

**MINUTES OF A MEETING OF
NELSON, BRIERFIELD AND REEDLEY COMMITTEE
HELD AT NELSON TOWN HALL
ON 4TH SEPTEMBER 2023**

PRESENT –

Councillor N. Ashraf (Chair)

Councillors

*F. Ahmad
S. Ahmed
Z. Ali
M. Ammer
R. Anwar
M. Aslam
M. Hanif
Y. Iqbal
Y. Tennant*

Co-optees

*H. Ahmed (Brierfield Town Council)
N. Emery (Nelson Town Centre Partnership)
S. Munir (Reedley Hallows Parish Council)*

(Apologies for absence were received from Councillors M. Iqbal and A. Mahmood).

Officers in attendance:

*Alex Cameron Planning Officer/Area Co-ordinator
Jessica Robinson Committee Administrator*

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

<i>Rob Mackenzie Ian Shutt</i>	<i>23/0350/FUL Full: Erection of a multi-purpose agricultural building and agricultural track on Land to the South of Meadowcroft, Barden Lane, Reedley</i>	<i>Minute No. 57(a)</i>
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52. DECLARATION OF INTERESTS

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

53. PUBLIC QUESTION TIME

Two residents of King's Causeway, Brierfield attended the meeting and spoke of the persistent issues they were experiencing with weekend visitors to Nelson Golf Club regularly parking outside properties and either fully or partially blocking driveways. Grass verges were also being parked on causing damage to them. This inconsiderate parking had on occasion dangerously led to Ambulances being unable to gain access to properties. The residents had contacted the Golf Club but they had said they had no control over the issue. Members did not agree and felt the Golf Club should take some ownership particularly given that the issue was unlikely to improve with its membership increasing. It was proposed and agreed that; the Golf Club be contacted by the

Council and asked to encourage their members to use their car park or park more considerately when visiting the premises; Officers from the Planning Department investigate potential breaches of planning conditions in relation to parking; Lancashire County Council be requested to undertake weekend parking enforcement; and the Police be made aware of the issue. The Chair advised the residents that they would be kept informed of progress via e-mail.

RESOLVED

- (1) That Nelson Golf Club be contacted and requested to encourage their members to use their car park or to park more considerately on Kings Causeway, Brierfield when visiting their premises.
- (2) That the Assistant Director Planning, Building Control and Regulatory Services be requested to investigate potential breaches of planning conditions by Nelson Golf Club in relation to parking.
- (3) That Lancashire County Council be requested to undertake weekend parking enforcement on Kings Causeway, Brierfield.
- (4) That the Police be made aware of the parking issues on Kings Causeway, Brierfield.

54. MINUTES

RESOLVED

That the Minutes of the meeting held on 31st July, 2023 be approved as a correct record and signed by the Chair.

55. PROGRESS REPORT

A progress report on actions arising from the last meeting of the Nelson, Brierfield and Reedley Committee was submitted for information.

56. POLICE ISSUES

No issues were raised.

57. PLANNING APPLICATIONS

(a) Applications to be determined

The Assistant Director Planning, Building Control and Regulatory Services submitted the following planning applications for determination: -

23/0350/FUL Full: Erection of a multi-purpose agricultural building and agricultural track on Land to the South of Meadowcroft, Barden Lane, Reedley for Mr. J Durkin

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: C522 Rev E.

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. 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.

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 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 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.

23/0359/HHO Full: Erection of front and rear dormers to facilitate a loft conversion at 10 Westmoreland Street, Nelson for Mr. Mehtab Javed

RESOLVED

That the Assistant Director Planning, Building Control and Regulatory Services be granted **delegated authority** to **approve** the application subject to the receipt of amended plans which incorporate pitched roofs in the design and appropriate materials and also 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, Site Plan, Existing and Proposed Side Elevations AB0124-05A, Proposed First Floor, Second Floor and Roof Plans AB0124-03A, Existing and Proposed Elevations AB0124-04A.

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

3. The external materials used in 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.

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 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.

23/0380/FUL Full: Erection of a 6 no. detached bedroom house with parking on Land to the South East of Bamford Street, Nelson for S J A Investments Ltd.

An update had been circulated prior to the meeting reporting that amended plans that changed the flat roof dormer to two smaller pitched roofed ones had been submitted. Dormers, however, were not a feature of the surrounding character and appearance of the area and as such the recommendation to refuse the application remained.

RESOLVED

That determination of the application be **deferred** to the next meeting to allow for a site visit.

