

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

PRESENT –

Councillor F. Ahmad (Chair)

Councillors

*S. Ahmed
Z. Ali
M. Ammer
R. Anwar
M. Hanif
M. Iqbal
Y. Iqbal
Y. Tennant*

Co-optees

N. Emery (Nelson Town Centre Partnership)

Police

SGT C. McCoy

Officers in attendance:

*Alex Cameron
Jessica Robinson*

*Principal Planning Officer/Area Co-ordinator
Committee Administrator*

(An apology for absence was received from Councillor A. Mahmood.)



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

<i>Atiq Rehman</i>	<i>24/0452/FUL - Full: Conversion and extension of an outbuilding to form 1 no. dwelling at 17 Highgate, Nelson</i>	<i>Minute No. 143a</i>
<i>Steven Hartley Wendy Hemsworth</i>	<i>24/0542/FUL - Full: Change of use with extensions from an agricultural building to a holiday let (Use Class C3) at Agricultural Building and on Land to the West of Southfield House, Southfield Lane, Southfield</i>	
<i>Javed Khan</i>	<i>24/0693/FUL - Full: Erection of a single storey first floor extension to existing building at Whitefield Community Centre, 212A Manchester Road, Nelson</i>	



138.

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.

139. PUBLIC QUESTION TIME

There were no questions from members of the public.

140. MINUTES

RESOLVED

That the Minutes of the meeting held on 3rd February, 2025 be approved as a correct record and signed by the Chair.

141. PROGRESS REPORT

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

142. POLICE ISSUES

SGT C. McCoy was in attendance to speak about a new operation, Clear Hold Build, that he, together with three other dedicated Police Officers, would be launching in April-May 2025. The operation would run in the Bradley, Brierfield East and Clover Hill and Whitefield and Walverden Wards of Pendle. These Wards had been specifically chosen due to historic issues with disorder, drugs, unemployment, health inequality and deprivation.

The operation would involve partner agencies and also communities to empower them to build their resilience against crime and its effects.

SGT McCoy was aware of the current distrust of the Police in the chosen communities and was committed to building trust, confidence and cohesiveness through the operation.

Members of the Committee would be asked for their assistance going forward, their knowledge would be invaluable to the successful delivery of the operation.

143. 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: -

24/0264/FUL Full: Erection of a three storey building to create 3 no. flats on Storage Land to the North West of 51 to 61 Milton Street, Nelson for Mr. Mohammed Aslam

RESOLVED

That determination of this application be **deferred** to the next meeting of this Committee to allow the Applicant opportunity to provide information as to the structural stability of the site and the impact on important infrastructure.

24/0294/TDC Technical Details Consent: Erection of 4 no. dwellings of Permission in Principle 23/0092/PIP at 27 Highgate, Nelson for Mr. Ajaz Aslam

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: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Temporary Cut Assessment Rev A , AS/01A Dwg 02D, AS/01A Dwg 03, , AS/01A Dwg 04C, , AS/01A Dwg 06B, , AS/01A Dwg 00, , AS/01A Dwg 01, , AS/01A Dwg 05, Town & Country Planning Act 1990 Town & Country Planning (Technical Details Consent) (Amendment) Order 2017 GRANT OF PLANNING PERMISSION (TECHNICAL DETAILS CONSENT).

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

3. No development whatsoever shall commence on site unless and until a full engineering report has been submitted to and approved in writing by the Local Planning Authority. The report shall provide structural calculations and a design for the method of retaining the bank to the rear of the site. It shall also set out the timing for the provision of the work in relation to the development of the remainder of the site. The works shall thereafter be undertaken in strict accordance with the approved design and timing.

Reason: In order to ensure the site is developed and that the land is stable to prevent a danger to the occupants of the dwelling.

4. Prior to the commencement of development samples of all the external facing materials, boundary treatment and all hard surfacing, including parking areas and paving of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

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

5. Prior to the first occupation of the dwelling on plot 2 the 1.8m high fence shown on drawing "Temporary Cut Assessment Rev A shall be provided. It shall thereafter be retained.

Reason: In order to ensure the privacy of the occupants of number 27.

6. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- a. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- b. A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations); (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- c. (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- d. Foul and surface water shall drain on separate systems. The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

7. Samples of the materials to be used on the walls, windows and doors of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before they are installed on site. The materials used the after shall strictly accord with the approved details. The materials to be used on the roofs shall be natural slate.

Reason: In order to ensure the external appearance of the dwellings is acceptable.

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

8. Prior to the commencement of development, a scheme of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

9. The recommendations detailed in the Preliminary Ecological Appraisal shall be carried out prior to any above ground works at the site. Any further necessary mitigation measures identified should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any further development. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To protect natural species and their habitats.

- 10.** Prior to the commencement of development a scheme for the construction of the site access shall be submitted to and approved in writing by the Local Planning Authority. All works shall be implemented in accordance with the approved scheme.

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.

- 11.** For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the highway to the detriment of road safety.

- 12.** No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the 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) Measures to control the emission of dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works
- vii) Details of working hours

Reason: To minimise the impact and disruption to highway users

- 13.** Prior to first occupation the dwelling shall have an electric vehicle charging point.

Reason: To encourage sustainable travel.

- 14.** The car parking shown on the approved plans shall be constructed, laid out and surfaced in a bound porous material and made available prior to the first occupation of the dwelling. The spaces shall thereafter at all times be retained for the parking of cars associated with the occupants of the dwelling.

Reason: In order to ensure the site is provided with adequate off-street parking in the interests of highway safety.

- 15.** The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following: **a.** the exact location and species of all existing trees and other planting to be retained; **b.** all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities; **c.** an outline specification for ground preparation; **d.** all proposed boundary treatments with supporting elevations and construction details; **e.** all proposed hard landscape elements and paving's, including layout, materials and colours; **f.**

the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas. The approved scheme shall be implemented in its entirety 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 or damage.

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

16. No development shall be commenced until a scheme for the construction of the site access and off-site highway works to include a footway on one side of Highgate for its full length has been submitted to and approved in writing by the Local Planning Authority. The works shall be constructed in accordance with the approved details prior to first occupation, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For highway and pedestrian safety.

17. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the access road proposed have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

18. Within three months of the start of development details of the proposed arrangements for the future management and maintenance of the proposed access road within the development, including written confirmation that it will not be offered to the Highway Authority for adoption, shall be submitted to and approved by the Local Planning Authority. The road shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the street infrastructure serving the approved development; and to safeguard the users of the street and visual amenities of the locality.

19. The new internal access road from Highgate shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site and fully 4 constructed to final road levels as shown on the Proposed Site Plan (Drawing 02C) prior to occupation of the first dwelling.

Reason: In the interest of highway safety.

20. The new internal access road shall be constructed to a gradient no steeper than 1:24.

Reason: In the interest of highway safety and residential amenity.

21. The proposed 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 areas including garages shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

22. Prior to the commencement of development an intrusive site investigation into the potential contamination on site and potential for methane gas and a full remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall then only proceed in strict accordance with the approved details. A validation Report shall be submitted to and approved in writing by the Local Planning Authority at the end of the development. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

Reason: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed and that the site can be made suitable for the proposed use and does not pose a risk to future users of the site or the wider environment.

BNG Condition

Development may not be begun unless:

- (a) a biodiversity gain plan has been submitted to the Planning Authority; and
- (b) The Planning Authority has approved the plan.

NB: A section 106 Agreement will be required for any off site BNG provision and any monitoring costs associated with that for Pendle Borough Council.

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.

24/0452/FUL Full: Conversion and extension of an outbuilding to form 1 no. dwelling at 17 Highgate, Nelson for Mr. Atiq Rehman

Determination of this item was deferred from the meeting held on 6th January, 2025 to allow for a site visit. The site visit took place on 3rd February, 2025.

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: LU279P203C, LU279P202.

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

3. No windows other than those shown on the approve drawing LU279P203C shall at any time be inserted in the rear elevation. The first floor windows on the rear elevation shown on the approved drawing LU279P203C shall at all times be obscurely glazed to level 5 and shall be hung in such a way so as to prevent overlooking when the windows are open.

Reason: In order to protect the privacy of the occupants of the adjoining dwelling.

4. The facing materials to be used externally on the development hereby authorised shall be as stated on the plans an application forms.

