

**MINUTES OF A MEETING OF
BARROWFORD AND WESTERN PARISHES COMMITTEE
HELD AT HOLMEFIELD HOUSE
ON 7TH JULY, 2016**

PRESENT

L. M. Crossley – Chairman (in the Chair)

Councillors

*N. McEvoy
B. Newman
J. K. Starkie
K. Turner
C. Wakeford*

Co-optees

*Mr C. Burt – Goldshaw Booth Parish Council
Mr R. Oliver – Barrowford Parish Council
Mr N. Hodgson – Blacko Parish Council
Mr M. Tetley – Higham with West Close Parish Council
Mr J. Connor – Barley with Wheatley Booth Parish Council*

Officers in attendance

<i>V. Green</i>	<i>Financial Services Manager</i>
<i>K. Hughes</i>	<i>Principal Planning Officer</i>
<i>J. Eccles</i>	<i>Committee Administrator</i>

(Apologies were received from Mrs J. Commons and Mr A. Walker.)



The following person attended the meeting and spoke on the following items:-

<i>Mr Steele</i>	<i>16/0330/VAR - Full: Major: Variation of Condition: Minute No.33(a) Removal of Conditions 3 (Open space), 25 (Affordable housing), 26 (Renewable energy), 27 (Code for sustainable homes level) and vary Condition 29 (Hours of work) of Planning Permission 13/14/0088P at Spring Mill, Wheatley Lane Road, Fence, Burnley</i>
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<i>Mr Steele</i>	<i>16/0390/REM - Reserved Matters: Major: Minute No.33(a) Conversion of part of mill building to 3 No. houses and erection of 19 No. houses with associated works (Appearance, Landscaping and Scale) at Spring Mill, Wheatley Lane Road, Fence, Burnley</i>
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29. DECLARATION OF INTERESTS

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

30. PUBLIC QUESTION TIME

Mr C. Burt asked a question on behalf of a resident about an enforcement item which was on the agenda.

31. MINUTES

RESOLVED

That the Minutes of this Committee, at the meeting held on 9th June, 2016, be approved as a correct record and signed by the Chairman.

32. POLICE ISSUES

The Police submitted crime figures for Barrowford and Western Parishes for June 2016. It was noted that crimes in Barrowford had doubled since May and local residents were concerned about the increase in criminal activity.

RESOLVED

That Inspector Goodall be asked for an assurance that action was being taken to address the recent increase in crime in Barrowford.

33. PLANNING APPLICATIONS

(a) Planning Applications

The Planning, Building Control and Licensing Services Manager submitted a report on the following planning applications to be determined:-

16/0330/VAR Full: Major: Variation of Condition: Removal of Conditions 3 (Open space), 25 (Affordable housing), 26 (Renewable energy), 27 (Code for sustainable homes level) and vary Condition 29 (Hours of work) of Planning Permission 13/14/0088P at Spring Mill, Wheatley Lane Road, Fence, Burnley for Skipton Properties Ltd

RESOLVED

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

1. Details of the appearance, landscaping, and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

2. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from 11 April 2014 and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Prior to the commencement of development, the recommendations outlined in the Bat Survey compiled by DG-A Ltd shall be carried out in full or in accordance with timescales to be first agreed in writing with the Local Planning Authority.

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

4. No development approved by this planning permission shall be commenced until:

a) A site investigation has been designed for the site using the information obtained from Phase I Environmental Desk Study Report, Spring Mill, Wheatley Lane Road, Fence, DG-A Ltd., Dated November 2010. This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site.

b) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the local planning authority.

c) A Method Statement and remediation strategy, based on the information obtained from b) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (c) above, and to a timescale agreed in writing by the local planning authority: unless otherwise agreed in writing by the local planning authority.

