

84. MINUTES

RESOLVED

That the Minutes of the meeting held on 7th September, 2017 be approved as a correct record and signed by the Chairman subject to the inclusion of Minute 69 – Planning Application 17/0354/ADV Adv: Display of new signage to replace the existing at The Morris Dancers, Byron Road, Colne for Mr Brian White be refused on visual amenity.

85. POLICE ISSUES

In the absence of the Police no issues were raised.

86. PROGRESS REPORT

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

87. PLANNING APPLICATIONS

(a) Applications to be determined

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

17/0402/CND Approval of details reserved by condition: Discharge of conditions 11 (retaining structures) and 13 (landscaping) of planning permission 13/15/0178P on land to the west of Knotts Drive, Colne for Persimmon Homes

RESOLVED

That the Planning, Building Control and Licensing Services Manager be granted delegated authority to **grant consent** subject to the retaining wall being faced in natural stone.

17/0416/VAR Full: Major: Variation of condition 2 (plans) of planning permission 16/0672/FUL revised plans for allotment land to the north of Argyle Street, Colne for Ainsworth Projects 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 development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan, 02 H, 03 I, 04 F and 05 F.

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

- 3 Samples of external materials of the development, including boundary walls and railings, shall be submitted to the Local Planning Authority for written approval within two weeks of the commencement of the development. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

- 4 The development shall be carried out in full accordance with the approved Phase 2 Geo-Environmental Investigation and Risk Assessment ref: LKC 160 1052 dated 5th April, 2017.

All agreed remediation measures shall be carried out in accordance with the above approved document 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.

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

- 5 A car parking and manoeuvring areas as shown on approved drawing 02 B shall be laid out and made available prior to the occupation of the first unit on site. The spaces and area shall thereafter be maintained free from obstruction and available for parking and turning purposes.

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

- 6 The development shall be carried out in full accordance with the approved drainage scheme submitted to the Local Planning Authority on the 26th May, 2017.

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 avoid flood risk.

- 7 The development shall be carried out in full accordance with the approved sustainable drainage management and maintenance plan submitted to the Local Authority on the 26th May, 2017.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

8 Within two weeks of the commencement of the development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme 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 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.

9 Prior to the first occupation of any unit hereby approved, the external bin storage area as shown on approved drawing 02 B shall be made available for use and retained thereafter.

Reason: To ensure adequate waste storage facilities within the site.

10 The development shall be carried out in full accordance with the approved Construction Method Statement submitted to the Local Planning Authority on the 10th May, 2017.

Reason: In the interests of amenity and highway safety.

11. The proposed new footways along Argyle Street and the rear of New Market Street, including a dropped pedestrian crossing, shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before first occupation.

Note

1. The grant of planning permission will require the applicant to enter into an appropriate Section 278 Legal Agreement, with Lancashire County Council as Highway Authority prior to the start of construction of the new footways. For the avoidance of doubt the works shall include, but not be exclusive to, the provision of full height kerbing along Argyle Street/rear New Market Street and the provision of a dropped pedestrian crossing, including tactile paving. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk , quoting the relevant planning application reference number.

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.

17/0444/FUL Full: Change of use from agricultural land to camping use, siting of four portable camping pods and conversion of an existing outbuilding to a shower/toilet block (re-submission) at Parson Lee Farm, Keighley Road, Trawden for Mr. A. Cross

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

RESOLVED

That the Planning, Building Control and Licensing Services Manager be granted delegated authority to **grant consent** after the expiry of the consultation period subject to the following conditions and reasons:

1. The development must be begun not later than the expiration of three years beginning with 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: 01, 02, 03, 04.

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

3. All materials to be used in the elevations and roofs of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. The camping use hereby approved shall be limited to four camping pods.

Reason: In the interest of clarity and highway safety and to preserve the character and appearance of the Conservation Area.

5. The car parking, manoeuvring area and access shown on plan No. 02 shall be surfaced in a bound, porous material and made available for use prior to the commencement of the use hereby approved. The car parking and manoeuvring area shall thereafter be maintained free from obstruction and available for parking and manoeuvring purposes.

