

2. MINUTES

RESOLVED

That the Minutes of the meeting held on 5th March, 2020 be approved as a correct record and signed by the Chairman.

3. PLANNING APPLICATIONS

Applications to be determined

The Planning, Economic Development and Regulatory Services Manager submitted a report of the following planning applications to be determined -

19/0893/FUL Full: Demolition of part of Hall (40cu.m.); Change of use of Langroyd Hall from Public House (Use Class A4) to Extra Care Residential Institution (Use Class C3); Erection of four new build units to form 32 no. Extra Care apartments with ancillary gymnasium, hairdressers and associated car parking at Langroyd Hall, Langroyd Road, Colne for EH Capital 1

An update had been circulated prior to the meeting which advised of the receipt of amended site layout plans and addressed a number of other issues. The recommendation to approve the application remained the same, subject to revised and additional conditions.

RESOLVED

That consideration of this application be **deferred** to the next meeting of this Committee to allow for a site visit and the receipt of 3D plans.

19/0962/FUL Full: Major: Erection of an extension to existing industrial premises (2,250m2 additional floor space) with associated car parking at E L E Advanced Technologies Limited, Cotton Tree Lane, Colne for E L E Advanced Technologies Limited

RESOLVED

(1) 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: 0173/P01A, 0173/P02A, 0173/P03A, 0173/P04.

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

3. Prior to the commencement of above ground works involved in the erection of the external

walls of the development hereby approved samples of the external materials of the walls and roof the development, including their colour and finish 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: In the interest of visual amenity.

4. Notwithstanding any indication on the approved plans, parking spaces and manoeuvring areas shall be laid out in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority prior to the laying out of those areas. The parking and manoeuvring areas shall thereafter be surfaced, drained and marked out in strict accordance with the approved plan prior to the commencement of the use of the extension hereby approved and the parking spaces and manoeuvring areas shall at all times remain free from obstruction and available for parking and manoeuvring.

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

5. Prior to the commencement of the use of the extension hereby approved cycle storage facilities shall be provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

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

6. Prior to the commencement of the use of the extension hereby approved motor cycle parking facilities shall be provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

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

7. Prior to the first use of the extension hereby permitted, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and shall be audited and updated at intervals as approved to ensure that the approved Plan is carried out.

Reason: To promote and provide access to sustainable transport options.

8. No structure shall be erected, or storage or waste disposal shall occur, in the swept path areas shown on Drawing No SCP/190660/ATR01 Rev A, dated 10.10.2019; such areas being kept free at all times for the manoeuvring of vehicles.

Reason: To ensure adequate provision of such facilities in the interests of safety and free flow of vehicles within the site.

9. The development shall be carried out in strict accordance with the recommendations of the ecological appraisal Ref: P.1250.19. Prior to the commencement of the use of the extension hereby approved the bat boxes and house sparrow terraces recommended shall be installed in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority and shall be maintained in accordance with the scheme at all times thereafter.

Reason: To ensure the protection and enhancement of ecology and protected species habitats.

- 10.** No external lighting shall be installed unless and until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity and direction of the lighting. Any external lighting shall at all times be in strict accordance with the approved details.

Reason: In the interest of residential amenity and to preserve the habitat of protected species.

- 11.** Prior to the commencement of their use details of any new external storage areas within the application site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and extent of the storage area, the maximum height of items to be stored and boundary treatments if proposed.

Reason: To control external storage in the interest of visual amenity.

- 12.** No development shall 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 be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) Wheel washing facilities
- v) A scheme for recycling/disposing of waste resulting from clearance and construction works
- vi) Details of working hours
- vii) Timing of deliveries
- viii) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties
- ix) Measures to control construction noise and vibration
- x) Measures to control dust

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

- 13.** There shall be no deliveries taken or dispatched or any other external activities within the site other than staff parking outside of the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of the occupants of nearby residential properties.

- 14.** No development shall commence unless and until 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 has been submitted to and approved in writing by the Local Planning Authority. 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 in order to prevent contamination of the controlled waters.

- 15.** The development permitted by this planning permission shall be carried out in accordance with the recommendations outlined in the approved flood risk assessment (FRA) (report: 2019-099, by Flood Risk Consultancy, Dated 22 November 2019).

The measures shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to ensure that there is no flood risk on or off the site resulting from the proposed development.

- 16.** No development shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);
- b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1

year, 1 in 30 year and 1 in 100 year return period, plus a 20% allowance for climate change. The calculations must also demonstrate that the post development surface water run-off rates shall not exceed the existing greenfield runoff rates for the corresponding rainfall intensities;

- c) A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;
- d) Confirmation of how surface water will be managed within any non-drained areas of the site, i.e. grassed areas and public open space;
- e) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;
- f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
- g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

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, to ensure that there is no flood risk on or off the site resulting from the proposed development, to ensure that water quality is not detrimentally impacted by the development proposal and to ensure that appropriate maintenance mechanisms are put in place for the lifetime of the development.

