

**MINUTES OF A MEETING OF  
NELSON, BRIERFIELD AND REEDLEY COMMITTEE  
HELD AT NELSON TOWN HALL  
ON 2<sup>ND</sup> OCTOBER 2023**

*PRESENT –*

*Councillor N. Ashraf (Chair)*

**Councillors**

*F. Ahmad  
S. Ahmed  
M. Ammer  
R. Anwar  
M. Aslam  
M. Iqbal  
Y. Iqbal  
M. Kaleem  
A. Mahmood  
Y. Tennant*

**Co-optees**

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

*(Apologies for absence were received from Councillors M. Adnan, Z. Ali and M. Hanif).*

**Officers in attendance:**

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



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

<i>Sharon Ashley Robbie Attilgan Maria Clancy Tracy Lowe Ian Shutt Lisa Tennant</i>	<i>23/0521/FUL Full: Change of use of part of a stable building for residential accommodation (for a temporary period of 3 years), the siting of 5 no. dog kennels at the site and the retention of the site for dog rehabilitation and training use at Pendle Bridge Lodge, Woodend Road, Reedley</i>	<i>Minute No. 74(a)</i>
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**69. DECLARATION OF INTERESTS**

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

The following Councillor declared a disclosable pecuniary interest on the item indicated: –

<i>F. Ahmad</i>	<i>22/0614/HHO - Full: Erection of a dormer window to rear at Edge End Hall, Edge End Lane, Nelson</i>	<i>Minute No. 74(a)</i>
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**70. PUBLIC QUESTION TIME**

There were no questions from members of the public.

**71. MINUTES**

**RESOLVED**

That the Minutes of the meeting held on 4<sup>th</sup> September, 2023 be approved as a correct record and signed by the Chair.

**72. PROGRESS REPORT**

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

**73. POLICE ISSUES**

No issues were raised.

**74. PLANNING APPLICATIONS**

**(a) Applications to be determined**

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

**22/0614/HHO Full: Erection of a dormer window to rear at Edge End Hall, Edge End Lane, Nelson for Mr. Sabah Bapir**

*(Councillor F. Ahmad declared a pecuniary interest in this item and withdrew from the meeting).*

**RESOLVED**

That determination of the application be **deferred** to give the Applicant, in consultation with the Case Officer, the opportunity to submit an amended proposal that would be appropriate in terms of design and materials.

**23/0293/OUT Outline (Major): Demolition of Cash and Carry and the formation of 41 self contained flats (Access, Layout and Scale only) at Queens Hall, Bradley Road, Nelson for Jan Capital Ltd.**

An update had been circulated prior to the meeting reporting that additional drainage and flood risk reports had been submitted to address the reason for refusal and that the Lead Local Flood Authority and Environment Agency had been reconsulted. It further reported that the Applicant had agreed to an extension of the timescale for determining the application. The recommendation to refuse the application had altered, as a result, to deferral to the next meeting to allow for the two Consultees to respond.

**RESOLVED**

That determination of the application be **deferred** to the next meeting to allow for the Lead Local Flood Authority and Environment Agency to respond to their further consultation.

**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.**

This application had been deferred from the last meeting to allow for a site visit which was undertaken prior to this meeting.

An update had been circulated prior to the meeting reporting that amended plans that changed the dormer to roof lights had been submitted and that the development was now acceptable in terms of the Design Principles SPD. The recommendation to refuse the application had altered, as a result, to approval subject to conditions.

**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 & Site Plan Rev C, Proposed Sections and Roof Plan Rev C, Proposed Floor Plan Rev C, Proposed Elevations Rev C.

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

3. All materials to be used for the proposed development hereby approved shall be as stated on the application form and approved drawings and they shall not be varied without the prior written permission of the Local Planning Authority.

**Reason:** Those materials are appropriate for the development and site.

4. Prior to commencement of works on site, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

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.

**(iv)** Details of how foul and surface water will be disposed of.

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.

5. Prior to commencement of development a construction method statement should be 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)** Wheel washing facilities/road sweeping facilities

**v)** Routing of delivery vehicles to/from site

**vi)** Timing of deliveries

**vii)** Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

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

6. The development hereby permitted shall not be occupied 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:

**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 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.

7. A boundary treatment of close boarded fencing measuring a minimum of 1.8m in height along each of the side boundaries shall be erected prior to occupation of the development hereby approved and remain in place at all times, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of neighbouring amenity.

