

**MINUTES OF A MEETING OF THE
POLICY AND RESOURCES COMMITTEE
HELD ON 15th JULY, 2021
AT NELSON TOWN HALL**

Councillor N. Ahmed (Chairman – in the Chair)

Councillors

*F. Ahmad (Substitute)
Z. Ali
M. Aslam (Substitute)
D. Cockburn-Price*

*S. Cockburn-Price
K. Howarth
M. Iqbal
D. Whipp*

(Apologies for absence were received from Councillors M. Goulthorp and M. Hanif.)

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>Joanne Eccles</i>	<i>Committee Administrator</i>



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

<i>Reehaina Saddique Ria Abraham Emily McCausland</i>	<i>20/0732/FUL Full: Change of use from public toilets (sui generis) to non-residential institution (Use Class D1) and erection of first floor extension above at public conveniences at 21 Colne Road, Brierfield</i>	<i>Minute No. 34(a)</i>
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31. DECLARATION OF INTERESTS

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

32. PUBLIC QUESTION TIME

There were no questions from members of the public.

33. MINUTES

RESOLVED

That the minutes of the meeting held on 24th June, 2021 be agreed as a correct record and signed by the Chairman, subject to the resolution for Min 30(c) being amended to “That the rental income paid by United Utilities to use the access track off Greenberfield Lane be transferred to Barnoldswick Town Council to pay for essential repairs to the track”.

34. PLANNING APPLICATIONS

- (a) 20/0732/FUL Full: Change of use from public toilets (sui generis) to non-residential institution (Use Class D1) and erection of first floor extension above at public conveniences, 21 Colne Road, Brierfield for Community Access Solutions UK**

At a meeting of this Committee on 27th May, 2021 it was resolved “that consideration of this application be deferred to allow for further discussions with the applicant/architect.”

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:

Location Plan – received on 09/03/2021

Proposed Block Plan – received on 09/03/2021

Proposed Front & Rear Elevation Plans – received on 01/07/2021

Proposed Side Elevation Plans – received on 22/06/2021

Proposed Floor Plans – received on 01/07/2021

Street Scene Plan – received on 30/03/2021

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development, samples of the external materials to be used in the construction of the walls, roof, window framing system (including cross sections), type and finish, detailing to eaves and verges, window reveals and surrounds, rainwater goods, stonework and render finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

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

4. Prior to the commencement of development details of how the construction on site will take place shall be submitted to and approved in writing by the Local Planning Authority. The details shall include measures of protecting the cobbles in front of the site. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: In order to ensure the site is developed in an orderly manner and to protect historic features.

REASON

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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) 21/0012/FUL Full: Major: Erection of 15 dwelling houses and new access on land at the junction with Greenberfield Lane, Gisburn Road, Barnoldswick for Opolwood Developments

At a meeting of this Committee on 24th June, 2021 it was resolved “that this application be deferred in order to ask the developer to look at providing a footpath along Gisburn Road”. The developer’s response was summarised in the officer’s report.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2479-1-002, 2479-1-003, 2479-1-004, 2479-1-001, 2479-2-011, 2479-2-009, 2479-2-007, 2479-2-006, 2479-2-005, 2479-2-002, 2479-2-013, 2479-2-012, 2479-2-010, 2479-2-001, 2479-2-008 and 2479-2-003.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of the external materials and finished to be used in the construction of the dwellings 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. Development shall be carried out in accordance with the approved details.

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

4. The window openings shall be set back from the external face of the wall to a depth of at least 70mm.

Reason: To ensure a satisfactory appearance to the development.

5. Prior to any above ground works, a detailed landscaping scheme must 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;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- 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 appropriate landscape design and in the interests of the visual amenities of the area.

6. No ground clearance, changes of level or development or development related work shall commence until protective fencing in full accordance with BS 5837:2012 'Trees in relation to design, demolition and construction. Recommendations' has been erected around each tree/tree group or hedge to be retained on the site or on immediately adjoining land. 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 neither be raised nor lowered. Roots with a diameter of more than 25 millimetres shall not be severed. There shall be no construction work, development or development-related activity of any description, including service runs, the deposit of spoil or the storage of materials, within the fenced areas. The protective fencing shall thereafter be retained and 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 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 in writing by the Local Planning Authority prior to the commencement of works.

Reason: To ensure that trees to be retain within and adjacent to the site are protected during the course of the development works.

7. No development shall commence until a final, detailed surface water sustainable drainage scheme for the site has been submitted to, and approved in writing by, the local planning authority.

The detailed sustainable drainage scheme shall be based upon the site-specific flood risk assessment submitted and the sustainable drainage principles set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for

Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), either directly or indirectly. The detailed sustainable drainage scheme shall include, as a minimum:

- a) Final sustainable drainage plans, appropriately labelled to include:
 - i. A final surface water drainage layout plan showing all pipe and structure references, dimensions and design levels;
 - ii. A plan identifying the areas contributing to the surface water drainage network, including surface water flows from outside the curtilage as necessary;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD, with adjacent ground levels for all sides of each building; and
 - vi. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components;
- b) A full set of sustainable drainage 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 additional 40% allowance for climate change and an additional 10% allowance for urban creep. Surface water run-off must not exceed a maximum rate of 5l/s.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings.

