

**MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT COMMITTEE
HELD AT NELSON TOWN HALL
ON 11TH APRIL 2024**

*PRESENT –
Councillor M. Adnan (Chair)*

Councillors

*D. Albin
M. Aslam
S. Cockburn-Price
D. Gallear
M. Iqbal
D. Lord
A. Sutcliffe
Y. Tennant
D. Whipp*

Officers

<i>N. Watson</i>	<i>Assistant Director Planning, Building Control and Regulatory Services</i>
<i>J. Eccles</i>	<i>Committee Administrator</i>

(Apologies for absence were received from Councillors M. Ammer and M. Strickland.)



30. DECLARATION OF INTERESTS

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

31. MINUTES

RESOLVED

That the Minutes of the meeting held on 20th March 2024 be approved as a correct record and signed by the Chair.

29. PLANNING APPLICATIONS

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

23/0491/HHO	<i>Full: Erection of a two-storey side extension and a two-storey rear extension and a balcony to the front elevation at 29 Romney Street, Nelson for Mr Muzaffer Ali</i>
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This application was deferred from the last meeting to allow for an amended design to be submitted. An update from the Planning Officer had been circulated prior to the meeting reporting receipt of amended plans. It advised Members that the plans were now acceptable and recommended approval with a number of conditions.

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 (received 10 April 2024), Elevations 1 Drawing No 3 (received 29th March 2024), Elevations 2 Drawing No 4 (received 29th March 2024), 1, Proposed Plans Drawing No 2 (received 29th March 2024), Proposed Parking Layout (received 27th September 2023).

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.

4. Prior to the first use of the development hereby permitted, the ground floor shower room window and the first floor bathroom window shall at all times be obscure glazed to a minimum of obscurity of Pilkington Level 5 (or equivalent). Any replacement glazing shall be of an equal degree of obscurity. The glazed window shall be hung in such a way so as to prevent the effect of the obscure glazing being negated by way of opening. No other openings shall at any time be installed in the elevations containing these windows.

Reason: In order to prevent any loss of privacy to the occupants at Number 31 Romney Street, Nelson.

5. Prior to the first use of the balcony hereby approved, a privacy screen shall be installed to the side elevations of the balcony in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to its installation. The screen shall thereafter be permanently retained in full accordance with the approved details.

Reason: To ensure the development does not adversely affect the privacy and amenity of the occupants of Number 27 Romney Street, Nelson and Number 31 Romney Street, Nelson.

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.

24/0061/FUL Town & Country Planning General Regulations 1992. Regulation 3. 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 for a designated local nature reserve straddled the boundary of two area committees so had come to this Committee for determination. The application had been to Nelson, Brierfield and Reedley Committee and Colne & District Committee for comment. Both Committees were in support of the designation and their comments were set out in the report.

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 E/CL/GH/PP including car parking area, Parking Plan E/NL dated Jan 2024.

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

3. Within 3 months of the date of this decision the parking area indicated on plan E/NL dated Jan 2024 shall be laid out in accordance with the plan and shall be retained thereafter for the purpose of car parking associated with the nature reserve.

Reason: In the interests of highway safety.

Informative

The proposal lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water.

Development Management Committee (11.04.2024)

Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain a Coal Authority Permit for such activities may result in the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

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 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.

CHAIR_____