of: Mrs M Grucamp

Date Registered: 14.01.2025

Expiry Date: 11.03.2025

Case Officer: Athira Pushpagaran

This application has been called to committee by the Chair.

Site Description and Proposal

The application site is the Grade II listed parish rooms of building of St Bartholomews Church. Its listing entry identifies it as the Sunday school adjacent to St Bartholomew's Parish Church. It is situated within the churchyard of the Grade I listed Saint Bartholomews Church, which also contains a Grade II listed medieval Cross. It is situated within the settlement boundary of Colne, in the heart of its town centre and within the Albert Road Conservation Area. The main access is from Church Street. The church rooms adjoin the eastern boundary of the site adjoining Ivegate.

The proposed development is the demolition of outbuildings and the erection of a two-storey extension to the Parish rooms with an access ramp including minor internal alterations and improvements. This would house an office store and lift on the ground floor and a bathroom upstairs along with the new staircase. The proposal is to enhance accessibility and facilities for the secular and community activities associated with the church called the Centre of Hope.

Relevant Planning History

13/06/0598P Full: Erect two storey extension and disabled access ramp (Renewal). Approved with Conditions. 2006

13/06/0599P Listed Building Consent: Demolish lean-to extension and outbuildings and erect two storey extension and disabled access ramp. Approved with Conditions. 2006

13/01/0382P Erect two storey extension and disabled access ramp. Approved with Conditions. 2001

13/01/0383P Listed Building Consent to demolish lean-to extension and outbuildings and erect two storey extension and disabled access ramp. Approved with Conditions. 2001

13/00/0110P Erect two storey extension and disabled access ramp at. Refused. 2000

13/00/0111P Listed building consent to demolish lean-to extension and outbuildings and erect two storey extension and disabled access ramp at. 2000

13/94/0535P Listed building consent to attach plaque to frontage adjacent ground floor doorway. Approved with Conditions. 1994

LB/0194/GD2 Sunday school adjacent to St Bartholomew's parish church, Church Street. Listed. 1988.

Official list entry: Built as town's first grammar school. A triangular pediment with oval panel is inscribed THIS / Grammar School / was erected by voluntary subscription / 1812. Stone with ashlar quoins and dressings. Slate roof. Two storeys. Symmetrical 5-bay composition, ground floor windows with plain surrounds, first floor windows have semi-circular heads with keystone and impost. Deep stringcourse between floors and quoins in strong relief.

Consultee Response

Highways

Initial comments:

Having reviewed the documents submitted, together with site observations, Lancashire County Council acting as the highway authority makes the following initial comments. The principle of the development is acceptable and, once completed, the development is unlikely to have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

However, there are significant concerns regarding the demolition and construction phases as outlined below. The highway authority therefore requests additional information to demonstrate that the development can be constructed without having an unacceptable impact on highway safety on the surrounding highway network and its users.

Site access

There is only one vehicular access to the site which is from Church Street (A56). Church Street is one of the main access routes into the town centre. It is heavily trafficked by both vehicles and pedestrians and is also the main bus route into the centre. The section of Church Street on the approach to the access is narrow, being only one vehicle wide. The access is also immediately adjacent to the access to Ivegate and opposite a central carriageway island which provides a means of pedestrian crossing and refuge and also separates traffic flows on the one way system through the town centre. In addition, the footway is built out with a right angled, kerbed edge with bollards along the edge to prevent vehicles overrunning.

Construction phase

Due to the site's access location on a traffic sensitive road the highway authority requested a Construction Method Statement (CMS) to demonstrate how the development would be constructed given the limited access arrangements and constrained physical nature of the site. This document was submitted on 29 January 2025. Whilst the CMS has provided some information of how the development will be serviced during the construction phase it has not fully addressed the highway authority's concerns. Therefore, the following additional information is requested. (The relevant section of the CMS is referred to in brackets):

- A site plan showing the location of the site compound (section 9), skips (section 7), turning/manoeuvring area for 3.5 tonne rigid/flatbed vehicles (section 5).
- A swept path plan for a 3.5 tonne rigid/flatbed vehicle at the access from Church Street and within the site to demonstrate that such a vehicle can enter and leave in forward gear.
- Confirmation that the development can be constructed and fitted out only using vehicles no larger than 3.5 tonnes.

The highway authority stresses that no deliveries, loading or unloading will be permitted from the public highway. Whilst the main part of the construction works will take place internal to the site, demolition works and the construction of the outer wall of the extension facing onto Ivegate may

have an impact on the highway network and its users. If it will be necessary to temporarily close part of the footway or erect scaffolding then the applicant will need to obtain the relevant permits from the county council's Highway Regulations Team.

Further comments (12.02.25):

An updated Construction Method Statement and Compound Area Plan (Drawing No 7) were submitted on 11 February 2025.

Having reviewed the above documents, in addition to those originally submitted, the highway authority recommends that, if planning permission is granted, both of these documents are provided to prospective contractors during the tendering process. This is so that they are fully aware of the physical constraints of the site's access, limited internal site operating area and that no deliveries, loading or unloading will be permitted from the public highway.

To ensure that any construction or demolition works do not have a detrimental impact on the condition of the surrounding highway network, in particular the stone flagged footways on Church Street and Ivegate, a pre-commencement survey should be undertaken.

A similar survey should be carried out once a month for the duration of the development and temporary repairs made as necessary. Within one month of the completion of the development the developer shall make good any damage to the footways to return these to a minimum of their pre-construction state.

If planning permission is granted the following conditions and informative note should be applied to any formal planning approval granted, in addition to the approved documents.

Conditions

1. Prior to the start of the development, a joint survey shall be carried out between the developer and the planning authority (in consultation with the highway authority) to determine the condition of the stone flagged footways on Church Street and Ivegate. A similar survey shall be carried out once a month for the duration of the development and temporary repairs made as necessary. A final inspection shall be carried out within one month of the completion of the development, and the developer shall make good any damage to the footways to return these to their pre-construction state as required. Reason: In the interest of highway and pedestrian safety.

2. Notwithstanding the approved Construction Method Statement submitted prior to commencement of the development a site layout plan shall be provided showing the location for the loading/unloading of plant and materials, the location of storage areas for plant and materials; the location of skips; the turning/manoeuvring area for delivery vehicles. The plan shall be approved in writing by the Local Planning Authority in consultation with the Highway Authority and the development carried out thereafter in accordance with the approved plan. Reason: In the interest of highway safety so that the development does not have a detrimental impact on the surrounding highway network.

3. Prior to the commencement of any development a swept path plan shall be provided for the largest vehicle expected to service the site demonstrating that such a vehicle can enter the site safely from Church Street in forward gear, can turn within the site and exit in forward gear. Reason: In the interest of highway safety.

Informative note

The grant of planning permission may require the applicant to obtain the appropriate permits to work on, or immediately adjacent to, the highway network maintained at public expense. The applicant should be advised to contact Lancashire County Council's Highways 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.

