

**MINUTES OF A MEETING OF NELSON COMMITTEE
HELD REMOTELY VIA MICROSOFT OFFICE TEAMS
ON 1st MARCH, 2021**

PRESENT –

Councillor M. Sakib (Chairman – in the chair)

Councillors

*G. Adam
N. Ahmed
Z. Ali
M. Ammer
M. Aslam
T. Cooney
M. Iqbal
N McGowan
K. Shore
Y. Tennant
S. Wicks*

Co-optees

N. Emery (Nelson Town Centre Partnership)

Police

PC Lorna Bolton

(Apologies for absence were received from Councillors E. Ansar, J. Henderson and A. Mahmood).

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>

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The following person attended the meeting and spoke on the following item:

<i>Atique Rehman</i>	<i>20/0797/HHO Full: Single storey rear extension at 45 Manor Street, Nelson</i>	<i>Minute No. 117(a)</i>
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113. DECLARATION OF INTERESTS

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

114. PUBLIC QUESTION TIME

A local developer referred to a piece of land at the rear of some recently built houses on Beech Street, Nelson which had been fenced off with a view to it being used for car sales. He asked that this be looked into as he understood the land was unregistered. Councillor Iqbal said he was in discussions with the Planning Department and would contact the developer with an update.

115.

MINUTES

RESOLVED

That the Minutes of the meeting held on 1st February, 2021 be approved as a correct record and signed by the Chairman.

115.

PROGRESS REPORT

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

116.

POLICE ISSUES

PC Bolton provided an update on a number of issues raised at previous meetings. An Operation was scheduled to tackle un-taxed vehicles and vehicles with no MOT. This would be carried out with partners such as VOSA and DVLA. If Members were aware of any such vehicles they were asked to forward the details onto PCSO Holly-May Pinder.

The Police had visited the Pendle Street/Carr Road area following reports at the last meeting of vehicles parked dangerously and causing an obstruction. Unfortunately at the times the Police visited there was no evidence of this. They would continue to monitor the situation.

Work was ongoing to develop an Operation to tackle issues associated with anti-social driving. It was explained that this was a big problem in Nelson but it was also acknowledged that it extended across the Borough. Initially the Operation would focus on Nelson but if successful it would be rolled out. It was explained that the Police were looking at a multi-staged approach which would cover a wide spectrum of people.

PC Bolton mentioned that one of her colleagues had commented on the amount of litter in the town centre as well as people feeding the pigeons. She asked if there were any Enforcement Officers working but said she would refer this to Tim Horsley for him to pass on.

Complaints had also been received that people were using the MUGAs which was a concern due to the current Government lockdown in place in response to the COVID-19 pandemic. The MUGA's were now owned by Nelson Town Council and Councillor Ali provided an update. He said that the Town Council had closed the facilities back in June and had put notices up and other restrictions to prevent use. Unfortunately, these restrictions had been taken down by users but it was the Town Council's view that they remain closed. The Town Council had brought this to the attention of the local policing team and had requested regular patrols.

It was reported that mobile speed humps had been sourced and would be used on three streets, one of which was Chapelhouse Road, for a period of time. Members were asked to contact PCSO Holly-May Pinder with any other streets where there was a problem with speeding and they would be added to the list.

The bus stop on Glenfield Road, Nelson had been removed and residents were concerned that vehicles were parking on this site and wondered if there was anything the Police could do to prevent this. Councillor McGowan said he would send PC Bolton some photographs for her to look at.

117. PLANNING APPLICATIONS

(a) Applications to be determined

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

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:

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, 2020.05.04 Lan028-PEV-XX-XX-DR-L-0202 Hard and soft landscaping, 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 monitoring and improvements to the MOVA system at Junction 13.

Reason: In order to ensure the free flow of traffic at Junction 13 of the M65.

4. No development shall take place 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 site

5. Full engineering details of the site access and off-site 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 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.

6. 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.