Reason: To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed.

8. No development shall commence unless and 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. These details shall be implemented thereafter.

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.

9. No building hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain

information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems.

10. 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:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from clearance and construction works
- viii) Details of working hours
- ix) Timing of deliveries
- x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

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 phase(s).

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

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

- 12.** No dwelling hereby permitted shall be occupied unless and until a scheme for all highway works to facilitate access to the site from Greenberfield Lane, including visibility splays of 2.4m x 25m in both directions and the creation of new pedestrian footways to Greenberfield Lane and pedestrian crossing point on Gisburn Road, has been submitted to and approved in writing by the Local Planning Authority. The new access, visibility splays, footways and associated works shall be constructed in accordance with the approved details before any dwelling hereby approved is first occupied. Thereafter land within the visibility splays shall be permanently maintained free from obstructions within the splays in excess of 1 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure that the access can be achieved to a suitable standard to enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.

- 13.** No dwelling hereby approved shall be occupied unless and until details of a maintenance plan for the future management and maintenance of the public open space as shown on approved drawing No. 2479-2-001 have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the timescales and work required to be carried out on the site. The open space shall then be provided in its entirety prior to the occupation of any dwelling hereby approved and maintained in accordance with the agreed plan thereafter.

Reason: To ensure that the site is maintained in an appropriate manner.

- 14.** Prior to first occupation each dwelling shall have a secure cycle storage facility.

Reason: For the promotion of sustainable forms of transport.

- 15.** Prior to first occupation each dwelling shall have an electric vehicle charging point.

Reason: To encourage sustainable travel.

- 16.** Prior to first occupation of the development details of the proposed arrangements for future management and maintenance of the proposed roads and footways within the development shall be 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 a private management and maintenance company has been established.

Reason: To ensure that the internal roads and footways serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety.

17. Prior to first occupation of any approved dwelling the parking area associated with that dwelling, as shown on the approved plans, shall be constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

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

18. The recommendations detailed in the Preliminary Ecological Appraisal undertaken by Pennine Ecological dated December 2020, shall be carried out prior to any above ground works at the site. Any further necessary mitigation measures identified should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any further development. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To protect natural species and their habitats.

19. No development, other than a pavement or crossing point, whatsoever shall take place anywhere on the area shaded grey on layout plan 249.2.001 Rev A.

Reason: In order to ensure the development can provide an acceptable pedestrian route towards the town centre.

INFORMATIVE

For the avoidance of any doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found at www.lancashire.gov.uk/flooding.

REASON

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development accords with the Local Plan and National Planning Policy Framework. 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.

35. PROVISIONAL REVENUE OUTTURN 2020/21

The Chief Executive submitted a report which provided information on the provisional outturn position on the Council's General Fund Revenue Budget for 2020/21.

RESOLVED

- (1) That the outturn on the Council's Revenue Budgets for 2020/21 be noted.

- (2) That the proposals for budget slippage over £15,000 from 2020/21 to 2021/22 (as shown in Appendix B attached to the report) be approved.
- (3) That a 2021/22 budget of £125,000 be allocated for small grants consisting £50,000 for High Street bids and Gearing Up For Growth grants; £25,000 for youth group bids; and £50,000 for bids from grassroots sports clubs.

REASON

- (1) ***To inform the Committee of the Council's outturn position on revenue budgets for 2020/21.***
- (2) ***To encourage investment in local businesses and provide support to young people and sport clubs.***

36. CAPITAL PROGRAMME – PROVISIONAL OUTTURN 2020/21

The Chief Executive submitted a report which provided information on the provisional outturn position on the Council's Capital Programme for 2020/21.

RESOLVED

- (1) That the provisional outturn position on the Council's Capital Programme for 2020/21 be noted.
- (2) That the proposals for slippage in the programme from 2020/21 to 2021/22 be approved.

REASON

To inform the Committee of the provisional outturn position for the Council's Capital Programme in 2020/21.

37. TREASURY MANAGEMENT OUTTURN 2020/21

The Chief Executive submitted a report on the performance of the Council's Treasury management function for the 2020/21 financial year.

RESOLVED

That the outturn position on the Council's Treasury Management activities for 2020/21 be noted.

REASON

To receive details of the Council's treasury management activities for the financial year 2020/21 in compliance with the Council's Treasury Management Policy.