8. Notwithstanding any indication on the plans hereby approved, at no time shall there be a fence measuring greater than 1m in height along the highway with Bamford Street or Tweed Street. The fencing to the front and rear boundaries shall measure no greater than 1m in height measured from the back of the pavement in respect of the existing levels on Bamford Street and Tweed Street. The fencing along the side boundaries shall measure no greater than 1m in height for a distance of 2m taken from the back of the pavement into the site. All other fencing to the side elevations shall not exceed 1.8m in height. There shall be no change to the heights of the fencing unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and wider visual amenity.

9. Notwithstanding any indication in the Construction Method Statement, the operating hours for the construction period shall be as follows:  
08:00hrs – 18:00hrs on Monday to Fridays  
09:00hrs to 13:00hrs on Saturdays  
No work Sundays

Unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of neighbouring amenity.

#### **Informative**

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the Local Planning Authority.

#### **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 is acceptable in terms of scale and visual amenity, thereby complying with Local Plan policies. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.***

**23/0467/HHO Full: Conversion of garage to habitable room with pitched roof above it. Erection of a front porch and single storey rear extension. Installation of dormers to front and rear roofslopes at 56 Causey Foot, Nelson for Mr. Javed Iqbal**

## **RESOLVED**

That planning permission be **refused** for the following reasons: -

The development would result in an overbearing impact on the bedroom of 58 Causey Foot and would thus be poor design contrary to Policy ENV2 of the Pendle Core Strategy and the Pendle Design Principles SPD.

### **23/0485/HHO Full: Formation of access and erection of a porch at 35 Clegg Street, Brierfield for Mr. Khalid**

*(Before the vote was taken, the Planning Officer advised that a decision to approve the application would represent a significant departure from policy ENV4 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.

### **23/0521/FUL Full: Change of use of part of a stable building for residential accommodation (for a temporary period of 3 years), the siting of 5 no. dog kennels at the site and the retention of the site for dog rehabilitation and training use at Pendle Bridge Lodge, Woodend Road, Brierfield for K9 Rehab**

An update had been circulated prior to the meeting reporting that additional comments, both objecting to and supporting the scheme, had been received from members of the public but could not be taken into account in the determination of the planning application as the points raised were not material planning considerations. It further reported that the Applicant had submitted a noise management plan which had not been considered as acceptable by the Council's Environmental Health Officer. The recommendation to refuse the application remained but the wording for the reason for refusal based upon a noise assessment had been amended slightly as a result.

*(Before the vote was taken, the Planning Officer advised that a decision to approve the application would represent a significant departure from policies ENV2, ENV4, ENV5, LIV1 and SDP2 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.

### **23/0563/HHO Full: Altering roof from hip to gable and the erection of a front dormer at 152 Leeds Road, Nelson for Mr. Maqsood Ahmed**

## 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 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: LP, SP, 03, 04.

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

3. All materials to be used in the elevations of the proposed dormer shall be as stated on the application form and approved drawings and the external facing and roofing materials of the hip to gable alteration shall match those of the existing building in terms of type, size, form, texture and colour, the materials 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 is acceptable in all relevant regards. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.***

**23/0564/HHO Full: Erection of a side dormer at 229 Every Street, Nelson for Miss. F. Sharples**

*(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.

The appeal against refusal of Advertisement Consent for the erection of an illuminated advertisement screen on the front elevation of 67 Scotland Road, Nelson had been dismissed since the report had been published.

**75. ENFORCEMENT ACTION**

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

**76. AREA COMMITTEE BUDGET 2023/2024**

The Head of Housing and Environmental Health reported that the unallocated sum of Committee's Budget was £32,553 and that a full report would be submitted to the next meeting.

The Committee's request for the reinstatement of its Budget allocation of £78,270 for 2023/24 would now be considered by the Council at its December meeting.

**77. LAND FRONTING 34 LANDLESS STREET, BRIERFIELD**

The Director of Place submitted a report to recommend that the land shown edged in black on the plan attached to the report at Appendix 1 be declared surplus to requirements further to a request from the Tenant to purchase it.

A sale of the land would result in a capital receipt for the Council and would prevent it becoming a maintenance liability.

