

Report Title	PLANNING APPLICATIONS
Meeting	COLNE AND DISTRICT COMMITTEE
Meeting Date	08TH JANUARY 2026
Report Author	NEIL WATSON
Directorate	PLACE
Lead Executive Member(s)	COUNCILLOR L. WHIPP
Wards Affected	WATERSIDE & HORSFIELD
Public. Part Exempt, or Fully Exempt	PUBLIC
Appendices (if any)	NONE

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE & DISTRICT AREA COMMITTEE 08TH JANUARY 2026

Application Ref: 25/0287/FUL

Proposal: Full: Change of use of the ground floor from commercial (Class E) to commercial (Class E) and events space (sui generis) with a drinking establishment (sui generis) and the first floor from residential apartments (Class C3) to office and studio spaces (Class E) including alterations to the external appearance.

At Market Hall, Market Street, Colne

On behalf of: PEARL 2 Ltd.

Date Registered: 28.04.2025

Expiry Date: 23.06.2025

Case Officer: Athira Pushpagaran

Site Description and Proposal

The application site is the market hall situated within the heart of the town centre of Colne, within the defined settlement boundary. It adjoins a Conservation Area and a Listed Building. Works are currently underway for its refurbishment with extensions and external alterations and a change of use approved under 23/0601/FUL. The change of use under this previous permission added two additional flats to the upper floor and use of ground floor the market stall and food hall.

The proposed development seeks to change the use of the ground floor from commercial use (Class E) to a mixed commercial (Class E) and events space (sui generis) with a drinking establishment (sui generis) and the first floor from residential apartments (Class C3) to office and studio spaces (Class E) including alterations to the external appearance.

(The original application description was *Full: Change of use at first floor to remove 9 no. existing residential apartments (Use Class C3) to create an ancillary business use at ground floor (Use Class E) including alterations to the external appearance.* This was amended to the final description as it is now to enable changes to the proposal that was introduced as the application progressed.)

Relevant Planning History

23/0601/FUL Full: Refurbishment and extension of the existing market hall and first floor apartments, including demolition of the existing glazed canopy and rear garages, the construction of a new stair and lift tower and the formation of 2no. 1-bedroom apartments through material change of use with ancillary external works to form a new public car park and bus stop. Approved with Conditions. 2023

13/05/0970P Full: Erect three picture display panels on east outside wall of Market Hall. Refused. 2005

13/99/0338P Erect security grilles around front extension at. Approved with Conditions. 1999

13/98/0595P Extension to front at. Approved with Conditions. 1998

Consultee Response

Highways

Final comments:

Events space: There is a pending highway scheme on Market Street which includes the upgrade of the zebra crossing to a signalised crossing. There is also a Pendle Borough Council public realm scheme pending to the Market frontage. Any changes to the access from Market Street to the events space will require a S278 agreement with Lancashire County Council. The extent of these works will be subject to a detailed design process approval and safety audit.

Parking: The site is located within Colne Town Centre and adjacent to the bus station. Therefore, it is considered highly accessible and can support travel by sustainable modes. The first-floor use now proposed comes under Use Class E, previously either Use Class A2 or B1(a), with a gross floor area of 910 sq m. The borough council's Parking Standards would require 19 – 26 parking spaces for a site with high accessibility. Whilst it is a shortfall, the 12 car parking spaces to the rear should be redesignated for use by occupants/users of the first-floor units and be signed as such. Secure, covered cycle parking should also be provided for employees and users of the first-floor business facilities to ensure that the development supports a range of sustainable forms of transport. We would request a strategy for the car park should be submitted for approval, to include signage and management of the car park for staff, customers and service vehicles.

Conclusion:

Lancashire County Council acting as the highway authority does not raise an objection regarding the proposed development. If the local planning authority is minded to approve this application the following conditions should be applied to any formal planning approval granted.

Parish/Town Council

The Town Council is in support of this application.

PBC Environmental health

Initial comments:

We have a few issues which I have outlined below:

1. Noise from the premises, including the upstairs studios (can bands practice in the studio areas? Choirs or drama classes which may use music) effecting residential neighbours, and business operating within the premises.
2. Cooking odour extraction from food premises with the development, and its potential effects on neighbours in terms of odour and noise.
3. Climate control within the building, and potential use of AC units that could cause noise problems for neighbours.
4. Use of chiller units for food premises operating in the building, that are placed on the exterior of the building potentially causing noise issues.

5. Operating hours of the premises and delivery times to the premises, would need to be controlled.

6. Where will the waste create at the premises be stored safely until pick up, I couldn't identify a map showing a designated space.

With regards to point 1, we would require further info with regards to the use of the studio area, to assess the potential for noise impact from there and decide if a noise impact assessment is required. We would require a noise impact assessment from the planned businesses down stairs and the bar to ensure it doesn't have the potential create nuisance noise.

With regards to point 2, we would like to have a better understanding of how extraction will be provided for food premises in the development to ensure that nuisance isn't caused.

With regards to point 3, how will the climate within the building be controlled, will units need to be fitted to the outside of the building? If so a noise assessment will be required.

With regards to point 4, will chiller units for food business need to be placed on the outside of the building? If so a noise assessment will be required. Please note with regards to a noise assessment, it will need to consider the accumulative effect of noise from all the potential sources and outlined above.

With regards to point 5, reasonable hours of operation and delivery will need to be decided and agreed or conditioned, to ensure that nuisance isn't caused.

With regards to 6, a waste refuse area will need to be added to the plan that is sufficient in size to stow bins securely for all the activities ongoing within the building.

