

**MINUTES OF A MEETING OF
THE WEST CRAVEN COMMITTEE
HELD AT
SALTERFORTH VILLAGE HALL
ON 2ND FEBRUARY 2016**

PRESENT –

Councillor D. M. Whipp – Chairman (In the Chair)

Councillors

*R. E. Carroll
L. Davy
K. Hartley
M. Horsfield
R. Milner
C. Teall*

Co-optees

*Planning, Building Control and
Licensing Services Manager
Committee Administrator*

Police

*Sergeant De Curtis
PC C. Nevison*

Officers Present

N. Watson

J. Eccles

(Apologies were received from L. Gaskell, K. Mitchell and Councillors M. Adam and M. Goulthorp)



The following people attended and spoke at the meeting on the items indicated –

<i>Kevin Tyldesley</i>	<i>13/15/0524P – Full: Variation of Condition: Vary Conditions 13 and 15 of Planning Permission 13/05/0969P (Drainage) at D. Wilkinson & Co. Riley Street Garage, Riley Street, Earby</i>	<i>Minute No. 140(a)</i>
<i>Philip Oldfield Mike Scothern Sue Crook Shelley Coffey</i>	<i>13/15/0546P – Outline: Erection of 4 dwellings with garages (Access, Layout and Scale) at Land opposite the Barn, Ben Lane, Barnoldswick</i>	<i>Minute No. 140(a)</i>
<i>Peter Harrison</i>	<i>13/15/0566P – Full: Demolition of Pennine House and erection of five houses and on-site parking (re-submission) at Ace Case Ltd, Pennine House, New Road, Earby</i>	<i>Minute No. 140(a)</i>
<i>Katie Collins Sarah Mellor</i>	<i>13/15/0602P – Full: Erection of two storey extension to rear with decking and extension to driveway to side (re-submission) at 5 Pickard Close, Barnoldswick</i>	<i>Minute No. 140(a)</i>

136. DECLARATIONS OF INTEREST

Members were reminded of the legal requirements concerning the declaration of interests.

137. PUBLIC QUESTION TIME

There were no questions from members of the public.

138. MINUTES

RESOLVED

That the Minutes of this Committee, at the meeting held on 5th January 2016, be approved as a correct record, and signed by the Chairman.

139. POLICE ISSUES, POLICE AND COMMUNITIES TOGETHER (PACT) PRIORITIES AND COMMUNITY SAFETY ISSUES

Sergeant De Curtis reported crime statistics for West Craven for January 2016 compared to the same period in 2015. Crimes were broken down as follows –

	2015	2016
Burglary in a dwelling	5	1
Burglary other than a dwelling	2	5
Vehicle Crime	2	3
Hate crime	0	0
Assaults	8	7
Criminal Damage	9	9
TOTAL	35	50
Anti-Social Behaviour	33	48

The PACT priorities in Earby for February were amended to reflect the concerns of Councillors about anti-social behaviour at Stoneybank Picnic site and the layby at the bottom of Wysick Hill. In Barnoldswick, Councillors asked for the Station Road area to be targeted on youth club nights and the Ghyll Cemetery car park and for unnecessary obstructions caused by vehicles parking on Gisburn Road and Richard Road continue to be policed. There were also reports of uninvited people visiting people's properties in Cobden Street and the Wellington Street area of Barnoldswick which the Police said they would keep an eye on.

140. PLANNING APPLICATIONS

(a) To be determined

The Planning, Building Control and Licensing Services Manager submitted a report on the following planning applications for determination –

13/15/0524P Full: Variation of Condition: Vary conditions 13 and 15 of Planning Permission 13/05/0969P (Drainage) at D. Wilkinson & Co Riley Street Garage, Riley Street, Earby for St. Vincent's Housing Association

(A site visit was undertaken prior to the meeting.)

RESOLVED

That planning permission be **deferred** to explore ways of reducing surface water run-off.

