

**MINUTES OF A MEETING OF THE
SPECIAL BUDGET POLICY AND RESOURCES COMMITTEE
HELD ON 11th FEBRUARY, 2021
VIA TEAMS**

Councillor M. Iqbal (Chairman – in the Chair)

Councillors

<i>N. Ahmed</i>	<i>T. Cooney</i>
<i>M. Ammer (Substitute)</i>	<i>M. Goulthorp</i>
<i>N. Ashraf (Substitute)</i>	<i>Y. Iqbal</i>
<i>M. Aslam (Substitute)</i>	<i>B. Newman</i>
<i>D. Clegg</i>	<i>J. Nixon</i>
<i>S. Cockburn-Price</i>	<i>D. Whipp</i>

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

Also in attendance:

Councillor K. Turner

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>Roger Lee</i>	<i>20/0707/FUL Full: Erection of 3 dwelling houses on</i>	<i>Minute No. 108(a)</i>
<i>Andrew Morgan</i>	<i>land south west of White Holme, Ribblesdale</i>	
<i>Philip Holden</i>	<i>Place, Barrowford</i>	
<i>Brian Nelson</i>		
<i>Zulfikar Khan</i>	<i>20/0613/FUL Full: Change of use from Use Class</i>	<i>Minute No. 108(a)</i>
	<i>E (commercial, business and service) to a mixed</i>	
	<i>use of shop and cash and carry (Use Class E and</i>	
	<i>B8 (storage and distribution) at Springbank</i>	
	<i>Buildings, 226-248 Every Street, Nelson</i>	
<i>Barbara Moore</i>	<i>Nelson Cemetery Lodge, Walton Lane, Nelson</i>	<i>Minute No. 112</i>
<i>Mark Crossley</i>		



105. DECLARATION OF INTERESTS

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

106. PUBLIC QUESTION TIME

There were no questions from members of the public.

107. MINUTES

RESOLVED

That the minutes of the meeting held on 21st January, 2021 be agreed as a correct record and signed by the Chairman.

108. PLANNING APPLICATIONS

(a) 20/0707/FUL Full: Erection of three dwelling houses on land south west of White Holme, Ribblesdale Place, Barrowford for Pinnacle View Homes

The Planning, Economic Development and Regulatory Services Manager circulated an update prior to the meeting. Additional plans had been submitted along with additional information and confirmation that the trees next to Plot 10 and 2 Ribblesdale Place will be retained. Additional comments from the legal representatives of the applicant had been received and United Utilities had withdrawn their objections.

At a meeting of Barrowford and Western Parishes Committee on 28th January, 2021 the decision to refuse planning permission was referred as a recommendation to this Committee as this decision would represent a significant risk of costs on 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 accordance with the following approved plans:

- Site Location Plan, prepared by Planet Architecture, Ref: A1/09/2020/1/001
- Plot 7 Proposed Floor and Elevation Plans, prepared by Planet Architecture, Ref: A1/09/2020/1/003
- Plot 9 Proposed Floor and Elevation Plans, prepared by Planet Architecture, Ref: A1/09/2020/1/004
- Plot 10 Proposed Floor and Elevation Plans, prepared by Planet Architecture, Ref: A1/09/2020/1/005
- Proposed Site Plan, prepared by Planet Architecture, Ref: A1/09/2020/1/002
- Arboricultural Impact Assessment, prepared by tree plan, dated September 2020
- Tree Protection Plan, prepared by tree plan, dated September 2020
- Tree Planting Plan, prepared by tree plan, dated September 2020

- Proposed Drainage Plan, prepared by Holdgate Consulting Ltd, Ref: 20-109 D01 Rev E

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

3. All materials to be used for the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. Notwithstanding any indication on the approved plans, the side elevation windows (serving bathrooms and a hallway) at plot 10 of the development hereby permitted shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to adjacent residential properties.

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 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E, F, G and H of Part 1 and Classes A, B and C of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

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

6. No dwelling shall be occupied unless and until the surface water drainage scheme which has been agreed with United Utilities and the Local Planning Authority has been fully installed and completed in accordance with the approved details. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme and shall be maintained hereafter.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution

7. Prior to the first occupation of any dwelling a detailed landscaping scheme shall be 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;
- d. all proposed hard landscape elements 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 in 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.

