

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

PRESENT –

The Worship the Mayor (Councillor D. Whalley)

Councillors

G. Adam
N. Ahmed
E. Ansar
T. Cooney
M. Iqbal
A. Mahmood
M. Sakib
K. Shore
S. Wicks
N. Younis

Co-optees

N. Emery

Police Representative

Inspector Winter

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 M. Ammer, W. Blackburn, J. Henderson and B. Parker)



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

Mr. Ahmed	17/0337/ADV Advertisement Consent: retain three illuminated signs – two fascia signs, one projecting sign to the front and side elevations at 68-70 Manchester Road.	Minute No. 113(a)
Mr. Ansar	18/0047/HHO Full: Erection of a first floor extension to the rear at 51 Lowthwaite Drive, Nelson.	Minute No. 113(a)



107.

APPOINTMENT OF CHAIRMAN

RESOLVED

That Councillor M. Iqbal be appointed Chairman of this Committee for this meeting.

Councillor M. Iqbal (Chairman in the Chair)

108. DECLARATION OF INTERESTS

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

109. PUBLIC QUESTION TIME

(1) A member of public raised concerns regarding the number of homeless people in Nelson and their mental health and wellbeing. He felt that it was becoming a major issue and asked what the plans the council had for the future.

The Housing, Health and Economic Services Manager reported that there were only a small number of homeless people within Pendle. The Council's Housing Needs Team had been working with other agencies and been able to offer them temporary accommodation, which had been refused by the homeless people.

Councillor Iqbal reiterated that the Council had been very pro-active in addressing the homelessness issue within Pendle and assistance had been offered to the homeless people, which had been refused.

(2) A resident of Nelson complained about an extension that had been erected on a neighbouring property and it was preventing them gaining access to their external wall.

RESOLVED

That the Planning, Building Control and Licensing Services Manager be requested to investigate the matter and report back to the next meeting.

110. MINUTES

RESOLVED

That the minutes of the meeting held on 5th February, 2018 be approved as a correct record and signed by the chairman.

111. PROGRESS REPORT

A progress report on action arising from the meeting of this Committee held 5th February, 2018 was submitted for information.

112. POLICE AND COMMUNITY SAFETY ISSUES

Inspector Winter reported on work which had taken place regarding Organised Criminal Groups (OCG). There were five groups operating within Pendle which was a big issue for the community.

There had been an increased Police presence within Nelson and Brierfield to tackle the issues. A number of drugs warrants had been executed, 10 vehicles had been seized, 1 OCG had been charged for dangerous driving and possession of drugs.

Inspector Winter also reported that work had been carried out with Trading Standards and a large quantity of counterfeit cigarettes had been seized.

Work was also on going with the Taxi Licensing Department regarding offences reported to the Police.

113. 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:-

17/0337/ADV **Advertisement Consent: Retain three illuminated signs – two fascia signs, one projecting sign to front and side elevations at 68-70 Manchester Road, Nelson for Mr N Naeem**

RESOLVED

That the planning permission be **deferred** for discussions with the applicant.

17/0713/HHO **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 M Sarwar**

(A site visit was carried out prior to the meeting)

RESOLVED

That the Planning, Building Control and Licensing Services Manager be delegated authority to **grant consent** subject to the receipt of amended plans.

18/0016/HHO **Full: Erection of dormer on front roof slope at 128 Beaufort Street, Nelson for Mr M Saddique**

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 plan: Proposed Floor Plan and Elevations (Drawing Number A17-25-02).

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.

REASON

Section 38 of the Planning and Compulsory Purchase Act 2004 require that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is acceptable in terms of design and materials and would not unduly adversely impact on amenity. 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.

18/0047/HHO Full: Erection of a first floor extension to the rear at 51 Lowthwaite Drive, Nelson for Mrs S Ansar

RESOLVED

The planning permission be **deferred** to the next meeting.

18/0048/FUL Full: Change of use of ground floor from office (Use Class B1) to retail (Use Class A1), install new shopfront and shutters, erection of rear single storey extension and staircase and form dormer to rear at 13 Rigby Street, Nelson for Miss S Ansar.

The Principal Development Management Officer submitted an update to the meeting regarding amended plans that had been received.