Further comments:

We are satisfied with the information submitted, however they must ensure that that music is set according to recommendations in section 7 of the report, that the Pre- Completion Testing set out in section 7.3 of the noise report is carried out, and that any external plant is installed inline with section 8 of the noise report.

Suggested condition:

To help ensure the amenity of the area with regards to noise, the developer must ensure that recommendation within section 7 & 8 are complied with before the building comes into use and when entertainment is taking place in the evenings.

Reason: To safeguard a satisfactory standard of amenity for neighbouring properties.

A condition identical to the one on the previous application is also suggested to restrict timings.

Architectural Liaison Unit

No response

United Utilities

No response

PBC Engineering

No response

Public Response

The nearest neighbours have been notified by letter, a site & press notice have been displayed, with one response received raising the following concerns:

- Inconsistency and missing information with the submission regarding ownership boundaries, site areas, scheme of delegation, proposal description and other information on the application form.
- Noise impact, impact from odour and smells

Relevant Planning Policy

Pendle Local Plan Fourth Edition (2021-2040)

Policy SP01 (Presumption in Favour of Sustainable Development) echoes the presumption set out in National Policy and promotes the three strands of sustainable development: economic, social and environmental. Applications which accord with policies contained within the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy SP06 (Retail and town centre hierarchy) New retail development, and other main town centre uses, should be in scale with the position a settlement holds in the retail hierarchy.

Policy DM42 (Vibrant town centres) sets out that the town and District Centres identified in Policy SP06, will be the focus for retail development and other main town centre uses in Pendle.

Policy SP11 (Historic Environment) requires designated and non-designated heritage assets to be conserved and enhanced in a manner appropriate to their significance.

Policy SP13 (Transport and connectivity) New developments should, wherever possible, exploit opportunities for walking and cycling by connecting to existing pedestrian and cycle routes.

Policy DM16 (Design & Place Making) seeks high quality design in all new developments. Proposals should promote local character and distinctiveness and demonstrate a good standard of amenity for existing and future occupants.

Policy DM18 (Heritage Assets) states that the Council will support proposals which conserve and enhance Pendle's historic environment. Where a proposal would result in harm or loss of significance to a heritage asset, this must be balanced against any public benefit associated with the scheme.

Policy DM37 (Parking) standards are set out in Appendix 5 of the plan, adequate parking provision is required to serve all new development.

National Planning Policy Framework

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

Para 139 of the framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

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

Colne Neighbourhood Plan

Policy CNDP1 (Colne Market Town) sets out that wherever possible developments in the Town Centre should have a focus on gateways, greening and biodiversity, the inclusion of public art, creating an accessible town centre and including public conveniences. Further, it sets out the importance of active frontages, retaining the market, central open space, repositioning the existing car parking, and respond positively to the heritage assets.

Officer Comments

The site is within the defined town centre of Colne. The proposal aims to reconfigure the existing market stalls and change the use of the existing food hall to incorporate a drinking establishment, and the food hall reconfigured to enable use as food hall and an events space, along with external alterations. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Visual and Heritage Impact

A previous permission already approved the refurbishments to the building. The current application only makes minor modifications to the overall design without a complete redesign.

The proposed changes include reconfiguration of the sizing and number of windows on the first floor, existing steps, ramps retained and steel railing to be retained, new flue outlet to the roof, Corten steel decorative infill panels with 'C-O-L-N-E' design in place of approved openings on the east elevation, remove projections to north and south elevations and rebuild the elevations with reclaimed stone matching existing stone walls, cladding detail dropped down to enclose the southeastern corner, reconfiguration of doors and glazing on ground floor, the 'MARKET HALL' lettering removed and repositioning of the main entrance door on the north elevation, flues to the roof, reconfiguration of doors and a new roller shutter loading door to the basement on the south elevation.

The proposed external changes to the building would not depart significantly from the design of the previously approved scheme, in fact some of the new elements as proposed as part of the previous scheme are removed like the extension to the southern elevation. In this case the proposed development would not have any unacceptable impact on the character of the building or its surroundings. It would also have no greater impact on the adjacent conservation area or the setting of the adjacent listed building.

Overall, the proposed development would be acceptable in terms of design in accordance with policies SP11, DM16 and DM18 of the Adopted Pendle Local Plan Fourth Edition (2021-2040), policy CNDP1 of the Colne Neighbourhood Plan and the Adopted Pendle Design principles SPD.

Residential Amenity

The proposal removes all residential apartments from the top floor and replace them with office

and studio spaces. There are no residential properties within 21m from the north, south and east elevations. To the west the first-floor flats above the shops on Market Place would be circa 13m away from windows on the west elevation. These were previously windows to residential properties and would have had a greater impact on the privacy of the occupants of the flats than the windows serving the office/studio spaces. In this case the proposed development would not result in any greater impact on the privacy of any residential neighbours.

The proposed event space and any extraction or chiller units for the food hall raises concerns of noise impact. A noise assessment was requested and submitted which was assessed by the council's environment health officer. The development would not result in any unacceptable noise impact as long as music is set according to recommendations in section 7 of the report, that the Pre- Completion Testing set out in section 7.3 of the noise report is carried out, and that any external plant is installed in line with section 8 of the noise report. This can be ensured through a condition.

A plan is also submitted that shows the refuse storage area in the lower ground in the same place where refuse store was approved for the previous proposal. This is acceptable.

