

**MINUTES OF A MEETING OF THE
COLNE AND DISTRICT COMMITTEE
HELD AT COLNE TOWN HALL
ON 8th FEBRUARY, 2018**

PRESENT –

Councillor G. Waugh (Chairman – in the Chair)

Councillors

*N. Butterworth
D. Clegg
S. E. Cockburn-Price
J. Cooney
M. S. Foxley
A. R. Greaves
D. E. Lord
N. T. McCollum
J. A. Nixon
G. Roach
P. White*

Co-optees

A. Sutcliffe (Colne Town Council)

Officers in attendance

*Peter Atkinson Neighbourhood Services Manager and Area Co-ordinator
Neil Watson Planning, Building Control and Licensing Services Manager
Jane Watson Head of Democratic Services*

(Apologies for absence were received from John Dransfield (Trawden Forest Parish Council)).



The following people attended the meeting and spoke on the following items:

| | | Minute Number |
|------------------------------------|--|----------------------|
| <i>Zara Moon</i> | <i>17/0775/FUL Full: Change of use of shop to architectural practice (Use Class 2) on ground floor and one two-bedroom flat above at 13 New Market Street, Colne</i> | <i>149(a)</i> |
| <i>Paul Foxley Mike Powell</i> | <i>18/0003/FUL Full: Erection of two detached fourbed dwelling houses with detached double garages and bin store with access off Keighley Road on land to the south side of Keighley Road, Colne</i> | <i>149(a)</i> |
| <i>David Cockburn-Price</i> | <i>Capital Programme 2017/18 – East Colne Way</i> | <i>151</i> |
| <i>Amjid Hussain</i> | <i>Land at North Street, Colne</i> | <i>152</i> |



144. DECLARATIONS OF INTEREST

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

Councillor S. E. Cockburn-Price declared a non-pecuniary interest in minute number 149(a) (planning application 17/0644/FUL Heyroyd Farm, Skipton Old Road, Colne).

Councillor P. White declared a pecuniary interest in minute number 149(a) (planning application 17/0710/HHO Craigmore, Keighley Road, Colne).

145. PUBLIC QUESTION TIME

A resident of Glen Street, Colne referred to a skip which had been at the rear of his property that had been there for over 10 weeks. Numerous phone calls to the Council had failed to get the skip removed. It was reported that the skip belonged to Pendle Skips. It was also noted that the skip had been overfilled and was causing an obstruction which prevent the waste refuse vehicles from accessing the back street. Councillor Cooney had been made aware of this problem in his capacity as a County Councillor as it was the County who issued skip permits. It was agreed that both County Councillor Cooney and the Neighbourhood Services Manager raise this issue with relevant officers at the County Council.

The Committee were also asked about the possibility of a “keep clear” sign at the bottom of Glen Street on North Valley Road in Colne. This would help drivers exiting Glen Street to enter North Valley Road. It was agreed that the Neighbourhood Services Manager raise this at the next LCC Traffic Liaison Meeting.

146. MINUTES

With regards to minute number 133/2017/18 reference to a “PCSO in the Boulsworth and Foulridge wards..” should read “constable” and at minute number 135/2017/18 it should read “three Hazel trees ...” and not two.

RESOLVED

That subject to the above amendments the Minutes of the meeting held on 11th January, 2018 be approved as a correct record and signed by the Chairman.

147. POLICE ISSUES

In the absence of the Police no police issues were raised.

148. PROGRESS REPORT

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

Reference was made to the meeting which had been held on 1st February, 2018 to discuss design issues relating to the planning application for the former health centre site on Market Street, Colne (17/0589/FUL). It was reported that following these discussions some amendments to the design had been made and the plans were on the Council’s website for

people to view. Some concerns were expressed that not all Councillors had been present at that meeting. The application was to be submitted to the next meeting of this committee.

RESOLVED

- (1) That the report be noted.
- (2) That a further meeting be held with the applicants to discuss design issues regarding the planning application for the former health centre on Market Street, Colne (17/0589/FUL).
- (3) That the Planning, Building Control and Licensing Services Manager email members of the Committee the plans for information.

