

UPDATE REPORT

**FOR DEVELOPMENT CONTROL COMMITTEE
MEETING OF 16 MARCH 2021**

Item B1 2020/0590 - Hawthorne Farmhouse Also Use Of Building At Lower Whams

Since publication of the report, Members' attention is drawn to the following:

Changes to planning conditions

Condition 19

The condition should be amended to include the text in red:

Prior to first opening, improvements to the section of Public Right of Way (14-4-FP169) which runs to the western side of the site and through part of the site from the south of the parking area to where it intersects Public Right of Way (14-4-FP170) shall be submitted to, and approved in writing by, the Local Planning Authority. The width should be a minimum of 2m wide with adequate drainage and the access to the land to the south should have a kissing gate for stock control. The works shall be completed in accordance with the approved details prior to first opening, and shall thereafter be retained at all times.

Reason: In the interests of pedestrian amenity.

Condition 20

After further consideration and inspection, public footpath 170 is not visible on the ground through the woodland. As such it is unreasonable to impose a planning condition requiring the footpath to be diverted. Officers therefore recommend that the condition be deleted.

Condition of access road

Officers have visited the site again to inspect the condition of the access road. The condition is fair. It is reasonable to impose a condition that requires the applicant to make good any damaged caused to the road resulting from the construction works. Therefore, the following additional condition is recommended:

Prior to commencement of the development, the developer shall carry out a condition survey of the access road and submit the results including photographs to the Local Planning Authority for its written approval. A repeat survey shall then be carried out and the results, including a scheme for repair, shall be submitted to the

Local Planning Authority for written approval. The approved scheme of repair shall be completed prior to first opening.

Reason: In the interests of highway safety.

Environmental credentials

The following additional condition is recommended:

“Prior to commencement of development, a sustainability statement, setting out the sustainability credentials / environmental measures to be incorporated into the development, shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be completed prior to the first opening and shall thereafter be satisfactorily retained at all times.

Reason: In the interests of securing sustainable development.

Land ownership

Since publication of the report, RBC Property Services has informed Planning Officers that the land subject to this application is part of an adverse possession claim by the applicant, with Rossendale Borough Council. Property Services confirm that the majority of the application site is within their ownership, and as such, object to the proposed development. However, the applicant has served notice on the Council, and in doing so has fulfilled their planning legal requirements. Land ownership is not a material consideration. It is a matter to be resolved outside of the planning process, between the relevant parties.

Mike Atherton
Planning Manager
16 March 2021