

**MINUTES OF A MEETING OF
NELSON, BRIERFIELD AND REEDLEY COMMITTEE
HELD AT NELSON TOWN HALL
ON 7TH MAY, 2024**

PRESENT –

Councillors

*M. Adnan
F. Ahmad
S. Ahmed
Z. Ali
M. Ammer
R. Anwar
N. Ashraf
Y. Iqbal
M. Kaleem
Y. Tennant*

Co-optees

*N. Emery (Nelson Town Centre Partnership)
S. Munir (Reedley Hallows Parish Council)*

(Apologies for absence were received from Councillors M. Aslam. M. Hanif, M. Iqbal and A. Mahmood).

Officers in attendance:

<i>Alex Cameron</i>	<i>Principal Planning Officer/Area Co-ordinator</i>
<i>Jessica Robinson</i>	<i>Committee Administrator</i>

The following persons attended and spoke at the meeting on the item indicated: –

<i>County Councillor</i>	<i>23/0507/FUL - Full (Major): Erection of a battery</i>	<i>Minute No. 9a</i>
<i>Howard Hartley</i>	<i>storage facility with associated infrastructure on</i>	
<i>Jackie Heaps</i>	<i>Land to the North of Spurn Clough Cottage,</i>	
<i>Tom Lister</i>	<i>Greenhead Lane, Reedley</i>	
<i>Helen O'Carroll</i>		
<i>Mark Weller</i>		
<i>Dan Whitney</i>		

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1. APPOINTMENT OF CHAIR

RESOLVED

That Councillor F. Ahmad be appointed as Chair of the Committee for the Municipal Year 2024/25.

Councillor F. Ahmad – Chair (In the Chair)

2. APPOINTMENT OF VICE-CHAIR

RESOLVED

That Councillor S. Ahmed be appointed as Vice-Chair of the Committee for the Municipal Year 2024/25.

3. APPOINTMENT OF CO-OPTEEES

RESOLVED

That a representative from Nelson Town Council, Nelson Town Centre Partnership, Brierfield Town Council and Reedley Hallows Parish Council be co-opted onto the Committee for the Municipal Year 2024/25.

4. DECLARATION OF INTERESTS

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

5. PUBLIC QUESTION TIME

A resident who was an operator of a dog boarding facility in the Nelson, Brierfield and Reedley area asked why they had been required to cease providing dog day care until planning permission for the activity had been obtained whilst other operators of similar facilities in the Borough were operating without any such permission.

The Principal Planning Officer explained that permission was required because the use of the kennels at the resident's facility was specifically limited to boarding dogs by Condition 2 of the original planning permission (13/07/0408P). Dog day care was a specifically different use with different impacts in that it included more daily comings and goings. The resident had submitted a Lawful Development Certificate application (22/0278/CEA) in 2022 for use for daytime boarding and it was refused for that reason. The resident had had the opportunity to appeal that decision but had not taken it. The resident also had and continues to have the opportunity to apply for planning permission.

Following this explanation Members encouraged the resident to submit a planning application if they still wished to pursue the provision of dog day care at their facility.

6. MINUTES

RESOLVED

That the Minutes of the meeting held on 25th March, 2024 be approved as a correct record and signed by the Chair.

7. PROGRESS REPORT

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

8. POLICE ISSUES

The crime statistics for March 2024 compared to the same period in the previous year had been circulated prior to the meeting.

With there being no Police present no issues were raised.

9. PLANNING APPLICATIONS

(a) Applications to be determined

The Assistant Director, Planning, Building Control and Regulatory Services submitted a report of the following planning applications for determination: -

22/0677/CND Approval of Details Reserved By Condition: Discharge Condition 3 (Material Samples) of Planning Permission 21/0921/HHO at 252 Manchester Road, Nelson for Mr. Mohammed Iqbal

RESOLVED

That Condition 3 (Material Samples) of Planning Permission 21/0921/HHO be **discharged** subject to implementation.

23/0507/FUL Full (Major): Erection of a battery storage facility with associated infrastructure on Land to the North of Spurn Clough Cottage, Greenhead Lane, Reedley for Moor Isles Farm Energy Storage Limited

The Assistant Director, Planning, Building Control and Regulatory Services had circulated an update prior to the meeting which advised that additional comments had been received from members of the public and consultees. The comments were summarised in the report. The recommendation that the approval of the application, and any necessary conditions, be delegated to the Assistant Director Planning, Building Control and Regulatory Services remained subject to the withdrawal of the objection from Lancashire Fire Service and now also to no further consultee responses being received.