Reason: To ensure adequate car parking and turning provision is made and retained on the site in the interest of highway safety.

REASON

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of policy, design, amenity and highway safety. 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.

17/0468/FUL Full: Modifications to existing parish hall to form a day nursery with modified and new windows, ramp to side elevation at Church Hall, Church Street, Trawden for Mrs. P. Hargreaves

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

(Before the vote was taken the Planning, Building Control and Licensing Services Manager advised that should the application be approved there would be a significant risk of costs. The matter would be referred to the Head of Legal Services and subject to his agreement the decision would stand referred to the Development Management Committee).

RECOMMENDATION

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

1. Highway Safety

17/0550/FUL Full: Formation of wheel/skate park, formation of linear park to railway line, extension to Boundary Mill car park (145 spaces) and formation of access ramp, extension to BMW car park (146 spaces) extension and realignment of Leisure Trust car park (122 spaces) and new footpath at the all-weather games court Crown Way, 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. 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: Location Plan, A1712-LIB-BB-AA 00-ZZ-LL-P2-000.

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

3. The proposed development shall not be brought into use unless and until the car parking has been constructed, surfaced, drained and marked out in accordance with details to be submitted to and agreed in writing with the Local Planning Authority. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In order to ensure that the site is provided with adequate levels of internal car parking in the interests of highway safety.

4. The development hereby permitted shall not be commenced unless and until full details of the hard and soft landscaping, including planting for the Linear Activity Park in the centre of the site

have been submitted to and approved in writing by the Local Planning Authority, and all landscaping shall be carried out in full accordance with those details.

Reason: To ensure the appropriate landscape design and in the interests of the visual amenity of the area.

5. The development hereby permitted shall not be commenced unless and until full details of the design, size and materials of the proposed skate park have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

NOTES

1. The grant of planning permission does not include the right to either permanently or temporarily obstruct or interfere with the right of way. If part or all of the public right of way needs to be permanently closed or diverted to allow the development to be carried out, then a formal order made by the Council will first need to come into operation in accordance with the appropriate legislation. Details of how to apply for a diversion are available from Pendle Borough Council. If it is proposed temporarily to close the right of way, then an application should be made to the public rights of way section Lancashire County Council.

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. 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 reported that there was only one outstanding appeal and one appeal decision had been received:

Outstanding

17/0068/FUL Demolition of existing agricultural building and erection of 3 dwellings (re-submission) at Pike Laithe Farm, Lenches Road, Colne

Decision

16/0824/FUL

17/0006/AP/REFUSE Appeal against refusal of planning permission for replacement of existing windows with UPVC windows (part retrospective) at Crown Hotel, Albert Road, Colne – Appeal Dismissed

88. ENFORCEMENT/UNAUTHORISED USES

(a) Outstanding enforcements

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

(b) Enforcement action

The Head of Legal Services submitted a report giving the up-to-date position on prosecutions.

(c) Hubbs House Farm, Colne

The Planning, Building Control and Licensing Services Manager gave an update on the current situation regarding Hubbs House Farm in Colne. It was reported that an all-party meeting had taken place on 3rd October 2017 where it was agreed that an injunction be pursued on the owner after sentencing had taken place.

(d) Persimmon Homes Site, Knotts Lane, Colne

The Planning, Building Control and Licensing Services Manager gave an update on progress with the Persimmon Site on Knotts Lane, Colne.

89. LOCAL GOVERNMENT ACT, 1972

In accordance with the provisions of Section 100 (B)(4) of the Local Government Act, 1972, as amended, the Chairman agreed that the following item should be considered as a matter of urgency, the ground being that a decision was required before the next meeting of this Committee.