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason:

- a) To enable:

A risk assessment to be undertaken,
Refinement of the conceptual model, and
The development of a Method Statement and Remediation Strategy.

b) & c) To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

5. Prior to the submission of the Reserved Matters application, a survey to establish the exact location of the culverted watercourse that flows through the site shall be undertaken. Any subsequent layout submitted as part of the Reserved Matters application shall ensure that the route of the culvert is identified and that no development (including private garden spaces) shall be located over the culvert or located within 4 metres of the edge of the culvert unless it can be demonstrated to the satisfaction of the Local Planning Authority that development closer to the culvert would be acceptable.

Reason: To ensure a satisfactory form of development and in the interests of land drainage.

6. Demolition or construction work shall not begin until a scheme for protecting the nearby residential dwellings from noise, dust and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and construction.

Reason: To safeguard the amenity of neighbouring properties by reducing the noise/vibration levels emitted from the site.

7. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the second schedule of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, D and E of Part 1 and Classes A and B of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device.
The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Wheatley Lane Road to points measured 40m in each direction along the nearer edge of the carriageway of Wheatley Lane Road, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

Reason: To ensure adequate visibility at the street junction or site access.

9. Before the construction work commences facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

10. The existing access on to Wheatley Lane Road shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new access)

Reason: To limit the number of access points to, and to maintain the proper construction of the highway.

11. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

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

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

13. A scheme for the management (including maintenance) of the unadopted road, turning head and parking spaces, shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The approved scheme shall be carried out in full accordance with the agreed scheme.

Reason: To ensure the site is properly maintained and managed in the interests of highway safety and visual amenity.

14. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority and shall demonstrate and ensure that the amount of surface water from this development to the culvert in the north east of the site, shall not be more than from the mill at present. The development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out concurrently with the rest of the development and in any event shall be finished before the buildings are occupied.

Reason: In order that the Local Planning Authority may be satisfied with the details of the

proposal and to avoid flooding.

15. A scheme for the provision and implementation of a surface water regulation system (including timescales for implementation) shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall be completed in accordance with the approved plans and the approved timescales.

Reason: To reduce the increased risk of flooding.

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

Reason: To prevent pollution of the water environment.

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

Reason: To ensure adequate storage facilities for domestic refuse, in the interest of residential amenity.

18. Prior to the first use of this development provision shall be made within the curtilage of the site for the parking of not less than 3 parking spaces per 4 bedroom dwellings and 2 parking spaces per 2/3 bedroom dwellings including any garage space provided and the spaces shall thereafter be retained.

Reason: In order to ensure satisfactory levels of off street parking are achieved within the site to prevent parking on the county highway to the detriment of highway safety.

19. A scheme detailing measures to minimise the risk of crime and to meet the specific security needs of the application site and the development, shall have been submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The approved measures shall be implemented in full.

Reason: In order that the development incorporates safety strategies and designing out crime in line with Policy 13 of the Replacement Pendle Local Plan.

20. The garages hereby permitted shall not be used for any purpose which would preclude its use for the parking of a motor car.

Reason: In order to ensure the provision of adequate off-street parking, to avoid congestion of adjoining streets.

21. Full details of all fencing, screen walls or any means of enclosure to be erected or planted on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the erection or planting thereof. The planting and fencing shall thereafter be completed in the first planting season after commencement of development. Any plant/shrubs/trees becoming dead dying or diseased in the first 5 years after planting shall

be replaced with plants of similar sizes and species.

Reason: In order to ensure that the site is properly landscaped and maintained in the interests of the visual amenity of the area.

22. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of historical importance associated with the building.

23. Notwithstanding the approved plans, a scheme (including timescales for implementation) for the planting and landscaping (including maintenance) of land located within 4 metres of the edge of the culvert on the north eastern side of the site, shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of the development. The scheme shall be completed in accordance with the approved plans (including timescales for implementation).

Reason: To ensure a satisfactory form of development and in the interests of land drainage.

24. No part of the development hereby permitted shall be commenced (excluding demolition) until details of the proposed ground levels have been submitted to and approved in writing by the Local Planning authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess how the development will accommodate the varied land levels and control the final form.

