

**MINUTES OF A MEETING OF NELSON COMMITTEE
HELD AT NELSON TOWN HALL
ON 5th NOVEMBER, 2018**

PRESENT –

Councillor M. Sakib (Chairman – in the Chair)

Councillors

*G. Adam
Nadeem Ahmed
M. Ammer
W. Blackburn
T. A. Cooney
J. Henderson
M. Iqbal
A. Mahmood
K. E. Shore
S. Wicks
N. Younis*

Co-optees

Nick Emery (Nelson Town Team)

Officers in attendance:

<i>Julie Whittaker</i>	<i>Housing, Health and Economic Development Services Manager (Area Co-ordinator)</i>
<i>Alex Cameron</i>	<i>Planning Officer</i>
<i>Jane Watson</i>	<i>Head of Democratic Services</i>

(Apologies for absence were received from Councillors N. McGowan and D. Whalley).



54. DECLARATIONS OF INTERESTS

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

55. PUBLIC QUESTION TIME

There were no questions from members of the public.

56. MINUTES

RESOLVED

That the Minutes of the meeting held on 1st October, 2018 be approved as a correct record and signed by the Chairman.

57. PROGRESS REPORT

A progress report on action arising from the meeting of this Committee held on 1st October, 2018 was submitted for information.

58. POLICE AND COMMUNITY SAFETY ISSUES

Inspector Andy Winter provided an update which focused predominantly on incidents regarding fireworks between 1st October and 5th November, 2018. During this period there had been 83 reported fireworks incidents across Pendle. Policing shift patterns had been changed to enable the Police to prioritise these incidents. Two youths had been identified regarding firework incidents and with the assistance CCTV footage there was sufficient evidence for them to be prosecuted. Other youths had been spoken to by the Police about the inappropriate use of fireworks and their parents had been informed.

Inspector Winter was asked to pass on the Committee's appreciation to the Policing Teams who had worked hard over recent weeks in relation to these incidents and in particular their flexibility to change their shift patterns.

Inspector Winter informed the Committee that over the next few weeks the Police would be carrying out a joint operation with the DVLA targeting untaxed and un-roadworthy cars. The Police regularly received complaints about untaxed vehicles parked on roads for lengthy periods of time within the Borough. It was acknowledged that this was an area of concern for local residents. The Committee were informed that a recent test survey on Colne Road, Brierfield, between the hours of 6.00 a.m. and 11.00 a.m., had resulted in 127 vehicles being identified as not possessing a vehicle tax.

The Committee were also provided with updates on recent burglaries at Nelson Fire Station and break ins at a number of schools in the Borough.

Inspector Winter advised the Committee that Sergeant Damian Pemberton had been promoted to Inspector. It was anticipated that a new sergeant would be in post mid-November to early December. Inspector Winter was asked to pass on the Committee's congratulations and appreciation to Sergeant Pemberton.

59. PLANNING APPLICATIONS

(a) Applications to be determined

18/0351/HHO Full: Erection of roof dormers on front and rear roof slopes at 201 Barkerhouse Road, Nelson for Mr. Munir Hussain

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 strict accordance with the following approved plan: Proposed Floor Plans and Elevations (Drawing Number E1 and P1 – Amendment A – Submitted 13th September 2018).

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

3. Prior to the commencement of any above ground works on site, samples of the external materials to be used for the face and cheeks of the roof dormers hereby approved, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

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

REASON FOR THE DECISION

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that application be determined in accordance with the development plan unless material considerations indicate otherwise. Subject to appropriate conditions 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.

18/0487/HHO Full: Retention of front canopy (part retrospective) at 133 Regent Street, Nelson for Ramunas Gaigalas

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: proposed side elevation (drawing number 1) and proposed front elevation (drawing number 2).

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

3. No further development shall commence on site unless and until samples of the cladding to be used for the columns and roof of the canopy hereby approved have been 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 and materials.

Reason: To ensure a satisfactory form of development in the interest 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 proposal is acceptable in terms of design and materials and would not unduly adversely impact on amenity subject to appropriate 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.

