

**MINUTES OF A MEETING OF  
NELSON, BRIERFIELD AND REEDLEY COMMITTEE  
HELD AT NELSON TOWN HALL  
ON 7<sup>th</sup> JUNE, 2021**

*PRESENT –*

**Councillors**

*M. Adnan  
F. Ahmad  
Z. Ali  
R. Anwar  
M. Aslam  
N. Ashraf  
M. Hanif  
K. Howarth  
M. Iqbal  
Y. Iqbal  
A. Mahmood  
N. McGowan  
M. Sakib*

**Co-optees**

*S. Ahmed (Brierfield Town Council)  
N. Emery (Nelson Town Centre Partnership)  
P. McCormick (Reedley Hallows Parish Council)*

*(Apologies for absence were received from Councillor E. Ansar).*

**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 persons attended the meeting and spoke on the following items:*

<i>Mr. Uddin Mrs. Uddin Maria Midgley</i>	<i>21/0317/HHO Full: Erection of two storey side extension and single storey rear extension at 42 Edge End Avenue, Nelson</i>	<i>Minute No. 9(a)</i>
<i>Junaaid Iqbal</i>	<i>21/0327/HHO Full: Erection of single storey extension, outbuilding and external staircase to rear (retrospective) at 49 Lancaster Gate, Nelson</i>	<i>Minute No. 9(a)</i>
<i>Carol Clarkson</i>	<i>Items for Discussion – Tree Planting at Ringstone Crescent, Nelson</i>	<i>Minute No. 18(b)</i>
<i>Mr. Mehdi</i>	<i>Items for Discussion – Flooding at Swaledale/Wharfedale/Garsdale Avenue, Reedley</i>	<i>Minute No. 18(c)</i>

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**1. APPOINTMENT OF CHAIRMAN**

**RESOLVED**

That Councillor N. Ashraf be appointed Chairman of this Committee for the municipal year 2021/22.

*Councillor N. Ashraf (Chairman – in the Chair)*

**2. APPOINTMENT OF VICE-CHAIRMAN**

**RESOLVED**

That Councillor F. Ahmad be appointed Vice-Chairman of this Committee for the municipal year 2021/22.

**3. APPOINTMENT OF CO-OPTEES**

**RESOLVED**

That N. Emery of Nelson Town Centre Partnership and a representative from Brierfield Town Council, Nelson Town Council and Reedley Hallows Parish Council be co-opted onto the Committee for the municipal year 2021/22.

**4. DECLARATION OF INTERESTS**

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

Councillor Z. Ali declared a pecuniary interest in minute number 14 Premises Improvement Grants as he was a Director of Eaton Adam Solicitors.

**5. PUBLIC QUESTION TIME**

There were no questions from members of the public.

**6. MINUTES**

**RESOLVED**

That the Minutes of meetings of Nelson Committee held on 29<sup>th</sup> March, 2021 and Brierfield and Reedley Committee held on 30<sup>th</sup> March, 2021 be approved as correct records and signed by the Chairman.

**7. PROGRESS REPORT**

A progress report on actions arising from the last meetings of Nelson Committee and Brierfield and Reedley Committee were submitted for information.

**8. POLICE ISSUES**

There wasn't a representative from the Police in attendance but the crime figures for Nelson for the month of May, 2021 (compared to the same period last year) were circulated at the meeting.

**9. PLANNING APPLICATIONS**

**(a) Applications to be determined**

**20/0753/HHO Full: Erection of side and rear two storey extensions at 181 Regent Street, Nelson for Mr. Z. Ali**

*(Before the vote was taken, the Planning Officer advised that a decision to approve the application would have an unacceptable impact on the residential amenity of the occupants of adjacent properties contrary to the guidance of the Design Principles SPD which would represent a significant departure from Policy ENV2 of the Core Strategy and a significant risk of costs against the Council should a complaint be made 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 planning permission be **granted** subject to appropriate conditions and reasons.

**21/0043/FUL Full: Change of use from a shop (Use Class E) to hot food take away (Sui Generis) erection of single storey rear extension and alterations to access for the flat above at 237 Leeds Road, Nelson for Mr. Rana**

*(Before the vote was taken, the Planning Officer advised that a decision to approve the application would result in a danger to highway safety which would represent a significant departure from Policy ENV4 of the Core Strategy. 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 planning permission be **granted** subject to appropriate conditions and reasons.

