

**MINUTES OF A MEETING OF
NELSON, BRIERFIELD AND REEDLEY COMMITTEE
HELD AT NELSON TOWN HALL
ON 3RD FEBRUARY, 2025**

PRESENT –

His Worship the Mayor – Councillor M. Aslam

Councillor F. Ahmad (Chair)

Councillors

*M. Adnan
M. Ammer
R. Anwar
M. Hanif
M. Iqbal
Y. Iqbal
M. Kaleem
Y. Tennant*

Co-optees

*N. Emery (Nelson Town Centre Partnership)
S. Bibi (Nelson Town Council)*

Officers in attendance:

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

Also in attendance

Councillor M. Stone

(Apologies for absence were received from Councillors S. Ahmed, Z. Ali and A. Mahmood.)



The following persons attended the meeting and spoke on the following items:

<i>Steve Harding</i>	<i>24/0836/FUL - Full: Removal of existing wind turbine and the erection of a replacement wind turbine with associated development at Doughty Farm, Back Lane, Southfield</i>	<i>Minute No. 130a</i>
<i>Manawar Bashir Angela Palmer Marjorie Weatherall</i>	<i>Marsden Park Pump Track Location</i>	<i>Minute No. 133</i>



125. DECLARATION OF INTERESTS

Members were reminded of the requirements of the Member Code of Conduct concerning the Declaration of Interests. There were no Declarations of Interest.

126. PUBLIC QUESTION TIME

There were no questions from members of the public.

127. MINUTES

RESOLVED

That the Minutes of the meeting held on 6th January, 2025 be approved as a correct record and signed by the Chair.

128. PROGRESS REPORT

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

In a verbal update it was reported that although the site visit at 17 Highgate, Nelson had taken place today, the application (24/0452/FUL - Full: Conversion and extension of an outbuilding to form 1 no. dwelling) would not be determined until the next meeting of this Committee.

129. POLICE ISSUES

The Police were not able to attend this meeting as they had hoped to and in their absence no issues were raised.

130. 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: -

24/0704/HHO Full: Erection of a two-storey side and rear extension, part single storey rear extension and a front porch at 129 Marsden Hall Road North, Nelson for Mr Muneeb UI Hassan

Determination of this item was deferred from the last meeting to allow for further discussions with the Applicant.

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:

- U206 – P01 Location and Block Plan (Received 10.10.24)
- U206 – P03 Proposed Plans (Received 10.10.24)

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and 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.

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

Reason: In order to ensure satisfactory levels of off-road parking are achieved within the site.

INFORMATIVES

1. This consent requires the construction of a dropped vehicle crossing to the publicly maintained highway. Only a contractor approved by Lancashire County Council can undertake the approved works under Section 171 of the Highways Act 1980. Before any work begins at the site, please contact lhsvehiclecrossing@lancashire.gov.uk for the list of approved contractors and to start the Section 171 process.
2. The alterations to the existing highway as part of the works to construct the dropped vehicle crossing may require changes to the existing street lighting and strengthening of any footway utility boxes, which will be at the applicant's expense.

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.

24/0770/HHO Full: Bricking up of existing doorway and replace existing window opening with a doorway opening to front elevation at 2 Victoria Street, Nelson for Mrs. Shugfta Tahseen

RESOLVED

That the application be **approved** subject to the addition of a Condition to control the materials used 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: Proposed Alterations – received 06/11/2024.

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

3. Prior to the erection of the external wall samples of the stone to be used in the exterior walls and door surround of the development hereby approved shall have been submitted to and approved in writing by Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials.

Reason: To preserve the character and appearance of the Conservation Area.

4. The exiting door shall be retained and reused in the approved doorway if possible, if a replacement door is necessary details of the design, materials and finish shall have been submitted to and approved in writing by the Local Planning Authority prior to its installation and it shall be installed in accordance with the approved details.

Reason: To preserve the character and appearance of the Conservation 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 development is acceptable in all relevant regards. 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.

24/0815/HHO Full: Erection of dormer windows to front and rear roof slopes and the erection of a single storey rear extension at 17 Fountain Street, Nelson for Mr. Bilal

RESOLVED

That the Assistant Director Planning, Building Control and Regulatory Services be granted **delegated authority** to **approve** the application subject to the submission of amended plans altering the length of the single storey rear extension to 4m and also appropriate conditions and reasons.