Environment health also suggests a condition restricting the timings customers can remain on the premises to between 08:00 and 23:00 Monday to Friday inclusive and between the hours of 08:00 and 23:00 on Saturdays and 09:00 and 23:00 on Sundays & Bank Holidays. This would be added to any approval.

In this case, the proposed development would be acceptable in terms of residential amenity in accordance with policy DM16 of the Adopted Pendle Local Plan Fourth Edition (2021-2040), and the Adopted Pendle Design principles SPD.

Highways

The development raises no issues of highway safety. LCC highways in their comments have highlighted that the parking provision approved under the previous application, replacing the garages on site appear to have been removed and have recommended these be redesignated to the first-floor use. An updated site plan was submitted showing these 12 parking spaces in place of the garage, however, these are not designated for staff. Considering that Colne town centre has sufficient car parking facilities adjacent to the site, this designated car parks for staff would not be necessary.

LCC raises no objection to the proposal provided the conditions are added to ensure provision of cycle storage facilities and a strategy for the carpark submitted, including signage and management of the car park for staff, customers and service vehicles.

The proposed development in this case is acceptable in accordance with policies DM16 and DM37 of the Adopted Pendle Local Plan Fourth Edition (2021-2040).

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 21.211.02-CDP-00-DR-A-1002 P02 Site Plan
 - 21.211.02-CDP-ZZ-DR-A-2004 P34 Ground Floor Structure Plan 1:50
 - M 001.01 C2 Air Conditioning and Ventilation Systems
 - 21.211.02-CDP-XX-DR-A-3002 C08 East and West Elevations
 - 21.211.02-CDP-ZZ-DR-A-2009 P15 Proposed option 1
 - 21.211.02-CDP-XX-DR-A-3001 C07 North and South Elevations
 - 21.211_01_008 Rev A Location Plan

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

3. Prior to commencement of the above ground works of the development hereby approved, samples of all external facing materials including descriptions, name of source/quarry shall be submitted to the Local Planning Authority for written approval. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. Prior to first occupation of the development hereby approved a strategy for the car park shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the effective use of the car parking area.

5. Prior to first occupation of the development hereby approved secure, covered cycle storage shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

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

6. The proposed development hereby approved shall proceed in strict accordance with the Noise Impact Assessment ref: BA-25075-RP01 prepared by Benchmark Acoustics, submitted with the planning application and shall at all times be maintained and operated in compliance with the assessment including the recommendations set in sections 7.0 and 8.0 of the report.

Prior to first use of the development the pre-completion testing recommended under section 7.3 of the Noise Impact Assessment to verify the in-situ sound insulation performance of the building envelope shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard a satisfactory standard of amenity for neighbouring properties.

7. No customers shall remain on the premises outside the hours of 08:00 and 23:00 Monday to Friday inclusive and between the hours of 08:00 and 23:00 on Saturdays. On Sundays & Bank Holidays no customers shall remain on the premises outside of the hours of 09:00 and 23:00.

Reason: In the interest of residential amenity.

Informatives

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.

Application Ref: 25/0287/FUL

Proposal: Full: Change of use of the ground floor from commercial (Class E) to commercial (Class E) and events space (sui generis) with a drinking establishment (sui generis) and the first floor from residential apartments (Class C3) to office and studio spaces (Class E) including alterations to the external appearance.

At Market Hall, Market Street, Colne

On behalf of: PEARL 2 Ltd.

REPORT TO COLNE & DISTRICT AREA COMMITTEE 08TH JANUARY 2026

Application Ref: 25/0384/FUL

Proposal: Full: Erection of a mixed use retail (Use Class E(a)) and industrial processes (Use Class (E(g) (iii)) commercial building with associated cycle parking and creation of a bin store to the rear.

At: Workshop, 2 Keighley Road, Colne, Lancashire, BB8 0JL

On behalf of: Mr William Richardson

Date Registered: 6/17/2025

Expiry Date: 8/12/2025

Case Officer: Neil Watson

Site Description and Proposal

The site is located off Keighley Road in Colne opposite to the Commercial Hotel. The site formerly had a single storey wooded building located to the rear of the site.

Adjacent to the site to the west is Tower Buildings a locally defined Heritage Asset. The Commercial Hotel opposite is also a non-designated heritage asset. To the east there is a row of stone build residential buildings. Until 2024 a

The site lies adjoining but outside of the defined town centre boundary for Colne.

Amended plans have been consulted on. That consultation expires after this report has been written. Any additional comments will be reported to Committee in an update report.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways; Lancashire County Council acting as the Highway Authority would request further information is provided in the form of a swept path analysis for a 12m rigid vehicle and management of the shared service yard should multiple vehicles require access simultaneously. In addition, confirmation of the correct floor plan access arrangements for both units.

United Utilities: No objection but wish to see a condition added to explore the drainage hierarchy.

Cone TC: CTC Comments: Colne Town Council objects to this development as it is inappropriate for the area. Standing next to a Non-Designated Heritage Asset Ref CNDP4-79, and in one of the main gateways into Colne, the design is not in-keeping with the surrounding area and adjacent buildings.

Environmental Heath: Require a noise impact assessment.

Public Response

No comments from the public.

Relevant Planning Policy

Pendle Fourth edition local plan.

SP11- Historic Environment: Relates to the consideration of heritage assets both designated and non-designated.

DM16 – Design and place making

DM 18- Heritage assets. Sets out the approach to be taken on the different types of heritage assets

Colne Neighbourhood Plan

CNDP2 This relates to new shop fronts and states that new shop fronts should respond positively and respond to compliment the overall building.

