



77.

## MINUTES

### RESOLVED

That the Minutes of the meeting held on 6<sup>th</sup> September, 2018 be approved as a correct record and signed by the Chairman.

78.

## PROGRESS REPORT

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

It was reported that, to date, the owner of the former Hycrome Works/Green Works, Knotts Lane, Colne had been unavailable to meet with the Committee. It was hoped that a date could be agreed in the near future.

79.

## POLICE ISSUES

Councillor M. Foxley reported on a meeting that was due to take place with Inspector A. Winter and Trawden Forest, Laneshaw Bridge and Foulridge Parish Councils to discuss rural policing. It was noted that the Colne Community Safety Partnership wanted the invitation to include Colne Town Council.

Councillor Foxley agreed to discuss this with the Parish Council Clerks to establish if this would be appropriate.

80.

## 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 detailed below.

An update report was also submitted which advised that, on 1<sup>st</sup> October, 2018 a statutory requirement had been introduced that required pre-commencement conditions proposed to be imposed on planning applications (excluding outline applications), to be formally agreed by the applicant. This involved serving a notice of intention to impose such conditions, including the exact wording of those conditions, and allowing 10 working days to respond.

### **18/0043/FUL Full: Retention of a single storey agricultural workers dwelling (retrospective) at Cowfield Farm, Burnley Road, Trawden for Mr Robert Airey**

It was noted that an assessment from agricultural planning consultants ADAS was awaited.

### RESOLVED

That the Planning, Building Control and Licensing Services Manager be delegated authority to consider the response from the agricultural consultants and to consider if there is an agricultural justification, but that the application should be **refused** for the following reasons –

1. The siting, design and materials of the building result in harm to the character and appearance, and therefore the significance, of Trawden Forest Conservation Area. Whilst the harm to the significance of the heritage asset would be less than substantial the public

benefits would not outweigh that harm and thus the development would be contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and paragraph 193 of the National Planning policy Framework.

2. The siting of the building, in a prominent isolated position, results in unacceptable harm to the landscape character of the area contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy.

**18/0361/FUL Full: Major: Erection of 15 residential units including 9 dwelling houses and 6 apartments with 29 car parking spaces at garage site to the rear of 10 to 24 Essex Street, Colne for Cawder Construction**

*(Councillor P. Foxley 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 an update which advised of an amendment to conditions in the Committee report. Conditions 8 and 19 had been amended to remove the pre-commencement requirements. Conditions 5, 6, 7, 9, 10, 11, 17 and 18 remained as pre-commencement and notice of these would be served on the applicant.

**RESOLVED**

- (1) That planning permission be **refused** for the following reasons –
  1. The design of the proposed development represents poor design that fails to take the opportunities available for improving the character and quality of the area contrary to policies ENV2 and LIV5 of the Local Plan Part 1: Core Strategy and paragraph 130 of the National Planning Policy Framework.
  2. The proposed development would result in building on land designated as Open Space. The applicant has failed to clearly show that the Open Space is surplus to requirements or other factors to make the loss of the Open Space acceptable. The proposed development is therefore contrary to policy ENV1 of the Local Plan Part 1: Core Strategy and paragraph 97 of the National Planning Policy Framework.
- (2) That options for the future use of the land be referred to the Policy and Resources Committee for consideration.

**18/0439/OUT Outline: Erection of three dwelling houses (Re-submission) on land at Field No 6800 Hollin Hall, Trawden for Mr Roy Pickles**

**RESOLVED**

That planning permission be **refused** for the following reasons –

1. The proposed development is located within open countryside, outside the settlement boundary of Trawden. Developing it would harm the character and appearance of the open

countryside. The proposed site does not fall within an allocated site as detailed in the Trawden Forest Neighbourhood Plan and would be contrary to the provisions of Policy 1 of the Draft Trawden Forest Neighbourhood Plan.

**18/0522/VAR Full: Major: Variation of Conditions: Remove Condition 8 (Timber Windows) from the Planning Permission 13/02/0278P at Ivegate Mews, Ivegate, Colne for Ivegate Mews RTM Company Ltd**

The Planning, Building Control and Licensing Services Manager submitted an update which recommended that pre-commencement conditions 3, 4 and 14 in the Committee report be removed.

**RESOLVED**

That planning permission be **granted** subject to the following conditions –

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

**Reason:** The condition is deemed attached by virtue of Section 91 of the Town and Country Planning Act 1990.

2. This consent is confined to drawing nos. 01/66/1A, 01/66/3, 01/66/2A, received on 16th May 2002; and, drawing nos. 01/67/12A and 01/67/10A, received on 20th June 2002.

**Reason:** To ensure the development complies with the approved plans and for the avoidance of doubt.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** In the interests of visual amenity.

4. None of the flats hereby permitted shall be occupied until the proposed car park has been constructed, laid out and hard surfaced in tarmac and is available for use. No part of the car park shall be used for the parking or keeping of caravans, trailers or anything other than private motor cars/motorcycles or bicycles.

**Reason:** To prevent on-street parking, in the interests of highway safety and amenity.

5. No dwelling hereby permitted shall be occupied until its associated driveway has been constructed and surfaced in permanent hard surfacing and is available for parking two motor cars.

**Reason:** To prevent on-street parking, in the interests of highway safety and amenity.

6. No gates shall be erected at the entrance to driveways of the proposed houses or at the entrance to the proposed car park unless set back from the edge of the footway/highway by a minimum of 5.5 metres and constructed with gates that open into the site only.

**Reason:** To prevent cars from obstructing the highway, in the interests of highway safety.

7. Full details of all the fencing, screen walls or any means of enclosure to be erected or planted on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the erection or planting thereof and this condition shall apply notwithstanding any indications as to these matters given in the application.