RESOLVED

That the Planning, Building Control and Licensing Services Manager be delegated authority to **grant consent** subject to the receipt of amended plans.

18/0056/VAR Full: Variation of Condition: Major: Vary Condition 14 (Travel plan) to alter timescale for compliance, Condition 15 (Delivery hours) to relate to HGVs only and remove Condition 29 (Bus stop improvements) of Planning Permission 17/0636/OUT at Site of Former Reedyford Mill, Westfield, Nelson for Pendle Projects Ltd.

The Principal Development Management Officer submitted an update to the meeting regarding the conditions and the recommendation had been revised to Delegate Grant Consent.

RESOLVED

That the Planning, Building Control and Licensing Services Manager be delegated authority to **grant consent** subject to the following conditions and reasons:-

1. The nursery 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. An application for approval of the reserved matters for the industrial development (namely the appearance, layout, scale 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 industrial 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.

3. Details of the appearance, landscaping, layout and scale of the industrial development (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before the industrial 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 & Country Planning Act 1990.

4. The industrial development hereby permitted shall be carried out in accordance with the following approved plans: 328 01, 328 02, 328 04, 328 05

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

5. The nursery development hereby permitted shall be carried out in accordance with the following approved plans: 327 01, 327 02, 327 03, 327 04, 327 06, 327 07.

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

6. Prior to the commencement of the erection of the external walls of the nursery development samples of the external materials and finishes of the walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

7. The number of children attending the nursery facility must not exceed 190.

Reason: To allow for adequate parking provision.

8. Unless otherwise agreed in writing by the Local Planning Authority the existing stone walls to the boundaries of the site shall be retained. Prior to the commencement of the nursery development, a construction methodology report shall be provided to and approved by the local authority to detail measures to protect the stone wall alongside the Leeds & Liverpool Canal. Details shall include:

- A survey of the existing wall, with recommendations of any repair work necessary to limit the risk of collapse.
- Cross sections of the foundations of the new building relative to the wall, to demonstrate that the proposals will not undermine the wall.
- Protection measures to prevent the movement or placement of heavy machinery in close proximity to the wall.
- Methodology for the construction of the proposed footpath to the nursery building alongside the wall.

Thereafter, development shall be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity and to preserve the setting of the canal.

9. The nursery development shall not commence unless and until a Construction Method Statement for that phase of the development has been submitted to and agreed in writing by the Local Planning Authority. The agreed statement shall thereafter be adhered to at all times during the construction period.

The Statement 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) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Details of working hours
- vii) Routing of delivery vehicles to/from site.

Reason: In the interest of amenity and highway safety.

10. The nursery development shall not commence unless and until all of the highway works to facilitate construction traffic access to that phase of the development have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

11. The nursery development shall not commence unless and until details of the design, implementation, maintenance and management of a surface water drainage scheme for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

Those details shall include:

- a) Details of the maximum surface water runoff rate for the site.
- b) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, 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;
- 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) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation;
- f) A management and maintenance plan for the lifetime of the development which as a minimum shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company, 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; ongoing 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.

Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible body/bodies for the sustainable drainage system.

12. The nursery development shall not be brought into use unless and until the access roads, car parking and manoeuvring areas have been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The details shall include provision for a drop-off area of a minimum of 19 spaces. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In the interest of highway safety.

13. The nursery 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 the site of that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement/s 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 the nursery, 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 users of the development.

14. The use of the nursery development shall not commence unless and until an Interim Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Interim Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

15. No HGV deliveries shall be made to or from the development outside of the hours of 07:00 to 23:00 on any day.

Reason: In the interest of residential amenity.

16. No plant with a Rating Noise Level greater than the values listed in Table 6.1 of the submitted Noise Impact Assessment ref: DC2420-R1 shall be installed or operated within the site at any time.

Reason: In the interest of residential amenity.

17. The industrial development shall not be brought into use unless and until the access roads, car parking and manoeuvring areas have been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In the interest of highway safety.

18. The industrial development shall not commence unless and until a Construction Method Statement for that phase of the development has been submitted to and agreed in writing by the Local Planning Authority. The agreed statement shall thereafter be adhered to at all times during the construction period.

The Statement 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) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Details of working hours
- vii) Routing of delivery vehicles to/from site.

Reason: In the interest of amenity and highway safety.

