

**MINUTES OF A MEETING OF
WEST CRAVEN COMMITTEE
HELD AT THE RAINHALL CENTRE, BARNOLDSWICK
ON 3RD AUGUST 2021**

PRESENT –

R. E. Carroll – (Chairman, in the Chair)

Councillors

*M. Adams
M. Goulthorp
J. Purcell
D. M. Whipp
T. Whipp*

Co-optees

*C. Carter, Earby Town Council
J. Hoyle, Barnoldswick Town Council
K. Singleton, Salterforth Parish Council*

Police

PCSO K. Dolphin

Officers Present

D. Walker

Environmental Services Manager (Area Co-ordinator)

N. Watson

Planning, Economic Development and Regulatory Services Manager

J. Eccles

Committee Administrator

(Apologies were received from P. Maskell.)



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

<i>Barbara Davison</i>	<i>21/0482/FUL – Full: Change of use of first floor from apartment into accommodation ancillary to ground floor dentist at 8 Park Avenue, Barnoldswick</i>	<i>Item 45(a)</i>
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<i>Neil Stephenson</i>	<i>21/0564/FUL – Full: Major: Erection of 67 no. dwellinghouses with associated works including car parking and landscaping at fields to the west of Foster Road, Barnoldswick</i>	<i>Item 45(b)</i>
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41. DECLARATIONS OF INTEREST

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

42. PUBLIC QUESTION TIME

There were no questions from members of the public.

43.

MINUTES

RESOLVED

That the Minutes of this Committee, at the meeting held on 6th July 2021, be approved as a correct record.

44.

POLICE AND COMMUNITY SAFETY ISSUES

PCSO K. Dolphin presented the crime figures for July 2021 compared to the same period in 2020 which had been circulated prior to the meeting and were broken down as follows –

	2020	2021
Burglary - Residential	2	4
Burglary - Commercial	0	0
Vehicle Crime	6	5
Hate Crime	2	1
Assaults	14	19
Theft	8	7
Criminal Damage	7	6
Other Crime	45	40
ALL CRIME	84	82
Anti-Social Behaviour (ASB)	42	66

There were concerns raised again about speeding vehicles on a number of roads including Skipton Road, Barnoldswick, Salterforth Road and Kelbrook Road between Salterforth and Kelbrook.

PCSO K. Dolphin set out a number of measures the Police had undertaken recently to help address road safety issues, including some speed enforcement work and roadside checks of vehicles.

RESOLVED

That PCSO K. Dolphin raise the issue of speeding cars on roads in West Craven with colleagues and the Lancashire Road Safety Partnership and reiterate the request for speed enforcement and the introduction of static speed cameras and average speed cameras where necessary.

45.

PLANNING APPLICATIONS

(a) Planning applications for determination

The Planning, Economic Development and Regulatory Services Manager submitted a report on the following planning applications for determination -

21/0218/REM Reserved Matters: Erection of 3 No. dwelling houses (Appearance, Landscaping, Layout and Scale) of Outline Permission 18/0004/OUT at Land to the west of Birtwistle Court, Kelbrook Road, Barnoldswick for Mr P. Downs

RESOLVED

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

1. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No. 18/0004/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.18/0004/OUT

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

2039-GTA-00-00-DR-A-1014, 2039-GTA-00-00-DR-A-1015B, 2039-GTA-00-00-DR-A-1016A, 2039-GTA-00-00-DR-A-1017A, 2039-GTA-00-00-DR-A-1018 and Materials Palette 2039/RPW.

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

3. The development shall have be carried out in accordance with the materials palette 2039/RPW submitted with this application. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure the external materials and finish of the development is appropriate for the setting and character of the area.

4. The windows in the first floor side elevations of the development hereby permitted shall at all times be glazed only with obscure glass of Level 4 or above. Any replacement glazing shall be of an equal degree of obscurity and the windows shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: In order to protect and preserve the privacy and amenity of the occupiers of the adjoining dwelling

5. Prior to first occupation of each dwelling an electric vehicle charging point shall be installed and available for use.