Parish/Town Council

The Town Council supports this project for a community building to be brought into 21st century but must object to the application as it currently stands. The Town Councillors must ensure that the important archaeology and heritage is preserved. This is an extremely sensitive site, lying, as it does, between a Grade 1 Listed church and a Grade II Listed former Grammar School and directly over a medieval charnel house. The Town Council hopes that a satisfactory solution can be reached in a future iteration of this scheme.

Historic England

Significance

The Parish Rooms building was built as a grammar school in 1812, located in the market town and civil parish of Colne in Pendle, Lancashire. It is a late Georgian, classical two-storey building constructed of local stone with ashlar quoins, semi-circular headed windows, and a slate roof. The former grammar school is considered nationally important for its architectural and historic interest with much of the exterior remaining unaltered. It is also significant based on its setting. The building sits within the churchyard complex of Grade I listed St Bartholomew's Church, at the heart of Colne town centre and within the wider Albert Road, Colne Conservation Area. The structure is closely associated in spatial and functional terms with St Bartholomew's Church and the medieval cross also within the churchyard, with all three making a very strong contribution to the character of the conservation area.

Impacts

The proposal seeks to demolish the outbuildings attached to the Parish Rooms and erect a two-storey extension with an access ramp including minor internal alterations and improvements. Historic England are supportive of plans that will ensure the building can be used and accessed by all as a community space. We have no objection to the massing for the new proposed extension which is two-storeys with the second storey set back from the front elevation. However, we do have concerns with the design details for the proposed door and screen. The details of the original building are copied well for the main body of the extension and given the high quality of historic fabric, we feel the proposed entrance door and screen need extra refinement to reflect that. We do not feel aluminium is an appropriate material in this case given the design proposal and it would detract from the high-quality streetscape and character of the graveyard complex which sits in the heart of the town centre.

Additionally, we recognise the potential for below-ground archaeology on the site of the proposed extension, as we understand there may be a Charnel House in this location. The full impacts on below-ground archaeology should be fully understood, we advise you to discuss this with the County Archaeologist.

Policy

National policy relating to the conservation and enhancement of the historic environment is articulated in section 16 of the National Planning Policy Framework (NPPF, December 2024). These policies state that assets should be conserved in a manner appropriate to their significance (NPPF, 202).

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance (NPPF, 207). Local authorities

should take the significance of an asset into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (NPPF, 208).

In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and the desirability of new development making a positive contribution to local character and distinctiveness (NPPF, 210).

When considering the impact of proposals on the significance of an asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be, irrespective of the level of potential harm (NPPF, 212). Where it is identified that harm will be caused, the decision maker should be satisfied that this is supported by a clear and convincing justification (NPPF, 213) and that the public benefits that it would bring about would outweigh the harm (NPPF, 215).

Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (NPPF, 219).

Position

Historic England is broadly supportive of the proposal to build a higher quality, accessible extension. We have minor concerns with the proposed design and advise amendments are sought to ensure the design details reflect the quality of the Parish Rooms to retain the historic character of the graveyard complex. We also recommend you refer to the County Archaeology to explore the full implications on any below-ground archaeology.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

LCC Archaeology Service

The documents submitted with the application do not set out what the legal status of the proposed development site is and whether the churchyard here is still in use. It must be assumed that it forms part of the consecrated churchyard around the church, but it is probable that it would be considered to be a 'disused burial ground' under the terms of the Disused Burial Grounds Act 1884, even if it has not formally been closed by Order of the Privy Council. If it is not 'disused' then the Faculty Jurisdiction Rules of the Church of England appear to apply, and a Faculty from the Diocesan Chancellor will need to be obtained prior to any development. If it is 'disused' then either the 1884 Act and the Disused Burial Grounds (Amendment) Act 1981 or the Mission and Pastoral Measure 2011 and the Mission and Pastoral etc (amendment) Measure 2018 would appear to apply. The 1884 Act prohibits building in a disused burial ground, 2 except for the purposes of extending a place of worship and these provisions were only relaxed in relation to unconsecrated burial grounds in the 1981 amendment. The latter Measures can allow development which would otherwise be prohibited, although they still retain the rights of specified persons to make an overriding objection to the proposals in the same way that the 1981 Act does. Assuming no valid objections are made, special provisions for the development will need to be made in a pastoral scheme approved by the bishop.

We would also note that, given that this development is within the curtilage of a Grade I Listed Building, Historic England must be directly consulted on these applications.

The Site

The Church Rooms, originally a grammar school and later used as a museum and Sunday School, is a designated heritage asset – a grade II Listed Building – recorded on the Lancashire Historic Environment Record as PRN17417 and DLA5791. Built in 1812, it replaced an earlier school extant in the 16th century. It lies within the churchyard of the Church of St Bartholomew, also a designated heritage asset, a grade I Listed Building (PRN17416 and DLA5790), parts of which date to the 13th and 14th centuries. Works in the 1980s, to the north end of the former grammar school building, are reported (Harrison, Dorothy 1988 "History of Colne" p.100) to have revealed buried remains of a charnel house (a repository for human bones recovered when clearing or re-digging graves in the churchyard). A very brief report on works at the church in 2005 (PRN43547 and ELA3454: Neil N, summary of works in *PostMedieval Archaeology* 40:2 pp.360-1) stated that this 'rock-cut' charnel house was constructed in c.1830 and replaced an earlier one at the east end of the church, but we held no documentary evidence to support this.

Upon enquiring further about the charnel house from Mr Neil, a number of documents were obtained showing that the charnel house had been discovered during the construction of the kitchen at the north end of the parish rooms (then to be used as a museum) in August 1986. It was cut into the sandstone bedrock and is stated to have measured 23 feet 9 inches by 15-16 feet wide, and 'probably' 12 feet deep, being located at the base of an entrance shaft six feet deep. The chamber was aligned diagonally to the parish rooms, with the entrance shaft "... covered by a stone flag seven feet from the corner stones of the parish Room so that the south east quarter of the charnel house extended under the kitchen and north west corner of the Parish Room and Kitchen door jamb". The account of the discovery, by local historian H Hindle, also stated that this alignment and location "... convinced me that the charnel house must have been constructed at some time prior to the rebuilding of the Grammar School (Parish Room) in 1812 and not as James Carr [1874 "The Annals of Colne and Neighbourhood"] quoted - about 1830."

Comparison of a photocopy of a contemporary plan of the discovery (Rushworth J N, 1986) with the proposed development shows the charnel house extending under the existing kitchen and thus lying under the entrance ramp and office on the east side of the proposed new extension. Given the location of the charnel house and its intimate association with (and ownership by) the Grade I Listed church, it should probably be considered as at least 3 a curtilage listed structure (if not considered to be a component of the church) and thus a designated heritage asset of higher, rather than lower, significance.