17. 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.

Reason: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to ensure 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.

18. Above ground works involved in the erection of the development hereby permitted shall not be commenced 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 the 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 entirety 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.

19. The site shall at all times be operated in strict accordance with the details set out in the Environmental Noise Assessment by Hepworth Acoustics (Report No. P19-445-R01-V1).

The roller shutter doors must have a sound insulation rating of at least 25 dB Rw and should be kept closed at all times other than during loading/unloading. The level of noise from the site measured at the boundary of the nearest noise sensitive receptor shall not exceed 47 dB LA90 any time.

No external plant, flues or vents associated with the extension hereby approved shall be installed unless details of the plant, flues or vents, including assessment of their noise level at the boundary of the nearest noise sensitive receptor, has been submitted to and approved in writing by the Local Planning Authority. The approved plan, flues or vents shall be installed and maintained in strict accordance with the approved details.

Reason: In the interests of the amenity of the occupants of nearby residential properties.

Notes: The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

With regards to the noise assessment carried out by Hepworth Acoustics, it is assumed in the report that all roller doors and windows will be kept shut as much as possible according to section 5.4 to ensure that the acoustic integrity of the building is maintained. Therefore, if in the warmer months if the factory becomes too hot for staff, alternative ventilation / cooling methods should be sought and windows and doors should be kept closed.

The Borough of Pendle Council has announced a climate emergency, therefore to help improve air quality there should be no burning of any materials on site. Pendle Borough Council receives many complaints about smoke from bonfires, which are inappropriate in any area of the borough. The practice of burning wastes on site is an old-fashioned practice, which normally constitutes an offence under the Duty of Care provisions of the Environmental Protection Act 1990. The applicant is cautioned against permitting any bonfire to take place

during demolition, site clearance or construction. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661199.

- (2) That prior to the approval of any landscaping scheme, members of this Committee be consulted on the proposals.

REASON

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity, highways impacts and all other relevant regards. 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.

20/0093/CEA Certificate of Lawfulness S.192 (Proposed Development): Proposed use of dwelling (Use Class C3) as a care home for up to three children/young people at Hey Fold Cottage, County Brook Lane, Foulridge for Nurture Childcare Services

An update had been circulated prior to the meeting which provided comments from United Utilities. The comments were not material to the determination of the application.

RESOLVED

That a Certificate of Lawfulness be **granted**.

REASON

On the balance of probabilities and in accordance with the submitted details the proposed use would not constitute a material change of use requiring planning permission.

4. RE-OPENING OF PENDLE'S TOWN CENTRES

It was reported that the Government intended to lift the Coronavirus restrictions on most non-essential retail premises with effect from 15th June. This was subject to there being no spike in infection rates before then and to businesses being able to demonstrate that they met the guidelines to protect shoppers and staff. Detailed guidance from the Government had been published.

A European Regional Development Fund (ERDF) grant of £50m had been made available to support the reopening of high streets to put in place additional measures to establish a safe trading environment. Pendle's allocation was £81,195.

The four strands of activity were:

- To develop an action plan and in doing so to engage with businesses, parish and town councils etc.
- Communications and public information

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- To raise awareness with businesses e.g. on social distancing and how to make temporary adjustments to their premises if necessary.
- To make town centre public spaces as safe as possible

It was proposed that £20,000 of the £81,195 be top sliced to cover work of a corporate nature (e.g. communications) and that the remainder be distributed to each area committee based on population. The allocation for Colne and District was £15,413.

It was recommended that each area committee take on the task of developing tailored action plans for their town centres and that this be done through the agendas for their scheduled meetings and by making appropriate co-options for this item of business.

It was noted that the Colne Business Improvement District (BID) Team had already made significant progress in helping businesses prepare for re-opening.

RESOLVED

- (1) That £5,000 of the Colne and District allocation be made immediately available to the Colne BID Team to support the re-opening of Colne businesses, subject to its use being approved by the Chairman in consultation with the Council's Chief Executive and Corporate Director.
- (2) That a Working Group, led by the Colne BID, be established to include Colne and District Committee members, Colne Town Council and other appropriate groups.
- (3) That the remaining balance of £10,413 be reserved for use by the Working Group to offer continued support to businesses in the medium term, in line with the Fund guidance, and subject to its use being approved by the Chairman of this Committee, in consultation with the Council's Chief Executive and Corporate Director.
- (4) That the Working Group submit regular updates to the Colne and District Committee.

REASON

To ensure that Colne remains economically successful.

CHAIRMAN _____