

**MINUTES OF: DEVELOPMENT CONTROL COMMITTEE**

**Date of Meeting: Thursday, 3<sup>rd</sup> February 2005**

**PRESENT: Councillor Wadsworth (in the Chair);  
Councillors Atkinson, L. Barnes, Crosta, Entwistle,  
Lamb, Neal, S. Pawson, Robertson, Swain and Thorne**

**IN ATTENDANCE: Mr B S Sheasby, Development Control Manager  
Mr M Weston, Head of Legal and Democratic Services  
Miss Helen Longworth, Planning Officer  
Mrs H Moore, Administrative Assistant**

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**395. MINUTES**

**Resolved:**

That the Minutes of the meeting of the Committee held on the 13<sup>th</sup> January 2005 be signed by the Chair as a correct record.

**396. DECLARATIONS OF INTEREST**

Members of the Committee were asked to consider whether they had an interest in any matters to be discussed at the meeting and the following interest was declared:-

Councillor S. Pawson declared a prejudicial interest in Minute Number 399 (Planning Application Number 2004/651) by virtue of a family member residing in the vicinity of the proposed application. Councillor S. Pawson vacated the meeting during the discussion on and consideration of the application.

**397. APPLICATION NUMBER 2004/511  
DEMOLITION OF EXISTING SUPERMARKET (6768 SQUARE METRES WITH  
EXTENSION) AND ERECTION OF REPLACEMENT SUPERMARKET  
BUILDING (7432 SQUARE METRES) (OUTLINE APPLICATION)  
AT: BOCHOLT WAY, RAWTENSTALL**

Councillor Neal declared that he had been lobbied on this application.

The Development Control Manager informed the Committee that objections appertaining to the application had been withdrawn.

In accordance with the procedure for public speaking Mr Martin Twigg on behalf of Peel Investments North Ltd spoke in favour of the application.

A proposal was moved and seconded that the Committee were minded to approve the application, subject to conditions and to refer the application to the Government Office for the North West due to the scale of the development and subject to the Secretary of State's decision, the Development Control Manager be authorised to issue the decision notice.

Voting took place on the proposal, the result of which was as follows:-

<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
Wadsworth	✓		
S. Pawson	✓		
Lamb	✓		
Atkinson	✓		
L. Barnes	✓		
Crosta	✓		
Entwistle	✓		
Neal	✓		
Robertson	✓		
Swain	✓		
Thorne	✓		
<b>TOTALS</b>	11		0

**Resolved:**

1. That the Committee be minded to approve the application, subject to the conditions set out below but since the approval of the application is for retail development in excess of 2500 square metres gross floor area the application be referred to the Government Office for the North West;
2. That subject to any decision of the Secretary of State, the Team Manager Development Control be authorised to issue the decision notice, for the reasons set out below and subject to the conditions set out below.

**REASONS**

It is considered that this is appropriate retail development having regard to the terms of policy S1 of the Rossendale District Local Plan, policies 46 and 47 of the Lancashire Structure Plan 1991 -2006, policy 16 of the Draft Joint Lancashire Structure Plan 2001-2016, and the advice contained within PPG6 and PPS6. Furthermore, it is contended that the development will not have an adverse impact upon the safe and free flow of other vehicular traffic using the surrounding road network.

## **CONDITIONS**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
Reason:- Required by Section 92 of the Town and Country Planning Act 1990
2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
Reason:- The application is in outline form only and not accompanied by full and detailed plans.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason:- Required by Section 92 of the Town and Country Planning Act 1990.
4. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting those Orders or either of them, with or without modification, not more than 4608 square metres floor area (net) of the store shall be used for shopping purposes (use class A1).  
Reason:- To safeguard the viability and vitality of the Town Centre, in accordance with policy S1 of the Rossendale District Local Plan.
5. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting those Orders or either of them, with or without modification, no more than 35% of the 4608 square metres of net retail floor space hereby approved shall be used for the sale of comparison goods.  
Reason:- To safeguard the vitality and the viability of the Town Centre, in accordance with policy S1 of the Rossendale District Local Plan.
6. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting those Orders or either of them with or without modification, the building shall not be subdivided into smaller retail units without the prior written approval of the Local Planning Authority.

Reason: To safeguard the vitality and the viability of the Town Centre, in accordance with policy S1 of the Rossendale District Local Plan.

7. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting those Orders or either of them with or without modification, the retail store, hereby approved, shall be operated solely by a food operator.  
Reason:- To safeguard the vitality and the viability of the Town Centre, in accordance with policy S1 of the Rossendale District Local Plan.
8. The total floor space of the approved building shall not exceed 7432 square metres.  
Reason:-To safeguard the vitality and the viability of the Town Centre, in accordance with policy S1 of the Rossendale District Local Plan.
9. Development shall not commence until a scheme for the construction of the accesses to the site, and for off site highway improvements, has been submitted to, and approved in writing by, the Local Planning Authority. The latter shall include for improvements to the traffic signals at Bury Road/Bocholt Way junction, the provision of pedestrian crossing facilities on Bury Road and a Toucan crossing on Bocholt Way, and the provision of a pedestrian/cycle link along Bocholt Way. The development shall not be brought into use until the approved site access and highway improvement works have been completed in accordance with the approved details.  
Reason:- In the interests of highway safety, in accordance with policies DC.1 and T.6 of the Rossendale District Local Plan.
10. Unless otherwise agreed in writing by the Local Planning Authority, 496 car parking spaces (including 50 mobility spaces) 50 bicycle and 22 motorcycle spaces (the latter to be covered and made secure) shall be provided in conjunction with the development hereby approved. Details of the proposed layout of these spaces, the design of the covered bicycle/motorcycle areas, and the means of surfacing, sealing and draining of all areas to be used by vehicles, bicycles and motorcycles, shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. These areas shall be surfaced, sealed and drained in accordance with the approved details, and laid out in the approved manner, before the store is first brought into use. They shall thereafter be retained at all times solely for the parking and turning of vehicles, bicycles and motorcycles in conjunction with the approved store, and to allow such vehicles access to and from the development.  
Reason:- To ensure adequate off-street parking and turning to permit vehicles to leave the site in a forward gear in the interests of highway safety, in the interests of securing sustainable development, and in accordance with policies DC.1, T.4 and T.7 of the Rossendale District Local Plan.

11. Visibility splays of 4.5 metres x 60 metres, shall be provided on either side of the service vehicle access from Bury Road before the building, hereby approved, is first brought into use. Thereafter nothing that exceeds one metre in height, measured from the level of that highway, shall at any time be erected or planted within those splays.  
Reason:- To ensure adequate visibility at the street junction or site access in the interests of pedestrian and highway safety, in accordance with policy DC.1 of the Rossendale District Local Plan.
12. The gradient of the service access road shall not exceed 1 in 17 from a point measured five metres in from the back edge of Bury Road.  
Reason: In the interests of highway safety in accordance with policy DC.1 of the Rossendale District Local Plan.
13. Development shall not commence until a Travel Plan, detailing proposals for accessing the site by means other than the private car, has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall thereafter be implemented in accordance with the approved details.  
Reason:- In the interests of securing a sustainable form of development, in accordance with policy DC.1 of the Rossendale District Local Plan.
14. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through oil interceptors designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not be passed through the interceptor.  
Reason:- To prevent pollution of the water environment in accordance with policy DC.1 of the Rossendale District Local Plan.
15. Unless otherwise agreed in writing by the Local Planning Authority, electronic bus departure screens, linked to the bus station, shall be provided within the new store.  
Reason:- In the interests of securing a sustainable form of development, in accordance with policy DC.1 of the Rossendale District Local Plan.
16. Prior to the development commencing:-
  - a) a contaminated land Phase One report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA),
  - b) Should the Phase One report recommend that a Phase Two investigation is required, a Phase Two investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority
  - c) Should the Phase Two investigations indicate that remediation is necessary then a Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The

remedial scheme in the approved Remediation Statement shall then be carried out.

Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use or occupation of any part of the development hereby approved.

Reason: To ensure the development is suitable for its end use and the wider environment in accordance with policy DC.1 of the Rossendale District Local Plan.

17. Development shall not commence until details of the existing and proposed site levels, and the proposed finished floor level of the new building, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved level details.

Reason:- To minimise the risk of flooding to the development and to ensure that the development harmonises with its surroundings, in accordance with the policy DC.1 of the Rossendale District Local Plan.

