

**MINUTES OF A MEETING OF
NELSON, BRIERFIELD AND REEDLEY COMMITTEE
HELD AT NELSON TOWN HALL
ON 2nd AUGUST, 2021**

PRESENT –

Councillor N. Ashraf (Chairman – in the Chair)

Councillors

*F. Ahmad
Z. Ali
R. Anwar
M. Hanif
M. Iqbal
Y. Iqbal
A. Mahmood
M. Sakib*

Co-optees

*Nick Emery (Nelson Town Centre Partnership)
Pauline McCormick (Reedley Hallows Parish Council)
Sajjid Ahmed (Brierfield Town Council)*

(Apologies for absence were received from Councillors M. Adnan, M. Aslam, K. Howarth and N. McFowan).

Officers in attendance:

<i>Julie Whittaker</i>	<i>Housing, Health and Engineering Services Manager (Area Co-ordinator)</i>
<i>Kathryn Hughes</i>	<i>Principal Development Management Officer</i>
<i>Jane Watson</i>	<i>Head of Democratic Services</i>



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

<i>Brian Sumner</i>	<i>20/0703/FUL Full: Change of use of land to be used for outdoor recreation Arisoft (sui generis) erection of associated game structures and alterations to land levels to form car park (retrospective) at Barden Lane Stables, Barden Lane, Brierfield</i>	<i>Minute No. 38(a)</i>
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<i>Nick Wilson Brian Drury Karin Grandal-Park Judith Drury Caroline Howcroft Michelle Grimshaw</i>	<i>Application for Comment: 21/0516/OUT Outline: Major: Erection of 63 dwelling units 2.449 ha (access only) on land to the east of Martinsway, Robinson Lane, Brierfield</i>	<i>Minute No. 38(b)</i>
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33. DECLARATION OF INTERESTS

Members were reminded of the requirements of the Member Code of Conduct concerning the Declaration of Interests.

34. PUBLIC QUESTION TIME

There were no questions from members of the public.

35. MINUTES

RESOLVED

That the Minutes of meetings of the Nelson, Brierfield and Reedley Committee held on 5th July, 2021 be approved as correct records and signed by the Chairman.

36. PROGRESS REPORT

A progress report on actions arising from the last meetings of Nelson Committee and Brierfield and Reedley Committee were submitted for information.

37. POLICE ISSUES

There wasn't a representative from the Police in attendance but the crime figures for Nelson for the month of July, 2021 (compared to the same period last year) were circulated at the meeting.

38. PLANNING APPLICATIONS

(a) Applications to be determined

20/0703/FUL Full: Change of use of land to be used for outdoor recreation Airsoft (sui generis) erection of associated game structures and alterations to land levels to form car park (retrospective) at Barden Lane Stables, Barden Lane, Brierfield for Mr. Philip Portch

The Planning Officer circulated an update at the meeting which provided additional comments and an additional recommendation regarding enforcement.

RESOLVED

(1) That planning permission be **granted** 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: 00, 01A, 03, 04, 05, 06, 07, 08.

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

3. The structures and paraphernalia on the site associated with the Airsoft use shall at all times be limited to that detailed in the approved plans unless details of any additional, altered or

relocated structures and paraphernalia have been submitted to and approved in writing by the Local Planning Authority.

Reason: To preserve the visual amenity of the area and openness of the Green Belt.

4. No external lighting shall be installed within the approved application site unless and until details of the lighting have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity and direction of the lighting. Any external lighting shall at all times be in strict accordance with the approved details.

Reason: In order to prevent light pollution causing harm to protected species and the open rural character of the area.

5. The development shall be carried out in strict accordance with the recommendations of the submitted Preliminary Ecological Appraisal dated September 2020.

Reason: To ensure protected species are not harmed by the development.

6. Within three months of the date of this permission a detailed landscaping scheme for the car parking area shall have 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 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 its approval. 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: In order to protect the character and visual amenity of the area.

7. Within three months of the date of this permission a scheme for the off-site highway works shall be submitted to, and approved by, the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved scheme.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter

defined any building, wall, fence, hedge, tree, shrub or other device over 0.9m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the access from the continuation of the nearer edge of the carriageway of Barden Lane to points measured 43m in each direction to the centre of the carriageway of Barden Lane, from the centre line of the access, and shall be constructed and maintained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate visibility at the site access.

9. Within three months of the date of this permission the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately surfaced in bound material. The surface water from the vehicle access should be collected within the site and drained to a suitable internal outfall.

