

**MINUTES OF A MEETING OF NELSON COMMITTEE
HELD REMOTELY VIA MICROSOFT OFFICE TEAMS
ON 30th NOVEMBER, 2020**

PRESENT –

Councillor M. Sakib (Chairman – in the Chair)

Councillors

G. Adam
N. Ahmed
Z. Ali
M. Ammer
M. Aslam
M. Iqbal
N. McGowan
A. Mahmood
K. Shore
Y. Tennant
S. Wicks

Co-optees

N. Emery (Nelson Town Centre Partnership)

(Apologies for absence were received from Councillors T. Cooney and J. Henderson).

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>Umar Faruque</i>	<i>20/0572/FUL Full: Change of use from dwelling (Use Class C3) to retail (Use Class A1) (resubmission) at 174 Railway Street, Nelson</i>	<i>Minute No. 82(a)</i>
<i>Umar Faruque Mohammed Kashif</i>	<i>20/0660/FUL Full: Partial change of use from shop (Use Class A1) to hot food take-away (Use Class A5) at 119-121 Leeds Road, Nelson</i>	<i>Minute No. 82(a)</i>
<i>CC Azhar Ali</i>	<i>20/0666/HHO Full: Erection of two-0storey rear extension with first floor roof lift at 29 Causey Foot, Nelson</i>	<i>Minute No. 82(a)</i>



77.

DECLARATION OF INTERESTS

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

78. PUBLIC QUESTION TIME

There were no questions from members of the public.

79. MINUTES

RESOLVED

That the Minutes of the meeting held on 2nd November, 2020 be approved as a correct record and signed by the Chairman.

80. PROGRESS REPORT

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

81. POLICE ISSUES

In the absence of the Police a brief updated was provided. It was reported that there had been a drop in the number of anti-social behaviour incidents reported. The mobile speed camera had also been in operation in various areas of the Borough. Any areas of concern should be reported to the Police.

82. 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:-

20/0572/FUL Full: Change of use from dwelling (Use Class C3) to retail (Use Class A1) (resubmission) at 174 Railway Street, Nelson for Mrs. Asia Parveen

The Planning Officer circulated an update prior to the meeting which referred to additional information provided by the applicant. The recommendation to refuse the application remained the same.

(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 Policy and Resources Committee be recommended to **grant** planning permission subject to appropriate conditions and reasons.

20/0594/HHO Full: Erection of a single storey rear extension at 19 Selby Street, Nelson for Mrs. Hajran Bibi

RESOLVED

That planning permission **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:

Location Plan and Site Plan, drawing number A20-06 and Proposed Floor Plans and Elevation Plans, drawing number A20-06/02.

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

3. All the external materials of be used in the elevations and roof of the development hereby permitted shall be as stated on the planning application form and approved plans and there shall be no variation without the prior consent 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 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.

20/0660/FUL Full: Partial change of use of shop (Use Class A1) to hot food take-away (Use Class A5) at 119-121 Leeds Road, Nelson for Mr. M. Hussain

The Planning Officer circulated an update prior to the meeting which suggested an amendment to condition number 3.

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: Location Plan U91-P01; Proposed Elevation and Floor Plans U91-P03.

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

3. The use hereby approved shall not commence unless and until the extraction system, including measures for noise attenuation and the treatment and dispersal of particles, fumes and odours, has been installed in strict accordance with "Extraction System Proposal" prepared by Eastern Catering Engineering Ltd, dated 11/11/2020, the extraction system shall thereafter at all times be maintained and operated in strict accordance with those details.

Reason: To ensure that noise generated by the extraction system is within acceptable limits and particles, fumes or odours generated by the premises are minimised in the interests of the amenity of occupiers of nearby properties.

4. Prior to the commencement of development a scheme for the extraction, treatment and dispersal of particles, fumes and odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the use commencing and thereafter retained. No cooking carried out on the site save during such times as the approved extraction and treatment equipment is operational and effective to the level of the approved scheme.

Reason: To ensure that any particles, fumes or odours generated by the premises are minimised in the interests of the amenity of occupiers of nearby properties.

5. The hot food takeaway hereby approved shall not be open to customers outside of the hours of 8am to 10pm.

Reason: To ensure that night-time and early morning noise and disturbance does not unacceptably impact upon the residential amenity of the occupiers of adjacent dwellings.

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, amenity and highway safety. The development is therefore compliant 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.

20/0666/HHO Full: Erection of two storey side and rear extension with first floor roof lift at 29 Causey Foot, Nelson for Mr. K. Shahzad

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:

Location Plan, drawing number 001-A4, Proposed Elevation Plans, drawing number 006-A1 Rev A, Proposed First Floor Plans, drawing number 005-A2-Rev A and Proposed Ground Floor Plans, drawing number 004-A2.

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

3. All materials to be used for 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.

4. Prior to occupation of the development hereby approved, a 2m high close boarded fence shall be erected along the shared boundary with number 27 Cause Foot. The fence shall remain in place thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to maintain adequate privacy levels between the dwellings.

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 would not be detrimental to amenity and 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) Appeals

The Planning, Economic Development and Regulatory Services Manager submitted, for information, a report on planning appeals.

83. ENFORCEMENT/UNAUTHORISED USES

Update on Enforcement Matters

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

84. CAPITAL PROGRAMME 2020/21

The Housing, Health and Engineering Services Manager submitted a report on the Committee's Capital Programme for 2020/21. The Committee's balance was £1,000.

The Committee were asked to consider a request for funding of £2,500 for Nelson Town Centre Controlled Parking Zone.

The Committee were also asked to consider de-allocating the underspend of £1 and return the funds to the capital programme in relation to Scheme 52: Capital Works to gable and Rear of Crawford Street, Nelson.

RESOLVED

- (1) That £1,000 be allocated towards the request for funding towards Nelson Town Centre Controlled Parking Zone and Nelson Town Council be asked to consider allocating the outstanding balance of £1,500.
- (2) That the £1 underspend in relation to Scheme 52: Capital Works to gable and rear of Crawford Street, Nelson be de-allocated and returned to the Capital Programme.

REASON

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

85. RE-OPENING OF THE HIGH STREET

The Planning, Economic Development and Regulatory Services Manager submitted an update on the funding spend in relation to the re-opening of Nelson Town Centre.

86. OUTSTANDING ITEMS

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

- 46-74 Holly Street, Nelson – Resident's Only Parking Scheme (05.12.2020)
- Public Toilet Facilities in Nelson Town Centre (02.11.2020)

Chairman _____