18. Development shall not commence until details of the proposed treatment of the site boundaries have been submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatment shall be completed in accordance with the approved details before the store is first brought into use, and shall thereafter be retained at all times.

Reason:- In the interests of amenity and to protect and enhance the adjoining watercourses, in accordance with policy DC.1 of the Rossendale District Local Plan.

19. Details of crime prevention measures, to be carried out as part of the development, shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved measures shall be implemented in accordance with the approved details and thereafter retained at all times.

Reason:- In the interests of designing out crime in accordance with policy DC.1 of the Rossendale District Local Plan.

**398. APPLICATION NUMBER 2004/512  
DEMOLITION OF INDUSTRIAL UNIT AND ERECTION OF STONE BUILT  
DWELLINGS  
AT: LAND OFF CLOUGH END ROAD, HASLINGDEN**

Councillors Atkinson and Neal declared that they had been lobbied on this application.

In accordance with the procedure for public speaking Mr Donald Hendry spoke against the application and Mr Steven Hobday (Developer) spoke in favour of the application. Councillor Ruddick in his capacity as ward member, also spoke on the application.

A proposal was moved and seconded to approve the application, subject to conditions. Voting took place on the proposal, the result of which was as follows:-

<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
Wadsworth	✓		
S. Pawson	✓		
Lamb	✓		
Atkinson		✓	
L. Barnes	✓		
Crosta	✓		
Entwistle	✓		
Neal	✓		
Robertson	✓		
Swain	✓		
Thorne		✓	
<b>TOTALS</b>	9	2	0

**Resolved:**

That planning permission be granted for this application for the reasons set out below and subject to the conditions set out below:-

**REASONS**

Residential development on this site was approved in principle on 22nd August 2004 (2003/440). Whilst the Council’s interim housing policy excludes Haslingden from defined priority areas this guidance is in draft form and currently carries little weight in the determination process. Having regard to the extant outline planning permission (2003/440) the proposal is considered to be acceptable in land-use principle. The development would not cause material harm to residential/visual amenity or highway safety thereby according with Policy DC1 of the Rossendale District Local Plan. The proposed development would seek to make efficient use of a brownfield site thereby according with Government guidance in the form of PPG 3.

**CONDITIONS**

1. The development permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with amended plans received on 20<sup>th</sup> January 2005.  
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.
3. The development shall not be commenced until full details, including representative samples, of the natural stone and slate external materials of construction to be used on the roof and walls of the development have been submitted to and first approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with details approved.  
Reason: To ensure a satisfactory appearance to the development and to accord with Policy DC4 of the Rossendale District Local Plan
4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.  
Reason: In the interests of visual amenity having regard to Policy DC1 of the Rossendale District Local Plan.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species,  
Reason: In the interests of visual amenity having regard to Policy DC1 of the Rossendale District Local Plan.
6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that order with or without modification) no development shall be carried out on the site within the terms of class(es) A, B, C, D & E, part 1 of Schedule 2 of the Order, without the prior consent of the Local Planning Authority.  
Reason: In the interests of the character of the countryside having regard to Policy C1 of the Rossendale District Local Plan
7. None of the dwellings hereby approved shall be occupied until the stone boundary wall at the site access has been removed to a height of no greater than 1 metre. No trees or shrubs shall be erected within sightlines which should be provided at 2.4 metres x 60 metres.  
Reason: In the interests of highway safety having regard to Policy DC1 of the Rossendale District Local Plan.

8. No dwelling hereby approved shall be occupied until such time as the vehicular access to the site and the internal highway layout has been constructed in accordance with the Lancashire County Council specification for the construction of estate roads to at least base course level and thereafter prior to first occupation of the sixth and last dwelling the internal highway layout and vehicular access to the site shall be completed to adoption standard.  
Reason: In the interests of highway safety having regard to Policy DC.1 of the Rossendale District Local Plan.

**399. APPLICATION NUMBER 2004/651  
 OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT  
 AT: LAND OFF LANESIDE ROAD, HASLINGDEN**

No Councillors had been lobbied on this application.

In accordance with the procedure for public speaking Mr George Staples spoke in favour of the application.

A proposal was moved and seconded to refuse the application.

