

Report Title	PLANNING APPLICATIONS
Meeting	COLNE AND DISTRICT COMMITTEE
Meeting Date	06TH AUGUST 2026
Report Author	NEIL WATSON
Directorate	PLACE
Lead Executive Member(s)	COUNCILLOR L. WHIPP
Wards Affected	WATERSIDE & HORSFIELD AND BOULSWORTH & FOULRIDGE
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 AND DISTRICT COMMITTEE ON 06TH AUGUST 2026

Application Ref: 26/0185/FUL

Proposal: Full (Major): Erection of a food retail unit (Use Class E) with associated access, car parking, servicing and landscaping.

At: Unit 4, Silk Way Business Park, Whitewalls Drive, Colne

On behalf of: Monte Blackburn Ltd and Marks and Spencer plc

Date Registered: 26/02/2026

Expiry Date: 18/05/2026

Case Officer: Alex Cameron

This application has been brought before Committee as it is a major development.

Site Description and Proposal

The application site is land to the west of the recently built services at Junction 14 of the M65. To the north is the M65, to the west is woodland, to the south is Greenfield Lane, with a row of dwellings and Greenfield Nature Reserve beyond. Planning permission has been granted on the site for a development of industrial units.

The proposed development is a food retail supermarket with a floor area of 2,300 square metres, a car park with 176 car parking spaces to the east and servicing area to the west. Access would be taken from within the existing road of the Junction 14 services.

Relevant Planning History

21/0583/FUL - Full: Major: Re-development of the site comprising the erection of roadside services including a Petrol Filling Station with ancillary convenience floor space and drive-thru coffee unit (Sui Generis) and Erection of two industrial units (Use Class B2/B8), with associated infrastructure, access, car parking and landscaping (Re-Submission). Appeal Allowed

Consultee Response

PBC Environmental Health – Raised concerns that although the reports demonstrate noise levels within acceptable daytime limits (7am to 11pm) from deliveries and servicing, the anticipated levels are very close to the acceptable limit and have requested additional details and measures to ensure that in practice the levels remain acceptable. Requested additional details of external lighting.

PBC Environment Officer - Following a review of the application and the submitted Arboricultural Impact Assessment, it is noted that the site falls within Tree Preservation Order No. 2 (1990) – Greenfield, Colne. However, during the site visit it appeared that the majority of the trees originally covered by the Order have previously been removed. Having reviewed the submitted Arboricultural Impact Assessment, it is noted that the removal of T2 Sycamore and T7 Oak is proposed. The removal of T2 Sycamore is considered necessary on arboricultural and safety grounds due to the presence of Ganoderma. T7 Oak is proposed for removal in order to facilitate the proposed

development. The tree is currently in poor condition, having previously been heavily pollarded to approximately 6 metres, with subsequent regrowth of approximately 2 metres. It is also noted that the Oak tree is located within the garden of a neighbouring property; therefore, permission from the landowner must be obtained prior to any works being undertaken. Appendix 6: Arboricultural Implications Plan identifies the Root Protection Areas (RPAs) for the retained trees. However, no details have been provided to demonstrate that suitable protective fencing will be erected around these areas. Tree protection fencing will be required prior to the commencement of development and retained throughout the construction period in order to safeguard the retained trees.

LCC Highways –

Bus travel

Bus service 60 LCC subsidised service runs along Whitewalls Drive and is the nearest bus service to the site. A drawing showing two new quality bus stops on Whitewalls Drive is submitted which is considered acceptable in principle to allow staff and customers to travel sustainably to site.

The bus stops will be constructed to LCC quality bus stop standard under a S278 agreement with Lancashire County Council. We would request a condition for these stops to be constructed prior to first trading of the unit.

Walking and cycling

The site is connected to the footway network on the adjacent highways and Pennine cycle route 68 runs along the Leeds Liverpool Canal towpath and is connected to the site via Greenfield Road to the west and to Colne Town Centre to the east. There are pedestrian and cycle crossing facilities at the signalised junction Whitewalls Drive. Facilities to support staff and customers to cycle are expected to be provided with secure and covered cycle parking on site.

Traffic Impact

The approved development on the Eurogarages whole site has been built out apart from the previously approved Industrial units, which the food retail unit will replace. These were predicted to generate 54 and 75 two-way trips during the weekday AM and PM peak hours. The weekend day was not necessary to assess.

The withdrawn application for the additional drive thru restaurant was predicated to generate 2 and 71, two-way trips in the weekday peak. Although this application is not considered to be committed development because the application was withdrawn it is noted that the traffic has been included in the junction assessments.

In comparison to the previously approved Industrial units, the proposed food retail unit is predicted to generate 63 and 104 two-way trips during the weekday highway AM and PM peak hours and 331 two-way trips during the Saturday peak hour period.

No discounting of trips from the development has been undertaken. It is noted that some linked trips may occur with the fuel station and drive thru restaurants, this is likely to be low therefore the Highway Authority does not dispute the methodology.

A classified traffic survey was undertaken of Colne Roundabout, A6068 Whitewalls Drive / A56 Burnley Road Roundabout junction and the A6068 Whitewalls Drive / Site Access signalised junction on Wednesday 19th November 2025, between the hours of 16:00 – 18:00 and on Saturday 22nd November 2025, between the hours of 11:00 – 14:00. The peaks are identified as Weekday PM Peak (Network): 16:15 – 17:15 and Saturday Peak (Network): 11:30 – 12:30.

The peaks are identified as Weekday PM Peak (Network): 16:15 – 17:15 and Saturday Peak (Network): 11:30 – 12:30. There are 3 junctions assessed within the document which include:- 1. Whitewalls Drive A6068/Site access road – Signalised junction linsig model predicts the junction operates with spare capacity in the future year 2030. 2. Whitewalls Drive A6068/A56 Burnley Road NE/A56 Burnley Road SW – Roundabout model predicts the junction will operate with spare capacity in the future year. 3. M65 J14/Whitewalls Drive A6069/Vivary Way A6068/Boundary Mill access road – Roundabout arcady model predicts the junction will operate within capacity at a maximum of RFC of 94% in the future year 2030 with a queue of 14 vehicles at Saturday peak on the M65 arm, increasing from 3.