CNDP3 This sets out a design code and design expectations for new development. proposals should demonstrate how they have been designed to incorporate the recommended Design Code elements (matrix) for each Settlement Focus Area. The site is in the Victorian Terraced Area.

CNDP4 Considers impacts of development on non-designated heritage assets. Non-designated heritage assets in the neighbourhood area, including those related to the area's agricultural, industrial and cultural heritage, such as rural buildings, mill buildings, shops, places of worship and public houses will be conserved in a manner appropriate to the significance of the asset. When affected directly or indirectly by development proposals, such proposals will be assessed by applying a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

National Planning Policy Framework

National Planning Policy Framework The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental.

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

139. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵⁴, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Officer Comments

Design and Non-Designated Heritage Assets

The building has been altered from its original design to now incorporate a stone built frontage that has a pyramid style of design culminating in a flat central feature. Below that is a what is described on the plans as a traditional timber shop front. This consists of 6 Pallisters with a modern style of shop front with a French door entrance and vertical glazed panels to either side. A central arched window sits above the entrance.

The site sits in an architecturally traditional street scene on the side of Keighley Road on which the development sits. That includes the terraced properties further along Keighley Road. Opposite it is the Commercial Hotel which is an architecturally interesting traditionally designed building. The bathroom centre opposite detracts from an otherwise well designed area.

The design has been amended to reflect the commercial building immediately adjacent. That has a simple form and would use matching materials. The shop fronts reflect that of the adjacent buildings. The design is an acceptable one in its setting.

The site sits next to Tower Buildings which is a non-designated heritage asset as set out in the Colne Neighbourhood Plan. It sits opposite the Commercial Hotel which is similarly designated. A balanced judgment on impact is required for development affecting non-designated heritage assets. For the reason set out above this is poorly designed and would have a detrimental impact on the street scheme and the non-designated heritage assets.

Sequential Test and Impact on Town Centre

The site abuts but is outside of the Town centre for Colne. The applicant has submitted a sequential test for the site. The business is predicated on making and then selling kitchens. That requires a premises that can do both. The sequential test demonstrates adequately that no premises are available which will accommodate the business model put forward.

Noise

Environmental Health have requested a noise impact assessment. The applicant has indicated that the workshop would contain small equipment such as small scale saws and lathes which are not in themselves loud machinery. A condition requiring a noise assessment detailing noise insulation measures and limits on machinery that could be used would be appropriate here to ensure that the nearby residential units are not impacted by noise.

Highway Impacts

Space is available to the rear of the site for parking and deliveries. A swept path analysis has been submitted with is with LCC to consider in relation to whether delivery vehicles can use the site. An update on the highway implications will be made to Committee.

Planning Balance

Notwithstanding any further comments and highway implications the development is or can be made acceptable in all respects except that of design. The poor design in itself outweighs the benefits economically that redeveloping the site would bring. It is therefore recommended for refusal with the caveat of the outstanding highways comments.

RECOMMENDATION: Approve

- 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: To be agreed.

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

- 3 No above ground development shall take place unless and until samples of the external materials to be used on the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure the materials are acceptable in the locality.

- 4 The machinery to be used in the premises hereby permitted shall either be used and not be audible at the boundary of the site or if they are audible details of the sound insulation measures and equipment shall be submitted to and approved in writing by the Local planning Authority prior to the use of the machinery. The use of the machinery shall thereafter only be so used after any acoustic insulation measures that have been approved have been installed.

Reason: In order that the Local planning Authority can control the use of the building in order not to protect the amenity of nearby residential properties. No other means of enclosure other than that in the location shown on the plans shall at any time be erected.

- 5 The rear yard area shall be set out strictly in accordance with the swept path diagram dated 28/03/2025. It shall remain available for delivery and parking for staff and for no other purposes whatsoever.

Reason: In order to ensure that loading vehicles can access the site for deliveries.

- 6 The bins for the site shall only be stored in the rear bin storage area except for the day of collection where they shall only be located in the bin collection area as shown on drawing 03A.

Reason: In order to ensure that bin storage does not detract from the street scene.

- 7 Prior to any above ground works details of the drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include an assessment of the proposed drainage of the site in accordance with the drainage hierarchy. The approved drainage shall be installed and in use prior to the first use of the building.

Reason: In order to ensure that the site is properly drained and to prevent flooding elsewhere.

Application Ref: 25/0384/FUL

Proposal: Full: Erection of a mixed use retail (Use Class E(a)) and industrial processes (Use

Class (E(g) (iii)) commercial building with associated cycle parking and creation of a bin store to the rear.

At: Workshop, 2 Keighley Road, Colne, Lancashire, BB8 0JL

On behalf of: Mr William Richardson

REPORT TO COLNE & DISTRICT AREA COMMITTEE 08TH JANUARY 2026

Application Ref: 25/0569/FUL

Proposal: Full (Major): Erection of 11 no. dwellings with altered vehicular access and parking.

At: Land off Laithe Street, Colne

On behalf of: Mr P Gregson

Date Registered: 01/10/2025

Expiry Date: 31/12/2025

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a parcel of land which is roughly rectangular in shape. It is located to the end of Laithe Street within the settlement boundary.

The proposal is for the erection of eleven dwelling, to be arranged in three blocks of two storey terraced dwellings. The dwellings are to be 100% affordable dwellings.

Relevant Planning History

13/11/0378P: Outline: Erection of 9 No. dwelling houses (Re-Submission).
Approved with conditions

16/0803/OUT: Outline: Erection of 9 dwelling houses (All matters reserved).
Approved with conditions

Consultee Response

LCC Highways

The site was visited on 8 October 2025.