Voting took place on the proposal, the result of which was as follows:-

<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
Wadsworth		✓	
Lamb	✓		
Atkinson	✓		
L. Barnes	✓		
Crosta	✓		
Entwistle		✓	
Neal	✓		
Robertson	✓		
Swain		✓	
Thorne	✓		
<b>TOTALS</b>	<b>7</b>	<b>3</b>	<b>0</b>

**Resolved:**

That planning permission be refused for the following reason:-

The proposed development is not currently required to meet the housing requirements of the Borough. The proposal is therefore considered to be contrary to the provisions of policy 43 of the Lancashire Structure Plan 1991 -2006 and policy 12 of the Proposed Changes (Deposit Edition) Joint Lancashire Structure Plan 2001 – 2016.

- 399a. APPLICATION NUMBER 2004/763  
CONVERSION OF CHAPEL TO 14 APARTMENTS (6 ONE BEDROOM AND 8 TWO BEDROOM)  
AT: FORMER WHITWORTH METHODIST CHAPEL, 285 MARKET STREET,  
WHITWORTH**
- 399b. APPLICATION NUMBER 2004/762  
SURFACE OF EXISTING YARD TO FORM CAR PARK; RE-SITING OF  
EXISTING GARAGES  
AT: GARAGE SITE AT FORMER WHITWORTH METHODIST CHAPEL, 285  
MARKET STREET, WHITWORTH**

The Development Control Manager informed the Committee of a representation in support of the applications which was received since the preparation of his report.

Councillors Wadsworth and Neal declared that they had been lobbied on the applications.

In accordance with the procedure for public speaking Mrs Susan Woosey spoke against the applications.

Notwithstanding notice of his intention to speak not having been received in accordance with the procedure for public speaking Mr Tony Cocker spoke in favour of the applications.

Councillor D. Barnes in his capacity as ward member, also spoke on the applications.

A proposal was moved and seconded that the Committee were minded to approve Application Number 2004/763 but since the approval of the application would involve a departure from Policy 43 of the Lancashire Structure Plan 1991-2006 of the Rossendale District Local Plan the application be referred to the Government Office for the North West and subject to any decision of the Secretary of State, the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for contributions towards public transport infrastructure in lieu of 'off street' parking provision and the Team Manager Development Control be authorised to approve the said application, subject to the conditions and on completion of such Section 106 agreement.

Voting took place on the proposal, the result of which was as follows:-

<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
Wadsworth	✓		
S. Pawson	✓		
Lamb	✓		
Atkinson	✓		
L. Barnes	✓		
Crosta	✓		
Entwistle	✓		
Neal	✓		
Robertson	✓		
Swain	✓		
Thorne	✓		
<b>TOTALS</b>	11		0

**Resolved:**

1. That the Committee be minded to approve Application Number 2004/763, for the reasons set out below and subject to the conditions set out below but since the approval of the application would involve a departure from Policy 43 of the Lancashire Structure Plan 1991-2006 of the Rossendale District Local Plan the application be referred to the Government Office for the North West;

2. That subject to any decision of the Secretary of State, the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 requiring the payment of a contribution towards public transport infrastructure in lieu of 'off street' parking provision and the Team Manager Development Control be authorised to issue the decision notice for the reasons set out below and subject to the conditions set out below and on completion of such Section 106 agreement.

**REASONS**

It is considered that the development satisfies the requirements of policy DS.1,DC.1, HP.2 and HP.4 of the Rossendale District Local Plan. It is contended, notwithstanding the Council's normal planning policy, that the creation of additional dwellings can be justified in this instance in the interests of retaining this important building. The re-use of the building for residential purposes is considered appropriate having regard to its location and the nature of its surroundings. It is considered that the proposed conversion works will retain the character of the building and that the converted building will appear in keeping with, and relate in a satisfactory manner to, its surroundings. The proposal will not give rise to unacceptable overlooking of adjoining properties provided that conditions are imposed requiring the use of obscure glazing where appropriate. Finally, it is contended that the proposal will be acceptable in highway terms provided that the applicants make an agreed public transport contribution.

