

**MINUTES OF A MEETING OF NELSON COMMITTEE
HELD AT NELSON TOWN HALL
ON 5TH FEBRUARY 2018**

PRESENT –

The Worship the Mayor (Councillor D. Whalley)

Councillor M. Ammer (Chairman - in the Chair)

Councillors

*G. Adam
N. Ahmed
E. Ansar
W. Blackburn
T. Cooney
M. Iqbal
J. Henderson
M. Sakib
K. Shore
S. Wicks
N. Younis*

Co-optees

N. Emery

Officers in attendance:

*Julie Whittaker Housing, Health and Economic Development Services Manager and
Area Co-ordinator
Kathryn Hughes Principle Development Management Officer
Sarah Waterworth Committee Administrator*

(Apologies were received from and Councillors A. Mahmood and B. Parker)



The following persons attended the meeting and spoke on the item indicated:

Brian Sumner	17/0712/FUL Full: Major: Erection of Storage and Distribution unit (Use Class B8) 1240sqm. (Re-submission) at site if Former Parkfield Mills, Railway Street, Nelson.	Minute No. 102(a)
Mr Sarwar	17/0713/HHO Full: erection of two storey extension to the front, rear and side (north), alteration to the roof and erection of balcony on front elevation (re-submission) at 251 Hibson Road, Nelson.	Minute No. 102(a)



98. DECLARATION OF INTERESTS

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

The following people declared a disclosable pecuniary interest in the item indicated –

Councillor N. Ahmed	17/0737/FUL Full: Change of Use of Office (Use Class B1) to residential (Use Class C3) at 31 Carr Road, Nelson	Minute No. 102(a)
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Councillor M. Sakib	Environmental Crime Update	Minute No. 106
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99. PUBLIC QUESTION TIME

There were no questions raised from members of the public.

100. MINUTES

RESOLVED

That the Minutes of this Committee at the meeting held on 8th January, 2018 be approved as a correct record.

101. PROGRESS REPORT

A progress report on action arising from the meeting of this Committee held 8th January, 2018 was submitted for information.

102. PLANNING APPLICATIONS

(a) Applications to be determined

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

17/0712/FUL	Full: Major: Erection of storage and distribution unit (Use Class B8) 1240sqm. At Site of Former Parkfield Mills, Railway Street, Nelson for Nationwide Marquee Hire Ltd
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The Planning, Building Control and Licensing Services Manager submitted an update at the meeting regarding the noise assessment that had been provided and Environmental Health had agreed the recommendations which suggested a further condition.

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:

NAT/01/Dwg 00a, NAT/01 Dwg 01a, NAT/01/Dwg 02B, NAT/01/Dwg 03a & NAT/01/Dwg 04B.

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

3. Prior to the commencement of development samples of the external materials to be used on the proposed buildings shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. The use hereby approved shall not commence unless and until the parking space indicated on NAT/01Dwg 02B have been fully laid out, surfaced and made available for use. The layout shall thereafter be retained at all times whilst the use is operative.

Reason: In order to allow for the effective use of the parking areas.

5. There shall be no external lighting on site without the prior written consent of the Local Planning Authority as to its type, intensity and location. Any lighting thereafter installed shall comply strictly with the details agreed in writing by the Local Planning Authority.

Reason: In order to prevent light pollution to nearby residents in the interests of amenity.

6. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) The drainage strategy should demonstrate that the post development surface water run-off will not exceed the existing surface water runoff for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) A plan showing flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and that there is no flood risk on or off the site resulting from the proposed development.

7. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:-
- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
 - 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:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for 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;
 - c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, reduce the flood risk to the development as a result of inadequate maintenance and identify the responsible organisation/ body/ company/ undertaker for the sustainable drainage system.

8. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with the contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - a) all previous uses;
 - b) potential contaminants associated with those uses;
 - c) a conceptual model of the site indicating sources, pathways and receptors; and
 - d) potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution and prevent deterioration of a water quality element to a lower status class in Walverden Water.

9. No operation shall take place within the site outside the hours of 7.00am and 9.00pm at any time.

Reason: In the interest of aural amenity.