8. All works involving excavation of soil, including foundations and the laying of services, within 4 metres 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 safeguard existing trees to be retained.

9. No further ground clearance, demolition or construction work shall take place until protective fencing to BS 5837 at least 1.25m high, securely mounted on timber posts, and has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land. No development shall take place until the written approval of the local planning authority has been issued confirming that the protective fencing is erected in accordance with his condition. The fencing shall be located at least 1.0m beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Exposed roots with a diameter of more than 25mm shall be left uncut. There shall be no construction work, development or development-related activity including the deposit of soil or the storage of materials within the fenced areas. The protective fencing shall be retained during the construction period.

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

10. All windows shall be set back from the external face of the wall. The depth of reveal shall be a minimum of 70mm.

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

11. No dwelling shall be occupied unless and until two external car parking spaces have been provided to serve that dwelling. Those spaces shall thereafter be permanently retained for the parking of cars.

Reason: In order to ensure that the development is served by an adequate level of car parking.

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 proposed development is acceptable in terms of design, amenity

and highway safety. The development is therefore compliant 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) 20/0613/FUL Full: Change of use from Use Class E (commercial, business and service) to a mixed use of shop and cash and carry (Use Class E and B8 (storage and distribution)) at Springbank Buildings, 226-248 Every Street, Nelson for Mr. A. Khan**

At a meeting of Nelson Committee on 1st February, 2021 the decision to refuse planning permission was referred as a recommendation to this Committee as this decision would represent a significant risk of costs on appeal.

RESOLVED

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

1. The proposed use would result in significant increase in car parking in surrounding streets and access by goods vehicles, the site has insufficient provision to accommodate adequate parking and manoeuvring and this would result in an unacceptable highway safety impact contrary to Policy ENV4 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 108-110 of the National Planning Policy Framework.
2. The proposed use would result in significant increase in activity around the building, including more visiting customers and manoeuvring of goods vehicles, this would unacceptably impact upon the amenity of residents of dwellings in the immediate vicinity contrary to Policy ENV5 of the Pendle Local Plan Part 1: Core Strategy.

109. CAPITAL PROGRAMME 2021/22

Management Team submitted a report on the proposed Capital Programme for 2021/22. The report also provided an overview of the Medium Term Capital Programme for the period 2021/24.

Various prudential indicators were also provided in accordance with the Prudential Code for Capital Investment in Local Authorities.

RECOMMENDATION

That Council be recommended to:

- (1) note the forecast outturn position on the Council's Capital Programme for 2020/21, as shown in Appendix A and detailed in the report.
- (2) consider the draft Capital Strategy 2021/24 as presented in Appendix B.
- (3) consider the proposed Capital Programme for 2021/24 as shown in Appendix C.
- (4) grant delegated authority to the Chief Executive, as the Council's Chief Financial Officer, to determine the most appropriate method of financing the Capital Programme for 2021/22 to ensure the use of resources was optimised by the Council.

- (5) note the indicative programmes for 2022/23 and 2023/24 as shown in Appendix Ca and acknowledge that these will be subject to further review as part of the development of future year's capital programmes.

REASON

To seek approval to the revised Capital Programme for 2020/21 and the Capital Programme for 2021/22,

110. GENERAL FUND REVENUE BUDGET 2021/22

Management Team submitted a report informing the Committee of the Local Government Finance Settlement for 2021/22 and the implications for the Council. The Committee were asked to consider the proposed General Fund Revenue budget and other related matters for 2021/22 and make a recommendation to Council on 25th February, 2021 on the level of Council Tax to be set for the 2021/22 financial year. The report also provided details of the Council's Medium Term Financial Plan for the period 2021/22 to 2023/24 to highlight the significant budget deficit and the need to take further action to reduce expenditure to a sustainable level.