38. DRAFT ANNUAL GOVERNANCE STATEMENT

The Chief Executive submitted a report on the Council's draft Annual Governance Statement (AGS) for 2020/21. In compliance with the CIPFA/SOLACE 'Delivering Good Governance' Framework 2016 the Council was required to undertake a review of its governance framework and arrangements and publish an AGS as part of its Statement of Accounts. The Committee was given

the opportunity to comment on the AGS prior to it being signed by the (Interim) Chief Executive and Council Leader and submitted for approval to the Accounts and Audit Committee (together with the Statement of Accounts for 2020/21).

RESOLVED

That the draft Annual Governance Statement for 2020/21 be noted and submitted to the Accounts and Audit Committee for approval.

REASON

To seek agreement of the Council's Annual Governance Framework.

39. STRATEGIC PLAN 2020/23 – ANNUAL REFRESH 2021/22

The Chief Executive submitted the Council's Strategic Plan 2020/2023 – Annual Refresh 2021/2022 for consideration. The Strategic Monitoring Report would continue to provide updates on performance on the Council's service and financial plans on a quarterly basis. It was suggested that the Draft Strategic Plan on a Page be amended, to make it easier to read and more eye-catching.

RECOMMENDATION

That Council be recommended to approve the Strategic Plan 2020/23 – Annual Refresh 2021/2022.

REASON

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

40. ECONOMIC RECOVERY AND DEVELOPMENT STRATEGY

The Planning, Economic Development and Regulatory Services Manager submitted a report on the revised Economic Development Strategy which incorporated measures to help Pendle recover from the severe impacts of the COVID pandemic. The Strategy had been developed involving a wide range of stakeholders.

RESOLVED

- (1) That the content of the Economic Recovery and Growth Strategy be endorsed and adopted as set out.
- (2) That a further report be brought back to this Committee regarding the staffing levels that would be needed to deliver the programme.

REASON

- (1) *In order that the Council has a positive strategy to both aid the economic recovery of the Borough from COVID and to improve the economic performance of the Borough in the long term.*

(2) To ensure that the Strategy can be fully delivered with adequate staff resources.

41. CLIMATE EMERGENCY DECLARATION UPDATE

The Chief Executive submitted a report which outlined the Council's progress to date on the Climate Emergency Declaration and associated action plan.

To support implementation of the Climate Emergency Declaration, a budget of £100,000 had been approved for 2020/21 consisting of £50,000 to support capital improvement works and £50,000 for a Small Grants Scheme to support grassroots interventions in community and school settings. Unfortunately, there had been limited progress in 2020/21 and this funding had been carried forward to 2021/22. The Committee were asked to review the programme to enable effective delivery of the Climate Emergency Declaration in Pendle.

RESOLVED

- (1) That progress of the Climate Emergency Action Plan be noted.
- (2) That a meeting of the Climate Emergency Working Group be arranged as soon as possible (start time after 4.30p.m.).
- (3) That £50,000 of the Climate Emergency budget programme be used to support capital improvement works; £25,000 be used to fund a part-time Climate Emergency Delivery Officer, initially for 12 months, to lead on Climate Emergency Declaration planning and implementation; and the remaining £25,000 be allocated as a Small Grants Scheme to support grass roots interventions.

REASON

To demonstrate commitment to delivering the PBC Climate Emergency Declaration and to make progress as soon as possible.

42. LAND AT OAKLAND STREET, NELSON

The Chief Executive submitted a report which provided background information regarding a site which St. Philip's had been looking at and working on a building project.

The site formed part of the area leased to Pendle Leisure Trust under a 28 year lease from 1st October, 2000. The Council had been contacted by the chair of Governors seeking support for a transfer of the site to Blackburn Diocese for the St. Philip's C. E. Primary School building project. The site was also included in the Nelson Town Deal Plan for an extension to Wavelengths.

RESOLVED

That further discussions take place with St. Philip's C. E. Primary School about their proposed building project and a further report be brought back in due course.

REASON

To inform discussions on the future best use of the site.

43.

TENDERS

The Corporate Director submitted a report on tenders received and accepted and details of an exemption granted from Contract Procedure Rules.

It was noted that Contract Procedure Rules had been granted to allow the commissioning of Simplyclassic to provide the 'food' element of the Lancashire Holiday Activities Food Programme for 2021 over the summer holidays for the four providers who were delivering activities only.

It was noted that a further contract had been awarded to O'Callaghan Limited, who had previously been appointed to carry out works to the Town Square, Barnoldswick, which were not yet complete.

RESOLVED

- (1) That the tenders which had been received and accepted be noted.
- (2) That the exemption granted from Contract Procedure Rules for the Lancashire Holiday Activities and Food Programme 2021 be noted.
- (3) That the contract for the Lomeshaye Industrial Estate Extension Phase 3 Construction of Road Access be awarded to O'Callaghan Limited, subject to the necessary due diligence process being carried out.

REASON

- (1) ***To agree acceptance of tenders/offers in accordance with Contract Procedure Rules.***
- (2) ***To ensure that schemes are completed within an acceptable timeframe.***

Chairman _____