

**MINUTES OF A MEETING OF THE
COLNE AND DISTRICT COMMITTEE
HELD AT THE MUNI THEATRE
ON 7TH OCTOBER, 2021**

PRESENT –

*His Worship the Mayor Councillor Neil Butterworth
Councillor D. Cockburn-Price – Chairman (in the Chair)*

| Councillors | Co-optees | Constabulary Representative |
|---|---|------------------------------------|
| <i>S. Cockburn-Price D. Harrison K. McGladdery A. Sutcliffe</i> | <i>B. Hodgson M. Thomas A. Mann A. McGladdery</i> | <i>PC Dave Cleal</i> |

Officers in attendance

| | |
|----------------------|--|
| <i>Neil Watson</i> | <i>Planning, Economic Development and Regulatory Services Manager (Area Coordinator)</i> |
| <i>Lynne Rowland</i> | <i>Committee Administrator</i> |

(Apologies for absence were received from Councillors D. Albin, D. Lockwood and D. E. Lord.)



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

| | | |
|---|--|------------------------|
| <i>Heather Lindley-Clapp Jane Turner John Rivett Sue Hunt Richard Holden Emma Hartley Michael Lownsborough Wayne Blackburn Ashley St. John-Claire</i> | <i>21/0583/FUL: Full: Major: Re-development of the site comprising the erection of roadside services including a petrol filling station with ancillary convenience floor space and drive-thru coffee unit (Sui Generis) and erection of two industrial units (Use Class B2/B8), with associated infrastructure, access, car parking and landscaping (Re-submission) at land adjacent Whitewalls Drive, Colne</i> | <i>Minute No.79(a)</i> |
| <i>Simon Reed</i> | <i>Alkincoats Local Nature Reserve Extension</i> | <i>Minute No.82</i> |

74. DECLARATION OF INTERESTS

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

75. PUBLIC QUESTION TIME

There were no questions from members of the public.

76. MINUTES

RESOLVED

That the Minutes of the meeting held on 9th September, 2021 be approved as a correct record and

signed by the Chairman.

77. PROGRESS REPORT

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

78. COMMUNITY SAFETY ISSUES AND POLICE MATTERS

PC Cleal presented the crime figures for September 2021 compared to the same period last year which had been circulated prior to the meeting. The figures were broken down as follows –

| | 2020 | 2021 |
|------------------------|------|------|
| Burglary – Residential | 7 | 2 |
| Burglary – Commercial | 9 | 2 |
| Vehicle Crime | 12 | 19 |
| Hate Crime | 2 | 0 |
| Assaults | 37 | 34 |
| Theft | 36 | 30 |
| Criminal Damage | 15 | 16 |
| All Crime | 228 | 199 |
| Anti-Social Behaviour | 133 | 67 |

A Member provided an update on previously reported problems with drug use in areas of Colne. It was noted that the activity had ceased at Ivegat, across from the Duke of Lancaster pub; was now a rare occurrence behind the library; and had quietened down in the cemetery. He expressed his thanks to the Police for their work in addressing the problem.

79. PLANNING APPLICATIONS

(a) Applications to be determined

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

20/0865/FUL Full: (Major) Demolition of outbuildings/sheds and erection of 20 no. 3 & 4 bed properties comprising 3 terraced, 14 semi-detached and 3 detached dwellinghouses with associated parking and vehicular access from Dean Street and Skipton Road at land to the west of Brookside Garage, Dean Street, Trawden for Trawden Water Ltd

The Planning, Economic Development and Regulatory Services Manager submitted an update which reported receipt of additional public comments reiterating and expanding on previous objections to the development. Officer comments were included in the report.

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be delegated authority to **grant** consent subject to the conditions set out, agreement that the window materials be non-UPVC, plus an additional condition relating to the phasing of the development, in which the road be constructed prior to commencement of the development –

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: NN751-PL-101, NN751-PL-201 Rev D, NN751-PL-202, NN751-PL-203 Rev B, NN751-PL-204 Rev B, NN751-PL-205 Rev B, NN751-PL-206, NN751-PL-207 Rev A, NN751-PL-208, NN751-PL-209 Rev A, NN751-PL-210 Rev C, NN751-PL-211 Rev C, NN751-PL-212 Rev A, NN751-PL-213 Rev D, NN751-PL-214 Rev A, NN751-PL-215 Rev A, NN751-PL-216, NN751-PL-218 Rev A, NN751-PL-219 Rev A, NN751-PL-220 Rev A, NN751-PL-221 Rev A, NN751-PL-223, NN751-PL-224.

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 materials of the external walls, retaining walls and roofs of the development 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 allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity and to preserve the character and appearance of the Conservation Area.

4. Notwithstanding any indication on the submitted plans and application forms, prior to the installation of windows and doors details of the materials, finishes and design and reveals of the windows and doors shall have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed and thereafter at all times be maintained in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the Conservation Area.

