

**MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT COMMITTEE
HELD AT NELSON TOWN HALL
ON 20TH APRIL 2023**

PRESENT –

His Worship the Mayor – Councillor Y. Iqbal

Councillors

*F. Ahmad
S. Ahmed
D. Albin
M. Aslam
M. Stone
A. Sutcliffe (Substitute)*

In attendance

N. Ashraf

Officers

<i>Neil Watson</i>	<i>Planning, Economic Development & Regulatory Services Manager</i>
<i>Emma Barker</i>	<i>Litigation & Regulatory Lawyer</i>
<i>Joanne Eccles</i>	<i>Committee Administrator</i>

(Apologies for absence were received from Councillor M. Ammer, S. Cockburn-Price, J. Purcell and D. Whipp.)



The following people attended the meeting and spoke on the item indicated –

<i>D. Leeming K. Hussain C. Platt J. Corr H. Khanom F. Jannah R. Hoque</i>	<i>22/0776/FUL Full: Refurbishment of farmhouse and conversion of outbuildings to form 6 apartments for supported living, plus ancillary staff office and communal kitchen, dining and lounge areas at 40 Reedley Road, Reedley</i>	<i>Minute No.16(b)</i>
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13. APPOINTMENT OF CHAIRMAN

In the absence of Councillor M. Ammer, members were invited to appoint a Chairman for this meeting only.

RESOLVED

That Councillor M. Stone be appointed as Chairman for this meeting only.

Councillor M. Stone – In the Chair

14. DECLARATION OF INTERESTS

Members were reminded of the legal requirements concerning the declaration of interests.

15. MINUTES

RESOLVED

That the Minutes of the meeting held on 14th March 2023 be approved as a correct record and signed by the Chairman.

16. PLANNING APPLICATIONS

The Planning, Economic Development and Regulatory Services Manager submitted a report of the following planning applications referred from area committees -

(a) 22/0772/HHO Full: Erection of wall at front of property and installing gates and infill panels at 161 Reedyford Road, Nelson for Mr Manzoor Ahmed

At a meeting of Nelson, Brierfield and Reedley Committee on 27th February, 2023 the decision to grant this application, subject to appropriate conditions and reasons, was referred as a recommendation to this Committee as the decision would represent a significant departure from policy.

The officer's report recommended refusal and that enforcement action be taken to remove this development as the development had already occurred.

At the last meeting the Committee deferred the application to allow the Planning, Economic Development and Regulatory Services Manager to have discussions with the applicant about the design of the development. It was reported that no further information had been received.

RESOLVED

That this item be **deferred** again to give more time for the Planning, Economic Development and Regulatory Services Manager to have discussions with the applicant about the design of the development.

(b) 22/0776/FUL Full: Refurbishment of farmhouse and conversion of outbuildings to form 6 apartments for supported living, plus ancillary staff office and communal kitchen, dining and lounge areas at 40 Reedley Road, Reedley for Safe as Houses Property Investment

(E. Barker advised before the vote was taken that should the Committee be minded to refuse this application there was a significant risk of costs being awarded against the Council in the event of an appeal.)

At a meeting of Nelson, Brierfield and Reedley Committee on 27th March 2023 the decision to refuse this application, on the grounds of "residential amenity", was referred as a recommendation to this Committee as the proposed development would not raise any potentially unacceptable residential amenity impacts and there were no specific residential amenity impacts identified by the Committee. This would result in a vague, generalised reason for refusal which could not feasibly

be defended at appeal and would result in a significant risk of costs being awarded against the Council.

An update had been circulated prior to the meeting which reported further information from the applicant regarding the nature of the use proposed.

RESOLVED

That planning permission be **refused** for the following reasons –

1. The proposed use as a facility for people suffering from mental health issues would create a safety issue in the local community resulting in a perception of harm to members of the public contrary to paragraph 97 of the National Planning Policy Framework.
2. The amount of parking proposed would not be sufficient for the development and this would lead to parking on the highway and a danger to users of the highway contrary to Policy ENV4 of the Local Plan and Policy 31 of the Replacement Local Plan and paragraph 111 of the National Planning Policy Framework.

(c) 23/0024/HHO Full: Erection of single storey rear extension at 144 Reedyford Road, Nelson for Mrs Daar

At a meeting of Nelson, Brierfield and Reedley Committee on 27th March 2023 the decision to grant this application, subject to appropriate conditions and reasons, was referred as a recommendation to this Committee as the decision would represent a significant departure from Policy ENV2 of the Core Strategy. The proposed rear extension would be contrary to the guidance of the Design Principles SPD relating to residential amenity impacts and result in unacceptable residential amenity impact upon the neighbouring property.

RESOLVED

That planning permission be **granted** subject to the following conditions –

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 22076 - LP; Proposed Site Plan 22076 - PDP; Proposed Plans 22076 - 01; Proposed Elevations 22076 - 02.

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.

REASON

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.

(d) 23/0090/HHO Full: Erection of single storey rear extension with associated internal alterations and site works at 33 Reedfield, Reedley for Mr Nafis Tanveer

At a meeting of Nelson, Brierfield and Reedley Committee on 27th March 2023 the decision to grant this application, subject to appropriate conditions and reasons, was referred as a recommendation to this Committee as the decision would represent a significant departure from Policy ENV2 of the Core Strategy. The proposed rear extension would be contrary to the guidance of the Design Principles SPD relating to residential amenity impact upon the neighbouring property.

RESOLVED

That planning permission be **granted** subject to the following conditions -

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: 2180 100 - 33 Reedfield Location Plan; Amended Plans 20230209 REV A.

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.

REASON

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.

CHAIRMAN _____