Reason: These materials are appropriate for the design of the property.

5. The car parking space on the site shall at all times be available for the parking of a car in association with the residents of the property.

Reason: To ensure that there is car parking available on the site to prevent excessive parking on the estate road.

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.

24/0542/FUL Full: Change of use with extensions from an agricultural building to a holiday let (Use Class C3) at Agricultural Building and on Land to the West of Southfield House, Southfield Lane, Southfield for Mr. F Owen

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: FO-23-07-24-B.

Reason: For the avoidance of doubt and in the interests of proper planning.
3. The development to be used for holiday purposes.
4. Prior to the first use of the building hereby permitted the car parking area shown on the approved plans shall be laid out and made available for use. It shall thereafter at all times be available for the parking for vehicles used in association with the holiday let

Reason: In the interest of highway safety.
5. The septic tank on site shall at all times be maintained properly.

Reason: In order to ensure smells do not affect the occupants of the holiday let.
6. Within 1 month of the commencement of development a landscaping scheme shall be submitted to the Local Planning Authority. This shall include a schedule of the timing of works, details of trees to be retained and planted, hard standing areas, grassed areas and the proposed boundary treatment with the Methodist Chapel. The approved landscaping scheme shall be implemented in accordance with the approved schedule of works. The landscaping shall be maintained for 5 years during which any loss of trees shall be replaced with opening of a similar species and size. The boundary treatment with the Methodist Chapel shall be retained at all times in strict accordance with the approved scheme.

Reason: In order to ensure the site is properly landscape to integrate into the landscape of the area and to ensure that the setting of the adjacent listed building is protected.
7. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: In order to control the external appearance of the building and the development within the curtilage to protect the setting of the adjacent grade 2 listed building.
8. The dwelling shall be occupied for holiday purposes only:

Reason: The development is in a location and form that would not otherwise be acceptable other than for tourist accommodation.

9. No part of the development shall be commenced unless and until a Construction Code-of-Practice statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A program of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
 - b) The areas and methods of loading and unloading of plant and materials.
 - c) The areas for the storage of plant and materials.
 - d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.

Reason: In order to ensure that the development is constructed without detriment to the amenity of adjacent residence premises.

10. Prior to the first occupation of the development hereby permitted a foul and surface water attenuation scheme shall have been installed and be fully functional in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure the site is properly drained and in order to prevent pollution.

11. Samples of the materials to be used on the development and outside surfaces shall be submitted to and approved in writing prior to any above ground works being commenced. The materials used thereafter shall strictly accord with the approved details.

Reason: In order to ensure the satisfactory appearance of the development and to protect and preserve the appearance of the conservation area and heritage assets.

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.

24/0693/FUL Full: Erection of a single storey first floor extension to existing building at Whitefield Community Centre, 212A Manchester Road, Nelson for Mr. M Hassan

A petition, containing seventeen signatures, objecting to the planning application was submitted at the meeting.

RESOLVED

That planning permission be **refused** for the following reasons: -

1. There is insufficient information relating to the extraordinary events to the proposed development to demonstrate that the proposed development would not have a detrimental impact on the surrounding highway network. The proposed development would increase the floor area which would require 20 parking spaces to be provided. There is no additional parking provision available and none can be provided, therefore the proposed development would result in a significant impact on highways safety and capacity in the immediate vicinity of the site, it would be contrary to Policy ENV4 of the Local Plan: Part 1 Core Strategy and Policy 31 of the Replacement Pendle Local Plan and paragraph 116 of the National Planning Policy Framework.
2. The proposed development would represent poor design due to the design, materials, massing and fenestrations in an area characterised by natural stone and terraced dwellings, the impact to the conservation area would be less than substantial harm, but that harm would not be outweighed by public benefits. The development would be contrary to Policy ENV1 and ENV2 of Pendle Local Plan Part 1: Core Strategy, the Conservation Area Design and Development Guidance SPD, the Design Principles SPD and Paragraph 215 and Paragraph 139 of the National Planning Policy Framework.

24/0782/HHO Full: Erection of dormer windows to front and rear roof slopes and the erection of a single storey rear kitchen extension at 14 East Street, Nelson for Mrs. Shahida

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 kitchen extension to 4m 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: AB0207 – 02A; AB0207 – 01A; AB0207 – 0A (10 Feb 2025).
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.

