

Councillor A. Mahmood declared personal but non-pecuniary interests in planning application 22/0214/FUL banking at Churchill Way, Nelson in his capacity as a PEARL Board Member.

5. PUBLIC QUESTION TIME

A resident from Carr Road, Nelson expressed concern at the amount of dog fouling in the area around Carr Road and leading onto Pendle Street.

The Chairman agreed that the problem would be referred to Operational Services for them to deal with.

6. MINUTES

RESOLVED

That the Minutes of the meeting held on 27th March, 2023 be approved as a correct record and signed by the Chairman.

7. PROGRESS REPORT

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

8. POLICE ISSUES

With there being no Police present no issues were raised. However, the Chair agreed to contact the Inspector to discuss why the Police had not attended meetings of the Committee for some time.

9. PLANNING APPLICATIONS

(a) Applications to be determined

22/0549/HHO Full: Erection of a porch at 5 Chatburn Park Drive, Brierfield for Mr. Aamir Khan

RESOLVED

That this application be **deferred** for a site visit.

22/0608/HHO Full: Insertion of dormer windows to the front and rear roof slopes at 31 Dover Street, Nelson for Mr. Amir Shahzad

RESOLVED

That delegated authority be granted to the Assistant Director Planning, Building Control and Regulatory Services to **grant** planning permission subject to the dormer having a flat roof and suitable materials being agreed.

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.

22/0648/FUL Full: Extension to existing shop and external refurbishment, forecourt alterations, raising the canopy, demolition of existing hand car wash and a proposal for two jet wash bays at Jet Service Station, Colne Road, Brierfield for GM Petroleum Ltd.

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 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 2407.P.107, Proposed Site Layout Plan 2407.P.104.D, Proposed Shop Floor Plan and Elevation Plan 2407.P.105.D, Proposed Drainage Layout 326352-GAU-ZZ-XX-DR-C-45001 02, Surface Water Management Details 326352-GAU-ZZ-XX-RD-C-45002 01.

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

3. Samples of materials including descriptions, name of source/quarry shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interests of the visual amenity of the area.

4. In connection with the development hereby permitted there shall not, at any time be erected, planted, or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 0.9m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of Commercial Street to a point measured 43m to the nearside edge of the carriageway on Colne Road.

Reason: To ensure adequate visibility at the Commercial Street junction.

5. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public combined sewer, the rate of discharge shall be restricted to 5 l/s;
 - (iii) Levels of the proposed drainage systems, including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6. 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 issues
 - 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 (1) above 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 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

To prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the Hollin Mill water course.

7. Surface water draining from area of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed system.

Reason: To reduce the risk of pollution to the water environment.

8. Despite the petrol forecourt and shop being open 24 hours a day, the jet washing facility shall not be available for use by anyone outside the hours of 08:00 and 23:00.

Reason: 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 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.

23/0041/FUL Full: Conversion of dwelling into two dwellings and the erection of a kitchen extension at number 44 at 44-46 Commercial Street, Brierfield for Mr. Sanaullah Khan

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; Layout & Elevation Plan - Existing & Proposed; and Layout & Elevation Plan - Existing & Proposed.

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

3. All materials to be 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. Details of the proposed curtilage for No. 44 Commercial Street and for No. 46 Commercial Street shall be submitted in writing to the Local Planning Authority prior to first occupation.

Reason: In order to define the curtilage of No. 44 Commercial Street, Nelson and of No. 46 Commercial Street, Nelson.

REASON FOR APPROVAL

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.

23/0115/PIP Permission in Principle: Residential development for up to two dwellings on an area of land to the East of 7 Edge End Lane, Nelson for Lancashire County Council

RESOLVED

That Permission In Principle be approved – Informative:

As part of a technical details application the following information should be provided:

- Plans, including location plan, site plan, access visibility splay plan, elevation and floorplans.
- Planning Statement
- Heritage Statement
- Arboricultural Impact Assessment
- Foul and Surface Water Drainage Scheme
- Landscaping Scheme

23/0170/HHO Full: Loft conversion to provide two bedrooms and a shower room, including the erection of a dormer to the front and rear at 62 Carr Road, Nelson for Mr. Akhtar Ali

(Before the vote was taken, the Planning Officer advised that a decision to approve the application would represent a significant departure from policies ENV1 and ENV2 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 Development Management Committee).

RECOMMENDATION

That the Development Management Committee be recommended to **grant** planning permission subject to appropriate conditions and reasons.

23/0175/FUL Full (Major): Replace existing slate roofing of the two storey blocks and re-roof with profiled metal sheeting at Sportex Clothing, Malvern Mill, Waterford Street, Nelson for Sportex Clothing Ltd.

RESOLVED

That delegated authority be granted to the Assistant Director Planning, Building Control and Regulatory Services to **grant** planning permission on the expiry of the publicity period and 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, D1, D3, D4 and D6.

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

3. Prior to their installation samples of the external materials to be used in the roof of the proposed development, including their colour and finish, shall have been submitted to and approved in writing by Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

NOTE

There is a low bridge on Hallam Road measuring 4.3m/14'3" and routing of vehicles exceeding this height should be managed to avoid a bridge strike. If you wish to erect scaffolding on the highway, you must provide the council at least two working days' notice. Ensure that you have reviewed the Highways Act 1980 legislation and that your scaffolding will comply with the necessary walkways for pedestrians. If your scaffolding may cause an obstruction that will cause pedestrians to walk on the road, then you must provide a necessary pdf plan which indicates chapter 8 compliant traffic management in your application for the county council to review and assess before a licence can be granted. You may be required to apply for a TTRO/road space application to facilitate a safe route for pedestrians – hsstreetworks@lancashire.gov.uk – 01772 533433. The fees for scaffolding or hoarding licences are £33 per week.