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

6. 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.

7. The landscaping scheme hereby approved on plan 2039-GTA-00-00-DR-A-1015B shall be implemented in its entirety within the first planting season following the substantial completion of the development or occupation of any dwellinghouse whichever occurs first. Any tree or other planting that is lost, felled, removed, uprooted, dead or dying, 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 an appropriate landscape design for the development in the interest of visual amenity for the area.

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.

21/0371/VAR Variation of Condition: Major: Vary Condition 2 (plan numbers) of Reserved Matters approval ref: 20/0550/REM to revise roof design of all house types, reposition Plot 4 and eliminate the shared access path between Plots 3 and 4 and Land to the west of Birtwistle Court, Kelbrook Road, Barnoldswick for Rural Splash, Kelbrook Limited

RESOLVED

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

1. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No. 17/0001/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.17/0001/OUT

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

2039-GTA-00-00-DR-A-1001 Rev G, 2039-GTA-00-00-DR-A-1002 Rev A, 2039-GTA-00-00-DR-A-1003 Rev A, 2039-GTA-00-00-DR-A-1005 Rev A, 2039-GTA-00-00-DR-A-1007 Rev A, 2039-GTA-00-00-DR-A-1009 Rev A, 2039-GTA-00-00-DR-A-1010 Rev A, 2039-GTA-00-00-DR-A-1011 Rev A and 2039-GTA-00-00-DR-A-1000 – Site Plan.

Landscaping plans 1012B and 20008-L1
Drainage Plans 20008-D101A and 20008-D103

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

3. Prior to the commencement of development samples of the external facing materials to be used in the construction of the development and the hard landscaping hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure the external materials and finish of the development is appropriate for the setting and character of the area.

4. The windows in the first floor side elevations of Plot 1 and 2 of the development hereby permitted shall at all times be glazed only with obscure glass of Level 4 or above. Any replacement glazing shall be of an equal degree of obscurity and the windows shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: In order to protect and preserve the privacy and amenity of the occupiers of the adjoining dwelling.

5. Within three months of the commencement of the development hereby approved, a scheme for the construction of the off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the approved scheme, prior to occupation of the first dwelling.

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

6. Within three months of the commencement of the development hereby approved, details of the proposed arrangements for the future management and maintenance of the internal road shall be submitted to and approved in writing by the Local Planning Authority. The road and infrastructure shall thereafter be maintained in accordance with the approved details until such time as a private management and maintenance company has been established.

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

7. Prior to first occupation of each dwelling, the parking area associated with that dwelling, shall be constructed, laid out and surfaced in bound porous material, in accordance with the approved plans. 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-road parking are achieved within the site to prevent parking on the highway.

8. Prior to first occupation of each dwelling an electric vehicle charging point

shall be installed and available for use.

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

9. 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.

Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere; and to ensure 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.

10. No building on any phase (or within an agreed implementation schedule) of the development 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 in writing 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, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

INFORMATIVE

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the footways on Kelbrook Road to an appropriate standard, including radius kerbs, and the provision of buff coloured tactile paved, dropped pedestrian crossings on both sides of the junction. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number

REASON

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. Subject to appropriate conditions the proposal would not unduly impact on amenity or raise undue highway concerns and 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.

21/0386/FUL Full: Erection of holiday cottage at Deerstone House Windlefield Farm, Birch Hall Lane, Earby for Mr C. Greenwood

RESOLVED

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

1. The proposed access is inadequate to serve the proposed holiday accommodation and would result in an unacceptable highway safety impact contrary to policies ENV4 and WRK5 of the Local Plan Part 1: Core Strategy and section 9 of the National Planning Policy Framework.

21/0399/PIP Permission in Principle: Erection of up to 9 No dwellings at Land off Cob Lane and Old Stone Trough Lane, Kelbrook for YLBD

An update circulated prior to the meeting reported an additional public response raising issues which Members were advised could be addressed at the Technical Details stage.