**21/0089/HHO Full: Erection of dormer to front and rear roof slopes at 18 Roberts Street, Nelson for Mr. M. Munsif**

**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 and Block Plan ref: U100-P01

Proposed Elevations and Floor Plans ref: U100-P02

**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.

### **REASON FOR DECISION**

***Section 38 of the Planning and Compulsory Purchase Act 2004 requires that application 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.***

**21/0110/HHO Full: Formation of dormer window to front roof slope at 2 Vaughan Street, Nelson for Mr. S. Mirza**

The Planning Officer circulated an update at the meeting advising that the second reason for refusal had been removed as upon further assessment there was no unacceptable privacy impact in relation to the upper floor windows and characteristic window to window relationships in the area. This did not, however, change the officer's recommendation of refusal.

### **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 and Block Plan received on 16<sup>th</sup> February, 2021

Proposed Elevations and Floor Plans received 16<sup>th</sup> February, 2021

**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.

### **REASON FOR DECISION**

***Section 38 of the Planning and Compulsory Purchase Act 2004 requires that application 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.***

**21/0132/HHO Full: Demolition of existing single storey rear extension, insertion of front and rear dormers and erection of a replacement single storey rear extension at 17 Essex Street, Nelson for Mr. S. Ahmed**

The Planning Officer circulated an update at the meeting advising that the second reason for refusal had been removed as upon further assessment there was no unacceptable privacy impact in relation to the upper floor windows and characteristic window to window relationships in the area. This did not, however, change the officer's recommendation of refusal.

### **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 and Block Plan received on 23<sup>rd</sup> February, 2021

Existing Ground and First Floor Plans ref: DWG1

Existing Roof Plan ref: DWG2

Existing Elevation Plans ref: DWG5

Proposed Ground Floor and First Floor Plans ref: DWG4

Proposed Roof Plans ref: DWG6

**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.

### **REASON FOR DECISION**

***Section 38 of the Planning and Compulsory Purchase Act 2004 requires that application 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.***

**21/0157/HHO Full: Single storey rear extension and the erection of dormers to the front and rear main roof slopes at 262 Leeds Road, Nelson for Mr. I. Hussain**

### **RESOLVED**

- (1) That the applicant be invited to submit amended plans to address the objections received from the neighbours.
- (2) That this application be deferred until the next meeting to allow time for the amended plans to be considered.

**21/0175/HHO Full: Erection of a pitched roof dormer to the front and flat roof dormer to the rear roof slopes at 557 Colne Road, Brierfield for Mr. S. A. Shah**

It was reported that this application had been withdrawn prior to the meeting.

**21/0288/FUL Full: Erection of covered recycling bays and welfare shelter (Regulation 3 Application) at Fleet Street Depot, Fleet Street, Nelson for Pendle Borough Council**

### **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:

A21-03/01 Site Location Plan (received 6<sup>th</sup> April, 2021)

PRO-PC-001 Elevation Plan Proposed Recycling Bin (received 6<sup>th</sup> April, 2021)

PRO-PC-002 Elevation Plan Proposed Canopy (received 6<sup>th</sup> April, 2021)

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

3. The external materials to be used on the development hereby permitted shall at all times be as stated on the planning application form and approved plans and there shall be no variation without the prior written 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.

4. If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed and agreed with the local planning authority. The contingency plan shall thereafter be carried out in full in accordance with the timescales set out in the plan.

**Reason:** In order to deal with any unexpected contamination found at the 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 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.***

**21/0317/HHO Full: Erection of two storey side extension and single storey rear extension at 42 Edge End Avenue, Brierfield for M. & Mrs. Uddin**

The Planning Officer submitted an update at the meeting advising that further investigation was required as it was not clear whether the ground floor window in the side elevation of number 44 was adequately served by other windows in the rear elevation. This could impact on whether or not the proposed extension would have an unacceptable impact on the residential amenity of the occupants of number 44. Further investigations were therefore required to establish this.

### **RESOLVED**

That this application be deferred for further investigations and for a COVID safe site visit.

**21/0327/HHO Full: Erection of single storey extension, outbuilding and external staircase to rear (retrospective) at 49 Lancaster Gate, Nelson for Mr. D. Hussain**

The Planning Officer circulated an update at the meeting. The Committee were advised that the applicant had submitted a set of calculations which had been prepared by a qualified professional in relation to the structural stability of the retaining wall towards the rear of the application site. These had been reviewed by Officers and were acceptable. As a result the Officer recommendation was now to approve the application.

**RESOLVED**

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Plans and Elevations Ref: 2035/01.

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

2. Prior to the first use of the garden terrace area to the rear of the dwelling a balustrade of 1m in height shall be erected along the rear of the outbuilding on the edge of the roof and shall thereafter be retained in accordance with the approved details, in order to prevent people from walking or sitting on the roof of the outbuilding.

**Reason:** In the interests of neighbouring amenity.

3. Within three months of the date of this permission, a 2m high close boarded fence shall be erected along the shared boundary with number 47 Lancaster Gate. 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.