7. The car, cycle, motorcycle and electric vehicle parking provision shall be constructed, laid out and surfaces in bound porous materials in accordance with the approved plans prior to occupation of the site. The parking areas shall thereafter always remain available for parking of vehicles associated with the office 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.

8. The timetable and details contained within the submitted Interim Travel Plan shall be fully adhered to 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 above ground work commencing on site full details 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 cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the use hereby permitted becomes operative. The cycle storage facilities shall then be provided in accordance with the approved plan.

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

11. For the avoidance of doubt foul and surface water shall be drained on separate systems.

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

12. 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. Those 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.

13. No development shall commence until details of how surface water and pollution prevention will be managed during construction phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

14. The development hereby approved shall be carried out in strict accordance with the Flood Risk

Assessment prepared by Pick Everard (MC/EST/191056/17-2/R002-Issue No. 5, 30/11/2020). All of the proposed mitigation measures including the Flood Evacuation Procedures shall be implemented prior to occupation of the building.

Reason: To ensure there is no flood risk on or off the site resulting from the proposed development and that appropriate mechanisms are put in place for Flood Evacuation of the development.

15. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as the approved details. The submitted geo-environmental investigation satisfies part 1 of the above condition.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework. And to prevent deterioration of a water quality element to a lower status class in the underlying secondary A aquifer.

16. 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.

17. 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. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. 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.

18. Notwithstanding the submitted plans, prior 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.

19. 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 notes

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 use of the site would be acceptable subject to appropriate conditions. The development 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.

20/0797/HHO Full: Single storey rear extension at 45 Manor Street, Nelson for Mr. A. Rehman

(Before the vote was taken, the Planning Officer advised that a decision to approve the application represented a significant departure from policy and substantial risk of costs were the neighbour to make a complaint to the Local Government Ombudsman. 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.

20/0826/HHO Full: Erection of two storey side extension and single storey extension to front and insert a first floor window to front elevation at 130 Beaufort Street, Nelson for Mohammed Ansar

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:

1:1250 location plan and elevation and layout plan 1.

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

3. The external facing and roofing materials to be used on the development hereby permitted shall match the existing dwelling house in terms of texture, colour, shape and size unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory appearance for 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 dwelling house is acceptable in terms of design and materials and impact on the residential amenity.

(b) Appeals

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

118. ENFORCEMENT/UNAUTHORISED USES

Update on Enforcement Matters

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

119. CAPITAL PROGRAMME 2020/21

The Housing, Health and Engineering Services Manager reported that the unallocated sum of the Committee's Capital Programme for 2020/21 was £1,201.

120. RE-OPENING OF THE HIGH STREET

The Planning, Economic Development and Regulatory Services Manager submitted a report which provided an update on the Re-opening Highstreets Safely Fund for Nelson Town Centre.

Six sanitiser units had been ordered and would be placed in the following locations:

- Costa Coffee (take-out)
- Emery Electronics (currently closed)
- Pound Plus (open)
- Going Dutch (click and collect)
- Fulton Foods (open)
- Superfresh (open)

The businesses had agreed to store the units within their premises of an evening. Banners advising of safety messages were due to go up by the week ending 26th February. The 'We Love Nelson' campaign was still on hold.

Details of the costings were set out in the report.

Nelson Committee (01.03.2021)

The Committee were asked to consider developing click and collect service for Nelson by setting up an online service, similar to the one's set up in Colne and Barrowford, to provide a route for businesses to market their goods and services whilst lockdown restrictions were in place. It was suggested that businesses in Brierfield also be added to this service. This would be discussed at the next Brierfield and Reedley Committee.

The Committee were advised that the funding spend date had now been extended from 31st March to 30th June, 2021.

RESOLVED

- (1) That the report be noted.
- (2) That a website be developed taking on the elements included in both the Colne and Barrowford websites as referred to in the report.
- (3) That a further meeting of the sub-group be arranged as soon as possible.

REASON

To keep the Committee up to date with progress.

Chairman _____