

The Chairman requested that the Neighbourhood Services Manger be asked to submit a report to the next meeting regarding what action could be taken.

135. MINUTES

RESOLVED

That Minutes of the meeting held on 12th January, 2017 be approved as a correct record and signed by the Chairman.

136. PROGRESS REPORT

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

137. 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:

16/0738/OUT Outline: Major: Erection of up to 10 dwelling (all matters reserved) (Reg. 4) on land off Lenches Road, Colne for Pendle Borough Council

The Planning, Building Control and Licensing Services Manager submitted an update to the meeting.

RESOLVED

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

1. An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan.

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

4. The first submission of reserved matters shall include details of the proposed ground levels and sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess how the development will accommodate the varied land levels and control the final form.

5. The first submission of reserved matters shall include details of the provision of on-site open space.

Reason: In order to provide appropriate on-site open space provision for this development in accordance with policy LIV5.

6. No part of the development shall be commenced unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement 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.
- d) Details of wheel-washing facilities including location
- e) Measures related to construction waste management
- f) Measures to ensure that vehicle access of adjoining access points are not impeded.
- g) Location and details of site compounds
- h) Hoarding details during construction
- i) Parking area(s) for construction traffic and personnel
- j) Measures to control the emission of dust and dirt during construction

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).

7. The first submission of reserved matters shall, in accordance with the findings of Coal Mining Investigation Report undertaken by Betts Associates dated 6th December 2016, include information and corresponding drawings detailing all works proposed in relation to former coal mining workings within the site. This scheme shall include;

- a) zones of influence of the mine workings on site, including the definition of 'no-build' zones within the proposed layout.
- b) a scheme for the treatment of the mine entry on site
- c) a scheme for all remediation works in relation to the shallow coal workings on site

Any agreed works shall be undertaken prior to the commencement of any other development at the site and implemented in strict accordance with the agreed details.

Reason: In order to prevent land stability issues in relation to historic mine workings at the site.

8. 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.

REASON FOR DECISION

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The use of the land within the settlement boundary for residential development is acceptable subject to the submission of Reserved Matters 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.

16/0778/FUL Full: Erection of twenty dwellinghouses with associated car parking and landscaping on land at Warehouse Lane, Foulridge for Bowall Ltd.

The Planning, Building Control and Licensing Services Manager submitted an update to 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: A 000, A002 I, C-52 A, A004 A, A005 JH, A003 A, A006 A, A007 A, A007 B.

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

3. Prior to the commencement of development samples of the external materials to be used (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. 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.

5. Prior to the first occupation of any dwelling hereby approved, the vehicular access, as shown on drawing A 002 Rev. 1, shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the adjoining the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

Nothing shall be planted, erected or allowed to grow on the triangular areas of land so formed, which would obstruct the visibility described in the condition above.

Reason: In order to ensure satisfactory visibility splays are provided in the interests of highway safety.

6. The estate road into the site shall be constructed in accordance with the Lancashire County Council specification for the construction of estate roads. The estate road shall be completed to base course level to each plot before any work is commenced on that plot.

Reason: In order to ensure that the development is served by an adequate highway network.

7. The car parking shown on each plot shall be provided prior to occupation of the dwelling it relates to. The spaces shall thereafter be retained at all times for the parking of cars in association with the occupants of the dwelling.

Reason: In the interests of highway safety and to ensure adequate onsite parking.

8. Prior to commencement of development full details of the retaining structures to be provided on the site shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance and finish to the development.

9. Notwithstanding the provisions of Article 3 and Part 1 of the second schedule of the Town and Country Planning (General Permitted Development) Order 2015 (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 or that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: In order to enable the Local Planning Authority to control any future development on the site, in order to safeguard the character and visual amenity of the area.

10. The proposed drainage strategy, in accordance with the details and specification as shown on drawing C-50A, shall be implemented in its entirety prior to the first occupation of any dwelling hereby approved.

Reason: To ensure that the site is suitably drained and to prevent flood risk on site and elsewhere.

11. The approved landscaping scheme, as shown on drawing 01A, 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: In the interests of visual amenity and to ensure that the site is suitably landscaped.

12. Before any dwelling hereby approved is occupied, waste containers shall be provided within the

site.

Reason: To ensure adequate storage facilities for domestic refuse, in the interest of residential amenity.

13. Unless and until approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837:2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land as detailed in the Arboricultural Impact Assessment dated 3rd November, 2016. No work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837:2012 of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To protect trees and shrubs as essential elements in the development.

14. No development shall take place, including any works of demolition, 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. The Statement shall provide for:
- i) the parking and access of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) Wheel-washing facilities
 - v) Measures to control the emission of dust and dirt during construction.

Reason: In the interests of amenity and highway safety.

15. No construction work shall be carried out on the site outside the hours of 08:00 and 17:00 on weekdays and 08:00 to 12:00 on Saturdays.

