

**MINUTES OF A MEETING OF THE  
BRIERFIELD AND REEDLEY COMMITTEE  
HELD AT BRIERFIELD TOWN HALL  
ON 3<sup>RD</sup> SEPTEMBER, 2019**

*PRESENT*

*Councillor N. Ashraf – Chairman (In the Chair)*

**Councillors**

*M. Arshad  
M. Hanif  
Y. Iqbal  
Q. Shazad*

**Co-optees**

*S. Ahmed  
P. McCormick*

**Officers in attendance**

*Wayne Forrest  
Kathryn Hughes  
Lynne Rowland*

*Housing Needs Manager (Area Coordinator)  
Principal Development Management Officer  
Committee Administrator*

*(Apologies for absence were received from Inspector A. Cartwright.)*



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

<i>Mr Siddique</i>	<i>Tree Preservation Order – TPO/NO1/2019 Reedley Grove</i>	<i>Minute No.64</i>
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**57. DECLARATION OF INTERESTS**

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

**58. PUBLIC QUESTION TIME**

There were no questions from members of the public.

**59. MINUTES**

**RESOLVED**

That the Minutes of this Committee, at a meeting held on 6<sup>th</sup> August, 2019 be approved as a correct record and signed by the Chairman.

**60. PROGRESS REPORT**

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

It was reported that, in response to the request from a member of the public for a car parking area to be considered on Rothesay Road, Brierfield, the matter had been referred to the landowner, Together Housing. Together Housing advised that it had not noted any requests for extra car parking from their residents and stated that they were not able to fund or provide extra car parking on Rothesay Road.

**61. COMMUNITY SAFETY ISSUES AND POLICE MATTERS**

Members of the public were given the opportunity to raise local community safety issues with the Committee. No issues were raised.

**62. PLANNING APPLICATIONS**

The Planning, Economic Development and Regulatory Services Manager submitted a report of the following planning application to be determined –

**19/0520/FUL Full: Erection of a two storey detached dwelling house with two storey rear projection; roof dormers to front and rear; raised patio to rear and off-street parking (revised scheme) at Garage Site north west of 24 Park Lane, Brierfield for Mrs S Malik**

The Planning, Economic Development and Regulatory Services Manager submitted an update which reported receipt of amended plans. The amended plans had addressed one of the issues raised. However a further issue remained with regard to the raised patio. It was recommended that the application be approved subject to revised conditions.

**RESOLVED**

That planning permission be **granted** 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:

Location plan 1:1250 and Drawing B3 (as amended).

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

3. 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, D & E(a) of Part 1 and Class B 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.

Part 1

A) no extensions shall be erected

D) no porches shall be erected

E(a)) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the building

Part 2

B) no means of access shall be constructed to the curtilage of the building(s)

**Reason:** To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

4. Prior to the commencement of development 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:** In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

5. Prior to the re-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.

6. The first floor window in the side (south) elevation of the development hereby permitted shall at all times be fitted with obscure glazing to a 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 so 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.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order, 1995 (or any other order revoking or modifying that Order) the dwellinghouse extension hereby permitted shall not at any time have any additional windows, doors, dormers or other openings inserted in the south (side) or west (rear) elevations unless with the prior written consent of the Local Planning Authority as to the location, size, design and degree of obscurity of the glazing in the new opening and any window thereafter installed shall at all times comply with the details approved.

**Reason:** To safeguard residential amenity

8. Notwithstanding the submitted plans no approval is hereby given to the formation of the patio shown on Dwg B3 to the rear (west) elevation of the dwellinghouse. Prior to the first occupation of the dwellinghouse a scheme to access the two doorways serving the study and the kitchen on the rear elevation shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure an adequate level of privacy to adjacent residential properties and provide sufficient space for adequate provision of soft landscaping

9. The windows and doors shall be set back from the external wall face of the wall by at least 75mm in depth.

**Reason:** To ensure a satisfactory appearance to the development.

10. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- b. all proposals for new planting and turfing 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 approved form 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.

11. Before work commences on the site, facilities shall be provided and retained within the site, by which means the wheels of vehicles may be cleaned before leaving the land. All vehicles shall thereafter use the facilities.

**Reason:** In the interest of highway safety.

12. The proposed development shall not be brought into use unless and until four car parking spaces each measuring a minimum of 2.4m x 5m have been constructed, surfaced, sealed, drained and marked out within the site in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. The parking spaces shall thereafter always remain unobstructed and available for parking purposes.

**Reason:** In the interest of amenity and to provide sufficient off-street parking on the site.

13. Before a dwelling unit is occupied waste containers and a vehicle charging point shall be provided in the curtilage of the plot.

**Reason:** To ensure adequate provision for the storage and disposal of waste and provide for sustainable methods of transport.