RESOLVED

That planning permission be **deferred** for a site visit.

21/0482/FUL Full: Change of use of first floor from apartment into accommodation ancillary to ground floor dentist at 8 Park Avenue, Barnoldswick for My

Dentist

RESOLVED

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

1. The use of the first floor of the property as ancillary business accommodation for the ground floor dental surgery would cause significant harm to the amenities of residents of 6 Park Avenue, contrary to the National Planning Policy Framework and Policy ENV2 of the Local Plan: Core Strategy.

(b) Planning applications for comment

21/0564/FUL Full: Major: Erection of 67 no. dwellinghouses with associated works including car parking and landscaping at fields to the west of Foster Road, Barnoldswick

An update circulated prior to the meeting reported additional consultee comments from United Utilities, Yorkshire Water, Lancashire Fire and Rescue Service and LCC Schools Planning and some additional public responses objecting to the application.

RECOMMENDATION

That Policy and Resources Committee be recommended to refuse this application for the following reasons –

- The development would be in open countryside, outside the settlement boundary
- Flooding downstream needed to be taken into account
- Drainage infrastructure – the culvert under Gisburn Road needs upgrading
- Highway safety issues
- Impact on the character of the landscape
- Barnoldswick has over hundreds of extant permissions unbuilt
- The application was premature for a reserved site in view of policies in Part 2 of the Local Plan
- It would put pressure on infrastructure for public services e.g. GP surgeries, schools etc
- There was no landscaping scheme in the plans

(c) Appeals

The Planning, Economic Development and Regulatory Services Manager submitted a report for information on outstanding planning appeals.

46. ENFORCEMENT ACTION

The Head of Legal Services submitted a report for information, giving the up-to-date position on prosecutions for information.

47. CAPITAL PROGRAMME 2021/22

The Housing, Health and Engineering Services Manager submitted a report on the Committee's Capital Programme. The effective allocation for 2021/22 was £33,333 (including the uncommitted balance from 2020/21 for Earby of £1,843). So far this year only £1,732 had been committed for Earby flood piping enhancement. Members were asked how they would like to split the 2021/22 allocation between Barnoldswick and Earby.

RESOLVED

That the Housing, Health and Engineering Services Manager be asked to split the 2021/22 Capital Programme 6 ways and each Councillor be allocated a sixth of the budget. Bids for new funding should continue to be submitted on the usual forms in accordance with the Capital Programme protocol.

REASON

To enable the capital programme to be allocated efficiently and effectively.

48. RE-OPENING OF BARNOLDSWICK AND EARBY TOWN CENTRES

A list of proposals for spending the Welcome Back Fund (WBF) allocations in Barnoldswick and Earby had been circulated to members prior to the meeting. These included a request from Barnoldswick Town Council seeking £5,000 from the Fund to purchase Pole Planters and to install them. They were also looking into the purchase of a mini-stage for events using non-grant funds. Initial costings for a 3m x 6m stage had come in at £3,000.

There had been a site visit earlier in the day to Earby Town Centre to do a public realm audit to see what was needed. Members felt that the street furniture needed a refresh and that the WBF could be used for some of the painting work in partnership with Earby Town Council (who had responsibility for some of the roadside seats and pole planters) and LCC (who had responsibility for the street light columns).

RESOLVED

- (1) That the Welcome Back Fund spending plan for Barnoldswick and Earby, circulated prior to the meeting, be approved.
- (2) That the Planning, Economic Development and Regulatory Services Manager be asked to request Earby Town Council and Lancashire County Council to repaint the items of street furniture in Earby Town Centre for which they were responsible.
- (3) That £3,000 (or less, depending on further quotes received) be allocated from the Barnoldswick Councillors' allocation of the Capital Programme for a mini-stage for use at future Town Centre events.