The National Planning Policy Framework (NPPF) states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios' (Paragraph 116).

Having reviewed the documents submitted, together with site observations, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development and concludes that there are no highway grounds to support an objection as set out by NPPF.

The highway authority makes the following initial comments and requests further information.

As outline planning permission has previously been granted the highway authority considers that the principle of residential development on this site has already been established.

Proposal

The proposed development is for the erection 11 x two and three bed dwellings with associated off-road parking and a vehicular access off the upper section of Thomas Street.

Site access

There is no existing vehicular access to the site from Thomas Street. The formation of the new vehicle access from Thomas Street to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 5.5m, the construction of a 2m wide footway to link into the footway on Thomas Street and a street lighting assessment.

There should also be some form of rumble strip or feature across the site's access (details to be agreed with the highway authority at technical details stage if planning permission is granted) to clearly delineate the access given the proximity of the development to the adjacent amenity space's pedestrian access.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process and should not wait until condition discharge stage. Due to the high volume of agreement submissions currently being received by the county council this process can take at least six months to complete. No works should be undertaken within, or which affect, the highway network maintained at public expense without the necessary agreement first being in place in order to prevent legal action from being taken against the developer.

Off-site highway works

Off-site highway works are also required to improve pedestrian access to and from the site (NPPF Paragraph 117 a)). These include, but are not exclusive to:

- The re-construction of the footway on Thomas Street opposite the gable end of 25 Laithe Street to an appropriate standard including full height kerbs – an approximate length of 21m. To include buff coloured tactile paved dropped pedestrian crossings on both sides of the junction on Thomas Street,
- The re-construction of the footway to an appropriate standard including full height kerbs along the site frontage with Laithe Street – an approximate length of 30m. To include buff coloured tactile paved dropped pedestrian crossings on both sides of Laithe Street at the gable end of No 33.
- Give Way carriageway markings at the junction of Thomas Street and Laithe Street.
- A street lighting assessment

These works would be carried out under the same legal agreement as that to construct the site access and would need to have been fully completed before first occupation of the development.

Visibility splays

No visibility splay drawings or information have been submitted. Due to the intensification in the use of Thomas Street a visibility splays drawing should be submitted demonstrating that adequate visibility can be achieved at the junction with Laithe Street and that the development would not obstruct nor encroach into the splay to the left when exiting onto Laithe Street.

Internal layout

Given the number of dwellings proposed the highway authority would consider the development for adoption. However the layout and design would have to be to the authority's specifications.

The proposed internal road is 5.5m wide with 2m wide footpaths on both sides, which are acceptable widths. Buff coloured tactile paved pedestrian crossings should be provided within the

footways on both sides of the access to aid pedestrian movements. The exact location would be considered at detailed design stage. The turning head is undersized and should be to the highway authority's specification which would require a minimum length of 17.5m. Access and internal manoeuvring for a refuse wagon, demonstrating that it can enter and leave the site in forward gear, should be proved by a swept path analysis plan (NPPF Paragraph 117 d)).

There should also be a 0.5m wide service strip around the turning head, locally widened to 1m for street lighting columns.

There is a culverted stream which passes across the site. Its location is shown on the Existing Site Plan (Drawing 7175 – E01). No details have been submitted on how this will be dealt with during the construction and following completion of the development. The highway authority would not accept a culverted watercourse under the carriageway. This would have to pass through private property. As the outfall is outside the site the applicant should provide details of where the stream is piped to under the adjacent highway.

The highway authority notes Condition 4 of planning permission 16/0803/OUT regarding the culverted stream and that this condition has never been discharged.

The Proposed Site Plan (Drawing 7175 – P02) and Proposed Parking and Access Plan (Drawing 7175 – P05) both show the footway along Laithe Street as less than 1m wide. The development has therefore encroached into the publicly maintained highway network. The development should be set back into the site beyond the back edge of the existing footway. This footway measures 1.5m wide on the Existing Site Plan (Drawing 7175 – E01) which matches a measurement taken on site.

The applicant is proposing an Allen Block retaining wall along the boundary with Laithe Street. As this is immediately adjacent to the public highway the applicant needs to provide a full, detailed design of its construction undertaken by a competent person. This is to ensure that the retaining wall is properly designed and constructed to ensure that it will not have a detrimental impact on the highway network.

This retaining wall in the location proposed would also obstruct visibility to the left onto Laithe Street for vehicles exiting onto Thomas Street. Therefore it would need to be set back into the site out of the visibility splay.

If the applicant is proposing to put forward the estate road, footways and infrastructure for adoption a private management and maintenance company will need to be established until such times as a legal agreement (Section 38) has been entered into with the highway authority. If the internal road etc is to remain private the developer should state that in writing and provide details of the proposed arrangements for the future management and maintenance of the road, retaining wall along the Laithe Street boundary etc. These should include the establishment of a private management and maintenance company.

Car & cycle parking

Recommendations in the borough council's Parking Standards are two car parking spaces for two – three bed dwellings. Two car parking spaces are proposed for each dwelling which is acceptable.

Cycle storage is proposed at the rear of each dwelling. Secure, covered storage for two cycles per dwelling should be provided. No details have been submitted but this can be controlled by condition.

United Utilities

Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan PRIOR TO DETERMINATION of this application.

Should planning permission be granted without the provision of this information we request the following condition is attached to any subsequent Decision Notice

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 Standards for Sustainable Drainage Systems (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water; (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and (v) Foul and surface water shall drain on separate systems. The approved schemes shall be in accordance with the National Standards for Sustainable Drainage Systems (2025) 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.