23/0382/HHO Full: Erection of a double storey rear extension with dormers to front and rear roof slopes, roof ridge lift and canopy to frontage with external works at 12-14 Meredith Street, Nelson for Mr. Waqas Raja and Mr. Sadaf Riaz

RESOLVED

That the Assistant Director Planning, Building Control and Regulatory Services be granted **delegated authority** to **approve** the application subject to a condition preventing the reincorporation of a canopy to the front elevation in the design and also 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 Plans U216-P01, Existing and proposed elevations U216-P03C, Existing and proposed plans U216-P02C.

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

3. The external materials used in 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.

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.

4. The works to install the front dormer windows hereby approved shall not commence if the canopy approved by planning permission 23/0054/HHO has been implemented, following the commencement of works to install the front dormer windows hereby approved the canopy approved by planning permission 23/0054/HHO shall not be implemented at any time thereafter.

Reason: The presence of both the canopy and dormer windows would result in an unacceptable degree of visual clutter which would represent poor design to the detriment of the visual amenity of the area.

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.

23/0475/VAR Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 22/0399/HHO at 56 Carr Road, Nelson for Mr. Hussain

(Before the vote was taken, the Planning Officer advised that a decision to approve the application would represent a significant departure from policies ENV1 and ENV2 of the Core Strategy. The matter would therefore be referred to the Head of Legal and Democratic Services and subject to his agreement the decision would stand referred to the Development Management Committee).

RECOMMENDATION

That the Development Management Committee be recommended to **grant** planning permission subject to appropriate conditions and reasons.

(b) Planning Appeals

The Assistant Director Planning, Building Control and Regulatory Services submitted a report, for information, on planning appeals, which was noted.

58. ENFORCEMENT ACTION

The Head of Legal and Democratic Services submitted an update on enforcement matters, which was noted.

59. AREA COMMITTEE BUDGET 2023/2024

The Head of Housing and Environmental Health submitted a report on the Committee's Budget for 2023/24. The Committee were asked to consider a bid of £600 from Pendle Council for repairing the subsidence to the rear of 19 Chatham Street, Nelson.

There had been additional costs of £1,143 incurred regarding Scheme 5 for tarmacking the footpath at the rear of 41-49 Hibson Road, Nelson due to unforeseen drainage issues. There was enough money set aside within Scheme 5 to cover these additional costs as the back street improvements in Whitefield and Walverden were now not going ahead due to Lancashire County Council regulations.

The Committee's request for the reinstatement of its Budget allocation of £78,270 for 2023/24 would be considered by the Executive at its September meeting as they had not met in August.

RESOLVED

- (1) That it be noted that £33,153 of the Committee's 2023/24 Budget was uncommitted.
- (2) That the additional costs of £1,143 incurred regarding Scheme 5 for tarmacking the footpath at the rear of 41-49 Hibson Road, Nelson be noted.
- (3) That £600 be allocated to Pendle Council for repairing the subsidence to the rear of 19 Chatham Street, Nelson.

REASON

To enable the Committee's Budget to be allocated effectively.

60. PUBLIC SPACES PROTECTION ORDER FOR ALCOHOL CONTROL

The Director of Resources submitted a report to update Members of the Committee on the review of the Public Spaces Protection Order (PSPO) in relation to alcohol control in Pendle which had been in force since October, 2020.

There had been consultation with the Police and the Council's Licensing Officer and Green Spaces Manager and all had indicated a preference to extend the current PSPO for a further three years.

There had also been Member, Partner and public consultation on extending the PSPO carried out during June and July, 2023. Proposals to include Swinden Playing Fields and to extend the Nelson town centre boundary along Leeds Road up to and including Walton Street had also been consulted on. A draft replacement plan for Nelson was attached to the report at Appendix 3. Although there were few responses to the consultation there had been no opposition to both extending the PSPO and the proposals.

RESOLVED

- (1) That the extension of the Public Spaces Protection Order (PSPO) for Alcohol Control in Pendle for a further three years be approved.
- (2) That the proposals to include Swinden Playing Fields and to extend the Nelson town centre boundary along Leeds Road up to and including Walton Street, as shown in the draft plan for Nelson attached to the report at Appendix 3, be approved.

REASON

To enable the Council and its Partners to respond to concerns regarding alcohol related behaviour that is detrimental to the quality of life in Nelson including enforcement action.

61. ENVIRONMENTAL BLIGHT

Members were advised that there were currently no Environmental Blight sites in Nelson, Brierfield and Reedley.

Any new sites should be reported to Tricia Wilson (tricia.wilson@pendle.gov.uk) with a brief description of the site and the problem along with contact details.