Queue length surveys were undertaken during the traffic surveys with a maximum queue in the M65 approach offside lane of 26 passenger car units recorded during the Saturday peak and 16 in the Wednesday peak.

There are already measures on the M65 on the approach to J14 including queue warning signage and yellow strip road markings and these are considered to be sufficient to accommodate the increase queue length.

Further analysis of the collision history demonstrates the two collisions at the M65 EB roundabout entry occurred in 2021 and 2022, there have been changes introduced to the lane markings and signage circa 2021 and there have been no collisions since. There are two collisions recorded in 2024 and 2025 on the roundabout itself which are attributed to driver behaviour speed related. There is a collision recorded on Whitewalls Drive at the signals. We note that the signalised junction has been through a Stage 3 Safety Audit and there are no further works identified.

To conclude we are satisfied that the assessment is sufficiently robust and that the existing mitigation measures on the M65 are sufficient to accommodate the potential increase in queuing.

Off-site highway mitigation measures

We previously requested a validation report for the junction on Whitewall Drive/site access to be commenced within 3 months of first trading. This is requested for this application to ensure that the signals are optimised correctly for the change in flows at the junction following trading. We would request that this is included as a planning condition should the application be approved as part of the S278 works.

We would also request that two new quality bus stops on Whitewalls Drive are constructed under the S278.

Access

The site will be accessed from Whitewalls Drive A6068 via the existing signalised junction which was approved under 21/0583/FUL and is operational. The food retail unit will be accessed from the internal estate road.

Pedestrian connectivity is provided to link the site with estate roads and other facilities on site, this is considered necessary.

The internal roads on the site are privately maintained, therefore no highway agreement is required.

Servicing

The service yard is proposed at the rear of the unit with space for articulated lorries to enter, turn and exit in forward gear. A swept path analysis has been undertaken for a 16.5m articulated vehicle as the largest delivery vehicle associated with the site. This vehicle is anticipated daily.

Parking

The Pendle parking standards for 'E(a) Food Stores over 2,000m², in Zone 1 require one space per 15sqm and zone 2 one space per 10sqm. This equates to 153 - 230 parking spaces. Disabled parking spaces should be provided at 6% of the parking provision (this equates to 9-14 spaces), bicycle spaces at 10% (15-23 spaces) and 8-10 motorcycle spaces.

The standards state that 'At supermarkets.. a) a drop off zone with under cover seating should be as close as possible to the main building entrance. The minimum dimensions of the setting down/picking up area should be 2.5m x 8m and b) a minimum of two equipped fast 32amp EV charging unit plus an additional unit per 50 spaces created'.

Car

There are 154 customer parking spaces proposed including 11 disabled parking spaces, 7 parent and child and 10 motorcycle. There are an additional 10 spaces in the rear service yard for staff, including 1 disabled parking bay.

Eight electric vehicle charging bays are stated within the TA but are not shown on the layout. A minimum of 5 spaces are required under the standards.

Two drop off spaces are included as parking spaces however these are unlikely to be used as they are impractical for taxis due to the reversing manoeuvres required. There is no undercover seating associated with the drop off zone.

The infrastructure is required to address the needs of an ageing population, with an increasing number of individuals being dropped off and collected either by relatives in a family car, or a taxi. It also provides an area close to the main entrance that can be used by an emergency vehicle.

The covered seated area reflects that people with bags of shopping will probably need to sit down whilst waiting to be picked up and be protected from the wet or hot weather conditions, particularly vulnerable road users.

Cycle

There are 8 Sheffield stands proposed for 16 bicycles. These stands are proposed to be covered with the shelter.

Motorcycle

There are 10 spaces proposed.

The proposed provision accords with the standards and is considered suitable to accommodate the proposed development however it is noted that the inclusion of a drop off zone and associated infrastructure is not included.

Conclusion

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a

significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Recommends condition for: construction management, off-site highway works, cycle storage, parking and manoeuvring, junction signals validation.

Lead Local Flood Authority – No objection subject to conditions for drainage strategy, construction surface water management, drainage management and maintenance, drainage verification report.

Environment Agency – No objection subject to a contaminated land condition.

United Utilities – No objection subject to conditions for foul and surface water drainage and drainage management and maintenance.

Colne Town Council - Colne Town Councillors raised significant concerns regarding the proximity of the proposed unit to residential dwellings. It was requested that the building's design be adjusted to better blend with the surroundings, quantity of external lighting be reduced and that delivery hours be strictly restricted to mitigate the impact on residents.

Public Response

Site and press notices posted and nearest neighbours have been notified by letter, responses received objecting on the following grounds:

- Noise impacts, in particular from the service area from deliveries, waste collections and reversing vehicles and forklifts
- Acoustic fencing to mitigate noise impacts should be included in any permission
- There should be a landscaped buffer between the properties on Greenfield Road and the site to mitigate noise, privacy and outlook residential amenity impacts
- Member of the public stating they are boycotting the services and any other development on this site
- Greenfield road being used as a cut-through to access the site resulting in additional traffic and surface deterioration and highway safety risks
- Any permission should include additional measures to limit and monitor vehicular access to Greenfield Road and provide segregated vehicle and pedestrian / cycle routes along Greenfield Road
- There should be an annual financial contribution to the Greenfield Nature Reserve to mitigate increased litter and footfall

Responses received in support on the following grounds:

- It will bring jobs to the area
- Increase in choice in the area
- Reduced need for trips out of the area
- Increase in visitors to Colne and other nearby businesses
- In a convenient location
- Will improve the area
- Effect on the value of the area

Officer Comments

Policy

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) defines the retail hierarchy for Pendle, Brierfield is designated as a district centre in the second tier of the hierarchy.

