

**MINUTES OF A MEETING OF
NELSON, BRIERFIELD AND REEDLEY COMMITTEE
HELD AT NELSON TOWN HALL
ON 1st NOVEMBER, 2021**

PRESENT –

Councillor N. Ashraf (Chairman – in the Chair)

Councillors

*M. Adnan
F. Ahmad
Z. Ali
E. Ansar
R. Anwar
M. Aslam
M. Hanif
K. Howarth
M. Iqbal
Y. Iqbal
N. McGowan
M. Sakib*

Co-optees

*Nick Emery (Nelson Town Centre Partnership)
Pauline McCormick (Reedley Hallows Parish Council)*

(Apologies for absence were received from Councillor A. Mahmood and S. Ahmed (Brierfield Town Council)).

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>

Also in attendance:

PCSO Holly-May Kinder



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

<i>Linda Metcalfe Hussain Ahmed</i>	<i>21/0325/FUL Full: Change of use of former ambulance station to mixed use, including storage and distribution, vehicle mechanical and body repairs and tyre fitting (part retrospective) at the Ambulance Station, Rakeshouse Road, Nelson</i>	<i>Minute No. 77(a)</i>
<i>Brian Sumner Georgie Mitchell Laura Hadcroft</i>	<i>21/0567/FUL Full: Change of use of existing agricultural building and adjacent land for use as farm school, car parking and associated works (retrospective) in field 9971 Greenhead Lane, Brierfield</i>	<i>Minute No. 77(a)</i>
<i>County Councillor Azhar Ali</i>	<i>Draft Final Nelson Masterplan</i>	<i>Minute No. 82</i>



72. DECLARATION OF INTERESTS

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

Councillor M. Sakib declared a disclosable pecuniary interest in minute number 77(a) planning application 21/0674/HHO 129/131 Regent Street, Nelson as he was the owner of the property.

73. PUBLIC QUESTION TIME

Mr. Emery, a coptee of the Committee, asked for updates on the ACE Centre and Trafalgar House, Nelson.

The Area Co-ordinator said that the ACE Centre was currently being used as a COVID testing station and the future use of the building would be considered as part of the Nelson Town Deal. With regards to Trafalgar House this was now within Council ownership. The Council would be carrying out some feasibility work, in consultation with Historic England, and decisions would be made in the future with regards to its future use/redevelopment.

74. MINUTES

RESOLVED

That the Minutes of meetings of the Nelson, Brierfield and Reedley Committee held on, 4th October, 2021 be approved as correct records and signed by the Chairman.

75. PROGRESS REPORT

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

76. POLICE ISSUES

Crime Figures for October, 2021, compared with the same period last year, were circulated at the meeting. It was noted that there was a significant reduction in the number of reported anti-social behaviour incidents from 325 down to 159. Vehicle crime and theft had also reduced but there was a slight increase in the number of burglaries from dwellings.

PCSO Pinder reported that the Police were currently visiting schools and talking to pupils about the dangers associated with bonfire night. Various social media posts were planned and extra patrols would be taking place on 4th and 5th November in Nelson and Brierfield. A patrol plan was being prepared with various 'hot spots' identified.

Members were asked to report any areas of fly tipping through the usual channels to prevent them being set on fire.

The anti-social driving initiative was currently on hold due to resources being deployed to the COP 26 event in Glasgow. It was proposed that this initiative would be reintroduced before the end of the year with visits to schools and mosques explaining the impact of dangerous driving.

It was reported that Elf Vape Pens were currently being sold to under age youths. The Police had recently visited local shops reminding shop keepers to challenge customers for their ID when wanting to purchase such items. If need be test purchases would be carried out by Trading Standards.

The Police had investigated the abandoned vehicle on the footpath near the Sure Start building on Brunswick Street but it was reported there wasn't anything they could do. They had reported it to the Council's Community Protection Co-ordinator for him to action.

Updates on a number of issues raised at the last meeting were requested and PCSO Pinder said she would speak with colleagues and arrange for the information to be circulated to Members.

77. PLANNING APPLICATIONS

(a) Applications to be determined

21/0275/FUL Full: Erection of porta-cabin and change of use for use as sandwich kiosk (Use Class E) and taxi booking office on the car park adjacent to the ramp leading to the multi-storey car park, Netherfield Road, Nelson for Mr. M. Saeed

(Before the vote was taken, the Planning Officer advised that a decision to approve the application would represent 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 planning permission be **granted** subject to appropriate conditions and reasons.

