

Report Title	<b>PLANNING APPLICATIONS</b>
Meeting	<b>COLNE AND DISTRICT COMMITTEE</b>
Meeting Date	<b>11TH JUNE 2026</b>
Report Author	<b>NEIL WATSON</b>
Directorate	<b>PLACE</b>
Lead Executive Member(s)	<b>COUNCILLOR L. WHIPP</b>
Wards Affected	<b>WATERSIDE &amp; HORSFIELD</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 applications.

# REPORT TO COLNE & DISTRICT AREA COMMITTEE 11<sup>TH</sup> JUNE 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

This report is before committee as it is a major application.

It has previously been discussed at a Colne Area committee meeting in January 2026 and at the time had a recommendation for 'delegate grant consent' subject to drainage and highways being resolved satisfactorily.

## **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 pass 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.

#### *Further comments 8<sup>th</sup> January 2026*

The following amended and additional documents were submitted on 7 January 2026:

- Proposed Drainage Layout Plan (Drawing No 225/037/100 P1 dated 6.11.25 prepared by Sleater & Watson)
- Proposed Ground Floor Site Plan (Drawing No 7175-P02-A dated 6.1.26)
- UU Sewer Records
- Proposed Roof Plan (Drawing No 7175-P01-A dated 6.1.26) – this includes visibility splays

The highway authority's further comments are in response to the above documents in addition to its initial response of 9 October.

**Visibility splays** The highway authority requested a visibility splays drawing at the junction of Thomas Street with Laithe Street due to the intensification in use of this junction. Visibility splays have been submitted on the Proposed Roof Plan (Drawing No 7175-P01-A). The splays submitted are 2m x 46.5m to the east of the junction and 42.2m to the west, although the full extent of the carriageway edge to the east is not shown. However, the measurement has not been taken from the centre line of the junction and has only been measured 1.8m from the carriageway edge on Thomas Street and not 3.6m required for the existing carriageway width.

Given the number of dwellings proposed an X measurement of 2.4m is required and not 2m as submitted. The highway authority therefore does not accept the visibility splays as submitted. The applicant should also note that as the maximum speed limit on Laithe Street is 20mph a maximum Y measurement of 25m would be required. Traffic may be travelling below the maximum speed limit, and a shorter Y measurement may be accepted. However this would need to be supported through data obtained by an automated seven day survey carried out at in a neutral month, avoiding national holidays and events, or local events which could impact on traffic movements, and with prevailing weather conditions noted.

The provision of adequate visibility splays would need to be demonstrated and controlled by a pre-commencement condition.

#### *Internal layout*

The internal turning head has been extended to a minimum length of 17.5m as requested. However, the 0.5m wide service strip has not been provided around the turning head. It may not be possible to provide this around the whole turning head without potentially impacting on the parking layout for Plot 5 as the parking area should not include the service strip. The alternative would be to set the parking area 0.5m closer to the front of the dwelling to prevent vehicles overhanging into the turning head. This would also mean the electric vehicle charging point being fixed to the front wall rather than being a separate unit. A swept path plan for a refuse vehicle has not been provided as requested. However, as the length of the turning head has been increased to meet the highway authority's minimum specification it is possible that this vehicle could enter/leave the site in forward gear. The Proposed Parking and Access Plan (Drawing 7175 – P05) initially submitted would need updating to incorporate amendments to the turning head and the increase in footway width to 1.5m on Laithe Street.

#### *Culverted watercourse*

The Proposed Drainage Layout Plan (Drawing No 225/037/100 P1) appears to show that the culverted watercourse will connect to the combined water sewer to the rear of Laithe Street. A

properly designed scheme to culvert the watercourse across the whole site would need to be submitted and should include its outfall. Ordinary Watercourse Consent will need to be obtained from the Lead Local Flood Authority (Lancashire County Council) prior to the start of any development taking place as consent will not be given retrospectively. The highway authority will not adopt the estate road, footways or infrastructure where unconsented water course works have taken place, and the development would then remain private. The highway authority recommends that the following conditions and informative notes are applied to any formal planning approval granted.

Conditions:

- Construction Method Statement
- Construction of the Site Access
- Scheme for the retaining structure adjacent to the highway to be maintained at public expense
- Land Drainage Consent
- Visibility splays
- Highway works to facilitate construction traffic
- Full engineering details of the internal estate roads to be submitted
- Details of future management and maintenance of estate roads
- Internal roads to be constructed to base course level prior to first occupation
- Off-road parking shall be provided in accordance with the approved plans
- Electric Vehicles charge points
- Cycle storage

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

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 is 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.

During the course of the application process, amended site plans have been received which reposition the retaining wall along the site frontage with Laithe Street, in order to accommodate the visibility splay and turning area.

