

**MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT COMMITTEE  
HELD AT NELSON TOWN HALL  
ON 25<sup>TH</sup> SEPTEMBER, 2017**

*PRESENT –*

*Councillor K. Hartley - (Chairman – in the Chair)*

**Councillors**

*E. Ansar  
W. Blackburn  
L. M. Crossley  
M. Goulthorp  
M. Iqbal ( Substitute for N. Younis)  
Y. Iqbal  
K. Turner (Substitute for J. Starkie)  
G. Waugh  
D. Whipp*

**Also in attendance**

*Councillor A.R Greaves*

**Officers in attendance**

<i>Neil Watson</i>	<i>Planning, Building Control and Licensing Services Manager</i>
<i>Barbara Kay</i>	<i>Solicitor</i>
<i>Sarah Waterworth</i>	<i>Committee Administrator</i>

*(Apologies for absence were received from Councillors N. Younis and Starkie)*



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

<i>Paula Fitzgerald</i>	<i>17/0301/FUL Full: Change of use of children's farm buildings( use class D2) to a dwelling house (C3), demolition of attached building and external alterations (re-submission) at Rigg of England Farm, Heights Lane, Fence</i>	<i>Minute No. 40(a)</i>
<i>Keith Throp Clare Bradley Emma Simpson Jim Smart Rev. Lisll Von Schweinitz John Wilcock</i>	<i>17/0362/ FUL Full: Major: Development of existing open land for the erection of 55 dwellings of mixed type, with vehicular access from Red Lane and pedestrian/ cycle link to The Meadows, including provision of pubic open space and site drainage measures on land at the North of The Meadows, Colne</i>	<i>Minute No. 40(c)</i>

**38. DECLARATION OF INTERESTS**

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

**39. MINUTES**

**RESOLVED**

That the Minutes of the meeting held on 30<sup>th</sup> August, 2017 be approved as a correct record and signed by the Chairman.

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

- (a) 17/0301/FUL Full: Change of use of children farm buildings (Use Class D2) to a dwelling house (C3), demolition of attached building and external alterations (re-submission) at Rigg of England Farm, Heights Lane, Fence for Mr Jake Sanderson.**

At a meeting of Barrowford and Western Parishes Committee on 7<sup>th</sup> September, 2017 the decision to approve this application was referred as a recommendation to this Committee as the decision represented a significant departure from policy.

**RESOLVED**

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

1. The proposed dwelling would be in an isolated and unsustainable countryside location and would not meet any of the special circumstances for the erection of new dwellings as set out in paragraph 55 of the National Planning Policy Framework. Therefore, the proposed development would be contrary to policy SDP2 of the Pendle Local Plan Part 1: Core Strategy and paragraph 55 of the National Planning Policy Framework.

- (b) 17/0355/FUL Full: Change of use of stone barn to four bedroom dwellinghouse (C3) at Admergill Pasture, Gisburn Road, Blacko for Mr John Kay.**

At a meeting of Barrowford and Western Parishes Committee on 7<sup>th</sup> September, 2017 the decision to approve this application was referred as a recommendation to this Committee as the decision represented a significant departure from policy.

**RESOLVED**

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

1. The building is located in an unsustainable isolated location that would result in residents being reliant on private vehicles to access essential services and facilities. The proposed development does not meet any of the special circumstances for allowing a new dwelling in such a location and therefore the propose development is contrary to Policy SDP2 of the Pendle Local Plan Part 1: Core Strategy and paragraph 55 of the National Planning Policy Framework.

- (C) 17/0362/FUL Full: Major: Development of existing open land for the erection of 55 dwellings of mixed type, with vehicular access from Red Lane and pedestrian/cycle link to The Meadows, including provision of public open space and site drainage measures on land at the North of The Meadows, Colne for Beck Development.**

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

At a meeting of Colne and District Committee on 7<sup>th</sup> September, 2017 decision to refuse this application was referred as a recommendation to this committee as the decision would represent a significant risk of costs.

## **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:

7820/P/001, 002A, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024a, 025A, 026, 027, 028, 029, 030A, 031A, 032, 033, 034A, 035A 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 100, 101A and 102A.

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

3. No part of the development hereby approved shall take place until a Planning Obligation pursuant to section 106 of the Town and Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with Pendle Borough Council. The said obligation shall provide for a contribution towards providing a upgraded bus service serving the site with the contribution being made to Pendle Borough Council.

**Reason:** In order to ensure that the development is served by an adequate bus service provision.

4. Prior to commencement of development, a plan and written-brief detailing the proposed phasing of the site shall have been submitted to and approved in writing by the Local Planning Authority. Development shall not commence unless and until the scheme has been submitted and approved. Such detailing shall include details of the works involved in each phase and how each phase is to be completed in terms of completion of roads, building operations, foul and surface water sewers and landscaping, and each phase shall be substantially completed before the next successive phase of the development is commenced. The approved scheme shall thereafter be carried out in strict accordance with the plan and brief.