21/0325/FUL Full: Change of use of former ambulance station to mixed use; including storage and distribution, vehicle mechanical and body repairs and tyre fitting (part retrospective) at the Ambulance Station, Rakeshouse Road, Nelson for Mr. H. J. Ahmed

The Planning Officer circulated an update advising that Environmental Health had found the revised noise assessment acceptable subject to mitigation measures and operating hours. As such the officer recommendation was now that delegated authority be granted to the Planning, Economic Development and Regulatory Services Manager to approve the application subject to the submission of revised plans and appropriate conditions detailing the works referred to in the update.

RESOLVED

- (1) That this application be **deferred** and a meeting be arranged with the Planning Officer, the Environmental Health Officer, the Chairman and Ward Councillors to discuss the revised noise assessment and proposed mitigation measures.

- (2) That the Planning, Economic Development and Regulatory Services Manager be requested to write to the tyre bay operators asking them to change their operating hours to 0800 to 1800 Monday to Friday and 0900 to 1300 Saturday with no working on Sunday and bank holidays.

21/0567/FUL Full: Change of use of existing agricultural building and adjacent land for use as farm school, car parking and associated works (retrospective) in field 9971 Greenhead Lane, Brierfield for The Nest Farm School

(Before the vote was taken, the Planning Officer advised that a decision to approve the application would represent 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 planning permission be **granted** subject to appropriate conditions and reasons.

21/0573/HHO Full: Demolition of existing garage and erection of front porch, part single and two storey extension to rear, two storey side extension, extension of vehicular access and retaining wall (re-submission) at 30 Walverden Road, Brierfield for Mrs. A. Mahmood

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, Block Plan and Existing Elevation and Floor Plans Ref: 2063/01
- Proposed Elevation and Floor Plans Ref: 2063/02 Rev B

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

3. All the external materials shall be as stated on the approved plans and application form. 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.

4. The proposed development should not be brought into use unless and until the parking area shown on the approved plan 2063/02 Rev B has been constructed, laid out and

surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Reason: In the interests of highway safety in order to ensure satisfactory levels of off-street parking area achieved within the site and to prevent loose surface material from being carried onto the public highway.

5. The development hereby approved shall be carried out in strict accordance with the arboriculture development report, prepared by Iain Tavendale Arboriculture Consultant, dated 9th February, 2021.

Reason: To protect the trees in the interest of the amenity of the area.

6. Unless approved in writing by the Local Planning Authority no ground clearance, demolition or construction work shall commence until protective fencing to BS 5837:2005 at least 1.25 metres high, securely mounted on timber posts firmly driven into the ground 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. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. 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 un-severed. 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.

Reason: To prevent trees from being damaged during building works.

Informative

1. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

It is the responsibility of the applicant to contact Cadent Gas prior to any works commencing on site. As you will appreciate we are unable to provide specific guidance based on the information provided. It is therefore essential that the applicant should contact Cadent Gas at the earliest convenience providing detailed site plans, method statements and risk assessments. Correspondence should be forwarded to the above address and marked for the attention of 'The Plant Protection Team'. This will enable us to provide the relevant documentation for safe working in the vicinity of our pipeline, and to arrange appropriate site supervision.

For ALL other works/enquiries it is essential that you contact our Plant Protection Team on 0800 688 588 at the earliest available opportunity prior to ANY work commencing on site. This will ensure that the Operations Engineer responsible for this area is informed of your potential works and is able to make the necessary arrangements to provide appropriate supervision.

Plant Protection Team, 3rd Party Enquiries, Cadent Gas Block 1 floor 2 Brick Kiln Street Hinckley Leicestershire LE10 ONA.

2. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>

3. 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).

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.

21/0632/HHO Full: Erection of porch to front elevation, erection of single storey extension to rear and creation of roof terrace above at 88 Charles Street, Nelson for Mrs. S. Aslam

RESOLVED

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

****PLANNING TO ADD****

Councillor M. Sakib declared a disclosable pecuniary interest in the following item and withdrew from the meeting during discussion.

21/0674/HHO Full: Erection of two storey rear extension and alterations to porch at 129/131 Regent Street, Nelson for Mr. M. Sakib

The Planning Officer circulated an update advising of a further neighbour objection and the receipt of amended plans.

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: Elevations 1 received 28th October, 2021, Elevations 2 received 28th October, 2021, Ground Floor Plan received 28th October, 2021, First Floor Plan received 28th October, 2021, Parking and Roof Plans.

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

3. No windows other than the ones shown on the approved drawings on the side elevations of the extension hereby approved shall, at any time, be inserted in the side elevations. The approved windows in the side elevations shall, at all times be glazed with obscure glass at level 5. The windows shall not be able to be opened in a way that negates the obscure glazing.