13/15/0546P Outline: Erection of 4 dwellings with garages (Access, Layout and Scale) at Land opposite the Barn, Ben Lane, Barnoldswick for Mr L. Green

(A site visit was undertaken prior to the meeting.)

(Before the vote was taken the Planning, Building Control and Licensing Services Manager advised that should the application be refused this would represent a significant risk of costs to the Council. The matter would be referred to the Democratic and Legal Manager and subject to his agreement the decision would stand referred to the Development Management Committee.)

RECOMMENDATION

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

- Highway safety due to width of Ben Lane, lack of footpath and visibility splays; and
- Impact of flooding in the area.

13/15/0566P Full: Demolition of Pennine House and erection of five houses and on-site parking (re-submission) at Ace Case Ltd, Pennine House, New Road, Earby for Ace Sales Ltd

(A site visit was undertaken prior to the meeting.)

The Planning, Building Control and Licensing Services Manager reported that information had been received confirming that the proposal would not increase flooding in Earby and a proposal to control the rate of surface water drainage to provide an improvement had been submitted by storing rainwater on site and releasing it into New Cut at a reduced controlled rate. This could be controlled by condition.

RESOLVED

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

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 101017-02, 101017-50 B, 101017-51 C, 101017-52 A & 101017-53 A,

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

3. Prior to the commencement of development samples of the materials, including mortar, to be used in the construction of the development hereby permitted (notwithstanding any details

shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. Notwithstanding the provisions of Article 3 and parts 1 and 2 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 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.

Part 1

A) no extensions shall be erected

B+C) no alterations to the roof of the building shall be carried out

D) no porches shall be erected

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

5. No demolition shall take place unless and until a contract/development agreement for the redevelopment of the site granted under this permission has been signed and the details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a commitment to implement the approved scheme has been agreed before demolition on the site commences.

6. No development including demolition shall take place unless and until the applicant has secured the implementation of a programme of archaeological investigation and recording in accordance with a written scheme of investigation which has been submitted to the Local Planning Authority and approved in writing and thereafter carried out in accordance with the approved scheme and timescales.

Reason: To record the features of archaeological importance.

7. Detailed plans and sections of the proposed windows and doors, front and sides of the deck, stairs, gates to access and back side screen wall at a scale not less than 1:20, together with details of proposed finishes, shall be submitted to and approved in writing by the Local Planning Authority within one week of the first works on site. The development shall thereafter at all times be carried out in strict accordance with the approved plans.

Reason: To enable the Local Planning Authority to control the detail of the work and in order to protect and preserve the character of this building in the conservation area.

8. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The

submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
- e) Details of wheel-washing facilities including location
- j) Compliance with BS5228: Part 1 1997 to minimise noise
- l) Measures to ensure that there is no burning of waste.
- m) Demolition Management Plan/Programme
- n) Location and details of site compounds
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

9. The access shall be so constructed that there is clear visibility from a point 1.05m above ground level at the centre of the access and 2.0m distant from the adjoining edge of carriageway, to points 1.05m above ground level at the edge of the adjoining carriageway and 43m distant in an easterly direction and 49m distant in a westerly direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

Reason: In order to ensure satisfactory visibility splays are provided in the interests of highway safety.

10. A minimum of 2 cycle racks with appropriate signage shall be provided within the site prior to the proposed development being first brought into use, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce dependence on car-borne travel.

11. The proposed development shall not be brought into use unless and until the car park shown on the approved plan 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 areas shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In the interest of amenity.

12. The level of the new access driveway shall be constructed 0.150m above the carriageway channel line of New Road.

Reason: To safeguard the future reconstruction of the highway.

13. Prior to the commencement of development, a scheme for the construction of the off-site works of highway improvement shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development (or phase) hereby approved shall be occupied 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.

14. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and shall include the proposal to store rainwater on the site and reduce the run-off rate to a maximum flow rate of 5 l/sec as per the details submitted by Michael Lambert Associates on the 27th January 2016. The scheme shall have been constructed and completed in accordance with the approved plans before the first dwelling is occupied.

Reason: To control foul and surface water flow disposal and prevent flooding.