The Applications

The heritage statement (HS, Stephen Haigh, 2024) accompanying the applications notes the discovery of the charnel house in the 1980s and that "it is believed" that the graveyard was subsequently cleared of burials. Unfortunately, no details of any such clearance have been provided, nor any indication of whether it included the charnel house and its associated remains or other parts of the proposed development area. Indeed, it appears probable that supporting evidence for the buried remains of the charnel house and any clearance is missing from the church records (as it was from ours and thus not provided to Mr Haigh), as the 'Site Survey Plan' (titled as drawing no. 01, Location and Block Plans, Project AHA/309/24/CPC) shows an amorphous area annotated "Approximate position of charnel house underground. This area subject to a ground investigation report prior to final designs".

Given the recent date of the supposed clearance and the legal constraints on dealing with human remains, the lack of records of that work is odd, and as such we will have to assume that this was an 'unofficial' and probably partial clearance. As such buried remains of the charnel house and

human remains (as charnel, other loose disarticulated remains and potentially as intact burials) may well be present within the proposed development site.

The HS correctly raises the potential of the proposed development to encounter human remains and the need for impacts to be mitigated through a suitable level of archaeological recording. Unfortunately, it is difficult, with the information available, to state with any certainty what form and level of mitigation would be appropriate, as it depends to a great degree upon what remains are present and their historic significance, as well as the impacts of the proposed works. The footprint of the proposed development does, as noted above, likely to contain remains of the charnel house and quantities of collected bones, and there could also be intact medieval and later burials that have survived the creation of the charnel house and any subsequent clearance. Whilst it is also possible that the proposed development area was been cleared of all remains in the later 20th century, this cannot be assumed.

Without this information on extant remains and an indication of the type and extent of foundations and other ground disturbance (such as a pit for the proposed lift) required, full assessment of the impact of the proposed development upon the significance of the remains is not possible. All that can be done at this point is to recommend that a full programme of archaeological investigation and recording is undertaken as part of the development. This could put the applicants in the position of having to commission and fund a full-scale archaeological excavation of the whole area affected by the proposed development, along with the post excavation analysis of a large quantity of human remains and the subsequent reporting and publication of the project – an expense that may well make the whole scheme financially unviable.

Given the new information that we have obtained, we would very strongly suggest that the present applications are withdrawn, and that further assessment and design work is undertaken to:

- (i) Provide more certainty on the 'clearance' of burials and the legal status of the site. (ii) To reduce (and preferably to remove) potential impacts of the scheme on buried archaeological material and human remains.
- (iii) To provide a proposed scheme of mitigation of unavoidable heritage impacts.

We would also recommend that any ground investigative work, as noted on the 'Site Survey plan' referred to above, is undertaken jointly by archaeologists and engineers – full geotechnical information can normally be obtained from an archaeological trench, but a simple geotechnical pit is usually very poor at revealing necessary archaeological information.

To this end we will attach, with this letter, the new information obtained from Mr Neil and elsewhere relating to the site, which was not previously available (from the Historic Environment Record) for Mr Haigh's heritage statement.

If this course of action is not followed, we can only recommend that a full archaeological planning condition is applied to any consents granted. The following wording is suggested:

Condition:

No excavation or ground disturbance works on the application site, including any required for clearance/demolition, site preparation, compounds, services, landscaping, etc. shall take place until the applicant, or their agent or successors in title, has secured the implementation of a full programme of archaeological investigation and recording works, to the standards and guidance set out by the Chartered Institute for Archaeologists prior to the commencement of any groundworks required for the development. This work must be carried out by an appropriately qualified and experienced professional contractor and in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority and shall include a methodology for dealing with human remains (including any legal requirements) and a contingency plan for the unexpected discovery of particularly significant remains. These works shall include the compilation of a formal report or reports on the works undertaken and the

results obtained, the provision of an appropriate publication, the appropriate deposition of the archive and the deposition of a copy of the report(s) with the Historic Environment Record. The development shall be carried out in accordance with the agreed details.

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

Note: Relevant archaeological standards and lists of potential contractors can be found on the ClfA web pages: <http://www.archaeologists.net> and the BAJR Directory: <http://www.bajr.org/whoseWho/>. 5 The council may also wish to consider including a condition requiring a time limit, such as prior to first occupation of the extended building, for the provision of initial reports on the works, up to and including the provision of a post-excavation assessment report (the first phase of any mitigation excavation reporting). We would, however, note that the specialist analysis required for a final excavation report and any publication can take significant time and it may not be practicable for such a time limit to apply to these items. It would be appropriate, however, for such a 'reporting condition' to require an appropriate timetable to produce and publish/deposit any final reports, archive, and any publication to be agreed in writing with the council.

The above advice is in accordance with National Planning Policy Framework (MoHCLG 2024) paragraphs 207-208 relating to the information provided with an application, the assessment of the significance of heritage assets impacted by a scheme and the minimisation of such impacts. Paragraphs 212-215 are relevant to appropriate decision-making and Paragraph 218 to a requirement for mitigation and reporting. Please note that the above comments have been made without the benefit of a site visit.

Growth Lancashire

(05.02.25)

Site Location

The application site is located in the grounds of the Church of St Bartholomew, adjoining the Church Rooms on the north elevation.

Designations

The Church Rooms is a Grade II listed building, list entry number 1361694. <https://historicengland.org.uk/listing/the-list/list-entry/1361694?section=official-list-entry>

The site is approximately 4m to the east of the Grade II listed Cross in St Bartholomew's Churchyard, list entry number 1243158. <https://historicengland.org.uk/listing/the-list/list-entry/1243158?section=official-list-entry>

The application site is approximately 10m to the east of the Grade I listed Church of St Bartholomew, list entry number 1073414. <https://historicengland.org.uk/listing/the-list/list-entry/1073414>

The site is located in the Albert Road 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: Listed buildings- Section 66 (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Conservation areas – Section 72(1)

In undertaking its role as a planning authority the Council, in respect to any buildings or land in conservation areas, should 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.

NPPF

P210 of the NPPF states in determining planning applications LPAs 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.

P212 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.

P213 states that 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.

P215 states 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.

P219 states that LPAs should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals which preserve those elements of the setting that make a positive contribution to the asset should be treated favourably.

Local Plan

Policy ENV1 - Protecting and Enhancing Our Natural and Historic Environments

Policy ENV2 - Achieving Quality in Design and Conservation

Albert Road Conservation Area Character Appraisal (1995)

Conservation Area Design and Development Guidance (2008)

Assessment

The site:

The application site is the Grade II listed Church Rooms, constructed as a Grammar School in 1812. In Classical style, it has a symmetrical west principal elevation with semi-circular headed windows and triangular pediment above the central windows. There are no door openings in the west elevation but evidence of a large entrance in the east elevation (now blocked). It is of interest as an early C19 purpose-built Grammar School in Classical style, illustrating its relative importance. It therefore makes a positive contribution to the conservation area.

The Grade I Church of St Bartholomew is of major importance as a medieval parish church with significant remaining fabric, primarily from the early C16. The application site is visible from the church facing east and is experienced within its enclosed churchyard at close range. The site makes a good contribution to the significance of the listed building, through its illustrative value as an historically associated building, and through its aesthetic value, in contrasting style and scale. Whilst it forms a strong visual contrast, it is of a style that mirrors the importance of the church.

