

**MNUTES OF A MEETING OF THE
COLNE AND DISTRICT COMMITTEE
HELD AT COLNE TOWN HALL
ON 9th JUNE, 2016**

PRESENT –

Councillors

*D. Clegg
S. E. Cockburn-Price
J. Cooney
M. Foxley
D. E. Lord
N. T. McCollum
S. Petty
G. Roach
P. White*

Co-optees

A. Sutcliffe (Colne Town Council)

(Apologies for absence were received from Councillors N. Butterworth, A. R. Greaves, J. Nixon and G. Waugh).

Officers in attendance:

<i>Peter Atkinson</i>	<i>Neighbourhood Services Manager and Area Co-Ordinator</i>
<i>Neil Watson</i>	<i>Planning, Building Control and Licensing Services Manager</i>
<i>Jane Watson</i>	<i>Senior Committee Administrator</i>



20.

APPOINTMENT OF CHAIRMAN

RESOLVED

That in the absence of the Chairman and Vice-Chairman Councillor J. Cooney be appointed for this meeting only.

Councillor J. Cooney (Chairman – in the Chair)

21.

DECLARATION OF INTERESTS

Members were reminded of the requirements of the Member Code of Conduct concerning the declaration of interests.

22.

PUBLIC QUESTION TIME

There were no questions from members of the public.

23. MINUTES

RESOLVED

That with the removal of Ashley Sutcliffe (Colne Town Council) from the attendance, the Minutes of this Committee at the meeting held on 12th May, 2016 be approved as a correct record and signed by the Chairman.

24. PROGRESS REPORT

A progress report on action arising from the last meeting was submitted for information.

25. PLANNING APPLICATIONS

(a) Applications to be determined

The Planning, Building Control and Licensing Services Manager submitted a report of planning applications to be determined as follows:-

13/16/0139/FUL Full: Major: Erection of twenty one two and three storey dwellings with two access roads off Carry Lane and associated landscaping works (revised scheme) on land at Peter Birtwistle Close and Carry Lane, Colne for the Peter Birtwistle Trust

The Planning, Building Control and Licensing Services Manager circulated an update at the meeting.

RESOLVED

That planning permission be granted subject to the following conditions and reasons:

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:
14.149 01 H, 14.149 02I, 14.149 03D, 14.149 04E, 14,149 05C, 14.149 10B, 14.149 17B, 14.149 24, 14.149 25C, 14.149 27, 14.149 28, 14.149 29, 14.149 30B, 14.149 31, 14.149 32A, 14.149 33, 14.149 34A, 14.149 35, 14.149 37, 210115/001/SJT Rev D, 15218 C-53A & 15218 C-54.

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

3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. Prior to the commencement of development details of the retaining gabion wall and the wall to be removed and lowered on Carry Lane (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be implemented in strict accordance with the approved details.

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

5. Prior to the commencement of development details of the improvement works to Public Footpath 197, Colne shall have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be implemented out in strict accordance with the approved details prior to occupation of the first dwelling house.

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

6. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-
 - a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
 - b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

7. 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, B, C, D, E of Part 1 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)

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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed southern road from the continuation of the nearer edge of the carriageway of Carry Lane to points measured 56m to the left on egress and 37m to the right on egress along the nearer edge of the carriageway of Carry Lane, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority.

Reason: To ensure adequate visibility at the street junction or site access.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby

permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.0m measured along the centre line of the proposed northern road from the continuation of the nearer edge of the carriageway of Carry Lane to points measured 56m to the left on egress and 37m to the right on egress along the nearer edge of the carriageway of Carry Lane, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority.

Reason: To ensure adequate visibility at the street junction or site access.

10. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
 - b) The areas and methods of loading and unloading of plant and materials.
 - c) The areas for the storage of plant and materials.
 - e) Details of wheel-washing facilities including location
 - g) Measures related to construction waste management
 - i) Soil resource management including stock-pile management
 - j) Compliance with BS5228: Part 1 1997 to minimise noise
 - k) Measures to ensure that vehicle access of adjoining access points are not impeded.
 - l) Measures to ensure that there is no burning of waste.
 - n) Location and details of site compounds
 - o) Hoarding details during construction
 - p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
 - r) Noise-monitoring to be carried out for the construction period.
 - s) A Construction Waste minimisation Strategy.
 - t) A Construction-Risks Education plan/programme
 - u) Parking area(s) for construction traffic and personnel

v) Routing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

11. The car parking areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

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

12. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

13. No part of the development hereby approved shall be occupied until all the off-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

14. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.

Reason: In order to ensure that sufficient off-street parking can be accommodated within the site.

15. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA)(Report No. 2014-039, Flood Risk Consultancy, 25/03/14) including limiting the surface water run-off to 13.4l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to occupation in accordance with the timing/phasing arrangements embodied within the scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding.

16. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form 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.

17. All hard and soft landscape works shall be carried out in accordance with the recommendations of BS 4428 (1989). The works shall be carried out prior to occupation of any part of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

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

18. Before a dwelling unit is occupied waste containers shall be provided in the bin/cycle storage areas on each plot.

Reason: To ensure adequate provision for the storage and disposal of waste.

19. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include as a minimum:

(a) Information about the lifetime of the development, design storm period and intensity (1 in 30 and 1 in 100 year + 30% allowance for climate change) discharge rates and volumes (both pre and post development) temporary storage facilities, the methods employed to delay and control surface water discharges from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of finished floor levels in AOD.

(b) The drainage strategy should demonstrate that surface water run-off from the whole of the site must not exceed 13.4l/s. The scheme shall subsequently be implanted in accordance with the approved details before the development is completed.

(c) Any works required on/off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

(d) Flood water exceedance routes, both on and off site.

(e) A timetable for implementation, including phasing as applicable.

(f) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons:

1. To ensure that the proposed development can be adequately drained.
2. To ensure that there is no flood risk on or off the site resulting from proposed development.
3. To ensure a satisfactory standard of development.

20. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

(a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company.

(b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

(i) On-going inspections relating to performance and asset condition assessments.

(ii) Operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

(c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reasons:

1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development.
 2. To reduce the flood risk to the development as a result of inadequate maintenance.
 3. To identify the reasonable organization/body/company/undertaker for the sustainable drainage system.
21. No development hereby permitted shall be occupied until the sustainable drainage scheme for the whole of the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with an agreed management and maintenance plan.

Reasons:

1. To ensure that the drainage for the proposed development can be adequately maintained.
2. To ensure that there is no flood risk on or off the site resulting from the proposed development or resulting from inadequate maintenance of the sustainable drainage system.

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. Subject to amendments to plots 13-16, acceptable drainage scheme and appropriate 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.

(b) Planning Appeals

The Planning, Building Control and Licensing Services Manager submitted, for information, a report giving the up-to-date position on appeals.

26. ENFORCEMENT/UNAUTHORISED USES

(a) Outstanding Enforcements

The Planning, Building Control and Licensing Services Manager submitted, for information, a report giving the up-to-date position on enforcement matters.

It was reported that there was a problem at the rear of the Istanbul take-away on Church Street, Colne with a build-up of trade waste. Concerns were also expressed that some building work had been carried out at the rear of the property possible without the relevant permissions.

RESOLVED

- (1) That the report be noted.
- (2) That a Section 215 Notice be served on the owner of the Istanbul Take-Away, Church Street, Colne regarding the removal of the waste.
- (3) That the Planning, Building Control and Licensing Services Manager be requested to investigate the alleged building works and ensure the necessary permissions have been applied for.

REASON

To ensure the rubbish is removed and that the required permissions have been obtained for the alleged building works.

(b) Enforcement Action

The Democratic and Legal Manager submitted, for information, a report giving the up-to-date position on enforcement matters.

(c) Hubbs House Farm

It was reported that the Planning, Building Control and Licensing Services Manager had tried to contact the case officer at the County Council for an update. Unfortunately the officer had been on leave but had still not provided an update on his return. Following a request made at the last meeting a letter was sent to Jo Turton, Chief Executive at the County Council. A response to this letter was still awaited.

27. CAPITAL PROGRAMME 2015/16 AND 2016/17

The Neighbourhood Services Manager submitted a report on the Committee's Capital Programme for 2015/16 and 2016/17.

It was reported that at the last meeting bids totalling £8,575 had been agreed. Unfortunately this exceeded the balance remaining for 2016/17 of £2,163. The Committee were advised that to agree any bids over this amount then they would need to consider de-allocating money from other schemes already committed.

It was noted that there had been an overspend of £99 in 2015/16 for litter and dog waste bins. The Committee were therefore advised that the bid of £600 requested from this year's Capital Programme be reduced to £501 to accommodate this overspend.

RESOLVED

- (1) That the schemes listed in Appendices 1 and 2 attached to the report already allocated funding be noted.
- (2) That the allocation of funding for the following bids be agreed in principle and considered further at the next meeting:

Repairs and upgrade to LED lighting on the path between Windy Bank and Mason Street, Colne (£1,400)
Changing Places Disabled Bathroom Facility (£2,000)
Colne Rhythm and Blues Festival 2016: Town Centre Entertainment (£4,575)
- (3) That £501 be allocated for litter and dog waste bins.
- (4) That the following funds be deallocated and returned to the Capital Programme for 2015/16:
 - (a) No Through Road Signage at Haverholt Road, Colne – the final payment of £45 was no longer required.
 - (b) Foulridge Lower Reservoir Traffic Management Works - £947 (the final invoice received was for £553 - £1,500 had originally been allocated).

REASON

To enable the capital programme funding to be allocated efficiently and effectively.

28. HAVERHOLT ROAD, COLNE

Following a request made at the last meeting the Neighbourhood Services Manager submitted a report which detailed how much it would cost to resurface Haverholt Road, Colne:

£99,000 for a scheme to an adoptable standard

£33,300 for a minimum "fit for purpose" scheme

RESOLVED

- (1) That the Neighbourhood Services Manager be request to consult all the affected households (39) to seek their willingness, in principle, to contribute up to £500 to resurfacing works to a "fit for purpose" standard, whilst keeping the street unadopted. That they be advised that if there was no response then this would be a sign that they did not want to contribute to the works.
- (2) That the outcome of the consultation be reported to a future meeting of this Committee.