Policy SP08 (Towards net zero carbon) The design of all new developments should seek to reduce the extent and impacts of climate change. To help promote zero carbon development, proposals are encouraged to meet the highest technically feasible and financially viable standards and minimise their effects on climate change across the whole life cycle of the development. Applicants are encouraged to incorporate small-scale renewable and low carbon energy generation into new developments where appropriate, feasible and viable.

Policy SP09 (Water Management) Development should be delivered in an environmentally sensitive way (Policy DM02(a)), which: (a) Limits flood risk through careful location, design and surface water management. (b) Does not increase flood risk elsewhere. (c) Seeks to locate or relocate critical infrastructure and highly vulnerable uses in areas that are not at significant risk of flooding. (d) Improves the flood resistance and resilience of premises in areas at significant risk of flooding. (e) Protects, maintains and secures flood management infrastructure.

Policy SP10 (Natural Environment) states that all development should seek to create better places for people and wildlife. It should protect and enhance biodiversity and geodiversity.

Policy SP13 (Transport and Connectivity) states that proposals should follow the settlement hierarchy approach in Policy SP02 and minimise the need to travel by ensuring they are developed in appropriate locations close to existing or proposed services. High density development should be focused within a 5-minute walk (400 metres) of the high-quality bus corridor or existing transport hubs.

Policy SP14 (Infrastructure and Developer Contributions) states that development will only be permitted where adequate infrastructure can be shown to be available or shortfalls met by contributions for enhanced or new infrastructure.

Policy DM02a (Flood Risk) The policy seeks to manage and reduce the risk of flooding. It also seeks to ensure that new development is not vulnerable to the impacts of climate change.

Policy DM02b (Surface Water and Foul Water Management) Requires that where appropriate, applications should be supported by a strategy for foul and surface water management. Any discharge should employ the most sustainable drainage option in accordance with the drainage hierarchy, which should be demonstrated by the applicant.

Policy DM07 (Trees and Hedgerows) states that all development proposals should demonstrate that opportunities for the conservation, restoration, enhancement or planting of trees, woodland and hedgerows have been considered and incorporated, wherever practicable. It requires that for each tree lost, the provision of two replacement trees, or a commuted sum payment for off site replacement is made.

Policy DM16 (Design & Place Making) seeks high quality design in all new developments.

Policy DM13 (Environmental Protection) states that potential noise levels within the vicinity of any new development must be at acceptable levels.

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 DM37 (Parking) standards are set out in Appendix 5 of the plan, adequate parking provision is required to serve all new development. At supermarkets the following facilities should be provided:

(a) A drop-off zone with under-cover seating should be as close as possible to the main building entrance. The minimum dimensions of the setting down/picking up area should be 2.5m x 8m.

(b) A minimum of two equipped Fast (32 amp) EV Charging Unit, plus an additional unit per 50 spaces created.

Policy DM42 (Vibrant town centres) states that town and district centres will be the focus for retail development and other main town centre uses.

Policy DM44 (Out-of-centre Retail and Commercial Development) states that beyond the defined boundaries of the Town Centres, District Centres (Policy SP06) and Local Frontages, proposals for new Main Town Centre Uses will not normally be permitted unless supported by a robust Sequential Assessment and where a proposed exceeds 400sqm, a Retail Impact Assessment. Such proposals should be located in order of priority in:

(a) Edge of centre sites, as defined in the NPPF.

(b) Other accessible locations within settlement boundaries that are well connected to the town centre.

Where justified, a condition may be used to prevent the change of use within Class E without the prior written consent of the local planning authority.

Colne Neighbourhood Development Plan

Policy CNDP3 states that, as appropriate to their scale, nature and location, development proposals should:

- a) retain, re-use and, where necessary, sympathetically re-configure existing street patterns;
- b) use and re-use traditional local materials (such as stone, stone slates, slate, and timber). Where appropriate to their setting, such materials should be traditional materials which have been recycled, or have a significant recycled content, and make a positive contribution to the overall quality of the character area;
- c) retain key features of the local vernacular, such as stone flags, stone setts, ironwork, building details and ornamentation; and
- d) ensure building form and layout responds to and is sympathetic to the form and layout within the Urban Character Area within which it is located.

Principle of the Development

The application site is located out of centre for retail planning purposes and, as such, the proposal is required to demonstrate that there are no suitable and available sequentially preferable sites and that the development would not give rise to a significant adverse impact on planned investment or on the vitality and viability of defined centres.

The applicant has submitted a sequential assessment and retail impact assessment. The Council has appointed a retail consultant to undertake an appraisal of the of the submitted assessments.

The area of search adopted by the applicant provides a reasonable basis for the assessment, focusing on Colne and Nelson, with additional consideration given to Barrowford District Centre. LSH has some reservations regarding the extent to which flexibility in format and scale has been fully demonstrated, particularly having regard to the published minimum floorspace requirements for M&S Foodhalls and the planned foodstore unit within the Pendle Rise Shopping Centre redevelopment. However, while that unit could reasonably have warranted further consideration an alternative foodstore operator is expected to occupy the floorspace. The former Matalan unit at North Valley Retail Park is also not considered to represent a suitable or available alternative, principally due to parking constraints and its current availability position. No other suitable and available in-centre or edge-of-centre alternatives have been identified. Therefore, the proposal can be regarded as satisfying the sequential test for the purposes of the Policy DM44 and the Framework.

In respect of the impact test, it has been satisfactorily demonstrated that the proposal would not prejudice the delivery or effectiveness of identified investment projects in Colne or Nelson town centres. The investment identified in Colne is primarily focused on cultural, leisure, public realm and market hall improvements, while investment in Nelson is focused on the Pendle Rise redevelopment and wider town centre regeneration. These projects are materially different in nature and function to the proposed foodstore, and there is no substantive evidence to indicate that the proposal would undermine their delivery or intended benefits. The proposal is therefore considered to comply with the first limb of the impact test on that basis.

