

**MINUTES OF A MEETING OF
NELSON, BRIERFIELD AND REEDLEY COMMITTEE
HELD AT NELSON TOWN HALL
ON 29th NOVEMBER, 2021**

PRESENT –

Councillor N. Ashraf (Chairman – in the Chair)

Councillors

*M. Adnan
F. Ahmad
Z. Ali
M. Aslam
M. Hanif
M. Iqbal
Y. Iqbal
A. Mahmood
M. Sakib*

Co-optees

Nick Emery (Nelson Town Centre Partnership)

(Apologies for absence were received from Councillors E. Ansar, R. Anwar, K. Howarth and N. McGowan)

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:

PC Lorna Bolton



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

<i>Hussain Ahmed Gareth Newton Linda Metcalfe</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. 94(a)</i>
<i>Alan Kinder</i>	<i>21/0427/OUT Outline: Major: Demolition of existing building and erection of light industrial and storage units, car parking and associated works (access only) on land to the south west of Quarry Hill Fold, Waidshouse Road, Nelson</i>	<i>Minute No. 94(a)</i>



89. DECLARATION OF INTERESTS

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

90. PUBLIC QUESTION TIME

There were no questions from members of the public.

91. MINUTES

RESOLVED

That the Minutes of meetings of the Nelson, Brierfield and Reedley Committee held on, 1st November, 2021 be approved as correct records and signed by the Chairman.

92. PROGRESS REPORT

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

93. 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.

94. PLANNING APPLICATIONS

(a) Applications to be determined

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) and erection of 2.5m high acoustic boarding on the north east boundary and 3.5m high acoustic boarding to the south west boundary at the Ambulance Station, Rakeshouse Road, Nelson for Mr. Hussain Jamal Ahmed

The Planning Officer circulated an update at the meeting. A revised noise assessment had been submitted and Environmental Health had found this to be acceptable subject to mitigation measures and operating hours being adhered to. Amended plans had also been received in relation to the proposed fencing and it was felt this would not raise any undue amenity issues.

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:

U113- P01, U113-P02A and U113-P03A

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

3. Prior to the acoustic boarding being installed to the south west and north east elevations samples of the materials to be used including colour shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in strict accordance with the approved details.

Reason: In order for the Local Planning Authority to control the external appearance of the development.

4. Prior to the use for vehicle repairs being first brought into use all the mitigations measures proposed in Noise Assessment TW0207219NR.REV5 in terms of mitigation measures including door closures during operation and pvc screen in terms of height, position and materials shall have been submitted to and approved in writing by the Local Planning Authority. The mitigation shall thereafter be carried out in strict accordance with the approved details.

Reason: In order to ensure that the proposed development does not result in any undue noise impact for nearby residential properties.

5. The development hereby permitted shall only operate within the following timescales:

Monday - Friday 0800 - 1800

Saturday 0900 – 1300

No operational activity at any time on Sundays and Bank Holidays

Reason: In order to ensure that the proposed development does not result in any undue noise impact for nearby residential properties.

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 policy, impact on amenity, highway safety and noise subject to appropriate 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.

21/0427/OUT Outline: Major: Demolition of existing building and erection of light industrial and storage units, car parking and associated works (access only) on land to the south west of Quarry Hill Fold, Waidhouse Road, Nelson for Cross Construction Ltd.

The Planning Officer circulated an update at the meeting advising of amendments to conditions 3 and 8 and the receipt of amended plans. The officer recommendation was now to approve the application.

RESOLVED

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

1. An application for approval of the reserved matters (namely the appearance, layout, sale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the land of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 95 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan ref: CROSS0919/DWG01
- Proposed Site Layout ref: CRO/0919 Dwg 03A
- Proposed Block Plan ref: CRO/0919 Dwg 04

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

4. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public sewer, the pass forward flow rate to the public sewer must be restricted to 5l/s.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

5. The foul and surface water shall be drained on separate systems.

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

6. Unless approved in writing by the Local Planning Authority, no ground clearance, demolition, changes in levels or development or development-related work shall commence until protective fencing, in full accordance with BS 5837:2012 has been erected around the trees outlined in the arboriculture impact assessment 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 levels shall neither be raised nor lowered. Roots with a diameter of more than 25mm shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of soil 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 or hedgerows on site from being damaged during building works.

7. 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:

- (a) 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.
- (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- (c) The results of the site investigation and the detailed risk assessment referred to in (b) 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.
- (d) 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 (c) 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 (a) 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 the National Planning Policy Framework.

8. The use of the buildings and land hereby permitted shall be confined to those of Class B8 of Schedule 1 and Class E(g)(ii) and (iii) of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and uses ancillary to those uses only and for no other purpose, including any other use within Class E

Reason: In order to control the type of development which is operated from this site in the interests of the amenity of neighbouring residential properties and in order to protect the vitality and viability of the town centre.

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 access and principle of the proposed development accord with the policies of the Pendle Council Local Plan: Part 1 Core Strategy and the National Planning Policy 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.

21/0608/HHO Full: Erection of a two storey side and rear extension at 181 Regent Street, Nelson for Mr. Zulfqar Ali

(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.

21/0760/HHO Full: Erection of a two storey rear extension at 24 Reedyford Road, Nelson for Mr. Wakas M. Begum

(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.

95. ENFORCEMENT/UNAUTHORISED USES

Update on Enforcement Matters

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

96. CAPITAL PROGRAMME 2021/22

The Housing, Health and Engineering Services Manager reported that all the money from the Committee's 2021/22 Capital Programme had been allocated. A full report would be submitted in due course.

Committee were asked to consider a bid requesting £3,000 for improvements to Southfield Street Steps.

RESOLVED

That the bid for improvements to Southfield Street Steps be deferred for a site visit.