Reason: In the interest of highway safety to prevent loose surface material and surface water from being carried or discharging on to the public highway

Notes

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the re-location of a highway gully and street lighting column 8. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.
2. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

REASON FOR DECISION

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determine din accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in all relevant regards in accordance with the Pendle Local Plan Part 1: Core Strategy. 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.

- (2) That the bus converted to a café and a covered outdoor seating area no longer formed part of this planning application but remained on the site in the open area adjacent to the car parking area. Should they not be removed voluntarily within one month an enforcement notice be served requiring their removal.

REASON

The structures had an unacceptable impact upon the openness of the Green Belt and therefore must be removed.

21/0350/FUL Full: Erection of 3 terraced dwellings on the car park at Raven Street, Nelson for Mr. Qamar Bashir

RESOLVED

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

1. The development must be begun not later than the expiration of three years beginning with 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, Proposed Site Plan - received 06/05/2021, Proposed Front Elevation - received 06/05/2021, Proposed Side elevation - received 29/04/2021, Proposed rear Elevation, Proposed Rood Plan - received 29/04/2021, Proposed Loft Plan, Proposed First Floor Plan, Proposed Ground Floor Plan.

Reason: For the avoidance of doubt and in the interests of proper planning.
Town & Country Planning Act 1990
Town & Country Planning
(Development Management Procedure) Order (England) 2015
GRANT OF PLANNING PERMISSION

3. Prior to any above ground works involved in the erection of the external walls of the development samples of the materials of the walls and roof 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 materials.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. Prior to the commencement of development involved in the installation of drainage a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved the scheme shall provide for separate systems for foul and surface waters and the drainage for each dwelling shall be constructed and completed in accordance with the approved details before the dwelling it serves is occupied.

Reason: To control foul and surface water disposal and minimise the risk of flooding.

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 accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and saved policies of the Replacement Pendle Local Plan. 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.

21/0367/HHO Full: Insertion of dormer window to front at 155 Netherfield Road, Nelson for Mrs. Farhat Khaliq

RESOLVED

That planning permission be **granted** 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: Drawing No. 1.

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

3. All materials to be used in the elevations and roof of 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.

Town & Country Planning Act 1990

Town & Country Planning

(Development Management Procedure) Order (England) 2015

GRANT OF PLANNING PERMISSION

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.

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 terms of design, residential amenity and highway safety. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

21/0401/FUL Full: Sub-divide dwelling house into two dwellings at 16 Hillside View, Brierfield for Mr. Mujahaid Bin Jamshaid

A site visit was carried out prior to the meeting.

RESOLVED

That planning permission be **granted** 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: Location Plan, Ref: ADM/20/49/04 Location Plan and Block Plan Ref: 2215 PP-003 Proposed Floor Plans, Roof Plan & Elevation Plans, Ref: 2215 PP-002

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

3. Prior to occupation of the proposed development details of the material used to block up the ground floor rear elevation window, serving the office, shall be submitted to and agreed in writing by Local Planning Authority and there shall be no variation without the prior written consent of the Local Planning Authority.

Reason: In order to allow the Local Planning Authority to control the external appearance of the development.

4. Prior to occupation of the proposed development details of the boundary fence between the two properties shall be submitted and approved in writing by the Local Planning Authority and there shall be no variation without the prior written consent of the Local Planning Authority.

Reason: In the interests of neighbouring amenity

5. Before the access is used for vehicular purposes, the hardstanding/driveway shall be appropriately paved in bound porous material.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

6. Prior to occupation of the proposed dwellings, details of the bin storage shall be submitted to and approved in writing by the Local Planning Authority. There shall be no variation without the prior written consent of the Local Planning authority.

Reason: In the interests of highway safety

REASON FOR DECISION

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determine din accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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) **Application for Comment**

21/0516/OUT Outline: Major: Erection of 63 dwelling units 2.449ha (access only) on land to the east of Matinsway, Robinson Lane, Brierfield

The Planning, Economic Development and Regulatory Services Manager submitted a report on the above application. The application was for a housing development of more than 60 houses and as such must be determined by the Policy and Resources Committee. The application was therefore brought before Committee for **comment** rather than determination.

RESOLVED

The Committee felt that there were lots of issues with the application and expressed concern with regard to narrow access, flooding, proximity to railway and coal mines, loss of trees and wildlife and loss of open space for the wellbeing of residents and visitors. They also thought that the application should be withdrawn.

REASON

It was felt that the application was unsuitable for the area.

39. ENFORCEMENT/UNAUTHORISED USES

Update on Enforcement Matters

The Head of Legal Services submitted an update on enforcement matters.

