

**MINUTES OF A MEETING OF NELSON COMMITTEE
HELD REMOTELY VIA MICROSOFT OFFICE TEAMS
ON 5th OCTOBER, 2020**

PRESENT –

Councillor M. Sakib (Chairman – in the Chair)

Councillors

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

Co-optees

N. Emery (Nelson Town Centre Partnership)

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>



43. DECLARATION OF INTERESTS

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

44. PUBLIC QUESTION TIME

There were no questions from members of the public.

45. MINUTES

RESOLVED

That the Minutes of the meeting held on 7th September, 2020 be approved as a correct record and signed by the Chairman.

46. PROGRESS REPORT

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

47. POLICE ISSUES

In the absence of the Police no issues were raised.

48. 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:-

20/0322/FUL Full: Major: Erection of three storey office building (Use Class B1a) (3,924 sq. m.) 267 space multi-storey car park, communications mast (45 m high) and 2.4 m boundary security fence on land used for the fairground on Carr Road, Nelson for Lancashire Constabulary

The Planning Officer circulated an update prior to the meeting. Additional landscaping plans had been submitted which were an improvement. Issues raised by LCC Highways had been partly addressed. It was reported at the meeting that the Local Lead Flood Authority had raised no objections to the application. The issues raised by the Environment Agency relating to the Evacuation Plan were still outstanding.

RESOLVED

That delegated authority be granted to the Planning, Economic Development and Regulatory Services Manager to **grant** planning permission subject to receipt of no objections from the Environment Agency and additional details required by LCC Highways and 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:

LAN028-PEV-B1-ZZ-DR-A-9006 Site Plan, LAN028-PEV-B1-ZZ-DR-A-9007 Site Section, LAN028-PEV-B1-ZZ-DR-A-90011 Ground Floor Plan, LAN028-PEV-B1-ZZ-DR-A-9012 First Floor Plan, LAN028-PEV-B1-ZZ-DR-A-9013 Second Floor Plan, LAN028-PEV-B1-ZZ-DR-A-9014 Roof Plan, LAN028-PEV-B1-ZZ-DR-A-9500 North and West Elevations, LAN028-PEV-B1-ZZ-DR-A-9501 South and East Elevations, LAN028-PEV-B1-ZZ-DR-E-0800 Indicative External Lighting, LAN028-PEV-B1-ZZ-DR-A-9503 MSCP North and West, LAN028-PEV-B1-ZZ-DR-A-9504 MSCP South and East, LAN028-PEV-B1-ZZ-DR-C-C-0900 Proposed Visibility Splays, LAN028-PEV-B1-ZZ-DR-C-0500 Proposed Drainage, LAN028-PEV-B1-ZZ-DR-C-0600 Proposed External Levels Plan, LAN028-PEV-B1-ZZ-DR-C-0700 Proposed Pavement Layout, LAN028-PEV-B1-ZZ-DR-C-0720 Proposed Fencing, LAN028-PEV-B1-ZZ-DR-A-9005 Location Plan, LAN028-PEV-XX-XX-DR-L-0202 PO3 Hard and soft landscaping, LAN028-PEV-XX-XX-SP-L_0203, LAN028-PEV-XX-XX-SH-L-0204, LAN028-PEV-XX-XX-SH-L_0205, LAN028-PEV-XX-XX-DR-L_0208, 42939-SRL-RP-YA-001-P2 Noise Assessment, R002EST02-191056-17.30 FRA,

RT-MME-151043-01 REV A, Transport Assessment, Interim Travel Plan, Design and Access Statement.

Reason: For the avoidance of doubt.

3. No part of the development hereby approved shall take place until a Planning Obligation pursuant to Section 106 of the Town and 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 improvements to the bus service and monitoring and improvements to the MOVA system at Junction 13.

Reason: In order to ensure the site is served by a range of sustainable transport and to ensure the free flow of traffic at Junction 13 of the M65.

4. No development shall take place, including any works of demolition, 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) 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 the site.

Reason:

5. No development shall commence unless and until three slit trenches have been dug and subsequently inspected to locate any potential land drainage along the eastern boundary which has been provided for the M65 motorway embankment. Any drainage should be recorded and protected during the construction phase.

Reason: To prevent any potential land stability and drainage issues for the adjacent M65.

6. Full engineering details of the site access and off-street highway works shall be submitted to and approved in writing by the Local Planning Authority and these shall be implemented in full prior to the first occupation of the site. The off-site highway works shall include upgrade of the nearest bus stops on Milton Street, upgrade of pedestrian/cycle crossing point on Carr Road for access to Victoria Park, widening of footway to upgrade to shared footway/cycleway on Carr Road between Barrowford Road and the site and realignment of island and north side kerb at Barrowford Road/Carr Road junction.

Reason: In the interests of highway safety.

7. The car, cycle, motorcycle and electric vehicle parking provision shall be provided in accordance with the approved plans before first occupation of the site.

