

**MINUTES OF A MEETING OF
NELSON, BRIERFIELD AND REEDLEY COMMITTEE
HELD AT NELSON TOWN HALL
ON 5th JUNE, 2023**

PRESENT –

Councillor N. Ashraf (Chair)

Councillors

*F. Ahmad
S. Ahmed
Z. Ali
M. Ammer
R. Anwar
M. Aslam
M. Hanif
M. Iqbal
Y. Iqbal
M. Kaleem
A. Mahmood
Y. Tennant*

Co-optees

*H. Ahmed (Brierfield Town Council)
N. Emery (Nelson Town Centre Partnership)*

Also in attendance:

*PC Matt Lunney
PCSO Donna Waterworth*

Officers in attendance:

*Alex Cameron Planning Officer/Area Co-ordinator
Jessica Robinson Committee Administrator*



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

<i>Leslie Beswick Sarah Rahmat- Dhanda</i>	<i>23/0263/FUL Full: Erection of a detached 3 storey dwelling with 5 no bedrooms and associated external landscaping and parking on Land to the South East of Bamford Street, Nelson</i>	<i>Minute No. 22(a)</i>
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17. DECLARATION OF INTERESTS

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

18. PUBLIC QUESTION TIME

A Petition together with accompanying documents was submitted at the meeting. The Petition requested the repair/resurfacing of the backstreet of 42-62 Albert Street and 43-69 Stanley Street, Nelson, the implementation of a Public Space Protection Order and the installation of CCTV to prevent environmental anti-social behaviour in the area. The backstreet in question was adopted and, therefore, Lancashire County Council Highways were ultimately responsible for its maintenance. The request for the implementation of a Public Space Protection Order and installation of CCTV would be for the Council's Community Protection Co-ordinator to consider.

The Chair read an e-mail from a resident, which had been sent to a Member prior to the meeting, regarding the Ash Tree Grove, Nelson development and alleged breaches of planning conditions. The breaches would be investigated by the Planning Officer and the resident would be advised to liaise directly with the Officer should there be anything further to report.

RESOLVED

- (1) That the Petition submitted to this meeting be forwarded to Lancashire County Council Highways, as the responsible authority for the maintenance of the backstreet of 42-62 Albert Street and 43-69 Stanley Street, Nelson, for action.
- (2) That the Petition also be forwarded to the Council's Community Protection Co-ordinator for the request for the implementation of a Public Space Protection Order and installation of CCTV to prevent environmental anti-social behaviour to be considered.

19. MINUTES

RESOLVED

That the Minutes of the meeting held on 9th May, 2023 be approved as a correct record and signed by the Chairman.

20. PROGRESS REPORT

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

The deferred planning application 22/0549/HHO Full: Erection of a porch at 5 Chatburn Park Drive, Brierfield would be determined at the next meeting as it had been omitted from the Planning Applications report submitted to this meeting in error.

21. POLICE ISSUES

The crime statistics for May, 2023 were circulated by PC Lunney at the meeting. The figures were showing reductions with the exception of Vehicle Crime. PC Lunney explained that this increase could be due to one offender who the Police were already aware of and who was operating within the Borough and not just in Nelson, Brierfield and Reedley. It was reported that there had been a spate of Mercedes vehicles being stolen in the last week across Pendle. PC Lunney had not noticed a manufacturer trend but would look into this and would post something on the Police's Social Media to encourage Mercedes vehicle owners in particular to be extra vigilant. There was a 38% decrease in the number of reported anti-social behaviour incidents.

It was asked how crimes could be reported physically. Crimes could still be reported at Nelson Police Station and also Burnley Police Station. There was no further update on when the Rapid Response Unit on Carr Road, Nelson would open.

An update was requested on the recent disturbances in Whitefield and on Lomeshaye Road and Rigby Street, Nelson in particular. There had been a number of arrests and bail checks were being undertaken. There had also been an increased Police presence in that area in response. A PCSO covering the area would be appointed to provide a long-term solution.

Up to date contact details for the Police covering Nelson, Brierfield and Reedley were requested and would be provided by PCSO Waterworth.

Concerns were expressed in relation to continuing anti-social driving in the area. Camera resources would be increased and the Police would be sharing a plan of action for tackling the issue in the next few weeks. PC Lunney emphasised the importance of reporting incidences to the Lancashire Road Safety Partnership also <https://lancsroadsafety.co.uk/submit-concern/>.

22. PLANNING APPLICATIONS

(a) Applications to be determined

23/0016/FUL Full: Retaining of shutters and canopies at Springbank Buildings, 226-248 Every Street, Nelson for Mr. Amjad Khan

RESOLVED

That planning permission be **refused** for the following reasons: -

By virtue of the poor design of the proposed shutters and canopies, the development would result in less than substantial harm to the Conservation Area. The design and materials are not in keeping with the character of the location. The shutters do not have the pin-hole effect and do not match the existing sliding doors.

There are no public benefits to the proposal, which clutters the frontage of the application site. Therefore the development would result in poor design, contrary to ENV1, ENV2 and the Conservation Area Development Guidance SPG.

23/0185/VAR Full: Variation of Condition: Remove Condition 3 (Pedestrian Access Point) of Planning Permission 22/0504/FUL at Morrisons Supermarket, Pendle Street, Nelson for Wm. Morrisons Supermarkets PLC

RESOLVED

That this application be **deferred** to allow for further negotiations between the Chair of this Committee and the Applicant.

23/0199/FUL Full: Erection of a telecommunications tower with associated antennae on Storage Land North of 11 to 13 Hey Street, Nelson for MBNL (EE UK Ltd & Hutchison UK 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 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: 1-5 Hey Street Temp_37827_A1_GA 01-08 37827_ Location Plan.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The telecommunications tower hereby approved shall be in use for a maximum of 12 months from the date on the Decision Notice and removed from the site within three months of ceasing to be used for telecommunications purposes.
Reason: In the interests of visual 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 is acceptable in terms of design, amenity and highway safety and heritage impact. 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.