62. REPRESENTATIVES ON OUTSIDE BODIES

Members were asked to consider nominating two Members onto the Marsden Heights Education Foundation for the remainder of the 2023/24 municipal year.

RESOLVED

That Councillors F. Ahmad and Y. Iqbal be nominated onto the Marsden Heights Education Foundation for the remainder of the 2023/24 municipal year.

REASON

To represent the Council.

63. PROPOSED DIVERSION OF PUBLIC FOOTPATHS 15/16 AT MONKHEY FARM, ROBINSON LANE, REEDLEY

The Assistant Director Operational Services submitted a report to request that Members consider authorising the Head of Legal and Democratic Services to make a Diversion Order under Section 119 of the Highways Act 1980 for the riverside Footpaths 15/16 Reedley Hallows at Monkhey Farm, Reedley as part of it had become unusable and unsafe for public access due to the collapse of the banking. The proposed diversion was shown in Appendix B attached to the report. The effect of the proposed diversion would be to establish a 2m wide replacement footpath on level ground to provide a safe route for public access and had been assessed as expedient in the interests of the public health and safety.

RESOLVED

- (1) That the report be noted.

- (2) That the Head of Legal and Democratic Services be authorised to make a Diversion Order under Section 119 of the Highways Act 1980 for Footpaths 15/16 Reedley Hallows at Monkhey Farm, Reedley.
- (3) That the Head of Legal and Democratic Services be authorised to confirm the Diversion Order if there are no objections, or in the case of objections to refer the Order to the Secretary of State to be confirmed.

REASON

In the interests of public health and safety.

64. REPLANTING THE ROUNDABOUT AT THE REEDYFORD INTERCHANGE

At a meeting of the Barrowford and Western Parishes Committee it was resolved “that the Nelson, Brierfield and Reedley Committee be requested to consider supporting a scheme to replant the redesigned roundabout at the Reedyford Interchange in Nelson”.

RESOLVED

That a scheme to replant the redesigned roundabout at the Reedyford Interchange in Nelson be supported by this Committee.

REASON

To provide a more aesthetically pleasing gateway into Nelson.

65. ITEMS FOR DISCUSSION

(a) Condition of land and parking area by Sure Start Nursery, Brunswick Street, Nelson

It was reported that the matter had already been referred to the Community Protection Co-ordinator who had re-issued a Community Protection Warning to the individual causing the issues. It was further reported that the Council’s Engineering Department had been requested to look at options for preventing parking on the site. Members noted the action taken but felt it wasn’t addressing the main issue which they deemed to be the landscape. There was a triangle of land at the gable end of the Sure Start Nursery with three parking spaces on it which was being abused. It was proposed that the removal of these spaces be considered by the Head of Economic Growth as it would not have any detrimental impact on the community. It was further proposed that installing bollards, siting benches and planting trees on this land then be considered.

RESOLVED

That the Head of Economic Growth be requested to consider the removal of the three car parking spaces on the triangle of land at the gable end of the Sure Start Nursery, Brunswick Street, Nelson and also the later installation of bollards, siting of benches and planting of trees on the land.

REASON

In the interests of visual amenity and public health and safety.

(b) Former Marsden Heights Community College Site

It was reported that the former Marsden Heights Community College site was now severely overgrown, prone to fly-tipping and in urgent need of maintenance. The matter had been referred to Lancashire County Council's (LCC's) Asset Management Department but Members were not satisfied with their response to date. It was suggested that the matter also be referred to County Councillors Azhar Ali and Mohammed Iqbal for them to escalate the issue.

RESOLVED

That the issue of the condition of the former Marsden Heights Community College site be referred to County Councillors Azhar Ali and Mohammed Iqbal for it to be escalated.

REASON

In the interests of visual amenity and public health and safety.

66. OUTSTANDING ITEM

- (a) Petition from Residents of Burnley Road and Clegg Street, Brierfield (31.07.2023)

67. 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.

68. PETITION UPDATE

The Director of Resources submitted a report to update Members on the response to a petition which had been submitted at a previous meeting of this Committee.

Members were asked to give an indication of whether they would part fund an alley gate scheme subject to evidence of need and funding from other sources. There was no funding for new alley gate schemes in the Council's Budgets. Three separate alley gates would be required as would some fencing. Based on previous schemes and the extent of the work required funding of at least £5,000 would be required.

RESOLVED

- (1) That the report be noted.
- (2) That the request to consider part funding an alley gate scheme be noted.

REASON

To enable the Council and its Partners to respond to concerns regarding behaviour that is detrimental to the quality of life.

Chair _____