15. 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 in order to prevent contamination of the controlled waters.

16. 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:
- 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 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.

17. The development hereby permitted shall only be carried out in strict accordance with the approved Flood Risk Assessment (FRA) by Peter Harrison Architects dated November, 2014, and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 133.46m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently 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 reduce the risk of flooding to the proposed development and future occupants.

18. Before a dwelling unit is occupied waste containers shall be provided in the bin/cycle storage areas on each plot.

Reason: To ensure adequate provision for the storage and disposal of waste.

19. Within two weeks of the commencement of development a scheme for the parapet wall to be increased to the same height as the finished floor level set in the Flood Risk Assessment as 133.46 AOD shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved scheme.

Reason: To reduce the risk of flooding in the locality.

Note:

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
2. The applicant is advised that the new site access will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site.

Advice to applicant.

Under the terms of the Water Resources Act 1991 prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the New Cut designated a 'main river'.

Advice to LPA/applicant.

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommending when determining if flood proofing measures are effective.

13/15/0602P Full: Erection of two storey extension to rear with decking and extension to driveway to side (re-submission) at 5 Pickard Close, Barnoldswick for Mr G. Collins

(A site visit was undertaken prior to the meeting.)

RESOLVED

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

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following

approved plans:

1:1250 plan, 1:500 existing, 1:500 proposed & P.C/2.

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

3. The external facing and roofing materials shall match those of the existing building in terms of type, size, form, texture and colour and there shall be no variation without the prior consent of the Local Planning Authority.

Reason: In order to ensure that new material matches the existing.

4. The windows and doors shall be set back at least 75mm from the external walls.

Reason: In the interest of good design.

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 extension is acceptable in terms of design, materials siting and scale and would not adversely impact on amenity. 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.

(b) Planning Appeals

The Planning, Building Control and Licensing Services Manager reported one new planning appeal and two outstanding appeals for information.

141. ENFORCEMENT/UNAUTHORISED USES - COMPLAINTS RECEIVED

(a) Outstanding

The Planning, Building Control and Licensing Services Manager submitted a report detailing outstanding enforcement cases for information.

(b) Enforcement Action

The Democratic and Legal Manager submitted a report giving the up-to-date position on progress in respect of enforcement notices which had been served.

RESOLVED

- (1) That the Democratic and Legal Manager remove reference to 15 Church Street in future reports following compliance.
- (2) That the Democratic and Legal Manager be authorised and instructed to serve a Section 79 Buildings Act Notice on the new owners of the Gospel Hall in Barnoldswick to require the building to be brought back to an acceptable condition.

142. CAPITAL PROGRAMME 2015/16

The Neighbourhood Services Manager submitted a report on the Committee's 2015/16 Capital Programme which was noted.

143. TRAFFIC LIASION MINUTES

The minutes of the Traffic Liaison meeting on 5th November 2015 were submitted for information.

144. ENVIRONMENTAL CRIME

The Environmental Services Manager submitted a report on environmental crime in West Craven for 1st October to 31st December 2015.

RESOLVED

- (1) That the Environmental Services Manager be informed about the following issues in Barnoldswick
 - Rainhall Road Car Park recycling area –overflowing skips and flytipping
 - Greenberfield Lane - flytipping
 - Car Park near the allotments off Greenberfield Lane – littering from vehicles in an evening
 - Black litter bin and dog waste bin missing near Gisburn Road School/ Montrose Terrace
- (2) That the Planning, Building Control and Licensing Services Manager be asked to look into the condition of the New Road Garage site in Earby and to report back.
- (3) That the Environmental Services Manager be asked to email Members more information on the Duty of Care Fixed Penalty Notice issued in relation to Sami Swoi in Barnoldswick.

REASON

In the interests of visual amenity.

**145. AGREEMENTS CONCERNING USE OF WEST CRAVEN SPORTS CENTRE
WC HIGH SCHOOL, ASSOCIATED SPORTS PITCHES & CAR PARKS**

The Democratic and Legal Manager submitted an update on agreements which needed to be completed concerning the use of West Craven Sports Centre, West Craven High School and the associated sports pitches and car parks.

