



**82. PUBLIC QUESTION TIME**

1. County Councillor A. Ali asked that action be being taken with regards the state of the site of the old church, Vernon Street, Nelson as it was over grown and dilapidated.

The Planning, Building Control and Licensing Services Manager said he would look into the matter and report back to this Committee.

2. A petition signed by 20 residents of Hargreaves Street, Nelson was submitted to the meeting requesting that the top block of Hargreaves Street be made into a one way street, traffic flowing one way off Every Street up onto Manchester Road, Nelson.

The Chairman said that matter would be referred to Lancashire County Council as they were the Highway Authority.

3. County Councillor A. Ali made reference to a spate of burglaries within the town centre and requested that the transfer of the CCTV's within Nelson, to Nelson Town Council be done as quickly as possible.

**83. MINUTES**

**RESOLVED**

That the Minutes of this Committee at the meeting held on 3<sup>rd</sup> October, 2016 be approved as a correct record and signed by the Chairman.

**84. PROGRESS REPORT**

A progress report on action arising from the meeting of this Committee held 3<sup>rd</sup> October, 2016 was submitted for information.

The Planning, Building Control and Licensing Services Manager reported on the court decision with regards Forest House, Cobden Street, Nelson and that the appeal had been upheld and the site was to be cleared within six months.

Councillor N. Ahmed requested an update on the condition of rear West Street, Nelson.

**85. PLANNING APPLICATIONS**

**Applications to be determined**

The Planning, Building Control and Licensing Services Manager submitted a report on planning applications to be determined as follows:-

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| <b>13/16/0056P</b> | <b>Full: Erection of three storey side extension and amend roof to insert dormer to rear elevation at 384 Railway Street, Nelson for Mr. A. Ahmed</b> |
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**RESOLVED**

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

1. The proposed remodelling of the roof from hip to gable will un-balance the pair of dwellings and would create a discordant and unduly assertive feature, poorly related and out of character with the existing dwelling, resulting in a development of overpowering incongruous appearance to the detriment of the visual amenities of the occupiers of the neighbouring dwellings and harmful to the character of the area. The development would therefore, be contrary to the aims of ENV2 of the Local Plan: Core Strategy Part 1 and the guidance contained within the Councils Design Principles SPD.

**16/0379/FUL Full: Change of use of care home to eye clinic and medical centre, formation of car park at 49 Hibson Road, Nelson for Dr Zahid Mahmood Dabir.**

## **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, Proposed Conversion Rev A, Car Park Layout received 05/09/2016.

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

3. The premises shall be used for an eye clinic only and for no other purpose including any other purpose in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification.

**Reason:** To Control development in the identity of residential amenity and off street parking provisions.

4. Notwithstanding any indication on the approved plans there shall be no vehicular access to the car park from High Street. The development shall not be commenced unless and until a scheme for the provision of vehicular access directly from Cobden Street, including a revised car parking layout, has been submitted to and agreed in writing by the Local Planning Authority. The use hereby approved shall not be commenced unless and until the access and car park have been surfaced, drained and laid out in accordance with the approved details. The car parking spaces and manoeuvring areas shall thereafter be maintained free from obstruction and available for car parking and turning purposes.

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

5. The development hereby permitted shall not be commenced 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, arrangements, species, sizes, specifications, number and planting densities;
  - c. an outline specification for ground preparation;
  - d. all proposed boundary treatments with supporting elevations and constructions details;
  - e. all proposed hard landscape elements and paving's, including layout, materials and colours;
  - f. the proposed arrangements and specification 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.

## **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 policy, design, amenity and 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.***

**16/0540/FUL Full: Change of use of No. 68 from retail (A1) to hot food takeaway (A5) and insertion of new shopfronts and security shutters to both units at 68-70 – Manchester Road, Nelson for Mr Muhammad Naeem**

## **RESOLVED**

That the Planning, Building Control and Licensing Services Manager be delegated authority to **grant consent** subject to the receipt of amended plans showing stall risers and the colour of the shutters

**16/0556/HHO Full: Erection of dormers to front and rear at 36 Farrer Street, Nelson for Mr M Khan.**

## **RESOLVED**

That planning permission be **deferred** for further consideration.