40. CAPITAL PROGRAMME 2021/22

The Housing, Health and Engineering Services Manager submitted, for information, a report on the Committee's Capital Programme for 2021/22.

The Committee were asked to consider two bids, one for back street improvements and the other for an upgrade to some street lighting columns.

RESOLVED

- (1) That the report be noted.
- (2) That £15,000 be allocated from the Highways Improvements allocation for back street improvements in the Whitefield and Walverden Ward.
- (3) That £590 be allocated from the Capital Projects – Whitefield and Walverden Ward allocation for the replacement and upgrade of street lighting columns within the communal area to the rear of Lowther Street, Nelson.

REASON

To enable the Capital Programme to be allocated effectively.

41. PETITION REQUESTING PARKING CHANGES AND REMOVAL OF THE GRASS VERGE ON CHAPEL STREET, BRIERFIELD

A petition signed by 6 residents from Chapel Street, Brierfield was submitted requesting the removal of the grass verges to address the parking issues in the area.

RESOLVED

That the petition be referred to the Traffic Liaison Meeting and an update be submitted to a future meeting.

REASON

In response to the request from residents.

42. NELSON TOWN DEAL

The Housing, Health and Engineering Services Manager reported that on 15th July, 2021 the Chair of the Town Deal Board and the Chief Executive received a Heads of Terms offer of £25m of Towns Fund to regenerate Nelson. This compared with an original bid of £29.9m. The Heads of Terms was reported to the Town Deal Board on 23rd July where the terms were agreed.

Whilst this funding was very welcome for Nelson there was a need to consider how to revise the projects to take into account the reduction in funding. There was a discussion around timescales and the submission of detailed business cases for each project. The Committee also felt that they should be kept fully informed on progress and have an ability to input into key stages of the process.

RESOLVED

- (1) That the Town Deal Funding be welcomed.
- (2) That reports be submitted to this Committee at key stages of the process as well as updates as and when required.

REASON

To keep the Committee involved and up to date.

43. RE-OPENING OF NELSON AND BRIERFIELD TOWN CENTRES

The Planning, Economic Development and Regulatory Services Manager circulated an update on spend at the meeting.

An update on progress with the virtual high street; the possibility of digital display screens; SEO priority (Google search); additional sanitizer stations and publicity to promote the town more.

It was also reported that Nelson Food and Drink Festival would be going ahead as would Lancashire Day.

RESOLVED

That the update be noted.

REASON

To keep the Committee up to date with progress and to advise on further spending on its allocation from the Welcome Back Fund.

44. ITEMS FOR DISCUSSION

(a) Land adjacent to 51 Reedley Road, Reedley

Residents had raised concerns at the unsightly and overgrown land adjacent to the above property.

Committee were informed that planning permission had been granted for 5 houses on the site a few years ago. There had been a number of issues with this site one of which related to ownership issues.

RESOLVED

That a report be submitted to the next on the issues relating to the land adjacent to 51 Reedley Road, Reedley.

REASON

To address the concerns of residents.

(b) Damage to fencing at Eskdale Close, Reedley

It was reported that there had been some damage to fencing and a lighting wire had been cut at the rear of Eskdale Close, Reedley which backs onto the Belvedere and Caldervale sports ground. It was felt that this had happened when the grass had been cut. Residents had tried to contact someone at the club without success.

RESOLVED

That the Housing, Health and Engineering Services Manager follow this up with the Environmental Services team.

REASON

In response to concerns from residents.

(c) Speed Humps on Townley Street, Brierfield

It was reported that residents felt that speed humps on Townley Street, Brierfield would help to slow traffic down on the street.

RESOLVED

That this request be referred to the Traffic Liaison Meeting.

REASON

To address the concerns of residents and to address speeding traffic issues.

45. OUTSTANDING ITEMS

- (a) Junction of Scotland Road/Sagar Street/Broadway, Nelson (05.07.2021)
- (b) Speed Calming Measures on Chapel House Road, Nelson (05.07.2021)
- (c) Broadway Car Park, Nelson (05.07.2021)
- (d) Lighting at Macmillan/Sure Start Nursery, Railway Street/Brunswick Street, Nelson (05.07.2021)

46. 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.

47. ENVIRONMENTAL CRIME – 1st QUARTER 2021/22

The Environmental Services Manager submitted a report on Environmental Crime action for Quarter 1 (1st April, 2021 to 30th June, 2021) in the Nelson and Brierfield areas (including spend on litter/dog waste bins) along with annual totals for 2021/22.

RESOLVED

That the report be noted.

REASON

To keep Members informed and to bring problems to the attention of the Environmental Services Manager.

Chairman _____