RESOLVED

That the resolution from the last meeting asking the Democratic and Legal Manager to arrange an urgent meeting with County Council to progress the signings of the agreement be reaffirmed.

146. REDIFUSION CABLES IN BARNOLDSWICK TOWN CENTRE

The Planning, Building Control and Licensing Services Manager submitted a report on the redifusion cables across Frank Street and Rainhall Road, Barnoldswick

RESOLVED

That the Planning, Building Control and Licensing Services Manager be asked to liaise with the local roofing company that had recently inspected the cables and to reconsider whether there was any action that could be taken, and for the item to remain on the agenda for the time being.

REASON

In the interests of public safety.

147. WHEEL PARK, VICTORY PARK

The Neighbourhood Services Manager submitted an update on the first meeting of the Wheel Park Working Group which was held on 13th January 2016. The progress was noted and it was hoped that the repair works for the ramps would be completed soon.

148. FLOODING IN WEST CRAVEN

The Chairman reported back on meetings held on 11th January and 18th January 2016 to discuss recent flooding events in Barnoldswick and Earby.

The Ghyll Meadows Working Group had met on 11th January and arranged a further meeting on 15th February. Following the near flooding of this area of Barnoldswick over Christmas, Rolls Royce had already undertaken some flood alleviation and clearing work and Pendle Council had carried out CCTV work in the culvert. The Group was reviewing its Emergency Plan and working on providing a local store of sand bags for use in an emergency. A bid had been made to the Department for Communities and Local Government for a programme of work costing £0.5million for renewing the culvert.

There had been a good turn out to the meeting in Earby by the relevant agencies and members of the public. Discussions had centred on the potential for reducing the risk of flooding in the future, looking at both short and long term measures. The Environment Agency would be repairing Victoria Clough and carrying out flood risk modelling for the whole of Earby. It would also be looking to strengthen the current membership of the Earby Flooding Defence Group to improve any future response should the need arise.

RESOLVED

That the proposed actions be noted and further progress reported to future meetings.

REASON

To reduce the risk of future flooding incidents in West Craven.

149. NORTH WEST AMBULANCE STATISTICS

The ambulance response times for BB18, Pendle and East Lancashire for the last quarter had been circulated to Members prior to the meeting for consideration. Councillor Hartley said that recently he had met representatives from the North West Ambulance Service and learnt that a number of Community First Responders, volunteers trained to respond to emergency calls in their local area through the 999 system in conjunction with the Ambulance Service, were active or in

the process of being recruited in Earby and Barnoldswick; the NWAS had increased the number of emergency response cars; and some vehicle unit hours had been extended beyond the normal 8 hour shift to 12 and 16 hour shifts. The Community Specialist Paramedic role was being trialled across 12 communities, including Pendle, and meant that there was additional capacity as a 99 responder.

It was noted that whilst the last quarterly statistics were not good, hopefully the above measures would help to improve matters.

150. COMBINED TREATMENT CENTRE

Some Members of the Committee had met representatives of the East Lancashire Clinical Commissioning Group earlier in the day to discuss the outcome of the estates review being undertaken to see if it was feasible to replace the Butts Clinic facility and combine it with GP facilities in Barnoldswick.

They were informed that a draft strategy had been submitted to NHS England and there was the possibility of re-provisioning facilities, subject to GPs being agreeable. There was also the possibility of funding from the Primary Care Transformation Fund. A bid could be made in April/May 2016.

RESOLVED

That the work undertaken be noted and the Democratic and Legal Manager be asked to arrange a further meeting in April to review progress.

REASON

In the interests of public health.

151. ITEMS FOR DISCUSSION

Members considered requests to make School Lane, Earby one way.

RESOLVED

That Earby Town Council be asked to see if residents were in favour of making School Lane one way and to report back.

REASON

To respond to residents' wishes.

Chairman.....