

**MINUTES OF A MEETING OF THE
POLICY AND RESOURCES COMMITTEE
HELD ON 19th MARCH, 2020
AT NELSON TOWN HALL**

Councillor M. Iqbal (Chairman – in the Chair)

Councillors

<i>N. Ahmed</i>	<i>S. E. Cockburn-Price</i>
<i>Z. Ali (Substitute)</i>	<i>M. Goulthorp</i>
<i>M. Aslam (Substitute)</i>	<i>B. Newman</i>
<i>R. E. Carroll (Substitute)</i>	<i>M. Sakib (Substitute)</i>
<i>C. Carter (Substitute)</i>	<i>Y. Tennant (Substitute)</i>
<i>D. Clegg</i>	<i>D. M. Whipp</i>

(Apologies for absence were received from Councillors Musawar Arshad, J. Henderson, Y. Iqbal, A. Mahmood and J. Nixon).

Officers in attendance:

<i>Dean Langton</i>	<i>Chief Executive</i>
<i>Philip Mousdale</i>	<i>Corporate Director</i>
<i>Neil Watson</i>	<i>Planning, Economic Development and Regulatory Services Manager</i>
<i>Jane Watson</i>	<i>Head of Democratic Services</i>



The following people attended the meeting and spoke on the items indicated:

<i>Richard O'Brien Robert Oliver</i>	<i>19/0952/REM Reserved Matters: Major: Erection of 243 dwelling houses (Use Class C3) (appearance, landscaping, layout and scale) with associated open space and infrastructure on land at Trough Laithe, Barrowford Road, Barrowford</i>	<i>Minute No. 4(a)</i>
<i>Bill Fulster</i>	<i>19/0901/FUL Full: Major: Erection of 114 dwelling units (15 apartments and 99 houses) with associated estate roads (new primary vehicular and pedestrian access of Priory Chase) and ancillary associated infrastructure at the site of the former James Nelson Sports Club, Wickworth Street, Nelson</i>	<i>Minute No. 4(b)</i>
<i>Mark Sugden</i>	<i>20/0243/FUL Full: Construction of two three debroom detached dwellings and one pair of semi-detached dwellings (re-submission) on the garage site at Back Gisburn Road, Blacko</i>	<i>Minute No. 4(g)</i>
<i>Deborah Smith</i>	<i>20/0064/FUL Full: Major: Erection of 26 holiday lodges with associated reception building, facilities building, parking, landscaping and new vehicular access from High Lane (re-submission) on land to the west of the former Whitemoor Pumping Station, High Lane, Salterforth</i>	<i>Minute No. 4(h)</i>



1. DECLARATION OF INTERESTS

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

2. PUBLIC QUESTION TIME

There were no questions from members of the public.

3. MINUTES

RESOLVED

That the minutes of the meeting held on 19th March, 2020 be agreed as a correct record and signed by the Chairman.

4. PLANNING APPLICATIONS

- (a) **19//0952/REM Reserved Matters: Major: Erection of 243 dwelling houses (Use Class C3) (appearance, landscaping, layout and scale) with associated open space and infrastructure on land at Trough Laithe, Barrowford Road, Barrowford for Northstone Developments Ltd.**

This application had been considered by the Barrowford and Western Parishes Committee on 5th March, 2020. Comments from the Committee were included in the report.

The Planning, Economic Development and Regulatory Services Manager circulated an update prior to the meeting.

RESOLVED

That planning permission be **granted** subject to the following conditions and reasons:

1. This notice constitutes an approval of matters reserved under Condition 2 of Planning Permission No. 13/15/0327P and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.13/15/0327P.

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

626-0002-P03, 6000-0001, 6001-001-P03, 6002-0001, 615-0001-P03, 617-00001-P01, 617-0002-P01, 655-0001-P03, 656-001-P03, 656-002-P03, 656-0003-P03, Housing Type Plans & Elevations dated February 2020, Stone dated February 2020, House Type Schedule February 2020, NS004_SL_001N Site Layout, NS/MAN/TL/RSD, NS004_LP_001A Site Location Plan, NS004_SL_002C, NS004_SL_0003A, NS004_SL_004A, P19-0369, Phasing Plan 11137-T107, Street Scenes, P19-0369 002 Character Area Plan, P19-0369 003 D, P19-0369 004 C, P19-0369 005 C, P19-0369 006

C, P19-0369 007 C, P19-0369 008 C, V01, V02, V03 & V04 Street Scenes, Boundary Treatment Plan, 30077-SUT-ZZ-00-DR-C-626-00003 P01 Site Cross Section, 3077-SUT-ZZ-00-C-610-0001 PO3 & 3077-SUT-ZZ-00-DR-C-655-0001 PO4.