4. Prior to the first use of the outbuilding, a scheme for the protection of the sewer shall be submitted to and agreed in writing by United Utilities. The scheme shall be implemented and shall thereafter be maintained in accordance with the agreed scheme.

**Reason:** In the interests of public safety.

**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.***

**(b) Appeals**

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



## 10. ENFORCEMENT/UNAUTHORISED USES

### Update on Enforcement Matters

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

## 11. CAPITAL PROGRAMME 2021/22

The Housing, Health and Engineering Services Manager submitted a report on the Committee's Capital Programme for 2021/22.

### RESOLVED

(1) That the following be de-allocated:

<b>Scheme Number</b>	<b>Scheme Details</b>	<b>Allocation £</b>
2	Ward Initiative	340.00
3	Nelson Town Centre Works	3,870.00
4	Nelson Town Centre Controlled Parking Zone	1,000.00
7	Litter and Dog Waste Bins	478.00
9	Flood Prevention Works within the Brierfield and Reedley Area	2,500.00
12	Refurbishment of Brierfield Town Centre	2,500.00
13	Various Brierfield Highway Improvements	515.00
<b>TOTAL</b>		<b>11,203.00</b>

(2) That in relation to scheme number 6, Street Light(s), the location be agreed in consultation with Councillor M. Sakib.

(3) That the following allocations be made:

- (a) £20,000 to the Town Centre Premises Improvement Grants Scheme.
- (b) £4,200 for Ward Initiative Money (£300 per Councillor).
- (c) Capital Projects:

<b>Ward</b>	<b>Allocation £</b>
Bradley	13,950
Brierfield East and Cloverhill	13,950
Brierfield West and Reedley	9,501
Marsden and Southfield	13,950
Whitefield and Walverden	13,950
<b>TOTAL</b>	<b>65,301.00</b>

**REASON**

***To allocate the Committee's Capital Programme effectively.***

**12. REMOVAL OF PAY PHONES**

The Committee were advised that BT had identified the following public pay phones in Brierfield as not being used enough and were proposing to remove them under the 90 day consultation process.

Telephone Number	Address	Postcode	Average Calls Per Month	Posting Completed Date
01282 615306	War memorial Gardens adj., 19 PCO1, Colne Road, Brierfield	BB9 5HP	37	11.03.2021
01282 612409	O/S 186 Halifax Road, PCO1, Halifax Road, Brierfield	BB9 5BH	3	11.03.2021

**RESOLVED**

That no objections be raised.

**REASON**

***In response to advice from BT.***

**13. RE-OPENING OF NELSON AND BRIERFIELD TOWN CENTRES**

An update would be given at the next meeting.

*Councillor Z. Ali declared a pecuniary interest in the following item and withdrew from the meeting during discussion of the item.*

**14. PREMISES IMPROVEMENT GRANTS**

The Planning, Economic Development and Regulatory Services Manager submitted a report on progress made on the Nelson and Brierfield premises improvement grants scheme in 2020/21 financial year.

It was reported that there was a budget of £7,798.50 and £3,000 remaining for Nelson and Brierfield respectively and it was requested that these amounts be slipped into the 2021/22 financial year.

**RESOLVED**

(1) That the report be noted.

- (2) That slippage of £7,798.50 from the 2020/21 financial year into the 2021/22 financial year for Nelson and £3,000 for Brierfield be agreed.
- (3) That it be noted that £20,000 had been allocated to the Premises Improvement Grants Scheme from the Committee's Capital Programme (minute 11 above refers).
- (4) That Councillors A. Mahmood and M. Sakib be nominated onto the Grants Panel to determine Premises Improvement Grants for both Brierfield and Nelson.

## **REASONS**

- (1) *To allow Members to see the outcomes of the Scheme during the 2020/21 financial year.*
- (2) *To enable the Scheme to fund future projects.*
- (3) *To allow all approved grants spend to be carried over into 2021/22.*
- (4) *To all the Panel Members to determine applications.*

### **15. LAND ADJOINING 26 POPLAR STREET, NELSON**

The Committee considered a report on proposals to declare land adjoining 26 Poplar Street, Nelson (shown edged black on the plan attached to the report) surplus to requirements following a request from the owner of 60/62 Bradley Hall Road, Nelson to purchase the land to build a private domestic garage.

## **RECOMMENDATION**

That Policy and Resources Committee be **recommended** to declare the land adjoining 26 Poplar Street, Nelson surplus to requirements in order for the land to be marked for sale and to be sold for an alternative use and that the Chief Executive be authorised to negotiate terms with the owner of 60/62 Bradley Hall Road, Nelson.

