

**MINUTES OF A MEETING OF
NELSON, BRIERFIELD AND REEDLEY COMMITTEE
HELD AT NELSON TOWN HALL
ON 25TH MARCH 2024**

PRESENT –

Councillor F. Ahmad (Chair)

Councillors

*M. Adnan
S. Ahmed
M. Ammer
R. Anwar
M. Aslam
M. Iqbal
M. Kaleem
A. Mahmood
Y. Tennant*

Co-optees

N. Emery (Nelson Town Centre Partnership)

(Apologies for absence were received from Councillors Z. Ali, N. Ashraf and M. Hanif).

Officers in attendance:

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

Also in attendance:

Councillor M. Stone



The following persons attended the meeting and spoke on the item indicated -

<i>Mark Brame Charles Crowson Jackie Heaps Anne Kelly Marie Stone Martyn Stone</i>	<i>24/0036/HHO - Full: Erection of two storey side extension, single storey rear extension with balcony above, erection of rear dormer, raising roof of existing single storey extension and landscaping including excavation to form terrace at 281 Barkerhouse Road, Nelson</i>	<i>Minute No.153(a)</i>
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148.

DECLARATION OF INTERESTS

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

The following Councillor declared personal but non-pecuniary interests on the items indicated: –

not matters of planning consideration and, as such, the recommendation to approve the application, subject to conditions, remained.

RESOLVED

That the application be **approved** subject to Condition 4 being amended to state that the garage should also remain available for the parking of domestic vehicles associated with the dwelling and also 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:

U188 - P02A Existing drawings (received 14.02.24)

U188 - P03.1A Proposed drawings (received 14.02.24)

U188 - P04.1A Proposed elevations (received 14.02.24)

U188 - P01 Site Plans (received 22.01.24)

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

3. Precise details of the external materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works being carried out on the development. The development shall hereafter be undertaken in strict accordance with the details so approved.

Reason: In order to allow the Local Planning Authority to control the external appearance of the development in the interests of the visual amenity of the area.

4. The proposed development should not be brought into use unless and until the parking and manoeuvring areas shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area and garage shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling and the manoeuvring areas shall be kept free from obstructions in perpetuity.

Reason: To ensure that satisfactory levels of parking and manoeuvring are provided within the site.

5. The windows in the side elevation facing 283 Barkerhouse Road shall at all times be obscurely glazed to level 5. The windows shall be hung in such a way as to prevent the privacy afforded by the obscure glazing being negated through opening. No other windows whatsoever shall be installed at any time in the southeast elevation of any part of the development.

Reason: In order to protect the privacy of the occupants of the adjoining property.

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.

24/0078/FUL Full: Erection of two dwellings on Garage Site to North of 203-205, Barkerhouse Road, Nelson for Mr. Wajed Iqbal

The Assistant Director, Planning, Building Control and Regulatory Services had circulated an update prior to the meeting which advised that the recommendation had changed from delegate grant consent to approval, subject to conditions as the Applicant had submitted satisfactory amended plans for access arrangements and satisfactory tree protection information.

(Councillor M. Iqbal declared a non-pecuniary interest in this item which was not a disclosable pecuniary interest as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 but was such that he considered that in view of the principles set out in the Council's Code of Conduct he should not take part in the debate and decision on the matter.)

RESOLVED

That the application be **approved** 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 T Ref:QRQM22272205322207, Proposed Site Plan AB153-01 Rev B, Proposed Site Plan with plots 1&2 AB153-02 Rev B, Proposed Elevation Plan AB153-06 Rev B, Proposed Roof Plan AB153-05 Rev B, Proposed Ground Floor Plan AB153-03 Rev B, Proposed First Floor Plans AB153-04 Rev B.

Reason: For the avoidance of doubt and in the interests of proper planning.
3. Samples of materials including descriptions 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 interest of the visual amenity of the area.

4. 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 surface water sewer, the rate of discharge shall be restricted to 2 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 Systems (March 2015) or any subsequent replacement national standards.

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.

5. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

6. All windows shall be set back from the external face of the walls by a minimum of 70mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

7. 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 including the replacement trees for those which have been removed, 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.

8. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Class A of Part 1 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard residential amenity.

9. Before any dwelling unit is occupied waste containers shall be provided and shall be stored within the boundaries of each property.

Reason: To ensure adequate provision for the storage and disposal of waste.

10. No development shall take place, including any works of clearance, until a construction method statement has been 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) The erection and maintenance of security hoarding
 - v) Wheel washing facilities/ mechanical road sweeping
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) Details of working hours
 - viii) Timing of deliveries

ix) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

- 11.** Prior to first occupation each dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure adequate provision for sustainable transport.

- 12.** Notwithstanding any permitted development right granted under the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be at no time any openings inserted into the side elevations of plots 1 or 2 without the prior written consent of the Local Planning Authority.

Reason: In the interests of neighbouring amenity.

- 13.** Full details including samples of boundary treatment along back Barkerhouse Road, details of external surface treatments and surface water drainage shall be submitted and approved and with the scheme implemented prior to the first occupation of any dwelling.

Reason: To ensure adequate visibility at the site access and to protect highway safety.

- 14.** Prior to the occupation of each dwelling the driveways and parking areas shall be constructed in accordance with the approved materials and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate parking provision is provided.

- 15.** Prior to first occupation each dwelling shall have a secure cycle store for at a ratio of 1 cycle space per bedroom.

Reason: To support sustainable travel.

- 16.** A pedestrian link shall be maintained between Marsden Hall Road and Rowland Avenue to the northwestern edge of the site.

Reason: For pedestrian connectivity.

- 17.** The development shall be carried out in strict accordance with the tree protective fencing details on the approved plan AB153-01-Rev B.

Reason: In the interest of protecting the trees on the boundary of the site, to be retained.

Informative Note

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 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.

24/0079/FUL Full: Change of use from a takeaway (Sui Generis) to a beauty salon (Sui Generis) at 78 Leeds Road, Nelson for Mr. Wajed Iqbal

(Councillor M. Iqbal declared a non-pecuniary interest in this item which was not a disclosable pecuniary interest as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 but was such that he considered that in view of the principles set out in the Council's Code of Conduct he should not take part in the debate and decision on the matter.)

RESOLVED

That the application be **approved** 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 Elevations & Roof Plan AB0150, Elevation Plan – Existing & Proposed AB0150 (received 20 February 2024), Proposed Ground Floor Plan.

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

3. All materials to be used in the elevations and roof of 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 use hereby approved shall not operate outside the hours of 9am and 6pm Monday to Saturday and between the hours of 10am and 4pm Sunday and Bank/Public Holidays.

Reason: In the interest of amenity.

5. The formation of the pedestrian entrance replacing the garage door shall not commence until a scheme for the reconstruction of the footway has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented prior to first use of the approved development. Works shall include, but not be exclusive to:
 - the re-construction of the footway along the frontage on Stansfield Street to an appropriate standard.

Reason: To ensure that a vehicular access is acceptably closed in the interest of highway safety.

Informative Notes

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (short form Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the reconstruction of the footway to an appropriate standard. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.
2. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on hsstreetworks@lancashire.gov.uk or on 01772 533433.

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.

24/0152/HHO Full: Insertion of dormer windows to front and rear roof slopes and the erection of a single storey rear extension at 100 Chapel House Road, Nelson for Mr. Ahmed Shabbir

RESOLVED

That the application be **approved** 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:

- CHA-02-20 Proposed drawings (received 04.03.24)
- Site Plan (received 05.03.24)
- Location Plan (received 04.03.24)

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

3. Precise details of the external materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works being carried out on the development. The development shall hereafter be undertaken in strict accordance with the details so approved.

Reason: In order to allow the Local Planning Authority to control the external appearance of the development in the interests of the visual amenity of the area.

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.

(b) Planning application for comment

24/0061/FUL Full (Major): Change of use of agricultural land to a designated local nature reserve at Gib Hill, Gib Hill Road, Nelson for The Borough of Pendle

This application was for a development which straddled the boundary with this Committee and the Colne and District Committee and, as such, must be determined by the Development Management Committee. The application was brought before Committee for comment.