## **CONDITIONS**

1. The development permitted shall be begun before the expiration of five years from the date of this permission.  
Reason:- The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.
2. All the external materials and finishes to be used on the roof and elevations of the development shall match those on the existing building in terms of type, size, shape, thickness, colour and texture.  
Reason:- To ensure the use of appropriate materials to protect the character and appearance of the building, in accordance with policies DC.1, DC.4, HP.2 and HP.4 of the Rossendale District Local Plan.
3. All new stonework to be used to make good damage to window, door or other openings on the building shall be of matching stone in terms of type, size, shape, thickness, texture and colour.  
Reason:- To ensure the use of appropriate materials to protect the character and appearance of the building, in accordance with policies DC.1, DC.4, HP.2 and HP.4 of the Rossendale District Local Plan.
4. No works shall take place on the site until the applicant, or their agent, or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to, and agree in writing by, the Local Planning Authority.  
Reason:- To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site having regard to Policy 23 of the Lancashire Structure Plan.
5. The windows hatched red on approved drawing number J131 – 010B shall be obscure glazed to a height of 1.68 metres (5'6") measured from finished floor level unless otherwise agreed in writing by the Local Planning Authority. Details of the obscured glass to be used shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved obscured glass shall be installed in the approved positions before the flats hereby approved are first occupied and shall thereafter be retained at all times.  
Reason: To safeguard the amenity of nearby residential properties, in accordance with policy DC.1 of the Rossendale District Local Plan.
6. Details of the proposed treatment of the site boundaries, which shall make provision for the retention of all existing stone boundary walls, shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved boundary treatment shall be completed in accordance with the approved details before any of the

flats hereby approved are first occupied and shall thereafter be retained at all times.

Reason:- In order to ensure the satisfactory appearance of the development and safeguard the character and appearance of this Listed Building, in accordance with policies DC.1 and DC.4 HP.2 and HP.4 of the Rossendale District Local Plan.

7. Construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with policy DC.1 of the Rossendale District Local Plan.

A proposal was moved and seconded to approve Application Number 2004/762, subject to conditions. Voting took place on the proposal, the result of which was as follows:-

<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
Wadsworth	✓		
S. Pawson	✓		
Lamb	✓		
Atkinson	✓		
L. Barnes	✓		
Crosta	✓		
Entwistle	✓		
Neal	✓		
Robertson	✓		
Swain	✓		
Thorne	✓		
<b>TOTALS</b>	11		0

**Resolved:**

That planning permission be granted for Application Number 2004/762 for the reasons set out below and subject to the conditions set out below:-

**REASONS**

It is considered that the development satisfies the requirements of policies DC.1, H.2, HP.2 and T.13 of the Rossendale District Local Plan. It is contended that the proposal will not give rise to any undue highway safety problems. Conditions are imposed designed to ensure the satisfactory layout and appearance of the revamped car park, and to secure suitable security measures.

## **CONDITIONS**

1. The development permitted shall be begun before the expiration of five years from the date of this permission.  
Reason:- The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.
2. This approval relates to the details shown on drawing number J131-012/A received by the Local Planning Authority on 26 November 2004.  
Reason:- For the avoidance of doubt and in order to ensure compliance with policies DC.1, HP.2, HP.4 and T.13 of the Rossendale District Local Plan.
3. Details of the proposed means of surfacing, sealing and draining of all areas to be used by vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The vehicular areas shall be surfaced, sealed and drained in accordance with the approved details, and laid out in the manner shown on approved drawing number J131-012/A, before they are first brought into use, and shall thereafter be retained at all times solely for the parking and turning of vehicles.  
Reason:- In the interests of highway safety and to safeguard the setting of the adjoining Listed Building, in accordance with policies DC.1 HP.2, HP4 and T.13 of the Rossendale District Local Plan.
4. Details of the design of the relocated garages shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved garages shall be constructed in accordance with the approved details, and in the approved positions, before they are first brought into use and shall thereafter be retained at all times solely for the parking of vehicles.  
Reason:- In the interests of highway safety, amenity and to safeguard the setting of the adjoining Listed Building, in accordance with policies DC.1 HP.2, HP4 and T.13 of the Rossendale District Local Plan.
5. Details of the proposed treatment of the site boundaries shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved boundary treatment shall be completed in accordance with the approved details before the development hereby approved is first brought into use and shall thereafter be retained at all times.  
Reason:- In order to ensure the satisfactory appearance of the development and safeguard the setting of the adjoining Listed Building, in accordance with policies DC.1 and DC.4 HP.2 and HP.4 of the Rossendale District Local Plan.