Lancashire Fire & Rescue Service

The relevant Building Regulations should be followed in relation to the turning of a fire appliance.

Lead Local Flood Authority

The Lead Local Flood Authority objects to the above application on the basis of:

Objection 1 – No Surface Water Sustainable Drainage Strategy

In the absence of an acceptable surface water sustainable drainage strategy to assess the principle of surface water sustainable drainage associated with the proposed development, we object to this application and recommend refusal of planning permission until further information has been submitted to the Local Planning Authority.

Reason

Paragraphs 181 and 182 of the National Planning Policy Framework require major developments to incorporate sustainable drainage systems that:

- take account of advice from the Lead Local Flood Authority;
- have appropriate proposed minimum operational standards;
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.

The submission of basic information on how surface water is intended to be managed is vital if the Local Planning Authority is to make informed planning decisions. In the absence of acceptable information regarding surface water sustainable drainage, the Lead Local Flood Authority cannot assess whether the development proposed meets the requirements of Paragraph 182 of the National Planning Policy Framework or the Planning Practice Guidance in principle. This is

sufficient reason in itself for a refusal of planning permission.

Lancashire School Planning Team

This consultation response seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a developer contribution. Taking into account all approved applications, latest projections for the local primary schools within a 2 mile radius and local secondary schools within a 3 mile radius show there to be sufficient school places in 5 years time. Therefore, LCC will not be seeking a contribution for primary or secondary school places.

This is the final position to inform committee, assessed on 28/10/2025. If the decision is deferred at committee a reassessment for committee will be required.

Pendle Borough Council – Environment Officer (Trees)

Assessment

The proposed development site consists of an overgrown parcel of land located south of Laithe Street in Colne. Lying between an area of parkland and disused allotment gardens to the east, and the rear gardens of recently built houses to the west, the land is uneven and covered with a mix of semi-mature and mature trees, shrubs, and naturally colonising vegetation.

The applicant has submitted a fully detailed 'Tree Survey' that correctly grades the trees on the site in accordance with the relevant BS 5837 'Trees in relation to design, demolition and construction – Recommendations'. Of the trees surveyed, 13 trees are shown as a 'B Category' which are trees of moderate quality and desirable for retention. It is clear, from an initial view of the proposed design layout of the site, that numerous trees are to be removed to facilitate residential development and the hard landscaping infrastructure that comes with the proposals. What is not clear is what trees are to be removed, and which are to be retained, that information would need to be in the form of a 'Part 2 Arboricultural Impact Assessment' (AIA).

With regards to the layout, at no stage has this design looked at the initial tree survey and made informed decisions as to which trees are to be retained and protected during the development phase. Again, an initial look at the layout and it appears that all the trees on the site will be compromised, and all of them will need to be removed.

Recommendations

Before any fully informed arboricultural comments can be made, the applicant needs to submit an AIA, that will detail, as referred to above, the impact of the proposed development upon the existing trees.

It is difficult to fully assess the extent of vegetation loss across the site based on the documents submitted. Ideally, at that this stage, the AIA should also outline how mitigation measures, such as replacement tree planting, will be carried out to compensate for any trees that are removed.

Environmental Health Officer

With regards to this development we are concerned about potentially contaminated land nuisance issues during the construction phase, therefore recommend use of the conditions below.

- Construction Method Statement

- Contaminated Land informative

Public Response

Nearest neighbours notified, a site & press notice have been displayed. Two representations have been received, raising the following issues:

- Concerns regarding the gabion wall and damage to property in the event that there is movement of the land
- Difficulty understanding the tree survey
- Plans are hard to consider at different ratios
- Deep rooted ivy growing in this site – can this be removed without causing damage to surrounding properties?

Officer Comments

Policy

Pendle Local Plan: Fourth Edition

**The application has been determined against policies of the Pendle Local Plan Fourth Edition which is due to be adopted by the Council on 18th December 2025.*

Policy SP01 (Presumption in Favour of Sustainable Development) echoes the presumption set out in National Policy and promotes the three strands of sustainable development: economic, social and environmental. Applications which accord with policies contained within the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy SP02 (Spatial Strategy) sets out the settlement hierarchy for Pendle. Colne falls within the “Main Towns” which is highest on the hierarchy, being the focus of the largest amount of growth.

Policy SP04 (Housing requirement and delivery) sets the minimum annual requirement for the number of dwellings to be delivered in Pendle.

Policy SP08 (Towards Net Zero Carbon) encourages applicants to incorporate renewable and low carbon energy generation into development.

Policy SP09 (Water Management) considers water quality, supply infrastructure, wastewater, efficiency and flood risk. It requires that proposed development does not increase the risk of flooding elsewhere.

Policy DM01 (Climate change resilience) requires developers to create accessible development which consider pedestrian, cycling and public transport movement. Proposals should minimise the use of natural resources and help mitigate the effects of climate change.

Policy DM02(a) (Flood Risk) echoes the sequential test set out in national policy. The use of SUDs is should be prioritised and the use of permeable surfaces should be avoided wherever possible.

Policy DM02(b) (Surface Water & Foul Water Management) requires applications to be accompanied by a strategy for foul and surface water management and to follow the sustainable drainage hierarchy.

Policy DM04 (Biodiversity Net Gain) sets out that development is required to provide a measurable 10% enhancement above the baseline conditions. If this cannot be provided on site, it should be provided by way of an off-site contribution or biodiversity credits.