Reason: In order to protect the privacy of the occupants of the adjoining dwellings.

4. Prior to the first use of the extensions hereby permitted the four parking spaces shown on the approved parking plan shall be provided, surfaced in a bound materials and be made available for exclusive use of the occupants of the dwelling. They shall thereafter, at all times, be retained for such use.

Reason: In order to provide adequate off street parking in the interests of highway safety.

5. Prior to the commencement of development, samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plans and specifications) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interests of visual amenity of the area.

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. 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.

78. ENFORCEMENT/UNAUTHORISED USES

Update on Enforcement Matters

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

79. CAPITAL PROGRAMME 2021/22

The Housing, Health and Engineering Services Manager submitted, for information, a report on the Committee's Capital Programme for 2021/22. All of the budget had been committed and no suggestions for de-allocations had been submitted.

80. TRAFFIC LIAISON MEETING

Minutes of a meeting of the Traffic Liaison Meeting held on 22nd September, 2021 were submitted for information.

**81. PENDLE BOROUGH COUNCIL/LANCASHIRE COUNTY COUNCIL
HIGHWAYS FUNCTIONS: WHO DOES WHAT UPDATE**

The Housing, Health and Engineering Services Manager submitted, for information, a report advising on the latest contact information for all highway/traffic/engineering/transport related functions at both Member and officer level. The report also provided information on the new process for all requests for residents-only parking.

82. DRAFT FINAL NELSON MASTERPLAN

The Housing, Health and Engineering Services Manager submitted a report on the draft final Nelson Masterplan and the feedback from the recent stakeholder/community consultation. In total 65 responses had been received; 22 respondents supported the masterplan, 19 did not and 21 were not sure. These comments were appended to the report, along with officer comments, in Appendix 2.

Any comments from the Committee would be reported to the Policy and Resources Committee and then Full Council in December, 2021.

RECOMMENDATION

That Policy and Resources Committee be recommended:-

- (1) to investigate the possible compulsory purchase of Pendle Rise;
- (2) to remove the Halifax Road site as an "opportunity site" for housing within the masterplan.

REASON

- (1) ***To support the redevelopment of Pendle Rise site.***
- (2) ***It wasn't felt that this site should be identified for housing provision.***

83. NELSON TOWN DEAL

The Housing, Health and Engineering Services Manager submitted, for information, a report which provided an update regarding the Nelson Town Deal.

84. LAND ADJOINING NEW SCOTLAND ROAD, NELSON

The Housing, Health and Engineering Services Manager submitted a report following receipt of a request to purchase the freehold of the Council's land edged black on the plan attached to the report. The area of land formed part of a larger area of Council owned land and was a tarmacked strip which opened on to surfaced land owned by the prospective purchaser. The remainder of the area within the Council ownership comprised of a hedge behind a steel barrier adjoining New Scotland Road.

The land had been requested pro provide access to the privately owned building shown on the plan as 201 and 101 New Scotland Road.

RECOMMENDATION

- (1) That the Policy and Resources Committee be recommended to declare land cross hatched on the plan attached to the report surplus to requirements on a long leasehold rather than a freehold.
- (2) That the Housing, Health and Engineering Services Manager be authorised to negotiate terms of a long leasehold sale to the owner of the adjoining property.

REASON

A sale of the land would achieve a capital receipt and end all maintenance and other liabilities relating to ownership of the land for the Council. A long leasehold would ensure covenants would be easier to enforce in the event of them being breached.

85. NELSON AND BRIERFIELD TOWN CENTRE RE-OPENING

The Planning, Economic Development and Regulatory Services Manager submitted, for information, a report on the spending for the re-opening of both Nelson and Brierfield high streets.

Within the report there was a recommendation for spending to be allocated in relation to public realm improvements in Brierfield.

RESOLVED

That a decision on allocation of spend for the public realm works in Brierfield be deferred until the next meeting.

REASON

In anticipation of further bids being submitted.

86. OUTSTANDING ITEMS

- (a) Junction of Scotland Road/Sagar Street/Broadway, Nelson (05.07.2021)
- (b) Speed Calming Measures on Chapel House Road, Nelson (05.07.2021)
- (c) Land adjacent to 51 Reedley Road, Reedley (02.08.2021)

87. 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.

88. ENVIRONMENTAL CRIME UPDATE

The Environmental Services Manager submitted a report on Environmental Crime action for Quarter 2 (1st July, 2021 to 30th September, 2021) in the Nelson and Brierfield areas (including spend on litter/dog waste bins) along with annual totals for 2021/22.

RESOLVED

That the report be noted.

REASON

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

Chairman _____