**16/0588/FUL Full: Major: Demolition existing industrial building and erection of extension to create additional production/storage B2 industrial/ B8 warehouse, 1,508s.m. with staff canteen and facilities on first floor and compound with three flour silos at Brook Street Mill, Brook Street, Nelson for Farmhouse Biscuits Ltd.**

## **RESOLVED**

That the Planning, Building Control and Licensing Services Manager be granted delegated authority to **grant consent** after the expiry of the consultation period 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:** In order to comply with the requirements of Section 91 of the Town and Country Planning Act (As Amended)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250, 1:250 Topographical Survey, 2016/62/PL01, 2016/62/PL02 & 2016/62/PL03.  
**Reason:** For the avoidance of doubt and in the interest 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.  
**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. No external extraction or ventilation system shall be installed in the development without the prior written approval from the Local Planning Authority.  
**Reason:** In order to safeguard the amenity of the area.
5. The loading bay area shown on plan 2016/62/PL01 shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the parking spaces manoeuvring areas marked out in accordance with the approved plan, prior to the first use of the building.  
**Reason:** In order a satisfactory development.
6. Prior to the commencement of development a Construction Code-of-Practice Method Statement shall be submitted to and be approved in writing by the Local Planning Authority and shall thereafter be adhered to. The Statement shall provide for:
  1. a programme of works including phasing, hours of operation and measure for the control of traffic to and from the site, and within the site, during construction.
  2. the parking of vehicles for site operatives and visitors.

3. loading and unloading of plant and materials
4. storage of plant and materials used in construction of the development.
5. demolition management plan.
6. on site wheel-washing facilities
7. measures to control the emission of dust and dirt during construction
8. a scheme for re-cycling/ disposing of waste resulting from demolition and construction works.

**Reason:** To maintain the operation of local street and the through routes in the area during construction in the interest of highway safety.

7. Foul and surface water shall be drained on grate systems

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

8. Prior to the commencement of development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details prior to being brought into use.

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

9. Prior to the commencement of development a sustainable drainage management and maintenance plan for the lifetime of the development shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include as a minimum: a) the arrangements for adoption by an appropriate public body or statutory undertaker, managements and maintenance by a Residents' Management Company; and

b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as on-going inspections relating to performance and asset condition assessments, operation costs, regular maintenance remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime; and  
c) means of access for maintenance and easements where applicable

The development shall subsequently be completed, maintained and managed in accordance with the approved details prior to being brought into use,

**Reason:** To manage flooding and pollution and to ensure that a managing body is in place for sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessments (FRA) revision A and the following mitigation measures details within the FRA:

Finished floor levels are set no lower than 139.87m above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/ phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants.

## **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 would improve the visual amenity of the area, provide expansion prospects for the existing business and subject to further details being received and acceptable, would be compliant with Policy. 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.***

**16/0593/HHO Full: Erection of dormers to front and rear at 16 Lomeshaye Road, Nelson for Mr Majid Nasir.**

## **RESOLVED**

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

### **PLANNING TO ADD**

**16/0626/HHO Full: Demolition of garage and erection of a split level 2 storey extension to the side and 3 storey extension to the rear at 51 Lowthwaite Drive, Nelson for Mrs S. Ansar**

## **RESOLVED**

That planning permission be **refused** subject to the following reasons:-

1. Due to the scale, prominence and flat roofed design of the proposed rear extension the proposed development represents poor design that would unacceptably harm the character and visual amenity of the area contrary to policy ENV2 of the adopted Pendle Local Plan Part 1: Core Strategy, the guidance of the adopted Design Principles SPD and paragraph 64 of the National Planning Policy Framework.

2. The proposed rear extension would result in an unacceptable impact upon the privacy of the rear garden of 11 The Warnings to the detriment of the residential amenity of occupants of that property contrary policy ENV2 of the adopted Pendle Local Plan Part 1: core Strategy, the guidance of the adopted Design Principles SPD.

## **86. CAPITAL PROGRAMME**

The Neighbourhood Services Manager submitted a report regarding the Committees 2016/17 Capital Programme

### **RESOLVED**

- (1) That the schemes listed in appendix 1 of the report which have funding agreed be noted.
- (2) That the following be allocated from the 2016/17 capital programme:-  
Tweed Street Bollards £400
- (3) That subject to an appropriate bid form being submitted £10,000 be allocated to the Southfield Ward.
- (4) The bid for £1,104 for Duerden Street Community Garden be noted
- (5) That the following underspend be rescinded:-  
Repair to fence on Chapel Street            £10
- (6) That the following bids not be de-allocated as agreed at the meeting of this committee on 3<sup>rd</sup> October, 2016 as the funding is still required.  
Bradley Play Area (Capital) (appendix 1 of the report, item vii) £8,000  
Bradley Play Area (Revenue) (appendix 1 of the report, item viii) £1,435  
Surface Patching to Various back Streets (appendix 1 of the report, item xxvii) £500

### **REASON**

***To enable the capital programme to be allocated efficiently and effectively.***

## **87. PROPOSED INTRODUCTION OF A RESIDENTS ONLY PARKING SCHEME – 117 -129 AND 116-136 EVERY STREET, NELSON**

The Neighbourhood Services Manager submitted a report regarding the outcome of a survey for the possible introduction of a resident-only parking scheme.