With regard to town centre vitality and viability, the applicant's assessment provides a broadly reasonable basis for considering convenience goods impacts, although some assumptions on trade diversion to the proposed foodstore (solus impact) and the consented foodstore (cumulative impact) may require adjustment, trade diversion from Sainsbury's at Windy Bank to the proposed foodstore is likely to be underestimated, while diversion from Asda at Swinden Retail Park and from Morrisons and Lidl in Nelson town centre may be overstated. These adjustments would, however, principally affect the distribution of trade diversion between individual stores rather than materially alter the overall level of impact on defined centres. Having regard to the health check evidence, Colne is assessed as a relatively healthy and resilient centre, while Nelson, although displaying some weaker indicators, remains an established centre with planned investment intended to support its future vitality and viability.

Overall, the assessed impacts on the convenience goods turnover of Colne and Nelson town centres are acceptable in retail planning terms. The forecast impacts would not be expected to result in a significant adverse impact on the vitality and viability of either centre. Accordingly, subject to conditions controlling the scale and trading composition of the proposed foodstore, the proposal satisfies sequential and impact tests set out in Policy DM44 and the Framework and is acceptable in principle in this location.

Visual and Landscape Impacts

The proposed supermarket would have an equivalent to beneficial impact over the approved development on this site for two industrial buildings, the building would be contained in one area of the site and be less utilitarian in appearance than the approved industrial buildings. The development would sit naturally alongside the existing commercial development to the east and would not result in any unacceptable landscape or visual impacts.

Residential Amenity

The nearest dwellings are the row of dwellings to the south on Greenfield Road. The potential impacts would result from impacts from external lighting and from noise, particularly from the proposed servicing area.

In terms of privacy the dwellings on Greenfield Road bounding the site have long rear gardens of between 17-27m from the rear elevations to the boundary of the site and the building would be a minimum of 12.5m from the boundaries of the gardens. Therefore, there would be no unacceptable impacts on the windows of those dwellings in terms of privacy, light loss or overbearing impacts.

However, the proposed access road and service yard would be raised approximately 1m above the level of the rear boundaries of the gardens, therefore drivers and other users of the yard area would be likely to have views over the existing boundary fences into the gardens in close proximity.

To mitigate this impact it has been agreed that a screen fence will be erected along the south side of the service yard and access at a height sufficient to screen views from eye level in a HGV cab. This would need to be approximately 3m tall. The fence would be set back from the boundary with landscaping between and would not result in overbearing impacts upon those dwellings. This will adequately maintain the privacy of the adjacent properties.

In relation to noise impacts, Environmental Health have raised concerns that although the submitted noise assessment demonstrate noise levels within acceptable daytime limits (7am to 11pm) from deliveries and servicing, the anticipated levels are very close to the acceptable limit.

Environmental Health have requested additional details and measures to ensure that in practice the levels remain acceptable, including assessing to what extent the above screen fence binging an acoustic fence would mitigate those potential impacts and whether changes could be made to the loading bay and details of unloading to reduce potential noise impacts. They have also requested details of lighting to ensure that would not result in unacceptable impacts from light.

Additional details are awaited from the applicant and discussions ongoing to resolve Environmental Health's concerns.

Highways

It has been acceptably demonstrated that the development would not result in unacceptable highway safety or capacity impacts. Subject to conditions for the provision of additional bus stops on Whitewalls Drive and cycle storage, the proposed development is acceptable in terms of accessibility and sustainable transport.

However, as submitted the proposal does not include an adequate drop off zone with covered seating area as required by Policy DM37 to support the needs of an aging population and other vulnerable customers. This has been raised with the applicant and amended plans including an acceptable drop off zone are awaited.

Drainage and Flood Risk

The site is located entirely within Flood Zone 1 and is therefore at low risk of flooding from fluvial and tidal sources. Environment Agency mapping indicates that the site is also at low risk of surface water, groundwater, sewer and reservoir flooding.

A Flood Risk Assessment and drainage strategy have been submitted and demonstrate that the development would not be at unacceptable risk of flooding and would not increase the risk of off

site flooding. Subject to the conditions recommended by the Lead Local Flood Authority and United Utilities , the development is acceptable in terms of drainage and flood risk.

Trees

One tree is proposed for removal to facilitate the development, this is a mature Sycamore to the south of the boundary of the site. The tree is in poor condition and its removal is acceptable subject to adequate replacement within the landscaping of the development. An Oak tree to the north of the site is also proposed for removal, however this is due to disease necessitating removal rather than the tree being impacted by the proposed development. Subject to protective fencing being conditioned for trees to be retained around the site, there would be no unacceptable impacts to trees.

Ecology

An ecology survey of the site has been submitted with the application.

Trees around the site have been identified as providing potential for bat roosts. However, overall the site is assessed to have low value for foraging or commuting bats. No evidence of badger presence was found, although the site could be used for commuting. The site provides some potential for ground nesting birds and habitats for common amphibians, invertebrates and hedgehogs.

The report recommends mitigation measures that would acceptable protect the protected species from harm during and after development and enhancements that would enhance habitats.

The report also notes that Greenfield Local Nature Reserve (LNR) is situated adjacent to the site to the west potential indirect impacts could include encroachment into root protection areas (RPAs), accidental pollution such as dust deposition or surface water runoff during construction, and the potential spread of invasive species from the Site (noting that Himalayan balsam is already present within the LNR to the south). Other indirect impacts may arise from noise and light disturbance associated with construction or ongoing human activity, which could affect sensitive species such as notable butterflies and birds. Additionally, edge effects resulting from habitat alteration on the Site could influence microclimatic conditions, potentially reducing the ecological quality of habitats along the LNR boundary.