The Cross is of interest as a medieval cross and it is sited approximately 4m to the west of the application site.

The proposal:

The proposal is for a two storey extension along the northern gable end of the Church Rooms. There would be an access ramp with railing across the west elevation facing towards the church. There is a small C20 lean-to extension in this location in matching materials which is slightly set-back from the listed building.

The elevation that contains the entrance and access ramp would be viewed alongside the principal elevation of the Church Rooms. This would contain a door and three windows. The first floor has been designed to enable the view of the first floor windows of the Church Room to be retained, by reducing the depth of the first floor, creating a lean-to on the front elevation. There is no set-back proposed.

I have read the submission documents, including the amended proposed plans.

The key heritage issues for the LPA to consider are:

1. Whether the proposal preserves the special interest of the listed church rooms, cross and church through development in their setting.
2. Whether the proposal preserves or enhances the character or appearance of the Albert Road conservation area.

Setting:

In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas, which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.

Impact on the Church Rooms:

The design of the proposed extension clearly takes into consideration the style of the host building, with kneelers and matching pitch proposed. It also allows for retention of the view through the first floor provided by the existing windows and this would not be obscured by the proposal.

However, I feel the design is at odds with the character of the host building, and reads more as a functional side or rear elevation, with the asymmetrical window arrangement and substantial ramp and railings to the frontage. When viewed alongside the host I feel this will mar appreciation of its status and well-balanced, Classical design. The utilitarian appearance is amplified somewhat by the lean-to created by the set-back at first floor.

Impact on the Cross:

I feel the proposal would read as an overtly modern intrusion into the otherwise well-preserved setting of the cross, due to the extension's proposed design.

Impact on the Church of St Bartholomew:

The church is experienced in its enclosed churchyard setting and views of the extension would be visible from the south facing towards the church and school rooms. Whilst this is not of a scale to compete with the church, I feel the design would be at odds with the character of the church and would read as a visual intrusion.

Impact on the character or appearance of the conservation area:

The location of the proposal would be visible from Church Street alongside the Church Rooms and church, and has the potential to cause a low level of less than substantial harm to the character and appearance of the conservation area, though this is lessened by being set back from the road, and views of the ground floor lean-to would be less prominent. It would however be visible from within the churchyard.

I feel the ramp and entrance would be better placed along the north elevation, keeping the main elevation alongside the church rooms of a more simple design.

I support the change in window and door material to timber, and feel the vertical emphasis and simplicity of the openings would be a successful contrast to the host building.

I feel the depth of the first floor extension, whilst clearly designed to mirror the style of the church rooms, may read slightly awkwardly. Whilst the changes to the amended scheme are positive, I do not feel they go far enough in ameliorating the harm, and there is no detail on design evolution to demonstrate alternative plans have been considered. I therefore do not feel there is clear and convincing justification for the harm caused.

Policy ENV1 of the Core Strategy states development should make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments. Development proposals should ensure that the significance of any heritage asset (including its setting) is not harmed or lost without clear and convincing justification.

Policy ENV2 states proposals should contribute to the sense of place and make a positive contribution to the historic environment and local identity and character.

The Conservation Area Design and Development Guidance states side extensions should usually be well set back from the front of the building and should normally reflect the roof form of the main building.

There is clearly a need for an extension given the existing storage requirements of the church, and I have no objection in principle to an extension in this location.

Conclusion / recommendation

As I am required to do so, I have given S66(1) and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 considerable weight in my comments. For the reasons identified above, the proposal, currently outlined in the submission documents, represents a low level of less than substantial harm to the Grade I listed Church of St Bartholomew, the Grade II listed Church Rooms and the Grade I listed Cross, and the character and appearance of the Albert Road conservation area. The proposal also causes a very low As such the proposal fails to meet the duty to preserve under the Act and would need to be considered by the LPA under P215 of the NPPF. If in undertaking that weighing exercise a positive balance cannot be achieved then the scheme would remain contrary to Chapter 16 of the NPPF, local policies ENV1 and ENV2 and the guidance contained in the Conservation Area Design and Development Guidance (2008)

PBC Environmental health

Request a condition for a Construction Method Statement and associated Informatives to be added to any approval.

Environment Officer Trees/Landscape

No objections or concerns

United Utilities

No response

PBC Engineering

No response

Public Response

The nearest neighbours have been notified by letter, a site & press notice have been displayed, with no response.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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

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

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

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

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.

Para 210 of the NPPF states in determining planning applications LPAs 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.

Para 212 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.

Para 213 states that 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.

Para 215 states 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.

Para 219 states that LPAs should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals which preserve those elements of the setting that make a positive contribution to the asset should be treated favourably.

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.

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

Officer Comments

The proposed development is an extension in the town centre of Colne, within the settlement boundary and within Albert Road conservation area. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Design and materials

The proposed development includes the demolition of existing single storey extensions to the north of the church rooms and erection of a two-storey extension in its place. The existing extension has a modern lean on element and much older (undated) flat roof element joined to it.

Design concerns were raised on the initial design and materials of the proposal and an amended scheme was submitted subsequently. A further design amendment was submitted following the council's concluding conservation officer's comments dated 05.03.25. The proposal in its current form has a pitched roof two storey element adjoining the boundary with Ivegate and a lean-on

single storey element to its west, facing the church. The first floor has been designed to enable the view of the first-floor windows of the Church Room to be retained, by reducing the depth of the first floor. The ridge of the two-storey element would be set below the eaves of the main building. Its roof pitch would align with that of the main building and include matching kneelers. Its gable end would be visible on approach from north along with the existing gable end of the main building which features a first-floor window with semi-circular head with a keystone and imposts.

The proposal also includes a ramp leading up to the entrance on the northern elevation and a new stepped access door on the western elevation, both featuring wrought iron balustrades. The extension would have four windows on the western elevation, with a vertical emphasis in their proportions. Additionally, a ground-floor window on the eastern elevation facing Ivegate would replace a smaller existing window in the same location. On the first floor it would have one window to the northern gable elevation. All existing windows are also proposed to be replaced with matching double glazed timber windows with paint finish.

There were concerns that the initially proposed ramp and substantial balustrade on the west elevation would detract from the host building's appreciation, compromising its well-balanced classical design and historic significance. The amended design repositioned the ramp to the northern elevation where it will not be prominent in the enclosed churchyard setting from where the church rooms, the church and the medieval cross are all experienced within close range.

The existing lean-on and flat roof extensions already appear utilitarian and are of different heights and depths creating a somewhat disjointed appearance. The proposed extension would replace these with a more cohesive design, while remaining subordinate to the main structure. It would not result in any greater impact on the character of the building and its surroundings.

The existing Beech hedge around the memorial garden to the north of the church rooms is proposed to be moved back to accommodate the proposed development. This would not result in any unacceptable impact on the character of the building or its surroundings.