REASON

Members were unaware of the exact location of these steps.

97. MEASURES TO RESTRICT ACCESS TO BROADWAY AND OTHER CAR PARKS IN NELSON CENTRE

The Housing, Health and Engineering Services Manager submitted a report advising of the estimated costs for the erection of height barriers on Broadway and other Nelson Town Centre car parks. There had been issues with large vehicles trying to access the car parks and sometimes becoming stuck.

A breakdown of the costs was included in the report. It was reported that Sagar Street Car Park had been discounted from the scheme as officers were currently looking at a design scheme for the Sagar Street area within the Accessible Nelson project.

The costs for all height barriers, as detailed in the report, was £8560.00. Officers had submitted a Capital Programme bid for this amount and it was suggested that this be allocated from the Capital Project for Walverden and Whitefield.

RECOMMENDATION

That the Policy and Resources Committee be recommended to agree a supplementary estimate of £8,560.00 for the erection of height barriers on the car parks within Nelson Town Centre, as detailed in the report.

REASON

To provide increased protection for Nelson Town Centre car parks.

98. CAR PARK, RAILWAY STREET, NELSON

The Corporate Director submitted a report which provided an update following consideration of a receipt of an offer of £18,000 from the tenant which was considered to reflect the market value of car parking use if the land was disposed of on a 125 year lease. At the September, 2021 meeting it was resolved that this request be deferred to allow time for the tenant to tidy the land.

Officers have inspected the site on a regular basis and it was now in a tidy condition with no un-roadworthy vehicles on it. However, the officer recommendation was still not to declare the land surplus to requirements as this would take away control from the Council and could affect any future redevelopment of its adjoining land.

Committee were asked to reconsider declaring the land surplus to allow the tenant to buy the freehold of the land at market value.

RECOMMENDATION

That the Policy and Resources Committee be recommended to declare the car park on Railway Street, Nelson, cross hatched on the plan attached to the report, surplus to requirements and disposed of on a 125 year lease to the existing tenant.

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.

99. LAND ADJOINING 54 CARLETON STREET, NELSON

The Housing, Health and Engineering Services Manager submitted a report following receipt of a request to purchase the above land to enclose it and create a parking area for the use by the occupiers of 54 Carleton Street, Nelson. There had been ongoing issues with fly-tipping on the land and the owner of the premises had said that this was causing problems for his tenants and was attracting vermin.

RESOLVED

That the request be declined.

REASON

There wasn't support for this request.

**100. PROPOSED DIVERSION OF PUBLIC FOOTPATH 70 NELSON
AT MARSDEN HALL ROAD SOUTH, NELSON**

The Environmental Services Manager submitted a report seeking approval for the Council to abandon an order made under the Town and Country Planning Act and to make a new order under the Highways Act 1980.

A new road had been built which extended from Marsden Hall Road South to the site of a proposed housing development. The proposal was to divert a section of footpath 70 Nelson as shown on the plan attached to the report.

RESOLVED

- (1) That the Borough Council of Pendle Part of Public Footpath 70 Nelson Public Footpath Diversion Order 202 made on 13th July, 2020 under Section 257 of the Town and Country Planning Act 1990 be abandoned.
- (2) That the Head of Legal Services be authorised to make an Order under Section 119 of the Highways Act 1980 to divert part of Public Footpath 70, Nelson.
- (3) That in the event that there were no objections to the making of the Order the Head of Legal Services be authorised to confirm the Order. In the event of any objections made but not subsequently withdrawn, the Order be sent to the Secretary of State to decide if the diversion should go ahead.

REASONS

- (1) ***The Order made on 13th July could not be confirmed because the new footpath constructed on the site was not on the line shown on the diversion order map.***
- (2) ***The existing Order could not be altered because the development i.e, the construction of a new road, was substantially complete. However, the Council could make a new Order under different legislation as recommended.***
- (3) ***The Council could confirm the Order if there were no objections. Otherwise it could only be decided by an independent inspector appointed by the Secretary of State.***

101. ENVIRONMENTAL BLIGHT

Committee were advised that there were no existing environmental blight sites and no new sites had been put forward.

The definition of an environmental blight site was:

- Untidy/derelict piece of Council land requiring tidying up and maintaining.
- Untidy/derelict piece of unregistered land requiring tidying up and maintaining.
- Untidy/derelict piece of Council-owned or unregistered land which needs regenerating (e.g. a former garage colony converted to a landscaped parking area).

Any new sites should be reported to Tricia Wilson (tricia.wilson@pendle.gov.uk) or Julie Whittaker (julie.whittaker@pendle.gov.uk) including a contact name and contact details with a brief description of the site and the problem.

102. 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. It was felt that the Council carry out a procurement exercise for the proposed public realm works in Brierfield.

With regards to proposed events in Nelson it was noted that, due to health and safety issues, the snow globe, it had not been possible to go ahead with the snow globe at the Christmas Festival. This had therefore, resulted in the de-allocation of £975+VAT.

RESOLVED

- (1) That the report be noted.
- (2) That in relation to the proposed public realm works in Brierfield, the Council undertakes a procurement exercise before the next meeting and the best three prices be reported back to this Committee.
- (3) That the deallocation of £975+VAT for the proposed snow globe be agreed and re-allocated to the proposed public realm works in Nelson.

REASON

- (1) *In anticipation of further bids being submitted.*
- (2) *To ensure the best price is received.*

103. 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)

104. 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.

105. ENFORCEMENT ITEM

At the request of a Councillor the Committee discussed an enforcement item. A Section 215 Notice had been served on a property to tidy up the site and to remove some shipping containers. It was explained that these containers were needed once planning permission had been approved as they were needed to store equipment during building works.

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be requested to submit a report to the next meeting.

Chairman _____