The report further recommended that the land be sold on a long leasehold rather than a freehold so that covenants in relation to domestic garden use of the land would be easier to enforce if they were breached.

**RECOMMENDATIONS**

- (1) That the Executive be recommended to declare the land fronting 34 Landless Street, Brierfield surplus to requirements in order for it to be sold.
- (2) That the Executive be recommended to authorise the Director of Place to negotiate terms of a long leasehold sale to the existing Tenant of 34 Landless Street with a restrictive covenant that the land be used as a domestic garden only.

**REASON**

***A sale of the land would result in a capital receipt for the Council and end all liabilities.***



## **78. LAND ADJOINING HURSTWOOD GARDENS, BRIERFIELD**

The Director of Place submitted a report to recommend that the land shown edged in black on the plan attached to the report at Appendix 1 be declared surplus to requirements further to a request from the Tenant of 7 Hurstwood Gardens, Brierfield to purchase it.

The land was designated public open space but a sale of the land would not affect the remaining open space and would result in a reduced maintenance liability for the Council. Furthermore, a sale of the land would result in a capital receipt for the Council.

The report further recommended that the land be sold on a long leasehold rather than a freehold so that covenants in relation to domestic garden use of the land would be easier to enforce if they were breached.

### **RECOMMENDATIONS**

- (1) That the Executive be recommended to declare the land adjoining Hurstwood Gardens, Brierfield surplus to requirements in order for it to be sold.
- (2) That the Executive be recommended to authorise the Director of Place to negotiate terms of a long leasehold sale to the existing Tenant of 7 Hurstwood Gardens, Brierfield with a restrictive covenant that the land be used as a domestic garden only.

### **REASON**

***A sale of the land would result in a capital receipt for the Council and reduce its maintenance liabilities.***

## **79. LOCAL CYCLE AND WALKING INFRASTRUCTURE PLANS ENGAGEMENT STAGE 2**

Members were advised that Lancashire County Council (LCC) had prepared Local Cycle and Walking Infrastructure Plans (LCWIPs) showing proposed Active Travel Network Maps across Lancashire.

Pendle Council had been working with LCC on the Burnley and Pendle LCWIP. Comments were now being sought from the public on the proposed network plan.

The initial public engagement, Stage 1, took place last year. The link below gave details of the routes in the area and across Lancashire and comments were welcomed -

<https://lancashire.citizenspace.com/lcwip-engagement-stage-2/>

The Consultation would close on 24th October, 2023 and the Committee was encouraged to engage with the process.

## **80. FORMER MARS DEN HEIGHTS COMMUNITY COLLEGE SITE**

Members were advised that the grass on the site had now been cut and that it had been cleared of waste by Lancashire County Council.

**81. CONDITION OF LAND AND PARKING AREA BY SURE START NURSERY,  
BRUNSWICK STREET, NELSON**

The Head of Economic Growth had been requested to consider options to alleviate parking and car dumping issues on the site which had previously been improved as part of a Housing Market Renewal Grot Spot scheme in 2008, as per the attached plan. The triangular area shown on the plan was still in Council ownership and an option to include bollards to prevent people parking or abandoning vehicles on the flagged area was currently being looked at. It was felt that this would alleviate the problem without the need to remove the four existing car parking spaces but Members did not agree and requested a site meeting to discuss alternative options. Members noted that there was a limited Budget for certain Problem Sites across Pendle including this triangular area but said that Nelson Town Council would be agreeable to contributing funds to allow for a bigger scheme than the one proposed to be delivered.

**RESOLVED**

- (1) That the update be noted.
- (2) That a site meeting to discuss options other than the one proposed by the Head of Economic Growth to alleviate parking and car dumping issues on the triangular area of land by the Sure Start Nursery, Brunswick Street, Nelson be arranged as soon as practicable.

**REASON**

*To alleviate parking and car dumping issues on the recognised Problem Site.*

**82. 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.

**83. 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 felt that the Pendle Community Safety Partnership should be asked to give an indication of whether they would part fund an alley gate scheme at the location instead of this Committee.

**RESOLVED**

- (1) That the responses to the petition be noted.
- (2) That the Pendle Community Safety Partnership be requested to consider part funding an alley gate scheme at the location.

**REASON**

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

Chair \_\_\_\_\_