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

4. The development shall be carried out in strict accordance with the fully annotated landscape plans P19-0369 002 D Character Area Plan, P19-0369 0003 D Schedules, Specification and Maintenance, P19-0369 0004 C, P19-0369 0005 C, P19-0369 0006 C, P19-0369 0007 C, P19-0369 0008 C submitted on the 7th May, 2020 unless otherwise approved in writing by the Local Planning Authority. Further details including:

- (a) details and plans of all proposed boundary treatments with supporting elevations and construction details; and
(b) all proposed hard landscape elements and pavings, including samples, layout, materials and colours;

shall be submitted and agreed in writing by the Local Planning Authority prior to any the above works being undertaken.

The approved scheme shall be implemented in its entirety 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 and to protect and enhance habitats.

7. No development shall take place on the site unless and until a scheme for the diversion and replacement of the on-site watercourses has been submitted to and agreed in writing by the local planning authority. This shall include a phasing scheme for the work to be undertaken. The development shall thereafter be undertaken in strict accordance with the approved details.

Reason: To ensure there is no flood risk on or off the site resulting from the proposed development.

10. Prior to the first occupation each dwelling shall have an electric vehicle charging point or suitable alternative as approved in writing by the Local Planning Authority provided for each plot.

Reason: To ensure that the development provides sustainable transport options.

11. All windows shall be set back by at least 25mm from the plain of the wall in which they are placed unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide an appropriate set back in the interests of good design.

12. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence within any phase of the approved scheme, as defined through the phasing plan to be approved in accordance with Condition 4 of the Outline Permission under 13/15/0327P, 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 that phase, and no work shall be carried out on the site within each phase 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.

13. The Mitigation measures contained in the Biodiversity Management Plan updated February 2020 shall be implemented for each phase of the development in accordance with the phasing plan to be approved in accordance with Condition 4 of the Outline Permission under 13/15/0327P, in their entirety for each phase prior to the completion of that phase of development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide appropriate biodiversity and ecological protection measures on the site.

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 details submitted accord with Local Planning Policy and the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

- (b) **19/0901/FUL Full: Major: Erection of 114 dwelling units (15 apartments and 99 houses) with associated estate roads (new primary vehicular and pedestrian access off Priory Chase) and ancillary associated infrastructure at the site of the former James Nelson Sports Club, Wickworth Street, Nelson for M.C.I. Development Ltd., Linkhaven Ltd., and Accent Homes Ltd.**

This application was considered by Nelson Committee on 8th June, 2020 – no comments were made.

The Planning, Economic Development and Regulatory Services Manager circulated an update prior to the meeting. The submitted landscaping plans were acceptable and the condition revised to reflect this. The proposed boundary treatment to Wickworth Street had been submitted and agreed.

RESOLVED

(1) That planning permission be **granted** subject to the following conditions and reasons:

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 and Country Planning Act 1990 (as amended).

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

Site Location Plan 1:1250, apartment's floor plans and elevations Rev A. 2B3P 61 sq. m. Bungalow floor plans and elevations, 2B4P 70 sq. m. House type floor plans and elevations 3B5P. House type 85 sq. m. floor plans and elections, 4B6P. House type 95 sq. m. floor plans and elevations, boundary treatment plans Rev D, material distribution plan Rev C. Car charging Plan Rev A, proposed site layout Rev J, proposed site sections Rev B and Topo survey S7422, 6358.01 LP 1 of 2 and 6358.01 LP 2 of 2.

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

3. No part of the development shall take place until a Planning Obligation pursuant to section 106 of the Town and Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for education provision, improvements to bus services and improvements to off-site open space contribution.

Reason: To ensure an acceptable form of development.

4. 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 '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.

- 5. Samples of materials for all external elevations shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any above ground works on the site. The development shall be carried out using only the agreed materials.