The report recommends acceptable mitigation measures to protect the LNR.

The mitigation and enhancements recommended can be controlled aby condition and would acceptably ensure that the development does not result in unacceptable impacts upon ecology.

Biodiversity

A Biodiversity Net Gain (BNG) assessment has been submitted with the application, this demonstrates that off site enhancements will be necessary to offset the loss in biodiversity and provide a 10% uplift.

In addition to the statutory BNG condition a condition will be necessary for a Section 106 agreement to secure the BNG provision and provide for the Council's costs of monitoring for 30 years.

Conclusion

The proposed development is acceptable subject to acceptable details to resolve the remaining noise impact concerns and provision of an acceptable drop off zone with covered seating area, it is recommended that the approval of the application and any additional or revised conditions necessary is delegated to the Assistant Director, Planning, Building Control and Regulatory Services subject to the receipt of acceptable details.

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions: TBC

Application Ref: 26/0185/FUL

Proposal: Full (Major): Erection of a food retail unit (Use Class E) with associated access, car parking, servicing and landscaping.

At: Unit 4, Silk Way Business Park, Whitewalls Drive, Colne

On behalf of: Monte Blackburn Ltd and Marks and Spencer plc

REPORT TO COLNE AND DISTRICT COMMITTEE ON 06TH AUGUST 2026

Application Ref: 26/0340/HHO

Proposal: Full: Erection of a three-storey rear extension, two storey side extension and replacement dormer windows.

At High Lea, Hill Top, Foulridge, Lancashire

On behalf of: Mr Nathan Hugill

Date Registered: 26.05.2026

Expiry Date: 21.07.2026

Case Officer: Athira Pushpagaran

This application was called in be a Cllr.

Site Description and Proposal

The application site is a detached dwelling situated within the open countryside outside the defined settlement boundary of Foulridge. There are similar detached properties surrounding the site, with open fields to the west. The main access is by a track from Whitemoor Road. The site slopes down from the entrance to the rear boundary, forming a basement floor to the rear of the dwelling. PROW FP1312004 passes through the front of the dwelling and FP1312004a passes along the side and rear boundaries.

The dwelling currently has a single storey extension to the side accommodating a garage and utility. The existing dwelling has stone, brick and timber panelling to its exterior walls, and UPVC doors and windows. The dwelling has a pitched roof with the gable to the front, and a flat-roof dormer to the southeast side elevation. The dwelling also has a rear extension with a conservatory at the ground floor level and a basement floor beneath.

The proposed development is the demolition of the existing single storey side extension, the side dormer and two storey rear extension, and the erection of a three-storey rear extension, two-storey side extension and installation of dormers to the side rear and front. This is an amended version of the previously refused scheme under application 25/0284/HHO. The changes include slight design changes, and the removal of the pitched roof overhang at first floor and the addition of a privacy screen to the side of the raised patio.

Relevant Planning History

25/0284/HHO Full: Erection of a three-storey rear extension, two-storey side extension and replacement dormer windows. Refused. 2025

19/0228/HHO Full: Erection of single storey extension to rear, replacement front porch and implementation of roof lift with window alterations. Approved with Conditions. 2019

13/13/0496P Full: Erection of single storey front and rear extension and raise the existing roof of the dwelling. Approved with Conditions. 2013

13/12/0180P Full: Erection of two storey side extension. Refused. 2012

13/08/0132P Full: Erection of domestic porch to front elevation, two storey extension to side, single storey extension to rear and detached garage to side. Refused. 2008

Consultee Response

Highways

No objection

Parish/Town Council

No objection

PBC Environmental health

To minimise the impact on local residents, the following standard hours for noisy works should be adhered to: • Monday to Friday: 08:00 – 18:00 • Saturday: 08:00 – 13:00 • Sundays and Bank Holidays: No noisy works permitted.

PBC Public Rights of Way

No response

Public Response

The nearest neighbours have been notified by letter, and 8 responses received, 7 of which were in support and one objection. These are summarised as below:

Supports

- The house is in need of refurbishing
- The new scheme accords with policies
- It will add value to the houses at Hill Top
- the design complements the character of the existing house and the surrounding area
- despite all windows and doors on the proposed extension facing directly towards Great Hey Farm, the proposed development would not give rise to unacceptable overlooking or loss of privacy
- The assertion that the extensions represent a 130% increase in floorspace does not, in itself, demonstrate a breach of planning policy. There is no specific policy within DM24 that imposes a numerical cap on percentage increase.
- The proposal maintains the original dwelling as the visually dominant element
- The proposal integrates appropriately within the surrounding character and landscape
- While concerns regarding loss of light, overshadowing, and overbearing impact are noted, these effects must be assessed against established planning standards and guidance. Not all loss of light or change in outlook constitutes unacceptable harm
- The relationship between High Lea and neighbouring properties, including separation distances and orientation, ensures that any additional overshadowing-particularly during winter months-is limited in duration and extent.

- It is also important to note that planning policy does not safeguard private views or guarantee the preservation of existing levels of sunlight where reasonable development is proposed.
- The proposal has been designed and revised to accommodate ALL statements within DM24 1 (a) & 2 (b) and those raised by neighbours in the previous application.
- If you look on google maps the shadow that comes off the site, it falls way short of the boundary hedge with the neighbouring property.
- The proposal will have a similar effect on light pollution as the neighbouring houses and is not relevant.