24/0832/FUL Full: Change of use from a vacant shop to a hairdressers (Use Class E(a)) and a cafe (Use Class E(c)); insertion of windows, install new shopfront and a bin enclosure to the rear at 115 Manchester Road, Nelson for Mr. Ismaeel Latif

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: Proposed Plans, Existing Elevations, Existing Plans, Proposed Elevations.

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

3. The external materials to be used for the construction of the development hereby approved shall be as stated on the application form and approved drawings and shall not be varied without the prior written consent of the Local Planning Authority.

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

4. The materials to be used in the formation of the bin storage area shall match in colour, form and texture the existing materials on the rear of the building. Physical samples of the materials to be used on the replacement shop front shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The material used thereafter shall strictly match the approved materials

Reason: In order to allow the Local Planning Authority to assess the acceptability of the materials in order to ensure they are compatible with the conservation area.

5. The existing Pallisters on the front elevation shall be retained at all times.

Reason: In order to retain the features of historical importance.

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.

24/0836/FUL Full: Removal of existing wind turbine and the erection of a replacement wind turbine with associated development at Doughty Farm, Back Lane, Southfield for Constantine Wind Energy Limited

The Assistant Director Planning Building Control and Regulatory Services had circulated an update report prior to the meeting which advised that, following further discussion between Environmental Health and the applicant, Condition 9 had been revised. There was an error in the report, the application was actually recommended for approval and not delegate grant consent. The revision to Condition 9 did not alter the recommendation to approve the application.

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: 3369-12-SP-01, 3369-12-TSA-02 , 3369-12-EA-03, 3369-12-LP-04, 3369-12-EL-06A.

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

3. The colour of the turbine, blades and monopoles shall be in accordance with the approved plans and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: In the interest of visual amenity.

4. The planning permission hereby granted is for a period not exceeding 25 years from the substantial completion of the development; at the end of the 25 year period, the turbine shall be decommissioned and all related above ground structures shall be removed from the site.

A minimum of twelve months before the decommissioning of the turbine, a scheme for the restoration of the site shall have been submitted to the Local Planning Authority and approved in writing.

The scheme shall make provision for the removal of the wind turbine and any associated ancillary equipment and shall include details of the management and timing of the works.

All decommissioning and restoration works shall be carried out in accordance with the approved scheme.

If the wind turbine hereby permitted fails to produce electricity for supply to Doughty Farm or the National Grid for a continuous period of 6 months the a scheme for the restoration of the site as set out above shall be submitted to and approved in writing by the Local Planning Authority and the wind turbine shall be decommissioned and all related above ground

structures shall be removed from the site in accordance with the approved scheme within 18 months of the last export of electricity to Doughty farm or the National Grid.

The turbine operator shall provide operational data for individual turbines to the local planning authority on reasonable request.

Reason: In the interest of visual amenity.

5. Within 4 weeks of full operation of the turbine the reinstatement of any temporary areas of the site used for the construction process such as the hardstandings and laying of cables shall be carried out in accordance with the details approved by the Local Planning Authority on the 28th May 2014.

Reason: In the interest of visual amenity.

6. The development shall be carried out in full accordance with recommendations set out in the submitted Preliminary Ecological Appraisal. No ground clearance works shall be carried out between 1st March and 31st August, unless and until details of a pre-construction breeding bird assessment has been submitted the Local Planning Authority and agreed in writing.

Reason: To ensure protection of the habitat of protected species.

7. No part of the development hereby approved shall commence until a scheme for the construction of the amended site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

8. No development shall commence until a Construction Traffic Management Method Statement (CTMMS) has been submitted to and approved by the Local Planning Authority in conjunction with the Highway Authority. The CTMMS shall include details relating to:

- Pre-construction highway condition survey and a subsequent scheme for the reinstatement of any highway verges, footways and carriageways disturbed or damaged by abnormal loads or construction traffic associated with the development;
- Any temporary or permanent highway alterations and improvements necessitated by the development, including details of temporary warning signing;
- Measures for reinstating the highway after the removal of any temporary works together with details of the timing of any remediation measures;
- Construction vehicle routeing;
- The management of junctions and crossings of the public highway;
- The timing of delivery vehicle movements including turbine component delivery vehicles;
- Details of banksmen/escorts of abnormal loads;
- Traffic management of the existing highway network.