The proposal would have natural blue slate on its roof, with stone kneelers, stone walls with ashlar quoins, timber windows and doors set into the wall. This matches the existing building, and the exact finishes, colours and textures can be ensured by condition.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, CNDP3 of the Colne Neighbourhood Plan, Conservation Area Design and Development Guidance SPD, and the Adopted Pendle Design principles SPD.

Heritage

The proposed development would result in a low level of less than substantial harm to the Grade I listed Church of St Bartholomew, the Grade II listed Church Rooms and the Grade I listed Cross, and the character and appearance of the Albert Road conservation area. However, it will be outweighed by clear public benefits, primarily through the improvement of facilities within the building for its use as the base for secular and community activities associated with the church, and also by making it more accessible for all users.

Therefore, the proposed development would be acceptable in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, CNDP3 of the Colne Neighbourhood Plan, paras 212, 213, and 215 of the NPPF and the Conservation Area Design and Development Guidance SPD.

Archaeology

Works in the 1980s, to the north end of the former grammar school building, are reported (Harrison, Dorothy 1988 "History of Colne" p.100) to have revealed buried remains of a charnel house (a repository for human bones recovered when clearing or re-digging graves in the churchyard).

The heritage statement prepared with the application mentions that the churchyard has since been cleared of all burials however no evidence of this is made available.

The footprint of the proposed development is likely to contain remains of the charnel house and quantities of collected bones, and there could also be intact medieval and later burials that have survived the creation of the charnel house and any subsequent clearance.

A pre commencement condition is therefore suggested to any approval for the implementation of a full programme of archaeological investigation and recording works, to the standards and guidance set out by the Chartered Institute for Archaeologists.

Residential Amenity

There would be no residential properties within 21m of any of the habitable room windows of the proposed extension. The development would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property or its gardens.

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

Highways

The only one vehicular access to the site is from Church Street which is one of the main access routes into the town centre. Concerns were raised regarding the narrow access immediately adjacent to Ivegate opposite a central carriageway island which provides a means of pedestrian crossing and refuge and also separates traffic flows on the one-way system through the town centre.

An updated Construction Method Statement and Compound Area Plan as requested by the highways authority were submitted following their initial comments. The highway authority recommended that, if planning permission is granted, both of these documents are provided to prospective contractors during the tendering process. This is so that they are fully aware of the physical constraints of the site's access, limited internal site operating area and that no deliveries, loading or unloading will be permitted from the public highway.

LCC also recommends a condition for a pre-commencement survey to ensure that any construction or demolition works do not have a detrimental impact on the condition of the surrounding highway network, in particular the stone flagged footways on Church Street and Ivegate. However this would not pass all the tests of planning conditions to be added to the approval.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be

compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan (received 13.01.25)
- 01 Location and Block Plans (received 15.01.25)
- 07 Compound Area Plan (received 11.02.25)
- 05 C Proposed Elevations (received 07.03.25)
- 04 C Proposed Plans (received 07.03.25)

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

3. Notwithstanding any indication on the approved plans and application form, prior to any external works commencing, samples of all the external materials and finishes to be used on the elevations and roof of the proposed development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area and character and appearance of the listed building and the Conservation Area.

4. Detailed plans and sections of the proposed windows and doors at a scale not less than 1:20, together with details of proposed finishes, shall be submitted to and approved in writing by the Local Planning Authority within one week of the first works on site. The development shall thereafter at all times be carried out in strict accordance with the approved plans.

Reason: To enable the Local Planning Authority to control the detail of the work and in order to protect and preserve the character of the Listed Building.

5. All proposed 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.

6. Prior to their installation, details of the proposed balustrades shall have been submitted to and approved in writing by the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area and character and appearance of the listed building and the Conservation Area.

7. The proposed development shall be carried out in strict accordance with the construction Method Statement submitted on 11.02.25 and is made available to prospective contractors during the tendering process.

Reason: In the interest of highway safety so that the development does not have a detrimental impact on the surrounding highway network.

8. Notwithstanding the approved Construction Method Statement submitted prior to commencement of the development a site layout plan shall be provided showing the location for the loading/unloading of plant and materials, the location of storage areas for plant and materials; the location of skips; the turning/manoeuvring area for delivery vehicles. The plan shall be approved in writing by the Local Planning Authority in consultation with the Highway Authority and the development carried out thereafter in accordance with the approved plan.

Reason: In the interest of highway safety so that the development does not have a detrimental impact on the surrounding highway network.

9. Prior to the commencement of any development a swept path plan shall be provided for the largest vehicle expected to service the site demonstrating that such a vehicle can enter the site safely from Church Street in forward gear, can turn within the site and exit in forward gear.

Reason: In the interest of highway safety.

10. No excavation or ground disturbance works on the application site, including any required for clearance/demolition, site preparation, compounds, services, landscaping, etc. shall take place until the applicant, or their agent or successors in title, has secured the implementation of a full programme of archaeological investigation and recording works, to the standards and guidance set out by the Chartered Institute for Archaeologists prior to the commencement of any groundworks required for the development.

This work must be carried out by an appropriately qualified and experienced professional contractor and in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority and shall include a methodology for dealing with human remains (including any legal requirements) and a contingency plan for the unexpected discovery of particularly significant remains.

These works shall include the compilation of a formal report or reports on the works undertaken, and the results obtained, the provision of an appropriate publication, the appropriate deposition of the archive and the deposition of a copy of the report(s) with the Historic Environment Record. The development shall be carried out in accordance with the agreed details.

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

Informative Note

The grant of planning permission may require the applicant to obtain the appropriate permits to

work on, or immediately adjacent to, the highway network maintained at public expense. The applicant should be advised to contact Lancashire County Council's Highways 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.

Relevant archaeological standards and lists of potential contractors can be found on the ClfA web pages: <http://www.archaeologists.net> and the BAJR Directory: <http://www.bajr.org/whoseWho/>.

Application Ref: 25/0018/FUL

Proposal: Full: Demolition of outbuildings and the erection of a two-storey extension to the Parish rooms with an access ramp including minor internal alterations and improvements.

At Church Rooms, Saint Bartholomews Church, Church Street, Colne

On behalf of: Mrs M Grucamp

REPORT TO COLNE AND DISTRICT COMMITTEE ON 03 APRIL 2025

Application Ref: 25/0035/OUT

Proposal: Outline (Major): Erection of 18 no. dwellings (Access only).

At: Land To The West Of Sheridan Road, Sheridan Road, Colne

On behalf of: Richard Roberts (SPV 1) Ltd

Date Registered: 21/01/2025

Expiry Date: 09/04/2025

Case Officer: Alex Cameron

Site Description and Proposal

The application site is a field located adjacent to the settlement boundary of Laneshawbridge between Sheridan Road and Alma Avenue. There are residential properties to the south, east and west and open land to the north, there is an existing access to the site to the west off Alma Avenue and a public right of way running up the western side of the land.

This is an outline application for access only for the erection of 18 dwellings.