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 Grindlestone 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 Grindlestone 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 Grindlestone 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 has not been provided and conditions have been suggested to cover this aspect of the scheme. The Highways Authority noted the repositioning of the retaining wall and the inclusion of the visibility splay on the amended plans. Conditions have been suggested in this regard.

## **Ecology & Trees**

The proposed development would result in the loss of all the trees within the site. 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 is lost.

Since the application had been brought before committee in January 2026, the site has been completely cleared of trees and vegetation.

The applicant has not provided an Arboricultural Impact Assessment but it is clear from the layout put forward that the trees within the site would not be retained. The applicant's Ecology report set out that 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. It is not clear when the clearance of the site has taken place. There are also implications for the requirement of a felling license which is dealt with under separate legislation. Policy DM07 requires trees to be replaced on the site, or a financial contribution to be paid of £500 for each tree to be replaced. There were 13 trees on the site at the time of the Tree Survey being carried out when the application was submitted. Therefore, 26 trees will be required to meet the requirements of the policy. The applicant will need to enter into a s106 agreement with Pendle Council in order to provide a contribution for off-site trees, if the replacements cannot all be accommodated within the site layout.

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. 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. 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. The objection from the Lead Local Flood Authority has not been lifted at the time of drafting this report.

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 decisions from the Planning Inspectorate a full design can be required by condition.

Although the applicant has put forward a preliminary surface water drainage strategy, this is not sufficient information to be certain that the site would drain effectively. The Council are not in position of sufficient information to determine the application on this basis.

## **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.

### **RECOMMENDATION: Refuse**

For the following reason:

1. The applicant has failed to supply sufficient information to demonstrate that the site can be effectively drained without increasing the risk of flooding elsewhere. As such, the proposed development does not accord with Policies DM02(a) and DM02(b) of the Local Plan Fourth Edition.

**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

## REPORT TO THE COLNE AREA COMMITTEE ON 11<sup>TH</sup> OF JUNE 2026

**Application Ref:** 26/0131/FUL

**Proposal:** Full: Replacement of existing perimeter fencing and gates.

**At** Primet Primary School, Tatton Street, Colne, Lancashire

**On behalf of:** Mrs Cunningham

**Date Registered:** 02.03.2026

**Expiry Date:** 27.04.2026

**Case Officer:** Athira Pushpagaran

This application was deferred from the last meeting (14<sup>th</sup> of May) to allow discussions with the agent to consider alternative solutions for the fencing.

### **Site Description and Proposal**

The application site is a primary school situated within the defined settlement boundary of Colne. The main access is from Tatton Street, with the site boundary adjoining both Tatton Street and Cuerden street. The school is a non-designated heritage asset as identified in the Colne Neighbourhood Plan.

The proposed development is the replacement of existing perimeter fencing and gates.

### **Relevant Planning History**

13/02/0048P Erect glazed link extension and two sets of gates within grounds (County Consultation). Approved with Conditions. 2002

13/04/0070P Erection of 1.5m high ball stop fence to front and side elevation of school site. Objection. 2004

### **Consultee Response**

#### **Highways**

No objection

#### **PBC Environmental health**

No comments

#### **Growth Lancashire**

I have reviewed the application documents and considered these against the national policy contained in Chapter 16 of the NPPF and the Local Plan policy(s). The proposed development relates to the replacement of the compound wall railing of the school building, located along the principal elevation on Tatton Street. The proposal matches the existing railing in terms of height, scale, and overall form. I note, the works are confined to the boundary treatment and do not involve any physical alteration to the building's fabric. I think, the replacement railing appears to reflect the existing style and materials, which supports visual continuity of the building. While the

proposal does not specify the colour of the railings, I note that the existing railings (blue) already contrast with the building and its historic context. On that basis, I think colour to be a relatively minor aspect in this case, though I recommend that it is clarified beforehand. I also note a minor change to the design of the gate; however, I think this to be a small alteration that would not affect the significance of the building or the principal views included within the setting. Overall, I think the proposal would not result in harm to the significance of the NDHA or its setting. As such the proposal complies with the objectives contained in Chapter 16 of the NPPF and the Pendle Local Plan (Policy DM18 and SP11) and I raise no objections from a heritage perspective.

### **National grid**

Cadent Gas- No objection, informative note required

### **Parish/Town Council**

Objection. The removal of the railings would be detrimental to the local heritage and would diminish the character of the school and the Colne area. Members suggest an alternative: Installing the required new perimeter fencing on the interior side of the existing boundary, thereby leaving the historic railings in place.

### **Architectural Liaison Unit**

In relation to planning application - 26/0131/FUL, Primet Primary School ,Tatton Street, Colne, please note the following.