Reason: In the interests of residential amenity.

16. The acoustic fence, as shown on approved landscape drawing 01 Rev. A and as detailed within the Noise Impact Assessment (paragraph 5.1) shall be installed in strict accordance with those specifications detailed and retained at a height of no less than 2.5m when measured from ground level within the site.

Reason: In the interests of residential amenity.

17. The development shall not begin until a scheme for the provision of affordable housing as part

of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 8 of the housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provide (or the management of the affordable housing);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order for the development to contribute to the supply of affordable housing in accordance with the need identified in the Strategic Housing Market Assessment and the National Planning Policy Framework.

REASON FOR DECISION

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development is compliant with the aims of the Local Plan Part 1 and saved Policies of the Replacement Pendle Local Plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

16/0803/OUT Outline: Erection of nine dwelling houses (re-submission) on land off Laithe Street, Colne for Maro Developments Ltd.

RESOLVED

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

1. Application for approval of reserved matters must be not later than the expiration of three years from the date of this permission and the development must be begun no later than the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter.

Reason: In order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (As amended).

2. Details of the access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. Prior to the commencement of development a scheme for the disposal of foul and surface water shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

Reason: To control foul and surface water flow disposal and prevent flooding.

4. No development hereby permitted shall be commenced unless and until details of a scheme for the diversion of the culvert on site has been submitted to and approved by the Local Planning authority. Such details shall include the route, size, materials, depth, levels and method of construction. The works shall be constructed and complete in accordance with the approved plans prior to the first occupation of any dwelling.

Reason: To ensure a satisfactory form of development and in the interests of land drainage.

5. Prior to the commencement of development a habitat management plan for the compensatory habitat, management responsibilities and maintenance schedules for the new ditch, shall be submitted to and approved in writing by the local planning authority. The habitat management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

Reason: To ensure that the compensatory habitat remains suitable and there is no net loss of habitats as a result of the development.

6. No trees shall be felled, lopped or chopped unless either a nest survey confirming that there are no birds nesting has been undertaken or the work is undertaken outside of the bird nesting season.

Reason: To ensure no net loss of biodiversity as a result on the development.

7. At all times during development on site wheel washing facilities shall be provided in accordance with details to be agreed in writing by the Local Planning Authority for construction and other vehicles. The wheels of vehicles shall either all be washed before leaving the site or shall be washed in accordance with the procedure agreed in writing by the Local Planning Authority.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

8. 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 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.

REASON FOR DECISION

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would not unduly impact on amenity of highway safety and the details of ecology and drainage have been satisfactorily addressed. The loss of a small part of open space would be mitigated by the formal transfer of the larger area of adjacent allotment and 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.

16/0824/FUL Full: Replacement of existing windows with UPVC windows (retrospective) at Crown Hotel, Albert Road, Colne for Mr Noel Buckley

RESOLVED

That the planning application be **refused** for the following reason:-

1. The proposed UPVC windows would not replicate the proportions, detailing and pleasing aesthetic finish of the existing painted timber windows in this attractive Victorian Building. The proposed development would therefore harm the character and appearance of the Albert Road Conservation Area contrary to Policies ENV1 and ENV2 of the Local Plan Part 1: Core Strategy and the guidance set out in the Conservation Area Design and Development Plan SPD.

Enforcement Action

It was recommended that an Enforcement Notice be served requiring that the unauthorised upvc windows be removed and replaced with acceptable painted timber frames within three months.

RESOLVED

1. That enforcement action be deferred and the Planning, Building Control and Licensing Services Manager be requested to meet with the applicant and agree a satisfactory scheme. If a scheme is not agreed then a report be submitted to a future meeting regarding enforcement action.

(b) Planning Appeals

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

124. 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.

(b) Enforcement Action

The Head of Legal submitted, for information, a report giving the up-to-date position on enforcement matters.

(c) Hubbs House Farm, Colne

The Planning, Building Control and Licensing Services Manager reported that a meeting with various agencies had taken place. It was reported at that meeting that several of the agencies had prosecuted the owner and that Lancashire County Council had also served notice and were due in court at the end of February, beginning of March, 2017.

It was brought to the Police's attention that vehicles were being abandoned on the land, which Inspector Goodall said he would investigate further.

125. ALBERT ROAD CONSERVATION AREA – UPVC WINDOWS AND SHOPFRONTS

(Town Councillor A. Sutcliffe declared a non-pecuniary interest in this item which was not a disclosable pecuniary interest as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 but was such that he considered that in view of the principles set out in the Council's Code of Conduct he should not take part in the debate and decision on the matter, therefore he withdrew from the meeting.)

The Planning, Building Control and Licensing Services Manager submitted a report which set out issues around the use of plastic windows and shop frontages as opposed to timber within the Albert Road Conservation Area.