The development shall be carried out in accordance with the approved CTMMS at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: To maintain the operation of through routes in the area during the sites period of construction and to ensure the safety of other highway users.

9. The noise emissions from the wind turbine shall not exceed a sound pressure level of 35dBLA90, 10mins or 5dB above the background noise level, within the curtilage of any lawfully existing non-financially involved dwelling at wind speeds up to and including 10 metres a second measured at a height of 10m above ground level. Noise from the turbine shall be measured, at a point within the curtilage nearest to the turbine, at a height of 1.2m and at a minimum distance 3.5 metres from the facade of any relevant noise sensitive property.

Following notification from the Local Planning Authority that a justified noise complaint has been received, the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, by a method to be approved in writing by the Local Planning Authority, whether the noise from the turbine meets the specified level.

The assessment shall be commenced within 21 days of the notification, or such longer times as approved in writing by the Local Planning Authority. A copy of the assessment report, together with all recorded data and audio files obtained as part of the assessment, shall be provided to the Local Planning Authority (in electronic form) within 60 days of the notification.

In the event that the specified threshold is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the aforementioned noise level specified. The development shall then be undertaken in accordance with the approved details. The operation of the turbine shall cease if the specified level is confirmed as being exceeded.

Reason: In the interest of residential amenity.

10. No part of the development shall commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The obligation shall provide for 10% Biodiversity Net Gain and monitoring for a 30 year period.

Reason: To provide for the impact of the development on local secondary school provision and to support the implementation of the Travel Plan.

Biodiversity Net Gain Condition:

1. The development may not be begun unless—
(i) a biodiversity gain plan has been submitted to the Planning Authority and
(ii) the Planning Authority has approved the plan

Phase plan

- (b) the first and each subsequent phase of development may not be begun unless—
(i) a biodiversity gain plan for that phase has been submitted to the Planning Authority and
(ii) the Planning Authority has approved that plan

Reason: In order to fulfil the obligations for Biodiversity Net Gain, in accordance with the Environment Act 2021, Schedule 14

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 all relevant regards. 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.

24/0887/HHO Full: Erection of front and rear dormers to facilitate a loft conversion and chimney removal at 26 Cumberland Street, Nelson for Mr. M Abbas

The Assistant Director Planning Building Control and Regulatory Services had circulated an update report prior to the meeting which advised that amended plans had been received altering the flat roof design of the front dormer to a pitched roof finished with grey EPDM rubber membrane. The dormer, however, would still have a harmful effect upon the character and appearance of the original dwelling and have a wider effect on the street scene. The recommendation to refuse the application, therefore, remained.

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:

- CUMB-02-20 Proposed Plans and Elevations (Received 30.01.25)
- Location Plan (Received 30.12.24)

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and 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.

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 Appeals

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

131. ENFORCEMENT ACTION

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

132. AREA COMMITTEE BUDGET 2024/2025

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

Members noted the 2024/25 Budget as committed and shown in Appendix 1 attached to the report. They further noted the financial requirements stipulated in paragraph 4 of the report which would enable the Budget to be allocated effectively and in line with financial regulations.

133. MARSDEN PARK PUMP TRACK LOCATION

The Assistant Director Operational Services submitted a report to provide Members with information on potential locations for a new Nelson Town Deal funded cycle pump track either within or in the vicinity of Marsden Park, Nelson. The report further requested that Members choose a location for the facility to allow for a planning application to be submitted.

The initial proposal for the pump track was to locate it within Marsden Park on the site of the old Lido at the top of Hallam Road but this had been rejected by residents as being too close to the neighbouring properties. Five further locations had since been suggested including the Central Bowl and the Lower Triangle both within the Park, the Walton Lane side of the Park and also Lomeshaye Park and Southfield Street. Copies of maps showing all the proposed locations were attached to the report at Appendices 1-3.

