

**MINUTES OF A MEETING OF THE
POLICY AND RESOURCES COMMITTEE
HELD ON 20th JANUARY, 2022
AT NELSON TOWN HALL**

Councillor N. Ahmed (Chairman – in the Chair)

Councillors

Z. Ali

D. Cockburn-Price

S. Cockburn-Price

M. Goulthrop

M. Hanif

K. Howarth

M. Iqbal

D. Whipp

Also in attendance:

Councillor M. Aslam

Councillor T. Whipp

Officers in attendance:

Rose Rouse

Philip Mousdale

Richard Gibson

Neil Watson

Jane Watson

Chief Executive

Corporate Director

Chief Finance Officer

Planning, Economic Development and Regulatory Services Manager

Head of Democratic Services



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

Clare Robinson

Ian Swaine

21/0769/OUT Outline: Major: Residential development (access only) on land to the west of White Leys Close, Earby

Minute No. 115(a)

Lisa Allison

21/0676/REM Reserved Matters: Erection of 14 dwelling houses (appearance, landscaping and layout) for outline permission 18/0821/RES on land opposite the Barn, Ben Lane, Barnoldswick

Minute No. 115(c)



112.

DECLARATION OF INTERESTS

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

113.

PUBLIC QUESTION TIME

There were no questions from members of the public.

114.

MINUTES

RESOLVED

That the minutes of the meeting held on 16th December, 2021 be agreed as a correct record and signed by the Chairman.

115.

PLANNING APPLICATIONS

(a) 21/0769/OUT Outline: Major: Residential development (access only) on land to the west of White Leys Close, Earby

This application was submitted to this Committee on 25th November, 2021 where it was resolved "that this application be deferred for a site visit."

A site visit was carried out prior to the meeting.

RESOLVED

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

1. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Scale 1:1250.

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

4. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. 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.

5. No part of the development hereby permitted shall be commenced until details of the 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 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 varied land levels and control the final form.

6. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- e) Details of wheel-washing facilities including location
- g) Measures related to construction waste management
- i) Soil resource management including stock-pile management
- n) Location and details of site compounds
- o) Hoarding details during construction
- s) A Construction Waste minimisation Strategy.
- t) A Construction-Risks Education plan/programme
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

7. The car parking and garage areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking and garage spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

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

8. No 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.

9. No development shall commence until a scheme for the construction of the site access and the off-site highway works has been submitted to and approved in writing with the Local Planning Authority.

The off-site highway works include:

Extension of 30mph speed limit on Earby Road and creation of a footway on the south side of Earby Road/Salterforth Road.

No part of the development shall be occupied until the works have been carried out in accordance with the approved details.

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

10. Prior to the first occupation of any house the new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

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

11. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 52 metres in both directions to be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Earby Road, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety for residents and construction vehicles in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

12. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety.

13. No development shall be commenced until full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety.

14. The first submission of Reserved Matters shall include details of any on-site works involved in the formation footway linking to the footway on the south side of Salterforth Road. No dwelling shall be occupied unless and until the footway on Earby Road, linking to the footway on the south side of Salterforth Road has been constructed to adoptable standards.

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

15. Prior to first occupation each dwelling shall have a secure cycle store in accordance with the parking standards.

Reason: In order to ensure that the development has the provision of sustainable infrastructure.

16. Prior to first occupation each dwelling shall have an electric vehicle charging point.

Reason: To encourage sustainable travel.

17. The development shall be carried out in accordance with the details shown on the submitted Drainage Strategy Report prepared by JOC Consultants Ltd (Report 17/035.01 dated 27/06/2018), unless otherwise agreed in writing with the Local Planning Authority .

Reason: In the interest of satisfactory and sustainable drainage.

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

The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
 - 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 plot to confirm minimum 150mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

19. 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 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.

20. 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 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.

Notes:

1. The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with Lancashire County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council, Highway Development Control email - developeras@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.
2. 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 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 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.

- (2) That the detailed schemes required under conditions 9, 18 and 19 be considered by the West Craven Committee as part of the approval process.

(b) 21/0756/HHO Full: Erection of dormers to the front and rear roof slopes at 59 Hargreaves Street, Nelson

At a meeting of the Nelson, Brierfield and Reedley Committee on 3rd January, 2022 the decision to approve this application was referred as a recommendation to this Committee as the decision was contrary to policy and would represent a significant departure from policy.

The Planning, Economic Development and Regulatory Services Manager submitted an update prior to the meeting. Amended plans had been received for a pitched roof to the front dormer. However the officer recommendation was still to refuse the application as the development was contrary to the provisions of the National Planning Policy Guidance and statute being contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as the development would harm the conservation area.

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: Location Plan, Block Plan AB093-01a and AB093-Layout Plan.