RECOMMENDATION

That Council be recommended to:

- (1) have regard to Appendix A attached to the report in respect of the robustness of Council's budget estimates and adequacy of reserves when consideration recommendations (4) to (9) below.
- (2) note the proposal to maintain the General Fund Minimum Working Balance at £1.0m.
- (3) note the projected outturn position in the current financial year.
- (4) take into consideration the residual saving proposals for 2021/22 agree to provide a grant to Pendle Leisure Trust of £1,445.140 in 2021/22 (noting the proposal to hold an additional contingent sum of £400k in the event it was necessary to further support the Trust due to the impact of Covid-19.
- (5) consider the General Fund Revenue Budget Requirement for 2021/22 having regard to the recommended budget as set out in the report and in Appendix G.
- (6) consider introducing a Band D Council Tax of £276.01 for 2021/22, being an increase of £5.39 (1.99%) on the current level of Council Tax.
- (7) require each Service to operate within its budget for 2021/22 once approved and that these budgets be cash limited and subject to regular monitoring and control.
- (8) acknowledge the uncertainty attached to the current assumptions and financial modelling to 2023/24 in view of the forthcoming Comprehensive Spending Review, the Fair Funding Review and changes to the Business Rates Retention system.

- (9) request that a further report be brought back to a future meeting of the Policy and Resources Committee updating the Financial Strategy and Medium Term Financial Plan for 2022/23 to 2024/25.

REASON

To comply with statutory requirements to determine a balanced budget and council tax for the forthcoming financial year.

111. STRATEGIC MONITORING REPORT TO 31st DECEMBER, 2020

The Chief Executive submitted a report on performance monitoring information on the Council's service and financial plans for the third quarter of 2020/21.

The report set out the impact of Covid-19 on delivery of Council services but also the response from staff in responding to these demands. Overall performance had been maintained, with minimal exceptions.

RESOLVED

- (1) That the Committee expresses its sincere appreciation to all staff acknowledging the response from everyone to the impacts and demands the Covid-19 pandemic has had, not only on the delivery of the day-to-day job, but also the additional roles and responsibilities that have resulted from this pandemic.
- (2) That progress made on actions identified in the Strategic Plan (attached to the report at Appendix A – Strategic Monitoring Statement) be noted.

REASON

To inform Committee of performance monitoring information relating to the Council's services and financial plans.

112. NELSON CEMETERY LODGE, WALTON LANE, NELSON

The Corporate Director submitted a report on the future of Nelson Cemetery Lodge and other listed elements of the Cemetery. The Committee had previously resolved that demolition of the Lodge not be pursued. It was also resolved that consideration be given to achieving the maintenance of all the listed building elements of Nelson Cemetery to as high a standard as possible.

The two listed building elements were the cemetery chapel and the gateway and railings. The lodge itself was not listed but the whole of the cemetery was considered to be the curtilage of the chapel and therefore had listed building protection.

The Committee were presented with four options:

Option 1

That the Council refurbish the property and then re-let it.

Option 2

That the property be declared surplus to requirements and it be sold on the open market in its current condition by informal tender under a development agreement.

Option 3

That the property and an additional area of land, shown hatched on the plan attached to the report, be declared surplus to requirements and it be sold on the open market by informal tender under a development agreement. Also, that an application be made for planning permission for the additional land to be used as a vehicle access, parking and garden area.

Option 4

That the property be demolished to make way for additional burial plots.

It was noted that there was currently no additional budgetary provision for maintenance of the listed building elements of the cemetery beyond normal maintenance and repairs budgets. A grant application to the Heritage Fund was being prepared and other potential sources of funding were being explored to draw down on additional funding.

RESOLVED

- (1) That Nelson Cemetery Lodge and the additional area of land, shown hatched on the plan attached to the report, be declared surplus to requirements and be sold on the open market, as set out in Option 3 above and in the report.
- (2) That authority be given to make a planning application for the additional area of land to be used as a vehicle access, parking and garden.
- (3) That the making of a grant application to the Heritage Fund and seeking other additional funding to improve the condition of the listed features be noted and supported.

REASON

To preserve the listed building elements of the cemetery and to receive a capital receipt and end all liabilities for the Council.

113. COMMUNITY CHAMPIONS: LOCAL AUTHORITY FUND

The Chief Executive, submitted for information, a report advising of a successful bid to the Ministry of Housing, Communities and Local Government for funding of £90,458 from the Community Champions: Local Authority Fund. Details of how the funding would be spend was set out in the report.

RESOLVED

That the report be noted.

