

**MINUTES OF A MEETING OF NELSON COMMITTEE
HELD AT NELSON TOWN HALL
ON 1ST APRIL 2019**

PRESENT –

Councillor M. Sakib (Chairman – in the Chair)

Councillors

*G. Adam
T. A. Cooney
J. Henderson
M. Iqbal
N. McGowan
D. Whalley
S. Wicks
N. Younis*

Co-optees

*Nick Emery (Nelson Town
Team)*

Officers in attendance:

<i>Julie Whittaker</i>	<i>Housing, Health and Economic Development Services Manager (Area Co-ordinator)</i>
<i>Alex Cameron</i>	<i>Planning Officer</i>
<i>Sarah Waterworth</i>	<i>Committee Administrator</i>

(Apologies for absence were received from Councillors Nadeem Ahmed, A. Mahmood and W. Blackburn)



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

<i>Mr A Brand</i>	<i>18/0903/FUL Full: Demolition of multi-storey car park and erection of a 24 hour opening restaurant and drive through hot food takeaway (Use Classes A3/A5) (379sq.m) with associated car parking and landscaping at Multi Storey Car Park, Netherfield Road, Nelson.</i>	<i>Minute No. 111(a)</i>
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107. DECLARATIONS OF INTERESTS

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

108. PUBLIC QUESTION TIME

There were no questions raised from members of the public.

109.

MINUTES

RESOLVED

That the Minutes of the meeting held on 4th March, 2019 be approved as a correct record and signed by the Chairman.

110.

PROGRESS REPORT

A progress report on action arising from the meeting of this Committee held on 4th March, 2019 was submitted for information.

111.

PLANNING APPLICATIONS

(a) Applications to be determined

18/0903/FUL Full: Demolition of multi-storey car park and erection of a 24 hour opening restaurant and drive through hot food takeaway (Use Classes A3/A5) (379 sq. m) with associated car parking and landscape works at the Multi Storey Car Park, Netherfield Road, Nelson for Future Properties 1st Ltd.

The Planning Officer submitted an update to the meeting where it was reported that following discussion with the developer and agreement by the developer of conditions and off-site highways works, LCC Highways had withdrawn their objection to the proposed development and the recommendation had been changed from delegate grant consent to approval.

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 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 001A, 0021, 004A, 005A, C-50.

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

3. Prior to the external cladding of the building hereby approved and notwithstanding any indication on the approved plans samples of the external materials to be used in the walls and roof of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure that external materials are acceptable in the interests of visual amenity.

4. The erection of the building hereby approved shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following;
- a) All proposals for new planting and turfing indicating the location, arrangements, species, sizes, specifications, numbers and planting densities;
 - b) And outline specification for ground preparation;
 - c) All proposed boundary treatments with supporting elevations and construction details;
 - d) All proposed hard landscape elements and pavings, including layout, materials and colours;
 - e) The proposed arrangements and specification for initial establishment maintenance and long-term maintenance of all planted and/ or turfed areas.

The approved scheme shall be implemented in its 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 of damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

5. The use of the development hereby approved shall not commence unless and until a scheme for the extraction, treatment and dispersal of fumes and odours has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- a. the provision of odour filter (which shall incorporate grease and carbon filters and discharge at roof ridge level)
- b. the siting and design of the external ventilation stack
- c. details of the sound insulation of odour control equipment

The approved scheme shall be implemented prior to commencement of the operation of the extraction system and the extraction system shall thereafter be operated and maintained in accordance with the agreed details and the manufactures specifications and be retained for so long as the use continues.

Reason: In order to ensure the adequate treatment and dispersal of fumes and odours and attenuation of noise in the interests of amenity.

6. The use of the development hereby approved shall not commence unless and until a scheme for parking time limit restrictions for the car park, including management and enforcement of the time limit, has been submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter at all times be operated in strict accordance with the approved scheme.

Reason: To ensure the effective use of the car park is maintained in the interest of highway safety.

7. The use of the development hereby approved shall not commence unless and until a Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

8. There shall be no delivery or service vehicles within the site at any time between 8-10am and 4-6pm on weekdays and between 12-5pm on Saturdays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise conflict with vehicles travelling on the surrounding highways and within the car park.

9. The use of the development hereby approved shall not commence unless and until the parking, access and manoeuvring areas have been laid out, surfaced, marked out and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The parking, access and manoeuvring areas shall thereafter at all times be maintained in accordance with the approved details.

Reason: To ensure adequate access and the effective use of the car park is maintained in the interest of Highway safety.

10. The use of the development hereby approved shall not commence unless and until an ANPR system has been installed and implemented in accordance with a scheme to be submitted to and approved in writing by Local Planning Authority, the scheme shall include details of a maximum time limit for parked vehicles. The car park shall thereafter be operated in accordance with the approved scheme or a reviewed scheme submitted to and approved in writing by the Local Planning Authority.

Reason: To manage the car park usage in the interest of highway safety.

11. The erection of the building hereby approved shall not commence unless and until a scheme for the site access and off-site highway works has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first use of the site. The works shall include reinstatement to footway of the existing site access points, street lighting column positions, guard railing, signage, tactile paving, upgrade of the signalised crossing on Sagar Street, provision of tactile paving on the existing central pedestrian island on Broadway and Holme Street and widening of the refuge to 2m, unless otherwise agreed in writing by the Local Planning Authority following the submission of a swept path analysis to the Local Planning Authority.

Reason: To ensure a safe and suitable access in the interest of highway safety.