**Reason:** In the interests of visual amenity.

8. All rainwater and soil pipes shall be in cast iron or aluminium and painted black unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance adjacent to the Albert Road, Colne, Conservation Area.

9. All existing site levels shall be maintained in the development of the apartment block, car park and houses, including along all boundaries, unless otherwise indicated on the approved plans or as otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure the satisfactory implementation of the proposal.

10. There shall be no building within 3 metres of any public sewer which crosses the site.

**Reason:** To ensure adequate access to public sewers for maintenance purposes.

11. The non-definitive public footpath that crosses the site of the proposed car park shall be kept free of obstruction during construction and shall remain open and available for use at all times unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure access is not impeded along an established public walkway.

12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

**Reason:** To prevent pollution of the water environment.

## **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. Condition 8 has been discharged and fully complied with and as such its removal is acceptable. 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.***

**18/0551/FUL Full: Demolition of buildings and erection of one dwelling house at land to the south west of 117 Greenfield Road, Colne for Mr Mark Howarth**

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

The Planning, Building Control and Licensing Services Manager submitted an update which detailed the comments of Pendle Council's Environment Officer. He also advised that condition 6 in the Committee report had been amended to remove the pre-commencement requirements. Conditions 3, 4 and 11 remained as pre-commencement. Notice had been served on the applicant and had been agreed.

**RESOLVED**

That planning permission be **granted** subject to the following conditions –

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:

1:1250 location plan, 1:500 block plan, CAL 2018 007 001 G.

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

3. 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.

4. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence unless and until a scheme for the disposal of foul and surface water for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5l/s. The development shall be completed, maintained and managed in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

5. The development hereby permitted shall be carried out in strict accordance with the Flood Risk Assessment mitigation measures. The finished internal floor levels shall be set no lower than 125.20m Above Ordnance Datum.

All the mitigation measures shall be carried out prior to the occupation of the dwelling hereby approved.

**Reason:** To order to reduce the danger to intended occupants of the dwellings from potential flooding and to prevent an undue increase in surface water runoff and to reduce the risk of flooding.

6. Prior to any above ground development occurring samples of the external facing materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development within Open Countryside.

7. 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.

8. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the second schedule of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E and F of Part 1 and Class B of Part 2 of Schedule 2 of that Order shall be carried out and Class A 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:** 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.

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

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

10. 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.

11. 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, boundary treatments 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.

12. 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.

13. No external lighting shall be erected within the site without the prior written consent of the Local Planning Authority.

**Reason:** In order to ensure that the foraging areas for bats on the woodland fringes are not adversely affected.

**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 would not adversely impact on open countryside, amenity or highway safety and would be acceptable in terms of siting, design and materials subject to appropriate conditions 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.***

**(b) Appeals**

The Planning, Building Control and Licensing Services Manager reported that the following appeal had been withdrawn –

|                   |  |
|-------------------|--|
| PLE/17/0778       | Appeal against Enforcement Notice regarding unauthorised erection of |
| 17/0020/AP/ENFORC | a single storey dwelling at Cowfield Farm, Burnley Road, Trawden     |

**81. ENFORCEMENT/UNAUTHORISED USES**

**(a) Outstanding enforcements**

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

The Committee discussed the condition of the land off Laithe Street, Colne (ref PLE/16/0218) which was heavily overgrown.

**RESOLVED**

That the Planning, Building Control and Licensing Services Manager be asked to contact the owner(s) of land off Laithe Street, Colne and establish their intentions for the site.

**REASON**

***To establish the future use of the land.***

**(b) Enforcement action**

The Head of Legal Services submitted a report, for information, which gave the up-to-date position on prosecutions.

**(c) Hubbs House Farm, Colne**

The Planning, Building Control and Licensing Services Manager provided an update on action taken with regard to illegal activities being carried out at Hubbs House Farm, Colne and the land associated with it.

It was noted that an injunction had been served with regard to cattle that had strayed onto other land. The court date was scheduled for 10<sup>th</sup> October, 2018.

**(d) Persimmon Homes Site, Knotts Drive, Colne**

In the absence of any further information, no update was given.

**82. CAPITAL PROGRAMME 2018/19**

The Neighbourhood Services Manager submitted a report which advised Members on the Committee's 2018/19 capital budget.

**83. ENVIRONMENTAL BLIGHT**

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

**84. FORMER KIPPAX BUILDING**

The Planning, Building Control and Licensing Services Manager submitted a report for Members to consider whether the former Kippax Building on Dockray Street, Colne, be added to the Committee's list of problem sites.

**RESOLVED**

That the former Kippax Building, Dockray Street, Colne be added to the Committee's list of problem sites.

**REASON**

***To monitor the site and to seek to find an appropriate and sustainable use of the building.***

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

Minutes of a meeting of the Colne and District Working Group of the Colne Community Safety Partnership held on 6<sup>th</sup> September, 2018 were submitted for information.

**86. MISCELLANEOUS MINUTES**

The minutes of meetings of the Friends of Ball Grove held on 11<sup>th</sup> September, 2018 and Colne Market Panel held on 10<sup>th</sup> September, 2018 were submitted for information.

**87.**

**OUTSTANDING ITEMS**

The following items had either been referred to this Committee or requested by the Committee. Reports would be submitted to future meetings.

- (a) Red Lane, Colne – Traffic issues (05.07.18)
- (b) Former Public Conveniences – Colne Bus Station (06.09.18)
- (c) 9-11 Cuerden Street: alleged use as business (06.09.18)

CHAIRMAN \_\_\_\_\_