

**MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT COMMITTEE
HELD AT NELSON TOWN HALL
ON 24TH AUGUST, 2015**

PRESENT –

Councillor K. Hartley (Chairman – in the Chair)

Councillors

<i>E. Ansar</i>	<i>J. Starkie</i>
<i>W. Blackburn (substitute for M. Arshad)</i>	<i>G. Waugh</i>
<i>S. Cockburn- Price</i>	<i>D. Whipp</i>
<i>M. Goulthorp</i>	

Officers in attendance

<i>Kathryn Hughes</i>	<i>Principle Planning Officer</i>
<i>Howard Culshaw</i>	<i>Solicitor</i>
<i>Sarah Waterworth</i>	<i>Committee Administrator</i>

(Apologies for absence were received from Councillor G. Roach)



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

<i>Mr. Paul Mason</i>	<i>13/15/0253P Full: Major: Variation of Condition: Removal of condition 8 (delivery hours) of Planning Permission 13/14/0434P at Glen Mill North Valley Road, Colne.</i>	<i>Minute No. 6(a)</i>
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4. DECLARATION OF INTERESTS

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

5. MINUTES

RESOLVED

That the Minutes of the meeting held on 27th July, 2015 be approved as a correct record and signed by the Chairman.

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

- (a) 13/15/0253P Full: Major: Variation of Condition: Removal of condition 8 (delivery hours) of Planning Permission 13/14/0434P, Glen Mill, North Valley Road, Colne for Lidl UK GmbH and Citypark Project Ltd**

At the meeting of Colne and District Committee on 6th August, 2015 the decision to refuse the application was referred as a recommendation to this Committee as the decision represented a significant risk of costs to the Council.

RESOLVED

That planning permission be **granted** subject to the following conditions:-

1. The net retail of the foodstore shall not at any time exceed 1,286 square meters and the store shall only be used as a Class A1 retail foodstore. This shall be restricted to 'limited product line deep discounting' (which shall be taken to mean the sale of no more the 2000 individual product lines). No increase in the number of products lines shall be permitted without the prior approval of the Local Planning authority. Comparison goods (as defined within the Pitney Bowes retail Expenditure Guide 2013/2014 or any subsequent document which superseded it) shall not be displayed from more than 15% of the net retail area'.

Reason: In order to protect the vitality and viability of existing centres and to ensure that the store retains its status as a deep discount retail foodstore.

2. No part of the development hereby approved shall be brought into use unless and until the site access and off-site highway improvements as shown on Drawing SCP/13268/SK11Rev B have been provided and completed in their entirety. This shall include the upgrade of the crossing at Stanley Street from a Pelican to a Puffin and all the improvements numbered 1-5 and 7-11 inclusive on the plan.

Reason: In order to ensure that the site is served by a safe means of access and that the development does not adversely affect highways conditions on the highway network leading to and from the site and to adverse air quality conditions in the vicinity of the site.

3. None of the buildings hereby approved shall be used unled and until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall thereafter be implemented in strict accordance with the approved scheme and in accordance with the timescale set out in the approved plan which will be audited and updated at intervals as approved.

Reason: In order to reduce the number of car trips and encourage sustainable transport movements.

4. No part of the development hereby permitted shall be brought into use unless and until a Car Park Management Strategy/ Plan had been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out the car park layout, maximum duration of stay, onsite parking enforcement, safety, security, monitoring (of its use) measures to manage efficient usage and control. The layout to include the appropriate number of spaces for motorised and non-motorised vehicles and user types and the car parking shall be available in strict accordance with the approved details.

Reason: To allow for the effective and efficient use of parking areas.

5. No development, other than demolition, shall be undertaken on site unless and until a Construction Method Statement has been submitted to and be approved in writing by the

Local Planning Authority and shall thereafter be adhered to. The Statement shall provide for:

1. the parking of vehicles for site operatives and visitors.
2. loading and unloading of plant and materials.
3. storage of plant and materials used in the construction of the development.
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing (if appropriate).
5. wheel-washing facilities.
6. measures to control the emission of dust and dirt during construction.
7. a scheme for re-cycling/ disposing of waste resulting from demolition and construction works.
8. hours of working.

The development shall at all times be carried out in strict accordance with the approved scheme.

6. The existing redundant accesses on the site to Hanover Street, North Valley Road and Glenn Street shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in their entirety prior to the first use of any of the buildings hereby approved.

Reason: To limit the number of access points to, and to maintain the proper construction of the highway.

7. Deliveries to the supermarket hereby approved shall at all times be undertaken using the entrance to the delivery area shown on plan 1264/03/Revision AG.

Reason: In the interest of highway safety.

8. Heavy Goods Vehicles must only access the site off the main two way access off North Valley Road.

Reason: In the interest of protecting the residential amenity of neighbours on Hanover Street and highway safety.

9. Except for demolition the development hereby permitted shall not commence unless and until such a time as further information in regard to the location, state and decommission details of boreholes on the site have been submitted to, and approved in writing by the Local Planning Authority. The decommissioning of the borehole shall thereafter be undertaken in strict accordance with the method and timetable for decommission so approved.