## **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 proposal is acceptable in this location and therefore complies with the development plan subject to appropriate conditions to reduce the impact on adjacent properties. 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 reported the following outstanding appeal –

19/0028/FUL	Appeal against refusal of planning permission for change of use of WC building to hot food takeaway (Use Class A5) including external alterations and installation of flue at Public Conveniences, Colne Road, Brierfield, Nelson by Mr Rahul Patel
19/0008/AP/REFUSE	

**63. ENFORCEMENT/UNAUTHORISED USES**

**Enforcement Action**

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

**64. TREE PRESERVATION ORDER – TPO/NO1/2019 REEDLEY GROVE**

Further to this item being deferred at the last meeting, the Planning, Economic Development and Regulatory Services Manager resubmitted a report which sought approval to confirm Tree Preservation Order (TPO) TPO/NO1/2019 – Reedley Grove. The provisional TPO had been created on 29<sup>th</sup> May, 2019 and would last for six months unless confirmed.

The Committee was also asked to consider whether to place an Order on the remaining street trees on Reedley Grove.

It was noted that Mr Siddique, a local resident, had indicated that he would like to carry out works to the tree, although no formal TPO works consent application had been made.

*(A site visit was carried out prior to the meeting.)*

**RESOLVED**

That Mr Siddique be advised to submit an application for TPO works consent and the outcome be reported back to a future meeting of this Committee.

**REASON**

***To comply with the TPO process and allow officers to assess the proposed works.***

**65. CAPITAL PROGRAMME 2019/20**

The Housing, Health and Engineering Services Manager reported that the balance of the Committee's 2019/20 capital programme was £21,062.

**66. COMMUNITY INVESTMENT FUND**

Members received details of the uncommitted Community Investment Fund allocations.

67.

### **PROBLEM BUILDINGS**

The Planning, Economic Development and Regulatory Services Manager submitted a report on problem sites in Brierfield and Reedley.

68.

### **SECTION 106 AGREEMENT FOR THE FORMER LUCAS SPORTS GROUND**

The Planning, Economic Development and Regulatory Services Manager submitted a report which advised Members of a change in circumstances relating to the development of the former Lucas Sports facility following a re-evaluation of the requirements for the provision of facilities and the costs of running and maintaining them.

The proposed variations to the terms of the agreement were as follows –

- The football pitch would comprise of two junior pitches in lieu of the single football pitch
- No clubhouse would be provided but instead a sum of £200,000 would be provided for other infrastructure that would serve the residents of the site and the community

The Committee was asked to consider these variations to the Section 106 Agreement.

### **RESOLVED**

- (1) That it be agreed in principle that the Section 106 Agreement be amended as set out in the report.
- (2) That a further report be submitted to the Committee to set out the proposals for the use of funding for infrastructure improvements (acknowledging that any use of these funds must be compliant with regulations for Section 106 Agreements).

### **REASON**

***In order to provide necessary facilities and infrastructure to service the development.***

69.

### **FORMER MANSFIELD SCHOOL SITE, BRIERFIELD**

The Housing, Health and Engineering Services Manager reported that, in response to complaints of flooding on the former Mansfield School Site, Brierfield, Pendle Council Engineers had carried out an investigation that had found blockages in the drainage system within the former school site. The matter had been reported to the landowner, Lancashire County Council, who had installed some slit drainage connections to the culvert to intercept surface water and prevent runoff towards the adjacent highway and nearby properties. It had been expected that this would resolve the problem.

However, Councillor M. Arshad reported that, when raining, the area still flooded and believed that the problem was worse than before.

### **RESOLVED**

That the Council's Engineers be asked to revisit the site.

**REASON**

***To assess the current problem.***

**70. ITEMS FOR DISCUSSION**

**Chapel Street, Brierfield – Road markings**

At a previous meeting of this Committee it had been agreed to ask Lancashire County Council (LCC) to refresh the Give Way road markings at the Arthur Street and Stanley Street junctions with Chapel Street, Brierfield and consider erecting warning signs prior to the junctions.

Members were reminded that, in response, LCC had stated that they would not support the need for additional hazard warning signs on the road. However, it had recently been confirmed that arrangements had been made for the road markings to be refreshed.

It was reported that there had been a number of accidents at this location and it was felt that, in addition to the refreshed road markings, action was required to reduce the speed of vehicles.

**RESOLVED**

That Lancashire County Council be requested to meet with Members on site.

**REASON**

***To carry out an assessment, in the interests of highway safety.***

**71. BRIERFIELD TOWN CENTRE PREMISES IMPROVEMENT GRANTS**

Further to this item being deferred at the last meeting, the Committee was asked to reconsider an application under the Brierfield Premises Improvement Grant Scheme for improvements to 1-3 Colne Road, Brierfield, subject to planning permission (if required).

Members were also asked to consider establishing a Premises Improvement Grant Panel for Brierfield, to which three Members be appointed. This would be in line with other areas of the Borough and would help speed up applications and provide a consistent decision making process.

**RESOLVED**

- (1) That a Premises Improvement Grant of £650 be awarded for improvements to 1-3 Colne Road, Brierfield subject to the appropriate planning permissions being in place.
- (2) That the establishment of a Premises Improvement Grant Panel for Brierfield not be agreed and a request be made for grant applications to continue to be submitted to this Committee for consideration on a case by case basis.

**REASON**

- (1) ***To support the improvement of the building.***
- (2) ***To allow the Committee to consider all applications.***



**72.**

**OUTSTANDING ITEMS**

The following item had been requested by the Committee. A report would be submitted to a future meeting.

- (a) Back Humphrey Street, Brierfield – costings for works (02.07.19)

CHAIRMAN \_\_\_\_\_