

**MINUTES OF A MEETING OF NELSON COMMITTEE
HELD REMOTELY VIA MICROSOFT OFFICE TEAMS
ON 7th SEPTEMBER, 2020**

PRESENT –

Councillors

*N. Ahmed
Z. Ali
M. Ammer
M. Aslam
T. Cooney
M. Iqbal
A. Mahmood
Y. Tennant
S. Wicks*

Co-optees

N. Emery (Nelson Town Centre Partnership)

Police Representatives

*PCSO Pinder
PCSO Shack*

(Apologies for absence were received from Councillors J. Henderson, N. McGowan, M. Sakib and K. Shore).

Officers in attendance:

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



The following people attended the meeting and spoke on the following items:

<i>Sean Wallace</i>	<i>19/0803/OUT Outline: Erection of up to 9 dwelling houses (all Reserved Matters) on the site of the former allotments East of Further Clough Head, Bamford Street, Nelson</i>	<i>Minute No. 36(a)</i>
<i>Almeera Iqbal</i>	<i>20/0369/FUL Full: Change of use of a social club (sui generis) to retail (Use Class A1) at the Palatine Working Men's Club, Norfolk Street, Nelson</i>	<i>Minute No. 36(a)</i>



30. APPOINTMENT OF CHAIRMAN

RESOLVED

That in the absence of the Chairman and Vice-Chairman Councillor M. Iqbal be appointment chairman for this meeting.

Councillor M. Iqbal (Chairman – in the chair)

31. DECLARATION OF INTERESTS

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

Councillor M. Aslam declared a prejudicial interest in minute number 36(a) planning application 20/0369/FUL Full: Change of use of a social club (sui generis) to retail (Use Class A1) at the Palatine Working Men's Club, Norfolk Street, Nelson which his brother owned and left the meeting before the item was discussed.

32. PUBLIC QUESTION TIME

There were no questions from members of the public.

33. MINUTES

RESOLVED

That the Minutes of the meeting held on 3rd August, 2020 be approved as a correct record and signed by the Chairman.

34. PROGRESS REPORT

A progress report on actions arising from the last meeting was submitted for information.

35. POLICE ISSUES

PCSO Pinder provided an update on the crime figures over the past couple of months. There had been an increase in the number of anti-social behaviour cases logged with 167 cases in July compared to 238 in August. It was felt that this was because more cases were being reported regarding people mixing with other households and gatherings particularly since the Covid-19 local lockdown restrictions had been put in place. All crime had gone up from 345 in July to 414 in August.

It was reported that speeding vehicles was a particular problem in the area and the Police were planning high and low intensity days to focus on this issue with other partners and VOSA. Areas of particular concern included Manchester Road, Chapel House Road and Waidshouse Road in Nelson. Members were encouraged to contact PCSO Pinder with any other streets where speeding was an issue.

The Committee were advised that a new recruitment campaign with a view to recruiting more people into the Police from the BAME community. A QR code was available which provided more information on this. It was agreed that this code be circulated to the Committee.

36. PLANNING APPLICATIONS

(a) Applications to be determined

The Planning, Economic Development and Regulatory Services Manager submitted a report on planning applications to be determined as follows:-

19/0803/OUT Outline: Erection of up to 9 dwelling houses (all Reserved Matters) at former allotments to the East of Further Clough Head, Bamford Street, Nelson for Mr. Wallace

The Planning Officer circulated an update prior to the meeting. A further letter of objection had been received and the points raised had already been addressed in the report.

RESOLVED

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

1. An application for approval of the reserved matters (namely the access, 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 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.

2. Details of the access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any 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 and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 21/11/19 1:1250, WALLACE/05, WALLACE/02 REVC, WALLACE/07 REVA and WALLACE/08.

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

4. 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:

- (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) Measures to control the emission of dust and dirt during construction.
- (vii) A scheme for recycling/disposing of waste resulting from demolition and construction works.
- (viii) Details of working hours.

- (ix) Routing of delivery vehicles to/from site.

The Construction Code-of-Practice 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 phase(s).

5. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason: In the interests of highway safety.

6. Prior to commencement of any development full engineering, drainage, street lighting, retaining structures and constructional details to adoptable standards (LCC specification) of the internal estate roads and FP 70 and 72 shall have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

7. No development shall commence unless and until full engineering details of the Marsden Hall Road South extension, site access and appropriate visibility splays have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented to at least base course level up to the entrance of the site compound before any development takes place within the site. The works must be fully completed in strict accordance with the approved details, prior to any occupation of the dwellings hereby approved.

Reason: To ensure that satisfactory access can be provided into the site prior to the development hereby permitted being occupied.

8. Foul and surface water shall be drained on separate systems. No development shall commence unless and until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions has been 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.

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

INFORMATIVE

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
2. The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with Lancashire County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work, by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email: lhscustomerservice@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.

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 accords with the Local Plan and National Planning Policy 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.