REASON

To ensure all design issues had been addressed prior the application being considered at the next meeting.

149. PLANNING APPLICATIONS

(a) Applications to be determined

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

Councillor S. E. Cockburn-Price 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 she considered that in view of the principles set out in the Council's Code of Conduct she should not take part in the debate and decision on the matter, therefore she withdrew from the meeting during discussion of the following item.

17/0644/FUL Full: Conversion of existing agricultural building into two dwellings, with associated parking, landscaping and demolition of existing Dutch Barn at Heyroyd Farm, Skipton Old Road, Colne for C. Malik and G. Preston

A site visit was carried out prior to the meeting.

****PLANNING TO ADD****

Conditions re: paraphernalia and boundary treatment

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: 330.03C, 330.04RevB Proposed Floor Plans, 330.04RevB Proposed Elevations.

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

3. Prior to their installation, details of the design, materials and finishes of the window frames, roof lights and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure satisfactory details that are appropriate for the building and area.

4. Prior to commencement, details of the design, materials and finishes of the proposed link extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure satisfactory details that are appropriate for the building and area.

5. Samples and details of the rainwater goods to be used in the development of the barn shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works. The development shall be carried out only using the approved materials.

Reason: In order to protect and preserve the character and visual appearance of the building.

6. The development shall be carried out in strict accordance with the recommendations set out in the Bat and Barn Owl Report November 2015.

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

7. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. 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.

8. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) (England) 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 and G of Part 1 and Classes A, B & C

of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character of the area.

9. The permission hereby granted is for the conversion of the existing barn only and does not imply or grant permission for demolition or re-building of the external walls.

Reason: The substantial rebuilding of this building in Open Countryside would be contrary to the development plan and paragraph 55 of the National Planning Policy Framework.

10. The dwelling hereby approved shall not be occupied unless and until the car parking area on the approved plan 330.03C Site Plan has been laid out, surfaced in a bound material and made available for use. The car parking area shall thereafter be maintained free from obstruction and available for parking.

Reason: In the interests of highway safety.

11. Notwithstanding any indication on the approved plans, unless otherwise agreed in writing by the Local Planning Authority, any new stone or slate must match the existing.

Reason: To ensure an appropriate finish in order to protect the significance of the building.

12. The existing dry stone walls and stone setts in and around the site must be preserved in situ.

Reason: To ensure the retention of important features of the site.

13. Prior to commencement, a methodology for any proposed re-pointing or stone cleaning on the barn shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure satisfactory details that are appropriate for the building and area.

14. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes to level or development or development-related work shall commence until protective fencing, in cull 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 or 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.

Reason: To prevent protected trees or hedgerows on site from being damaged during building works.

15. The vehicle driveway works hereby permitted shall be carried out in accordance with the approved 'Method Statement for 'No Dig' Construction of Vehicle drives and Parking Areas within Tree Root Protection Areas' December 2017.

Reason: In the interests of tree protection.

16. The southern front parking area and northern rear garden of each dwelling shall not be used for the erection of any temporary structures, storage of garden paraphernalia or disused vehicles.

Reason: In order to protect and preserve the visual amenity of the area.

17. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface water has been submitted to and approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure as satisfactory means of drainage.

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 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.

17/0710/HHO Full: Erection of dog kennels and walled exercise are (retrospective) at Craigmere, Keighley Road, Colne for Mr. L. Duerden

Councillor P. White declared a pecuniary interest in this item and withdrew from the meeting during discussion of this item.

RESOLVED

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

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

POOL/05-Dwg 03a Rev A, POOL/05- Dwg 04a Rev A, POOL/05 Dwg 02a REVA,
POOL/05 Dwg 04b Rev B & POOL/05 Dwg 01.

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

2. All materials to be used in the elevations and roof of the 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.

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 development is acceptable in terms of policy, visual amenity, residential 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.

17/0775/FUL Full: Change of use of shop to architectural practice (Use Class 2) on ground floor and one two-bedroom flat above at 13 New Market Street, Colne for Zara Moon

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:

Project No. 05.17 Drawing No. 03.

