

**MINUTES OF A MEETING OF THE
COLNE AND DISTRICT COMMITTEE
HELD AT COLNE TOWN HALL
ON 10th JANUARY, 2019**

PRESENT –

Councillor G. Waugh – Chairman (in the Chair)

Councillors

*N. Butterworth
J. Cooney
V. A. Fletcher
M. S. Foxley
P. J. Foxley
A R. Greaves
D. E. Lord
N. T. McCollum
J. A. Nixon
G. Roach
P. White*

Officers in attendance:

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

(Apologies for absence were received from Councillor S. Petty and Mr. J. Dransfield (Trawden Forest Parish Council)).

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The following persons attended the meeting and spoke on the items indicated:

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|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <i>Tony Pickles Pat McIlroy John Hartley</i> | <i>18/0613/FUL Full: Demolition of modular classroom and erection of a two-storey education building (Use Class D1) (floor area 396 sq. m.) provision of a multi-use games area (MUGA) pitch and associated landscaping works at Christ Church, CofE School, Bent Lane, Colne</i> | <i>Minute No. 125(a)</i> |
| <i>Mark Salisbury Sue Thompson Rosa McDonnell Christopher Wilcock</i> | <i>18/0718/FUL Full: Major: Erection of 15 residential units including 9 dwelling houses and 6 apartments with 26 car parking spaces (resubmission) at garage site to the rear of 10 to 24 Essex Street, Colne</i> | <i>Minute No. 125(a)</i> |
| <i>Sarah Cockburn-Price John Birchenough Jerry Stanford David Cockburn-Price</i> | <i>18/0865/REM Reserved Matters: Major: Erection of 82 dwellings and associated infrastructure (appearance, landscaping, layout and scale) (planning application 13/14/0580P – Appeal APP/E2340/W/15/3131974 at land to the east of Windermere Avenue, Colne</i> | <i>Minute No. 125(b)</i> |



120. DECLARATION OF INTERESTS

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

Councillor P. Foxley declared a personal interest in Minute number 125(a) (18/0718/FUL – garage site to the rear of 10-24 Essex Street, Colne) which was not a disclosable pecuniary interest as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

121. PUBLIC QUESTION TIME

There were no questions from members of the public.

122. MINUTES

RESOLVED

That the Minutes of the meeting held on 6th December, 2018 be approved as a correct record and signed by the Chairman.

123. PROGRESS REPORT

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

124. POLICE ISSUES

Inspector Winter reported that Local Policing Teams had worked in partnership with the DVLA prior to Christmas targeting untaxed vehicles across the Borough. In November, 2018 on Colne Road in Brierfield 127 vehicles were found to be on the road untaxed. Over 100 vehicles had been targeted in December which had led to vehicles being clamped, lifted and impounded for similar offences.

Incidents of anti-social behaviour on the North Valley Retail Park in Colne were being targeted by the Police and this had been identified as one of their priorities. Increased Police presence in an evening had resulted in a number of arrests regarding supply and possession of drugs. The Police would continue to priorities this area.

The Committee were informed that a prolific burglar had recently been arrested for a break in and theft of a motor vehicle. With the help of CCTV evidence the offender had been arrested, charged and was on remand. The vehicle had been located and returned to its owner. The offender had been found to be out of prison on licence so he had been recalled to fulfil his current sentence prior to consideration of this one.

Inspector Winter was informed that drug selling was continuing on the car park at the rear of the library. He said he would brief the Policing Teams with a view to increased patrols. Grate covers had also been stolen from the back streets on Cleveland Street and Oak Street, Colne. Inspector Winter said he would raise this with the local scrap yards and do some licensing checks.

There was a brief discussion around content posted on Facebook and in particular who was responsible for ensuring the content was not offensive etc.

125. PLANNING APPLICATIONS

(a) Applications to be determined

The Planning, Building Control and Licensing Services Manger submitted a report on planning applications to be determined as detailed below.