RESOLVED

That determination of this application be **deferred** to a future meeting of this Committee to allow for Lancashire Fire Service to withdraw their objection and impose any conditions they deem necessary.

23/0833/FUL Full: Demolition of existing Mosque and the erection of a replacement Mosque building (Use Class F1(f)) including the formation of 12 no. parking spaces and 10 no. cycle spaces with associated landscaping at Jamia Masjid Usman Ghani Mosque, Stanley Street, Brierfield for Masjid Usman Ghani

Determination of this application had been deferred from the February meeting of this Committee.

RESOLVED

That determination of this application be **deferred** to the next meeting of this Committee.

23/0858/FUL Full: Formation of new openings in existing workshop and storage units and the change of use from storage to mechanics workshop (Sui Generis) at The Old Baths, Bradley Road, Nelson for Mr. S. Ahmed

RESOLVED

That the application be **approved** subject to the following conditions and reasons: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: LP Rev A, PSP Rev A, 02 Rev A, 03, 04.

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

2. 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.

3. The use hereby approved shall not operate outside the hours of 08:00 to 18:00 on any day. No noise generating operations shall be undertaken in external areas and roller shutter doors shall be closed during operation other than as necessary to provide access.

Reason: In the interest of residential amenity.

4. The use of the units shall be confined to that of motor vehicle repair excluding MOT testing and for no other purpose, including any other use within Use Class B2 of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended).

Reason: In the interest of residential amenity.

5. The 8 car parking spaces shown on the approved plans shall at all times be maintained free from obstruction and available for use by staff and customer parking and the area shown on the swept path analysis at the site access on Bradley Road shall be kept clear of all obstructions and used only for the turning of vehicles.

Reason: To ensure adequate car parking at the site in the interest of highway safety.

6. With 3 months of the date of the approval of this permission a secure cycle storage area shall be provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To support sustainable transport.

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.

24/0107/FUL Full: Change of use to permit vehicle servicing and repairs to existing car sales at Site of Former Garages, Bradley Road East, Nelson for Mr. Mahmood Hussain

(Before the vote was taken, the Principal Planning Officer advised that a decision to approve the application would represent a significant departure from policy ENV5 of the Core Strategy. The matter would therefore be referred to the Head of Legal and Democratic 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.

24/0149/HHO Full: Erection of dormers to front and rear elevation of loft conversion at 16 Fern Bank, Napier Street, Nelson for Mr. Nasir Mahmood

RESOLVED

That the application be **approved** subject to the receipt of amended plans that incorporate pitched roofs in the design and also appropriate conditions and reasons.

24/0157/HHO Full: Erection of an outbuilding to rear of dwelling house at 34 Priory Chase, Nelson for Mr. Muzaffar Rashid

RESOLVED

That determination of the application be **deferred** to allow the Applicant, in consultation with the Case Officer, the opportunity to submit an amended proposal that would be acceptable in terms of residential amenity.

24/0169/HHO Full: Insertion of dormer windows to front and rear roofslopes and the erection of a single storey rear extension at 42 Clover Hill Road, Nelson for Mr. Toqir Amra Kalan

The Assistant Director, Planning, Building Control and Regulatory Services had circulated an update prior to the meeting which advised that there had been an error in the original report submitted to this Committee. The residential amenity section of the report had stated that the rear extension would be within the 4m guideline, that was not the case, the total projection of the rear extension would be 5.38m. The recommendation to refuse the application, however, remained for the reason given in the report relating to the front dormer.

RESOLVED

That the application be **approved** subject to the receipt of amended plans that incorporate a pitched roof to the front dormer in the design and also appropriate conditions and reasons.

(b) Planning Appeals

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

23/0500/FUL	<i>Appeal against refusal of Planning Permission for change of use</i>
23/0027/AP/REFUSE	<i>of land to garden curtilage, erection of a green house and</i>
	<i>replacement car port to side of existing garage at 2 Holme End,</i>
	<i>Brierfield, Burnley, BB12 9NR</i>

10. ENFORCEMENT ACTION

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

11. AREA COMMITTEE BUDGET 2024/2025

The Head of Housing and Environmental Health submitted a report on the Area Committee's Budget for 2024/25.

RESOLVED

That consideration of this report be deferred to the next meeting of this Committee.

12. PREMISES IMPROVEMENT GRANT SCHEME – SUMMARY 2023/24

The Head of Economic Growth submitted a report to request that Members agree to a funding allocation of £15,000 from the Committee's 2024/25 Budget for Premises Improvement Grants and that they also consider the appointment of two Grant Panel Members for 2024/25.