Policy DM07 (Trees & Hedgerows) sets out that where development could affect trees or woodland the applicant will be required to submit an Arboricultural Impact Assessment and Method Statement. Replacement planting should be provided at a ratio of two replacement trees for each tree that it lost.

Policy DM16 (Design & Place Making) seeks high quality design in all new developments. Proposals should promote local character and distinctiveness and demonstrate a good standard of amenity for existing and future occupants.

Policy DM21 (Design & Quality of Housing) requires residential development to make a positive contribution to the built and natural environment. It sets out that new homes should make efficient use of land.

Policy DM22 (Housing Mix) sets out requirements for the tenure of housing based upon bedroom numbers. It sets out that major developments will be encouraged to consider delivering some bungalows as part of their proposals.

Policy DM23 (Affordable Housing) sets the requirement for affordable housing across the various areas of Pendle.

Policy DM37 (Parking) standards are set out in Appendix 5 of the plan, adequate parking provision is required to serve all new development.

Colne Neighbourhood Plan

Policy CNDP3 (Design in Colne and the Colne Design Code) sets out the standards required for high quality, beautiful and sustainable buildings. It encourages the sympathetic re-configuration of existing street patterns and seeks to ensure buildings respond to local layout within the urban character area in which it sits.

Policy CNDP6 (Future Housing Growth) set out that housing growth within the settlement boundary will be supported.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies of 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 Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Principle of Development

The application site is located within the settlement boundary and the site has previously had outline planning permission for nine dwellings. The principle of development is acceptable in accordance with Policy SP02 and Policy CNDP6 of the Colne Neighbourhood Plan, subject to compliance with design and amenity policies.

Design

The proposed development is laid out in three blocks of terraced dwellings, all of which are two storey. There is to be a mix of six dwellings with three bedrooms and five dwellings with two bedrooms. The dwellings are to be constructed of a coursed natural stone plinth wall with block and render to the upper walls. The dwellings are to have roof tiles to the roof, with solar panels. The windows and doors are to be grey UPVC.

The proposed dwellings are to be similar in scale and density to the existing properties on Laithe Street and the surrounding area. The design of the properties which has been put forward is a simple form. The dwellings are to have off-street car parking on driveways. The plots which back onto Laithe Street are to have a split level garden with pedestrian access around either end of the terrace block, providing access to the rear garden. The two blocks of terraces which are to the back of the site, closest to Grindstone Hirst are to have a split level garden with a gabion wall running along the back edge. There is to be a pedestrian route through the centre of the two blocks which again would provide access to the rear gardens on foot.

The Colne Design Code identified this site as lying within the Southern Suburban Residential Area. This area is historically dominated by industry and employment and is an area of high density suburban housing. The proposed development has had regard to the parameters set out in the design code, particularly in relation to the urban form of this area which is dominated by terraced dwellings.

The proposed dwellings are reflective of other dwellings in the surrounding area in terms of scale and form. The materials can be controlled by planning condition. As such, in terms of design the proposed development is acceptable in this location and complies with Policies DM16, Policy CNDP3 of the Colne Neighbourhood Plan and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advises that proposed dwelling should be sited so that any habitable room windows are at least 21m from neighbouring habitable room windows. In the case of Grindstone Hirst, the closest dwelling in Block B is to be 5m from the garage at No. 11 and 7m from the side elevation. However, there are no side elevation windows which would result in an unacceptable effect upon neighbouring amenity. It is noted that there is a level difference between Grindstone Hirst and the application site, which would necessitate a retaining structure at this end of the site. This would further ensure that the neighbouring amenity is not unacceptably effected. In terms of the relationship with No. 15 Grindstone Hirst, there is a distance of 12m between the side of the existing property and the rear of the proposed dwellings. This accords with the guidance set out in the Design Principles SPD.

Turning next to the relationship between the proposed dwellings and the gable ends of the terraced properties on Hawley Street and Thomas Street respectively. The distance between the proposed dwellings and Hawley Street is 18m. The distance to Thomas Street is 17m. There is a public highway running between the proposed development and the existing gable ends of the properties on Hawley Street and Thomas Street. As such, public views into the existing terraces would be available at close quarters, whether or not the proposed development were to go ahead. As such, the proposed development would not result in an unacceptable impact upon neighbouring amenity.

There is a distance of 7m from No. 22 Foulds Close and the closest proposed dwelling in Block A. However, there are no proposed windows to the side elevation of the dwelling and they are to be off-set such that it would not result in an unacceptable level of neighbouring amenity.

In terms of the residential amenity within the proposed dwellings, the dwellings are set a minimum of 24m either side of the estate road. This is an acceptable distance in terms of separation between principle windows, in accordance with the Council's Design Principles SPD. As such, this would not result in an unacceptable level of amenity.

Overall, the proposals accord with Policy DM16 of the Local Plan Fourth Edition or with paragraph 130 of the Framework in this regard.

Highways

The proposed development provides an adequate level of off-street parking, in accordance with Policy DM37 of the Local Plan: Fourth Edition.

The Highways Authority have requested further information regarding a swept path for a refuse wagon and visibility splays at the site access, in relation to vehicles turning left onto Thomas Street. This is something the applicant was working on at the time of drafting this report. As such, committee are asked that delegated powers be granted to the Assistant Director for Planning, Building Control and Regulatory Services, in order to approve the application subject to a satisfactory outcome regarding the highway issues.