REASON

To improve the condition of the street.

29. PROPOSED INTRODUCTION OF BUSINESS PERMITS TO THE RESIDENTS' ONLY PARKING SCHEME ON NEW BATH STREET, COLNE

The Neighbourhood Services Manager reported receipt of a request for a limited number of business permits to be introduced to the residents' only parking scheme on New Bath Street, Colne. The request was for the existing residents' only parking scheme to be available to West Riding Hyundai garage during certain times of the day e.g., 8.00 a.m. to 5.00 p.m.

A survey was undertaken and 17 questionnaires sent out, including one to the garage. It was noted that although there was evidence to support claims of congestion and heavy parking in and around New Bath Street, the residents responded strongly that they would not support the introduction of business permits to this scheme.

Following the survey officers were made aware that the Hyundai garage had an arrangement with Sainsbury's to use 30 parking bays on their car park. It was suggested that the garage approach the supermarket to see if any additional capacity was available to them on their car park.

RESOLVED

That due to the residents' survey not supporting the introduction of such a scheme, business permits not be introduced on New Bath Street, Colne.

REASON

To take into account the requirements of the current residents' only parking permit holders.

30. TYPES OF REPLACEMENT TREE GRILLES

The Neighbourhood Services Manager reports that following the initial trial outside Colne Municipal Hall (which neither Councillors or Officers were happy with) a further trial was being undertaken (from today). Golden gravel was being used similar to the tree pit surrounds in Nelson town centre.

31. BANK HOUSE, 61 ALBERT ROAD, COLNE

The Planning, Building Control and Licensing Services Manager submitted a report on the current situation regarding the disposal of the above property.

It was noted that the property was in a reasonable condition but was starting to deteriorate. One window to the side was boarded up and an amount of material had been left outside of the building.

On 1st June, 2016 the agents had indicated that a planning application was to be submitted for the development of the site. This application has not yet been submitted.

RESOLVED

That the position be noted but no further action be taken pending a further report in three months' time.

REASON

In order to secure the optimum use of the site.

**32. 51-53 ALBERT ROAD, COLNE
(FORMER CHILDREN'S HOME)**

The Planning, Building Control and Licensing Services Manager submitted a report on the current situation in relation to the above property.

The front of the property was in a reasonable condition but some weeds were beginning to grow. One of the back street doors had been forced and there was some detritus in the back yard. The selling agents have been advised of this and asked to rectify the problem.

Concerns were expressed that the condition of the property could deteriorate if another purchaser/user was not found in the short term.

RESOLVED

That the position be noted and the building be placed on the problem buildings list.

REASON

For information and in order that the condition of the property can be monitored.

**33. FORMER BLOCKBUSTER VIDEO OUTLET
45 MARKET STREET, COLNE**

The Planning, Building Control and Licensing Services Manager submitted a report on the condition of the above building and how the condition and use of the building could be taken forward.

The property had been vacant since 2013 and the agents of the owners had been contacted on numerous occasions to enquire about the status of the property. PEARL had also considered the building but not taken this forward. Potential operators continued to show interest but this had not resulted in the property being re-let or purchased.

The building was deteriorating with paint flaking off it and vegetation growing from a window. It was now considered timely that a Section 215 Notice be served to address this problem.

RESOLVED

That the position be noted and a Section 215 Notice be served on the owners to address the condition of the building.

REASON

To address the condition of this prominent building in Colne town centre.

34. COLNE TOWN CENTRE WALKABOUT

The Neighbourhood Services Manager submitted a progress report on issues identified on the town centre walkabout undertaken on 31st March, 2016.

35. REPRESENTATIVES ON OUTSIDE BODIES

At the Annual meeting of the Council the responsibility for appointing representatives to some outside bodies was referred to this Committee. The Committee were asked to appoint representatives to organisations detailed in the report.

RESOLVED

That the following nominations be agreed:

- Councillor J. Cooney – Colne First Aiders
- Councillor N. T. McCollum – Hartley Homes Trust
- Councillor N. Butterworth – Luther Greenwood Festival Committee
- Councillor S. Cockburn-Price – Trawden and District Agricultural Society

36. COLNE TOWN CENTRE FORUM

Minutes of a meeting of the Colne Town Centre Forum held on 22nd March, 2016 were submitted for information.

37. COLNE AND DISTRICT WORKING GROUP OF THE PENDLE COMMUNITY SAFETY PARTNERSHIP

Minutes of meetings of the Colne and District Working Group of the Pendle Community Safety Partnership held on 31st March and 12th May, 2016 were submitted for information.

38. MISCELLANEOUS MINUTES

Minutes of a meeting of the Friends of Ball Grove held on 10th May, 2016 were submitted for information.

Chairman _____