

UPDATE REPORT TO COLNE AND DISTRICT COMMITTEE ON 6TH AUGUST 2026

26/0185/FUL – Unit 4 Silk Way Business Park, Whitewalls Drive, Colne

Consultee Comments

Environmental Health - I reviewed the applicant's response to Environmental Health comments, together with the updated Noise Impact Assessment, I can confirm that my previous concerns have been satisfactorily addressed.

The revised assessment specifically considers the concerns raised regarding delivery activity outside the core daytime period. The assessment confirms that unrestricted night-time servicing operations would result in a significant exceedance of the adopted assessment criteria, but demonstrates that a restriction on delivery and collection activities to between 0600 and 2300 hours, together with the use of broadband rather than tonal reversing alarms, reduces the predicted impact to below the adopted LOAEL threshold.

Environmental Health previously requested further consideration of the more sensitive evening period and raised concerns regarding deliveries continuing until 2300hrs. Whilst late evening deliveries are not ideal from an amenity perspective, the applicant has provided additional information regarding the design of the servicing area, including:

- Installation of the acoustic fence 2.4m high, with a minimum mass of 12kgm².
- A service bay enclosed on three sides and covered.
- HGVs reversing into the service bay with unloading undertaken beneath the canopy structure.
- A recessed scissor lift arrangement designed to minimise level changes and trolley impacts.
- The provision of an acoustic fence along the access route.
- Agreement that all deliveries and departures will be completed by 2300 hours.

The submitted noise assessment concludes that, with the proposed mitigation and operational restrictions in place, the residual noise impact from servicing operations, fixed plant and customer parking will be acceptable and below the relevant effect thresholds.

On balance, and having regard to the updated technical evidence now submitted, Environmental Health has no objection to the application on noise grounds, subject to conditions.

I have reviewed the submitted External Lighting Impact Assessment (EPS, July 2026), associated Relux calculations and lighting layout drawings in support of the proposed development at Whitewalls Drive, Colne.

Having considered the information provided, I raise no objection on environmental protection grounds in relation to the proposed lighting scheme subject to a condition to require it is complied with.

Officer Comments

The applicant has provided further details of servicing arrangements and a proposed 2.4m acoustic fence which would reduce predicted noise levels at the sensitive receptors as follows:

Previous predictions:

Daytime - +3.0dB

Early morning (0600h-0700h) - +4.7dB

Evening - +2.0dB

With the acoustic fence:

Daytime - -3.7dB

Early morning (0600h-0700h) - -1.7dB

Evening - -4.7dB

The acoustic fence would therefore have a clear beneficial effect on noise levels at the adjacent dwellings.

The noise assessment previously concluded that the development would not result in noise levels above acceptable limits for the 6am to 11pm proposed servicing hours, however, the predicted levels were very close the limit and there were concerns that, in actual operation, unacceptable impacts may have occurred. With the additional details and proposed acoustic fence it is clear that the noise levels would be within acceptable limits.

Subject to conditions to restrict the hours of servicing and ensure the mitigation is implemented the proposed development would not result in an unacceptable level of noise and disturbance to the residents of the adjacent dwellings.

A lighting scheme has been submitted which acceptably demonstrates that the lighting of the development would not result in unacceptable impacts upon the adjacent dwellings.

The Committee report states that a 3m fence would be necessary for privacy screening, this was in the absence of specific details demonstrating the height necessary to preserve privacy from HGV delivery vehicles, a section plan has been submitted demonstrating that the proposed 2.4m fence is adequate to provide an acceptable level of privacy.

Concerns have been raised regarding vehicle cutting through the no through unadopted highway Greenfield Lane to/from Colne Road. There are concerns reporting that this has increased with the development of the services and concerns that this could increase further with this development.

Whilst potential solutions to address this have been discussed with the Council's Community Safety Officer and LCC Highways there are restrictions on the highway that should be enforced by the regulatory body. Proper enforcement would reduce

usage to that legally allowed. The Framework states that “planning decisions should not seek to duplicate or extend controls imposed by other legislation or regulatory regimes”. As there are already controls on the highway requiring further provision would be contrary to the policies in the NPPF.

Taking into account the above the proposed development is now fully acceptable and the recommendation is changed to **Approval** 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: 19.160.05-BA-00-DR-A-1002 Rev. P10, 19.160.05-BA-XX-DR-A-4001 Rev. P01, 19.160.05-BA-XX-DR-A-5001 Rev. PX, 19.160.06-2001 Rev. P02, 19.160.06-2001 Rev. P03, 19.160.06-3001 Rev. P03, 19.160.05-1014 Rev. P03.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development, samples of the external materials to be used in the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

Reason: In the interest of visual amenity.

4. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order with or without modification) the use hereby approved shall be for retail use within Class E(a) of Schedule 2 of that Order only and for no other use falling within Class E, the principal use shall be for the sale of convenience goods, not more than 20% of the net sales area of the development hereby approved shall be used for the sale of comparison goods and the store shall at no time be subdivided into separate retail units.

Reason: To protect the vitality and viability of Colne and Nelson town centres.

5. No deliveries, collections, servicing, or waste collection activities involving HGVs shall take place outside the hours of 06:00 to 23:00 hours on any day.

Reason: To protect the amenity of nearby residential occupiers from noise disturbance.

6. Any vehicles regularly servicing the site shall utilise broadband (white noise) reversing alarms where fitted. Tonal reversing alarms shall not be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

7. Prior to the commencement of the use of the development hereby approved an acoustic fence with a minimum mass of 12kg/m² and 2.4m in height as detailed in Drawing No. 19.160.05-BA-XX-DR-A-4001 Rev P01 shall be erected and maintained at all times thereafter.

Reason: In order to ensure an acceptable level of privacy and aural amenity for the residents of the adjacent dwellings.

8. The external lighting of the development shall be installed and operated in accordance with the submitted External Lighting Impact Assessment (EPS, Revision 2, July 2026) and associated lighting layout drawings. No additional external lighting shall be installed without the prior written approval of the Local Planning Authority. All luminaires shall be fully shielded and directed away from sensitive receptors. Any replacement lighting shall be of an equivalent specification and shall not result in increased light spill, glare or upward light output.

Reason: In the interest of residential amenity.

9. No development shall take place unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise and vibration during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction works
- Details of working hours
- Routing of delivery vehicles to/from site
- Restriction of burning on-site

Reason: To mitigate the impact of the construction traffic on the highway network and the impact of the development on residential amenity.

10. Within 3 months of commencement a scheme for the off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first trading of the development hereby approved.

a. Two new quality bus stops on Whitewalls Drive.

Reason: To support sustainable travel.

11. Prior to the commencement of the use of the development hereby approved the secure and covered cycle storage shown on the approved plans shall be installed and maintained thereafter.

Reason: To support sustainable travel.

12. Prior to the commencement of the use of the development the drop of zone shall have been formed in accordance with the approved plans and covered seating shall installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority and shall be maintained thereafter in accordance with the approved details.

Reason: To provide necessary facilities to support an aging population and other vulnerable users.

13. Prior to the commencement of the use of the development hereby approved the car parking and manoeuvring areas shall be constructed and marked out in accordance with the approved plans. Unless otherwise agreed in writing by the Local Planning Authority they shall thereafter at all times while the use is in operation be maintained free from obstruction and available for parking and manoeuvring.

Reason: To provide adequate car parking and turning.

14. Within 3 months of first trading a validation report for the signalised junction on Whitewalls Drive/site access, and a scheme for any measures identified to be necessary and timescales for the implementation of those measures shall have been submitted to and approved in writing by the Local Planning Authority, any measures identified shall thereafter be addressed in accordance with the approved scheme.

Reason: In the interest of highway safety.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until further investigation and a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

16. No development shall commence in any phase until a detailed and final Surface Water Sustainable Drainage Strategy for the site has been submitted to, and

approved in writing by, the Local Planning Authority. The strategy shall be based on the site-specific Flood Risk Assessment (Flood Risk Assessment and Drainage Strategy / 100.25133 -ACE -ZZ -ZZ -RP -C -000-1 / 9th February 2026 / Adept) and indicative Surface Water Sustainable Drainage Strategy (Flood Risk Assessment and Drainage Strategy / 100.25133 -ACE -ZZ -ZZ -RP -C -000 1 / 9th February 2026 / Adept), and shall demonstrate compliance with the principles and requirements of the National Planning Policy Framework, Planning Practice Guidance, and the latest published version of the National Standards for Sustainable Drainage Systems (or any successor Standards in force at the time of submission). It shall also demonstrate how sustainable drainage system features have been designed to deliver multifunctional benefits in relation to water quality, amenity, and biodiversity. Surface water and foul water drainage shall be drained on separate systems. No surface water runoff from the development shall be discharged to a foul sewer(s), either directly or indirectly. The strategy shall confirm and evidence the final allowable peak discharge rates and runoff volumes, following completion of all detailed design work and site investigations to confirm and refine early design assumptions. The submitted strategy shall include, as a minimum:

a) Sustainable drainage calculations for peak flow control and volume control for the following events:

- i. The 100% (1 in 1-year) annual exceedance probability event, including a 10% urban creep uplift factor
- ii. The 3.3% (1 in 30-year) annual exceedance probability event, including a 40% climate change allowance and a 10% urban creep uplift factor
- ii. The 1% (1 in 100-year) annual exceedance probability event, including a 50% climate change allowance and a 10% urban creep uplift factor