5. The development shall be carried out in strict accordance with the recommendations of the submitted Extended Phase 1 Habitat Survey & Daytime Bat Survey dates June 2021. Prior to the occupation of the first dwelling a scheme of ecological enhancement shall have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in strict accordance with the approved scheme.

Reason: To ensure the ecology of the site is enhanced and protected species are not harmed by the development.

6. No development shall take place, including any works of demolition, 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) The erection and maintenance of security hoarding
- v) Wheel washing facilities

- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

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

7. Within 3 months of commencement a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.
- a. Skipton Road vehicular crossing to plots b. Upgrade to bus stops on Skipton Road (references NB 2500LAA00178 & SB 2500LAA16002).

Reason: In the interest of highway safety and to ensure acceptable accessibility to essential services and facilities.

8. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: To ensure that the estate road is acceptably maintained and managed in the interest of highway safety.

9. Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads 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, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

10. The internal estate roads shall be constructed in accordance with the approved engineering 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 estate road is acceptably constructed in the interest of highway safety.

11. Prior to the occupation of each dwelling the driveways and parking areas serving that dwelling shall be constructed in a bound porous material and made available for use and thereafter maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate car parking provision in the interest of highway safety.

12. Prior to the occupation each dwelling the dwelling shall have a secure cycle storage provided at a ratio of 2 cycle spaces per dwelling.

Reason: To ensure adequate provision for sustainable transport.

13. Prior to the occupation of each dwelling the dwelling shall have an electric vehicle charging point installed. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.

Reason: To ensure adequate provision for sustainable transport.

14. Within three months of the commencement of the development a detailed landscaping scheme shall have 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 entirety within the first planting season following the commencement of the use 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 to preserve the character and appearance of the Conservation Area.

15. The development shall not be commenced 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.

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

16. The first floor front (west) elevation window of plots 2 and the southmost first floor front (west) elevation window of plot 3 shall at all times be fitted with obscure glazing to at least level 4 or above, unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The windows shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to the adjacent residential property.

17. Notwithstanding the provisions of Article 3 and part 1 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E, F & G of Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and appearance of the Conservation Area and residential amenity.

18. 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 four affordable dwellings, an education contribution for three secondary school places and an off-site open space contribution.

Reason: To contribute towards the identified need for affordable housing provision in the area, to offset the impact of the development in education services and to ensure adequate public open space provision.

19. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the submitted drainage strategy (July 2021, ref: 20207873, BDI Structural Solutions).

The measures shall be fully implemented prior to first occupation of any dwelling 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 ensure satisfactory sustainable drainage facilities are provided to serve the site.

20. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable

Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. Those details shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

21. 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.

Those details shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it 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.

22. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems.

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 accords with Local Planning Policy and the guidance set out in the Framework, subject to compliance with planning conditions. 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.

21/0583/FUL Full: Major: Re-development of the site comprising the erection of roadside services including a petrol filling station with ancillary convenience floor space and drive-thru coffee unit (Sui Generis) and erection of two industrial units (Use Class B2/B8) with associated infrastructure, access, car parking and landscaping (Re-submission) at land adjacent Whitewalls Drive, Colne for Monte Blackburn Limited

The Planning, Economic Development and Regulatory Services Manager reported receipt of amended plans and additional information which addressed the outstanding issues raised in the report. A list of appropriate conditions was also submitted.

RESOLVED

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

1. The nature and design of the proposed development, which is industrial in nature, is out of scale and character with the surrounding countryside and setting and considerably detracts from the open aspect of the area and thus is poor design contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011-2030) and paragraph 134 of the National Planning Policy Framework.
2. The retail impact of the units, although modest, would result in an unacceptable impact on Colne Town Centre contrary to Policies WRK4 and SDP5 of the Pendle Local Plan Part 1: Core Strategy (2011-2030) and saved Policies 25 and 27 of the Replacement Pendle Local Plan (2001-2016).

(b) Planning appeals

The Planning, Economic Development and Regulatory Services Manager submitted a report on planning appeals.

80. ENFORCEMENT/UNAUTHORISED USES

Enforcement action

The Head of Legal Services submitted a report which gave the up-to-date position on prosecutions. A verbal update was provided by the Planning, Economic Development and Regulatory Services Manager during which he advised that the owner of land to the north east of Cowfield Farm, Burnley Road, Trawden had pleaded guilty to the offence and had received a £200 fine.

81. CAPITAL PROGRAMME 2021/22

The Housing, Health and Engineering Services Manager reported that the current balance of the Committee's capital programme for 2021/22 was £7,380.

82. ALKINCOATS LOCAL NATURE RESERVE EXTENSION

The Planning, Economic Development and Regulatory Services Manager submitted a report following a request from the Friends of Alkincoats Local Nature Reserve (LNR) to further extend the LNR into fields owned by the Council. The Committee was asked to comment on the request prior to its consideration by the Policy and Resources Committee.

