

**MINUTES OF A MEETING OF THE  
BRIERFIELD AND REEDLEY COMMITTEE  
HELD AT BRIERFIELD TOWN HALL  
ON 3<sup>RD</sup> MARCH, 2020**

*PRESENT*

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

**Councillors**

*M. Arshad  
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 Councillor M. Hanif.)*



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

<i>Brian Sumner</i>	<i>19/0900/OUT Outline: Major: Erection of 19</i>	<i>Minute No.136(a)</i>
<i>John Catlow</i>	<i>dwellings, access and associated works (access</i>	
	<i>and layout) at land to the east of Bowland View,</i>	
	<i>Brierfield</i>	

**131. DECLARATION OF INTERESTS**

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

**132. PUBLIC QUESTION TIME**

A resident of Stoneyhurst Height, Brierfield reported an issue with the poor road surface in the area. He made particular reference to potholes on Marsden Road and asked that action be taken.

The Committee agreed to report the issues to Lancashire County Council (LCC).

**133. MINUTES**

**RESOLVED**

That the Minutes of this Committee, at a meeting held on 4<sup>th</sup> February, 2020 be approved as a correct record and signed by the Chairman.

**134. PROGRESS REPORT**

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

It was noted that, in December 2019, a LCC engineer had attended the site of the Colne Road, Brierfield traffic lights where there was a reported problem of timing issues and long delays. Steps had been taken to resolve the issues and, although this was acknowledged, Members felt that there had been no improvement since the engineer's visit. The Committee therefore asked that arrangements be made for members of this Committee to meet with an engineer on site.

**135. 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.

**136. PLANNING APPLICATIONS**

**(a) Planning applications to be determined**

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

**19/0900/OUT Outline: Major: Erection of 19 dwellings, access and associated works (access and layout) at land to the east of Bowland View, Brierfield for Cross Construction Ltd**

The Principal Development Management Officer advised that comments were still awaited from the Lead Local Flood Authority.

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

**RESOLVED**

That the Planning, Economic Development and Regulatory Services Manager be delegated authority to **grant consent** subject to the following conditions –

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

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

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

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

3. The development hereby permitted shall be carried out in accordance with the following approved plans: AV/01 Dwg 00, AV/01 Dwg 02A.

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

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access (carriageway 5.5m wide with 2m wide footways both sides, as shown on Plan AV/01 Dwg 02A dated 20.01.20) and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.

**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.

5. No development shall be commenced until and until full engineering, drainage, street lighting and constructional details of the roads and footways have been submitted to, and approved in writing by, the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

6. No development shall take place, including any works of clearance, 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:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities and road sweeping provision
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from clearance and construction works
- viii) Details of working hours
- ix) Timing of deliveries
- x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- xi) Construction site noise and vibration.
- xii) Burning on site.

**Reason:** In the interest of highway safety and to protect the amenities of occupiers of adjoining and nearby properties.

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

**Reason:** To ensure that the estate road and footways serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety.

8. The new access/estate road for the residential development shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any other development takes place within the site.

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

9. Prior to the occupation of each dwelling the estate roads providing access to that dwelling shall be completed to at least base course level.

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

10. Prior to the occupation of each dwelling any associated parking and garage serving the dwelling shall be constructed, laid out and surfaced in bound porous materials in accordance with the approved plan. The parking areas and garages shall thereafter always remain free from obstruction and available for the parking of vehicles.

**Reason:** In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

11. Electric vehicle charging points to be provided in accordance with a scheme to be approved by the Local Planning Authority and the vehicle charging points to be provided in accordance with the approved plan, prior to first occupation of any residential unit.

**Reason:** To ensure that the development provides sustainable transport options.

12. Foul and surface water shall be drained on separate systems. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme 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;

- (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); and
- (iii) A timetable for its implementation.

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

- 13.** No development shall commence unless and until a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

**Reason:** To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

- 14.** The development shall be carried out in strict compliance with the mitigation recommendations set out in the Preliminary Ecological Appraisal received 03/12/2019.

**Reason:** To ensure protection of the habitat of species.

- 15.** Within two weeks of the commencement of the development details of residential curtilage boundary fences/walls shall be submitted to and agreed in writing by the Local Planning Authority. The fences/walls for each property shall be erected in accordance with the approved details prior to the occupation of that dwelling.

**Reason:** In the interest of crime prevention.

- 16.** A scheme for the management and maintenance of the biodiversity areas shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The management arrangements shall be implemented in accordance with approved scheme before the first dwelling is occupied and the biodiversity areas shall thereafter be managed in accordance with the approved scheme.

**Reason:** To ensure the site is properly maintained and managed in the interests of visual amenity and the preservation of the ecological network.

**17.** The development shall not 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.

**18.** The development shall not commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said

obligation shall provide for a contribution to towards the provision of four secondary school places.

**Reason:** In order to ensure that adequate provision is made for to offset the impact of the development on education services.

Note:

There appear to be a number of public rights of way which cross the site of the proposed development. These rights of way are not recorded on the definitive map for Lancashire but the effect of the Highways Act 1980, Section 31 is the presumed dedication of public highway rights by the landowner after public use of 20 years.

The developer is advised to contact the council's Countryside Access Officer [tom.partridge@pendle.gov.uk](mailto:tom.partridge@pendle.gov.uk) 01282 661059 to discuss diversion of the public rights of way.

## **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 compliant with policy, the proposed layout and principle of residential development is acceptable and the proposed access is acceptable in terms of highway safety. 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 which advised of one outstanding appeal and two appeal decisions.

### **137. ENFORCEMENT/UNAUTHORISED USES**

#### **Enforcement Action**

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

### **138. CAPITAL PROGRAMME 2019/20**

The Housing, Health and Engineering Services Manager reported that the unallocated balance of the Committee's 2019/20 capital programme was £3,261.

The following bid was submitted for consideration –

- Making safe to back street to the rear of 15/17 Colne Road, Brierfield - £3,200.

## **RESOLVED**

That £3,200 be allocated for making safe to back street to the rear of 15/17 Colne Road, Brierfield.

**REASON**

***To ensure the most effective allocation of the Committee's capital budget.***

**139. TRAFFIC LIAISON MEETING**

The minutes of the Traffic Liaison Meeting held on 12<sup>th</sup> February, 2020 were submitted for information.

**140. ITEMS FOR DISCUSSION**

**(a) Clitheroe Road Motorway Bridge – illegal activity**

It was agreed that this item be deferred to the next meeting of this Committee.

**(b) Land at Halifax Road, Brierfield – fly tipping**

The Chairman reported that land on Halifax Road, Brierfield, opposite the former Snowball Inn, was being used as a dumping zone. Planning permission had previously been granted on the site but it was thought that this may have recently expired. He asked that this be looked into.

The Principal Development Management Officer agreed to take this forward.

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

The Housing, Health and Engineering Services Manager reported that there were no Town Centre Premises Improvement Grant applications for consideration at this meeting.

CHAIRMAN \_\_\_\_\_