18/0613/FUL Full: Demolition of modular classroom and erection of a two storey education building (Use Class D1) (floor area 396 sq. m.) provision of a multi-use games area (MUGA) pitch and associated landscaping works at Christ Church, Church of England School, Bent Lane, Colne for the School Governors

The Planning, Building Control and Licensing Services Manager circulated an update at the meeting. This included reference to additional comments from Lidgett and Beyond; removal of objections from a neighbour and receipt of amended plans.

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:

8964 L01 P1, 8964 E01 P1, 8964 E02 P1, 8964 P01 C, 8964 P02 B, 8964 P03 B, 8964 P04, 8964 P05 P1, 8964 P06 P1,

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

3. Prior to the modular unit being installed on the site samples of all the materials to be used in the elevations, roof, windows, doors and rainwater goods of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order for the Local Planning Authority to control the external appearance of the development.

4. Prior to the multi-use games area being installed on the site samples of all the materials to be used for the gabions, surfacing and fencing including colours shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order for the Local Planning Authority to control the external appearance of the development.

5. Prior to the paths being installed on the site samples of all the materials to be used in surfacing including colours shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order for the Local Planning Authority to control the external appearance of the development.

6. The windows and doors shall be recessed by at least 75mm unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure an acceptable appearance of the development.

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

9. 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. all existing trees and shrubs 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;
- f. all boundary treatments between properties and to the boundary of the site including fencing, walls and hedgerows.

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 and retains existing trees and hedgerows where possible.

- 10.** 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.

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. On balance the proposed development is acceptable in terms of policy, impact on amenity, highway safety, design and impact on the Conservation Area. 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.

18/0718/FUL Full: Major: Erection of 15 residential units including 9 dwelling houses and 6 apartments with 26 car parking spaces (resubmission) on the garage site to the rear of 10 – 24 Essex Street, Colne for Cawder Construction

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: 6554 L(00)20 Rev 4, 6554 L(00)22 Rev 7, 6554 L(1-)20 Rev 6, 6554 L(1-)21 Rev 5, 6554 L(1-)22 Rev 5, 6554 L(1-)23 Rev 5, 6554 L(2-)20 Rev 7, 6554 L(2-)21 Rev 7, 6554 L(2-)22 Rev 6, 6554 L(2-)23 Rev 6, 6554 L(2-)24 Rev 6, 6554 L(2-)25 Rev 6.

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

3. Prior to the commencement of the erection of the external walls of the development samples of the external materials and finishes of the walls, roof, windows and doors and external hard surfaced areas 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 a satisfactory appearance to the development.

4. The window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

Reason: To ensure a satisfactory appearance to the development.

5. No dwelling hereby approved shall be occupied unless and until a detailed landscaping scheme has been 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.

6. No ground clearance, demolition, changes of level or development or development-related work shall commence unless and until scheme of protection measures for the tree to be preserved on the site as detailed in drawing No. 6554 L(00)22 Rev 7 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of protective fencing, in full accordance with BS 5837 : 2012
- Measures to protect the tree during demolition works
- Measures to protect the tree during the construction of the parking area within the root protection area as defined in BS 5837 : 2012
- Construction details of the parking area within the root protection area as defined in BS 5837 : 2012, including tree root protection measures and details of permeability
- Details of any changes to the fenced areas to enable the above works including the timing of those changes.
- Measures to protect the tree if required during the construction of the foundations for the terraced properties.

No work shall be carried out on the site unless and until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Unless otherwise approved in writing by the Local Planning Authority, within the areas so fenced, the existing ground level shall be neither raised nor lowered and roots with a diameter of more than 25 millimetres shall be left unsevered. Other than that detailed in the approved scheme, there shall be no 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 be maintained during the period of construction in strict accordance with the approved scheme.