At a previous meeting Members had raised concerns about the number of shopfronts on Albert Road which were not in keeping with the Conservation Area status. The report set out the heritage significance of the Conservation Area in relation to the current usage of these materials and their impact on character and significance, referred to the policy background and also highlighted recent cases where the use of UPVC had been an issue.

RESOLVED

- (1) That it be noted that the Council's adopted design guidance on the use of appropriate materials for windows, doors and shopfronts in the Albert Road Conservation Area should be consistently applied.
- (2) That enforcement action be considered where unauthorised UPVC windows, Doors and shopfronts had been and were installed.
- (3) That a meeting be arranged with businesses, residents and private property owners which are within the conservation area on Albert Road to discuss the use of UPVC windows, doors and shopfront.
- (3) That the Planning, Building Control and Licensing Services Manager be requested to submit a report to the next meeting regarding what can be discussed with regards the use of UPVC within Albert Road

REASONS

In order that the heritage significance, character and appearance of the Conservation Area is not harmed by the use of inappropriate modern materials.

126. CAPITAL PROGRAMME 2016/17

The Neighbourhood Services Manager submitted a report on the Committee's Capital Programme for 2016/17. The current balance for this period was £87.

A late bid was circulated at the meeting with a request for £112 for replacement trees at Walton Street, Colne.

RESOLVED

(1) That the following be de allocated from the 2016/17 capital programme:-

Tree Grille replacement for Albert Road and town centre £1,745

(2) That the following be allocated from the 2016/17 capital programme:-

1. £639.00 plus vat to prepare surface for painting and restoration of the Coat of Arms at Colne Library to its original design.
2. £112 for replacement trees at Walton Street, Colne.

(3) That the allocation of £1000 each from the horticultural projects/events fund allocated to Councillors J. Cooney, D. Clegg and N. McCollum be transferred to the Colne In Bloom project.

(4) That the allocation of £500 each from the horticultural projects/events fund allocated to Councillors S. Petty and N. Butterworth be transferred to the Colne In Bloom project.

(5) That the allocation of £500 from the horticultural projects/events fund allocated to Councillor J. Cooney be transferred to the Alkincoats Nature Reserve.

(6) That the allocation of £500 each from the horticultural projects/events fund allocated to Councillors N. McCollum and J. Nixon be transferred to the Friends of Alkincoats Park.

(7) That the allocation of £250 from the horticultural projects/events fund allocated to Councillor J. Nixon be transferred to the Open Gate Allotment project.

REASON

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

127. ITEMS FOR DISCUSSION

(a) Crown Newsagents, Albert Road, Colne

Councillor J. Nixon made reference to the untidy state of the Newsagents and asked that the Planning, Building Control and Licensing Services Manager be requested to investigate and problem and assess what action could be taken.

Councillor J. Cooney explained that the owner was in the process of renovating the shop but had run out of money to carry on with the work.

RESOLVED

That a S215 Notice be served to ensure work was done to tidy the appearance of the shop.

REASON

In order to bring the site back to a condition that does not affect the amenity of the area.

128. LOCAL PLAN PART 2

It was reported that at the Executive on 17th November, 2016 Members were informed of the progress on the preparation of the Pendle Local Plan Part 2. It was agreed, that a cross-party Working Group be established to consider the strategic development of the plan. The first meeting of this group has now been held with the key issues and timetable for the preparation of the plan being discussed.

Also, at the Executive, a draft report setting out the scope of the plan (i.e., the issues and policies it would cover – including the amount of housing to be developed in each settlement) and a methodology for the assessment of sites was presented, together with a report on the Green Belt Assessment. It was agreed that these documents would form part of a public consultation. Since the Executive an additional document, the Sustainability Appraisal Scoping Report, has been drafted and will also form part of the consultation.

Members should note that the public consultation on these documents and an additional call for sites would begin in mid-February (dates to be confirmed) and would run for a period of six weeks. This consultation would provide the community and other interested parties with an opportunity to comment on, and shape the direction of, the Local Plan Part 2.

129. BRIEFING NOTE ON GOVERNMENT'S PROPOSED CHANGES TO THE PLANNING SYSTEM

The Planning, Building Control and Licensing Services Manager submitted, for information, a report on proposed changes to the Planning System that the Government had indicated they intended to implement.

The full ramifications of the changes would not be known until the legislation was published. It was, however, likely that the changes would alter how planning applications were determined, what could be required of applicant's before the application was registered, how Committees could add certain conditions if they did not agree with the recommendations and could also lead to a greater number of refusals.

130. ENVIRONMENTAL CRIME UPDATE

The Environmental Services Manager submitted a report on environmental crime for the period 1st October to 31st December, 2016 within the Colne area along with annual totals for 2016/17.

131. MISCELLANEOUS MINUTES

Minutes of meetings of the Friends of Alkincoats Park, Colne In Bloom and the Friends of Greenfield Local Nature Reserve were submitted for information.

Chairman _____