Reason: To ensure the site is served by a range sustainable transport modes and to provide for future sustainability of the site.

8. The timetable and details contained within the Interim Travel Plan submitted with this application shall be adhered to for as long as the site is occupied.

Reason: To ensure the site is served by a range of sustainable transport modes and to provide for future sustainability of the site.

9. Prior to any work commencing on site full details of palette of all external materials including stone, roof materials, cladding/glazing systems and rainwater goods shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the details are acceptable and appropriate for the setting.

10. The proposed development should not be brought into use unless and until the parking areas shown on the approved plans have been constructed, laid out and surfaced in bound porous materials. The parking areas shall thereafter always remain available for parking of vehicles associated with the residential development.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

11. The cycle storage facilities to be provided in accordance with a scheme to be approved by the Local Planning Authority and the cycle storage facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

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

12. For the avoidance of doubt foul and surface water shall be drained on separate systems. All works shall be carried out in strict accordance with the submitted Flood Risk Assessment.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

13. The premises shall be used for office use (former Use Class B1(a)) only and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without notification.

Reason: The site has been assessed for office use only and lies outside of the town centre and close to residential dwellings were other uses would not be appropriate.

- 14.** No development shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- (a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);
 - (b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus an appropriate allowance for climate change and urban creep. The calculations must also demonstrate that surface water runoff will not exceed a maximum rate of 5l/s;
 - (c) A final site plan showing all on-site surface water catchment areas, i.e., areas that will contribute to the proposed surface water drainage network;
 - (d) Confirmation of how surface water will be managed within any non-drained areas of the site, i.e., grassed areas and public open space;
 - (e) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;
 - (f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
 - (g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

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; that there is no flood risk on or off the site resulting from the proposed development; that water quality is not detrimentally impacted by the development proposal and that appropriate maintenance mechanisms are put in place for the lifetime of the development.

- 15.** Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837:2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within

the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

16. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- (a) All existing trees to be retained.
 - (b) All proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities.
 - (c) Planting scheme for the adjacent land to the north to assist screening views of Block C and to ensure an appropriate setting.
 - (d) An outline specification for ground preparation.
 - (e) All proposed boundary treatments with supporting elevations and construction details.
 - (f) All proposed hard landscape elements and pavings, including layout, materials and colours.
 - (g) 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.

17. Notwithstanding the submitted plans, prior to any installation of external lighting, details including type, size, location, intensity and direction 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 details.

Reason: To ensure that the lighting of the site minimises glare and considers impacts on bats and unnecessary light pollution for the location.

18. All the mitigation measures set out in Section 4 of the Ecological Impact Assessment by Grassroots dated February 2020 shall be implemented in full prior to the first occupation of the site.

Reason: To ensure no net loss of biodiversity as a result of the development.

Informative Note

The grant of planning permission will require the applicant to enter into a Section 278 Agreement with the 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: developeras@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 is acceptable in terms of design and materials, impact on amenity, impact on highway network, drainage, ecology, trees and landscaping, contamination, noise, external lighting and air quality 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.

20/0376/HHO Full: Erection of dormers to front and rear roof slopes at 166 Leeds Road, Nelson for Hafiz Faiz Ahmed

RESLOVED

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

49. NATIONAL PLANNING REFORMS

The Planning, Economic Development and Regulatory Services Manager submitted a report on amendments made to the planning system. The report had been considered by the Policy and Resources Committee and submitted to Area Committees for information.

The amendments included changes to permitted development rights to allow householders to extend above their properties but this was only for properties built after 1948. Changes had been made to the Use Classes Order and the calculation for the 5 year supply of housing was to be amended.

RESOLVED

That the report be noted.

50. ENFORCEMENT/UNAUTHORISED USES

Update on Enforcement Matters

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

51. CAPITAL PROGRAMME 2020/21

The Housing, Health and Engineering Services Manager submitted a report on the Committee's Capital Programme for 2020/21. The uncommitted balance was £1.

RESOLVED

That the report be noted.

REASON

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

52. LCC TRAFFIC LIAISON MEETING

Minutes of a meeting of the LCC Traffic Liaison Meeting held on 9th September, 2020 were submitted for information.

Reference was made to speed calming measures on Chapel House Road. It was noted that County were trying to speed up the process for this to be implemented.

RESOLVED

- (1) That the Minutes be noted.
- (2) That an update on progress with the implementation of the speed calming measures including proposed timescales on Chapel House Road, Nelson be submitted to the next meeting.

REASON

To understand progress and timings for implementation of the scheme.

53. PROPOSED INTRODUCTION OF A RESIDENTS-ONLY PARKING SCHEME ON LONSDALE STREET, NELSON

The Housing, Health and Engineering Services Manager submitted a report following a request for a residents-only parking scheme on Lonsdale Street, Nelson.

A questionnaire was sent to residents at 60-94 and several businesses on Lonsdale Street in August, 2020. The County Council's policy required that the proposal should be acceptable to the greater proportion of those consulted. A 75% response rate from households, with more than 50% of these being in favour of the scheme was considered acceptable.

