

**MINUTES OF A MEETING OF
BARROWFORD AND WESTERN PARISHES COMMITTEE
HELD ON 4TH OCTOBER, 2023
AT NELSON TOWN HALL**

PRESENT

Councillor N. Ahmed (Chair)

Councillors

*D. Gallear
M. Stone*

Co-optees

*A. Stringer – Barrowford Parish Council
N. Hodgson - Blacko Parish Council
M. Schofield - Roughlee Booth Parish Council*

Officers in Attendance

*W. Forrest
N. Watson*

J. Robinson

*Housing Needs Manager (Area Co-ordinator)
Assistant Director Planning, Building Control and Regulatory
Services
Committee Administrator*

(Apologies for absence were received from His Worship the Mayor – Councillor B. Newman, D. Heap, Barley with Wheatley Booth Parish Council, M. Tetley, Higham with West Close Booth Parish Council and D. Hall, Old Laund Booth Parish Council).



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

<i>Richard Kenyon</i>	<i>23/0442/FUL - Full: Change of use of pub (Sui Generis) to a dwelling (C3) and the erection of 1 no. dwelling on existing car park at Cross Gaits Inn, Beverley Road, Blacko</i>	<i>Minute No. 78(a)</i>
<i>Richard Kenyon</i>	<i>23/0444/LBC - Listed Building Consent: Change of use of pub (Sui Generis) to a dwelling (C3) and alterations to access at Cross Gaits Inn, Beverley Road, Blacko</i>	
<i>Paul Hurley Iain Lord Richard Maudsley Dr Walid Salman</i>	<i>23/0516/FUL - Full: Erection of 1 no. dwelling with associated infrastructure (Amended scheme to approved planning permission 22/0417/FUL) at 147 Wheatley Lane Road, Barrowford</i>	



74.

DECLARATION OF INTERESTS

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

75. PUBLIC QUESTION TIME

There were no questions from members of the public.

76. MINUTES

RESOLVED

That the Minutes of this Committee, at the meeting held on 6th September, 2023, be approved as a correct record and signed by the Chair.

77. POLICE MATTERS AND COMMUNITY SAFETY ISSUES

The Police were not able to attend this meeting and disappointingly formal crime figures for September, 2023 were not available to consider. PCSO A. Fielding had, however, provided a brief overview of the crime logs for September, 2023 across the Barrowford and Western Parishes area.

There had been three Residential Burglaries of which one had resulted in an arrest, one was subject to ongoing enquiries and one would be reclassified to suspicious circumstances. There had been four Commercial Burglaries. There had been two logs of Criminal Damage which included telegraph pole wires being cut in Barrowford and logs being thrown into a fishing pond in Roughlee. The Police had no concerns relating to crime logs at this time but urged residents to remain vigilant especially with shed/garage/outhouse security and to ensure that any bikes and tools were secured.

There had been a couple of instances of youth anti-social behaviour especially around the Bullholme area of Barrowford. The Police were now working on making clear to young people their expectations regarding behaviour now the dark nights were drawing in.

78. PLANNING APPLICATIONS

(a) Planning applications for determination

The Assistant Director Planning, Building Control and Regulatory Services submitted the following planning applications for determination: -

23/0442/FUL	Full: Change of use of pub (Sui Generis) to a dwelling (C3) and the erection of 1 no. dwelling on existing car park at Cross Gaits Inn, Beverley Road, Blacko for Mr. John Kay
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RESOLVED

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

1. There is no clear and convincing justification for the proposed change of use of Cross Gaits Inn to become a dwelling. The loss of this community facility would be contrary to the Pendle Local Plan Core Strategy ENV1, SUP1 and the National Planning Policy Framework (NPPF) Paragraph 200.

2. The loss of the ancillary extensions to the existing listed building to the rear would not necessarily reveal more of the original Listed Building and would result less than substantial harm. No public benefits to weigh against this loss have been evidenced, contrary to the National Planning Policy Framework Paragraph 202.
3. The erection of the dwelling would mean that the car park would be lost for the customers of the public house. The loss of the car parking with the public house being the lawful use would lead to parking on the highway which would lead to a danger to road users. The development would lead to a danger on the highway contrary to paragraph 111 of the National Planning Policy Framework.

