

Report Title	<b>PLANNING APPLICATIONS</b>
Meeting	<b>COLNE AND DISTRICT COMMITTEE</b>
Meeting Date	<b>04TH SEPTEMBER 2025</b>
Report Author	<b>NEIL WATSON</b>
Directorate	<b>PLACE</b>
Lead Executive Member(s)	<b>COUNCILLOR L. WHIPP</b>
Wards Affected	<b>VIVARY BRIDGE AND BOULSWORTH &amp; FOULRIDGE</b>
Public. Part Exempt, or Fully Exempt	<b>PUBLIC</b>
Appendices (if any)	<b>NONE</b>

## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## REPORT TO COLNE AND DISTRICT COMMITTEE 04 SEPTEMBER 2025

**Application Ref:** 25/0359/FUL

**Proposal:** Full: Residential development of 4 no. dwellings with associated landscaping, parking and the demolition of 2 no. existing garages.

**At:** Land To The North Of 47, Townley Street, Colne

**On behalf of:** Mr Smith Benson

**Date Registered:** 03/06/2025

**Expiry Date:** 11/08/2025

**Case Officer:** Alex Cameron

This application was deferred from the previous meeting.

### **Site Description and Proposal**

The application site is a parcel of vacant, sloping land with two garages to the north end of the site. The site is surrounded by terraced housing of varying period.

The proposed development is the demolition of the garages and erection of a terrace of four two storey houses. The proposed houses would be finished in natural stone with natural slate roofs, uPVC windows and composite doors.

### **Relevant Planning History**

None

### **Consultee Response**

**LCC Highways** – The site is located on an area of land between Townley Street and the rear of properties on Dickinson Street. There is an overgrown, unnamed track leading along the rear of Dickinson Street between Chatham Street and Temple Street. According to the records held by the highway authority this is not highway maintained at public expense. As the site boundary extends to the centre of this track the applicant should take legal advice to ensure that other properties which back onto the site do not have vehicular access rights.

The applicant should also ensure that statutory utility companies are satisfied that none of their equipment or assets are being built over and that adequate access is maintained.

The borough council's Parking Standards are that two car parking spaces are provided for dwellings with two or three bedrooms which, for this development, would be eight. However, this is a maximum level, and the highway authority considers that the six spaces proposed are an adequate level as the site is located within acceptable walking distances of local amenities and facilities, including public transport, which can reduce the reliance on the use of private vehicles. The council's Parking Standards also state that secure, covered storage for two cycles should be provided for dwellings with two or more bedrooms. No cycle storage details have been submitted, but its provision can be controlled by condition. (Also see later comments under 'Refuse bins'.) There is an existing vehicular access to the two garages off Chatham Street. These garages will be demolished and six off-road car parking spaces constructed. As there are existing manoeuvres taking place to and from the garages no on-street parking provision is likely to be lost.

A properly constructed dropped vehicle crossing across the full width of the parking area accessed from Chatham Street will need to be provided. This will 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, a dropped vehicle crossing constructed to an appropriate standard, extension of the kerb line across the parking bays to tie into the existing kerb lines, delineation of the extent of the highway network maintained at public expense, tie in details to the existing carriageway and the re-location of a highway gully. In addition, the front boundary along the development site on Townley Street will need to be properly tied into the rear of the footway and any damage caused to the footway must be repaired to the highway authority's specification and at the applicant's/developer's expense.

The track between the existing dwellings on Dickson Street and the development site is unmade which may make it difficult for residents to move their bins to and from the collection point on Chatham Street. Whilst this is a matter of personal choice for future residents an alternative storage point could be on the flagged areas at the front of the properties. Although this would be a longer distance to move bins it would be over sealed, hard surfaces. The location currently proposed for bin storage could be used for cycle storage.

As most of the site is previously undeveloped and within a residential area where there is an existing high demand for on-road parking, a construction method statement, including site plan, would need to be submitted to demonstrate that the development's construction would not have a detrimental impact on highway safety and capacity. This should include, but not be exclusive to, parking for operatives, unloading, loading and storage areas, wheel washing facilities, timing of deliveries etc. Deliveries by HGVs should only be accepted between the hours of 9.00am and 2.30pm, to avoid peak traffic, vehicular and pedestrian, on the surrounding highway network. In addition, there is a large tree in the verge on Townley Street near the junction with Chatham Street which is owned by the highway authority. Appropriate measures must be taken during any demolition and construction works within the site, especially any excavations, to protect the tree and its root system so that its future vitality is not compromised or threatened. Works should be in accordance with BS5837 – 2012.

Recommend conditions for construction management, off-site highway works, parking, cycle storage.