25. No construction work shall be carried out on the site (including demolition) outside the hours of 7:30 and 18:00 on weekdays and 7:30 - 13:00 on Saturdays.

Reason: In the interests of residential amenity and to safeguard local residents from noise and disturbance.

26. The development hereby permitted shall be carried out in accordance with the following approved plans: Drg nos. 10.140 01, 10.140 02A, 10.140 02, 10.140 04, 10.140 08, 10.140 03 J10.140 05 & 10.140 09 & Bat Survey received 4th March 2014 compiled by DG-A Ltd.

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

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. Conditions 3, 25, 26 and 27 are no longer necessary or reasonable under current local and national policy and the variation of condition 29 is acceptable. There is a positive presumption in favour of approving the development and there are no material reasons to object to the variation/removal of those conditions.

16/0390/REM Reserved Matters: Major: Conversion of part of mill building to 3 No. houses and erection of 19 No. houses with associated works (Appearance, Landscaping and Scale) at Spring Mill, Wheatley Lane Road, Fence, Burnley for Skipton Properties Ltd

RESOLVED

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

1. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No.13/14/0088P and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.13/14/0088P.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1445SPL/smwlf/PL01 Rev C, 1445SPL/smwlf/Csm-01, 1445SPL/smwlf/HT-A1, 1445SPL/smwlf/HT-A2, 1445SPL/smwlf/HT-BP1, 1445SPL/smwlf/HT-BR1, 1445SPL/smwlf/HT-BE1, 1445SPL/smwlf/HT-C1, 1445SPL/smwlf/HT-F1, 1445SPL/smwlf/HT-H1, 1445SPL/smwlf/HT-PT1, 1445SPL/smwlf/HT-PT2, 1445SPL/smwlf/HT-PN1, 1445SPL/smwlf/HT-SP1, 1445SPL/smwlf/HT-SP2, 1445SPL/smwlf/SS01, 1445SPL/smwlf/SS02, 1445SPL/smwlf/SS03, 10.140 08, GL0590 01.

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

3. Notwithstanding any details on the approved plans, forms or supporting documents, within two weeks of the commencement of development samples of the external materials to be used in the construction of the roofs, walls, boundary/retaining walls and paving and samples of the colour and finish of windows and doors of the development hereby approved, together with details of proposals for the reuse of existing materials, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved materials and details.

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

4. All soft landscape works shall be carried out in accordance with the approved landscaping plan GL0590 01 and the recommendations of BS 4428 (1989). The works shall be carried out prior to occupation of any part of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. Any trees or plants that within a period

of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in the interest of visual amenity.

5. Within two weeks of the commencement of the development details of hard landscaping shall be submitted to the Local Planning Authority for written approval. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

6. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority, the depth of reveal shall be at least 100mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity

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 appearance, landscaping and scale of the development are acceptable in terms of all relevant considerations. 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.

16/0381/HHO Full: Erection of single storey basement to front elevation and erection of external staircase; glazed porch to ground floor to front and close existing vehicular access at Rosehill House, Carr Hall Road, Barrowford for Mr N. Younis

RESOLVED

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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 5491/c/b/05, 5491/c/b/04, 5491/c/b/03

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

3. The development hereby permitted shall not be commenced unless and until details of the types and colour of all facing materials, including those to be used in the new section of boundary wall to Carr Hall Road, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved details.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. 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.

Within the areas so fenced, the existing ground level shall be neither raised nor lowered. 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.

Reason: To prevent trees from being damaged during building works.

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 complies with Policies ENV1 and ENV2 of the Local Plan Part 1, being appropriate in terms of scale, design and amenity. 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 submitted a report on outstanding appeals for information.

RESOLVED

That 13/15/0255P be removed from the list of outstanding appeals.