20/0326/FUL Full: Change of use to car storage (Use Class B8) and erection of boundary treatment and resurfacing (retrospective) on land to the East of 27 Pilgrim Street, Nelson for Mr. Mohammed Iqbal

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: PP-0002 and PP-001.

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

3. All materials to be used in the hard surfacing and boundary treatments 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 of control the external appearance of the development.

4. Prior to the commencement of development, a scheme for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans before the site becomes operational.

Reason: To control surface water flow disposal and prevent flooding.

5. The premises shall be used as a motor vehicle storage facility only and for no other purpose including any other purpose that falls within B8 use class of the Schedule to 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 the Order with or without modification.

Reason: The use of the site has been justified by the particular requirements of the specific use and the impact of alternative B8 uses need to be assessed independently and the impacts on residential amenity.

INFORMATIVE

1. This consent does give approval to a connection being made to Lancashire County Council's highway drainage system.
2. Before proceeding with the scheme preparation the developer should consult with Lancashire County Council for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term 'highway structure' shall include:

- Any retaining wall supporting the highway (including and supporting land which provides support to the highway).
- Any retaining wall supporting land or property alongside the highway.

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 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.

20/0372/HHO Full: Erection of dormer windows to front and rear roof slopes at 5 Elizabeth Street, Nelson for Miss Shabana Kauser

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be granted delegated authority to **grant** planning permission subject to the receipt of amended plans for a pitched roof on the dormer and subject to appropriate conditions and reasons:

(Councillor M Aslam declared a prejudicial interest in the following item and withdrew from the meeting before it was discussed).

20/0369/FUL Full: Change of use of a social club (sui generis) to retail (Use Class A1) at the Palatine Working Men's Club, Norfolk Street, Nelson for Mr. Muhammad Iqbal

The Planning Officer circulated an update prior to the meeting. Clarification was given with regards to the Use Classes Order which had been revised on 1st September, 2020. The update also confirmed that the planning permission or a first floor gym at the premises had not been implemented.

(Before the vote was taken, the Planning Officer advised that a decision to approve the application represented 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 Policy and Resources Committee be recommended to approve the application.

20/0388/HHO Full: Erection of dormers to the front and rear roof slopes at 68 Lomeshaye Road, Nelson for Mr. Haroon Qamar

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be granted delegated authority to **grant** planning permission subject to receipt of amended plans in relation to the front dormer (pitched roof and slate finish) and subject to appropriate conditions and reasons.

37. ENFORCEMENT/UNAUTHORISED USES

Update on Enforcement Matters

The Head of Legal Services submitted an update on enforcement matters.

38. CAPITAL PROGRAMME 2020/21

It was reported that the Committee's Capital Programme balance for 2020/21 was £1,000.

A full report would be submitted to the next meeting.

39. SPRING BANK BUILDINGS, EVERY STREET, NELSON

It was reported that Environmental Health officers had witnessed a statutory nuisance occurring at Spring Bank Buildings which had resulted in an abatement notice being serviced on the owner of the business. This related to odours in July, 2020.

Since issuing the notice the Environmental Health department have witnessed odour from burning materials on this site and were considering taking further action whilst also monitoring the situation for any breaches of the abatement notice.

It was acknowledged that there were two areas of concern on this site. One related to Environmental Health issues and the other any possible breaches of Planning.

RESOLVED

That the Housing, Health and Engineering Services Manager and the Planning, Economic Development and Regulatory Services Manager be requested to submit detailed reports to the next meeting with regards to issues at the Spring Bank Buildings site relevant to their service area.

REASON

In response to concerns raised by residents and witnessed by officers.

40. RE-OPENING OF THE TOWN CENTRE

It was reported that a meeting with the Sub-Committee was scheduled for next week where spending proposals will be discussed. Once these proposals have been agreed and action plan will be put together prioritising areas where funding needs to be spent first.

The Committee were reminded that the funding had to be spent by 31st March, 2021. A further update would be presented at the next meeting.

41. REMOVAL OF PAY PHONES

BT had identified that the public payphone at the junction of Swinden Hall Road, outside 171 Regent Street, Nelson was not being used enough and they were proposing to remove it under the 90 day consultation process.

It was acknowledged that the payphone was rarely used.

RESOLVED

That BT be informed that this Committee has no objections to the removal of the payphone at the junction of Swinden Hall Road, outside 171 Regent Street, Nelson.

REASON

In response to the consultation.

42. OUTSTANDING ITEMS

The following items had been requested by the Committee. Reports would be submitted to a future meeting:

60-92 Lonsdale Street, Nelson – Resident’s Only Parking Scheme (02.03.2020)

46-74 Holly Street, Nelson – Resident’s Only Parking Scheme (02.03.2020)

Derelict Building, Temple Street, Nelson (03.06.2020)

Former Nursery Site, Barkerhouse Road, Nelson (03.06.2020)

Chairman _____