A petition had been raised against the pump track being constructed within the Central Bowl with 185 signatures but a counter petition with 152 signatures had also been raised in support. One of the speakers said 230 and not 185 signatures had been obtained and further challenged the validity of the counter petition. The Assistant Director Operational Services had recommended that the Lower Triangle be strongly considered as the chosen location despite it being the most costly and awkward site to build on. The Walton Lane side of Marsden Park was already subject to intensive usage. Lomeshaye Park had been ruled out based on size. Southfield Street was an acceptable location but wasn't preferred and there appeared to be very little public interest in siting the facility there.

The speakers in attendance spoke both for and against the proposed facility. The speakers speaking against the proposal did not feel another such facility was required given there was already a similar facility in Barrowford. They also felt that a football facility would meet better with the recreational needs of local children. The speakers questioned why Marsden Park, a unique and historical park, had been chosen at all when there were alternative sites they felt would be

more suitable. The speaker speaking in favour of the proposal said they had spoken to parents in the locality, and they had suggested that the Barrowford facility was too far away for their children to use. The speaker also said there was a call for alternative recreation provision in the area as a new MUGA would be constructed in Marsden Park which could be used for football. The speaker expected that a pump track facility would have a positive impact on youth anti-social behaviour in the Park and the local area.

Following discussion and consideration of the points made by all the speakers in attendance, Members determined that the Lower Triangle within Marsden Park be chosen as the location for the pump track. Members did not want to put the Nelson Town Deal funding, which needed to be spent within certain timescales, in any jeopardy but hoped the extra costs associated with siting the pump track in the Lower Triangle would not compromise the viability of the scheme. Members also agreed that a different/alternative recreational facility was needed in Nelson.

RESOLVED

- (1) That the report be noted.
- (2) That the Lower Triangle within Marsden Park, Nelson be chosen as the location for the Nelson Town Deal funded cycle pump track.

REASONS

- (1) To understand the background to the proposals and associated views from members of the public.*
- (2) To ensure proper decision making and timely progress with the Town Deal Project.*
- (3) Officers' recommended location addresses the majority of concerns raised by residents as well as providing a suitable site.*
- (4) To move forward with planning permission.*

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

(a) New Bins

An allocation of £2,000 from this Committee's Budget 2024/25 was approved at a previous meeting on 2nd September, 2024 and two new bins had since been erected during Quarter 3 for the period 1st October, 2024 to 31st December, 2024, as follows:

LOCATION	DESCRIPTION	TYPE OF BIN	COST PER BIN £
Brunswick Street, Nelson	Replace current bin with hooded type due to spilling rubbish into gardens	LITTER	£208.31
Halifax Road, Nelson	Replace current bin with hooded type due to spilling rubbish into gardens	LITTER	£208.31

The total spend was £416.62 which left a balance of £439.34 remaining.

(b) Nelson Area

The Assistant Director Operational Services advised that due to wear, damage or a reduced need

for the facility, one bin had been replaced/removed by Operational Services in Quarter 3 for the period 1st October, 2024 to 31st December, 2024, as follows:

LOCATION	DESCRIPTION	TYPE OF BIN	COST PER BIN £
Ash Tree Grove, Nelson	To replace the dog bin on pathway adjacent to No. 10	DOG	£165.68

(c) Brierfield and Reedley Area

Members were advised that there were no bins replaced/removed by Operational Services in Quarter 3 for the period 1st October, 2024 to 31st December, 2024.

(d) Substation Sites

Members were encouraged to report if there are any 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.

135. ITEM FOR DISCUSSION

Burnley to Blackburn Shuttle Bus Service

In a verbal update it was reported that the bus service between Burnley and Royal Blackburn Hospital had been reinstated and would continue to operate for the foreseeable future. In view of this, no further action by this Committee was required, at this stage.

136. 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.

137. ENVIRONMENTAL CRIME – QUARTER 3

The Assistant Director Operational Services submitted a report on Environmental Crime in Nelson, Brierfield and Reedley in Quarter 3, for the period 1st October, 2024 to 31st December, 2024, along with the totals for 2024/25, which was noted.

Chair _____