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

3. All materials to be used in the elevations and roof of 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: To allow the Local Planning Authority to control the external appearance of the development in the interests of visual amenity and the character and appearance of the Conservation Area.

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 has been determined to be acceptable in all relevant regards. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application

(c) 21/0676/REM Reserved Matters: Erection of 14 dwelling houses (appearance, landscaping and layout) for outline permission 18/0821/RES on land opposite the Barn, Ben Lane, Barnoldswick

At a meeting of the West Craven Committee on 4th January, 2022 the decision to refuse this application was referred as a recommendation to this Committee as the decision would represent a significant risk of costs in the event of an appeal.

RESOLVED

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

1. The proposed development in this edge of countryside location. The design and layout are poor and would lead to a diminution of the quality of the urban fringe and would be an inappropriate and harmful design adjacent to the countryside edge. The poor design would also lead to a loss of privacy and poor relationship with existing properties contrary to the Pendle Local Plan Part 1: Core Strategy 2011-2030 Policy ENV2 and the Design Principles Supplementary Planning Document 2009.
2. The proposed development would result in an unacceptable impact on effluent disposal from the site overloading the existing system which is likely to result in a risk of flooding and a pollution risk contrary to Pendle Local Plan Part 1: Core Strategy 2011-2030 Policy ENV7 and paragraph 169 of the National Planning Policy Framework.

116.

LEVELLING UP FUND

The Housing, Health and Engineering Services Manager submitted a report on programme management arrangements for the Levelling Up Fund.

Funding had been secured for two projects in Colne Town Centre:

Colne Heritage Quarter (£3,474,845) – investment in Colne Municipal Hall, Hippodrome and Little Theatre to provide new and enhanced facilities to underpin the growth in the night-time economy of Colne. This project was to be led by Pendle Leisure Trust.

Market Hall/Bus Station (£3,056,720) – making better use of the under-used site to provide improved retail provision to contribute to an improved shopping experience for residents; new affordable apartments to encourage town centre living and increased footfall; and an improved bus station. The Council would lead on this project.

An inception meeting with the Levelling Up Fund Team had been held on 21st December, 2021 where the Project Management Update Form was discussed. Following some additional information and clarification a Memorandum of Understanding would be finalised rather than the original plan of issuing a Grant Funding Agreement to the Council. The s151 Officer had been granted delegated authority to sign this.

Grant funding was required to be spent by 31st March, 2025 with monitoring information claims submitted every six months. Full guidance on the monitoring and reporting requirements would be provided at a later date.

It was proposed that PEARL Together would work up a planning application, as agents to the Council, for the market hall site and the reconfiguring of the bus station would be retained by the Council. Further reports would be brought to this Committee at appropriate times.

RESOLVED

- (1) That the programme management arrangements, as set out in the report, be noted.
- (2) That PEARL Together be selected as the developer for the Market Hall site, Colne, subject to the signing of a Development Agreement.
- (3) That PEARL Together act as agent for the Council in seeking planning permission for the Market Hall/Bus Station site, Colne and undertake any demolition and site preparation works that were required to ready the site for development.
- (4) That a further report be submitted to this Committee at an appropriate time to confirm the boundary of the site to be disposed of to PEARL Together and terms of a Development Agreement.

REASONS

- (1) *To keep Committee informed of how the programme will operate.*
- (2) *To support the progression of the Market Hall/Bus Station site, Colne*

117. JOINT VENTURE PROCUREMENT – AGREEMENT TO AWARD A CONTRACT

The Housing, Health and Engineering Services Manager submitted a report on the outcome of the procurement exercise for a new Joint Venture Development Partner. In January 2021 this Committee had agreed that a procurement exercise be carried out in order to establish a new joint venture development partnership. It had also been agreed that the new procurement exercise would follow the ‘competitive procedure with negotiation’ process:

Stage One – Supplier Selection Questionnaire

Two applicants submitted a questionnaire by the deadline of 13th September, 2021 – Brookhouse Group Limited and Eric Wright Group Limited. Following evaluations both applicants were invited to submit tenders.

Stage Two – Invitation to Tender

By the deadline of 26th October, 2021 only one tender had been submitted and this was from Brookhouse Group Limited. Following an evaluation of the tender the panel felt that they should be appointed.

As a priority Brookhouse would work with the Council to support delivery of the Nelson Town Deal. Further reports would be brought to this Committee at the appropriate time to seek agreement to taking forward specific schemes.

RESOLVED

- (1) That the outcome of the procurement exercise for a new Joint Venture partner be noted.

- (2) That Brookhouse Group Limited be appointed as the Council's Joint Venture Development Partner.
- (3) That delegated authority be granted to the Chief Executive, in consultation with Group Leaders, to finalise terms for the development of a Joint Venture arrangement between the Council and Brookhouse Group Limited.