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

- 6. No development, other than site clearance and remediation, shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- (a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD).
- (b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period; plus an appropriate

allowance for climate change and urban creep. The calculations must also demonstrate that surface water run-off from the development shall not exceed the existing pre-development surface water runoff rates and volumes for the corresponding rainfall intensity.

- (c) A final site plan showing all on-site surface water catchment areas, i.e., areas that will contribute to the proposed surface water drainage network;
- (d) Confirmation of how surface water will be managed within the non-drained areas of the site, i.e., gardens and public open space.
- (e) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;
- (f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
- (g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, 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, that there is no flood risk on or off the site resulting from the proposed development; that water quality is not detrimentally impacted by the development proposal; and that appropriate maintenance mechanisms are put in place for the lifetime of the development.

7. No development, other than site clearance and remediation, shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

8. Prior to the commencement of development, other than site clearance and remediation, an Estate Street Phasing and Completion Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases (including the provision of the emergency access link) and the standards that estate streets serving each phase of the development will be completed including full engineering, drainage, street lighting and constructional details to adoptable standards.

Following the occupation of the 50th dwelling, the emergency access link onto Windsor Street shall be completed or in accordance with the Estate Street Phasing Plan whichever is the sooner.

A scheme for the signing and access controls at the emergency link and the footpath link shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the completion of the above emergency access link.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

9. No part of the development hereby approved shall be occupied until all the off-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority. These shall include:

- Installation of parking bays along the frontage of 184-204 Barkerhouse Road to formalise parking and maximise visibility plays at the junctions;
- Installation of two tarmac round top humps in the vicinity of 27 and 49 Priory Chase.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

10. The provision of the Interim Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

11. 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 and types of vehicles used for delivery of materials and construction 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 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.
- (f) Details, including likely vibration and noise levels at site boundaries of the piling operations.
- (g) Measures related to construction and demolition waste management.
- (h) Pollution prevention to include odour suppression, temporary drainage measures, control on re-fuelling activities and measures such as cut-off trenches to control gas migration.
- (i) Soil resource management including stock-pile management.
- (j) Compliance with BS5228: Part 1 1997 to minimise noise.
- (k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- (l) Measures to ensure that there is no burning of waste.
- (m) Location and details of site compounds.
- (n) Hoarding details during construction.
- (o) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached.
- (p) Vibration monitoring to be carried out for the construction period.
- (q) Noise-monitoring to be carried out for the construction period.

- (r) A Construction and Demolition Waste Minimisation Strategy.
- (s) A Construction Risks Education Plan/Programme.
- (t) Parking area(s) for construction traffic and personnel.
- (u) Routing 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.

- 12.** 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.

- 13.** The development shall be carried out in full accordance with the submitted landscaping scheme 6358.01 LP 1 of 2 and 6385.02 LP 2 of 2 received and approved on 22nd June, 2020.

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.

14. Prior to first occupation of any dwelling all driveways and communal parking areas associated with that dwelling shall be constructed in a bound porous material and made available for use and maintained for that purpose in perpetuity.

Reason: To ensure that the development has adequate provision for off-street parking and allows for surface water drainage.

15. Before a dwelling unit is occupied waste containers shall be provided in each plot.

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

16. Prior to first occupation each dwelling shall have provision or a secure cycle store within each plot.

Reason: To ensure that the development provides sustainable transport options.

17. Prior to the first occupation each dwelling shall have an electric vehicle charging point or suitable alternative as approved in writing by the Local Planning Authority provided in each plot.

Reason: To ensure that the development provides sustainable transport options.

18. The development shall be carried out in full accordance with the mitigation plan set out in the "United Environmental Services Ltd., Preliminary Ecological Appraisal, Land off Wickworth Street, Nelson September 2019". Details for the provision of nest box, sparrow terrace, robin nest box, Starling nest box, Avainex box and swift nest brick shall be submitted to and agreed in writing by the Local Planning Authority prior to work commencing on site. The development shall then be carried out in accordance with the agreed details.

Reason: To ensure no net loss of biodiversity as a result of the development.

19. The existing stone boundary wall to the south west corner shall be retained in its entirety and the random stone wall to the south east (rear and side of Plot 16 and rear of Plots 17 and 18) as shown on boundary treatment plans Rev D submitted and approved on 18th June, 2020. The scheme shall be implemented in accordance with the approved details prior to occupation of these plots and thereafter retained.