Ecology & Trees

The proposed development would result in the loss of all the trees within the site. There is no scope for additional / replacement planting within the site due to the layout which has been selected. Although the loss of trees would weigh negatively in the planning balance due to the loss of habitat, it would be outweighed by the public benefit which would result from the increase in housing land supply of 11 dwellings, which are all to be affordable housing.

The applicant has provided a preliminary ecological appraisal which has concluded that there are no protected or notable species on the site. An invasive species known as Variegated yellow archangel has been found on the site, it is recommended that specific action is taken in order to control this under the relevant legislation. Due to the potential of breeding birds on site, it is recommended that the initial site clearance (including vegetation removal) take place outside of the breeding bird season and should not be undertaken from March to August inclusive. The preliminary ecological appraisal recommends the inclusion of five bat boxes and five bird boxes. This is something which can be secured by a suitably worded planning condition.

Drainage

Although the applicant has submitted a Flood Risk Assessment, they have only submitted a preliminary surface water drainage strategy at this stage, which has resulted in an objection from the Lead Local Flood Authority. This is something that the applicant is working on at the time of drafting this report. They have set out in their planning statement that foul and surface water drainage are to operate on separate systems and this could be secured by planning condition. It is also noted that there is an existing culvert running across the site which would need to be addressed in both the construction and operational phases of any development. Committee are asked to delegate grant consent to the Head of Service in order for a suitable drainage strategy to be drawn up and consulted on with the Lead Local Flood Authority.

United Utilities have asked for a full drainage design. Provided that the drainage strategy is updated and is acceptable there is no requirement for a full design to be put forward at this stage. In line with decision form the Planning Inspectorate a full design can be required by condition.

BNG

The applicant has submitted a BNG Metric, as required by applications of this nature. It confirms that the baseline value of the habitats on site is 4.04 habitat units. An uplift of 10% is required on this type of application. The applicant has chosen to address the shortfall in biodiversity with an off-site solution. This can be controlled by planning condition.

Other Matters

Some concern has been raised in relation to the gabion retaining wall which is closest to the boundary with Grindlestone Hirst. Full engineering and structural details could be provided as part of a suitably worded condition in this regard. In relation to an issue which has been raised about damage to property, this is a legal issue which would have to be considered between the parties.

In relation to the site's former use, the Environmental Health Officer has requested that a contaminated land condition including a site investigation and remediation strategy is included in the event that the application is approved. The justification for this is relating to the presence of a closed landfill in the vicinity. This is a reasonable condition and meets the 6 tests in the NPPF, it can be controlled by suitably worded planning condition.

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 garden extension would be acceptable in this location subject to appropriate conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate grant consent, subject to a satisfactory outcome on highways and drainage.

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 7175-E00, Proposed Roof Plan 7175-P01, Proposed Ground Floor Site Plan 7175-P02, Proposed Elevation Plans 7175-P03, Existing & Proposed Site Sections 7175-P04, Proposed Access & Parking Plan 7175-P05.

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

3. Samples of materials including descriptions, name of source/quarry shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
- i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Details of working hours
 - ix) Routing of delivery vehicles to/from site
 - x) Demolition Management Plan / Programme

Reason: In the interests of highway safety

5. Within 3 months of commencement of development 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: In order to ensure a satisfactory maintenance strategy for the development site

6. Within 3 months of commencement of development full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to occupation of the final dwelling. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety

7. The internal estate roads shall be constructed in accordance with a specification to be agreed in writing by the Local Planning Authority to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority. The estate road shall be completed in its entirety including wearing course whichever occurs the sooner of 2 years from commencement of development or the substantial completion of the final dwelling.

Reason: In the interests of highway safety

8. 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: In the interests of highway safety

10. Prior to the first occupation each dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.

Reason: In order to promote sustainable modes of transport

11. All windows shall be set back from the external face of the walls by a minimum of 70mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

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

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the residential amenity.

13. Prior to the commencement of development, the applicant shall have submitted to and have agreed in writing by the local planning authority, a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site.

The method statement shall detail how:-

- i. 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
- ii. 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.

Reason: In the interests of public health

14. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage

15. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage

16. 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 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 + 45% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers 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 infiltrations 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.
- e) Evidence of an agreement in principle with the third party asset owner to connect to the off-site surface water sewer.

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 in accordance with the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and Policy ENV 7 of the adopted Core Strategy 2011-2030, Pendle Local Plan Part 1.

17. 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 runoff rate from the site prior to redevelopment or the proposed post development discharge rate.
- 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 in accordance with the National Planning Policy Framework.

18. 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 SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- 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 pursuant to the requirements of the National Planning Policy Framework.

19. 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, and to ensure that the development as constructed is compliant with the requirements of the National Planning Policy Framework.

20. Prior to first occupation, details of the five bat and five bird boxes are to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the boxes should be sited in strict accordance with the approved details.

Reason: In the interests of protected species.

21. 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 a contribution for monitoring of the Biodiversity Net Gain provision for a 30 year period.

Reason: To ensure the provision of biodiversity net gain.

Informative

1. Connection to Public Sewer

The applicant will require an agreement with the appropriate Water and Sewerage Undertaker to connect to the public sewerage system, alongside any Section 104 agreements for the adoption of the proposed surface water sustainable drainage system.

2. The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk

BNG condition

1. The development may not be begun unless
 - a. a biodiversity gain plan has been submitted to the planning authority and
 - b. 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.

Application Ref: 25/0569/FUL

Proposal: Full (Major): Erection of 11 no. dwellings with altered vehicular access and parking.

At: Land off Laithe Street, Colne

On behalf of: Mr P Gregson

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 28th November 2025