

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

PRESENT

*His Worship the Mayor Councillor J. K. Starkie
Councillor L. M. Crossley – Chairman (in the Chair)*

Councillors

*B. Newman
K. Turner*

Co-optees

*R. Oliver – Barrowford Parish Council
N. Goodall – Old Laund Booth Parish Council
R. Willoughby- Higham with West Close Booth Parish Council
N. Hodgson – Blacko Parish Council
C. Burt – Goldshaw Booth Parish Council
J. Connor – Barley with Wheatley Parish Council*

Police

*PC M. Dibb
PCSO T. Ashworth*

Officers in attendance

*S. Guinness
K. Hughes
J. Eccles*

*Chief Financial Officer
Principal Development Management Officer
Committee Administrator*

(Apologies were received from A. Walker.)



The following person attended and spoke at the meeting on the item indicated –

<i>Alan Herron</i>	<i>18/0598/REM - Reserved Matters: Erection of 5 detached dwelling houses (Appearance, Landscaping, Layout and Scale) of Planning Permission 13/15/0290P (Re-Submission) at Barley House Farm, Barley Lane, Barley</i>	<i>Minute No. 64(a)</i>
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60.

DECLARATION OF INTERESTS

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

61.

PUBLIC QUESTION TIME

A local resident spoke about her concern following a break-in to her property a few weeks ago. She asked why there were not more Police officers to prevent and deal with this sort of crime. She also said that there had been a number of instances in Victoria Park recently with fireworks and anti-social behaviour which the Police did not appear to have dealt with.

PC Dibb said he was sorry that she had been burgled and wished that there were more Police officers to help combat crime. He explained the recent cuts to Policing in the area and how some

of the Neighbourhood Team had now been transferred to dealing with higher prioritised crime. He said members of the Anti-social Behaviour Team patrolled the streets and parks of Brierfield, Nelson and Barrowford in an unmarked car. Also response officers working out of Colne could also attend reports of crime. However, according to his records, there had only been one reported crime in Victoria Park, compared to 50 in Brierfield, which is why resources had been sent there.

It was suggested that the resident convey her concerns about the level of policing in the area to Police and Crime Commissioner Mr Clive Grunshaw, who set the priorities for Lancashire Constabulary, and had responsibility for allocating the budget.

Residents had not been able to attend the meeting but had asked the Parish co-optee to complain on their behalf about parking issues at Douglas Hall Kennels in Newchurch, which was particularly bad at weekends.

The Principal Development Management Officer said that the owners of the kennels had submitted a planning application for extra car parking, which would be determined in due course, but the Council was aware of issues at this site with people parking on the road and that this at times was causing a problem. PC Dibb said that he would go up and have a look the next time he was in the area to see if there was any obstruction to the highway.

62. MINUTES

RESOLVED

That the Minutes of this Committee, at the meeting held on 4th October, 2018, be approved as a correct record and signed by the Chairman.

63. POLICE AND COMMUNITY SAFETY ISSUES

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

	2017	2018
Burglary - Residential	2	4
Burglary - Commercial	2	9
Vehicle Crime	1	3
Hate crime	0	0
Assaults	2	9
Theft	4	5
Criminal Damage/Arson	3	3
Other Crime	2	9
ALL CRIME	16	42
Anti-Social Behaviour	18	11

PC Dibb was pleased to report that after the recent review of Neighbourhood Policing he was staying in the area, although his area of responsibility would increase.

64. PLANNING APPLICATIONS

(a) Planning applications to be determined

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

18/0373/FUL Full: Erection of a single two-storey dwelling house with detached garage and associated curtilage at Land to the north west of Parrock Road, Barrowford for Adamas Development Limited

The Principal Development Management Officer submitted an update at the meeting reporting that plan HUM03/Dwg 04A had been received which satisfactorily addressed the concerns raised by the Conservation Officer. Condition 2 relating to plans would need to be updated to reflect this.

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:

HUM03/Dwg 01a, HUM/03 Dwg 02a, HUM/03 Dwg 03a, HUM/03 Dwg 04A and HUM-03/Dwg 06.

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

3. 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/or in order to prevent contamination of the controlled waters.

4. No development approved by this permission shall commence unless and until a scheme for the disposal of foul and surface water for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5l/s. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding

5. The access shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and 11 metres distant in each 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.

6. 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.
- e) Details of wheel-washing facilities including location
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- n) Location and details of site compounds
- u) Parking area 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 phases.