Objections

- The proposal does not meet policy standards DM24 1 (c) & 2 (a)(b) of the local plan. The dominance and elevated position of High Lea as it currently exists, and as seen on the northerly approach along Hill Top, will be greatly exacerbated by the addition of these proposed extensions.
- Would result in loss of light to adjoining neighbour contrary to DM24 1 (a) & 2 (b).
- Light pollution from the additional windows and vast expanses of glass in the proposed extensions
- It is the same proposal as last year's application (with minor modifications).
- The foundations for the proposed extension and, in particular, the underground games room, will significantly interfere with the natural drainage of the land.
- If approved, it is requested that conditions be imposed to require that additional drainage works be carried out to ensure that the structures do not impede the natural drainage of the land.
- There would be overlooking from the proposed ormers to the neighbouring property's conservatory and decking
- Previously refused applications 13/12/0180P and 13/08/0132P set precedents and, whilst the size/volume threshold may have increased in subsequent iterations of the Local Plan, the principle established cannot be ignored.
- The proposal is disproportionate to the original dwelling and is incapable of integrating effectively into the wider street scene taking into account the built character, topography and land uses
- The original dwelling does not remain the dominant element in terms of size and overall appearance. The proposal would have a detrimental impact on the original building, adjacent buildings or the wider area in terms of its scale or visual impact

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. Proposals to develop outside of a defined settlement boundary will only be permitted for

exceptions to Policy DM09 that are identified in the NPPF, an adopted development plan document, or a made neighbourhood plan, or that are in accordance with Policy SP04 part 5 when the Council is unable to demonstrate a five year housing land supply.

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 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 DM09 (Open Countryside) sets out the exceptions to develop outside the settlement boundary.

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 DM24 (Residential extensions and alterations) sets down the requirements for proposals for residential extensions or alterations.

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.

Supplementary Planning Guidance: Development in the Open Countryside places great importance on proportion and setting and provides guidance on the materials which would be acceptable for agricultural buildings. Developments must not be detrimental to the landscape and the materials and design must reflect traditional farm buildings.

Officer Comments

The proposed development is an extension to a dwelling in a residential area situated outside the defined settlement boundary of Foulridge. There are no underlying policies which would prevent

the development in principle. The principal material considerations for the application are as follows:

Design and Materials

The proposal seeks to demolish the existing single-storey side extensions (garage and utility) and erect a two-storey side extension in its place. The existing extension projects further from the rest of the front elevation of the dwelling. The proposed extension would project 1.6m more to the side than its replacement however would be set back by 2.6m from the front elevation of the dwelling. The proposed side extension would be less than the frontage of the original property and would introduce a new gable to the side elevation. Its dual pitched roof would be set below the ridge line of the existing roof and would match its pitch. It would be sympathetic to the scale and proportions of the existing dwelling. There would be no actual or potential, terracing effect due to the extension.

The proposal also seeks to demolish the existing dormer to the side and erect a dormer each to both the side slopes and to the front roof slope of the proposed side extension. There would also be an L-shaped dormer to the rear roof slope of the proposed extension. All proposed dormers would be set below the ridge and set back from the front elevation and sides in accordance with the guidance set by the Design Principles SPD. With it being a detached dwelling set back from the front boundary, most parts of the proposed dormers would not be prominently visible from public vantage points. Considering this and the modern design of the existing dwelling with a flat dormer visible from the front elevation, and the varied designs of dwellings in the surroundings, the proposed dormers would not have any unacceptable impact on the character of the dwelling and its surroundings.

The proposal also seeks to replace the existing flat roof porch to the front with a pitched roof open design porch. The existing porch is 1.3m deep and 2.12m wide while the proposed porch would be 1.2m deep and 2.8m wide. The proposed porch in timber would be comparable in size and an improvement from the UPVC glazed existing porch. This element of the development would therefore be acceptable.

The proposal also includes the demolition of the existing two storey extension to the rear and erection of a three-storey extension in its place. The site slopes down significantly from front to rear, creating an additional lower ground floor at the back. The existing rear extension projects 2.8m from the rear elevation of the dwelling and has a short, pitched roof. It does not relate well to the proportions of the existing dwelling.

The proposed extension would be as wide as the existing building and would extend the existing rear facing gable elevation. On the lower ground floor level, it would extend a total of 8m from the main rear elevation of the existing dwelling. On the ground floor level and first floor level the extension would project 4m from the rear elevation. The first floor would be an attic floor fully within the sloping roof space of the proposed rear extension. The proposed rear extension would form a patio on the ground floor level, with glass balustrades. Another patio is proposed to the southeast at the corner created by the side elevation of the rear extension and the rear elevation of the side extension. The proposed rear extension would be visible from public footpath FP1312004a especially when the hedges along the boundaries are not in leaf however these views would not be prominent due to the difference in levels of the site and the footpaths. Additionally, the proposed extension would be read as an extension of the existing gable rather than an additional element that compete with the form of the main dwelling. Considering the existing design and the scale of the dwelling within the site, the proposed extensions, on balance, would not have an unacceptable impact on the character of the dwelling and its surroundings.

The existing dwelling has red brickwork, painted render, stone and timber cladding on its exterior, with UPVC doors and windows, and concrete tiled roof. The proposed materials include stone, painted render, stone and timber cladding on the walls, UPVC and aluminium windows and doors and concrete roof tiles on the roof of the extensions and elevations of the dormers. There would also be extensive glazing to the rear extensions on the ground floor. The proposed materials would match the variety of materials already used on the existing dwelling. A condition for samples would be necessary to ensure the exact materials are in keeping with the character of the area.

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

Residential Amenity

The proposed replacement porch would not result in any unacceptable impact on residential amenity due to its location and function.

The proposed windows of the side extension would be sufficiently distanced from other neighbours so that none of its windows would impinge upon their privacy.

The proposal would introduce a new dining room window to the existing side elevation facing Ridgeway on the ground floor. This would face the blank elevation of Ridgeway and is set lower than the ground floor of Ridgeway and is blocked by the boundary hedge. Moreover, it is also something that can be done under permitted development. Therefore, in this case the new window would not have any harmful impact on the neighbours' privacy.

The proposed two-storey extension to the rear would be as wide as the existing building and would extend 5.2m more from the extend of the existing rear extension. However, it is to be noted that the existing two storey extension to the rear did not extend the whole width of the dwelling and was towards the southeastern side elevation.