REASON

To raise awareness of the fund and subsequent commencement of activities.

**114. ACQUISITION OF FORMER PUBLIC CONVENIENCES,
MARKET STREET, NELSON**

The Chief Executive submitted a report on the proposed acquisition of the former public conveniences on Market Street, Nelson. This was following a request from Nelson Committee on 4th January, 2021 to repurchase and refurbish the premises using the Nelson Town Deal funding and that the management and maintenance be transferred to Nelson Town Council.

The report advised that the Council had agreed to acquire the adjacent building, Trafalgar House, which may require to be demolished due to its poor condition. If this was the case a new external wall to the exposed elevations of the toilet block would need to be built at an estimated cost of £20,000.

The current owner of the toilet block had agreed terms for the Council to reacquire the premises at an agreed price of £30,500 plus payment of the vendor's reasonable legal fees.

RESOLVED

That the Council's acquisition of the former public conveniences on Market Street, Nelson be approved by way of private treaty.

REASON

To secure ownership and control of this long term vandalised and empty property.

115. ACQUISITION OF 39/41 SCOTLAND ROAD, NELSON

The Chief Executive submitted a report on the proposed acquisition of 39/41 Scotland Road, Nelson. The County Council had acquired the property in 2001 but in 2012 had relocated all of its services to the Bradley Hub. The Council took over the lease in 2013 to operate an employment and youth apprenticeship service in partnership with Nelson and Colne College and in recent years providing other employment support and training.

The County Council had declared the property surplus to requirements as part of its disposal programme and the original lease was replaced with a Tenancy at Will which did not provide security of tenure and could result in the Council and College having to vacate the property.

If Committee agreed the County Council had agreed a price of £175,000 to purchase the property. This would provide security to the Council in terms of continued occupation and provision of services to the community.

RESOLVED

That the Council's acquisition of the 39/41 Scotland Road, Nelson be approved by way of private treaty.

REASONS

- (1) *To secure ownership for the Council to enable it to continue occupation and expand its existing operation of a youth and adult employment support hub from the premises.*

- (2) ***To provide an opportunity to make use of additional space within the building for operational and storage use.***

116. TENDERS

The Corporate Director submitted, for information, a report on tenders which had been received and accepted and an exemption from the requirements of the Contract Procedure Rules in relation to Community Champions: Local Authority Fund.

117. MATTERS REFERRED FROM AREA COMMITTEES

(a) GDPR Legislation

At a meeting of West Craven Committee on 2nd February, 2021 it was resolved “that the issue of exempt items and GDPR legislation be discussed at the next Policy and Resources Committee with a view to making appropriate representations to Government, seeking a change in legislation.”

There had been a discussion at the West Craven Committee about whether private and confidential reports being discussed at area committees as exempt items always needed to be. It was felt that some matters could be discussed in the public arena without infringing an individual’s right to privacy.

RESOLVED

That representations be made to the Government and the Local Government Association requesting a change to the GDPR legislation to allow discussion of issues of public concern, such as planning enforcement cases, in an open forum.

REASON

In the interests of transparency.

118. NELSON TOWN INVESTMENT PLAN

The Housing, Health and Engineering Services Manager submitted a report on the Nelson Town Investment Plan which was to be submitted to the Ministry of Housing, Communities and Local Government for assessment.

The Plan set out its objectives over the next 15 years (2020-2035) and was underpinned by three cross-cutting themes:

- Collaboration and Engagement
- Clean Growth
- Economic Recovery

The Plan also identified 8 key projects for which Towns Funding was sought and these were listed in the report.

RESOLVED

- (1) That the Nelson Town Investment Plan be approved and submitted to the Ministry of Housing, Communities and Local Government.
- (2) That if successful, the Chief Executive be authorised, in consultation with the Leader of the Council and the Chairman of the Nelson Town Deal Board, to negotiate the Heads of Terms for a Town Deal, which would then be brought back to this Committee for agreement.

REASON

- (1) ***To enable the Town Investment Plan to be submitted to the Ministry of Housing, Communities and Local Government by the deadline of 12th February, 2021.***
- (2) ***To enable the Terms to be negotiated in a timely manner and brought back to this Committee for approval.***

Chairman _____