

**MINUTES OF A MEETING OF
NELSON, BRIERFIELD AND REEDLEY COMMITTEE
HELD AT NELSON TOWN HALL
ON 28th MARCH, 2022**

PRESENT –

Councillor N. Ashraf (Chairman – in the Chair)

Councillors

*M. Adnan
F. Ahmad
Z. Ali
R. Anwar
M. Aslam
M. Hanif
K. Howarth
M. Iqbal
Y. Iqbal
N. McGowan
M. Sakib*

Co-optees

P. McCormick (Reedley Hallows Parish Council)

(Apologies for absence were received from Councillor A. Mahmood, N. Emery (Nelson Town Centre Partnership) and S. Ahmed (Brierfield Town Council).

Officers in attendance:

<i>Julie Whittaker</i>	<i>Housing, Health and Engineering Services Manager/Area Co-ordinator</i>
<i>Alex Cameron</i>	<i>Planning Officer</i>
<i>Jane Watson</i>	<i>Head of Democratic Services</i>

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

<i>Bilal Anwar</i>	<i>21/0820/HHO Full: Erection of a part two and part single storey rear extension at 170 Regent Street, Nelson</i>	<i>Minute No. 149(a)</i>
<i>Asum Ahmed</i>	<i>22/0014/HHO Full: Erection of a two-storey rear extension (resubmission) at 24 Reedyford Road, Nelson</i>	<i>Minute No. 149(a)</i>

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144.

DECLARATION OF INTERESTS

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

145. PUBLIC QUESTION TIME

There were no questions from members of the public.

146. MINUTES

RESOLVED

That the Minutes of meetings of the Nelson, Brierfield and Reedley Committee held on, 28th February, 2022 be approved as correct records and signed by the Chairman.

147. PROGRESS REPORT

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

148. POLICE ISSUES

The crime figures for February, 2022 compared to the same period last year were circulated prior to the meeting. However, in the absence of any Police representative being present no issues were raised.

149. PLANNING APPLICATIONS

(a) Applications to be determined

20/0429/FUL Full: Erection of two B2 and B8 industrial units (450 sq. m.) and convert existing units into two units (Use Class B2 and B8 (445 sq. m.)) at Coal Wharf, Scotland Road, Nelson for Pendle View Properties

It was reported that United Utilities had some issues with this application which they were looking into and that they may request some additional conditions.

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be granted **delegated authority to grant** planning permission subject to the following conditions and reasons and any additional conditions requested by United Utilities:

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: 2010/SDK/06A, 2010/SK/07, 2010/SK01B and 2010/100.

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

3. The materials to be used externally on the development hereby authorized shall be as stated on the approved plans.

Reason: These materials are acceptable and will present a design appropriate to the area.

4. Prior to any use of any of the buildings hereby authorized the parking shown on the approved layout plans shall be provided in their entirety with an additional three spaces provided. The spaces shall be marked out on the ground and shall thereafter remain at all times solely for the parking of vehicles using the site.

Reason: In order to ensure the site is provided with an acceptable level of parking in the interests of highway safety.

5. No above ground development shall take place unless and until details of the foul and surface water arrangements for the site have been submitted and approved in writing by the local Planning authority. No unit shall be occupied unless that drainage has been installed and is working in full.

Reason: In order to prevent pollution and to ensure the site is served by adequate drainage.

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.

21/0747/HHO Full: Erection of dormer windows to front and rear roofslopes at 79 Bentley Street, Nelson for Mr. S. Chaudhary

RESOLVED

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

****PLANNING TO ADD****

21/0755/FUL Full: Change of use of land to extend residential curtilage and formation of a hardstanding for use as domestic car parking area (retrospective) at Waterside Bungalow, Montford Road, Brierfield for M. Q. Qayum

(Before the vote was taken, the Planning Officer advised that a decision to approve the application would represent a significant departure from policy. The matter would therefore be referred to the Head of Legal Services and subject to his agreement the decision would stand referred to the Policy and Resources Committee).

RECOMMENDATION

That planning permission be **granted** subject to appropriate conditions and reasons.

21/0816/HHO Full: Formation of new vehicular access from Walton Lane (Reg. 3) at Cemetery Lodge, Walton Lane, Nelson for Pendle Borough Council

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:

- Site Location and Proposed Vehicular Access Plan A21-72 01'a', received on 10/03/2022
- Bowland Tree Consultancy, Arboricultural Impact Assessment, received on 11/02/2022

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

3. Prior to the first use of the driveway, the vehicle crossing shall be constructed to LCC specification (see informative note).

Reason: In the interests of highway safety

4. The development hereby approved shall be carried out in strict accordance with the arboricultural development report, received on 11th February 2022.

Reason: To protect the trees in the interest of the amenity of the area.

5. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837: 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

Reason: To prevent trees from being damaged during building works.

Informative Note

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation for found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>

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 development is acceptable in highways terms and would not harm the wider natural or built environment. 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.

21/0817/OUT Outline: Erection of one dwelling house (access only) on land to the South of Rockwood Lodge, Halifax Road, Nelson for Mr. M. Y Karim

The Planning Officer circulated an update at the meeting. An additional highways report including a traffic speed survey, tree survey and amended plans had been submitted. A new access was proposed to the south of the existing golf club access which required the removal of two trees from the highway verge. The County Council would need to agree to the removal of these trees and their comments on the revised information had not yet been received.