7. Before the access is used for vehicular purposes, the access and manoeuvring area shall be appropriately paved in bound porous material.

Reason: To prevent loose surface material from being carried on to the adjacent highway thus causing a potential source of danger to other road users.

8. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

9. Prior to any above ground development occurring samples of the external facing materials, windows, doors, garage doors and external facing materials and rain water goods 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. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory form of development in the open countryside.

10. Windows and doors shall be set back from the external face of the walls of the units by at

least 75mm in depth.

Reason: To ensure a satisfactory form of development.

11. Notwithstanding the submitted plans the windows and doors shall be of timber construction and painted not stained in a colour to be agreed in writing with the Local Planning Authority prior to installation.

Reason: To ensure a satisfactory form of development in this location.

12. 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, B, C, D, E and F of Part 1 and Class B of Part 2 of Schedule 2 of that Order shall be carried out and Class A 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: In order to enable the Local Planning Authority to control any future development on the site, in order to safeguard the character and visual amenity of the conservation area and restrict any potential impact on protected trees.

13. The car parking and turning 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 is occupied.

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

14. 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:

- 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 hard landscape elements, boundary treatments and pavings, including layout, materials and colours;
- e. 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

15. 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, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. 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.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

16. Before a dwelling unit is occupied waste containers shall be provided on each plot.

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

Note

1. Public Rights of Way must not be obstructed during the proposed development. It is the landowner's responsibility to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, it is the landowner's responsibility to ensure that this is done following the appropriate legal procedures.

REASON

The proposed development of one detached dwellinghouse would be acceptable on this site and would not adversely impact on the Conservation Area and amenity of the area and would be appropriate in terms of scale and layout subject to further amendments to the proposed design and materials being acceptable.

Subject to the above the proposal would accord with local plan policies ENV1, ENV2, Conservation Design Guide and national policy paragraphs 124 and 196 of the NPPF.

18/0598/REM Reserved Matters: Erection of 5 detached dwelling houses (Appearance, Landscaping, Layout and Scale) of Planning Permission 13/15/0290P (Re-

Submission) at Barley House Farm, Barley Lane, Barley for Mr and Mrs D. Lowcock

The Principal Development Management Officer submitted an update at the meeting with revised conditions as some had been omitted from the report in error.

RESOLVED

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

1. This notice constitutes an approval of matters reserved under Condition 2 of Planning Permission No.13/15/0290P and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No. 13/15/0290P.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 14/20/1, ADM/16/36/01 Rev E, ADM/16/36/02 Rev B, ADM/16/36/03 Rev B, ADM/16/36/04 Rev B, ADM/16/36/05 Rev B, ADM/16/36/06 Rev B, SCP/18263/ATR01, L1-01.

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

3. All windows in the west side elevation of Plot 1 shall at all times be glazed only with obscure glass of a type and degree of obscurity to be first agreed in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of an equal degree of obscurity to that which was first approved. The windows shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: To protect the privacy of the occupants of adjacent dwellings.

4. A solid fence or wall of not less than 1.8m in height shall be erected along the length of the south boundary of the rear garden of plot 3 prior to the occupation of that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to its erection. The fence/wall shall be maintained in accordance with the approved details all times thereafter.

Reason: To protect the privacy of the occupants of adjacent dwelling.

5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the garages of the dwellings hereby approved shall not be used for any purpose that would preclude their use for car parking.

Reason: To ensure an adequate level of car parking is maintained.

6. No development shall be commenced unless and until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been 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 under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason: To ensure that the estate road serving the development is completed and thereafter maintained to an acceptable standard in the interest of highway safety.

7. The erection of the external walls of the development shall not commence unless and until samples of the external materials of the development hereby approved, including a sample panel of the external wall material have been submitted / made available to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: In order to preserve the character and scenic beauty of the AONB.

8. The window frames and doors shall be of timber construction only and, prior to the occupation of the each dwelling, the window frames and doors of that dwelling shall be finished in accordance with details of colour and finish submitted to an agreed in writing by the Local Planning Authority. The window frames and doors shall be maintained thereafter in accordance with the approved details.

Reason: In order to preserve the character and scenic beauty of the AONB.

9. The approved landscaping scheme drawing No. L1-01 shall be implemented in its 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.

- (2) That the Committee agree or otherwise the sample panel and window details as per conditions 7 & 8 above.