7. No development shall commence unless and until the 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 allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
 - b) The drainage scheme should demonstrate that surface water run-off must not exceed the existing pre-development runoff rate for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) A site layout plan showing overland flow routes and flood water exceedance routes, both on and off site – these must be directed away from property and critical infrastructure;
 - d) Site investigation and test results to confirm infiltrations rates. If infiltration is shown to be a viable option for the disposal of surface water, then this should then be used as the primary

method for disposing of surface water from the site. Disposal via a public surface water sewer will only be considered where infiltration is proved to be unsuitable.

e) Details of an appropriate management and maintenance plan for the lifetime of the sustainable drainage system.

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, ensure that there is no flood risk on or off the site resulting from the proposed development, ensure that water quality is not detrimentally impacted by the development proposal and reduce the flood risk to the development as a result of inadequate maintenance.

8. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase 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 that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

9. The development hereby approved shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall thereafter be adhered to at all times during the construction period.

The Statement/s shall provide for:

1. the parking of vehicles for site operatives and visitors
2. loading and unloading of plant and materials
3. storage of plant and materials used in constructing the development
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing (if appropriate)
5. wheel-washing facilities
6. measures to control the emission of dust and dirt during construction
7. a scheme for re-cycling/disposing of waste resulting from construction works.
8. a Traffic Management Plan for the construction vehicles and staff accessing the site during the construction works

Reason: In the interest of amenity and highway safety and residential amenity.

10. Before work commences on the site and until completion of the development, facilities shall be provided and retained within the site, by which means the wheels of vehicles may be cleaned before leaving the land. All vehicles associated with the works shall thereafter use the facilities.

Reason: To ensure that dirt and debris from construction is not carried onto the highway in the interest of highway safety.

11. The construction of the internal road shall not commence unless and until full engineering, drainage, street lighting and constructional details to adoptable standards (to Lancashire County Council's specification) of the internal road have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the internal roads and footpaths are constructed to an acceptable standard in the interest of highway safety.

12. No dwelling hereby approved shall be occupied unless and until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority. The construction traffic access shall be formed in accordance with the approved details prior to the occupation of the first dwelling.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

13. The construction of the internal road, footways and parking areas shall not commence unless and until details of the proposed arrangements for future management and maintenance of the proposed internal road, footways and communal parking areas within the development have been submitted to and approved by the Local Planning Authority. The road, footways and parking areas shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: To ensure that the internal road parking and footpaths are adequately maintained.

14. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning spaces shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

15. Prior to the occupation of each dwelling the car parking spaces and manoeuvring area for that dwelling shall be surfaced or paved and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling and maintained free from obstruction and available for parking an manoeuvring purposes thereafter.

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

16. Prior to the occupation of the first dwelling a scheme for the provision of secure cycle storage facilities shall be submitted to and agreed in writing by the Local Planning Authority. The

cycle storage facilities shall thereafter be installed and made available for use prior to the occupation of the dwelling/s they serve.

Reason: To ensure that adequate provision is made for more sustainable modes of transport.

17. Prior to the occupation of the first dwelling a scheme for the provision of electric vehicle charging points, where feasible, shall be submitted to and agreed in writing by the Local Planning Authority. The electric vehicle charging points shall thereafter be installed and made available for use prior to the occupation of the dwelling they serve.

Reason: To ensure that adequate provision is made for more sustainable modes of transport.

18. Before any other development takes place on site that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be completed in its entirety including wearing course in accordance with the Lancashire County Council Specification for Construction. That part of the access extending from the highway boundary for a distance of 5m into the site shall remain unobstructed at all times thereafter. Before the commencement of the construction of each dwelling the estate road linking to that unit shall be constructed to at least base course level and shall be completed in its entirety including wearing course in accordance with the Lancashire County Council Specification for Construction prior to the occupation of each unit.

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

19. The construction of the internal road shall not commence unless and until a scheme for the construction of the off-site works relating to the junction of the site and widening of footways on Essex Street and Bold Street shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development hereby approved shall be occupied unless and until the approved scheme has been constructed and completed in accordance with the details agreed.

Reason: To satisfy the Local Planning Authority that details of the highway scheme/works are acceptable before work commences.

