

**MINUTES OF A MEETING OF
BARROWFORD AND WESTERN PARISHES COMMITTEE
HELD AT HOLMFIELD HOUSE
ON 8TH MARCH, 2018**

PRESENT

Councillor L. M. Crossley –Chairman, in the Chair

Councillors

*B. Newman
J. K. Starkie
K. Turner*

Co-optees

*Mr R. Willoughby – Higham with West Close Parish Council
Mrs C. Burt – Goldshaw Booth Parish Council
Mr R. Oliver – Barrowford Parish Council
Mr N. Hodgson – Blacko Parish Council
Mr A. Walker – Roughlee Booth Parish Council*

Police

PC M. Dibb

Officers in attendance

*V. Green
K. Hughes
J. Eccles*

*Financial Services Manager & Area Co-ordinator
Principal Development Management Officer
Committee Administrator*

(Apologies were received from Councillors N. McEvoy and C. Wakeford)



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

<i>Manager, The Lounge</i>	<i>18/0031/VARFull: Variation of Condition: Vary Condition 7 of planning permission 16/0621/FUL to increase opening hours at 79-81 Gisburn Road, Barrowford</i>	<i>Minute No. 113(a)</i>
--------------------------------	---	--------------------------

<i>Manager, The Lounge</i>	<i>18/0035/FUL Full: Retention of three outbuildings for storage use associated with the wine bar (Total floor area 30sqm) (retrospective) at 79-81 Gisburn Road, Barrowford</i>	<i>Minute No. 113(a)</i>
--------------------------------	--	--------------------------

109. DECLARATION OF INTERESTS

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

110. PUBLIC QUESTION TIME

A resident from Fence referred to a meeting of Nelson Committee on 4th December 2017 when improvements to back streets estimated at costing over £54,000 had been discussed, including 2 unadopted streets, and questioned the rationale for this when the main roads were in such a poor state of repair.

The Chairman explained that Lancashire County Council had responsibility for maintaining the highways. Pendle Council's area committees were allocated a capital programme each year for projects in their area. In this case Nelson Councillors had been looking at putting some of this funding towards improvements to back streets, but she was not sure on the outcome. She understood that the resident had raised this issue separately with Nelson Committee.

The Chairman invited the resident to make a note of the worst roads and potholes she wanted repaired so that this could be passed onto County Councillor C. Wakeford who would raise the issue on her behalf.

111. MINUTES

RESOLVED

That the Minutes of this Committee, at the meeting held on 8th February, 2018, be approved as a correct record and signed by the Chairman.

112. POLICE ISSUES

PC Dibb presented the crime statistics for Barrowford and Western Parishes for February 2018 compared to the same period in 2017 and answered related questions. Crimes were broken down as follows –

	2017	2018
Burglary - Residential	0	2
Burglary - Commercial	3	1
Vehicle Crime	4	7
Hate crime	0	0
Assaults	1	11
Theft	2	7
Criminal Damage/Arson	1	0
Other Crime	2	3
ALL CRIME	13	31
Anti-Social Behaviour	11	9

The Police wanted to pass on their thanks to the farming community for helping to clear roads during the recent period of severe winter weather and to local residents who also helped out in various ways.

113. PLANNING APPLICATIONS

(a) Planning Applications

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

17/0672/FUL Outline: Major: Extension to industrial land to accommodate up to ten industrial units with open space, access road, landscaping, infrastructure with means of access off Churchill Way, Nelson (Reg. 4) at land to the

south west of Churchill Way, Brierfield for Liberata UK Ltd Property Services

The Planning, Building Control and Licensing Services Manager submitted an update at the meeting which reported a response from the Lead Local Flood Authority saying that they had no objection to the application but recommended that an appropriate drainage condition be added to any grant of approval. The recommendation still stood as approve with an updated drainage condition.

RESOLVED

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

1. 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 the date of this permission 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.

2. Details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before the 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.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 00-ZZ-LL-P2-001, 00-ZZ-LL-P2-003.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the use of the units hereby approved shall be limited to those within Use Classes B1(b & c), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order with or without modification) only. There shall be no B1(a) use other than that which is ancillary to the B1(b & c), B2 or B8 use of each unit without the prior written approval of the Local Planning Authority.

Reason: To ensure that office uses are directed to sequentially preferable sustainable sites.

5. The first submission of reserved matters shall include details of any bank stabilisation works proposed and associated mitigation, compensation or enhancement measures. The

proposed works should be based on the results of a hydromorphology survey carried out by a suitably experienced surveyor using recognised survey methodology.

