

**MINUTES OF A MEETING OF THE
BRIERFIELD AND REEDLEY COMMITTEE
HELD AT BRIERFIELD TOWN HALL
ON 7TH FEBRUARY, 2017**

PRESENT

Councillor N. Ashraf – Chairman (In the Chair)

Councillors

*N. Ahmed
M. Arshad
P. McCormick
Y. Iqbal*

Co-optees

*M. Hanif
P. V. Bates*

Also present

Councillor M. Iqbal

Officers in attendance

*David Walker
Kathryn Hughes
Lynne Rowland*

*Environmental Services Manager (Area Co-ordinator)
Principal Development Management Officer
Committee Administrator*

(Apologies for absence were received from Councillor M. R. Arshad.)



130. DECLARATION OF INTERESTS

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

131. PUBLIC QUESTION TIME

There were no questions from members of the public.

132. MINUTES

RESOLVED

That the Minutes of this Committee, at a meeting held on 10th January, 2017 be approved as a correct record and signed by the Chairman.

133. PROGRESS REPORT

A progress report following action arising from the minutes of the last meeting was submitted for information.

134.

PLANNING APPLICATIONS

(a) Planning applications to be determined

The Planning, Building Control and Licensing Services Manager submitted a report of planning applications to be determined as follows –

16/0398/FUL Full: Erection of a two storey extension to front and rear, dormer to rear converting the hipped roof to gable of the gymnasium building (D2) at 30 Colne Road, Brierfield for Mr S Shabir

RESOLVED

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

1. The proposed roof extension to the rear and two storey extension to the front would result in a disproportionate building that would create an unduly assertive feature, poorly related and out of character with the property. The incongruous appearance would be of detriment to the visual amenity of the area and the character of the area. The development would therefore, be contrary to the aims of Policy ENV1 and ENV2 of the Local Plan: Core Strategy Part 1 and the guidance contained within the Councils Design Principles SPD.

16/0764/VAR Full: Major: Removal of Condition: Remove Condition 10 of Planning Permission 13/10/0294P at former Lob Lane Mill, Clitheroe Road, Brierfield for Pearl 2 Ltd

RESOLVED

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

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

Reason: This condition is required to be imposed by virtue of Section 91(1) of the Town and Country Planning Act 1990.

2. Before development (other than demolition) commences a Construction Method Statement shall be submitted to the Local Planning Authority for approval in writing and shall thereafter be adhered to.

The Statement shall provide for:

1. the parking of vehicles for site operatives and visitors
2. loading and unloading of plant and materials
3. storage of plant and materials used in constructing the development
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing (if appropriate)
5. wheel-washing facilities
6. measures to control the emission of dust and dirt during construction

7. a scheme for re-cycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of amenity.

3. Prior to the commencement of development (other than demolition) details of appropriate mitigation measures to prevent pollution of the canal during and after construction of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: In order to avoid contamination of the waterway and ground water from wind blow, seepage or spillage at the site in accordance with policy 8 'Contamination and Pollution' of the adopted Replacement Pendle Local Plan.

4. No development (other than demolition) shall take place until a landscaping and boundary treatments scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, and the treatment of hardsurfaced areas, and also details of the landscape management plan. The scheme shall include full details of the reuse in the scheme of salvaged materials on the site e.g. stone setts and flags, stone from the boundary walls and canal wall. Any such planting which within a period of 5 years of implementation of the landscaping dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation. The approved scheme shall be fully implemented prior to the first occupation of any building(s). Native species should be used along the canal frontage to prevent establishment of exotic/ornamental plants.

Reason: In the interests of visual amenity and to ensure that the proposed development contributes to the preservation and enhancement of the local character and distinctiveness of the waterway corridor, and protects the structural integrity and ecological environment of the waterway in accordance with policy 16 'Landscaping in new Development' of the adopted Replacement Pendle Local Plan.

5. No part of the development (other than demolition) 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 in consultation with the Highway 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.

6. The access and estate road for each phase of development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any other development (in that phase) takes place within the site (other than demolition), details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. The estate road (as

it relates to that phase) shall have been completed in its entirety, including the wearing course, before the first occupation of any dwellings in that phase.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

7. Within two weeks of the commencement of development (other than demolition) a scheme detailing measures to minimise the risk of crime and to meet the specific security needs of the application site and the development, shall have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.