6. The site shall be landscaped in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The submitted details shall include the location of all existing trees and hedgerows on the site and shall specify those that are to be retained and those that are to be removed.  
Reason:- In order to ensure the satisfactory appearance of the development and safeguard the setting of the adjoining Listed Building, in accordance with policies DC.1 and DC.4 HP.2 and HP.4 of the Rossendale District Local Plan.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
Reason:- In order to ensure the satisfactory appearance of the development and safeguard the setting of the adjoining Listed Building, in accordance with policies DC.1 and DC.4 HP.2 and HP.4 of the Rossendale District Local Plan.
8. Details of crime prevention measures, to be carried out as part of the development, shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved measures shall be implemented in accordance with the approved details and thereafter retained at all times.  
Reason:- In the interests of designing out crime in accordance with policy DC.1 of the Rossendale District Local Plan.
9. Construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.  
Reason: To safeguard the amenities of nearby residential properties in accordance with policy DC.1 of the Rossendale District Local Plan.

**400. APPLICATION NUMBER 2004/813  
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT  
AT: LAND ADJACENT TO BROADCLOUGH FARM, BURNLEY ROAD, WEIR, BACUP**

No Councillors had been lobbied on this application.

In accordance with the procedure for public speaking Mr Stephen Braithwaite spoke against the application and Mr Ray Jones spoke in favour of the application. Councillor Eaton in his capacity as ward member, also spoke on the application.

A proposal was moved and seconded to refuse the application.

Voting took place on the proposal, the result of which was as follows:-

<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
Wadsworth	✓		
S. Pawson	✓		
Lamb	✓		
Atkinson	✓		
L. Barnes	✓		
Crosta	✓		
Entwistle	✓		
Neal	✓		
Robertson	✓		
Swain	✓		
Thorne	✓		
<b>TOTALS</b>	11		0

**Resolved:**

That planning permission be refused for the following reasons:-

1. The proposed development is to be located within a Countryside Area outside of the defined Urban Boundary and the Green Belt; is unrelated to agriculture, forestry or any other use deemed appropriate to a rural area; and does not involve the rehabilitation and/or re-use of a building/buildings. Furthermore, in the view of the Local Planning Authority, there is no proven overriding need for the development. The proposal is therefore considered to be contrary to the provisions of policies DS.1 and DS.5 of the Rossendale District Local Plan, and Policy 1 of the Lancashire Structure Plan 1991 – 2006.
2. It is considered that the development is not currently required to meet the housing requirements of the Borough. The proposal is therefore considered to be contrary to the provisions of policy 43 of the Lancashire Structure Plan 1991 -2006 and policy 12 of the Proposed Changes (Deposit Edition) Joint Lancashire Structure Plan 2001 – 2016.
3. It is contended that the proposed development would not be sustainable seeking the development of 'greenfield' land without any overriding justification being put forward for so doing. The proposal is therefore considered to be contrary to the advice contained within Government guidance PPG3.

4. It is considered that the removal of protected trees, in order to form the new vehicular access to the development, would not be in the best interests of the visual amenity of the area. The proposal is therefore considered to be contrary to the provisions of policies DC.1 and E.4 of the Rossendale District Local Plan.

**401. PLANNING APPEAL DECISION  
APPLICATION NUMBER 2003/659  
AT: LAND AT NEW HALL HEY ROAD, RAWTENSTALL**

The Team Manager Development Control submitted a report notifying Members of an appeal decision in respect of Planning Application Number 2003/659 which was an application for the temporary use of land (up to 3 years) for the parking of up to 20 trailers and 2 tractor units at New Hall Hey Road, Rawtenstall.

He informed the Committee that the application had been granted subject to conditions by the Development Control Committee on 9<sup>th</sup> December 2003. The applicant had lodged an appeal against the imposition of two of the eight conditions imposed by Council.

The Team Manager Development Control reported that the Inspector had allowed the appeal and had determined that both conditions be deleted. Further, the Council were ordered to pay costs to James Killelea & Company Ltd in respect of the appeal proceedings and would have to stand its own costs in respect of the separate presentation of evidence in relation to planning and noise by outside consultants.

The Team Manager Development Control circulated a copy of the Inspector's decision letter, for the consideration of the Committee.

**Resolved:**

That the appeal decision and the decision in relation to award of costs be noted.

**(The meeting commenced at 6.30pm and closed at 8.05pm)**