20. The development shall not commence unless and until details of the foundations of the seven dwellings to the south end of the site, including cross sections through the foundations and retaining wall to the side of Colne Lane, 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 that the development does not unacceptably impact upon the stability of the retaining wall.

21. 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.

22. No part of the development shall commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for the 100% provision of affordable dwellings.

Reason: The public benefits of affordable housing provision offsets the public amenity impact of the loss of mature trees from the site and the lack of provision for public open space.

23. The development hereby approved shall be carried out in strict accordance with the recommendations of the Ecological Appraisal received 25/10/2018. The erection of the external walls of the development hereby approved shall not commence unless and until a

scheme of ecological enhancement in accordance with the recommendations of the Ecological Appraisal received 25/10/2018, including timescales for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved timescales. No tree or vegetation clearance works shall take place between 01st March to 31st August unless and until details of a check by a suitably qualified ecologist to confirm the absence of nesting birds immediately prior to clearance works commencing have been submitted to and approved in writing by the Local Planning Authority and the absence of birds has been confirmed in accordance with the approved details.

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

Notes

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, radius kerbs, tactile paved dropped pedestrian crossings on Essex Street and either side of the junction of Bold Street with Colne Lane, the re-location of the highway gully on Essex Street and a street lighting assessment. Due to the increase in pedestrian movements the footways along the development site frontages on Essex Street and Bold Street should be widened to a minimum width of 2m. The developer 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 developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

Before proceeding with the scheme preparation the developer should consult with Lancashire County Council's Bridges Section for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term 'highway structure' shall include any retaining wall supporting land or property alongside the highway. The Bridges Section can be contacted by e-mail on Bridge.Engineering@lancashire.gov.uk; any correspondence should contain the 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. Taking into account all material considerations the proposed development would not result in any unacceptable impacts. 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.

18/0749/PIP Permission in Principle: Erection of detached dwelling house and garage on land East of Carry Bridge Farm, Coal Pit Lane, Trawden for Mr. Frank Timberlake

The Planning, Building Control and Licensing Services Manager circulated an update at the meeting. This included receipt of a letter from the applicant in support of the application.

A site visit was carried out prior to the meeting.

RESOLVED

That permission be refused.

****PLANNING** REASONS TO BE ADDED**

18/0750/FUL Full: Conversion of outbuilding to dwelling house and change of use of agricultural land to domestic use at Lower Broach Farmhouse, Skipton Road, Foulridge for Mr. Stewart Clark

The Planning, Building Control and Licensing Services Manager circulated an update at the meeting. This referred to the receipt of amended plans. The recommendation was still to approve the application.

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:

055/001/01, 055/001/02, 055/001/03, 055/001/04, 055/001/05, 055/001/06A, 055/011/07, 055/001/08 & 055/001/09.

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

3. At no time shall any openings be formed within the north west and north east elevations without the prior written permission of the Local Planning Authority.

Reason: In order to ensure that no overlooking or loss of privacy occurs to the adjacent Lower Broach Farm.

4. Prior to any above ground works being carried out samples of all the materials to be used on the external elevations and boundary treatments shall be submitted to and approved in

writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to ensure that the materials are appropriate to this location and that the alterations to the existing building including the infilling are acceptable in this rural location.

5. Prior to the dwelling being first brought into use a plan showing the extent of the garden curtilage for the dwellinghouse including parking and bin storage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the curtilage is an appropriate size for the development and can incorporate off road parking and bin storage.

6. All windows and doors shall be timber, painted not stained in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to installation. All windows shall be set back by at least 70mm.

Reason: In order to ensure that the materials are appropriate to this rural location and that the conversion is to a high design standard.

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

Reason: In order to provide sufficient off street parking for the development in the interests of highway safety

Note:

Private water supply – the applicant is advised to ascertain the quality and sufficiency of the water supply and, if required, ensure this is tested every five years.