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. Taking into account all material considerations the proposed development would not result in any unacceptable impacts. 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.

18/0631/FUL Full: Extension to car park to serve village hall at Fence Village Hall and Library, Wheatley Close, Fence

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 Location Plan, 17/045/1 & 17/045/2.

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

3. 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:
 - 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;
 - 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.

4. The car park shown on the approved plan shall have been constructed, drained and constructed in hardcore to match the existing in accordance with the approved plan. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In the interest of amenity.

5. 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.

Note

1. The grant of planning permission will require the applicant to enter into an appropriate Section 278 Legal Agreement, with Lancashire County Council as Highway Authority prior to the start of any development. 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 should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk, quoting the relevant planning application reference number.

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 formation of car park and external alterations are acceptable subject to appropriate 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.

(b) Planning Appeals

The Planning, Building Control and Licensing Services Manager reported that there was one planning appeal as follows –

18/0270/OUT

18/0010/AP/REFUSE

Appeal against refusal of outline permission for erection of a detached dwelling for use as a holiday let (Access and Layout only) at Land to Rear of 1 Bank Fold, Bankhouse Mews, Barrowford

65.

ENFORCEMENT/UNAUTHORISED USES

Enforcement Action

The Head of Legal Services submitted a report on enforcement action in the Barrowford and Western Parishes area. The Principal Development Management Officer gave an update on the Clough Springs, Wheatley Lane Road development. The new developers were working with the Council to discharge the necessary conditions.

66.

CAPITAL PROGRAMME 2018/19

The Neighbourhood Services Manager reported that the balance for the Committee's 2018/19 Capital Programme was £2,162. A late bid had been circulated to Members prior the meeting from Higham with West Close Booth Parish Council seeking funds towards playing field drainage

works.

RESOLVED

That the Neighbourhood Services Manager be asked to allocate £2,000 from the Capital Programme to Higham with West Close Booth Parish Council towards playing field drainage works.

REASON

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

67. PROBLEM BUILDINGS

The Planning, Building Control and Licensing Services Manager submitted a report on problem buildings in the Barrowford and Western Parishes area which was noted. The Principal Development Management Officer reported that the developers for Spen Brook Mill were working with the Council to discharge planning conditions so that they could start on site as soon as possible. A date would be arranged for the Panel to review the materials. The developers had been told that the Mill should be their priority.

68. ENVIRONMENTAL CRIME

The Environmental Services Manager submitted a report on environmental crime in the Barrowford and Western Parishes area for the period 1st July to 30th September 2018, which was noted.

69. LOMESHAYE INDUSTRIAL ESTATE EXTENSION DEVELOPMENT BRIEF

The Planning, Building Control and Licensing Services Manager submitted a report on the outcome of the consultation on the draft Development Brief for the extension of Lomeshaye Industrial Estate. The Brief, together with all of the comments made within the consultation period, were submitted for comment. These would be reported to the Policy and Resources Committee on 27th November 2018 for a final decision on the content of the Brief.

RESOLVED

- (1) That the Planning, Building Control and Licensing Services Manager be asked to pass on the following comments to the Policy and Resources Committee when they considered the Development Brief on 27th November –

Whilst Councillors are supportive of the creation of jobs and investment in the Borough, there is concern that there will be increased traffic from workers and heavy vehicles entering and leaving the A6068 – an already busy road - travelling away from Junction 13/M65 past Fence down Cuckstool Lane to access the M65 at Junction 12 and travelling further along the bypass past Higham to join the motorway further down at Junction 8.

Annex i refers to the A6068 as a dual carriageway and this is not the case. Did the Planning Inspector also get this wrong at the time of the Examination in Public for the

Core Strategy?

The Committee is not in support of a single access from the A6068. There should be a connection between the upper and lower sections so that the whole site can be accessed from the A6068 and Junction 12.

There has not been a proper Traffic Impact Assessment done to accompany the Brief. Paragraph 95 of the Inspector’s decision letter into the Local Plan states “The site can be accessed from Junction 13 along the A6068”. The Inspector did not say “should be” or “must be”. The comments from Roughlee Booth Parish Council concerning access arrangements are supported.

- (2) That the Planning, Building Control and Licensing Services Manager be asked to report back on whether the land for Phase 2 had been sold to another party for the development.

REASON

In order to ensure the Committee has an input into the content of the Development Brief.

Chairman.....