Reason: In order that the development incorporates safety strategies and designing out crime in line with Policy 13 of the Replacement Pendle Local Plan.

8. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development (other than demolition) shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out concurrently with the rest of the development and in any event shall be finished before the building is occupied.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

9. Prior to the commencement of development (other than demolition but not excluding any intrusive ground works) the applicant shall have submitted to and have agreed in writing by the Local Planning Authority 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. 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: To identify any contamination of the site from previous uses and to ensure remediation of any contamination to safeguard future users or occupants and the environment beyond the site.

- 10.** The development hereby permitted shall be carried out in accordance with the following approved plans: 1624.E.01, 0912-C-55 B, 1624.E.02, 1624.E.03, 1624.E.04, 1624.E.05, 1624.E.06, 1624.E.07, 1624.P.19, 1624.P.20 B, 1624.P.01 B, 1624.P.02 D, 1624.P.27, 1624.P.17 A, 1624.P.16 A, 1624.P.13 A, 1624.P.14 A, 1624.P.04 A, 1624.P.03 A, 1624.P.05 B, 1624.P.06 B, 1624.P.07 A, 1624.P.08 B, 1624.P.09 A, 1624.P.10 A, 1624.P.28, 1624.P.11 A, 1624.P.22 A, 09212-C-57 A, 09212-C-58 A, 1624. P.18

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

- 11.** Within two weeks of the commencement of development (other than demolition) full details of :-

- * reinstatement of facades where adjoining buildings are to be demolished; including treatment of the drive shaft bearings
- * window and door treatment to retained buildings
- * elevational treatment following removal of the barge canopy
- * bin storage facilities

shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved plans.

Reason: In the interests of amenity and the appearance of the development.

12. Before the first occupation of any dwelling in phase 1 of the approved development highway improvement works on Clitheroe Road comprising a junction table and a 2m wide footpath shall have been provided in full in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

13. A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for the proposed area of open space, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall thereafter be carried out as approved.

Reason: In the interests of amenity and the appearance of the development.

14. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the second schedule of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A and B (and Class E for house types 1 and 2 only) and Class H for the converted mill buildings of Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: In the interests of residential and the appearance of the development.

15. The access shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and .60 metres distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

Reason: In the interests of highway safety.

16. Within two weeks of the commencement of development (other than demolition) a scheme for the provision and implementation, of a surface water regulation system shall have been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To reduce the increased risk of flooding.

17. Within two weeks of the commencement of development (other than demolition) a scheme for the provision of affordable housing as part of the development shall have been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS 3 or any future guidance that replaces it. The scheme shall include:

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 5 housing units;

- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure that adequate provision is made for affordable housing.

- 18.** Before the subterranean Little Marsden Brewery vaults and tunnel are infilled a record of any features of historical or archaeological importance shall have been submitted to the Local Planning Authority. The inspection and record shall have been carried out in accordance with a methodology previously agreed in writing by the Local Planning Authority. The infilling shall be carried out in accordance with a method which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a public record is made of items of historical and archaeological interest.

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 removal of the condition here is justified accounting for the associated circumstances and change in Government policy. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

16/0784/FUL Full: Erection of 5 detached dwelling houses at land off Heather Close, Brierfield for AB Investments NW Ltd

The Planning, Building Control and Licensing Services Manager submitted an update report which provided the response of LCC Highways and advised of the receipt of an updated arboricultural survey. The recommendation to refuse the application remained the same.

RESOLVED

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

1. The applicant has failed to consider or adequately assess the impacts of the proposed development on the adjacent trees, formally protected by TPO No.2 2001. In the absence of a suitable assessment for the Council to consider, the proposed development fails to comply with the requirements of Policy ENV1 of the Local Plan Part 1.

(b) Planning appeals

The Planning, Building Control and Licensing Services Manager reported that, as at today's date, there were no new appeals and no appeals outstanding.

135. ENFORCEMENT/UNAUTHORISED USES

Enforcement Action

The Head of Legal Services reported that there were no outstanding enforcement cases in the Brierfield and Reedley area.

136. CAPITAL PROGRAMME 2016/17

The Neighbourhood Services Manager submitted a report which advised Members on the Committee's 2016/17 capital budget. One late bid of £3,115.75 for replacement trees at Burnley Road, Sackville Street and Railway Street, Brierfield was submitted for consideration.