18/0495/FUL Full: Change of use of retail warehouse (Use Class A1) to community facility (Use Class D1/D2) at Nelson Furniture Warehouse, Cooper Street, Nelson for Community Lighthouse Foundation

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: Proposed Conversion of Furniture Warehouse to Community Facility, Cooper Street, Nelson Scale 1:100.

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

3. The D1 and D2 uses hereby permitted shall only be conducted between the hours of 09.00 and 20.00 on weekdays, 09.00 and 20.00 on Saturdays and between 11.30 and 17.00 on Sundays and Bank Holidays.

Reason: In order to safeguard the 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 use is acceptable in this location and accords with the policies of the Pendle Local Plan Core Strategy.

180506/FUL Full: Change of use of residential property (Use Class C3) to residential (Use Class C3) and taxi use for one taxi (sui generis) at 35 Priory Chase, Nelson for Mr. Mohammed Ghafoor

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: 1:250 plan, 1:100 existing plan and 1:100 parking plan.

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

3. This permission shall be for the operation of one car only to be used as corporate business use only and not for any other type of private hire work. No other private hire vehicles shall operate from these premises. Within 14 days of the commencement of this use the operator shall notify the Local Planning Authority in writing of the registration number of the vehicle to operate from the premises and any subsequent change to the vehicle to be operated.

Reason: In order to control the nature and intensity of the activity at this site within a residential area in the interests of amenity.

4. The parking space marked minibus on plan 'Parking Plan – 1:1))' to the front of the site shall not, at any time, be used for any purpose which would preclude its use for the parking of a motor vehicle in relation to the taxi business for the period that use takes place at these premises.

Reason: In order to ensure that there is sufficient parking for the taxi vehicle within the site in the interests of highway safety.

Note

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways act 1980, Section 184 (vehicle crossings over footways and verges) Lancashire County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the application must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/>

REASON FOR DECISION

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determine din accordance with the development plan unless material considerations indicate otherwise. The proposal is acceptable and would not impact on amenity or raise highway safety issues subject to appropriate 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.

18/0591/FUL Full: Erection of two-storey and single storey extensions to residential care home (Use Class C2) (floor area 607 sq. m.) at Hulton Care Nursing Home, Halifax Road, Nelson for Diamond Care Homes

The Planning, Building Control and Licensing Services Manager circulated an update at the meeting recommending an amendment to condition 6.

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 works hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans:

1026 A 000 Location Plan, 1026 A 001 Existing site plan, 9700/001 0 Topographical Survey, 1026 A 006 Proposed site plan, 1026 A 002 Existing basement floor plan, 1026 A 003 Existing ground floor plan, 1026 A 004 Existing first floor plan, 1026 A 005 Existing elevations, 1026 A 007 Proposed ground floor plan, 1026 A 006 Proposed first floor plan and 1026 A 008 Proposed elevations.

Reason: For the avoidance of doubt.

3. The windows in the first floor rear (south) elevation 5 of the two storey extension shall, at all time, be glazed only with obscure glass of a type and degree of obscurity to be first agreed in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of an equal degree of obscurity to that which was first approved. The windows shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: To avoid any potential loss of privacy to the occupants of the nearby residential properties.

4. Prior to the commencement of development, the applicant shall have submitted to and have agreed in writing by the Local Planning Authority, 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 site. The method statement 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 any building, 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 occupants of the new development and in order to prevent contamination of the controlled waters.

- 5. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence unless and until a scheme for the disposal of foul and surface water for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5l/s. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

- 6. Prior to any above ground development occurring, samples of all the external materials to be used in the construction of the roofs, walls, boundary/retaining walls and paving, together with samples of the colour and finish of windows and doors of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall hereafter, at all times, be carried out in strict accordance with the approved materials and details.

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

7. The windows and doors shall be set back from the external face of the walls by at least 75mm in depth.

Reason: In the interest of the visual appearance of the development.

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

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

9. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- (a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site and within the site, during construction.
- (b) The areas and methods of loading and unloading of plant and materials.
- (c) The areas for the storage of plant and materials.
- (d) Details of wheel-washing facilities including location.
- (e) Location and details of site compounds.
- (f) Parking area(s) for construction traffic and personnel.
- (g) Routeing of construction vehicles.

