

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

TO: COLNE & DISTRICT COMMITTEE

DATE: 05TH JUNE 2025

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To make a determination, or indicate what the decision would have been, on the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 05 JUNE 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

This application was deferred from the previous meeting.

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.

The application is now subject to an appeal for non-determination and so the Council cannot determine the application, however, the Council must submit a statement to the Planning Inspectorate setting out what the Council's decision would have been.

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.

Off-site highway works drawings have been submitted, whilst these are broadly acceptable the highway authority would require a detailed design, including a road safety audit to ensure that the proposed improvements are acceptable in road safety terms. Conditions are requested for this.

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 recommendations 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: That the Council inform the Planning Inspectorate that they would have approved the application

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 creepCalculations 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 5th JUNE 2025

Application Ref: 25/0118/HHO

Proposal: Full: Erection of a boundary wall to the rear and side elevations.

At 14 Snell Grove, Colne

On behalf of: Mr. Smith

Date Registered: 04/03/25

Expiry Date: 29/04/25 (Extension of time until 11/06/25)

Case Officer: Ian Lunn

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

Site Description and Proposal

14 Snell Grove is a semi-detached 'dormer' bungalow which occupies a corner plot on Snell Grove some 67 metres southwest of the junction of Snell Grove and Venables Avenue. The property is in the process of being altered and extended with the benefit of planning permission (see 'Relevant Planning History' section below) and on completion of those works will have white rendered walls, grey clad dormer windows and a grey concrete tile pitched roof. The dwelling is located within a residential area that forms part of the built-up area of Colne.

Planning permission is sought to construct a boundary wall/fence along part of the western, and the whole of the southern, boundaries of the property. This is to replace timber fencing that has since been removed. Formal approval is required for these works in this instance because sections of the new wall/fence will exceed two metres in height, and the remainder will exceed a height of one metre where it adjoins a highway used by vehicular traffic. Work has already commenced.

It is also the intention to construct timber double gates connecting the new wall/fence to the extended western gable of the dwelling. However, given their proposed position, and as the agent has advised that they will be 1.8 metres in height, these may be erected as 'permitted development'.

No details have been submitted of the proposals for the treatment of the eastern boundary of the property separating the rear garden with that of 16 Snell Grove next door. However, there is currently a condition attached to planning permission number 23/0204/HHO (see 'Relevant Planning History' section below) which requires the erection of a 1.8 metre high wall or fence here. Since this permission is being implemented it would be possible to enforce the requirements of this condition should it prove necessary to do so.

Relevant Planning History

Planning permission was granted on 30th May 2023 allowing for the property to be extended to the side and rear (planning reference no.23/0204/HHO). This approval also allowed for the erection of a new boundary fence along the part western boundary of the property and for the re-building of the boundary wall along the rear.

Consultee Comments

LCC Highways:- No objections

Colne Town Council:- Object. Consider that the proposal fails to satisfy the design requirements for new boundary treatment as set out in Policy USBF14 of the Colne Neighbourhood Plan.

Public Response

Surrounding residents were individually notified of this proposal by letter on 6th March 2025 giving them 21 days to comment. The statutory publicity period expired on 27th March 2025 but no representations have since been received.

Relevant Planning History

Pendle Local Plan Part 1: Core Strategy

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

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

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

National Planning Policy Framework (December 2024)

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

The Sections of the Framework that are specifically relevant to this development are:-

Section 12 (Achieving Well Designed Places) – This seeks to ensure the creation of high quality, beautiful and sustainable buildings and places considering this aim as fundamental to what the planning and development process should achieve. It also advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Section 15 (Conserving and Enhancing the Natural Environment) – This seeks to ensure that planning policies and decisions contribute to, and enhance, the natural and local environment and sets out the ways in which it expects this to be achieved.

Colne Neighbourhood Plan and Design Code

This has been prepared by Colne Town Councillors, local residents and key stakeholders. It forms part of the Council's adopted Development Plan and sets out the policies that the local community would like to see implemented in order to shape the future development of Colne up to 2030.

Policy CNDP3 (Design in Colne and the Colne Design Guide) is relevant to this proposal in so far as it provides general guidance on design considerations when assessing planning applications.

Policy USBF14 of the associated Design Code is also relevant setting out the design criterion against which proposals for new boundary treatment should be judged.

Supplementary Planning Guidance

Design Principles Supplementary Planning Document (SPD) - This includes guidance on proposals for new gates, walls and fences and sets out the criterion required to achieve good design.

Officer Comments

Principle

The proposal is acceptable in principle. It involves the erection of a means of enclosure around part of an established dwelling that is sustainably located within the identified settlement boundary of Colne.

Design

Policies ENV1 and ENV2 of the Core Strategy, Sections 12 and 15 of the NPPF, Policy CNDP3 of the Colne Neighbourhood Plan and the Council's Supplementary Planning Document 'Design Principles' collectively require development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design. This proposal will meet the requirements of these policies/this guidance for the following reasons.