Close to the boundary with adjoining property 'Ridgeway', the proposed extension projects 8m at the basement level, and 4m at the ground- and first-floor levels. Ridgeway is set slightly higher than the application site and its ground-floor level is slightly higher than the ground-floor level of the application site. Therefore, the part of the rear extension on the basement level would not have any unacceptable impact on the living conditions of the occupants of Ridgeway. Ridgeway has a conservatory, a decked patio and two habitable room windows to the rear.

The rear elevation of Ridgeway is set back from the rear elevation of the application dwelling and therefore the proposed 4m extension on the ground level would actually project circa 6.2m from the rear elevation of Ridgeway. Design Principles SPD states that two-storey extensions will be acceptable only if they do not breach the 45-degree rule. The ground and first floor extensions which act as a two-storey extension w.r.t to Ridgeway would not breach the 45-degree angle for the rear windows of Ridgeway.

The proposed rear extension also creates a patio on the ground floor level that projects up to 10m from the rear elevation of Ridgeway. There is an existing hedge between the two properties which gradually slopes down in line with the terrain. A 2m high privacy screen is proposed along the side of the patio adjacent to the boundary hedge. During the site visit, scaffolding was erected on site at the ground level of the proposed extension, projecting out from the rear elevation of the existing dwelling. Viewing from this scaffolding from a point that would be roughly 8m from the rear elevation of the dwelling, any views into the closest rear windows or the patio of Ridgeway was fully blocked by the existing hedge. Only the top portion of the side walls of the conservatory was visible. Having done this assessment on site, I am satisfied that the proposed 2m high privacy

screen would effectively screen any overlooking from the proposed development onto Ridgeway, even when the hedge is not in leaf.

While the previously refused scheme had a 2m overhang over the patio which breached the 45-degree line for Ridgeway's rear window, this element has been removed from the current proposal. Due to the level difference between the two properties, the top of the proposed privacy screen would be roughly at the sill level of the nearest window of Ridgeway. As such in effect the privacy screen by itself would not breach the 45-degree line for this window and would not result in any unacceptable overbearing impact for occupants of Ridgeway. In addition to that the screen would be mostly blocked from view from Ridgeway by the existing boundary hedge.

The proposed rear extension would not have any windows towards Ridgeway. All other windows to the rear and sides would be sufficiently distant from neighbours to the rear and sides that they would not result in any unacceptable overlooking.

The proposed dormer to the northwest roof slope would face the blank side elevation of Ridgeway. A portion of one of the windows would have a line of sight towards the glazed side elevation of the conservatory of Ridgeway. However, this is a bathroom window and would be obscure glazed and can be ensured through condition to ensure it wouldn't result in any overlooking. All of the other dormer windows would be more than 21 m away from any neighbouring properties that it directly faces.

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).

Other Matters

Concerns have been raised by members of the public that two of the previous refusals at this site from 2012 and 2008, established a principle established a planning position which should continue to carry significant weight. These previous decisions were made in accordance with the relevant National and local policies at that time which have since been superseded. Each application is dealt with on its own merits taking into account the specific details of what is proposed. While the previous refusals form part of the site's planning history and a material consideration, they do not establish a fixed precedent which prevents a different conclusion being reached where other material considerations differ.

Concerns have been raised regarding the loss of light and overshadowing to the adjoining property. As mentioned in the SPD Guidance, the 45-degree rule is designed to protect the amenities of neighbouring dwellings from overshadowing or obstruction of outlook. It is used as a guideline to decide how much a property can extend without causing harm to neighbouring properties. The proposal has been assessed on that basis in the residential amenity section, while taking into consideration the specific site constraints and characteristics.

Concerns have been raised about potential drainage issues from the proposed development and comments received requesting a drainage scheme conditioned. However, considering this is a small-scale householder development, that is retaining the majority of the unbuilt land within the curtilage, a condition for a drainage scheme would not be reasonable or necessary.

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:

- ADM/23/13/04 Location Plan
- ADM/23/13/02A Proposed Site Layout
- ADM/23/13/01 Rev C Amended Design & Layout

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, samples of all the external materials and finishes to be used on the elevations and roof 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 materials.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area and character and appearance of the area.

4. The dormer windows on the northwest side elevation of the development hereby permitted shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to adjacent residential properties.

5. Prior to the first use of the development, a fixed opaque privacy screen shall be installed along the northwestern edge of the raised patio in accordance with approved Dwg. ADM/23/13/01 Rev C. The screen shall be a minimum of 1.8 metres in height measured from the finished floor

level of the patio and shall thereafter be retained and maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an adequate level of privacy to adjacent residential properties.

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: 26/0340/HHO

Proposal: Full: Erection of a three-storey rear extension, two storey side extension and replacement dormer windows.

At High Lea, Hill Top, Foulridge, Lancashire

On behalf of: Mr Nathan Hugill

REPORT TO COLNE AND DISTRICT COMMITTEE ON 06TH AUGUST 2026

Application Ref: 26/0406/FUL
Proposal: Full: Erection of an annex
At: Haggate Gate Farm, Burnley Road, Colne
On behalf of: Mr Josh Lownsborough
Date Registered: 23/06/2026
Expiry Date: 18/08/2026
Case Officer: Laura Barnes

Site Description and Proposal

The application relates to the rear garden of an existing farmhouse building, accessed off Burnley Road, Colne.

This application is for the erection of an annex in the rear garden. The annex is to be single storey in height, with bedrooms in the roof space.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

No objection

Conditions relating to construction method, parking layout and the annex only being used incidental to the enjoyment of the host dwelling.

Environmental Health

Requested conditions to control the construction phase of development

Environment Officer (Trees)

Following a review of the application and the submitted plans, the proposed development appears to be acceptable in terms of its impact on trees. The development is well located, and it is anticipated that very few trees will be affected.