Reason: To ensure there are no unacceptable discharges to groundwater.

10. The development shall at all times be carried out in accordance with the recommendations set out in section 5 of the Report of Bat & Bird Survey dated 23rd October 2013 by Martin Prescott Environmental Services. The development shall only commence and be completed in accordance with the agreed details.

Reason: To ensure no net loss of biodiversity as a result of the development and in order not to disturb or deter the nesting of bats protected by the Wildlife and Countryside Act 1981.

11. The development shall at all times proceed in strict accordance with the noise assessments by WYG Planning and Consulting received in November 2014 and the equipment shall at all times be maintained in good working order and operated in compliance with the assessment. This shall include reserve alarms on delivery vehicles to be broadband noise type and good only being unloaded from delivery vehicles when they are coupled to the sealed dock loading bay on the foodstore.

Reason: In the interest of residential amenity.

12. There shall be no music played, amplified music or singing in or within the curtilage of the public house after 22.00 on any given day until 10.00 hrs the following day.

Reason: In order to control the operation of the building in the interests of the aural amenity of nearby residential properties.

13. The discount foodstore hereby permitted shall not be open to customers or any other persons not employed within the business operating from the site outside the hours of 07.00 and 22.00 on weekdays and Saturday and 09.00 and 19.00 on Sundays, Bank or Public Holidays.

Reason: In order to safeguard the aural amenity of the occupants of the nearby residential units.

14. There shall be no use of the public house and employment units unless and until details of the operating times have been submitted to and approved in writing by the Local Planning Authority. The units shall thereafter only be open during the times so approved.

Reason: In order to safeguard the aural amenity of the occupants of the nearby residential units.

15. Prior to the commencement of development (other than demolition) a scheme for the lighting of the site shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of the number, location and direction of any lighting proposed to be installed as well as the times that the lighting will be switched on. There shall be no external lighting of the development unless in accordance with the approved details.

Reason: In order to ensure there is no light pollution from the site.

16. The development hereby permitted shall be carried out in strict accordance with the Amended Flood Risk Assessment received with the planning application and the mitigation measures contained within the report. The mitigation measures shall be fully implemented prior to the first occupation of any building in accordance with the timing/ phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water.

17. Excluding demolition no development shall take place unless and until plans and particulars showing a scheme of foul sewers and surface water drains, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out concurrently with the rest of the development and in any event shall be finished before any building is first used and thereafter retained.

Reason: In order to ensure that the site is served by adequate foul and surface water effluent disposal in order to avoid pollution and flooding.

18. The site shall be landscaped in accordance with a scheme which shall be submitted to the Local Planning Authority for written approval within two weeks of the commencement of development other than demolition.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard to landscape in accordance with the approved design.

19. Within two weeks of the commencement of development (other than demolition) a scheme detailing measures to minimise the risk of crime and to meet the specific security needs of the application site and the development, shall have been submitted to the Local Planning Authority for written approval. The approved measures shall be implemented in full prior to the first opening of the development to customers.

Reason: In order that the development incorporates safety strategies and designing out crime in line with Policy 13 of the replacement Pendle Local Plan.

20. Representative samples of the external materials of construction to be used on the roof, walls, fencing and internal car parking and circulation space of the development shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of construction. The development shall thereafter at all times be carried out in strict accordance with the approved.

Reason: To ensure a satisfactory appearance to the development.

21. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:1250, Drg No's. 008/13/0202, 0008/13/0207, 0008/13/0203 Rev B, 0008/13/0204, 0008/13/0206, AG/CNE-04, A1/WCC/M/N/NVRC/AL/01, 1264 03 Rev AG, 1264 07 Rev J, 1264 04 Rev N, 1264 06 Rev D, w, Play Unit Spec & SCP-13268 – SK11 Rev B.

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

22. No development other than demolition shall take place on site unless and until a scheme to prevent vehicles accessing the site from Hanover Street has been submitted to and approved in writing by the Local Planning Authority. The scheme shall prevent vehicles from gaining access to the site directly from Hanover Street, with customer vehicles only allowed to exit this turning left only onto Hanover Street. The approved scheme shall be implemented in full prior to the first use of any of the buildings hereby approved and shall thereafter be permanently retained.

Reason: To ensure that the development does not adversely affect highway conditions on Hanover Street.

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 would not adversely impact on Colne Town Centre. In the respect the proposal is consistent with national, regional and local policies relating to retail policy. Although the development is not compliant with 25.5 of the Local Plan, overall the policy considerations in the NPPF, the benefits redevelopment of the site will bring to the local area and employment creation outweigh the policy breach.

In other respects the proposal is policy compliant. The design is appropriate and acceptable (Policy13). It would be of a sustainable construction and can be accommodated on site without adverse impact on existing infrastructure. The proposal, subject to control by condition and mitigation, would not adversely impact on residential amenity.

There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.