

**MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT COMMITTEE
HELD AT COLNE MUNICIPAL HALL
ON 27TH MAY, 2015**

PRESENT –

Councillor K. Hartley (Chairman – in the Chair)

Councillors

<i>E. Ansar</i>	<i>G. Roach</i>
<i>S. Cockburn-Price</i>	<i>G. Waugh</i>
<i>M. Goulthorp</i>	<i>D. Whalley (Substitute for N. Younis)</i>
<i>Y. Iqbal</i>	

Also present:

Councillor W. Blackburn
Councillor M. Foxley
Councillor J. Henderson
Councillor J. Nixon
Councillor P. White

Officers in attendance

<i>Neil Watson</i>	<i>Planning, Building Control and Licensing Services Manager</i>
<i>Howard Culshaw</i>	<i>Solicitor</i>
<i>Lynne Rowland</i>	<i>Committee Administrator</i>

(Apologies for absence were received from Councillor D. Whipp.)



The following people attended the meeting and spoke on the items indicated –

<i>Alan Davies</i>	<i>13/14/0580P Outline: Major: (Access only from</i>	<i>Minute No. 3(a)</i>
<i>Ian Gilbert</i>	<i>Skipton Old Road and Windermere Avenue)</i>	
<i>Michael Hartley</i>	<i>Erection of up to 90 dwelling houses including</i>	
<i>Mark Turner</i>	<i>estate roads, footways and open space provision</i>	
<i>Jerry Stanford</i>	<i>on land east of Windermere Avenue, Colne</i>	
<i>John Hartley</i>		
<i>John Birchenough</i>	<i>and</i>	
<i>David Cockburn- Price</i>	<i>13/14/0581P Outline: Major: (Access only from</i>	<i>Minute No. 3(b)</i>
	<i>Skipton Old Road and Castle Road) Erection of up</i>	
	<i>to 270 dwelling houses including estate roads,</i>	
	<i>footways and open space provision on land off</i>	
	<i>Windermere Avenue, Colne</i>	
<i>Marc Ford</i>	<i>13/15/0144P Full: Removal of condition: Remove</i>	<i>Minute No. 3(c)</i>
	<i>condition 8 of Planning Permission 13/14/0209P to</i>	
	<i>allow property to be used as a dwelling house all</i>	
	<i>year round at Dam Head Barn, Dam Head Farm,</i>	
	<i>Roughlee</i>	

1. DECLARATION OF INTERESTS

Members were reminded of the legal requirements concerning the declaration of interests.

2. MINUTES

RESOLVED

That the Minutes of the meeting held on 23rd February, 2015 be approved as a correct record and signed by the Chairman.

**3. PLANNING APPLICATIONS
REFERRED FROM AREA COMMITTEES**

- (a) **13/14/0580P Outline: Major: (Access only from Skipton Old Road and Windermere Avenue) Erection of up to 90 dwelling houses including estate roads, footways and open space provision on land east of Windermere Avenue, Colne for Junction Property Limited**

(A site visit was carried out prior to the meeting.)

At a meeting of Colne and District Committee on 14th May, 2015 the decision to refuse this application for the reasons set out below was referred as a recommendation to this Committee as the decision represented a significant risk of costs being awarded against the Council in the event of an appeal.

- Prematurity
- Impact on the designated heritage asset of the conservation area
- Impact on ecology
- Impact on the highway network

The Planning, Building Control and Licensing Services Manager reported receipt of one further objection. He also reported that, in response to concerns regarding the timing of the ecology survey, additional ecology surveys had been carried out, the results of which supported the findings and conclusions of the earlier survey.

RESOLVED

That planning permission be **refused** for the following reasons –

1. The proposed development would result in the unacceptable loss of a prominent greenfield site to the east of the settlement of Colne which currently makes a significant contribution to the landscape character and quality of the area. In visual terms, there would be unacceptable impacts on views looking towards the application site from the east, in particular from the opposite side of the valley and for users on the footpaths approaching and passing through the site. The proposed development would be contrary to policies 13 and 20 of the adopted Replacement Pendle Local Plan and paragraph 109 of the National Planning Policy Framework.
2. The proposed development would cause harm to the significance of the Lidgett and Bents Conservation Area and would not preserve or enhance the conservation area. Such harm

would be contrary to Policy 10 of the Replacement Pendle Local Plan. For the purposes of the National Planning Policy Framework, whilst such harm would be less than substantial harm it would be sufficient to justify refusal of planning permission when weighed against the benefits of the proposed development under paragraph 134.

3. The increase in traffic on the surrounding road network resulting from the proposed development would be of significant and unacceptable detriment to highway safety contrary to paragraph 32 of the National Planning Policy Framework.

**(b) 13/14/0581P Outline: Major: (Access only from Skipton Old Road and Castle Road)
Erection of up to 270 dwelling houses including estate roads, footways and open
space provision on land off Windermere Avenue, Colne for Junction Property Limited**

(A site visit was carried out prior to the meeting.)

At a meeting of Colne and District Committee on 14th May, 2015 the decision to refuse this application for the reasons set out below was referred as a recommendation to this Committee as the decision represented a significant risk of costs being awarded against the Council in the event of an appeal.