### **RESOLVED**

1. That, despite there being a strong desire from some residents for the introduction of the scheme, the traffic study continues to provide insufficient evidence to support the introduction of a residents-only parking scheme in accordance with the guidelines set

by Lancashire County Council (LCC) and therefore a scheme should not be introduced.

2. That a letter be sent to County Councillor A. Ali requesting that he meet with LCC Highways to progress the matter further.

**REASON**

- (1) ***The traffic study results do not provide sufficient evidence to support the introduction of a scheme.***
- (2) ***That further action be taken to introduce a residents-only parking scheme.***

**88. PROPOSED INTRODUCTION OF A RESIDENTS ONLY PARKING SCHEME – RHODA STREET, NELSON**

The Neighbourhood Services Manager submitted a report regarding the outcome of a survey for the possible introduction of a resident-only parking scheme.

**RESOLVED**

That due to the results of the survey providing no overwhelming majority in favour of the introduction of a residents-only parking scheme, and the traffic surveys not providing evidence to support the introduction of a scheme, a scheme should not be introduced for the residents of Rhoda Street.

**REASON**

***The survey results do not provide evidence to support the introduction of a scheme.***

**89. TELEPHONE BOX REMOVAL CONSULTATION**

The Planning, Building Control and Licensing Services Manager reported that on 26<sup>th</sup> September, 2016 a 90 day consultation was received from BT on the proposed removal of pf17 public call boxes across Pendle.

The consultation and list of the boxes proposed to be removed was submitted.

Reference was made to the call box on Percy Street and it attracting anti-social behaviour.

**RESOLVED**

That no objections be made for the removal of the pf17 public call boxes within the Nelson area

**REASONS**

***In response to the consultation.***

**90. FORMER REGENTS CINEMA SITE, OFF LEEDS ROAD, NELSON**

The Housing, Health and Economic Development Manager submitted a report which asked members to recommend that the Executive declare the former Regents Cinema, off Leeds Road, Nelson surplus and market it for sale.

**RECOMMENDATION**

1. That the Executive be requested to declare the former regents Cinema site surplus to requirements.
2. That the site be marked for sale.

**REASON**

***(1) To seek agreements that the land is declared surplus to requirements.***

***(2) To achieve a capital receipt and to end future maintenance liabilities.***

**91. LOCAL GOVERNMENT ACT, 1972**

In accordance with the provisions of Section 100 (B) (4) of the Local Government Act, 1972, as amended, the Chairman agreed that the following item should be considered as a matter of urgency, the special circumstances being the need to obtain an early decision from the Executive to declare the land surplus to requirements and commence the process for its disposal.

**92. LAND AT CARR ROAD, NELSON**

The Strategic Director submitted a report that asked members to consider recommending that the executive declare the land edged in black appended to the report surplus to requirements.

**RECOMMENDATION**

That the Executive be requested to declare the site surplus to requirements in order for it to be disposed of for alternative use.

**REASON**

***To achieve a capital receipt and reduce liabilities.***

**93. WINTER BRIEFING NOTE – LANCASHIRE COUNTY COUNCIL**

The Neighbourhood Services Manager submitted, for information, a briefing note about how the County Council was preparing for the winter ahead and that further information on their winter campaign and flooding issues could be found via the following links:

<http://www.lancashire.gov.uk/winter/>

<http://www.lancashire.gov.uk/flooding.aspx>

**94. B&Q, CHURCHILL WAY, NELSON**

The Environmental Services Manager submitted, for information, a report which further informed members of the formal request received by the Council from B&Q to remove the public recycling site from the site located off Churchill Way, Nelson.

**RESOLVED**

That the Environmental Services Manager be requested to look for another appropriate site within Nelson.

**REASON**

*To provide a public recycling site within Nelson.*

**95. ITEMS FOR DISCUSSION**

**Back Rupert Street/ Farrer Street**

Councillor A. Mahmood submitted a petition signed by 24 residents requesting that the back street of Rupert Street/ Farrer Street be made up to an acceptable standard.

Councillor Iqbal informed members that this issue had ready been dealt with by Lancashire County Council.

Chairman: \_\_\_\_\_