34. ENFORCEMENT/UNAUTHORISED USES

Enforcement Action

The Democratic and Legal Manager submitted a report on outstanding enforcement cases in Barrowford and Western Parishes. Enforcement action was underway in respect of Douglas Hall

Farm Cottage, Spenbrook Road, Newchurch-in-Pendle. The Enforcement Officer had also been out on site to have discussions with the owners of Hollin Hall Farm, Blacko.

35. CAPITAL PROGRAMME 2016/17

The Neighbourhood Services Manager reported that the current uncommitted balance for the Committee's 2016/17 Capital Programme was £25,313, including monies carried forward from previous years and the release of funding held back in 2015/16.

Members considered the following bids –

Barrowford Parish Council, Contribution to ride-on-mower	£5,000
Goldshaw Booth Parish Council, Replacement of Notice Boards	£1,800
Higham Parish Council, Footpath Higham Village Green	£2,500
Old Laund Booth Parish Council, Floral Fence	£3,000
Barrowford Town Centre Premises Improvement Grants	£6,000
Roughlee Booth Parish Council, Riverside Project	£1,500
Barley, Barley Playground Upgrade	£3,000
Steven Burke Sports Hub – Phase 2, Litter and Dog Waste Bins,	£2,000 £ 500
Pendle's Cycling Legacy Event	£1,000
Blacko Parish Council – Petanque on playing fields	£4,224

RESOLVED

- (1) That the following amounts be allocated from the Committee's 2016/17 Capital Programme -

Barrowford Parish Council, Contribution to ride-on-mower	£5,000
Goldshaw Booth Parish Council, Replacement of Notice Boards	£1,000
Higham Parish Council, Footpath Higham Village Green	£2,500
Old Laund Booth Parish Council, Floral Fence	£1,500
Barrowford Town Centre Premises Improvement Grants	£3,000
Roughlee Booth Parish Council, Riverside Project	£1,000
Barley, Barley Playground Upgrade	£1,000
Steven Burke Sports Hub – Phase 2	£2,000
Litter and Dog Waste Bins, (including slippage)	£ 500
Blacko Parish Council – Petanque on playing fields	£3,000

- (2) That the bid for £1,000 for Pendle's Cycling Legacy Event be deferred to see what other area committees had contributed.
- (3) That the Neighbourhood Services Manager be asked to provide an ongoing list of projects in the report to the next meeting with an update on projects that have not yet spent their allocation.

REASON

To enable the Committee's Capital Programme to be allocated effectively and efficiently.

36. UPDATE ON M65/JUNCTION 12 AND 13 WORKS

An update was submitted on ongoing works at Junction 12 and 13 of the M65 for information which had been sent to Councillors and Parish Councils earlier in the month.

37. PROBLEM BUILDINGS

The Planning, Building Control and Licensing Services Manager submitted a report on problem buildings in Barrowford and the Western Parishes.

RESOLVED

- (1) That 32 Garnett Street be removed from the problem buildings list.
- (2) That the Executive be recommended to reconsider issuing a compulsory purchase order in respect of the former Corn Mill in Higherford and using the brownfield development fund to improve the site.

REASON

- 1. Work on site would be controlled by Building Control.***
- 2. In the interests of visual amenity and to encourage regeneration in the area.***

38. ENVIRONMENTAL BLIGHT

The Neighbourhood Services Manager submitted a report on environmental blight sites in Barrowford and the Western Parishes. It was noted that the electricity substation close to Booths supermarket would be reported to United Utilities. There was also going to be a site visit to look at the piece of land at the bottom of John Street and the landowner invited to attend.

39. COUNCIL OWNED BUILDINGS IN BARROWFORD

The Property Services Manager, Liberata submitted a complete list of buildings owned by the Council in Barrowford which was noted.

RESOLVED

That the Property Services Manager, Liberata be asked to provide a complete list of pieces of land in Barrowford owned by the Council.

REASON

To be aware of the Council's resources in Barrowford.

CHAIRMAN _____