

84. MINUTES

RESOLVED

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

85. PROGRESS REPORT

A progress report on action arising from the meeting of this Committee held on 7th October, 2019 was submitted for information.

86. POLICE AND COMMUNITY SAFETY PARTNERSHIP

There were no members of the police present.

87. PLANNING APPLICATIONS

Applications to be determined

The Planning, Economic Development and Regulatory Services Manager submitted a report on planning applications to be determined as follows:

19/0629/FUL Full: Proposed change of use of a taxi ground floor office (B1(a)) to a taxi business (Sui Generis) (Retrospective) at The Motor House, New Street, Nelson for Delta Taxis

(The Planning Officer submitted an update to the meeting)

RESOLVED

That planning permission be **granted** 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: TQRQM19227231105064, TQRQM19227230948552, Proposed Floor Plan

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

3. The premises, including the external parking area, shall not be open to visiting members of the public associated with the taxi business. No operational taxis shall be present on the premises, including the external parking area, outside of the hours of 7am to 6pm on any day.

Reason: In order that the Local Planning Authority can control the operation of the taxi office to protect the amenity of nearby residents and in the interest of highway safety.

4. A minimum of three car parking spaces within the parking area detailed on the drawing: Proposed Floor Plan shall at all times be maintained free from obstruction and available for use for staff parking associated with the taxi business use.

Reason: To ensure an adequate level of on-site car parking provision in the interest of highway safety.

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 use is acceptable in accordance with the Replacement Pendle Local Plan and Local Plan Part 1: Core Strategy. 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.

19/0763/HHO Full: Erection of a single storey rear extension (Retrospective) at 2 St Paul's Road, Nelson for Mr Mahmood Hussain

(The Planning Officer submitted an update to the meeting)

Before the vote was taken the Planning Officer advised that should the application be approved this was a significant departure from policy. The matter would be referred to the Head of Legal Services and subject to his agreement the decision would stand referred to the Policy and Resources Committee.

RECOMMENDATION

That the Policy and Resources Committee be recommended to approve the application and that enforcement action not be taken.

88. ENFORCEMENT/UNAUTHORISED USES

Enforcement Action

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

89. CAPITAL PROGRAMME 2019/20

The Housing, Health and Engineering Services Manager reported that the current balance for the 2019/20 capital programme was **£1**.

90. ENVIRONMENTAL CRIME

The Environmental Services Manager submitted, for information, a report regarding environmental Crime action in the Nelson area for the period 1st July to 30th September, 2019.

91. NELSON CEMETERY LODGE, WALTON LANE, NELSON

The Environmental Services Manager submitted a report which recommended that members request the Policy and Resources Committee to declare Nelson Cemetery Lodge, shown edged black including the cross hatched area on the map appended to the report, surplus to requirements in order for it to be marketed for sale and sold.

The property was unoccupied and a full programme of refurbishment was required to bring it back into use. Committee were advised that this would cost in the region of £85,000 including the creation of a parking area and access off Walton Lane. If the property was sold in its current condition the market value had been assessed at £150,000 but if it was refurbished this would be £225,000.

Members considered the option of demolishing the building to create additional space for burial plots. It was reported that there was currently only enough plots available for the next five years. As the building was in the grounds of the Cemetery the Council's Planning Department had advised that demolition was not an option.

RECOMMENDATION

- (1) That the Policy and Resources Committee be recommended not to declare Nelson Cemetery Lodge and the additional area edged black on the map attached to the report surplus to requirements.
- (2) That subject to agreement to (1) above the Policy and Resources Committee be recommended to agree that an application be made to the Secretary of State for the demolition of Nelson Cemetery Lodge.

REASON

To make available land for additional burial plots.

**92. PROPOSED DIVERSION OF PARTS OF PUBLIC FOOTPATHS NELSON
55 AND 237 AT CATLOW COURT, SOUTHFIELD, NELSON**

The Environmental Services Manger submitted a report as the council had received an application to divert a public footpath.

Details of the proposed diversion were appended to the report in Appendix 2.

The Committee considered the request and noted the two objections received. It was noted that there was a statutory 28 day notice period where further objections could be made.

RESOLVED

- (1) That the Head of Legal Services be authorised to make a public path order under Section 119 of the Highways Act 1980 to divert public footpaths Nelson 55 and 237, as illustrated in the map attached to the report in Appendix 2.
- (2) That if the order had been advertised and no objections received, or if any objections received were subsequently withdrawn, then the Head of Legal Services may confirm the order as an unopposed order. (Subject to the proviso that any consent required for the removal of the

hedge between points D and C had been obtained).

- (3) That if the order had been advertised and there were outstanding objections, the order and any objections received be sent to the Planning Inspectorate who, on behalf of the Secretary of State for the Department of Environment, Food and Rural Affairs, shall appoint an independent inspector to determine the order. (Subject to the same proviso in (2) above).

REASONS

- (1) ***In the interests of the owners of the land.***
(2) ***Subject to no objections being received the Council may confirm the order as an unopposed order without further approval from Committee.***
(3) ***If objections received and not withdrawn within the 28 day notice period then the Council would not have the legal powers to confirm the order.***

Chairman _____