Reason: In order to ensure that the existing stone wall is retained and altered in a satisfactory manner and that the proposed boundary treatments to the plots are acceptable.

20. The windows and doors shall be set back from the external face of the wall by at least 75 mm in depth.

Reason: To ensure the continuation of a satisfactory appearance to the development.

21. No part of the development hereby permitted shall be commenced until details of the finish floor levels and 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 finished 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 land levels and control the final form of the development.

22. A scheme for the management (including maintenance) of the public open space areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The management arrangements shall be implemented in accordance with approved scheme before the first dwelling is occupied and the public open spaces shall thereafter be managed in accordance with the approved scheme.

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

NOTES

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
2. The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement with Lancashire County Council as the Highway's Authority. 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 Lancashire County Council, Highway Development Control email: lhscustomerservice@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.

REASON FOR DECISION

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 proposal is acceptable in terms of visual amenity and landscape impact, heritage impact, residential amenity, layout, design and materials, highway safety/parking, landscaping and open space provision, drainage and contribution requests 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.

- (2) That in consultation with the Chairman, Ward Councillors and the developer, delegated authority be granted to the Planning, Economic Development and Regulatory Services Manager to decide how to spend the £100k contribution on necessary infrastructure.
- (c) **19/0885/OUT Outline: Major: Erection of three storey building for 18 studio apartments (Use Class C3) with access only and all other matters reserved at the former Spiritualist Church, Vernon Street, Nelson for Mr. S. Khan**

At a meeting of the Nelson Committee on 8th June, 2020 the decision to refuse this application was referred as a recommendation to this Committee as this decision would lead to a significant risk of costs being awarded against the Council in the event of an appeal.

RESOLVED

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

1. The proposed development would by virtue of its scale and position, have an adverse impact on the character of the area contrary to Policy ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy 2011-2030.
2. The proposed development would lead to an increase of vehicular traffic which would have an adverse impact on the highway network in terms of safety contrary to Policy ENV4 of the Adopted Pendle Local Plan Part 1: Core Strategy 2011-2030.

- (d) **20/0454/HHO Full: Erection of dormer windows to front and rear roof slopes (re-submission) at 179 Chapel House Road, Nelson for Mr. S. Mehboob**

At a meeting of the Nelson Committee on 8th June, 2020 the decision to approve this application was referred as a recommendation to this Committee as this decision would lead to a significant risk of costs being awarded against the Council in the event of an appeal.

RESOLVED

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

The proposal to erect a front dormer on this dwelling would be detrimental to visual amenity and the proposal would fail to improve the character and quality of the area thus failing to comply with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030) the guidance of the Design Principles Supplementary Planning Document and Paragraph 130 of the National Planning Policy Framework.

- (e) **20/0155/FUL Full: Change of use from retail shop (Use Class A1) to restaurant (Use Class A3) and hot food take-away (Use Class A5) install new shop front and vertical flue to the rear of 31 Scotland Road, Nelson for Mr. Safdar Hussain**

It was reported that the application had been withdrawn prior to the meeting.

(f) 20/0119/PIP Permission in Principle: Erection of up to four dwellings on land to the east of Osborne Terrace, Newchuch-In-Pendle for Mr. Steve Fisher

At a meeting of the Barrowford and Western Parishes Committee on 10th June, 2020 the decision to refuse this application was referred as a recommendation to this Committee as this decision would lead to a significant risk of costs being awarded against the Council in the event of an appeal.

RESOLVED

That the application be **refused** for the following reasons:

1. The proposed development would result in a severe detrimental impact on the character of the Area of Outstanding Natural Beauty, by virtue of its siting and location, contrary to Policy ENV1 of the Pendle Local Plan Part 1: Core Strategy 2011-2030, Paragraph 172 of the National Planning Policy Framework and the Forest of Bowland AONB SPG.

(g) 20/0243/FUL Full: Construction of two three bedroom detached dwellings and one pair of semi-detached dwellings (re-submission) on the garage site Back Gisburn Road, Blacko for Mr. M. Sugden

At a meeting of the Barrowford and Western Parishes Committee on 10th June, 2020 the decision to refuse this application was referred as a recommendation to this Committee as this decision would lead to a significant risk of costs being awarded against the Council in the event of an appeal.