**Reason:** To secure the proper development of the site in an orderly manner.

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5. A scheme for the management (including maintenance) of the open space area shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The approved scheme shall be carried out in full accordance with the agreed scheme before the first dwelling is occupied.

**Reason:** To ensure the site is properly maintained and managed in the interests of visual amenity.

6. The access shall be so constructed that there is clear visibility from a point 1.5 metres above ground level at the centre of the access and 2.4 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground at the edge of the adjoining carriageway and 57 metres distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site thereafter be permanently retained.

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

7. Prior to the commencement of development the applicant shall have to and have agreed by the Local Planning Authority a method statement which sets out in details 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 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 Councils 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 the 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.

8. No development shall commence until final 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 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowance), discharge from the site, and the measure taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
  - b) The drainage strategy should demonstrate that the post development surface water run-off will not exceed 17l/s for rainfall events up to and including the 1 in 100 year return period. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
  - c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishments of existing culverts and headwalls or removal of unused culverts where relevant);
  - d) A plan showing 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.

**Reason:** To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development.

9. A management scheme for the maintenance and management of the Surface Water Drainage Scheme shall have been submitted and agreed in writing by the Local Planning Authority prior to the commencement of development and this scheme shall thereafter be implemented prior to the occupation of the first dwelling.

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:

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- 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.

**Reason:** To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development. reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

10. The recommendations outlined in the Ecology Survey compiled by Pennine Ecological dated December, 2016 shall be carried out in full before development commences on the site.

**Reason:** To ensure protection of the habitat of bats which are protected under the Wildlife & Countryside Act, 1981.

11. No part of the development shall be commenced unless and until a Construction Code-of-Practice method statement 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, including likely vibration and noise levels at site boundaries, of the piling operations.
  - h) Location and details of site compounds
  - i) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
  - j) Noise-monitoring to be carried out for the construction period.
  - k) Parking area(s) for construction traffic and personnel
  - L) Details of the provision and use of wheel washing on the site
  - M) Site security

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

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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).

12. No construction work shall be carried out on the site outside the hours of 8:00 and 17:00 on weekdays and 8:00 - 12:00 on Saturdays.

**Reason:** In the interests of residential amenity and to safeguard local residents from noise and disturbance.

13. No development shall commence unless and 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.

14. No development shall commence unless and until a scheme for the off-site highway works to facilitate the development have been submitted to and approved by the Local Planning Authority including pedestrian drop kerb crossing on Red Lane and improved street lighting. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwellinghouse.

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

15. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level to each plot before any development commences on that plot. The final wearing course shall be completed to each plot within 2 years of the substantial completion of each plot or within one week of the substantial completion of the final house on site whichever shall occur first unless another timescale is agreed in writing by the Local Planning Authority. If an alternative timescale is agreed the completion of the highway shall be undertaken in strict accordance with the agreed timescale.

**Reason:** To ensure that satisfactory access is provided to the site before construction of the development hereby permitted commences.

16. The framework Travel Plan reference J341/FTP must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for a minimum of 5 years.

**Reason:** To ensure that the development provides sustainable transport options.

17. Prior to first occupation the garages, driveways and communal parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.

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**Reason:** To ensure that the development does not lead to an increase in flood risk in the area.

18. Prior to first occupation each dwelling shall have an electric vehicle charging point.

**Reason:** To ensure that the development provides for sustainable modes of travel.

19. Within two weeks of the commencement of development samples of the materials to be used in the construction of the external surfaces of the development hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Plots 1-4, 53 and 55 shall be faced in natural stone with slate roofs.

The development shall then be completed in accordance with the approved details.

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

20. Windows and doors shall be set back from the external face of the walls of the units by at least 75mm in depth.

**Reason:** To ensure a satisfactory form of development.

21. The garages hereby permitted shall not at any time be used for any purpose which would preclude their use for the parking of a motor car.

**Reason:** To ensure that there is adequate off-street parking provision within the site to prevent on-street car parking that would be inimical to highway safety.

22. Unless 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, and 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 prevent trees or hedgerows on site from being damaged during building works.

23. Notwithstanding the submitted landscaping plan, 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 hard landscape elements and pavings, including layout, materials and colours;
- e. 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

24. Before a dwelling unit is occupied waste containers shall be provided on each plot.

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

#### **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 proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with the planning 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.***

- (d) 17/0403/VAR Section 73: Variation of condition 16 of application 13/15/0178P to allow working on remediation only between 07.30 hrs and 18.30 hrs Monday to Friday (inclusive) at Land to the West of Knotts Drive, Colne for Miss Abigail Kos – Persimmon Homes.**

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

At a meeting of Colne and District Committee on 7<sup>th</sup> September, 2017 decision to refuse this application was referred as a recommendation to this committee as the decision would represent a significant risk of costs

#### **RESOLVED**

That planning permission be **refused** for the following reasons:-

1. Residential amenity

CHAIRMAN \_\_\_\_\_