REASON

To agree the selection of a Strategic Development Partner to work in partnership with the Council on regeneration and development projects in the Broough.

**118. GAMBLING ACT 2005
PENDLE BOROUGH COUNCIL POLICY 2022-2025**

The Planning, Economic Development and Regulatory Services Manager submitted a report on the Council's revised Gambling Act 2005 Policy which was required to be renewed every three years.

RESOLVED

That the Council's Gambling Act 2005 Policy for 2022-2025 be adopted.

REASON

In accordance with the Gambling Act 2005 S349 and to ensure that the Council has an up to date and fit for purpose Policy.

**119. PARKS AND SPORTS GROUNDS
PUBLIC SPACES PROTECTION ORDER**

The Corporate Director submitted a report on proposals and options for the renewal of the Public Spaces Protection Orders (PSPOs) in relation to Parks and Sports Grounds in the Borough. The PSPO had been sealed on 29th January, 2019 for a period of three years. During November members of the public had been encouraged to comment on the renewal of the PSPO.

The report had also been considered by the Area Committees and their recommendations were submitted in Appendix 1 attached to the report. Comments submitted as part of the consultation process were submitted in Appendix 2 also attached to the report.

It was reported that Earby Town Council and Barnoldswick Town Council also had some proposed amendments to the Order.

RESOLVED

- (1) That the renewal of the Parks and Sports Grounds Public Spaces Protection Orders be approved.
- (2) That a new provision for both Public Spaces Protection Orders that an offence was committed on failure to provide a name and address, or to give a false name and address,

when requested by an authorised officer or agent of the Council on observation of another offence under the same Public Spaces Protection Order be approved.

- (3) That the amendments to Schedule 1 of the Parks Public Spaces Protection Order to include Blacko Park at the request of Blacko Parish Council, Higham Park at the request of Higham Parish Council, as approved by the Barrowford and Western Parishes Committee be noted.
- (4) That amendments to Schedule 1 of the Sports Grounds Public Spaces Protection Order to include the Cricket Ground and Playing Field at Foulridge at the request of Foulridge Parish Council, as approved by the Colne and District Committee, be noted.
- (5) That discussions take place with Earby Town Council in respect of Birley Fields and with Barnoldswick Town Council regarding their request for amendments relating to Victory Park, Valley Gardens and Letcliffe Park.

REASON

To enable the Council and its partners to respond to concerns regarding behaviour that was detrimental to the quality of life in public spaces in Pendle, including enforcement action.

120. PENDLE COUNCIL EQUALITY OBJECTIVES 2022-2026

The Housing, Health and Engineering Services Manager submitted a report on the Equalities Objectives for the period 2022-2026. This had been developed following consultation with the former members of the Council's Corporate Equalities Steering Group.

RESOLVED

That the Equality Objectives for the period 2022-2026 be adopted.

REASON

To ensure the Council continues to meet its obligations under the Equality Duty.

121. CALL IN – LORRY PARK, WEST CLOSE AVENUE, BARNOLDSWICK

RESOLVED

That this item be deferred until the next meeting.

REASON

Information requested from Lancashire County Council Highways had not been received prior to the meeting.

122. TENDERS

The Corporate Director submitted, for information, a report on tenders which had been received and accepted.

123. MATTERS REFERRED FROM AREA COMMITTEES

(a) Formation of Car Parking Spaces on land at Harrison Street, Barnoldswick

At a meeting of the West Craven Committee on 4th January, 2022 it was resolved:-

- “(1) That Policy and Resources Committee be recommended not to declare the land on Harrison Street, Barnoldswick, shown at Appendix A attached to the report, surplus to requirements.
- (2) That a meeting be arranged with interested parties to discuss possible alternative parking solutions in the area.”

The report considered by the West Craven Committee was also submitted.

It was reported that this Committee had agreed the transfer of this site to Barnoldswick Town Council in June, 2019 as part of the transfer of services and facilities programme. However, the transfer had not yet been completed but would be shortly.

Therefore the recommendation from the West Craven Committee was not for this Committee to decide.

124. EXCLUSION OF PUBLIC AND PRESS

RESOLVED

That in pursuance of the power contained in Section 100(A)(4) of the Local Government Act, 1972 as amended, the public and press be excluded from the meeting during the next items of business when it is likely, in view of the nature of the proceedings or the business to be transacted, that there will be disclosure of exempt information which is likely to reveal the identity of an individual.

125. POTENTIAL HOUSING COMPULSORY PURCHASE ORDER

The Housing, Health and Engineering Services Manager submitted a report on the proposed compulsory purchase of a vacant dwelling house and associated curtilage of a property in Nelson.

RESOLVED

That the recommendations, as set out in the report, be agreed.

REASON

To enable the acquisition of an unoccupied and decaying property and facilitate it to be renovated and brought back into residential use, thereby improving the amenity of the area.

Chairman _____