**90. APPLICATION TO CARRY OUT TREE WORKS IN A CONSERVATION AREA
AT THE GABLES, ALBERT ROAD, COLNE**

The Planning, Building Control and Licensing Services Manager reported that an application to carry out tree works at The Gables. The application was to remove some trees in the grounds of the property that were dangerous or posed a risk in the near future to structures, neighbouring properties and/or people. The applicant had indicated that replacement trees would be planted in order to mitigate the loss.

It was reported that due to the condition of the trees a tree preservation order would be indefensible and not necessary.

Member agreed that some of the trees were not worth a TPO being served but they felt the rest of the site should be protected. Reference was made to vehicles parking on the war memorial and near to the trees.

RESOLVED

- (1) That a TPO be served on all trees that the council does not have information on as being unhealthy.

- (2) The Head of Legal Services be granted delegated authority to take enforcement action with regards vehicles being parked on the war memorial.

REASON

- (1) *To protect all healthy trees on site.*
(2) *To ensure no vehicles were parked on the war memorial.*

91. CAPITAL PROGRAMME 2017/18

The Neighbourhood Services Manager submitted a report on the Committee's Capital Programme for 2017/18.

The Committee were asked to consider two new bids:

Tree Pit Enhancement	£2,000
Greenfield Road Gate	£600

The Committee were also asked to reconsider a bid of £2,095 for maintenance of alleygates. The bid had been referred to the Executive and in August 2017 they resolved not to agree to the bid and that the area committee be asked to fund the works from its own resources.

RESOLVED

- (1) That it be noted that only the schemes listed in Appendix 1 had agreed funding.
- (2) That the following be allocated from the 2017/18 capital Programme:-
- (a) Subject to the colour of the materials being sent to members of this committee for agreement, £2000 Tree Pit Enhancement.
 - (b) £600 Greenfield Road Gate.
 - (c) £2,095 Alleygating Maintenance (Repairs and Paintwork).
- (3) The a report be submitted to the next meeting regarding the cost of providing a dog waste bin on The Rough side of Skipton Old Road, Colne, opposite Bents and replacing the one outside Stanley House Vets, Albert Road, Colne.

REASON

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

92. ENVIRONMENTAL BLIGHT

The Neighbourhood Services Manager submitted a report on environmental blight sites in the area.

RESOLVED

That the report be noted.

REASON

To deal with environmental blight in the area.

**93. REPRESENTATIVES ON OUTSIDE BODIES
PETER BIRTWISTLE TRUST**

It was reported that the terms of office of the Managing Trustees on the Peter Birtwistle Trust expired on 30th November, 2017.

The current Trustees were Alan Davies, Geoffrey Cole and David Clamp. The appointment was for three years but had to be someone who had special knowledge of the area of Colne. It was reported that David Clamp no longer wished to be a Trustee.

RESOLVED

That Alan Davies, Geoffrey Cole and Councillor David Clegg be nominated as Managing Trustees on the Peter Birtwistle Trust for a four year period expiring on 30th November, 2021.

REASON

In response to a request from the Trust.

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

Minutes of a meeting of the Colne and District Working Group of the Pendle Community Safety Partnership held on 7th September, 2017 were submitted for information.

95. FRIENDS OF GREENFIELD LOCAL NATURE RESERVE

Minutes of a meeting of the Friends of Greenfield Local Nature Reserve held on 11th July, 2017 were submitted for information.

96. DISPOSAL OF SITES FOR HOUSING

At the Executive meeting on 24th August, 2017 it was resolved “that Colne and District Committee be consulted on the possible disposal of land on Leach Street, Colne and the Harrison Drive Recreation Ground in Colne.”

The Committee were asked to consider the possible disposal of the above sites.

RECOMMENDATION

That the Executive be requested to dispose of the land at Leach Street, Colne and Harrison Drive Recreation Ground, Colne.

REASON

To dispose of sites that can support the Council's growth objectives.

97.

OUTSTANDING ITEMS

The following items had been requested by this Committee and a report would be submitted to a future meeting:

Former Tower Ballroom and Sugar Hut, Keighley Road, Colne (06.07.2017)

Roundabout at Skipton Road, Colne (06.07.2017)

Chairman _____