19. The industrial development shall not commence unless and until all of the highway works to facilitate construction traffic access to that phase of the development have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

20. The industrial development shall not commence unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the measures to minimise the effect of construction activity on the general amenity of the residents of the residential properties on Pendle Street, Chatham Street, Burns Street, Ball Street and Henry Street. The scheme shall be implemented in accordance with these approved details.

Reason: In the interests of protecting the amenity of nearby residents.

21. The industrial development shall not commence unless and until details of the design, implementation, maintenance and management of a surface water drainage scheme for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

Those details shall include:

- a) Details of the maximum surface water runoff rate for the site.

- b) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, 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;
- 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) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation;
- f) A management and maintenance plan for the lifetime of the development which as a minimum shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company, 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; ongoing 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.

Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible body/bodies for the sustainable drainage system.

22. Prior to any development requiring vegetation clearance or the commencement of the use of the development, whichever is sooner, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme 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.

23. The development shall be carried out in accordance with the recommended mitigation measures set out in the Ecological Survey and Assessment ref: GEN/09/120 Rev 3. Details of the mitigation measures for bats shall be submitted to and agreed in writing by the Local Planning Authority and fully implemented prior to the commencement of the use of the nursery and maintained thereafter.

Reason: To ensure protection of the habitat of species protected under the Wildlife & Countryside Act, 1981.

24. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

25. The use of the industrial development hereby permitted shall not commence unless and until the existing stone wall on the highway frontage of the site to Chatham Street has been reduced to and be permanently maintained thereafter at a height not greater than 1m above the crown level of the carriageway of Chatham Street for a distance of 5m.

Reason: To ensure adequate visibility for the drivers of vehicles entering and leaving the site.

26. Before the industrial development hereby approved becomes operative, the existing accesses, on Pendle Street adjacent to the canal bridge and opposite the gable end of 35 Chatham Street, shall be physically and permanently closed and the existing footways and kerbing of the vehicular crossings shall be reinstated in accordance with Lancashire County Council's Specification for Construction of Estate Roads.

Reason: To limit the number of access points to, and to maintain the proper construction of the highway.

27. The Industrial development shall not commence unless and until an Interim Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Interim Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

28. Prior to the commencement of the use of the nursery development details of cycle storage facilities shall be submitted to and agreed in writing by the Local Planning Authority and provided in accordance with the approved details. The approved facilities shall thereafter be maintained at all times.

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

29. No part of the development shall commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for a contribution towards the provision of quality bus stops at the bus stops on Scotland Road (adjacent to the petrol station and outside No 156).

Reason: To ensure adequate public transport provision in the vicinity.

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 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.

b) Planning Appeals

The Planning, Building Control and Licensing Services Manager reported that there was one outstanding appeal.

114. ENFORCEMENT / UNAUTHORISED USES

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

115. TRAFFIC LIAISON MEETING

The Neighbourhood Services Manager submitted for information minutes of the meeting held on 8th February, 2018.

116. CAPITAL PROGRAMME 2017/18

The Neighbourhood Services Manager reported that the current balance for the Committees Capital Programme 2017/18 was £1,806

RESOLVED

That £1000 for Grit and New Grit bins be allocated from the 2017/18 Capital Programme.

REASON

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

117.

ITEMS FOR DISCUSSION

(1) Speeding vehicles on Every Street, Nelson

Councillor N. Ahmed complained about the speed in which vehicles were traveling on Every Street, Nelson and requested that it be referred to Lancashire County Council as there had been several near misses.

RESOLVED

That the Neighbourhood Services Manager be requested to refer this item to the Traffic Liaison Meeting

(2) Condition of Albert Street, Nelson

Councillor N. Ahmed made reference to the poor state of the road and asked that it be resurfaced.

RESOLVED

That the Neighbourhood Services Manager be requested to refer this item to the Traffic Liaison Meeting.

(3) Gritting around the school Macleod Street

Councillor N. Ahmed asked that this area be put on the gritting routes as there was a school there and it becomes dangerous when not gritted.

RESOLVED

That the Neighbourhood Services Manager be requested to refer this item to the Traffic Liaison Meeting.

(4) Inappropriate Town Centre Parking

This tem was cover under minute 115.

Chairman: _____