**United Utilities** – No comments, general advice in relation to building near UU assets and sustainable drainage.

**Lancashire Fire and Rescue** – Comments relating to Building Regulations.

**Colne Town Council** – The Town Council is in support of this development.

### **Public Response**

Site notice posted and nearest neighbours notified by letter. Responses received objecting on the following grounds:

- Inadequate on-site car parking and increase in on-street car parking in the vicinity
- The proposed study rooms should be considered as bedrooms
- Highway safety impact
- A public right of way crosses the site
- Lack of cycle storage
- Noise and disruption from construction traffic
- Noise and disturbance from garden areas

- Inadequate separation distances resulting in loss of privacy, light and overbearing impacts
- Impact of boundary planting on light
- Loss of privacy from construction activity
- Loss of outlook
- Impact on property values
- Loss of green space which contributes to health and wellbeing
- Impact on adjacent tree
- Impact on biodiversity and ecology
- The proposed represents unsustainable overdevelopment
- Impact on the character of the area
- Inadequate housing mix
- Easements on the title deeds for this site have not been accounted for
- Construction traffic accessing the site over private land

## **Officer Comments**

### **Policy**

#### **Pendle Local Plan Part 1: Core Strategy**

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

Policy SDP2 sets out the roles each settlement category will play in future growth. Colne is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 identifies housing distribution for the M65 Corridor as 70%, the amount of development proposed here is not disproportionate to the level of housing development Colne would be expected to provide, as a minimum, over the plan period.

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

Policy ENV2 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy ENV4 seeks the promotion of sustainable patterns of travel.

Policy ENV 5 considers pollution and unstable land. Emissions and public exposure to pollution are required to be minimised.

Policy ENV7 considers water management. It sets out a sequential approach to site selection for flooding and the use of sustainable urban drainage systems. Surface water run off systems have to mimic the natural discharge process.

Policy LIV 1 sets out the minimum level of housing the Borough should achieve over the life of the Plan. It states that until such time as the Council adopts the Pendle Local Plan Part 2 (new Local Plan as it will now be) new housing development will be supported on sustainable sites outside but close to the settlement boundary which make a positive contribution to the five year supply of housing land.

Policy LIV 4 sets out affordable housing targets. There is no requirement of affordable housing in the M65 corridor.

Policy LIV 5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision should be made for open space or green infrastructure.

### Replacement Pendle Local Plan

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

### Colne Neighbourhood Development Plan

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

Policy CNDP6 (Future Housing Growth) States that new housing development will be supported within the settlement boundary.

Policy CNDP13 (Conserving and Enhancing Landscape Features) States that development should conserve and where practicable enhance the landscape in the area. It identifies significant viewpoints which proposals should respond to.

### 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**

This site is undesignated and in a sustainable location within the settlement of Colne, in the M65 corridor within accessible walking distance of public transport and essential services and facilities. It is a sustainable site which would make a positive contribution to the five year supply of housing land in accordance with policy LIV1 and SDP2. Policy CNDP6 states that new housing development is supported within settlement boundaries. The housing mix is acceptable taking into account the scale of the development.

## **Visual Amenity**

The design and material of the proposed dwellings is would be sympathetic to their surroundings, reflecting the character and materials of traditional terraced housing in the area.

Concerns were raised at the previous meeting that the lack a vehicular access width back lane to the rear would not be in-keeping with the character of the area. The agent has been made aware of the Committee's concerns but this is not something that would cause any visual harm to the area.

The site would not adversely impact upon any significant viewpoints identified in the CNDP.

The scale and principle of the development is acceptable in terms of design and visual amenity.

## **Residential Amenity**

There is a ground floor window in the side of the 47 Townley Street. The window serves a kitchen with separate dining area, the dining area is served by a separate window to the rear. Taking this into account the window does not constitute a principal window of a main habitable room and the proposed developemnt would not result in an unacceptable loss of light or overbearing impact upon that dwelling.

Whilst the proposed dwellings would be have windows facing habitable room windows in the rear of Dickinson Street separated by 14m. Whilst this is less than the 21m distance recommended by the Design Principles SPD it is established by previous decisions of the Council and at appeal that lesser distances can be acceptable where they are characteristic of an area. The 14m distance is equal to the existing adjacent properties and other terraced streets in the area have equal or lesser interface distances. Taking this into account the developemnt would not result in unacceptable loss of privacy to those or any other properties.

The proposed gardens would also be similar to the existing relationships in the street and would not result in unacceptable privacy impacts. Boundary fencing would not result in unacceptable loss of light, if hedges were to be planted and allowed to grow to an extent that they do have such impacts that could be controlled under high hedges legislation.

The 14m distance would also be acceptable to ensure that the proposed developemnt would not result in unacceptable loss of light or overbearing impacts upon adjacent dwellings.