The new wall/fence is acceptable in scale terms. It will stand between 1.8 and 2.2 metres high, only marginally higher than the 1.8 metre high fence that previously existed along the western boundary. It will also appear subservient to the main property as it will be of a significantly lesser height, will be physically detached from it and will be set back from the main front wall.

The development is also of an acceptable design. It is to be constructed of white rendered blockwork with grey composite timber panels set in between the new pillars, materials that will match those used in the construction of the enlarged host dwelling.

Colne Town Council have objected to the proposal on the grounds that it fails to satisfy the requirements of Policy USBF14 of the Colne Neighbourhood Plan Design Code which relates to proposals for new boundary treatment. However, a refusal on these grounds could not reasonably be sustained in this instance. The policy states that:-

- a) panel fencing along publicly visible boundaries is considered inappropriate and should be avoided.*
- b) traditional stone walls should be retained and reinforced with the line of other boundary treatments,*
- c) the replacement of walls and hedges with alternative fencing should be restricted and only allowed where appropriate*

However, whilst the new boundary treatment will be publicly visible and will include new fencing panels, the latter will only form part of the overall development and are considered to be in scale and keeping both with that development and the surrounding area. It should also be borne in mind that the new wall/fence will replace a timber fence that previously existed along this boundary. The boundaries enclosing this property were not previously occupied by stone walls or hedges so points (b) and (c) are not relevant in this case.

Impact on Neighbours

Development of this nature needs to be designed and positioned so that it does not significantly affect the daylight or amenity space of neighbouring properties. In this case the proposal will satisfy this criterion for the following reasons.

The wall/fence to be erected on the southern boundary will be 2.2 metres high, will not allow light to pass through it and will stand approximately 5.4 metres from the gable of 12 Snell Grove to the south. The facing gable of no. 12 contains two ground floor windows and a glazed door serving a kitchen and the development will inevitably have some effect upon the level of light that all of these currently receive. However, these are secondary openings and there is another window serving that room in the rear elevation of the bungalow that will be largely unaffected by the development. It should also be borne in mind that the current planning approval allows for the erection of a replacement 1.8 metre high boundary wall along the same boundary (see planning permission no. 23/0204/HHO). On this basis it is concluded that the development will not affect the level of light that these openings receive to the extent that a refusal of this proposal could reasonably be justified on light loss grounds.

Highway Safety

The proposal will not give rise to any highway safety concerns, a view supported by County Highways. Siting the wall/fence in these positions will not have any significant impact on the parking/turning arrangements currently available to the property and will not inhibit the visibility of vehicles entering Snell Grove via the existing access either.

The new wall/fence will affect the visibility of vehicles entering the adjoining highway from the driveway serving 12 Snell Grove next door. However, visibility here was previously impeded by a fence of similar height so in highway safety terms the situation will not be significantly different. It should also be borne in mind that Snell Grove is an estate road that is unlikely to be experiencing significant vehicular use and where, because of its layout and relatively short length, vehicles are unlikely to be travelling very quickly.

The proposal is therefore in accordance with the relevant requirements of the Council's 'Design Principles' SPD in highway safety terms.

Reason for Decision

The proposal is acceptable subject to the imposition of the conditions specified below. The recommendation to grant planning permission has been made because the development is in accordance with the policies and proposals in the Pendle Local Plan Part 1: Core Strategy; the National Planning Policy Framework; the Colne Neighbourhood Plan and the Council's 'Design Principles' SPD, as set out in the 'Relevant Planning Policy' section above and there are no material considerations to outweigh the presumption in favour of such development.

Recommendation: Approve

Subject to the following conditions:

1. The development hereby permitted shall be carried out in complete accordance with the following approved plans unless variation from those plans is required by any other condition of this approval:

2503 - LP01 Rev A - Location Plan and Block Plan
2503 – LP02 - Existing and Proposed Elevations

Reason: For the avoidance of doubt and in order to comply with the requirements of Policies SDP1, ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy; Sections 12 and 15 of the National Planning Policy Framework; Policy CNDP3 of the Colne Neighbourhood Plan, and the relevant requirements of the Council's 'Design Principles' SPD.

2. The boundary walls hereby approved shall be rendered the approved colour within three months of the date of this permission and shall thereafter be satisfactorily retained at all times.

Reason: In the interests of visual amenity in accordance with the requirements of Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy; Sections 12 and 15 of the National Planning Policy Framework; Policy CNDP3 of the Colne Neighbourhood Plan and the relevant requirements of the Council's 'Design Principles' SPD.

Application Ref: 25/0118/HHO

Proposal: Full: Erection of a boundary wall to the rear and side elevations.

At 14 Snell Grove, Colne

On behalf of: Mr. Smith

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 01st May 2025