Calculations must cover the entire development area, including all existing and proposed surface water drainage systems up to and including the final discharge location(s).

b) Final sustainable drainage plans, appropriately labelled to include:

- i. Site plans showing all permeable and impermeable areas contributing to the surface water drainage network, either directly or indirectly, including the entire development area and any off-site flows where relevant.
- ii. Drainage layout plans showing all pipe and structure references, dimensions, and design levels, including all existing and proposed surface water drainage systems up to and including the final discharge location.
- iii. Details of all sustainable drainage features, including landscape drawings showing topography and slope gradients.
- iv. Site plans showing modelled flood water depths, volumes and exceedance flow routes and flow velocities for rainfall events exceeding the 1% (1 in 100-year) annual exceedance probability event, or due to a blockage. The strategy shall demonstrate that flood risk is not increased on-site or elsewhere, informed by a blockage assessment for all flow controls.
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels. The strategy shall confirm that FFLs have been set to provide a minimum 150mm freeboard above adjacent ground levels.

vi. Final details of proposals to manage surface water runoff to and from the development boundary, including measures to manage surface water runoff from adjacent land that could flow onto the site during storm events, and to ensure runoff leaving the site does not occur in an uncontrolled manner.

vii. Measures to manage the quality of the surface water runoff to prevent pollution and, protect groundwater and surface water bodies. The strategy shall include a robust water quality risk assessment, proportionate to the pollution hazard and sensitivity of receiving waters, and shall inform the design of an appropriate SuDS management train.

viii. Measures to manage the first 5mm of rainfall to prevent runoff from the site for the majority of small (frequent) rainfall events and for the initial depth of rainfall for larger events.

c) Evidence that a free-flowing outfall can be achieved. Where this is not possible, the strategy shall demonstrate that the drainage system has been assessed for performance under surcharged outfall conditions and will continue to function without increasing flood risk.

The sustainable drainage strategy shall be fully implemented in accordance with the approved details.

Reason To ensure satisfactory sustainable drainage facilities are provided.

17. No development shall commence in any phase until a Construction Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail how surface water and stormwater will be managed on site during all construction activities, including demolition, site clearance, earthworks, and temporary drainage installation, to prevent uncontrolled runoff and pollution. The submitted details shall include, as a minimum:

a) A timetable for implementation of any surface water management proposals;

b) A method statement of the surface water management proposals for each construction phase, including temporary drainage arrangements and contingency measures for extreme weather events;

c) Evidence of how surface water flows will be discharged, demonstrating that discharge rates will be restricted to no greater than the equivalent greenfield runoff rate.

d) Measures to prevent siltation and pollutants from entering any receiving groundwater and/or surface water bodies, including watercourses, with reference to published guidance.

e) A site plan of the proposed surface water management proposals and pollution prevention measures, including locations of temporary drainage features, bunds, silt fences, settlement tanks, and spill response equipment;

The plan shall be implemented in full and thereafter managed and maintained in accordance with the approved plan for the duration of the construction works.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during all construction phases, so that it does not pose an

undue surface water flood risk on-site or elsewhere, and to prevent pollution of receiving waters.

18. The commencement of use of the development shall not be permitted until a site-specific Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, as a minimum:

- a) A timetable for its implementation
- b) Site-specific details of the operation, maintenance, and access requirements for all sustainable drainage system features and connecting drainage structures. This shall include any automated monitoring of motorised equipment (such as pumps and proprietary drainage features for flow control or water quality improvement), their functionality, and transmission of failure warnings to the responsible maintenance body
- c) The arrangements for adoption by any public body or statutory undertaker, or identification of named parties responsible for the management and maintenance of each surface water drainage system feature throughout the lifetime of the development
- d) Details of financial management, including arrangements for the replacement of major components at the end of the manufacturer's recommended design life
- e) Instructions on necessary steps to be taken in the event of a pollution incident, including matters that should be reported to the adopting authorities or the Environment Agency
- f) Details of land ownership and access rights for all parts of the surface water drainage system, including watercourses, sustainable drainage system features, and associated easements required for inspection and maintenance.

Thereafter, the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason To ensure that surface water flood risks to future users of the land and neighbouring land are minimised, together with risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system provided as part of the development have appropriate maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

19. The commencement of use of the development shall not be permitted until a site-specific Verification Report, pertaining to the surface water sustainable drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include, as a minimum:

- a) Evidence that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) and specifications, or details any minor variations, with evidence demonstrating that the system remains fit for purpose and compliant with the approved surface water drainage strategy

b) Photographic and written evidence confirming the location and details of all critical drainage infrastructure. Locations shall be referenced using national grid coordinates

c) As-built drawings of the constructed drainage system, including all SuDS features, pipework, control structures, and discharge points, with levels and dimensions clearly annotated.

Thereafter, the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to future users of the land and neighbouring land are minimised, together with risks to controlled waters, property, and ecological systems.

20. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 100.25133 ACE-ZZ-ZZ-D-C-1000, Rev P1 - Dated 09/02/2026 which was prepared by ADEPT.

For the avoidance of doubt surface water must drain at the restricted rate of 3.5 l/s unless otherwise approved in writing by the Local Planning Authority.

21. Prior to the commencement of the use 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 ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

22. The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment prepared by JCA Limited Arboricultural & Ecological Consultants, Ref: 23577-A/DP.

Reason: To ensure the protection and retention of trees in the interests of the visual amenity of the area.

23. Prior to the commencement of development, details of tree protection measures, including protective fencing in accordance with BS5837:2012 – Trees in Relation to Design, Demolition and Construction – Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be installed before any works commence on site and retained for the duration of the construction period.

Reason: To safeguard retained trees during construction works in the interests of the amenity of the area.

25. The development shall be carried out and thereafter maintained in accordance with the recommendations of the submitted Preliminary Ecological Appraisal V3 February 2026.

Reason: To ensure that ecology is preserved or enhanced by the development.

26. The submitted landscaping scheme (Drawing No. 01) shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings and that felled trees are adequately replaced.

27. The landscaped areas of the site shall at all times be managed and maintained in accordance with the submitted Landscape Management Plan or an alternative Landscape Management Plan that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the landscaped areas of the site are acceptably management and maintained in the interest of visual amenity.

28. Unless otherwise approved in writing by the Local Planning Authority, no part of the development shall commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. Unless otherwise approved the said obligation shall provide for provision and monitoring of 10% Biodiversity Net Gain over a 30-year period.

Reason: To ensure that the proposed development makes provision for 10% Biodiversity Net Gain and that this can be monitored for a period no less than 30 years following completion of the development.

Biodiversity Net Gain Condition:

1. The development may not be begun unless—
 - (i) a biodiversity gain plan has been submitted to the planning authority and
 - (ii) the planning authority has approved the plan

Phase plan

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

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

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

Notes:

Where a site is affected by contamination responsibility for securing a safe development rests with the developer and/or landowner. Developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

Appropriate Legal Agreement The proposed outfall may require a legal agreement with a third party to access and construct the outfall, in addition to any permissions from flood risk management authorities. Evidence of an in-principle agreement should be submitted to the Local Planning Authority.

Permeable Paving Where permeable paving is included in the hydrological calculations of a development proposal, the Local Planning Authority is advised to consider the removal of permitted development rights for permeable paving. If permitted development rights are not removed for permeable paving on privately owned land, the Lead Local Flood Authority may consider the need to designate such areas under Schedule 1 of the Flood and Water Management Act 2010. The District Council, as a flood risk management authority, also has these designation powers.

The applicant is reminded that this planning permission does not authorise access to, or works upon, land outside of their ownership without the prior permission of the relevant landowner.

26/0340/HHO High Lea

Following the publication of the committee report concerns were raised by a member of the public regarding the accuracy of the submitted plans. This was queried and updated plans were submitted that shows that the side elevations of the dwellings at High Lea and Ridgeways were oriented at an angle to each other and not truly parallel to each other as was depicted in the original plans.

The assessment of the amended plans would amend the residential amenity section of the report as below:

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 would project 8m at the basement level, and 4m at the ground- and first-floor levels. Ridgeway is set higher than the application site and its ground-floor level is 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. Guidance in the Design Principles SPD states that two-storey extensions will be acceptable if they do not breach the 45-degree guide. As per the updated plans the proposed extension would breach the 45-degree line from Ridgeway's nearest rear window. This is a marginal breach. The difference in levels between the two properties means that the side elevation walls of the proposed extension would be below the cill level of Ridgeway's rear window. The height differentials also result in the extension presenting as a single storey extension as the ground floor level of the dwelling is set below the ground floor level of Ridgeway. The remaining accommodation is set into the roof space of the dwelling with additional dormers. The privacy screen is below the floor level of Ridgeway and would have no impact on the amenity of the occupants of Ridgeway. Only the pitched roof of the extension which slopes away from Ridgeway would be at the height of their window. The slope of the ridge also reduces the impact over and above what a vertical wall would have. In addition to that there is an existing high hedge along this party boundary. Considering these, although there would be a marginal breach of the 45-degree line the impact on the neighbours would not result in an overbearing or oppressive impact and there would be adequate light reaching the window. Whilst there would be a small breach of the 45-degree line the height differential, slope of the roof, and intervening vegetation mean that the extension would not have an unacceptable impact on the living conditions of the neighbours.

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 cill 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.

Recommendation

This does not change the original recommendation, which is to approve, however condition 2 and 5 are amended to update the drawing numbers.

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/23/13/02B Proposed Site Layout

- ADM/23/13/01 Rev D 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 D. 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.