The report detailed the financial implications, should the extension be granted, which included the loss of income from an annual grazing tenancy and the need for increased budget allocations in order to facilitate the repair and maintenance of the site. Currently the annual repair and maintenance budget for the site was £1,000 per annum (p.a.), which covered basic maintenance. It was proposed that an extension to the LNR would require around £5,000 p.a. to cover the basics, or £10,000 p.a. to carry out full and proper maintenance of the site.

It was understood that these costs would apply if the site was to be kept in the same way as the current nature reserve, with paths, gates, fences, walls etc. However it was suggested that the site be rewilded, without public access, in which case the maintenance costs could be lower.

RESOLVED

That the report, together with further information on the financial implications of the proposal, be referred to the Policy and Resources Committee for decision.

REASON

In accordance with the Council's procedure.

83. RE-OPENING OF COLNE TOWN CENTRE

The Planning, Economic Development and Regulatory Services Manager submitted a report on the Re-opening the High Streets Safely Fund (RHSSF) grant spending for the re-opening of Colne Town Centre. The report also included information on the Welcome Back Fund (WBF) allocation. At the last meeting of the Committee it was agreed that this be spent on events/activities in the lead up to Christmas, details of which were provided as an appendix to the report.

It was noted that there had been some slight changes to the list put to the last Committee. The first was the supplier of the Christmas Reindeer. This had changed as the listed supplier had no availability for the dates required. Secondly, due to difficulties in obtaining 3 quotes as required by the funding criteria, the brass band was no longer an option, therefore a choir was being sought. The third related to a slight change in the cost of the Christmas characters. The Committee was advised that Colne BID had a fund of £3,000 for any overspend.

The siting of the electronic totem signs was also discussed. It had been agreed that one be sited on Hartley Square and, as it had been determined that Colne Railway Station was not a viable option, it was suggested that the second be sited at the bus station. This was council owned land, had a good footfall and had an existing electricity supply.

The Committee did not agree with this proposal as it meant that both totem signs would be located at the same end of town. It was therefore felt that one should be sited by Pendle Leisure Centre. It was agreed that the BID Manager discuss the matter further with the Council's Tourism Development Officer.

84. COLNE YOUTH ACTION GROUP

Councillor S. Cockburn-Price provided an update on the work and activities of the Colne Youth Action Group (CYAG).

The full time employee had been busy participating in school assemblies and applying for grants. There was also increased community involvement with plans for a 'power hour' bulb planting session, in addition to the planting of 400+ saplings supplied through a grant from the Woodland Trust. Asda had also provided funding for sporting equipment (e.g. table tennis sets etc.).

Negotiations with Lancashire County Council (LCC) regarding the leasing of the building on Byron Road, Colne were almost complete.

85. ITEMS FOR DISCUSSION

(a) Tree-planting initiatives in key locations

Members discussed a number of options which they believed would be good locations for tree planting schemes as follows –

- The deep verges around The Morris Dancers, Byron Road/Venables Avenue. It was thought that these would be ideal for creating a shrubbery or wildflower meadow
- The Ruskin Avenue/Harrison Drive/Birtwistle Avenue estate
- Craddock Road

(b) Update on the Colne Rhythm and Blues Festival

Reference was made to the recent, highly publicised decision of Colne Town Council to cancel the Colne Rhythm and Blues Festival. The decision had led to an urgent motion being considered at Pendle Council's full council meeting on 30th September, 2021 at which it was agreed to investigate options for Pendle Council to assist in the delivery of the Festival in 2022 and find ways in which to protect its long-term future.

As a representative of the Town Council, M. Thomas briefly explained the reason behind the decision to cancel the Festival in its current form. Since the meeting of the Town Council discussions had taken place with some of those who had experience in running the Festival to consider a way forward.

A public meeting was due to be held on Tuesday 12th October.

86. COLNE AND DISTRICT WORKING GROUP OF THE COLNE COMMUNITY SAFETY PARTNERSHIP

Draft minutes of a meeting of the Colne and District Working Group of the Colne Community Safety Partnership held on 9th September, 2021 were submitted for information.

87. OUTSTANDING ITEMS

The following item had been requested by the Committee. An update would be provided to a future meeting.

(a) Land at Vivary Way, Colne (09.09.2021)

88. EXCLUSION OF PUBLIC AND PRESS

RESOLVED

That in pursuance of the power contained in Section 100(A)(4) of the Local Government Act, 1972 as amended, the public and press be excluded from the meeting during the next item of business when it is likely, in view of the nature of the proceedings or the business to be transacted, that there will be disclosure of exempt information which is likely to reveal the identity of an individual.

89. OUTSTANDING ENFORCEMENTS

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

He answered a number of specific questions in relation to the report.

CHAIRMAN _____