24/0835/HHO Full: Erection of a front dormer at 17 Hillside View, Brierfield for Mr. Kashif Hussain

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: 2219-05, 2219/100.

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

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.

24/0854/FUL Full: Change of use of part of a ground floor of a dwelling (Use Class C3) to a dessert shop (Use Class E(a)) at 181 Leeds Road, Nelson for Mr. Mohammad Ibrahim Rana

RESOLVED

That determination of this application be **deferred** to allow the Applicant opportunity to provide a sequential test to establish that no suitable alternative site is available within Nelson town centre.

(b) Planning Appeals

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

144. ENFORCEMENT ACTION

The Head of Legal and Democratic Services submitted an update on enforcement matters.

One of the Councillors expressed disappointment that they had not been consulted prior to an enforcement case being opened on 391 Kings Causeway, Brierfield (Case 7). The Councillor was aware of some extenuating circumstances and did not feel taking enforcement action was an appropriate course of action in this case. The Councillor requested that a more detailed report on the case, in which all the issues could be discussed, be submitted to a future meeting of this Committee.

The Principal Planning Officer explained that there was an outstanding appeal against the Enforcement Notice and that no enforcement action would be taken until that appeal was determined.

RESOLVED

That the Head of Legal and Democratic Services be requested to submit a more detailed report on 391 Kings Causeway, Brierfield (Case 7) to a future meeting of this Committee.

REASON

There are extenuating circumstances in the case that need to be taken account of prior to any further action being taken.

145. AREA COMMITTEE BUDGET 2024/2025

The Head of Housing and Environmental Health reported that the Committee had allocated all its 2024/2025 Budget. A full report would be submitted in due course.

146. PROPOSED DIVERSION OF PUBLIC FOOTPATH FP1306128 AT GIB CLOUGH HEAD, SOUTHFIELD LANE, NELSON

The Assistant Director Operational Services submitted a report to seek Members' approval, or otherwise, to divert Public Footpath FP1306128 at Gib Clough Head, Southfield Lane, Nelson, as per the proposal detailed in paragraph 1 of the report and illustrated on the Proposals Map attached to it at Appendix A.

The diversion had been proposed because it was needed to allow a development with planning permission to be carried out (22/0582/FUL - Full: Demolition of existing mixed-use building (Use

Class: Mixed Agricultural and Equine Use) and erection of replacement building (10.4m x 14.6m) to be used for the same mixed-use purpose).

Informal consultation had been undertaken with Marsden and Southfield Ward Councillors, Lancashire County Council, Nelson Town Council, statutory utility providers and representatives of The Ramblers and the Peak and Northern Footpath Society. There had been no objections to the proposal.

The report assessed the proposals against legal criteria and further set out other considerations regarding the practical impact on the public need that needed to be made prior to the making and confirmation of a Diversion Order.

The Applicant had agreed to pay the administrative and legal costs associated with the proposal.

Following discussion Members determined that the Diversion Order should be made.

RESOLVED

- (1) That the report be noted.
- (2) That the Head of Legal and Democratic Services be authorised to make a Diversion Order to divert Public Footpath FP1306128 at Gib Clough Head, Southfield Lane, Nelson, as per the proposal detailed in paragraph 1 of the report and illustrated on the Proposals Map attached to it at Appendix A.
- (3) That, in the event of no objections being received, the Order be confirmed as an unopposed Order.
- (4) That, should objections be received and not withdrawn, the Order be sent to the Secretary of State (DEFRA) to be confirmed.

REASONS

- (1) The footpath needs to be diverted to allow a development with planning permission to be carried out.***
- (2) The diversion can only come into effect if a Diversion Order is made and confirmed.***
- (3) In the event of objections, the Order cannot be confirmed by the Council and must be sent to DEFRA which appoints an Inspector to make a decision on behalf of the Secretary of State.***

147. ENVIRONMENTAL BLIGHT

Members were advised that there were currently no Environmental Blight sites in Nelson, Brierfield and Reedley.

Any new sites should be reported to Tricia Wilson (tricia.wilson@pendle.gov.uk) with a brief description of the site and the problem along with contact details.

Chair _____