RECOMMENDATION

That the Development Management Committee be recommended to **approve** the application subject to appropriate conditions and reasons.

(c) Planning Appeals

The Assistant Director Planning, Building Control and Regulatory Services submitted a report, for information, on planning appeals, which was noted.

154. ENFORCEMENT ACTION

The Head of Legal and Democratic Services submitted an update on enforcement matters, which was noted.

155. AREA COMMITTEE BUDGET 2023/2024

The Head of Housing and Environmental Health reported that the unallocated amount of the Committee's Budget was £29,103 and that a full report would be submitted to the next meeting, which was noted.

156. TRAFFIC LIAISON MEETING

The minutes of the Traffic Liaison Meeting held on 28th February, 2024, were submitted for information and noted.

157. LAND ADJOINING 67 VERNON STREET, NELSON

The Director of Place submitted a report which requested that Members consider the additional information they had previously requested, which related to proposed uses of the land shown edged in black on the plan attached to the report at Appendix 1, prior to making a recommendation to the Executive.

There had been requests from The Tuition Centre operated by Naik Trust and another independent party to either purchase the land or to enter a lease agreement. These options were reported to this Committee on 30th October, 2023. Since that meeting the second party had withdrawn their interest and Naik Trust had submitted an amended proposal. Their current proposal, which would be subject to Planning Permission, was to create a safe outdoor space for both the children attending the after-school club and the wider community. This would include enclosing the land with a safety fence, creating a sheltered seating area, replacing the paving with tarmac and creating a garden area.

As previously reported the land was currently managed and maintained by the Council's Operational Services Department who had confirmed that the land was a problem site and that they would have no objection to it either being leased or sold.

A lease of the land would result in the Council's maintenance liabilities being transferred to Naik Trust whilst retaining some control through lease covenants which could be enforced in the event of them being breached.

RECOMMENDATIONS

- (1) That the Executive be recommended to grant a lease of the land adjoining 67 Vernon Street, Nelson to Naik Trust.
- (2) That the Executive then be recommended to authorise the Director of Place to negotiate the terms of that lease.

REASONS

- (1) ***Naik Trust were now the only interested party and had provided the additional information requested by this Committee.***

- (2) ***The granting of a lease would result in the Council's maintenance liabilities being transferred to Naik Trust.***
- (3) ***The granting of a lease would also allow the Council to retain some control through the lease covenants which could be enforced in the event of them being breached.***

158. PREMISES IMPROVEMENT GRANT SCHEME - SUMMARY 2023/24

The Head of Economic Growth submitted a report on progress made on the Nelson and Brierfield Premises Improvement Grant Scheme during the 2023/24 financial year.

Although it had been agreed, in principle, to allocate £15,000 from this Committee's 2023/24 Budget for Nelson and Brierfield Premises Improvement Grants, the allocation had not been made. There had been four enquiries in Nelson but they were not able to proceed to application due to no funding being allocated to the scheme. There had been one enquiry in Brierfield but it was out of the criteria area.

Members considered a request to agree to a funding allocation of £15,000 from the Committee's Budget for Premises Improvement Grants for the 2024/25 financial year. This money would support five applications from businesses in Nelson and Brierfield town centres. They also considered a request to appoint two Grant Panel Members for 2024/25.

RESOLVED

- (1) That the summary of the Premises Improvement Grant Scheme be noted.
- (2) That the request to allocate £15,000 from the Committee's Budget to the Premises Improvement Grant Scheme for 2024/25 be noted.
- (3) That the appointment of two Grant Panel Members for 2024/25 be deferred to the next meeting.

REASONS

- (1) ***To allow Members of the Committee to see the outcomes of the Premises Improvement Grant Scheme so far in the 2023/24 financial year.***
- (2) ***To allow the Premises Improvement Grant programme to fund future projects.***
- (3) ***To allow Grant Panel members to be decided by the Members of the Committee.***
- (4) ***To allow Members to make decisions that support the ongoing regeneration of Nelson and Brierfield town centres.***

159. ITEM FOR DISCUSSION

Removal of trees on Montford Road, Brierfield

RESOLVED

That this item be deferred until the next meeting.

Chair _____