REASON

1. *To encourage people back to the high streets safely.*
2. *To maximise the impact of the Welcome Back Funding allocation.*

49. TREES AT KLONDYKE

Prior to the meeting Members had been circulated a report by JCA Tree Associates on the condition of the trees at Klondyke which had been commissioned by Salterforth Parish Council. The Trees Officer at Pendle Council had also been sent a copy of the report. He had a few questions which he wanted to raise with the consultants and time to look at the report in more detail.

RESOLVED

That this item be deferred to the next meeting.

REASON

To allow full consideration of the latest tree report and its recommendations.

50. WALMSGATE METHODIST CHAPEL

The Housing, Health and Engineering Services Manager submitted a report on the Council's involvement in attempting to resolve the ongoing damp issues at Walmsgate Methodist Chapel.

Ward Councillors had met with trustees of the Chapel and an officer from the Drainage Team on 12th July to see the problem and discuss a scheme, devised by the Engineering Team, to address the issue which was set out in the report. Quotes to undertake this scheme had been sought with the lowest price of £9,318.55 + VAT.

It was understood that an approach to LCC seeking funding for the full cost of the scheme had been made and a decision was expected in the next couple of weeks.

RESOLVED

- (1) That the scheme to resolve the damp issues at Walmsgate Methodist Chapel, as set out in the report be agreed.
- (2) That, in the event that LCC funding sought was not granted, £4,000 from the Barnoldswick Councillors' allocation of the 2021/22 Capital Programme be put towards the drainage scheme.

REASON

To help resolve the ongoing damp issues at Walmsgate Methodist Chapel.

51. WEST CRAVEN SPORTS CENTRE – PARKING SOLUTIONS

Members considered a letter from the Chief Executive of Pendle Leisure Trust proposing changes to their parking solutions at three PLT sites including West Craven Sports Centre.

In view of misuse of the car park and fears that it might result in a serious injury to a member of the public including a child if not addressed it was proposed that the car park would be reserved for the sole use of their customers.

Members thought that there were other options which ought to be considered prior to any decisions being taken.

RESOLVED

- (1) That an urgent meeting between Members of the Committee and the Pendle Leisure Trust be arranged to explore ways of alleviating the parking issues at West Craven Sports Centre.
- (2) That County Council be asked to make up the pavement at the end of Clifford Street to the ginnel next to the School and create additional parking off Clifford Street to help reduce some of the pressure on parking in this area.

REASON

To try to find a workable solution to the parking problems at West Craven Sports Centre.

52. OUTSTANDING ITEMS

- (a) Meetings with local businesses (05.01.2021)
- (b) Transdev Buses – Request for a meeting (05.01.2021)
- (c) Highway Issues on Back Myrtle Grove, Barnoldswick (08.06.2021)
- (d) Euravia – request for working group (08.06.2021)
- (e) Costings for improvements to Gisburn Road footpath (06.07.2021)

53. EXCLUSION OF PUBLIC AND PRESS

Members agreed to exclude the public and press from the meeting during the following item of business in pursuance of the power contained in Section 100(A) (4) of the Local Government Act, 1972 as amended when it was likely, in view of the nature of the proceedings or the business to be transacted, that there would be disclosure of exempt information which was likely to reveal the identity of an individual.

54. ENVIRONMENTAL CRIME

The Environmental Services Manager submitted a report on environmental crime in West Craven for the period 1st April to 30th June 2021 which was noted.

RESOLVED

That thanks be given to Environmental Services Team members who were involved in the recent clean-up operation in Victory Park for their approach and ‘can-do’ attitude.

REASON

To give credit to individual members of the Environmental Services Team.

55. OUTSTANDING ENFORCEMENTS

The Planning, Economic Development and Regulatory Services Manager submitted a report on outstanding enforcements in West Craven and answered related questions.

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be asked to remove PLE/19/0757 from the outstanding enforcements list; email Members with an update on PLE/18/0711; arrange a meeting on site with the developer and Councillor T. Whipp to discuss the scheme for PLE/18/0925; and check whether enforcement action was required at a site in Earby.

REASON

To monitor and progress enforcement activity.

Chairman.....