Relevant Planning History

None

Consultee Response

LCC Highways – No objection in principle subject to mitigating measures being secured regarding the proposed development and therefore concludes that there are no highway grounds to support an objection as set out by the NPPF.

The access as proposed from Sheridan Road would provide a new turning head which would allow vehicles accessing existing dwellings on Sheridan Road to turn and exit in forward gear which would be an improvement on the existing arrangement.

Off-site highway measures can be taken to mitigate the increase in traffic on this section of Sheridan Road. This would include the widening of the carriageway to 5.5m from its junction with Vernon Road to the site access, the removal of two highway trees, with replacement planting being provided within the site, the removal of the grass verge and marginal widening of the footway along the southern side. The footway would need to be reconstructed to the highway authority's specification, including dropped tactile paved pedestrian crossings at the top of Vernon Road to aid pedestrian movements. A street lighting assessment would be required on Sheridan Road and at the junction of Vernon Road/Keighley Road.

If planning approval is granted the highway authority would seek improvements to the two bus stops on Keighley Road closest to the Vernon Road junction.

Request that all construction traffic use Alma Road and not Sheridan Road and would

seek to have this controlled by condition if planning approval is granted. Alternatively, the off-site carriageway widening works on Sheridan Road can be completed prior to commencement to ensure that access for construction vehicles is provided.

Request conditions for construction management plan, construction traffic access, off-site highway works, estate road management and maintenance, road engineering details, parking, cycle storage.

LCC Schools Planning – An education contribution is not required.

Lead Local Flood Authority – No objection subject to conditions for surface water drainage strategy, construction drainage management, surface water drainage management and maintenance, validation of surface water drainage.

United Utilities – No objection in principle to the drainage strategy, some changes are required to the detailed drainage design at the reserved matters / conditions discharge stage, recommend conditions for the detailed drainage scheme and management and maintenance.

PBC Environmental Health – Please attach a construction method statement condition and contamination note.

Lancashire Fire and Rescue – Comments related to Building Regulations.

Laneshaw Bridge Parish Council - The area surrounding Sheridan Road is already under pressure in terms of local services, including school places, healthcare facilities, and road capacity. Policy SDP6 requires that adequate infrastructure is in place to support new developments. The application fails to demonstrate how these additional demands will be met.

The proposed access arrangements raise significant concerns about traffic congestion and pedestrian safety. Policy ENV4 highlights the importance of safe, accessible, and well-connected developments. The additional vehicle movements generated by the development could exacerbate existing congestion issues on Sheridan Road and impact road safety for residents and pedestrians. Parking along Sheridan Road is already exceeding the capacity of the street. There is no potential for increasing parking. In the recent poor weather, a Lancashire County Council Gritting vehicle was stuck for a number of hours due to the constrained space for vehicular movements along Sheridan Road.

For these reasons the Parish Council does not support the application and recommends the application is refused.

Public Response

Press and site notices posted and neighbours notified – Responses received objecting on the following grounds:

- Sheridan Road / Vernon Road is unsuitable for access
- Alma Road is unsuitable for construction traffic access
- The development would lead to parking, access and highway and pedestrian safety issues
- The development would lead to access issues for emergency and waste collection vehicles
- Pedestrian safety risk for elderly residents and children
- Deterioration of the road surfaces
- Impact on the formal and informal public right of way
- Impact of protected trees

- Drainage and flood risk
- Impact on infrastructure and services
- Impact on wildlife
- Loss of recreational value
- Loss of privacy
- Brownfield sites should be developed instead

Officer Comments

This application is outline for access only and therefore only the access and principle of the development are considered at this stage.

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.

Policy LIV4 (Affordable Housing) required that developments of 5 or more dwellings provide 20% affordable housing.

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.

National Planning Policy Framework

Following changes to the method for calculating housing supply introduced by the revised National Planning Policy Framework published in December 2024 the Council has sufficient housing supply for 2.8 years. As this is below the 5 year supply requirement the Council is in a position of undersupply and the Council's housing policies are out of date. Paragraph 11 of the Framework requires that in this circumstance that applications for housing development are approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, this is referred to as the 'tilted balance'.

Principle of the Development

The proposed dwelling is located in a sustainable location with nearby access to services facilities and public transport and therefore is acceptable in principle in accordance with policy LIV1.

Affordable Housing

Policy LIV4 requires the provision of 20% affordable housing in Rural Pendle, this would be rounded down to three affordable dwellings for this development, three on-site affordable dwellings are proposed in accordance with this requirement.

Visual Amenity

This is an outline application for access only, in principle the development of this site for housing would appear as a natural infill between Alma Road and Sheridan Road, whilst it would develop an area of green field where there currently is no development, which would by definition result in some minor visual harm to the immediate setting, the development would appear as a natural part of the existing settlement and would not appear incongruous or result in harm to the wider landscape.

Heritage Impact

The proposed development may partially be visible from within Trawden Forest Conservation Area across the valley, however, as detailed above it would be seen in the context of the existing settlement and would not adversely affect the setting of the Conservation Area, the site is also sufficiently physically separated and screened from the Listed Almshouses, gate and Lidgett and Bents Conservation Area to the west to ensure that it would not affect the setting of those heritage assets.

Residential Amenity

In principle there is sufficient separation from adjacent dwellings to ensure adequate levels of privacy and that there would be no unacceptable overbearing of other residential amenity impacts from the development subject to a condition for construction management.

Highways and Access

The development is proposed to be accessed from Sheridan Road, numerous concerns have been raised regarding the use of that access due to the width of that access and existing issues with car parking.

However, the west end of Sheridan Road is currently a dead end with no provision for turning of vehicles. There are currently likely to be regular instances of vehicles needing to reverse back to Vernon Road to exit.

The proposed development would add a turning head to the west end of Sheridan Road, which would be of benefit to highway safety by addressing that issue.

It could be ensured at the reserved matters stage that the site has an adequate level of car parking to ensure that it does not result in additional on-street car parking.

Whilst the development would result in some additional traffic using Sheridan Road the impact could be offset by off-site highway works to widen the carriageway and footway by removing the grass verge on the southern side of the road from Vernon Road to the site access.

LCC Highways have advised that unless the widening works to Sheridan Road are carried out before the commencement of construction, construction traffic should use the Alma Road access. This can be controlled by condition.

The use of Alma Road as the sole access to the development has been discussed with the applicant and LCC Highways but it is considered that it would require significant engineering works to provide acceptable gradients and would impact upon the proposed drainage of the site and, as detailed above, the Sheridan Road access is acceptable and would be of overall benefit to highway safety and capacity of Sheridan Road.

It could be ensured at the reserved matters stage that pedestrian access through the site is maintained.

The development is acceptable in acceptable with policy ENV4.

Drainage

It has been acceptably demonstrated that the site can be adequately drained in a way that would not result in an increase in off-site flooding or unacceptable risk of on-site flooding in accordance with policy ENV7.

Trees

There is a group of protected trees adjacent to the west of the site including a good quality Sycamore Tree adjacent to the south western corner of the site, there are other unprotected trees of various size, species within adjacent gardens adjacent to the site.

