

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

TO: COLNE & DISTRICT COMMITTEE

DATE: 03RD JULY 2025

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 03 JULY 2025

Application Ref: 25/0233/FUL

Proposal: Full: Part demolition and part rebuild to former workshop.

At: 8 Cumberland Street, Colne

On behalf of: Mr Adil Rais

Date Registered: 17/04/2025

Expiry Date: 12/06/2025

Case Officer: Alex Cameron

This application has been brought before committee due to the number of objections received

Site Description and Proposal

The application site is a former industrial building which has been largely demolished / collapsed. The site is surrounded by dwellings and the southern wall of the former building abuts 6 Cumberland Street.

This application is for the demolition of remaining parts of the former building and erection of a new building for light industrial use (Use Class E(g)(iii)).

The proposed building would match the dimensions of the previously existing building, the layout would include a ground floor workshop and a small office above and the building would be finished in a mixture of brick and render with a slate roof.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objection. The highway authority would not expect to see any car servicing, repairs or MOT operations being carried out as these do not fall within Class E.

PBC Environmental Health – Please attach a condition for extraction system details should the building be used for paint spraying.

Colne Town Council - The Town Council has no objection to the demolition and rebuild however would ask that any materials used be in keeping with the surrounding area and compliant with the Design Code for Colne. It would also ask for the applicant to employ noise reduction measures when the work is taking place to avoid unnecessary disturbance to local residents.

Public Response

Site and press notices posted and nearest neighbours notified – Responses received objecting on the following grounds:

- Additional traffic impacts

- Impacts on parking
- Risk to children from nearby school
- Highway safety risk of road camber
- Noise and disturbance
- Odour impacts
- Loss of privacy
- Light pollution
- Waste
- Impact on the stability of the extension of the abutting property
- The proposal should be on an industrial estate not a residential area
- Impact on property values

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Policy SDP2 (Spatial Development Principles) States that proposals to develop outside of a defined settlement boundary 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 SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2.

Policy WRK2 (Employment Land Supply) states that support will be given to new employment development that helps to reinforce Barnoldswick's position as the focus for employment provision in the north of the borough and enhance the functionality of the area's existing specialism in advanced manufacturing.

Colne Neighbourhood Development Plan

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

Principle of the development

The site is a sustainable location for the proposed use within close proximity of the town centre and public transport.

This application is made on the basis of a Class E light industrial use. Class E potentially includes both light industrial uses, which would be acceptable in principle in this location, and town centre uses such as retail, which would not be acceptable without sequential justification. Therefore, it is necessary to restrict the use by condition to Class E(g)(iii) (light industrial) use only.

With that condition the proposed development in accordance with policies SDP2, SDP4 and WRK2.

Visual Amenity

The proposed building would be of similar form to the previously existing building with a revised window and door layout and a slate roof replacing the previous asbestos sheet roof. The proposed building would overall improve the appearance of the site and would be acceptable in terms of visual amenity in accordance with Policy ENV2 and CNDP3.

Residential Amenity

The proposed building would abut the side wall of No.6 Cumberland Street, and concerns have been raised regarding noise and odour impacts.

Class E(g)(iii) specifically relates only to industrial uses which can be carried out in a residential area without detriment to its amenity, therefore, fundamentally the use is one that will not result in unacceptable impacts from noise and/or odour. If the building were to be used for a use with those impacts it would represent a material change of use that would require planning permission.

However, it is reasonable and necessary to attach a condition to limit hours of use of the building to those specified of 8am to 5pm weekdays, 10am to 2pm Saturdays and no working on Sundays and bank holidays to ensure that the use or ancillary activities do not occur at hours when the adjoining and adjacent properties would be particularly sensitive to noise impacts.

The building would project 5m from the rear elevation of No.6 Cumberland Street, which has habitable room windows. Whilst the building would breach a line of 45 degrees to a habitable room window in relation to the guidance of the Design Principles SPD, this would replicate previously existing relationship with the building and, taking that into account, is acceptable.

Environmental Health have requested a condition to require suitable extraction should the building be used for paint spraying. However, were the building to be used as such it would constitute a material change of use to B2 and therefore would require planning permission. Therefore, such a condition is unnecessary.

The proposed building would have a first floor windows facing Salsbury St to the north and a ground floor window facing the rear lane of Salsbury St to the east.

The first floor window would be 21m from facing habitable room windows. The ground floor window would face towards the rear yards of houses on Salsbury Street, taking into account that this would be across a lane and the yards have limited existing privacy from the lane, this would not result in any unacceptable loss of privacy.

The building would have limited openings and there is no reason to consider that it would result in light pollution nuisance.

Subject to the above restriction on opening hours the proposed developemnt is acceptable in terms of residential amenity.

Highways

Whilst the site would not have off-street parking, the site is in a sustainable location adjacent to the town centre and public transport and a public carpark nearby.

The vehicular access door to the site is proposed in the same position as the previous building and the proposed use would not result in any materially different highways impacts.

LCC Highways have noted that they would not expect there to be vehicle repairs, serving or MOT operations. Whilst MOTs and other vehicle repair and serving uses that would be of detriment to residential amenity would result in a material change of use to B2, it is possible for some vehicle repair and servicing uses to be carried out in a way that does not result in detriment and therefore would fall within Class E. However, taking into account that this would be the case for the previous use of the site the proposed use would not result in any unacceptable additional highway impacts.

Whilst the street is relatively steep, this is not uncommon in Colne and it is a previously existing highway access arrangement and the developemnt would not result in any unacceptable additional risks to highway safety.

The proposed development is acceptable in highway terms.

Drainage

Whilst it is likely that the building will have the same drainage arrangements as the previous building no details of this have been specified on the plans and therefore it is necessary to require details of drainage to be submitted by condition.

Other issues

Concerns have been raised in relation to loss of value of properties in the area, this is not a material consideration that can be taking into account in a planning application.

Concerns have been raised regarding the stability of an extension which abutted the building. This is not material to the determination of the planning application and is a matter between the property owners.

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 accords with Local Planning Policy and the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to 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, Site Plan, Proposed Roof Plan, Proposed Plans and Elevations.

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

3. All materials to be used in the elevations of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: 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 use of the building hereby approved shall be limited to Class E(g)(ii) and (iii) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and office use ancillary to those uses, the building shall not be used for any other use falling with Class E.

Reason: In order to protect the vitality and viability of Colne town centre.

5. The use of the building hereby approved shall not operate outside of the hours of 8am to 5pm weekdays, 10am to 2pm Saturdays and shall not operate on Sundays or bank holidays.

Reason: In the interest of residential amenity.

6. Prior to the commencement of the development details of the proposed foul and surface water drainage arrangement shall have been submitted to and approved in writing by the Local Planning Authority. The drainage shall have been completed and be operational prior to the commencement of the use of the building and maintained in accordance with the approved details thereafter.

Reason: In order to address risks of flooding and pollution.

Notes:

All construction work shall be carried out only within the hours of 8am – 6pm Monday – Friday, 9am – 1pm Saturday and no working Sundays and Bank holidays. Failure to work within these hours may result in a service of a notice under the Control of Pollution Act 1974, and potentially prosecution thereafter.

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LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 03rd June 2025