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be granted **delegated authority to grant** planning permission subject to the following conditions and reasons and any additional conditions necessary following receipt of comments from the County Council:

1. An application for approval of the reserved matters (namely the appearance, scale, layout 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, scale, layout and landscaping (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 and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: P01 and P03B.

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

4. No development shall commence unless and until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. 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.

5. 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.

Note

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at www.gov.uk/coalauthority.

REASON FOR DECISION

****PLANNING TO ADD****

21/0820/HHO Full: Erection of a part two and part single storey rear extension at 170 Regent Street, Nelson for Mr. B. H. Anwar

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be granted **delegated authority to grant** planning permission subject to the receipt of amended plans to reduce the size of the extension and in consultation with the Chairman and Ward Councillors and subject to appropriate conditions and reasons.

22/0014/HHO Full: Erection of a two storey rear extension (re-submission) at 24 Reedyford Road, Nelson for M. W. M. Begum

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be granted **delegated authority to grant** planning permission subject to the receipt of amended plans and appropriate conditions and reasons.

22/0069/HHO Full: Insert dormer windows to front and rear roof slopes at 68 Fleet Street, Nelson for Mr. A. Ghani

RESOLVED

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

****PLANNING TO ADD****

22/0096/HHO Full: Insertion of dormer window to the front roofslope at 10 Newport Street, Nelson for Mr. M. Arshad

RESOLVED

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

****PLANNING TO ADD****

(b) Planning Appeals

The Planning, Economic Development and Regulatory Services Manager submitted, for information, a report on appeals submitted and any decisions received.

150. ENFORCEMENT/UNAUTHORISED USES

Update on Enforcement Matters

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

151. CAPITAL PROGRAMME 2021/22

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

The Committee were asked to consider two bids:

- (a) Environmental Improvements in Walverden £1,998
- (b) Replacement kits and partnership working with sports clubs in Nelson and Brierfield for the Pendle District Cricket League £6,000

RESOLVED

(1) That the following be de-allocated:

Scheme Number	Scheme Details	Amount £
2	Ward Initiatives	3,900

Nelson Committee (28.02.2022)

10	Provision of SPID	2,520
14	Capital Projects – Bradley Ward	12,950
15	Capital Projects – Brierfield East and Cloverhill Ward	5,950
17	Capital Projects – Southfield Ward	9,950
	TOTAL	35,270

(2) That the following be allocated:

Scheme Details	Amount £
Nelson Town Council – for highway safety	24,000
Pendle District Cricket League	6,000
Environmental Improvements in the Walverden	1,998

(3) That £3,272 be agreed, in principle, for improvements to back Chatham Street/Every Street, Nelson and allocated from the Capital Programme 2022/23 at the next meeting.

REASON

To enable the capital programme to be allocated effectively.

152. TRAFFIC LIAISON MEETING

Minutes of a meeting of the LCC Traffic Liaison Meeting held on 23rd February, 2022 were submitted for information.

Reference was made to a recent road traffic accident at the junction of Manchester Road and Lomeshaye Road, Nelson and the problems with speeding vehicles on various streets/roads in Nelson and Brierfield. It was felt that the roads were being used as a race track. The Police were aware of this problem but it was felt it was important to bring this issue to the attention of the Traffic Liaison Meeting (TLM).

Concerns were also expressed that Councillors could not attend meetings of the TLM. It was felt that Councillors should be invited to these meetings and be able to participate in discussions.

RESOLVED

- (1) That the minutes of the Traffic Liaison Meeting held on 23rd February, 2022 be noted.
- (2) That a letter be sent to the County Council Cabinet Member for Highways requesting that Councillors be invited to attend meetings of the Traffic Liaison Meeting.

REASON

To be inclusive and enable Councillors to participate in the meetings.

153. PUBLIC SPACES PROTECTION ORDERS: ALLEY GATES

The Chief Executive submitted a report seeking authority to include an alley gate scheme at Chapel Street, Brierfield as a variation to the current Alley Gates Public Spaces Protection Order.

RESOLVED

That the Alley Gate PSPO be varied to include Chapel Street, Brierfield and that this stay in place until the end of the Alley Gate PSPO in October, 2024.

REASON

To address the concerns of local residents that without alley gates in place the ginnel would continue to attract anti-social behaviour.

154. ITEMS FOR DISCUSSION

(a) Clarkson Drive/Reedley Drive, Reedley

Concerns were raised about the problems with flooding at the bottom of Reedley Drive and Clarkson Drive, Reedley. This issue had been ongoing for a number of years and it was linked to some nearby development carried out by Barnfield Construction.

Officers had made some investigations and were waiting for Barnfield Construction to come back to them with some information.

RESOLVED

That a meeting be arranged with representatives from Barnfield Construction, the Chairman, Ward Councillors and relevant officers to discuss the issue of flooding on Reedley Drive/Clarkson Drive, Reedley.

REASON

In response to concerns from residents.

155. 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) Enforcement Item (29.11.2021)

Chairman _____