The designing out crime team would advise for the proposed Barbican Imperial Wall Railings to be to the following standard - The fencing and matching post and gating systems are recommended along educational site perimeters; and be to LPS 1175: Issue 8 security standards, using a material which is of anti-climb and vandal resistant construction. This consultation response is provided to support public safety and community well-being through effective environmental design and situational crime prevention. Comments are made in accordance with Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006), which places a duty on relevant authorities to exercise their functions with due regard to the likely effect of decisions on crime, disorder, anti-social behaviour, substance misuse, and reoffending. This response is advisory in nature and is based on the information submitted at the time of consultation. Should the proposal be amended or additional details provided, further comments may be offered.

### **PBC Engineering**

No response

### **Public Response**

The nearest neighbours have been notified by letter, with one objection received raising the issues as summarised below:

- Current gate and railing are more appropriate and why isn't repainting them considered instead of replacement.
- The design does not look like it will deter children from climbing into the yard
- what material will be used & what colour is proposed for the new railings

### **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 SP02 (Spatial Strategy) sets out the spatial development principles for developments 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) Proposals for new development should have regard to the potential impacts they may cause to the highways network, particularly in terms of safety and the potential to restrict free flowing traffic, causing congestion.

Policy DM13 (Environmental Protection) seeks to ensure development does not result in any adverse impacts relating to air quality, lighting, noise and vibration and soil and water from the development and from the construction phase.

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.

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

Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

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

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

### **Officer Comments**

The proposed development is replacement of boundary treatment for a school within the settlement boundary of Colne.

There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

#### **Visual and Heritage Impact**

The existing boundary treatments to boundaries along Tatton Street and the unadopted street to the northwest include wrought iron palisade fence and gates. The existing fence height ranges from 2.8m to 1.8m from the level of Tatton Street and 2.8m to 3.7m along the unadopted street. The fence along the unadopted street to the north and the section of Tatton Street adjacent to it also has a mesh fence of circa 1.5m height above the existing fence, a lightly set back from the boundary.

The proposal is to replace these with painted steel palisade fences and gates taller than the existing by 0.475m for compliance with security and safety requirements for the school. This is supported by the comments from the Designing out crime unit of Lancashire constabulary. At the sections where the mesh fence exist the new fence would also match the height of the existing mesh fence.

The school is a non-designated heritage asset and the existing fence and gates are original features. The applicant has stated that the existing fence and gates due to their design and age, are unable to be extended to meet these requirements. There is also no opportunity to reuse it elsewhere on site. Options for installing a new fence behind the existing one was considered however this would compromise security if placed close to the existing one, and would result in a reduction in the yard space available for the playground area if placed further into the site

The proposed fencing would reflect the slender proportions of the existing one and supports visual continuity of the building. The gates however would, as per the drawings submitted, have thicker box section frames and posts. The applicant has agreed to replace these elements with thinner elements however has not produced amended drawings due to the delay in procuring exact dimensions from suppliers. Therefore, a condition would be required for the submission of detailed section drawings at a later stage. This has been agreed in writing by the applicant.

A condition would also be necessary to ensure that the original features of the fence and gates are recorded before removal.

The school is one maintained by the County council. The GPDO under Part 12, Class A grants permitted development rights *for the erection or construction and the maintenance, improvement or other alteration by or on behalf of a local authority of any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers*. Any fence up to 4m in height can be erected around the site under permitted development without the need for an application. Considering this fallback position, subject to the conditions above, the proposed

development would not have any unacceptable impact on the character and significance of the non-designated heritage asset and its setting.

Overall, the proposed development would be acceptable in terms of design in accordance with paragraph 216 of the NPPF, policies SP11, DM16, DM18 and DM24 of the Adopted Pendle Local Plan Fourth Edition (2021-2040) and the Adopted Pendle Design principles SPD.

### **Residential Amenity**

The proposed development due to its nature and function would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with policy DM16 and DM24 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 and would be acceptable in accordance with policies SP13 and DM37 of the 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:

01 Existing and Proposed Elevations  
Location Plan

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

3. Notwithstanding any indication on the approved plans and application form, prior to any external works commencing, detailed elevations and sections of the proposed gates, along with samples of all the external materials and finishes to be used on the elevations shall have been

submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved details.

**Reason:** To ensure a satisfactory form of development in the interest of the character and appearance of the area and the non-designated heritage asset.

4. The removal of the existing fence and gates shall not commence until a visual record of the original fence and gates, including photographs and drawings, have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To secure a proportionate record of a heritage asset to be lost, in accordance with national policy on conserving and enhancing the historic environment.

### **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.

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/our-services/gas-diversions](http://cadentgas.com/our-services/gas-diversions) Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

### **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 18<sup>th</sup> May 2026**