MINUTES OF A MEETING OF NELSON, BRIERFIELD AND REEDLEY COMMITTEE HELD AT NELSON TOWN HALL ON 1st AUGUST, 2022

PRESENT -

His Worship the Mayor - Councillor Y. Igbal

Councillor N. Ashraf (Chairman - in the Chair)

N. Emery (Nelson Town Centre Partnership)

P. McCormick (Reedley Hallows Parish Council)

Councillors Co-optees

M. Adnan

Z. Ali M. Ammer

R. Anwar

M. Aslam

M. Hanif

M. Igbal

M. Kaleem

N. McGowan

(Apologies for absence were received from Councillors S. Ahmed, F. Ahmad and A. Mahmood).

Officers in attendance:

Julie Whittaker Housing, Health and Engineering Services Manager/Area Co-ordinator

Alex Cameron Planning Officer

Jane Watson Head of Democratic Services

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

Asia Malik Speeding Vehicles, Bankhouse Road, Nelson Minute No. 54(a)

44. DECLARATION OF INTERESTS

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

45. PUBLIC QUESTION TIME

A resident from the Walverden Ward referred to some improvement works proposed for Walverden Park following a conversation he had had with a contractor recently. He asked that local residents be consulted on any proposed changes and he made some suggestions in relation to appropriate equipment for different age groups. He also said that the contractor said a shelter was proposed in one area of the park and the resident felt that this would attract anti-social behaviour and would not benefit the main users of the park.

Councillor Ali advised that there were three parks where improvements were proposed as part of the Nelson Town Deal project – Walverden Park, Marsden Park and Victoria Park. He said discussions were still on-going and a consultation exercise was proposed at the appropriate time. The issues raised this evening would be referred to the Council officer leading on this project and Councillor Ali said he would provide feedback to the resident.

Three residents from Chapel Street, Brierfield asked when the alley gate was to be installed at the end of the ginnel on Chapel Street leading to Halifax Road. The Committee had approved the installation of this gate in March, 2022 and had been advised that works would be complete within three weeks. The residents referred to a number of anti-social behaviour incidents as well as drug related incidents they had been subjected to over a period of time. Incidents had been reported to the Police with little or no response.

The Chairman apologies for the delay in installing the gate and advised that he had contacted the Anti-Social Behaviour Officer last week but he was due back from leave this week. He said he would contact him again and contact the residents with progress tomorrow. With regards to the lack of response from the Police the Committee –

RESOLVED

- (1) That officers be requested to arrange for the alley gate to be installed in the ginnel from Chapel Street to Halifax Road, Brierfield as soon as possible.
- (2) That a meeting be arranged with the Chief Inspector, the Police and Crime Commissioner, members of this Committee and relevant officers to discuss the issues raised by residents.

REASON

To address the concerns of local residents and in the interests of health and safety.

46. MINUTES

RESOLVED

That the Minutes of meeting held on 4th July, 2022 be approved as correct records and signed by the Chairman.

47. PROGRESS REPORT

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

48. POLICE ISSUES

The Chairman advised that there hadn't been a representative from the Police at meetings of this Committee since 31st January, 2022.

The Crime Statistics for July, 2022 compared to the same period last year were circulated at the meeting.

RESOLVED

That, on behalf of the Committee, an email be sent to the Chief Inspector about the lack of Police presence at meetings of this Committee and asking that someone attend the next meeting.

REASON

To establish regular contact with the Police and an opportunity for the Committee to raise issues.

49. PLANNING APPLICATIONS

(a) Applications to be determined

22/0094/HHO Full: Erection of two storey rear and side extension, erection of porch to front of dwelling and erection of raised decked area to rear at 75 Town House Road, Nelson for Mr. Amir Javed

RESOLVED

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

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan U129-P01
 - Existing and Proposed Floor Plans U129-P02
 - Proposed Elevation Plan U129-P04
 - Existing and Proposed Site Plan U129-P05

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. Prior to first occupation of the raised terrace area to the rear, details of the privacy screen to be erected at the side closest to number 73 shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained in accordance with the approved details.

Reason: To ensure an adequate level of privacy to adjacent 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 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.

22/0121/HHO Full: Insertion of dormer to front and rear roof slopes at 394 Leeds Road, Nelson for Mr. Zia Rafiq

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 Purchase Act 2004.

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

21066-03-B, 21066-04-B, 21066-LP and 21066-SP.

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

3. The external materials used in 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 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, 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.

22/0126/FUL Full: Alterations to shop front and installation of an extraction flue at 60 Manchester Road, Nelson for Your Girl Can Bake

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 Purchase Act 2004.

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

Amended plans submitted 20th April, 2022.

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

3. The external materials used in the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

- 4. The proposed development hereby approved shall not commence unless and until a scheme for the extraction, treatment and dispersal of fumes and odours, including noise attenuation, has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include:
 - (a) the provision of odour filters (which shall incorporate grease and carbon filters and discharge above roof ridge level);
 - (b) details of the sound insulation of odour control equipment.