23/0444/LBC Listed Building Consent: Change of use of pub (Sui Generis) to a dwelling (C3) and alterations to access at Cross Gaits Inn, Beverley Road, Blacko for Mr. John Kay

RESOLVED

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

1. Cross Gaits Inn is a heritage asset and were this Public House to be converted to a dwelling it would result in a detrimental impact to the site. Public Houses are important socially, culturally and economically within a community and its change of use to a dwelling would result in an adverse impact to its historic significance. Therefore Listed Building Consent should not be granted, as the development is contrary to NPPF Paragraph 190.
2. The proposed change of use of and physical alterations to the Public House will both cause less than substantial harm to the significance of the Grade II Listed Building. There is no clear and convincing justification for this loss of the significance of a designated heritage asset and thus no public benefits have been demonstrated to weigh against the harm, therefore the development is contrary to ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 199, 200 and 202 of the National Planning Policy Framework.

23/0503/FUL Full: Construction of 1 No. self-build eco-home with integral garage, and the creation of a new vehicular access lane at 145 Wheatley Lane Road, Barrowford for Mr. and Mrs. Nelson

This item was withdrawn at the request of the Applicant prior to the meeting.

23/0516/FUL Full: Erection of 1 no. dwelling with associated infrastructure (Amended scheme to approved planning permission 22/0417/FUL) at 147 Wheatley Lane Road, Barrowford for Mr. and Mrs. Yates

An update report had been circulated prior to the meeting reporting that satisfactory comments on heritage from Growth Lancashire had been received. It further reported that an ecological report assessing the site as having low ecological value had been submitted. The recommendation to delegate grant consent had altered, as a result, to approval subject to the conditions set out in the report.

RESOLVED

That determination of the application be **deferred** to the next meeting to allow for the information provided in the update report to be considered fully.

23/0584/VAR Variation of Condition: Vary Condition 2 (Tree Protection and Planting Plan), Condition 7 (Landscaping Scheme), Condition 8 (Tree removal subject to group 2.2) and remove Condition 9 (Tree removal) of Planning Permission 20/0707/FUL at 8 The Orchard, Barrowford for Mrs. H. Wood

RESOLVED

That the application be **approved** subject to the following conditions and reasons: -

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan, prepared by Planet Architecture, Ref: A1/09/2020/1/001
 - Site Plan, prepared by Planet Architecture, Ref: A1/09/2020/01/002 Rev A
 - Plot 7 Proposed Floor and Elevation Plans, prepared by Planet Architecture, Ref: A1/09/2020/1/003
 - Plot 9 Proposed Floor and Elevation Plans, prepared by Planet Architecture, Ref: A1/09/2020/1/004
 - Plot 10 Proposed Floor and Elevation Plans, prepared by Planet Architecture, Ref: A1/09/2020/1/005
 - Proposed Site Plan, prepared by Planet Architecture, Ref: A1/09/2020/1/002
 - Arboricultural Impact Assessment BS5837, prepared by tree plan, dated September 2020
 - Tree Protection Plan, prepared by tree plan, dated September 2020
 - Tree Planting Plan, prepared by tree plan, dated September 2020
 - Proposed Drainage Plan, prepared by Holdgate Consulting Ltd, Ref: 20-109 D01 Rev E

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

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

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

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

above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

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

5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E, F, G and H of Part 1 and Classes A, B and C of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to protect the trees on site and to ensure that the developments that take place are acceptable on site in terms of their design in relation to their surroundings

6. No further dwellings shall be occupied unless and until the surface water and foul water drainage scheme as approved on plan 20-109 D01 E has been fully installed and completed in accordance with the approved scheme. Further the surface water and foul water scheme shall be fully installed within 3 months of the date of this permission. It shall thereafter be retained in working order.

Reason: The application is made in retrospect and the development on site requires to have an adequate drainage system in order to ensure there is no flooding elsewhere and to avoid pollution.

7. Within three months of the date of this permission a detailed landscaping scheme shall be submitted to the Local Planning Authority for approval. 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. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - d. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety in the first planting season following approval of the details. 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. Until the landscaping plan is approved no trees shall be removed from the site except for the Lawson Pines and Holy Tree.

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

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

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

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

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

REASON FOR DECISION

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed 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) Tree Preservation Order application for determination

The Assistant Director Planning, Building Control and Regulatory Services submitted the following Tree Preservation Order application for determination: -

TPO/No.2/2003 Removal of Trees at 8 The Orchard, Ribblesdale Place, Barrowford

This application had been deferred from the last meeting to allow for it to be determined alongside application number 23/0584/VAR.