- Prematurity
- Impact on the designated heritage asset of the conservation area
- Impact on ecology
- Impact on the highway network

The Planning, Building Control and Licensing Services Manager reported receipt of one further objection. He also reported that, in response to concerns regarding the timing of the ecology survey, additional ecology surveys had been carried out, the results of which supported the findings and conclusions of the earlier survey.

RESOLVED

That planning permission be **refused** for the following reasons –

1. The proposed development would result in the unacceptable loss of a prominent greenfield site to the east of the settlement of Colne which currently makes a significant contribution to the landscape character and quality of the area. In visual terms, there would be unacceptable impacts on views looking towards the application site from the east, in particular from the opposite side of the valley and for users on the footpaths approaching and passing through the site. The proposed development would be contrary to policies 13 and 20 of the adopted Replacement Pendle Local Plan and paragraph 109 of the National Planning Policy Framework.
2. The proposed development would cause harm to the significance of the Lidgett and Bents Conservation Area and would not preserve or enhance the conservation area. Such harm would be contrary to Policy 10 of the Replacement Pendle Local Plan. For the purposes of the National Planning Policy Framework, whilst such harm would be less than substantial harm it would be sufficient to justify refusal of planning permission when weighed against the benefits of the proposed development under paragraph 134.

3. The increase in traffic on the surrounding road network resulting from the proposed development would be of significant and unacceptable detriment to highway safety contrary to paragraph 32 of the National Planning Policy Framework.

(c) 13/15/0144P Full: Removal of condition: Remove condition 8 of Planning Permission 13/14/0209P to allow property to be used as a dwelling house all year round at Dam Head Barn, Dam Head Farm, Roughlee for Mrs M. Mortimer

(A site visit was carried out prior to the meeting.)

At a meeting of Barrowford and Western Parishes Committee on 14th May, 2015 the decision to refuse this application for the reasons set out below was referred as a recommendation to this Committee as the decision represented a significant risk of costs being awarded against the Council in the event of an appeal.

“it would mean a new dwelling outside the settlement boundary contrary to policy 1 and the design and materials of the existing building were not appropriate for an area of outstanding beauty”

RESOLVED

That planning permission be **granted** 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: 1:1250 location plan (as amended 11/7/2014), 1:200 site plan (as amended 25/6/2014), proposed elevations and floor plans (as amended 25/6/2014).
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The external facing and roofing materials shall match those of the existing building in terms of type, size, form, texture, colour, coursing and pointing and there shall be no variation without the prior consent of the Local Planning Authority.
Reason: In order to ensure that new material matches the existing and preserves the setting of the adjacent Listed Building.
4. Any proposed or altered windows, doors and guttering shall be constructed to match the existing in term of appearance, materials and style and there shall be no variation without the prior consent of the Local Planning Authority.
Reason: In order to ensure that new material matches the existing and preserves the setting of the adjacent Listed Building.

5. Unless approved in writing by the Local Planning Authority no ground clearance, construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials shall take place within a 12m radius of TPO No.9, 2001.

Reason: In order to ensure protection of the tree during construction.

6. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out concurrently with the rest of the development and in any event shall be finished before extended building is first occupied.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

7. The approved scheme for the car parking spaces and manoeuvring areas, as shown on the 1:200 proposed site plan dated 30th June 2014, shall be laid out before the first use of the dwelling hereby permitted and shall thereafter be retained and available for the parking of vehicles as shown.

Reason: In order to allow for the effective use of the parking areas.

8. The curtilage of the dwelling hereby approved shall be as shown on the site plan submitted to the Local Planning Authority on the 16th April 2015.

Reason: In the interests of clarity.

9. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, C, D, E, F, G and H of Part 1 and Classes A and C of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

A) no extensions shall be erected

B+C) no alterations to the roof of the building shall be carried out

D) no porches shall be erected

E(a)) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the building(s)

E(b)) no containers for the storage of oil or gas for domestic heating purposes shall be installed within the curtilage of the building(s)

F) no hard surface shall be provided within the curtilage of the building(s)

G) no installation or replacement of a chimney, flue or soil and vent pipes.

H) no installation or replacement of microwave antenna

Part 2

A) no gates, fence or wall structures shall be erected within the curtilage of the building(s)

C) the exterior of the building shall not be painted

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

REASON

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is in a sustainable location, acceptable in terms of design, amenity and highway safety and would preserve the character and appearance of the AONB. The proposal therefore complies with the aims of the National Planning Policy Framework and 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.

4. LOCAL GOVERNMENT ACT, 1972

In accordance with the provisions of Section 100 (B)(4) of the Local Government Act, 1972, as amended, the Chairman agreed that the following item should be considered as a matter of urgency, the ground being that an urgent decision was required to enable a statement to be prepared for submission to the Inspectorate by the specified deadline date.

5. 13/14/0547P – APPEAL ON LAND TO THE NORTH OF THE MEADOWS, COLNE

The Planning, Building Control and Licensing Services Manager informed Members of the submission of an appeal against refusal of planning application 13/14/0547P - Erection of 36 dwellings with access from The Meadows (re-submission) at land to the North of The Meadows, Colne and the advice received from Counsel.

RESOLVED

That this Committee gives delegated authority to the Planning, Building Control and Licensing Services Manager, in consultation with a Member sub group consisting of 2 Conservatives, 2 Liberal Democrat and 2 Labour representatives, to formulate an appeal statement for submission to the Inspectorate.

CHAIRMAN _____