

**MINUTES OF A MEETING OF
BARROWFORD AND WESTERN PARISHES COMMITTEE
HELD ON 3RD AUGUST, 2022
AT NELSON TOWN HALL**

PRESENT

Councillor N. Ahmed – Chairman (in the Chair)

Councillors

*B. Newman
M. Stone*

Co-optees

*R. Seymour – Barley with Wheatley Booth Parish Council
R. Oliver – Barrowford Parish Council
N. Hodgson – Blacko Parish Council
R. Willoughby – Higham-with-West-Close Booth Parish Council*

Officers in Attendance

*W. Forrest
L. Barnes
J. Robinson*

*Housing Needs Manager (Area Co-ordinator)
Senior Planning Officer
Committee Administrator*

(Apologies for absence were received from Councillor C. Lioni, A. Macadam, (Goldshaw Booth Parish Council), D. Hall, (Old Laund Booth Parish Council) and A. Walker, (Roughlee Booth Parish Council)).



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

Holly Lynch

*22/0208/FUL - Full: Change of use of the ground Minute No. 52(a)
floor of Unit C from storage to a fitness studio
and installation of a glazed screen at Merc
Engineering Ltd, Unit C, Lower Clough Mill,
Pendle Street, Barrowford*



48.

DECLARATION OF INTERESTS

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

49.

PUBLIC QUESTION TIME

There were no questions from members of the public.

50.

MINUTES

RESOLVED

That the Minutes of this Committee, at the meeting held on 6th July, 2022, be approved as a correct record and signed by the Chairman.

51. POLICE MATTERS AND COMMUNITY SAFETY ISSUES

The following crime statistics for July, 2022 compared to the same period in the previous year had been circulated prior to the meeting. The Police were not able to attend this meeting.

JULY	2021	2022
Burglary – Residential	2	1
Burglary – Commercial	0	2
Vehicle Crime	0	2
Hate Crime	0	0
Assaults	3	6
Theft	3	3
Criminal Damage	0	2
All Recordable Incidents	33	28
Anti-Social Behaviour	28	18

The crime figures for July were showing no increase with the exception of Commercial Burglaries, Assaults and Criminal Damage. There was a 36% decrease in the number of reported anti-social behaviour incidents.

Members acknowledged that the way in which the crime figures were reported had changed, as per the resolution of this Committee at the last meeting, yet felt that the new All Recordable Incidents label was still confusing. It was suggested that this label should be changed to All Other Recordable Incidents.

An update from PC L Bolton was circulated prior to the meeting reporting that there had been a number of complaints regarding the use of electric bikes and scooters in Barrowford Park and the surrounding area. An operation with Police Officers from Colne was planned to tackle this issue. PC L Bolton asked for anyone who knows of any young people who own electric bikes and scooters to send her their names and addresses.

It was also reported that there would be another traffic operation in Pendle next week.

RESOLVED

That PC L. Bolton put to her Inspector the suggestion of changing, for future months, the new All Recordable Incidents label to All Other Recordable Incidents.

52. PLANNING APPLICATIONS

(a) Planning applications for determination

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

21/0885/FUL Full: Major: Erection of 3 No. Industrial Buildings forming 8 units (3,577sq.m.) (Mixed Use Classes E/B2/B8) at Land North East of Vantage Court, Riverside Way, Barrowford for Barnfield Contractors UK Ltd.

This application was deferred from the last meeting to allow for the receipt of acceptable details

in response to Lancashire County Council (LCC) Highway comments.

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be granted **delegated authority** to **approve** the application subject to the receipt of recommended conditions from LCC Highways and 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: 2020/31/LP Rev. A, 2020/31/01 Rev. K, 2020/31/02 Rev. B, 2020/31/03 Rev. B, 2020/31/04 Rev. B, 2020/31/05 Rev. D, 2020/31/06 Rev. D, 2020/31/07 Rev. E, 2000 P01, 2001 P01.

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 hereby approved samples of the external materials of the walls and roof the development, including their colour and finish 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: In the interest of visual amenity.

4. There shall be no external storage within the application site unless otherwise approved in writing by the Local Planning Authority. Any external storage thereafter shall at all times be carried out only in strict accordance with the approved details.