REASON FOR DECISION

Section 38 of the Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed use of the building for residential purposes is acceptable subject to appropriate conditions. The development 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 Applications for comment

The Planning, Building Control and Licensing Services Manager submitted a report inviting comments on the following planning application:

18/0865/REM Reserved Matters: Major: Erection of 82 dwellings and associated infrastructure (appearance, landscaping, layout and scale) (planning application 13/14/0580P – Appeal APP/E2340/W/15/3131974) at land to the East of Windermere Avenue, Colne for McDermott Homes Ltd.

RESOLVED

That the Policy and Resources Committee be informed of the Committee's comments as follows:-

- The error in the proposed site layout whereby an extra four properties fall inside, or on the boundary of, the Lidgett and Bents Conservation Area (CA). Councillors believe that these properties should have the same, higher-quality, architectural treatment and material palette as the existing nine properties in the CA.
- The sharp definition between the architectural treatment and material palette deployed in the CA and that used on the adjacent properties just outside the CA and those running along the eastern boundary. Councillors believe that this lack of consideration has a negative impact on the CA. There should be a transition zone to protect views into and out of the CA
- The lack of production of new visualisations to illustrate views into and out of the CA. This was a major part of the Appeal and the final proposed site layout and house designs should be modelled with updated and/or new visualisations from all relevant locations and key views.
- The lack of supporting information and calculations to demonstrate to all relevant interested parties that the proposed drainage scheme is adequate. This can no longer be based on sustainable drainage principles and the target run-off rate should be reduced from the Inspector's 1551/s for the whole of The Rough to a lower figure for the development site (Appeal Condition 5).
- The risk of harm to ground-nesting birds, including the Red-Listed Curlew, if the survey is carried out at the wrong time and/or the wrong conclusion is drawn. A survey carried out too early will miss the protected birds which will not have returned to The Rough. It is critical to planning and development as grassland and vegetation clearance, tree felling or any other works may need to be delayed until August (Appeal Condition 12).
- The risk of the Japanese Knotweed detected on the western border spreading into the brook, to other parts of The Lower Rough or to the wider area via roads (Appeal Condition 13).
- The insistence on vehicular access via the Skipton Old Road site entrance. Councillors believe vehicular access via this entrance should be removed, unless the emergency services require it. The Councillors also stressed the importance of all the traffic mitigation measures (Appeal Condition 17) being implemented.
- The insufficient buffer between the existing properties on Favordale and the cycle path, leading to compromised privacy for those properties.
- It was noted that the application was still at an early and incomplete stage and that officers and the Flooding Authority had requested changes and a number of new and/or updated supporting documents.

(c) Appeals

The Planning, Building Control and Licensing Services Manager submitted a report on appeals for the area.

126. 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.

Photographs showing the condition of the land south of Curzon Street, Colne (ref: PLE/18/1270) were circulated at the meeting. It was reported that the landowner had been asked to replace the old concrete/barbed wire fence on the boundary of the site, but this had not been done. The land sloped down to the Waterside Industrial Estate and was in a poor condition. Concerns were expressed that some people using a sat nav had been directed to the old track which crossed part of this land. It could be seen from the photographs that this track was now obstructed by a tree and was therefore inaccessible.

There was also a lengthy discussion about the condition of the front and rear gardens at **15 Cuerden Street, Colne**. Photographs were circulated at the meeting which showed both gardens cluttered with new and old bicycle frames.

The Committee was also concerned about the **untidy garages** on this street and what appeared to be an abandoned car. It was reported that officers had visited residents at **9 and 11 Cuerden Street, Colne** about the erection of a number of sheds in the back gardens and an allegation that a business was being run from these properties. On investigation it was found that the sheds had been erected under permitted development rights and there was no evidence of a business being run from the properties.

RESOLVED

- (1) That a report on options available to improve the condition of the land south of Curzon Street, Colne be submitted to the next meeting.
- (2) That the Planning, Building Control and Licensing Services Manager be **authorised** to serve either a S215 Notice or a Community Protection Notice with regards to the cluttered and untidy garden at 15 Cuerden Street, Colne.
- (3) That the garages and numbers 9 and 11 Cuerden Street, Colne be a standing item on future agendas of this Committee.