The Construction Code-of-Practice (CCP) should be compiled in a coherent and integrated document and should be accessible to the site manager(s) all contractors and sub-contractors working on site. As a single point of reference for site environment management the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phases.

10. No development shall commence on site unless and until an assessment of the ground conditions and risks from previous coal mining activities has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include full details of any remedial measures necessary to ameliorate any ground stability issues found as a result of the assessment. The mitigation measures proposed shall be implemented thereafter in accordance with a phasing of remedial work which shall form part of the assessment.

Reason: In order to further assess and mitigate the potential risks on the site arising from coal mining and ensure the stability of the land for future 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 terms of design and materials, impact on amenity therefore complying with policies of the Pendle Local Plan Core Strategy. 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 were no new or outstanding appeals.

60. ENFORCEMENT/UNAUTHORISED USES

Enforcement Action

The Head of Legal Services submitted, for information, a report on outstanding enforcement cases in Nelson. It was reported that the Notice regarding 4 Ball Street, Nelson had been withdrawn.

61. CAPITAL PROGRAMME 2018/19

The Neighbourhood Services Manager reported that the current balance for the 2018/19 Capital Programme was £21,438.

It was reported that the bid for free swimming had been identified as revenue spend (£5,951) and was therefore referred to the Policy and Resources Committee to gain approval. The Chief Finance Officer had now given approval for this spend from the Committee's Capital Programme. It was noted that this revenue funding was available by the deletion of other revenue projects.

RESOLVED

That the allocation of £5,951 from the Committee's Capital Programme 2018/19 for free swimming be agreed.

REASON

To allocate the Committee's Capital Programme effectively.

62. DEVELOPMENT BRIEF FOR THE EXTENSION TO LOMESHAYE INDUSTRIAL ESTATE

The Planning, Building Control and Licensing Services Manager submitted a report on the outcome of the consultation on the draft Development Brief for the extension to Lomeshaye Industrial Estate.

The Brief along with all the comments made were attached to the report for the Committee to consider. A report would also be going to Policy and Resources Committee on 27th November, 2018.

RESOLVED

That the report be noted.

REASON

In order to ensure the Committee has an input into the content of the Development Brief.

63. ENVIRONMENTAL CRIME

The Environmental Services Manager submitted a report on environmental crime action for the period 1st July to 30th September, 2018 in the Nelson area along with the annual totals for 2018/19.

RESOLVED

That the report be noted.

REASON

- (1) *To keep Members informed of any environmental crime action taken.*
- (2) *To bring problems to the attention of Environmental Services in order to help remedy any substation sites.*

64. PREMISES IMPROVEMENT GRANTS – UPDATE

The Housing, Health and Economic Development Services Manager submitted a report submitted a progress report on the Nelson premises improvement grants scheme for 2018/19. Details of the grants allocated were listed in the report and these totalled £23,295 from a budget of £24,363.

There continued to be strong interest and demand from businesses in Nelson for these grants. To enable a further three grants to be allocated up to the end of March 2019 a request for additional funding of £7,932 was requested from the Committee's Capital Programme. This would provide an additional budget of £9,000.

RESOVLED

- (1) That the summary of the premises improvement grant scheme be noted.
- (2) That the request for additional funding of £7,932 be deferred pending the outcome of match funding from Nelson Town Council.

REASON

To keep Members up to date with progress of the grant scheme.

65. LAND AT LEE ROAD, NELSON

The Chief Executive submitted a report following receipt of a request to purchase the land between numbers 10 and 14 Lee Road, Nelson.

Nelson Committee (05.11.2018)

The land had been let on an annual tenancy by the owner of 14 Lee Road but this tenancy had come to an end following the death of the occupant. Both properties were now in the ownership of the occupier of 10 Lee Road, Nelson.

RECOMMENDATION

That the Policy and Resources Committee be recommended to declare the land between numbers 10 and 14 Lee Road, Nelson surplus to requirements in order for a sale to be negotiated to the adjoining owners.

REASON

To achieve a capital receipt and end all liabilities.

Chairman _____