RESOLVED

That planning permission be **granted** subject to the following conditions and reasons:

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 strict accordance with the following approved plans: 2018/14: 1, 2F, 3A, 4C and 5.

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

3. No above ground works shall commence on site unless and until, representative samples of all the external materials to be used in the construction of the roofs and walls, together with samples showing the colour and finish of the windows, doors and cladding materials of the dormers and design details of the surfacing material to be applied to the driveways to be installed as part of the development hereby approved, have first 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 materials.

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

4. Improvements to the junction of the site with Back Gisburn Road as shown on approved plan '2018/14/2F' and the new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads, to at least base course level, prior to the commencement of any other development on the site.

Reason: To ensure adequate access for construction vehicles and in the interests of highway and pedestrian safety.

5. The estate road shall be surfaced, sealed and completed in its entirety prior to occupation of the first unit.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

6. Prior to the occupation of any dwelling hereby approved, the driveways, parking areas and turning head as shown on approved plan '2018/14/2F' shall be laid out and made available for use thereafter for the parking of vehicles associated with the occupants of the dwellings.

Reason: In the interest of highway safety.

7. 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 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 any dwelling is occupied.

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

8. Prior to the occupation of Plots 3 and 4, covered cycle storage arrangements shall have been provided within each plot in accordance with a scheme which shall have first been submitted to and agreed in writing by the Local Planning Authority. The cycle storage arrangements shall thereafter remain in perpetuity with the development.

Reason: To provide facilities to optimise sustainable travel to the site.

9. 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) All proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- (b) All proposed boundary treatments with supporting elevations and construction details;
- (c) An outline specification for ground preparation;

- (d) All proposed hard landscape elements and pavings, including layout, materials and colours;
- (e) The proposed arrangements and specifications for initial establishment;
- (f) 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.

10. 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 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 as shown on plan 2018/14/2F.

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

11. Notwithstanding the provisions of Article 3 and part 1 of the Second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A (Extensions and other alterations), B (Additions to the roof), C (Alterations to the roof), and E (Curtilage buildings) of Part 1 of Schedule 2 of that Order, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

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

12. Before a dwelling unit is occupied waste containers shall be provided for each plot.

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

13. 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 BS10175:2001) 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 adjacent water courses.

- 14.** Prior to the commencement of development on site a Construction Method Statement shall be submitted to the Local Planning Authority for written approval which shall include the following;
- (a) The parking of vehicles of site-operatives and visitors;
- (b) Working hours;
- (c) Loading and unloading of plant and materials;
- (d) Position of staff welfare facilities;
- (e) Storage of plant and materials used in constructing the development;
- (f) Wheel-washing facilities;
- (g) Measures to control the emission of dust and dirt during construction;

The development shall proceed strictly in accordance with that method statement.

Reason: In the interest of the amenity of the area and highway safety during construction work.

15. Prior to the occupation of any dwelling hereby approved, plans and particulars shall have been submitted to and approved in writing by the Local Planning Authority overseeing the height and positions of all boundary treatments on the west boundary and the development shall thereafter proceed in strict accordance with the agreed details.

Reason: To prevent glare from car headlights and overlooking in the interest of residential amenity.

16. The windows and glazed door in the west elevations of Plots 1 and 4 shall be fitted with obscured glazing with a level of obscurity of Level 3 or above, unless otherwise agreed in writing by the Local Planning Authority, which shall thereafter be retained in perpetuity. Any replacement glazing shall be of an equal degree of obscurity. The windows shall also be hung in such a way so as to prevent the effects of obscure glazing being negated by way of opening.

Reason: In order to protect the privacy of the occupiers of adjacent property and prevent overlooking.

REASON FOR DECISION

Section 38 of the Planning and Compulsory purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in terms of principle, design, residential amenity, highways, drainage and environmental 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.

- (h) **20/0064/FUL Full: Major: Erection of 26 holiday lodges with associated reception building, facilities building, parking, landscaping and new vehicular access from High Lane (re-submission) on land to the west of the former Whitemoor Pumping Station, High Lane, Salterforth for Dalfour Ltd.**

This application was referred from the West Craven Committee to this Committee for determination.

The Planning, Economic Development and Regulatory Services Manager circulated an update prior to the meeting.