A total of 18 residential properties together with 12 businesses were surveyed with only 7 replies (23%).

The results showed that 5 were in favour of providing the scheme, 2 were against it and 23 didn't reply. As a result the response to the survey did not indicate a strong majority in favour of the scheme. It was reported that not everyone had received the questionnaire and it was suggested that the survey be carried out again.

RESOLVED

That due to the low response rate a decision be deferred and the questionnaire on proposals for the introduction of a residents-only parking scheme on Lonsdale Street, Nelson be carried out again.

REASON

To ensure all residents views were considered.

54. PROPOSED INTRODUCTION OF A RESIDENTS-ONLY PARKING SCHEME ON HOLLY STREET, NELSON

The Housing, Health and Engineering Services Manager submitted a report following a request for a residents-only parking scheme on Holly Street, Nelson.

A questionnaire was sent to residents at 20, 46-76, 21 and 73 Holly Street and Walverden Primary School in August, 2020. The County Council's policy required that the proposal should be acceptable to the greater proportion of those consulted. A 75% response rate from households, with more than 50% of these being in favour of the scheme was considered acceptable.

A total of 19 residential properties together with the school were surveyed with 11 replies (55%).

The results showed that 9 were in favour of providing the scheme, 2 were against it and 9 didn't reply. As a result the response to the survey did not indicate a strong majority in favour of the scheme. It was reported that not everyone had received the questionnaire and it was suggested that the survey be carried out again.

RESOLVED

That due to the low response rate a decision be deferred and the questionnaire on proposals for the introduction of a residents-only parking scheme on Holly Street, Nelson be carried out again.

REASON

To ensure all residents views are considered.

55. RE-OPENING OF THE HIGH STREET

The Planning, Economic Development and Regulatory Services Manager submitted a report on proposals for the re-opening of Nelson Town Centre using the European Funding of £20,680 allocated from Government. The Council had allocated £11,830 towards the scheme and it was suggested that this be used for a shopper's loyalty scheme on the lead up to Christmas.

The suggestions had been put forward by the working group allocated by this Committee to come up with ideas to spend this money.

Proposals included the installation of foot operated hand sanitiser stations and lamppost banners. Branding suggestions were appended to the report with the strapline 'Nelson Cares.'

RESOLVED

- (1) That a Shoppers Loyalty Scheme be introduced on the run up to Christmas and this be funded from the Council's contribution of £11,830.
- (2) That the installation of foot operated hand sanitiser stations and lamppost banners on the locations set out in the report be agreed.
- (3) That the branding suggestions set out in the appendix attached to the report be agreed subject to the 'Nelson Cares' logo being changed from green to blue.

REASON

To assist with the re-opening of the Nelson Town Centre following the Covid pandemic.

56. TREE PLANTING ON COUNCIL OWNED LAND

The Planning, Economic Development and Regulatory Services Manager submitted a report on proposals to increase the Council's efforts in planting trees on Council owned land; to inform the Committee of funding opportunities; to discuss and propose the need for a Tree and Woodland Strategy for Pendle and to agree the proposed tree planting annual target.

The report had been submitted to the Policy and Resources Committee before being submitted to Area Committees for comment.

An area of concern was the proposal to plant trees on Ringstone Crescent, Nelson. Ward Councillors had been in touch with residents who had expressed an interest to be involved in any decisions to plant trees on this site. They wanted to be involved so that they had an understanding of what was being proposed. Ward Councillors also expressed an interest in being consulted on all proposed tree planting proposals.

RESOLVED

- (1) That the report be noted.
- (2) That Ward Councillors be consulted on all proposals to plant trees in their Wards.
- (3) That residents be consulted on the proposed tree planting scheme for Ringstone Crescent, Nelson.

REASON

To keep Councillors and residents up to date with tree planting proposals.

57. TACKLING CONTAMINATION IN RECYCLING BINS

The Environmental Services Manager submitted a report for information on plans to tackle the issue of contamination within the recycling materials collected via household and commercial schemes, which was noted.

58. ENVIRONMENTAL BLIGHT

It was reported that there were no existing environmental blight sites in Nelson. Members were reminded that any new sites should be reported to Tricia Wilson or Julie Whittaker including a contact name and contact details with a brief description of the site and the problem.

59. EXCLUSION OF PUBLIC AND PRESS

Members agreed to exclude the public and press from the meeting during the following item of business in pursuance of the power contained in Section 100(A) (4) of the Local Government Act, 1972 as amended when it was likely, in view of the nature of the proceedings or the business to be transacted, that there would be disclosure of exempt information which was likely to reveal the identity of an individual.

60. ENFORCEMENTS

The Planning, Economic Development and Regulatory Services Manager submitted a report which provided updates on three sites in Nelson.

RESOLVED

That the updates and actions identified be noted.

REASON

The recommendations were the appropriate courses of action for each of the sites.

Chairman _____