Councillor A. Mahmood declared a personal but non-pecuniary interest in the following item and withdrew from the meeting prior to the discussion.

23/0214/FUL Full: Engineering works to raise ground levels with sub soil from the adjacent development site on the banking off Churchill Way, Nelson for PEARL2 Ltd.

The Planning Officer circulated an update at the meeting advising that LCC Highways had responded with no objections to the proposed development on highway grounds.

RESOLVED

That delegated authority be granted to the Assistant Director Planning, Building Control and Regulatory Services to **grant** planning permission on the expiry of the publicity period and 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 NE/LOM/PEARL, Cross Section Plans received on 5th April, 2023 and Cut and Fill Summary Plan TRI-3998-07.

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

3. 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 1.25m 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 1m 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 unsevered. There shall be no construction work, development or development related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

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

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 development is acceptable in highways terms and would not harm the wider natural or built environment. 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) 22/0774/OUT Outline (Major): Residential development of up to 140 dwellings (access only) on the site for the former Riverside Mill and land bordering with Charles Street, Baker Street and Reedyford Road, Nelson for Foxfield Developments Ltd.**

This application was for a housing development of more than 60 houses and as such must be determined by the Development Management Committee. The application was brought before Committee for comment.

RESOLVED

That the application be supported.

(c) Planning Appeals

The Assistant Director Planning, Building Control and Regulatory Services reported receipt of one new appeal:

<i>PLE/22/0955</i>	<i>Appeal against Enforcement Notice: without planning permission the</i>
<i>23/001/AP/ENFORC</i>	<i>unauthorised removal of the chimney stack on land at 3 Woodside</i>
	<i>Terrace, Nelson</i>

10. ENFORCEMENT/UNAUTHORISED USES

Update on Enforcement Matters

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

11. AREA COMMITTEE BUDGET 2022/2023

The Director of Place submitted a report on the Area Committee's Budget for 2023/24. The Committee were asked to consider four bids:

- (a) Premises Improvement Grants £15,000
- (b) Litter and Dog Waste Bins £1,000
- (c) Heyhead Park Improvements £2,623
- (d) Resurfacing of back Stanley Street (numbers 47-65) Nelson £24,000

A new bid of £15,769.94 for resurfacing the back streets at the rear of 6-20 Hildrop Road, 161-173 Chapel Street and 5-19 Perth Street, Nelson was also submitted for consideration.

RESOLVED

- (1) That the report be noted.
- (2) That the four bids submitted and referred to above (a) to (d) be noted.

- (3) That £38,711 from scheme 5 (Highway Improvements in Nelson) be deallocated and £7,742.20 be allocated to schemes 14 (Capital Projects – Bradley) 15 (Capital Projects – Brierfield East and Cloverhill) 16 (Capital Projects – Brierfield West and Reedley) 17 (Capital Projects – Marsden and Southfield) and 18 (Capital Projects – Whitefield and Walverden).
- (4) That £15,769.94 be allocated for resurfacing the back streets at the rear of 6-20 Hildrop Road, 161-173 Chapel Street and 5-19 Perth Street, Nelson.

REASON

To enable the budget to be allocated effectively.

12. PROVISION OF LITTER/DOG WASTE BINS

The Assistant Director Operational Services reported that due to wear, damage or a reduced need for the facility, three bins had been replaced/removed in Quarter 4 for the period January to March 2023:

Location	Description	Type of Bin	Cost per Bin £
Southfield Lane, Nelson	Reinstate the dog bin into ground, just above Catlow Bottoms	Dog	40.00
Hard Platts, Nelson	Replace the f/s litter bin and the bottom of the field, Bin 1291	Litter	261.65
Netherfield Road, Nelson	Replace litter bin outside 139, mosque	Litter	221.65

There were no bins replaced/removed in the Brierfield/Reedley area for the same period.

13. ITEMS FOR DISCUSSION

- (a) Condition of back Burnley Road, Brierfield (numbers 31-41)**

RESOLVED

That this item be deferred until the next meeting.

- (b) Flooding at Wharfedale Avenue, Reedley**

Concerns were expressed that flooding was still occurring in the Wharfedale Avenue area of Reedley with four houses particularly affected.

RESOLVED

That a meeting with Barnfield Construction be arranged with the Chairman and Ward Councillors to discuss the ongoing problems with flooding in the area.

REASON

To address the concerns raised by residents.

14. OUTSTANDING ITEMS

- (a) Enforcement Item (Mosque, Stanley Street, Brierfield) (Part II of the agenda 29.11.2021)
- (b) Meeting with Transdev (28.02.2022)
- (c) Meeting with LCC re: access for residents/emergency vehicles at Victory Close, Nelson (09.05.2022)
- (d) Meeting with the Chief Inspector and Police and Crime Commissioner about a number of issues including anti-social behaviour, drug related issues and littering in Brierfield (04.08.2022)

15. 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.

16. ENVIRONMENTAL CRIME – QUARTER 4

The Assistant Director Operation Services submitted a report on Environmental Crime in Nelson, Brierfield and Reedley in Quarter 4, for the period 1st January to 31st March, 2023 which was noted.

Chairman _____