RESOLVED

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

1. The site is in a location with low accessibility that would not be readily accessible by public transport and sustainable modes of transport and the proposed development would result in a significant increase in car usage contrary to Policies ENV4 and WRK5 of the Pendle Local Plan Part 1: Core Strategy and paragraph 83 of the National Planning Policy Framework.

**4. PERFORMANCE INDICATORS UPDATE
1st APRIL, 2019 TO 31st MARCH, 2020**

The Chief Executive submitted a report which provided performance information on the key performance indicators delivered by and on behalf of the Council.

It was noted that performance was broadly in line with targets set and previous performance. However, where this was not the case the reasons for this were provided via a brief synopsis in the report.

RESOLVED

- (1) That the report be noted.
- (2) That on behalf of the Committee the Chairman expressed his thanks to all staff who had worked hard to achieve the results.

REASON

To inform the Committee of performance monitoring information relating to the Council's key performance indicators.

5. STRATEGIC PLAN 2020-2023

The Chief Executive submitted the Council's updated Strategic Plan 2020-23 for consideration.

The Plan retained the Council's Vision and detailed the supporting Values. It also illustrated the Strategic Objectives and Headline Actions along with the Key Priorities that would help to deliver the key projects identified.

The Plan had also been influenced by the Coronavirus emergency and an additional objection had been added to address this. The Council's response to recovery from the pandemic was also set out in the Business Recovery Plan which was attached to the report.

RECOMMENDATION

That the Council be recommended to approve the Council's Strategic Plan for 2020-2023.

REASON

To ensure that the Council retains focus on its priorities and delivers good quality, accessible services.

**6. FINANCIAL STRATEGY
UPDATE OF THE MEDIUM TERM FINANCIAL PLAN 2020-2024**

The Chief Executive submitted a report which provide the Committee with an update on the Council's Financial Strategy and Medium Term Financial Plan for 2021-2024 and set out a draft Budget Strategy for the period.

RESOLVED

- (1) That the outlook for Government funding for the period 2021/22 to 2023/24, as explained in the report and in particular the delay to local government funding reforms be noted.
- (2) That the estimated outturn position for 2019/20 be noted and that a further report on this matter be considered by the Committee in July, 2020.
- (3) That the creation of a Covid-19 Support Reserve to provide resource cover for the estimated net financial impact of Covid-19 on the Council be noted and the potential impact of this on the Council's medium term financial position should the Council receive no further financial support from the Government.
- (4) That the Council continues to lobby the Government to fully reimburse the Council for the net financial impact of Covid-19.
- (5) That the proposed Financial Strategy for 2021/24 (and the supporting Medium Term Financial Plan 2021/24 as shown in Appendix C attached to the report) as set out in the report be noted and in doing so the strategy for the use of balances and reserves over the same period.
- (6) That the cross-party Budget Working Group be retained and it be requested to:
 - (i) commence the detailed work required on the main areas proposed for review in the current year as outlined in paragraph 57 of the report;
 - (ii) develops charging and savings proposals to reduce the Council's net expenditure by £1.0m for consideration as part of the budget for 2021/22;
 - (iii) identifies further charging and savings options to deal with the balance of the budget deficit between 2022/24;
 - (iv) consider what, if any, consultation on the Council's budget should be undertaken to inform the development of the budget for 2021/22
- (7) That a separate report on the Medium Term Capital Programme be presented to the next meeting of this Committee in July, 2020.

REASON

To continue with the implementation of the Council's Financial Strategy and to deal with the Council's forecast medium term budget deficit.

7. TENDERS AND OTHER CONTRACT RELATED MATTERS

The Corporate Director submitted a report which provided information on tenders received and accepted along with any exemptions from the requirements of the Contract Procedure Rules.

This included the renewal of various insurance covers and retaining the services of Mersey Internal Audit Agency to provide Internal Audit service for the remainder of the 2020/21 financial year. The proposal was that from April 2021 the Internal Audit service would be outsourced.

RESOLVED

- (1) That the tenders received and accepted be noted.
- (2) That the renewal of various insurance covers be noted.
- (3) That the exemption granted from Contract Procedure Rules, for the provision of internal audit be noted.

REASON

To agree acceptance of tenders/offers in accordance with Contract Procedure Rules.

Chairman _____