## **REASONS**

- (1) *The sale of the land would achieve a capital receipt and end all maintenance and other liabilities relating to the ownership of the land for the Council.*
- (2) *The owner of 60/62 Bradley Hall Road, Nelson had been maintaining the land for a number of years.*

### **16. LAND ADJOINING 44 BRUNSWICK STREET, NELSON**

The Committee considered a report on proposals to declare land adjoining 44 Brunswick Street, Nelson (shown edged black on the plan attached to the report) surplus to requirements and marketed for sale.

The owner of the commercial premises at the rear of this land and numbers 147/149 Railway Street, Nelson had requested to purchase the land to use as parking for his tenants businesses.

## **RECOMMENDATION**

- (1) That Policy and Resources Committee be **recommended** to declare the land adjoining 44 Brunswick Street, Nelson surplus to requirements in order for the land to be marked for

sale and to be sold for an alternative use and that the Chief Executive be authorised to negotiate terms.

- (2) That the land be marketed for a specific use.

**REASON**

***The sale of the land would achieve a capital receipt and end all maintenance and other liabilities relating to the ownership of the land for the Council.***

**17. REPRESENTATIVES ON OUTSIDE BODIES**

At the Annual Council meeting the responsibility for appointing representatives to some outside bodies was referred to this Committee.

Members were asked to consider appointments to Nelson District Nursing Association Charity Fund and the William Walton Cottage Homes and the Mancknols Walton Cottage Homes Charities.

**RESOLVED**

- (1) That Councillor A. Mahmood continue to be appointed to the Nelson District Nursing Association Charity.
- (2) That Councillors N. McGowan and K. Howarth be appointed to the William Walton Cottage Homes and the Mancknols Walton Cottage Homes Charities.

**REASON**

***To represent the Council.***

**18. ITEMS FOR DISCUSSION**

**(a) Closure of ginnel between 100/102 Regent Street, Nelson**

It was reported that residents were concerned that the ginnel between 100 and 102 Regent Street, Nelson was not maintained, was an area for anti-social behaviour and drug dealing. There was also a lot of litter in the ginnel and empty bottles were often thrown into the gardens on either side.

**RESOLVED**

That the ginnel be closed for a period not exceeding three years by inclusion of a Public Spaces Protection Order subject to the requirements of the Anti-social Behaviour, Crime and Policing Act 2014 and after consultation with residents, the police, Together Housing, Police and Crime Commissioner, the owner of land in the restricted area and other community representatives.

**REASON**

***In response to concerns raised by local residents.***

**(b) Tree Planting on Ringstone Crescent, Nelson**

It was reported that residents on Ringstone Crescent were concerned that they had not been consulted on the proposed tree planting scheme for this area. At a meeting of the Nelson Committee in October, 2020 it was resolved that Ward Councillors and local residents would be consulted on this scheme.

**RESOLVED**

- (1) That the decision to consult with Ward Councillors and local residents on the proposed tree planting scheme for Ringstone Crescent, Nelson be implemented and the consultation be carried out as soon as possible.
- (2) That the results of the consultation be brought back to this Committee.

**REASON**

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

**(c) Flooding on Swaledale/Wharfedale/Garsdale Avenue, Reedley**

Concerns had been raised by local residents with regards to flooding in the area from the former Lucas site. There were concerns that the drainage pipes had not been fitted correctly and as a result of the flooding fences and driveways had been badly stained. It was felt that a meeting with the developers be arranged to discuss residents' concerns.

**RESOLVED**

That a meeting be arranged with Ward Councillors, the Area Co-ordinator and Tim Webber from Barnfield Construction to discuss concerns raised by residents on the impact flooding from the former Lucas site had had on their properties.

**REASON**

***In response to concerns from local residents.***

**19. ENVIRONMENTAL BLIGHT**

As there weren't any environmental blight sites in the area the Committee were reminded of the definition and asked to contact Trish Wilson ([trish.wilson@pendle.gov.uk](mailto:trish.wilson@pendle.gov.uk)) with any new sites with a brief description of the problem.

**20. 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.

**21. ENVIRONMENTAL CRIME**

**(a) Nelson**

The Environmental Services Manager submitted a report on Environmental Crime action for Quarter 4 (1<sup>st</sup> January, 2021 to 31<sup>st</sup> March, 2021) in the Nelson area (including spend on litter/dog waste bins) along with annual totals for 2020/21.

**RESOLVED**

That the report be noted.

**REASON**

***To keep Members informed and to bring problems to the attention of the Environmental Services Manager.***

**(b) Brierfield and Reedley**

The Environmental Services Manager submitted a report on Environmental Crime action for Quarter 4 (1<sup>st</sup> January, 2021 to 31<sup>st</sup> March, 2021) in the Brierfield and Reedley area (including spend on litter/dog waste bins) along with annual totals for 2020/21.

**RESOLVED**

That the report be noted.

**REASON**

***To keep Members informed and to bring problems to the attention of the Environmental Services Manager.***

Chairman \_\_\_\_\_