10. No part of the development hereby approved shall commence until a scheme for 2m high close boarded timber fencing to the boundary of the site has been submitted to, and approved in writing by the Local Planning Authority.

Reason: In order that the proposed operations do not result in unacceptable noise levels in the interest of aural and residential amenity.

11. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the timing of its provision has been submitted to, and approved in writing by, the Local Planning Authority. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to appropriate standard, provision of radius kerbs, tactile paved dropped pedestrian crossings, and the re-location of highway gully on Clover Hill Road.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/ works are acceptable before work commences on site.

12. No development shall take place until a construction method statement has been 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
- vi) Routing of delivery vehicles to/from site.

Reason: In the interest of highway safety.

13. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: To prevent vehicles having to reverse to and from the highway potentially causing a hazard to other road users.

14. The car parking spaces shall be surfaced or paved in accordance with a scheme to be approved in writing by the Local Planning Authority and the car parking spaces and manoeuvring areas laid/ marked out in accordance with the approved plan, before the use of the premises hereby becomes operative.

Reasons: To allow for the effective use of the parking areas.

15. All vehicles used in relation to the site shall be fitted with white noise reversing alarms and not beeping reversing systems.

Reasons: In the interest of aural amenity.

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 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.

17/0713/HHO Full: Erection of two storey extension to the front, rear and side (North) alterations to the roof and erection of balcony on the front elevation (Re-submission) at 251 Hibson Road, Nelson for Mr Sarwar.

RESOLVED

That planning permission be **deferred** for a site visit.

(Councillor N. Ahmed declared a pecuniary interest in the following item and withdrew from the meeting)

17/0737/FUL **Full: Change of use of Office (Use Class B1) to residential (Use Class C3) at 31 Carr Road, Nelson for Evergreen Investments UK Ltd.**

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 following approved plan: 31 Carr Road, Nelson – Proposed Change of Use to Dwelling (Rev A).

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

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 proposal is acceptable in terms of design and material and would not unduly adversely impact on amenity. The development therefore complied 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) Planning Appeals

The Planning, Building Control and Licensing Services Manager submitted, for information, a report regarding appeals.

103. ENFORCEMENT / UNAUTHORISED USES

The Head of Legal Services submitted, for information, a report regarding enforcement action.

104. CAPITAL PROGRAMME 2017/18

The Neighbourhood Services Manager submitted a report regarding the committees 2017/18 Capital Programme.

RESOLVED

- (1) That only the schemes listed in Appendix 1 of the report had funding agreed.

- (2) That £7 be allocated from the 2017/18 Capital Programme to cover the over spend for Grit and Grit Bins.
- (3) That the following underspend be de- allocated:-
 - (a) Whitefield Ward Highway Improvements - £118
 - (b) Improvement Schemes within Clover Hill ward - £1,695

REASON

To enable the capital programme to be allocated efficiently and effectively

105. BRADLEY COMMUNITY LAND TRUST – PROPOSAL FOR OWNED LAND OFF BEECH STREET, NELSON AND THE FORMER KINGDOM HALL SITE, NELSON

The Housing, Health and Economic Development Manager submitted, for consideration, a report regarding proposals from the Bradley Community Land Trust (CLT) for two pieces of land.

RECOMMENDATION

- (1) That the Executive declare the land off Beech Street, Nelson surplus to requirements and that the Council enters into a conditional contract of sale with the CLT for the site.
- (2) That the Executive ask CLT to come back to the Council regarding the former Kingdom Hall site once they have some more definitive proposals regarding its future use.

REASON

- (1) *To enable the site to be disposed of to the Bradley CLT.***
- (2) *To enable the Council to make an informed decision regarding the future of the Kingdom Hall site.***

(Councillor M. Sakib declared a pecuniary interest in the following item and withdrew from the meeting)

106. ENVIRONMENTAL CRIME UPDATE

The Environmental Services Manager submitted for information a report regarding Environmental Crime action from 1st October to 31st December, 2017 in the Nelson area.

Chairman: _____