Reason: In the interests of visual amenity.

5. The development shall be carried out and operated in strict accordance with the recommendations of the Extended Phase 1 Report dated 16/12/2021. Prior to the commencement of the use of the development a scheme of ecological mitigation and enhancement measures shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance prior to the commencement of the use of the development or an alternative timescale approved as part of the scheme.

Reason: To ensure the protection and enhancement of ecology and protected species habitats.

6. Prior to the commencement of the use of the buildings hereby approved details of any external lighting of the building and site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity, direction and timing of illumination of the lighting and shall include

lighting of the diverted public right of way. Any external lighting shall at all times be in strict accordance with the approved details and the diverted public right of way shall be illuminated at all times outside of daylight hours.

Reason: In the interest of residential amenity and to preserve the habitat of protected species.

7. No development shall commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
- Hours of operation
 - Hours of deliveries
 - Construction site noise and vibration
 - Control of Dust
 - Control of burning on-site

Reason: In the interest of residential amenity.

8. No development shall commence unless and until a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the

investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of the new development and in order to prevent contamination of the controlled waters.

9. The development hereby approved shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme 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, including landscaping to the Eastern boundary of the site, 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 within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

10. The use of the buildings and land hereby permitted shall be confined to that of Class E(g), B2 and B8 and uses ancillary to those uses only and for no other purpose, including any other use within Class E of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended).

Reason: In order to protect the vitality and viability of town centres.

11. Prior to the commencement of the use of each unit an assessment of indoor and outdoor activity noise and fixed mechanical plant noise following BS 4142:2014 shall have been submitted to and approved in writing by the Local Planning Authority. Any noise attenuation shall be fully installed in accordance with the recommendations of the approved

assessment for that unit prior to the commencement of the use of that unit and the unit shall be operated in accordance with the approved assessment at all times thereafter unless an alternative assessment is submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity.

12. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment 19th August 2021 / 75182R1 / GeoSmart Information.

The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

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

13. No development shall commence in any phase 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 surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water 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. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

a) Sustainable drainage calculations for peak flow control and volume control for the:

- i.** 100% (1 in 1-year) annual exceedance probability event;
- ii.** 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
- iii.** 1% (1 in 100-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all proposed surface water drainage systems.

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

- i.** Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- ii.** Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all proposed surface water drainage systems up to and including the final outfall;
- iii.** Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

- iv. Drainage plan showing 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 connecting cover levels to confirm minimum 150 mm+ 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, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

d) Evidence of an agreement in principle with the third party landowners and asset owner to connect to the off site surface water body.

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.

14. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

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 plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

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 surface water flood risk on-site or elsewhere during any construction phase.

15. The use the development shall not commence unless and until a Maintenance Manual 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 details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water 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 sustainable drainage system is subsequently maintained.

16. The use the development shall not commence unless and until a site-specific verification report, pertaining to the surface water sustainable 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, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water 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.

17. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

Notes: The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

Pendle Water is a designated Main River. The proposed drainage strategy drawing referenced Preliminary 21110-PWA-00-XX-DR-C-1001 P01 indicated a new outfall to the river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a Permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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 is acceptable in all relevant regards. 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.

22/0208/FUL Full: Change of use of the ground floor of Unit C from storage to a fitness studio and installation of a glazed screen at Merc Engineering Ltd, Unit C, Lower Clough Mill, Pendle Street, Barrowford for Empower HQ Limited

In a verbal update it was reported that the application would now be subject to two further conditions to ensure neighbouring amenity was acceptable and that the recommendation to Approve remained.

RESOLVED

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

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

002, 003, Received 26.07.2022

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

2. The premises shall be used as a dance and fitness studio only and for no other purpose including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: As required for the particular case.

3. The operating hours of the development hereby approved shall not be outside the hours of 06:30 and 22:00, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbouring amenity.

4. The noise levels generated by the development hereby approved shall not, at any time, exceed the predicted levels set out in the MARTEC Noise Assessment dated 28.03.2022, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbouring amenity.