There are several trees on the site; however, none are protected by a Tree Preservation Order or located within a Conservation Area. One Willow tree is of particular amenity value and makes a positive contribution to the character of the property and its garden.

Accordingly, should you be minded to approve the application, I recommend that the following condition be attached:

All construction activities, including the movement of vehicles, plant, and machinery, together with the storage of materials, shall be kept strictly outside the Root Protection Area (RPA) of the Willow tree for the duration of the development.

Public Response

The nearest neighbours have been notified. Some letters in support and objection have been received, the points they have raised are summarised below:

Objection

- There is building work on going at the site which is not shown on the plans
- Where will the access be taken from?
- Starting work on at 7am and working until 9pm most days
- Annex will block light from gardens and properties
- Loss of privacy
- Noise and dust nuisance

Support

- The ongoing work to the main house is exceptional
- Annex will be in keeping with the farmhouse
- Good to see it being renovated rather than redeveloped into a housing site

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 SP10 (Natural Environment) concerns statutory and non-statutory sites and species.

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 DM24 (Residential extensions and alterations) sets out that application will be supported where they do not unreasonably adversely impact neighbouring properties.

Policy DM25 (Residential conversions) sets out that residential conversions will be supported within settlement boundaries where they meet the criteria of the policy.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and developments, setting out the requirements for good design and protecting residential amenity.

Colne Neighbourhood Plan

Policy CNDP3 (Design in Colne and the Colne Design Code) sets high standard for design and establishes settlement focus areas.

Policy CNDP4 (Development affecting Non-designated heritage assets) sets out that these assets will be conserved in a manner appropriate to their significance. Haggate Gate Farm is listed as non-designated heritage asset number 40 in the neighbourhood plan.

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.

Principle of development

The principle of a residential conversion, to provide living accommodation for extended family is acceptable in this location, subject to accordance with design, highways and residential amenity policies.

Design & Heritage

The proposed annex is to be sited to the south eastern edge of the rear garden. It is to be a single storey building with accommodation in the attic space. Internally, the annex is to provide accommodation in the form of three bedrooms (two to the attic space), a bathroom, lounge and kitchen. The application form states that the building is to be constructed of block and render to three elevations, whilst the front elevation is to be stone. The roof is to be covered in slate or tile and the windows & doors are to be UPVC. The materials can be controlled by a suitably worded planning condition.

The host dwelling is listed in the Colne Neighbourhood Plan as a non-designated heritage asset. Policy CNDP4 sets out that asset should be conserved in accordance with their significance. The proposed development would be subservient in nature and is to be sited 30m from Haggate Gate Farm. As such, the proposed development would result in a neutral impact upon the non-designated heritage asset.

Residential Amenity

The annex is positioned so that it is 30m from Haggate Gate farmhouse. There is a separation distance of 19m from the closest dwelling to the north east. To this elevation, two ground floor windows are proposed. Provided that the existing fencing remains in place between the dwellings, which could be secured by planning condition, this would not result in an unacceptable neighbouring amenity issue. The dwellings on Penrith Road are in excess of 20m from the proposed annex. There is a first floor window serving bedroom 3 of the proposed annex. This window would have to have obscure glazing, in order to prevent any unacceptable neighbouring amenity issue. To the rear, there are no dwellings within 21m which would be unacceptably affected.

The proposed building is to be 5.2m in height, with an eaves level of 2.4m. Given the distance from the boundary and the single storey nature of the building, it is unlikely to result in an unacceptable overbearing effect upon the gardens to the rear of Briercliffe Avenue. It is noted that there are mature trees on the boundary between Briercliffe Avenue and the application site which are far

greater in height than the proposed annex. The annex would therefore have no greater impact than the existing trees, upon the enjoyment of the neighbouring gardens. There are also some gardens to the opposite side of the application site, serving Penrith Road. Although there is one first floor window in the side elevation of the annex which face towards these gardens, this could be obscurely glazed in order to prevent any unacceptable neighbouring amenity issue. In terms of the Design Principles SPD, a garden would not be afforded the same level of protection as a habitable window in a property. Never the less, the proposed annex is to be cited a sufficient distance from neighbouring gardens not to result in an unacceptable impact upon the use and enjoyment of them.

Therefore, subject to condition, the proposed development is acceptable in terms of residential amenity in accordance with Policy DM16 and the Design Principles SPD.

Highways

The highways authority have not objected to the proposals. The annex would utilise the same driveway as the main dwelling and the highways authority have requested a condition to ensure that this cannot be separated off to create an independent dwelling. This is a reasonable condition, on highway safety grounds. They have also requested a construction method statement, which again is reasonable.

Trees

The Environment Officer has recommended a condition relating to the root protection area of a willow tree. This is acceptable and can be attached to any decision notice.

RECOMMENDATION: Approve

Subject to the following conditions:

6. 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.

7. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan A104, Proposed Floor Plans A101, Proposed elevation Plans A102.

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

8. Samples of materials including descriptions 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.

9. The annex hereby approved shall only be used ancillary to the enjoyment of the existing dwelling and shall not be used as independent residential accommodation.

Reason: To avoid the creation of separate dwellings which may be sub-standard in terms of parking provision and residential amenity.

10. The first floor side elevation window (serving the bedroom) of the development hereby permitted shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to adjacent residential properties.

11. All construction activities, including the movement of vehicles, plant, and machinery, together with the storage of materials, shall be kept strictly outside the Root Protection Area (RPA) of the Willow tree for the duration of the development.

Reason: In order to protect the tree during the construction phase of development.

12. Fencing to the north eastern boundary (with Briercliffe Avenue) should be maintained at a height no less than 1.8m for the lifetime of the development.

Reason: In order to protect neighbouring amenity.

Application Ref: 26/0406/FUL

Proposal: Full: Erection of an annex

At: Haggate Gate Farm, Burnley Road, Colne

On behalf of: Mr Josh Lownsborough

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 14th July 2026