The approved scheme shall be fully implemented prior to the commencement of the use hereby approved and the extraction system shall, thereafter, be operated and maintained in accordance with the approved details and the manufacturers specifications and be retained for so long as the use continues.

Reason: In order to ensure the adequate treatment and dispersal of fumes and odours and attenuation of noise in the interests of residential amenity.

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.

22/0268/OUT Outline: Erection of 4 dwellings (access only) (Reg. 4) on land to the South East of Bamford Street, Nelson for Pendle Borough Council

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, scale 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 last 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 92 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 A15-05/01
 - Plot Layout NE/BAM
 - S104 Off-Site Easement Plan within Nelson Town Council Ownership 2017-085-08 Rev. A
 - S104 Off-Site Easement Plan 2017-085-07 Rev. B
 - S104 On-Site Easement Plan 2017-085-06 Rev. A
 - Surface Water/Foul Drainage Layout 2017-085-01 Rev. O

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

4. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within one month of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before each dwelling is occupied.

Reason: To control foul and surface water flow disposal and prevent flooding.

- 5. Prior to the commencement of each individual four plots a construction method statement should be 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) Wheel washing facilities/road sweeping facilities.
 - v) Details of working hours.
 - vi) Routing of delivery vehicles to/from site.
 - vii) Timing of deliveries.
 - viii) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reason: In the interests of highway safety.

6. Deliveries by HGVs to the approved development during the construction phase shall only be accepted between the hours of 9.00 a.m. and 2.30 p.m. to avoid peak traffic on the surrounding highway network.

Reason: In the interests of highway safety.

7. Prior to first occupation of each individual four plots the vehicular access shall be constructed to an appropriate standard and driveway/hardstanding areas paved in bound porous material.

Reason: In the interests of highway safety to ensure adequate vehicular access to the plot and to prevent loose surface material from being carried on to the public highway.

- 8. 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) the exact location and species of all existing trees and other planting to be retained:
 - (b) all proposals for new planting and turning 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.

9. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

Reason: To control foul and surface water flow disposal and prevent flooding.

Informatives

- 1. This consent requires the construction, improvement or alteration of an access/accesses to the public highway. Under the Highways Act 1980 Section 171 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority on highways@lancashire.gov.uk to ascertain the details of such an agreement and the information to be provided.
- 2. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Orde3r under the appropriate Act. The proposed development may affect the setting of BOAT 77. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk quoting the location, district and planning application number, to discuss their proposal before any development works begin.

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 Replacement Pendle Local Plan and 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.

22/0273/ADV Advertisement Consent: Installation of one illuminated fascia sign on the front elevation of 60 Manchester Road, Nelson for Mrs. Ikraa Riaz

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, Site Plan and Elevation Plan – received 21st April, 2022 Signage Photomontage – received 21st April, 2022 Proposed Elevation Plan/Detailed Signage Plan – received 5th May, 2022

Reason: Condition imposed by the Regulations

- 4. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using the highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: Condition imposed by the Regulations.

5. Any advertisement displayed and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: Condition imposed by the Regulations.

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: Condition imposed by the Regulations.

7. Where an advertisement is required under these regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Condition imposed by the Regulations.

8. The limits of the illuminance shall not exceed those described in paragraph two of Schedule 3, Part II of the Town and Country Planning Act (Control of Advertisements) Regulations 1992.

Reason: To avoid glare, dazzle or distraction to passing motorists.

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.

22/0323/HHO Full: Erection of a porch to the front elevation (part-retrospective) at 5 Chatburn Park Drive, Brierfield for Mr. Amir Khan

RESOLVED

That planning permission be **refused** for the following reason:

The proposed development would by virtue of its size and design on the front elevation of the bungalow adversely affect the character of the bungalow and of the wider street scene and would be poor design thus failing to accord with Policy ENV2 of the adopted Pendle Local Plan Part 1, paragraph 134 of the National Planning Policy Framework and the adopted Pendle Design Principles Supplementary Planning Document.

22/0420/HHO Full: Erection of dormer to the front and rear roof slopes at 43 Newport Street, Nelson for Mr. Muhammed Rizwan

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 Purchase Act 2004.

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

NEW-02-20 plans received 24th June, 2022.

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

3. The external materials used in 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 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, 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.

49. ENFORCEMENT/UNAUTHORISED USES

Update on Enforcement Matters

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

50. CAPITAL PROGRAMME 2022/2023

The Housing, Health and Engineering Services Manager submitted, for information, a report on the Committee's 2022/23 Capital Programme. It was noted that the Committee had allocated its Capital Programme for 2022/23.

Four bids were submitted for consideration.

RESOLVED

- (1) That the report be noted.
- (2) That the approved schemes listed in Appendix 1 attached to the report be noted.
- (3) That the following bids be agreed:
 - £121 to Scheme 18 a dog bin for Walverden School, Nelson
 - £2,500 to Scheme 18 improvements to footpath 229 Hibson Road, Nelson
 - £3,250 to Scheme 15 Pendle Way surface improvements at Walverden Reservoir
 - £1,073 to Scheme 14 moving street light at Cliffe Street, Nelson

REASON

To enable the capital programme to be allocated effectively.