Within the site there are four small low quality Goat Willow trees (category C and U) in the south west corner adjacent to the Alma Road access.

It could be ensured at the reserved matters stage that the layout of the development does not unacceptably impact on the surrounding trees.

The off-site highway works would involve the removal of two highway trees on Sheridan Road, there is no objection to the loss of the trees subject to acceptable replacement at a ratio of 2 for 1 within the site.

If construction traffic access is taken from Alma Road this would be likely to require removal of a category C Goat Willow, which is acceptable subject to replacement in the landscaping scheme.

The root protection area of a protected category A Sycamore to the north west of the access partially extends across the Alma Road access, however, the crown of the tree is physically separated enough from the access to ensure that it would not be likely to be directly impacted by

construction traffic and a condition for suitable surfacing to spread the load to protect the roots would ensure that the tree is not harmed by construction traffic.

The proposed development would therefore be acceptable in terms of its impact on trees.

Ecology

An ecology survey has been submitted with the application.

The land is identified as modified grassland of low distinctiveness.

No ground nesting birds were observed, the trees and dry stone walls could however be used by nesting birds.

No bat habitats have been identified however it is likely the boundaries of the site and adjacent gardens are used for commuting and foraging.

Three ponds within 270m of the site were identified as being potentially suitable for Great Crested Newts. Two have been investigated and no evidence of Great Crested Newts found, access to investigate the third, a small pond in a private garden 270m away from the site was refused. Taking into account the distance from the site and that Great Crested Newts have not been identified anywhere within Pendle previously, it is highly unlikely that they would be present and that this development would result in harm to Great Crested Newts.

No evidence of badgers was found. There is potential for hedgehogs and brown hares to occur within the site.

With a condition to ensure suitable mitigation and enhancement measures as recommended by the report the proposed development would not result in an unacceptable impact upon protected species.

Biodiversity Net Gain (BNG)

An assessment of the impact on biodiversity has established that the development would result in a 53% loss in habitat on-site. It is not feasible for a 10% uplift to be delivered on-site and therefore off-site habitat provision will be necessary. This can be ensured by the standard BNG condition and a condition for a Section 106 agreement for monitoring.

Planning Balance

The Council is in a position of housing undersupply and therefore the tilted balance applies to the consideration of this application, the benefits of the development and level of undersupply must be balanced against the adverse impacts of the development and the application approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

The development would provide economic and social benefits from contribution to the economy from the construction of housing, the provision of new housing and would contribute towards addressing the 2.2 year deficit in the borough's 5 year housing supply, it would also provide an affordable dwelling. Taking into account the scale of the development at 18 dwellings, those benefits would be modest. The development would not result in any unacceptable impacts, therefore the tilted balance weighs significantly in favour of the development. The proposed development is therefore acceptable.

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 access is acceptable and the development is acceptable in principle. 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. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, layout, scale and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 0500

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

4. 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). In the event of surface water discharging to the public surface water sewer, the rate of discharge shall be restricted to 15.03 l/s;
- (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. 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.

5. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed surface water sustainable drainage strategy shall be based upon the indicative surface water sustainable drainage strategy (November 2024 / 22455-DS-003

Revision 2 / Andrew Moseley Associates) submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL; vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates and groundwater levels in accordance with BRE 365.
- d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

6. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority. The details of the plan to be submitted for approval shall include

method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance. The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase.

7. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements. Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

8. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

9. The development shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the Local planning Authority. The Method statement must cover the topics detailed below:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from clearance and construction works
- Details of working hours
- Timing of deliveries
- Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- Construction site noise and vibration
- Control of burning onsite

The development shall be carried out only in strict accordance with the approved Construction Method Statement.

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

10. Prior to the commencement of the development a scheme for the construction traffic access shall have been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include, but not exclusively:

Should access be taken from Sheridan Road - off-site carriageway widening works on Sheridan Road.

Should construction traffic access be taken from Alma Road - measures to protect the adjacent trees to be retained.

The scheme, including any off-site highway works, shall have been completed in accordance with the approved details prior to the commencement of any other development on site and maintained for the full period of construction. There shall be no construction traffic access to or from the site other than from the approved access.

Reason: In the interest of highway safety and to ensure that trees are not harmed by construction traffic.

11. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved in writing by, the Local Planning Authority. The works shall be completed prior to first occupation of any dwelling. Works shall include, but not be exclusive to:

- The construction to an appropriate standard of a temporary site access from Alma Road and its re-instatement following the completion of the development;
- The construction of the permanent site access from Sheridan Road to an appropriate standard including 5.5m wide carriageway and 2m wide footways;

- The construction of off-site highway mitigation measures including:
 - o widening of the Sheridan Road (between Vernon Road and the site access/western extremity) spur carriageway to 5.5m;
 - o removal of the grass verge and two highway trees along the southern side of Sheridan Road from its junction with Vernon Road to the site access with replacement planting internal to the site (ratio 2 replacement trees for each 1 lost);
 - o widening of the footway along the southern side of Sheridan Road from its junction with Vernon Road to site access;
 - o provision of buff coloured, tactile paved dropped pedestrian crossings on Vernon Road;
 - o a street lighting assessment on Sheridan Road and Vernon Road at its junction with Keighley Road;
 - o raised bus border kerbs at two bus stops on Keighley Road nearest to Vernon Road junction;
 - o the construction of a central carriageway pedestrian refuge in Keighley Road.

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

12. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: To ensure that the infrastructure is maintained in the future

13. Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (Lancashire County Council's specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the infrastructure is constructed to a suitable standard.

14. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the infrastructure is completed in a timely manner.

15. Prior to the occupation of each dwelling the driveways and parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate parking provision is provided.

16. Prior to first occupation each dwelling shall have a secure cycle store for at a ratio of one cycle space per bedroom.

Reason: To support sustainable travel.

17. The development shall be carried out in strict accordance with the mitigation recommendations of the submitted Preliminary Ecological Appraisal. Prior to the occupation of the first dwelling an ecological mitigation scheme, including a timetable for implementation, shall have been submitted

to and approved in writing by the Local Planning Authority, the scheme shall thereafter be implemented in accordance with the approved timetable and maintained thereafter.

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

18. 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.

19. Three of the dwellings hereby approved shall be affordable housing. The affordable housing to be provided shall meet the definition of affordable housing in Annex 2 of The National Planning Policy Framework or any future guidance that replaces it. No dwelling hereby approved shall be occupied unless and until an affordable housing scheme has been submitted to and approved in writing by the Local Planning Authority. The affordable housing scheme shall include:

- i) the type, tenure and location on the site of the affordable housing provision to be made;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: in order for the development to contribute to the supply of affordable housing in accordance with the identified need.

20. 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 10% Biodiversity Net Gain and monitoring for a 30 year period.

Reason: To ensure the provision of 10% biodiversity net gain for a 30 year period.