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

(b) Planning Appeals

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

In a verbal update it was reported that a new Appeal had since been lodged against refusal of Permission in Principle for the erection of a detached dwelling at Heights Cottage, Heights Lane, Fence.

Following a discussion Members said they felt it would be beneficial if it could also be reported whether or not costs had been awarded where Appeals had been allowed.

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be requested to consider including, in future reports, information as to whether or not costs had been awarded where Appeals had been allowed.

REASON

To ensure Members are fully apprised of the Planning Appeals process.

53. ENFORCEMENT ACTION

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

54. CAPITAL PROGRAMME 2022/23

The Housing, Health and Engineering Services Manager reported that all of the Committee's 2022/23 Capital Programme had been committed.

Members considered a request to deallocate the £676 underspend on the now completed scheme 4, rectify/control water at playing field, as detailed in Appendix 1 attached to the report.

RESOLVED

- (1) That it be noted that all of the Committee's 2022/23 Capital Programme had been committed.

- (2) That the Housing, Health and Engineering Services Manager be requested to deallocate the £676 underspend on the now completed scheme 4, rectify/control water at playing field, as detailed in Appendix 1 attached to the report.

REASON

To allocate the Committee's Capital Programme effectively.

55. TRAFFIC ISSUES ON WILTON STREET, BARROWFORD

The Housing, Health and Engineering Services Manager reported that a quote had been received to construct the parking area at Location B, identified in Appendix A attached to the report submitted to the meeting of this Committee held on 8th June, 2022, which, together with the relevant Planning Application fee, would result in a total cost of £8,638.

The Members of the Nelson, Brierfield and Reedley Committee, at their meeting on 4th July, 2022, resolved that the request to consider making a contribution towards the cost of the proposed schemes be referred back to this Committee for reconsideration and that a request be made to the Policy and Resources Committee for a supplementary estimate should there not be sufficient Capital Programme funding available.

The Members of Nelson Town Council, at their meeting on 13th July, 2022, resolved that consideration of the request to make a contribution towards the cost of the proposed schemes be deferred to a future meeting to allow for further information to be requested.

The Members of Barrowford Parish Council, at their meeting on 20th July, 2022, resolved that consideration of the request to make a contribution towards the cost of the proposed schemes be deferred to their August meeting to allow for further information to be requested.

56. PROVISION OF LITTER/DOG WASTE BINS

The Environmental Services Manager reported that due to wear, damage or a reduced need for the facility, 2 bins had been replaced/removed by Environmental Services in Quarter 1, for the period 1st April to 30th June, 2022.

LOCATION	DESCRIPTION	TYPE OF BIN	COST PER BIN
Wilton Street, Barrowford	Replace dog bin near changing rooms	DOG	£140.16
Harpers Lane, Fence	Replace lidded litter bin by the community garden	LITTER	£177.41

57. OUTSTANDING ISSUE

- Residents-Only Parking on Forest View, Barrowford (8/6/22)

58. EXCLUSION OF PUBLIC AND PRESS

Members agreed to exclude the public and press from the meeting during the following items 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.

59. ENVIRONMENTAL CRIME

The Environmental Services Manager submitted a report on Environmental Crime in the Barrowford and Western Parishes area in Quarter 1, for the period 1st April to 30th June, 2022.

Members commented that it was possible that the low amount of Environmental Crime action taken in the Barrowford and Western Parishes area in the first Quarter could be explained by a perceived lack of Enforcement Officer presence.

RESOLVED

- (1) That the Environmental Services Manager be requested to quantify the actual amount of time Enforcement Officers spent in the Barrowford and Western Parishes area during Quarter 1, for the period 1st April to 30th June, 2022.
- (2) That the Environmental Services Manager be requested to increase the amount of visits made by Enforcement Officers to the Barrowford and Western Parishes area in the next Quarter.

REASON

To ensure Enforcement Officers are taking all the necessary Environmental Crime actions in the Barrowford and Western Parishes area.

60. SITE REFERENCE PLE/22/0102

The Senior Planning Officer gave a verbal update on progress at the meeting.

RESOLVED

That an update on the actions to be taken along with their agreed timescales be given at the next meeting.

REASON

In the interests of visual amenity and public health and safety.

Chairman _____