Concerns have been raised regarding loss of privacy during construction, this would be temporary and would not be unacceptable.

The proposed development would also provide an acceptable living environment for its residents.

The proposed development is acceptable in terms of residential amenity.

## **Trees**

There is a mature cherry tree within the footway adjacent to the site, and its root protection area and canopy extend into the site. The tree has been assessed as low quality with signs of decay. The tree is within LCC's land and they have raised no objection to the development subject to measures to protect the roots.

## **Open Space**

Due to the constrained nature of the site it is accepted that it would not be possible for open space provision to be made on-site, therefore a contribution to off-site provision will be necessary to meet the requirements of policy LIV5.

## **Ecology and Biodiversity**

An ecological appraisal has been submitted and this acceptably demonstrated that the development would preserve or enhance the limited ecology of the site and not result in unacceptable impacts on protected species.

A biodiversity metric and report have been submitted, it is clear that a 10% uplift in biodiversity could not viably be achieved on-site, off site provision is therefore necessary, a planning obligation is required to secure this and monitoring costs for 30 years.

## **Highways**

The proposed development would provide parking for 6 vehicles. The proposed dwellings have two upper floor rooms labelled as bedrooms and one as a study. LCC Highways have recommended that the studies are below the minimum dimension to be considered as bedrooms for the purposes of the parking standards. This has been disputed by public responses.

The parking standards set out in the Replacement Pendle Local Plan are expressed as maximums rather than minimums in this case the maximum would be 2 spaces per dwelling for two bedrooms or 3 spaces per dwelling for three bedrooms. The proposed provision would be below the maximum in either case.

The surrounding area is largely characterised by terraced housing without off-street car parking and the site is in an accessible location within walking distance of shops and public transport. Taking this into account, whether the proposed dwellings are considered to be two bedroom or three, the proposed development is acceptable in terms of off-street car parking provision and would not result in unacceptable parking or highway safety impacts.

Taking into account the accessibility of the location dedicated cycle storage is not necessary.

The proposed bin storage areas to the rear are acceptable, this would be no different to existing bin storage and collection arrangements on Townley Street and Dickenson Street along the unmade 'back lane'.

Concerns have been raised that a public right of way crosses the site. There is no formal public right of way crossing the site, there may be an informal desire line, if that were to be made a formal public right of way that would be controlled under the Highways Act and there would be scope for a diversion to be applied for using the gap between the development and 47 Townley Street.

The proposed development is acceptable in highway terms in accordance with policy ENV4.

## **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 4 dwellings, those benefits would be minor. The development would not result in any unacceptable impacts, therefore the tilted balance weighs clearly in favour of the development and the proposed development is therefore acceptable.

### **Other matters**

Concerns have been raised in relation to easements on the title deeds of the site, this is a civil law issue which is not material to the determination of the planning application.

### **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 is acceptable in all relevant regards. 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: P01, P02, P03, P04, LT341-TPP

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

3. Above ground works involved in the erection of the external walls of the development shall not commence unless and until samples of the external materials to be used in the construction of the roofs and walls of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved roof and wall materials and other proposed materials specified in the plans and forms.

Reason: in the interest of visual amenity.

4. Unless otherwise agreed in writing by the local planning authority the external window reveals shall be a minimum of 70mm.

Reason: in the interest of visual amenity.

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

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

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

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

#### Advisory Notes:

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

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

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

6. Prior to the commencement of the development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Unless otherwise agreed foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

7. Prior to the occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

(i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

(ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

8. 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.

9. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

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

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

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site.

11. The developemnt shall be carried out in strict accordance with the submitted Tree Protection Plan and no building materials, vehicles or machinery shall be stored within the defined root protection area of the tree.

Reason: In order to ensure that the developemnt does not unacceptably impact upon the adjacent tree.

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

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

Biodiversity Net Gain Condition:

1. The development may not be begun unless—

- (i) a biodiversity gain plan has been submitted to the planning authority and
- (ii) the planning authority has approved the plan

Phase plan

(b) the first and each subsequent phase of development may not be begun unless—

- (i) a biodiversity gain plan for that phase has been submitted to the planning authority and
- (ii) the planning authority has approved that plan

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

Notes:

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, a dropped vehicle crossing constructed to an appropriate standard, extension of the kerb line across the parking bays to tie into the existing kerb lines, delineation of the extent of the highway network maintained at public expense, tie in details to the existing carriageway on Chatham Street and the re-location of a highway gully. In addition, tie in details of the front boundary to the rear of the footway on Townley Street and the reinstatement of any damage to an appropriate standard. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

**Application Ref:** 25/0359/FUL

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**At:** Land To The North Of 47, Townley Street, Colne

**On behalf of:** Mr Smith Benson

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 07th August 2025**