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:

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

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 a temporary access from Alma Road to an appropriate standard, construction of the permanent site access from Sheridan Road and off-site highway mitigation works. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number. 2.

The setting of Public Footpath FP1304109 Colne may be affected by the proposed development. The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. The grant of planning permission does not entitle a developer to obstruct a right of way. Any proposals for the temporary diversion or closure of the above footpath should be made to Lancashire County Council's Public Rights of Way team before any development works begin. They can be contacted by email at PROW@lancashire.gov.uk – the location, district and planning application number should be included in any correspondence.

Application Ref: 25/0035/OUT

Proposal: Outline (Major): Erection of 18 no. dwellings (Access only).

At: Land To The West Of Sheridan Road, Sheridan Road, Colne

On behalf of: Richard Roberts (SPV 1) Ltd

REPORT TO COLNE AND DISTRICT COMMITTEE ON 06 MARCH 2025

Application Ref: 25/0027/FUL

Proposal: Full: Construction of a mortar filled stone wall (1.25m high) to replace existing dilapidated fencing, erection of new gate posts with improvements to the track.

At Access Track To Higher Standroyd, Bent Lane, Colne

On behalf of: Dr Mark Turner

Date Registered: 17.01.2025

Expiry Date: 13.03.2025

Case Officer: Negin Sadeghi

Referred to the committee due to the number of comments and objections received.

Site Description and Proposal

The application site consists of an access track leading to Higher Standroyd, situated off Bent Lane in Colne. The site is set within a rural area and includes public footpaths that pass along the track. The proposal seeks to replace an existing dilapidated fence with a 1.25-meter-high mortar-filled stone wall, install new gate posts, and make improvements to the access track.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

Having reviewed the documents submitted Lancashire County Council acting as the highway authority does not raise an objection in principle regarding the proposed development at the above location, subject to the following comments being noted. The highway authority has no comments to make regarding the construction of a stone wall to replace the existing fencing, nor the erection of new gate posts and gates. Neither of these affect the Public Footpaths (refs 13-04-214 and 13-04-215) which pass along the access track. The applicant proposes to make improvements to the access track leading from Bent Lane to their property. The extract below from the highway authority's records shows the extent of the highway maintained at public expense (sometimes referred to as 'adopted') shaded green. If the applicant intends to carry out any work within the public highway network, then appropriate permission will need to be obtained from the highway authority's Highways Regulation Team.

Parish/Town Council

The Town Council welcomes this application, which improves the ecology of the area, the boundary to the Lidgett Triangle (a Local Green Space designated in our Neighbourhood Plan) and a well-used footpath in the Lidgett and Bents Conservation Area.

Environment Agency: No response.

PBC Public Rights of Way: No response.

Public Response

Press and site notices were posted, and neighbouring properties were notified. A total of 15 responses were received.

Support (9 responses)

- Welcomes the restoration and improvement of the Lidgett Triangle and access track.
- Believes it will enhance biodiversity and benefit the community.
- Supports the use of traditional materials, such as dry-stone walls and grass verges.
- Considers the proposal a positive contribution to the conservation area.

- Approves of replacing the wire fence with a stone wall for aesthetic and functional improvements.
- Considers the restoration of verges as an enhancement to the track's original character.

Objections (5 responses)

Access and Manoeuvrability Concerns (4 comments)

- Concern that narrowing the track will restrict access for farm vehicles, emergency services, and large vehicles.
- States that existing easements protect the current track width and must be maintained.
- Believes the introduction of verges will create obstacles for vehicle and pedestrian movement.

- Raises concerns over the impact of the new wall on drainage and water flow.
- Suggests that flooding could occur without proper drainage solutions.

- Concern that a higher stone wall may obstruct visibility for pedestrians and vehicles.
- States that gravel surfacing may reduce traction, creating safety issues, particularly for disabled users.
- Suggests that grass verges could encourage irresponsible dog fouling.

- Asserts that changes to the track should comply with conservation and highway regulations.
- Questions the lack of proper impact assessments, such as pedestrian and highway safety surveys.
- Raises concerns regarding land ownership and the applicant's right to undertake modifications.

Relevant Planning Policy

Pendle Local Plan

Policy SDP1: Encourages sustainable development and reflects the presumption in favour of such development, as outlined in the National Planning Policy Framework (NPPF).

Policy ENV1: Aims to ensure high design standards that preserve or enhance the character of the area and its natural environment, minimizing the impact on biodiversity.

Policy ENV2: Seeks to protect and enhance the heritage and character of the Borough, promoting quality and design that is in harmony with its surroundings.

Saved Policy 31: Specifies the maximum parking standards for developments.

National Planning Policy Framework (NPPF)

The NPPF outlines the three dimensions of sustainable development: economic, social, and environmental, which should be balanced in the planning system. The guidance provides a holistic view of what constitutes sustainable development in practice.

Design Principles Supplementary Planning Document (SPD):
The SPD provides guidelines for good design, particularly for extensions and new developments.

Officer Comments

The application site lies in a conservation area. It relates to a 35m long section of land adjacent to an unmetalled track. The proposal is to erect a 1.25m high wall and replace existing galvanised gates with new galvanised gates.

The track currently has on it post and wire style fencing with an existing 7m wide entrance with two galvanised gates. There is also a stile for a footpath.

Design and Visual Impact

The proposed materials, including the mortar-filled stone wall, align with the character of the area and enhance the rural conservation setting. Replacing the existing wire fence with a traditional stone wall is in accordance with Policy ENV1 and Policy ENV2, promoting high standards of design in the area.

Impact on Designated Heritage Assets

The erection of a wall in the design proposed will relocate other similar forms of enclosure elsewhere in the conservation area. It would visually enhance the area and positively affect the significance of the heritage asset.

Highway Safety and Access

Concerns about the potential narrowing of the track and vehicle access are acknowledged. The applicant has no rights to block a public highway but is entitled to erect a 1m high wall on their land at any time. The application is effectively to allow an extra 0.25m highest on the top of a wall that would be permitted up to 1m high. The development has no impact on public highway safety. Any other issues of access onto private land are private matters and not for consideration in this application.

Impact on Public Rights of Way

The proposal does not adversely impact the public footpaths, as confirmed by the Highway Authority. There will be no obstruction or alteration to existing rights of way, making the development acceptable.

Drainage

Concerns have been raised about drainage. As detailed above the applicant is entitled to erect a

wall up to 1m in height without the need for planning permission. The addition of an extra 0.25m on top raises no drainage concerns. Works to the track are minor and will not impact any neighbour or the public adversely in respect of drainage.

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:

PROPOSED GATES DESIGN, PROPOSED STONE WALL DESIGN, SITE PLAN AND SUPPORTING INFORMATION (14 Jan 2025)

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

Application Ref: 25/0027/FUL

Proposal: Full: Construction of a mortar filled stone wall (1.25m high) to replace existing dilapidated fencing, erection of new gate posts with improvements to the track.

At Access Track To Higher Standroyd, Bent Lane, Colne

On behalf of: Dr Mark Turner

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 20th March 2025