Reason: In order the Local Planning Authority to assess the impact of any proposed bank protection and stabilisation.

6. The first submission of reserved matters shall include a detailed scheme of remedial works for the shallow coal workings for approval (relevant to that phase), included within the information should be a grout grid plan showing how the remedial works proposed relate to the development layout. Any remedial works shall be implemented in accordance with the approved details prior to the commencement of the erection of the units or an alternative timescale agreed in writing by the Local Planning Authority.

Reason: To ensure that shallow coal mine workings to not adversely impact upon the ground stability of the site.

7. No part of the development hereby approved shall be brought into use unless and until either the MOVA signalling system at Junction 12 of the M65 has become operational or a scheme and timetable for signal optimisation works at Junction 12 of the M65 has been submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within the agreed timetable.

Reason: In order to ensure that Junction 12 of the M65 operates within capacity in the interest of highway safety.

8. The use of each unit shall not be commenced unless and until a Travel Plan for the user/s of that unit has been submitted to and approved in writing by the Local Planning Authority. The plan shall include measures for the management of car use and on-site car parking and a strategy to secure and sustain decreases in car use for travel to, from and at work and increases in car sharing, public transport use, cycling and walking. The unit shall thereafter be at all times operated in accordance with the approved Travel Plan.

Reason: In order to mitigate transport impacts of development and promote sustainable transport.

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

The Statement/s shall provide for:

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

8. A Traffic Management Plan for the construction vehicles and staff accessing the site during the construction works

Reason: In the interest of amenity and highway safety

10. As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the Local Planning Authority.

Surface water drainage scheme which as a minimum shall include:

a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change - see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

b) The drainage scheme should demonstrate that surface water run-off must not exceed the existing pre-development runoff rate for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Any works required on or off-site to ensure the adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment or removal of any existing watercourses, culverts, headwalls or unused culverts where relevant);

d) Flood water exceedance routes, both on and off site;

e) A timetable for implementation, including phasing where applicable;

f) Site investigation and test results to confirm infiltrations rates. If infiltration is shown to be a viable option for the disposal of surface water, then this should then be used as the primary method for disposing of surface water from the site. Disposal via a surface water body will only be considered where infiltration is proved to be unsuitable.

g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved units, 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 and to ensure that water quality is not detrimentally impacted by the development and proposal.

11. The development shall not 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 the site of that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement/s 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 the development, 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 users of the development.

12. The development shall be carried out in accordance with the recommendations of the Phase 1 Habitat Survey received 6th November 2017. Any additional survey/s necessary shall be submitted to and agreed in writing by the Local Planning Authority prior to the felling of any trees and any mitigation measures implemented in accordance with the

approved details.

Reason: To ensure the protection of habitats.

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 would accord with Local Planning Policy and would be compliant with 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.

Councillor J. K. Starkie - in the Chair

18/0031/VAR Full: Variation of Condition: Vary Condition 7 of planning permission 16/0621/FUL to increase opening hours at 79-81 Gisburn Road, Barrowford for Mr Gareth Bradshaw

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

(Councillor L. M. Crossley declared a personal interest in this item which was not a disclosable pecuniary interest as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 but was such that she considered that in view of the principles set out in the Council's Code of Conduct she should not take part in the debate and decision on the matter, therefore she withdrew from the meeting.)

The Planning, Building Control and Licensing Services Manager submitted an update at the meeting with comments from PBC Environmental Health objecting to the proposed extension of hours and three further comments in support of the application. The recommendation still stood to approve the planning application.

RESOLVED

That temporary approval to increase the opening hours for an additional 2 hours on a Friday and Saturday night (but music stopping at midnight) be **granted** for a period of twelve months subject to the following conditions –

1. The scheme for the fumes, vapours and odours (including grease and carbon filters) to be extracted and discharged from the premises has been implemented in full accordance with the approved scheme and shall thereafter be maintained in efficient working order.

Reason: In order to ensure that odours outside the premises are minimised in the interests of residential amenity.

2. The scheme for the sound installation of odour control equipment has been implemented in full accordance with the approved scheme prior and shall thereafter be maintained in efficient working order.

Reason: In the interests of residential amenity.

3. The premises shall not be open for customers or any other person not employed within the business operating from the site outside the hours of 07.30 and 23.00 hours Sunday to Thursday and 07.30 and 01.00 on Fridays only and 07.30 and 02.00 on Saturdays only.

Reason: In the interests of residential amenity.

4. The outside seating area shall not be available for customers or any other person not employed within the business operating from the site outside the hours of 08.00 and 20.00 hours on any day. The external doors leading to these areas shall be closed at 20.00 hours each day.

