

**MINUTES OF A MEETING OF NELSON COMMITTEE
HELD AT NELSON TOWN HALL
ON 4TH FEBRUARY 2019**

PRESENT –

Councillor M. Sakib (Chairman – in the Chair)

Councillors

*G. Adam
Nadeem Ahmed
M. Ammer
E. Ansar
W. Blackburn
T. A. Cooney
J. Henderson
M. Iqbal
A. Mahmood
N. McGowan
K.E Shore
D. Whalley
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>Sarah Waterworth</i>	<i>Committee Administrator</i>



87.

DECLARATIONS OF INTERESTS

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

88.

PUBLIC QUESTION TIME

There were no questions raised from members of the Public.

89.

MINUTES

RESOLVED

That the Minutes of the meeting held on 7th January, 2019 be approved as a correct record and signed by the Chairman.

90.

PROGRESS REPORT

A progress report on action arising from the meeting of this Committee held on 7th January, 2019 was submitted for information.

91.

PLANNING APPLICATIONS

(a) Applications to be determined

18/0699/FUL Full: Change of use from Retail (Use Class A1) to motor vehicles repairs and MOT facility (Use Class B2) with external alterations at 140 Leeds Road, Nelson for Mr Peter Lord

RESOLVED

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

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 plans: Proposed Site Plan (Drawing Number 12:2:04), Proposed Floor Plan (Drawing Number 12:2:01), Proposed Side Elevation (Drawing Number 12:2:02), Proposed Front and Rear Elevations (Drawing Number 12:2:03) and Proposed Fencing/Gate Elevations (Drawing Number 12:2:04 – Submitted 12th December 2018).

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

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

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

4. The premises shall not be open for business and no business activities shall take place within the site outside the hours of 8.00am to 6.00pm Monday – Friday and 8.00am to 1.00pm on Saturdays.

Reason: In the interests of residential amenity.

5. Prior to their installation, details of the colour of the security shutters to be installed as part of the development hereby approved shall have first been submitted to and agreed in writing by the Local Planning Authority. The security shutter must be factory coated and they must be installed in strict accordance with the approved details.

Reason: In order to ensure a satisfactory form of development in the interests of the visual amenity of the area.

6. There shall be no activities carried out for the repairing of cars or MOT inspections within the rear car park of site at any time.

Reason: In the interests of residential amenity and in order to ensure adequate off-street parking for the proposed use.

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 use, impact on amenity, design and materials and highways safety, therefore complying with relevant policies of the Pendle Local Plan and the Replacement Pendle Local Plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

18/0731/HHO Full: Erection of a single storey rear extension to 6 Ethersall Road, Nelson for Mr Asif Butt

(Before the vote was taken, the Planning Officer advised that should the application be approved there would be a significant departure from policy. The matter would therefore be referred to the Head of Legal Services and subject to his agreement the decision would stand referred to the Policy and Resources Committee).

RECOMMENDATION

That the planning application be approved.

18/0773/FUL Full: Replacement shop front and security shutters to front elevation at 14-16 Market Square, Nelson for Mr Kasim Anwar

RESOLVED

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

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 Shutter Elevation (Drawing Number AB055) and Proposed Front Elevation (Drawing Number AB055 0 Submitted 10th December 2018).

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

3. Prior to their installation, representative sample showing the colour, style and finish of both the shop front and security shutters to be installed as part of the development hereby approved, shall have been first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved designs and materials.

Reason: To ensure a satisfactory form of development in the interests 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. Subject to 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 approving the development and there are no material reasons to object to the application.

18/0791/FUL Full: Change of use from a car park to a used car sale business (Sui Generis), erection of 2.4m perimeter fencing and siting of sales cabin at Garden Street Car Park, Nelson for Mr Sajjad Shah

RESOLVED

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

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 plans: Proposed Site Plan (Drawing Number 8245 – 05A – Amendment Submitted 14th December, 2018), Proposed Fencing Plan (Drawing Number 8245 – 07A – Amendment Submitted 14th December, 2018), Proposed Lighting Plan (Drawing Number 8245-08A – Amendment Submitted 14th December 2018) and Proposed Sales Cabin (Drawing Number 8245 – 09A – Submitted 14th December 2018).