51. PROVISION OF LITTER/DOG WASTE BINS

The Environmental Services Manager provided information in relation to the provision of litter/dog waste bins for the period April to June, 2022:

Nelson Area

| LOCATION | DESCRIPTION | TYPE OF BIN | COST PER BIN |
|---------------------------|---|----------------|-----------------|
| Branch Street, Nelson | Replace the dog bin at bottom of street | Dog | 135.39 |
| Southfield Street, Nelson | Replace free standing litter bin by entrance to Sovereign Factory | Litter | 233 |
| Carr Road, Nelson | Replace f/s litter bin, across from Milton Street | Litter | 221.65 |

Hollins Road, Nelson Reinstate and replace dog bin on grassed Dog 120.16

area, near No. 39

No bins were replaced/removed within the Brierfield and Reedley area for the same period.

52. LAND ADJOINING 54 CARLETON STREET, NELSON

The Housing, Health and Engineering Services Manager submitted a report requesting that the above site, as shown edged black on the plan attached to the report, be declared surplus to requirements in order for it to be sold.

The Policy and Resources Committee had declined this request in the past but issues with flytipping on the land had continued and the adjoining owner had submitted a request to purchase the land.

RECOMMENDATION

- (1) That the Policy and Resources Committee be recommended to declare the land adjoining 54 Carleton Street, Nelson (as shown edged black on the plan attached to the report) surplus to requirements in order for the land to be sold.
- (2) That the Housing, Health and Engineering Services Manager be authorised to negotiate terms of a long leasehold sale of the land to the adjoining owner.

REASON

As the owner of the site the Council was responsible for the maintenance of the land which was now classed as a problem site.

53. LAND ADJOINING 44 BRUNSWICK STREET, NELSON

The Housing, Health and Engineering Services Manager submitted a report requesting that the land adjoining 44 Brunswick Street, Nelson (as shown edged black on the plan attached to the report) be declared surplus to requirements in order for it to be sold.

The Policy and Resources Committee had declined this request in the past but there was now further interest from two other parties who were interested in purchasing the land.

RECOMMENDATION

- (1) That the Policy and Resources Committee be recommended to declare the land adjoining 44 Brunswick Street, Nelson (as shown edged black on the plan attached to the report) surplus to requirements, and that it be offered to the owner of the land to the rear of 44 to 48 Brunswick Street.
- (2) That the Housing, Health and Engineering Services Manager be authorised to negotiate a private treaty sale of the land on a 125 year lease, and that if terms are not agreed that the land be marketed for sale.

REASON

To achieve a capital receipt and end all maintenance and other liabilities relating to ownership of the land for the Council.

54. ITEMS FOR DISCUSSION

(a) Speeding Vehicles, Bankhouse Road, Nelson

It was reported that residents had presented a petition to Councillor M. Iqbal, as County Councillor, in relation to the number of speeding vehicles on Bankhouse Road, Nelson. In December, 2021 a speeding vehicle had overturned and one of the passengers had to be cut free from the vehicle. Residents were very concerned and felt no one was listening to them to address this problem.

Councillor Iqbal said he passed the petition onto the County Council for them to deal with. In response they had said that they would need to assess the issue, carry out some technical work and then think about what to do.

RESOLVED

That a meeting be arranged with the LCC's Cabinet Member for Highways, members of this Committee, relevant officers and representatives from local residents to discuss the concerns and options available to address the problem.

REASON

In response to concerns from local residents and in the interests of highway safety.

(b) Tunstill Square, Brierfield

The Chairman raised concerns in relation to anti-social behaviour issues, drugs, vandalism and littering issues on the car park at Tunstill Square, Brierfield. Committee were advised that the Council's Anti-Social Behaviour Officer was aware of these concerns.

RESOLVED

That these concerns be raised with the Police and Crime Commissioner at the meeting referred to in minute 45 above.

REASON

To address the concerns of local residents and in the interests of health and safety in the area.

(c) Halifax Road, Brierfield

Reference was made to the unsafe boundary wall on land comprising of 2 Halifax Road, Brierfield. It was reported that there had been difficulties in finding out who the owner of this land was but it

had been confirmed by a land registry search that the properties on Colne Road did not own the wall.

The Committee suggested that the railings that had been removed from the street scene in Nelson Town Centre be used to make the area safe and the wall be removed.

RESOLVED

That officers be requested to replace the wall at 2 Halifax Road, Brierfield with railings, as referred to above, and the Committee be advised of costings to enable the works to be undertaken.

REASON

In the interests of health and safety.

55. 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) Enforcement Item (29.11.2021)
- (d) Meeting with Transdev (28.02.2022)
- (e) Meeting with LCC re: access for residents/emergency vehicles at Victory Close, Nelson (09.05.2022)

56. 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.

57. ENVIRONMENTAL CRIME

The Environmental Services Manager submitted a report on environmental crime for quarter 1 (1st April to 30th June, 2022) in the Nelson, Brierfield and Reedley.

RESOLVED

That the report be noted.

REASON

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

| Chairman | | | |
|----------|--|--|--|