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

3. The ground floor A2 use hereby permitted shall only be conducted between the hours of 09:00 and 17:00 Monday – Friday, 09:00 and 14:00 Saturdays, Closed Sundays and Bank Holidays.

Reason: In order to safeguard the amenity of the area.

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 use is acceptable in this location and accords with the policies of the Pendle Local Plan Core Strategy.

18/0003/FUL Full: Erection of two detached four bed dwelling houses with detached double garages and bin store with access of Keighley Road on land to the south side of Keighley Road, Colne for Barnfield Construction

The Planning, Building Control and Licensing Services Manager circulated an update at the meeting following receipt of three letters of objection. It was also noted that United Utilities raised no objections to the proposal.

(Before the vote was taken the Planning, Building Control and Licensing Services Manager advised that should the application be refused there would be a significant risk of costs in the event of an appeal. 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** as the development would not constitute limited infilling.

(b) Appeals

The Planning, Building Control and Licensing Services Manager submitted a report on planning appeals.

150. 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.

Updates on a number of cases were given at the meeting.

RESOLVED

- (1) That the report be noted.
- (2) That land to the south of Grenfell Gardens, Colne (PLE/17/1144) be removed from the list.

(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 provided an update on the current position regarding the compliance with the court orders. It was apparent that the owner of Hubbs House Farm was continuing to dump rubbish on the site and there were no signs of him clearing the site at Delves Lane, Colne. It was also reported that the Police had, in the past few days, seized the owner's tractor and trailer which was full of household rubbish.

The Council's Legal Services team had also been instructed to serve a Section 215 Notice.

(d) Persimmon Homes Site, Knotts Lane, Colne

Complaints had been received from residents about the flooding of a footpath at one end of the site. It was reported that the footpath was only temporary and Persimmon's could close/remove it at any time.

It was reported that Persimmon's were not intending to adopt the roads and street lighting on the site, although they would be brought up to an adoptable standard. It was reported that discussions were ongoing with the County Council about this with a view to the adoption proceeding.

151. CAPITAL PROGRAMME 2017/18

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

The Committee considered a late bid of £3,121.60 for the implementation of the East Colne Way footpath. At the meeting it was reported that the funding required was now £2,279.60 as the option for a website was no longer needed. This option could be accommodated from existing websites. The Boulsworth and Horsfield Councillors agreed to split the costs from their environmental improvement funds.

The Committee also felt that the £4,000 for signing and lining of the Fothergill/Cragg Street resident's only parking scheme was no longer required, therefore the funding should be deallocated.

RESOLVED

- (1) That the schemes listed in Appendix 1 attached to the report has agreed funding.
- (2) That it be noted that the bid for funding towards the East Colne Way footpath be allocated from both the Boulsworth and Horsfield Environmental Improvement Funds (£1,139.80 each).
- (3) That £4,000 for signing and lining of the Fothergill/Cragg Street resident's only parking scheme be deallocated.

REASON

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

152. LAND AT NORTH STREET, COLNE

The Committee considered a report following receipt of a request to remove the restrictive covenant from the land on North Street, Colne (edged black on the plan attached to the report).

The covenant prevented the land from being used for any trade, business or profession. The land was sold by the Council in 2006 with outline planning permission for residential development. Unfortunately this was no longer a viable option.

The owners were considering building lock up units on the land to rent out to local businesses. This was, however, subject to planning permission.

RESOLVED

That the request to remove the restrictive covenant on land at North Street, Colne be agreed.

REASON

The removal of the restrictive covenant would allow an unused area of land to be brought back into use.

153. ENVIRONMENTAL CRIME

The Environment Services Manager submitted, for information, a report o

**154. 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 11th January, 2018 were submitted for information.

155. MISCELLANEOUS MINUTES

Minutes of a meeting of Colne Market Panel held on 15th January, 2018 were submitted for information.

156. OUTSTANDING ITEMS

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

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

Former Job Centre, 80 Market Street, Colne (07.12.2017)

Chairman _____