REASON

Committee were concerned that the activities that were being carried out were having an impact on neighbours that was long term and unacceptable.

(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

No further updates were available.

(d) Persimmon Homes Site, Knotts Drive, Colne

No further updates were available.

127. CAPITAL PROGRAMME 2018/19

The Neighbourhood Services Manager reported that the current balance for the Committee's Capital Programme for 2018/19 was £9,611.

A full report would be submitted to the next meeting.

128. GENERAL FUND REVENUE BUDGET 2019/20

The Chief Financial Officer submitted a report and asked the Committee to consider its base budget for 2019/20, identify any options for budget reductions and pass on any comments to the Policy and Resources Committee.

RESOLVED

That the report be noted.

REASON

To continue with the implementation of the Council's Financial Strategy and to inform the development of the Council's budget for 2019/20.

129. PROBLEM SITES

The Planning, Building Control and Licensing Services Manager submitted, for information, a report on problem sites in the Colne and District area.

Concerns were raised regarding the condition of the former launderette on Varley Street, Colne; two pieces of land in the South Valley off Lenches Road, Colne and the new Turkish Barbers shop on Market Street, Colne.

It was also noted that the information on the former Hycrome Works site had not been updated and a meeting with owners of the site had not yet been confirmed.

RESOLVED

- (1) That the Oak Mill Site on Skipton Road, Colne be removed from the Problem Sites list.
- (2) That reports on the condition of the former launderette on Varley Street, Colne and the two pieces of land in the South Valley off Lenches Road, Colne be submitted to the next meeting with a view to the sites being added to the Problem Sites list.

REASON

To improve the condition of the building/sites.

130. ENVIRONMENTAL BLIGHT

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

131. ITEMS FOR DISCUSSION

(a) Residents Parking, Calder Street, Colne

This item was deferred pending further information at the next meeting.

(b) Old Mill behind Church Street, Trawden

Concerns were raised regarding the Old Mill in Trawden where there had been problems with the stability of the land at the rear of the properties on Church Street as well as the stability of the Mill itself. The Planning, Building Control and Licensing Services Manager gave a brief update on the issues regarding this site and recent subsidence issues were being dealt with by the residents' insurance companies. Officers continued to monitor the site.

RESOLVED

That a report on the condition of the Old Mill behind Church Street, Trawden and its impact on local residents be submitted to the next meeting with a view to it being added to the Problem Sites list.

REASON

The Mill was in a state of disrepair and was affecting the stability of the land around it and the land of neighbouring properties.

(c) Telephone Boxes outside XLCR House, Albert Road, Colne

It was reported that the red telephone boxes outside of XLCR House were in a poor condition. BT had been approached some time ago and agreed to put them in 'good order' however all they did was replace the doors. The telephone boxes were listed and it was felt they should be preserved and put in 'good order'.

Colne Town Council had expressed an interest in taking on the responsibility of these boxes but only if BT brought them up to a reasonable standard. This had not been done and it was reported that the Town Council was not prepared to take on the boxes in their current state.

RESOLVED

That the Planning, Building Control and Licensing Services Manager be requested to submit a report to the next meeting on the condition of the telephone boxes with a view to them being added to the problem sites list.

REASON

To ensure the listed assets are maintained in good order.

132. 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 6th December, 2018 were submitted for information.

133. MISCELLANEOUS MINUTES

Minutes of a meeting of the Friends of Greenfield Local Nature Reserve, held on 4th December, 2018 were submitted for information.

134. 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) Former Public Conveniences – Colne Bus Station (06.09.2018)
- (b) 9-11 Cuerden Street, Colne – alleged use as a business (06.09.2018)
- (c) Air Quality Management Area Order (08.11.2018)
- (d) Superfast Lancashire (06.12.2018)

Chairman _____