12. No development shall take place, including any works of demolition, until a Construction and Demolition Method Statement has been submitted to and agreed in writing by the

Local Planning Authority. The approved statement shall be adhered to throughout the demolition and 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
- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii. Details of working hours
- ix. Details of surface water discharge during construction period – no surface water must be discharged onto the highway.

Reason: In the interest of amenity and highway safety.

13. Foul and surface water shall be drained on separate systems. Prior to the commencement of the erection of the building hereby approved, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the details proper to the commencement of the use of the building.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Notes:

United Utilities: A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six meters, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewer for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Lancashire Constabulary: Lancashire Constabulary will require consultation prior to demolition of the existing structure. Contact Claire.livesey@lancashire.pnn.police.uk 01772 413600.

REASON FOR DECISION

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that application be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in all relevant regards. The development is therefore compliant 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.

19/0031/HH0 Full: Erection of a single storey extension to rear and roof dormers to front and rear at 20 Waidshouse Road, Nelson for Mrs. Shazia Sultan

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 strict accordance with the following approved plans: HAD3091 - -1, 02, 03, 04, 05 and 01 – Amendment A.

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

3. Natural slate shall be used to clad the face and cheeks of the roof dormers and the external materials to be used for the walls and roof of the development hereby approved shall match those of the existing house in terms of type, size, form, texture and colour and there shall be no variation without the prior written consent of the Local Planning Authority.

 Reason: To ensure a satisfactory form of development in the interests of the visual amenity of the area.

4. The development hereby permitted shall not be used unless and until the proposed parking spaces within the curtilage of the dwelling have been constructed, surfaced in bound porous material and laid out in strict accordance with the approved plan '01 – Amendment A' unless otherwise agreed in writing by the Local Planning Authority. Those spaces shall at all times remain unobstructed and available for parking thereafter.

 Reason: To maintain adequate parking for the development and to prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

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. Subject to appropriate conditions, the development would be acceptable in terms of the design and it would not adversely impact on residential amenity. 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.

19/0032/FUL Full: Change of use of two – storey office and solicitors (Use Classes B1a and A2) into Advanced Learning Centre at ground floor (Use Class D1) and beauticians at first floor (SG) (Retrospective) at 27 Manchester Road, Nelson for Mrs. Ruksana Alyas

RESOLVED

That Planning permission be **granted** subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan (Drawing Number 8025-06), Proposed Floor Plans (Drawing Number 8025-08) and Proposed Elevations (Drawing Numbers 8025-13).

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

2. The proposed uses hereby approved shall not operate outside of the following hours 09.00 to 20.00, Mondays to Sundays (including Bank Holidays).

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

3. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended), or any statutory instrument revoking and re-enacting that Order with or without modification ground floor of the premises shall be used for education and training purposed only, and for no other purpose including any other purpose with Use Class D1 if that Order.

Reason: In order to protect the residential amenity of the occupants of the adjoining residential properties.

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 proposal is acceptable in terms of policy, impact on amenity and highway safety and 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.

19/0033/ADV Advertisement Consent: Retention of 14 No. non-illuminated fascia signs to North, South and West elevations (Retrospective) at 27 Manchester Road, Nelson for Mrs. Ruksana Alyas

RESOLVED

That planning permission be **granted** subject to the following conditions:-

1. The installation of advertisements and signage hereby permitted shall be carried out in strict accordance with the following approved plans: Proposed Site Plan (drawing number 8025-06) Proposed Front Elevation (drawing number 8025-09 Proposed Side Elevation (drawing number 8025-10 Proposed Rear Elevation (drawing number 8025-11) and Proposed Elevations (drawing number 8025-13).

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

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the land entitled to grant permission.

Reason: Condition imposed by the Regulations.

3. No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air;
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: Condition imposed by the Regulations.

4. Any advertisement displayed and any site used for the display of advertisements shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: Condition imposed by the Regulations.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: Condition imposed by the Regulations.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Condition imposed by the Regulations.

(b) Planning Appeals

The Planning, Building Control and Licensing Services Manager reported that there were no new or outstanding appeals.

101. ENFORCEMENT/UNAUTHORISED USES

Enforcement Action

The Head of Legal Services submitted, for information, a report on outstanding enforcement cases in Nelson.

It was reported that the shutters at 115 Manchester Road had been replaced with inappropriately coloured PVC doors.

The Planning Officer said he would investigate the matter.

102. CAPITAL PROGRAMME 2018/19 AND 2019/20

The Housing, Health and Engineering Services Manager submitted a report regarding the committees 2018/19 and 2019/20 capital programme.

RESOLVED

- (1) That the report be noted
- (2) That the bids be deferred to the next meeting.

103. COMMUNITY INVESTMENT FUND

It was reported that the following Community Investment Fund bids had been agreed:-

Cllrs Whalley, Wick and Blackburn	£2,040 each	Walverden Park Rock/ Marshland Project
Cllr T Cooney	£2,040	Marsden Park Bowling Pavilion

104. PREMISE IMPROVEMENT GRANT – SUMMARY 2018-19

The Planning, Economic Development and Regulatory Services Manger submitted a report regarding progress made on the Nelson premises improvement grants scheme in the 2018/19 financial year.

RESOLVED

That the summary of the premises improvement grant scheme be noted.

105. ENVIRONMENTAL BLIGHT

The Housing, Health and Engineering Services Manager submitted a report regarding updates on existing sites and reported any new blight sites

RESOLVED

That the report be noted.

106.

ITEMS FOR DISCUSSION

(a) Environmental team – B&Q Car park

This item was deferred until the next meeting as the Councillor who raised this issue was absent from the meeting.

Chairman _____