RESOLVED

That the application for the removal of a group of trees subject to Tree Preservation Order (No.2/2003) be **approved**.

REASON FOR DECISION

One tree is in a potentially dangerous state and the removal of this will leave the rest vulnerable to windthrow and to require the trees to remain would result in an unacceptable risk to public safety.

(c) Planning Appeals

The Assistant Director Planning, Building Control and Regulatory Services submitted a report, for information, on planning appeals, which was noted.

79. ENFORCEMENT ACTION

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

In a verbal update it was reported that the owner of The Bungalow, Dam Head Farm, Blacko Bar Road, Roughlee had attended the Court Hearing on 21st September, 2023 and had been fined. It was further reported that the majority of the building had since been demolished. Another site visit was due to take place and further action would be taken if the remainder of the building was still found to be in situ.

It was asked what further could be done about Land South of Heights House, Heights Lane, Fence as the owner was continuing to develop on the land. No further action could be taken whilst the Appeal was still in progress but a further Notice could be served following its outcome, if necessary.

80. AREA COMMITTEE BUDGET 2023/24

The Head of Housing and Environmental Health reported that the unallocated sum of the Committee's Budget was £36 and that a full report would be submitted to the next meeting, which was noted.

81. LOCAL CYCLE AND WALKING INFRASTRUCTURE PLANS ENGAGEMENT STAGE 2

Members were advised that Lancashire County Council (LCC) had prepared Local Cycle and Walking Infrastructure Plans (LCWIPs) showing proposed Active Travel Network Maps across Lancashire.

Pendle Council had been working with LCC on the Burnley and Pendle LCWIP. Comments were now being sought from the public on the proposed network plan.

The initial public engagement, Stage 1, took place last year. The link below gave details of the routes in the area and across Lancashire and comments were welcomed: -

<https://lancashire.citizenspace.com/lcwip-engagement-stage-2/>

The Consultation would close on 24th October, 2023 and the Committee was encouraged to engage with the process.

82. FLOODING RISKS

(a) Park Avenue, Barrowford

The Assistant Director Operational Services reported that a request to clean out the highway gullies on Park Avenue, Barrowford prior to the Autumn leaf drop had been submitted to Lancashire County Council.

It was felt that there might be an underlying issue such as a collapsed drain that was contributing to the flooding which had been particularly bad over the weekend. Lancashire County Council would be asked to look into that possibility.

(b) Duck Pond, Victoria Park, Barrowford

The Assistant Director Operational Services reported that debris was cleared from the Duck Pond's main trash screen at the end of August, 2023. A site visit was then undertaken in heavy

rain on 19th September, 2023. All drains were checked and were working satisfactorily and coping with the water levels. The outflow drains at the tunnel end of the lake and the trash screen would be cleaned out in October, 2023 as leaves begin to drop and then again later in the Autumn. All outflows would be monitored for obstructions regularly through Autumn and Winter to minimise flooding risks.

Further flooding issues on Barnoldswick Road, Blacko, Beverley Road, Blacko and at the top of Red Lane, Blacko were identified.

RESOLVED

- (1) That the updates on Park Avenue, Barrowford and the Duck Pond, Victoria Park, Barrowford be noted.
- (2) That Lancashire County Council be requested to look into a potential underlying issue on Park Avenue, Barrowford that might be contributing to flooding in that location.
- (3) That the flooding issues on Barnoldswick Road, Blacko, Beverley Road, Blacko and at the top of Red Lane, Blacko be referred to the appropriate bodies to be addressed.

REASON

To reduce the risk of flooding in the Barrowford and Western Parishes area.

83.

OUTSTANDING ISSUES

- (a) Highway Safety Issues on Church Street, Barrowford (5/7/23)
- (b) Traffic Issues on Wilton Street, Barrowford (6/9/2023)
- (c) Land at Rear of 2-24 Church Street, Barrowford (6/9/2023)
- (d) Flooding Risk on Barley New Road, Barley (6/9/2023)

84.

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.

85.

ENFORCEMENT ISSUE

In a verbal update it was reported that the embankment had now been taken back to the satisfaction of the Assistant Director Planning, Building Control and Regulatory Services. Although drainage remained an issue at the site there had been no breach and consequently there were no legitimate grounds for any further enforcement action at this stage. The drainage issues would, however, be discussed with the owner along with their proposals for the future of the site.

Chair _____