23/0263/FUL Full: Erection of a detached 3 storey dwelling with 5 no. bedrooms and associated external landscaping and parking on Land to the South East of Bamford Street, Nelson for Mr. Faisal Aslam

An update had been circulated prior to the meeting reporting that amended plans had been received which had changed the heights of the fencing / boundary treatments along the front and rear of the proposed dwelling. The amended plans also indicated a different car parking arrangement which had a total of three car parking spaces and, as such, the recommendation to delegate grant consent had been altered to approve.

RESOLVED

That the Assistant Director, Planning, Building Control and Regulatory Services be granted **delegated authority to approve** the application subject to the construction hours being agreed with the Councillors for the Marsden and Southfield Ward and the Chair of this Committee and 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 A006_L(00)001 Rev A, Proposed Site Plan A006_L(00)002 Rev B, Proposed Floor Plans A006_L(00)003 Rev A, Proposed Front & Rear Elevation Plans A 006_L(00)004 Rev B, Proposed South Elevation Plan A 006_L(00)005 Rev C, Proposed North Elevation Plans A006_L(00)006 Rev C, Proposed Section Plan A006_L(00)007 Rev B, Proposed Fence Site Plans A006_L(00)008 Rev B, Proposed Fence Elevation Plan A006_L(00)009 Rev B.

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

3. All materials to be used for the proposed development hereby approved shall be as stated on the application form and approved drawings and they shall not be varied without the prior written permission of the Local Planning Authority.

Reason: Those materials are appropriate for the development and site.

4. Prior to commencement of works on site, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme 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;

(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); and

(iii) A timetable for its implementation.

(iv) Details of how foul and surface water will be disposed of.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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.

5. Prior to commencement of development 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 interest of highway safety.

6. The development hereby permitted shall not be occupied 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 turfing 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.

7. A boundary treatment of close boarded fencing measuring a minimum of 1.8m in height along each of the side boundaries shall be erected prior to occupation of the development hereby approved and remain in place at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbouring amenity.

8. Notwithstanding any indication on the plans hereby approved, at no time shall there be a fence measuring greater than 1m in height along the highway with Bamford Street or Tweed Street. The fencing to the front and rear boundaries shall measure no greater than 1m in height measured from the back of the pavement in respect of the existing levels on Bamford Street and Tweed Street. The fencing along the side boundaries shall measure no greater than 1m in height for a distance of 2m taken from the back of the pavement into the site. All other fencing to the side elevations shall not exceed 1.8m in height. There shall be no change to the heights of the fencing unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and wider visual amenity.

Informative

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the Local Planning Authority.

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.

23/0275/HHO Full: Loft conversion to front and rear slopes to dormers at 149 Chapel House Road, Nelson for Mr. Kamran 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; Existing and Proposed Front and Rear Elevations DWG. No: AB110-03; Existing and Proposed Side Elevations DWG. No: AB110-04; and Proposed Floor Plan and Roof Plan DWG. No: AB110-02.
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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in 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.

23/0286/HHO Full: Erection of a single storey rear extension and a front roof dormer at 19 Hawarden Street, Nelson for Mr. Mazaffar Rauf

An update had been circulated prior to the meeting reporting that amended plans had been received which had changed the design of the proposed single storey rear extension but that the overall recommendation to refuse the application remained.

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: Site Plans U174-P01; Proposed Floor Plans U174-P04A; and Proposed Elevations U174-P05A.

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in 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.

(b) Planning Appeals

The Assistant Director, Planning, Building Control and Regulatory Services reported that there was one new appeal:

*PLE/22/0955 Appeal against Enforcement Notice: Without planning permission the
23/0011/AP/ENFORC unauthorised removal of the chimney stack on land at 3 Woodside
Terrace, Nelson*

23. ENFORCEMENT/UNAUTHORISED USES

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

24. AREA COMMITTEE BUDGET 2023/2024

The Director of Place reported that the unallocated sum of the Committee's 2023/24 Budget was £36,776 and that a full report would be submitted to the next meeting.

25. REPRESENTATIVES ON OUTSIDE BODIES

At the Annual Council meeting the responsibility for appointing representatives to some outside bodies was referred to this Committee.

Members were asked to consider appointments to Nelson District Nursing Association Charity Fund and the William Walton Cottage Homes and the Mancknols Walton Cottage Homes Charities.

RESOLVED

- (1) That Councillor A. Mahmood continue to be appointed to the Nelson District Nursing Association Charity.
- (2) That Councillors M. Adnan and Y. Tennant be appointed to the William Walton Cottage Homes and the Mancknols Walton Cottage Homes Charities.

REASON

To represent the Council.

26. ENVIRONMENTAL BLIGHT

Members were advised that there were currently no Environmental Blight sites in Nelson, Brierfield and Reedley.

Any new sites should be reported to Tricia Wilson (tricia.wilson@pendle.gov.uk) with a brief description of the site and the problem along with contact details.

27. ITEM FOR DISCUSSION

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

This item had been deferred from the last meeting.

It was reported that there was an issue with waste on back Burnley Road, Brierfield (numbers 31-41).

RESOLVED

That the issue with waste on back Burnley Road, Brierfield (numbers 31-41) be referred to the Assistant Director, Operational Services for investigation.

REASON

In the interests of visual amenity and public health and safety.

28.

OUTSTANDING ITEM

- (a) Meeting with Barnfield Construction to discuss problems with flooding in the Wharfedale Avenue, Reedley area (09.05.2023)

Chairman _____