Councillor M. Iqbal also submitted a bid on behalf of Jinnah Cricket Club.

RESOLVED

- (1) That the underspend detailed in paragraphs 12 – 15 of the report, totalling £6,831, be de-allocated and the funds returned to the Committee's capital budget.
- (2) That the uncommitted balance of £2,663 for highway improvements (scheme 24) be de-allocated and the funds returned to the Committee's capital budget.
- (3) That £1,000 be allocated to Jinnah Cricket Club for the Healthy Lives through Sport project.
- (4) That a sum of £500 only be awarded for replacement trees at Burnley Road, Sackville Street and Railway Street, Brierfield.

REASON

To allocate the Committee's capital budget effectively.

137. STREET LIGHTING – 164-166 HALIFAX ROAD, BRIERFIELD

It was reported that, at the request of this Committee, Lancashire County Council (LCC) had been asked to consider installing a street lighting column outside numbers 164-166 Halifax Road, Brierfield.

LCC advised that the carriageway and footways along this stretch were adequately lit with columns situated on the opposite side of the road and therefore the request would not be considered further.

138. RESIDENTS' PARKING, HOPE STREET, BRIERFIELD

Further to the Committee's request, the Neighbourhood Services Manager reported on the

possibility of introducing resident only parking on Hope Street, Brierfield.

The Committee was advised that resident only parking controls should only be utilised to deter non-resident parking demand in residential areas close to areas of employment or commercial demand to park on-street.

It was therefore unlikely that the street would meet a number of the criteria for resident only parking controls to enable the scheme to be supported by LCC.

139. ENVIRONMENTAL CRIME

The Environmental Services Manager submitted a report which informed Members of the environmental crime action for 1st October to 31st December, 2016 in the Brierfield and Reedley area, along with annual totals for 2016/17.

140. GOVERNMENT'S PROPOSED CHANGES TO THE PLANNING SYSTEM

The Planning, Building Control and Licensing Services Manager submitted a report on proposed changes to the planning system. It was reported that the Government intended to impose changes on how the condition regime would operate and what conditions would be allowed to be added to planning permissions, in forthcoming legislation.

141. LOCAL PLAN PART 2 CONSULTATION

The Planning, Building Control and Licensing Services Manager advised the Committee on progress with the preparation of the Pendle Local Plan Part 2. A six week public consultation and an additional call for sites would begin towards the end of February.

142. REAR OF 6-12 CAMBRIDGE STREET, BRIERFIELD

The Neighbourhood Services Manager submitted a report which provided an update on options to improve the condition of the empty terrace at 6-12 Cambridge Street, Brierfield. It was noted that this matter had previously been referred to the Executive for consideration.

RESOLVED

That the Leader of the Council, his Executive and appropriate officers of the Council be asked to attend a site visit to Cambridge Street, Brierfield, to be followed by representative attendance at the next meeting of this Committee.

REASON

To highlight the problems being encountered at this location.

143. ITEMS FOR DISCUSSION

(a) Wesley Street, Brierfield – request for double yellow lines

It was reported that inconsiderate parking was causing traffic problems at the junction of Wesley Street/Colne Road, Brierfield.

RESOLVED

That Lancashire County Council be asked to consider introducing double yellow lines on both sides of Wesley Street at the junction with Colne Road, Brierfield.

REASON

In the interests of highway safety.

(b) Resurfacing to the back of Commercial Street, Brierfield

It was reported that the back of Commercial Street, Brierfield needed resurfacing.

RESOLVED

- (1) That a total budget of £18,000 be allocated from the Committee's capital programme to fund back street works in Brierfield and Reedley, including lighting as appropriate.
- (2) That resurfacing works to the back of Commercial Street, Brierfield be funded from this budget.
- (3) That the Chairman be delegated authority to agree the details and locations of future highway works to be funded from this budget in consultation with appropriate officers of the Council.

REASON

In the interests of highway safety.

(c) Resurfacing to the back of Clegg Street, Brierfield

It was reported that the back of Clegg Street, Brierfield needed resurfacing.

RESOLVED

That resurfacing works to the back of Clegg Street, Brierfield be authorised and funded from the allocated budget referred to at minute 143(b), resolution (1).

REASON

In the interests of highway safety.

CHAIRMAN _____