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

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

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

4. Before the site is used for the sale of cars, the entire site shall be laid out in strict accordance with the approved plan 'Proposed Site Plan (Drawing Number 8245-06A- Amendment Submitted 14th December 2018)' and the manoeuvring areas and customer/

staff parking spaces shall at all times remain free from obstruction and available for the manoeuvring of vehicle and customer/ staff parking thereafter.

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

5. The number car sale plots operated from the site shall be limited to 19 plots and the number of plots shall not be increased at any time without the prior written permission of the Local Planning Authority.

Reason: To ensure adequate manoeuvrability within and around the site in the interests of highway safety.

6. Prior to their installation, full details of the external lighting to be installed as part of the development hereby approved shall have first been submitted and approved in writing by the Local Planning Authority. Such details shall include the positioning, distribution of glare, direction, heights and luminance of the lighting. The lighting shall be installed in strict accordance with the approved details and shall be maintained as such in perpetuity.

Reason: In order to prevent the glaring of motorists in the interests of highway safety.

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 use, impact on amenity, design and materials and highway safety, therefore complying with relevant policies of the Pendle Local Plan and Replacement Pendle Local Plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

18/0820/FUL Full: Change of use of dwelling house (Use Class C3) to children's nursery (Use Class D1) and extension of dropped kerb and parking area at 33 Romney Street, Nelson for Smarty Pants Executive Child Care.

RESOLVED

That planning permission be **granted** with the following conditions:

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 Drwg No. R.S33/2, Proposed Site Plan Drwg no. R.S33/4 and R.S33/1.

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

3. The nursery (Use Class D1) hereby permitted shall only be conducted between the hours of 07.30 and 18.00 on Monday to Friday.

Reason: In order to safeguard the amenity of the area.

4. The car parking spaces and access shall be laid out, in accordance with the approved plans, and surfaced in a bound material, before first occupation of the premises hereby permitted. Thereafter, they shall be permanently retained for parking of vehicles.

Reason: To allow for the effective use of the car parking areas and ensure materials are not transferred onto the highway, causing a hazard for vehicles.

5. The number of children using the nursesey 33-37 Romney Street at any one time shall not exceed 55.

Reason: In order to prevent over use of the site in the interests of residential amenity and highway safety.

INFORMATIVE

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossing over footpath and verges) Lancashire County Council as Highway Authority or a contractor approved by the Highways 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 applicant must complete the online quotation form found on the Lancashire County Councils website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>

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 would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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.

18/0864/FUL Full: Erection of 2m timber perimeter fencing and Land at Southeast of 9 Newport Street, Nelson for Mr S Sadiq

RESOLVED

That planning permission be **granted** subject to following conditions:

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 plans: Proposed Site Plan and Elevation (Drawing Number 01-Revision A – Submitted 21st December 2018).

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

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

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

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 would be acceptable in terms of use, impact on amenity, design and materials and highway safety, therefore complying with relevant policies of the Pendle Core Strategy and the Replacement Pendle Local 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 were no new or outstanding appeals.

92. ENFORCEMENT/UNAUTHORISED USES

Enforcement Action

The Head of Legal Services submitted, for information, a report on outstanding enforcement cases in Nelson.

93. CAPITAL PROGRAMME 2018/19

The Neighbourhood Services Manager submitted a report on the Committees 2018/19 Capital Programme.

RESOLVED

- (a) That the following be deallocated from the 2018/19 Capital Programme:-

Street lighting at Rook Street, Nelson	£2546
Hodge House fitness facility access contribution	£593

(b) That the following be allocated from the 2018/19 Capital Programme:-

Capital works to Bradley	£3139.00
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REASON

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

94. COMMUNITY INVESTMENT FUND 2018/19

The Chief Financial Officer submitted a report which advised the committee of the budget allocated to each member from the 2018/19 Community Investment Fund.

95. ENVIRONMENTAL CRIME

The Environmental Services Manager submitted for information a report on environmental crime action from 1st October to 31st December 2018 in the Nelson area.

Chairman _____