Reason: In the interests of the aural amenity of adjacent residential properties.

5. There shall be no amplified music played within the outside seating area.

Reason: In the interests of the aural amenity of adjacent residential properties.

6. The scheme for the noise insulation of the premises has been completed prior and shall thereafter be retained in accordance with the approved details.

Reason: In order to minimise the disturbance by noise of the existing adjacent residential properties.

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 times of operation are acceptable and would accord with policy ENV5 of the Pendle Local Plan Core Strategy.

18/0035/FUL Full: Retention of three outbuildings for storage use associated with the wine bar (Total floor area 30sqm) (retrospective) at 79-81 Gisburn Road, Barrowford for Miss Jade Pilling

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

(Councillor L. M. Crossley declared a personal interest in this item which was not a disclosable pecuniary interest as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 but was such that she considered that in view of the principles set out in the Council's Code of Conduct she should not take part in the debate and decision on the matter, therefore she withdrew from the meeting.)

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

The Planning, Building Control and Licensing Services Manager submitted an update at the meeting which recommended adding a waste management condition requiring details of waste storage and management to be submitted and agreed.

RECOMMENDATION

That planning permission be **refused** for the following reason -

1. Due to the buildings being unsightly, impracticable and the loss of one parking space.

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

(b) Planning Appeals

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

114. ENFORCEMENT/UNAUTHORISED USES

Enforcement Action

The Head of Legal Services submitted a report on outstanding enforcement cases. It was noted that the date the enforcement notices were actually served in respect of the field adjacent to Clough Springs, Wheatley Lane Road, Barrowford was 23rd February 2018.

115. CAPITAL PROGRAMME 2017/18

The Neighbourhood Services Manager reported that £142 remained unallocated from the Committee's 2017/18 Capital Programme.

116. TRAFFIC LIAISON MEETING

The Neighbourhood Services Manager submitted the minutes of the Traffic Liaison Meeting on 8th February 2018.

There were discussions about suitable sites for the SpIDs in Barrowford. It was noted that para 4 of the minutes, referred to Barrowford and Higherford Parish Councils purchasing 2 devices.

RESOLVED

That the Neighbourhood Services Manager be asked to request that the minutes be amended to reflect that Barrowford Parish Council was purchasing a SpID and Higherford Residents Action Group and the Western Parishes were purchasing another SpID.

117. 8 PARK AVENUE, BARROWFORD

The Planning, Building Control and Licensing Services Manager submitted a report following a request at the last meeting about the possibility of adding this site to the problem buildings list.

It was noted that the improvement works to this property were almost complete now, although the fencing that had been erected was likely to remain until the property was occupied.

RESOLVED

That no further action be taken in respect of 8 Park Avenue, Barrowford given the site's general tidiness but that it be monitored and reviewed in a year's time.

REASON

There was no undue impact on residential amenity.

118. PROBLEM BUILDINGS

The Planning, Building Control and Licensing Services Manager submitted a report on problem buildings in Barrowford and the Western Parishes. Members discussed the Corn Mill in Higherford which had been on the problem sites list for many years. It was felt that all possible action had been undertaken to improve the property at present. They also wondered whether Rosehill House at Carr Hall should be added to the list.

RESOLVED

That the Planning, Building Control and Licensing Services Manager be asked to -

- (1) Remove the Corn Mill in Higherford from the problem buildings list and that any further deterioration or problems with this property be raised with the appropriate service area.
- (2) Report to a future meeting on the possibility of adding Rosehill House, Carr Hall, Barrowford to the problem buildings list.

119. ROLL OUT OF OPEN REACH SUPERFAST BROADBAND

At the last meeting Members considered a report from the Planning, Building Control and Licensing Services Manager on the options that had been put forward for the roll out of superfast broadband in the Western Parishes. They included the installation of telegraph poles in a number of locations. It had been agreed to defer this item to allow for site visits, enable Parish Councils to look at the proposals in more detail and for further consideration to be given to undergrounding cables rather than using telegraph poles in some of the locations.

Councillors said they were finding it difficult to contact Open Reach to continue discussions although it was understood that there had been further discussions between Pendle Council and County Council.

RESOLVED

That the Planning, Building Control and Licensing Services Manager be asked to bring back a progress report to the next meeting on discussions so far with County Council and Open Reach

Barrowford and Western Parishes Committee (08.03.2018)

to enable the Committee to make a decision on their proposals.

REASON

To preserve the character of the AONB and the open countryside.

CHAIRMAN _____