The report also proposed an amendment to the grant criteria in relation to quotes. The grant criteria currently stipulated that applicants must obtain three quotes for each item of work. The proposal was to reduce this to two quotes as difficulties in obtaining three quotes were resulting in delayed applications.

RESOLVED

- (1) That the report be noted.
- (2) That consideration of the request for a funding allocation of £15,000 from this Committee's 2024/25 Budget be deferred to the next meeting.
- (3) That the appointment of two Grant Panel Members for 2024/25 be deferred to the next meeting.

- (4) That the proposed amendment to the grant criteria to allow two quotes for items of work rather than three be agreed.

REASONS

- (1) *To allow Members of the Committee to see the outcomes of the Premises Improvement Grant Scheme in the 2023/24 financial year.*
- (2) *To allow the Premises Improvement Grant programme to fund future projects in 2024/25.*
- (3) *To allow for all existing approved Grants to be given to businesses within a reasonable timeframe.*
- (4) *To allow Grant Panel members to be decided by the Members of the Committee.*
- (5) *To allow Members to make decisions that support the ongoing regeneration of Nelson and Brierfield town centres.*

13. PROVISION OF LITTER/DOG WASTE BINS AND SUBSTATION SITES

(a) New Bins

An allocation of £1,000 from this Committee's Budget 2023/24 had been approved at a previous meeting on 3rd July, 2023 and one new bin had since been erected during Quarter 4 for the period 1st January, 2024 to 31st March, 2024, as follows:

LOCATION	DESCRIPTION	TYPE OF BIN	COST PER BIN
Montford Road, Brierfield	Reset the F/S litter bin by Quaker Bridge	LITTER	£32.11

The total spend was £32.11 which left a balance of £0 remaining.

(b) Nelson Area

The Assistant Director Operational Services advised that due to wear, damage or a reduced need for the facility, two bins had been replaced/removed by Operational Services in Quarter 4 for the period 1st January, 2024 to 31st March, 2024, as follows:

LOCATION	DESCRIPTION	TYPE OF BIN	COST PER BIN
Victoria Street, Nelson	Replace post mounted litter bin, just before the canal bridge	LITTER	£187.41
Bentley Street, Nelson	Replace metal inner of F/S litter bin	LITTER	£103.84

(c) Brierfield and Reedley Area

The Assistant Director Operational Services advised that due to wear, damage or a reduced need for the facility, three bins had been replaced/removed by Operational Services in Quarter 4 for the period 1st January, 2024 to 31st March, 2024, as follows:

LOCATION	DESCRIPTION	TYPE OF BIN	COST PER BIN
Montford Road, Brierfield	Reinstate F/S litter bin at Quaker Bridge	LITTER	£67.89
Higher Reedley Road, Brierfield	Reinstate dog bin onto post at John Bradley Playing Fields	DOG	£50.00
Borrowdale Drive, Reedley	Reinstate post and dog bin into ground	DOG	£50.00

(d) Substation Sites

The Committee were encouraged to report if there were any new substations within their area that might need tidying up. Members were asked to provide location details of any substations that were causing a problem with litter and/or fly tipping to Operational Services.

14. ITEMS FOR DISCUSSION

(a) Removal of trees on Montford Road, Brierfield

This item had been deferred from the last meeting.

The Councillor who had requested that this item be discussed advised that the issue had since been resolved satisfactorily.

RESOLVED

That no further action be taken by this Committee.

REASON

The issue had been resolved satisfactorily.

(b) Former Mansfield School Site, Brierfield

This issue had been discussed by this Committee and had been raised with Lancashire County Council's (LCC's) Asset Management Department previously. LCC, in response, had attended the site to cut the grass and clear waste but it had since returned to a poor condition and was increasingly becoming an eyesore. The metal fence on William Street, Brierfield was broken and was leaving the site open to access and flytipping was a particular issue on the Taylor Street side of the site.

This issue had been ongoing for over a decade and a long-term solution for the site was now required.

RESOLVED

That a meeting between Members of this Committee, Lancashire County Council and the County Councillor for the Brierfield and Nelson West Division be arranged as soon as practicable to discuss finding a long-term solution for the site.

REASON

In the interests of visual amenity.

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 Operational Services submitted a report on Environmental Crime in Nelson, Brierfield and Reedley in Quarter 4, for the period 1st January to 31st March, 2024, along with the totals for 2023/24, which was noted.

Chair _____