

MINUTES OF: DEVELOPMENTCONTROL COMMITTEE

Date of Meeting: 20th January 2004

**PRESENT: Councillor Pilling (in the Chair);
Councillors Challinor, Driver, Neal, Pawson, Pearson
(for Hancock), Riley, Rishton, Starkey and Thorne**

**IN ATTENDANCE: Mr B S Sheasby, Development Control Manager
Mr R W Lester, Head of Legal Services
Mrs. J. Ruffley, Planning Officer
Mr. P. Jones, Chief Administrative Officer**

APOLOGIES: Councillors Clarke and Hancock

457. APPOINTMENT OF CHAIR

Following his appointment as Leader of the Council Councillor Hancock (Chair of Committee) decided that it would not be appropriate to take part in the meeting. In the absence of Vice Chair Councillor Clarke the Chief Administrative Officer invited the Committee to elect a Member to act as Chair for the Meeting.

Resolved:

That Councillor Pilling be appointed as Chair for the Meeting.

458. MINUTES

Resolved:

That the Minutes of the meeting of the Committee held on the 9th December 2003 be approved as a correct record.

459. DECLARATIONS OF INTEREST

During consideration of application 14/2003/718 Councillor Riley declared a personal and prejudicial interest arising from his personal friendship with the applicant and left the meeting and took no part in voting on this item.

460. RECORDED VOTE

In accordance with the recommendations of the Audit Commission's inspection of the Development Control Service, voting was recorded for each planning application so as to show how each member cast their vote.

461. PLANNING APPLICATIONS

The Development Control Manager submitted a report on planning applications and gave details of the applications, the consultations which had been carried out and details of objections and representations received, together with his observations thereon.

In accordance with the procedure for Public Speaking at the Committee, representatives of objectors and applicants spoke on some of the applications.

APPLICATION NUMBER 1988/436 VARIATION OF PLANNING OBLIGATIONS UNDER SECTION 52 OF THE TOWN AND COUNTRY PLANNING ACT 1971 IN AN AGREEMENT DATED 13TH MARCH 1989 IN RESPECT OF THE RESIDENTIAL CONVERSION AND OCCUPATION OF PART OF A TWO STOREY DETACHED GARAGE AT: MEADOW HEAD FARM, CHAPEL HILL, RAWTENSTALL

A proposal was moved and seconded to approve a variation of the planning obligations. Voting took place on the proposal, the result of which was as follows:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Challinor	✓		
Driver	✓		
Neal	✓		
Pawson	✓		
Pearson	✓		
Pilling	✓		
Riley	✓		
Rishton	✓		
Starkey	✓		
Thorne	✓		
TOTALS	10	0	0

Resolved:

That the Director of Corporate Support be authorised to enter into an agreement with the owner of Meadow Head Farm under Section 106 of the Town and Country Planning Act 1990 revoking the existing agreement under Section 52 of the Town and Country Planning Act 1971 and limiting the residential occupation of the partly converted garage to relatives as therein defined of the occupiers from time to time of Meadow Head Farm.

2003/585 DEMOLITION OF EXISTING BUILDING. CONSTRUCTION OF A TWO-STOREY POLICE STATION WITH ASSOCIATED PARKING. (RESERVED MATTERS) AT LEE STREET BACUP.

A proposal was moved and seconded to refuse the application. Voting took place on the proposal to refuse the application. The results were as follows:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Challinor	✓		
Driver	✓		
Neal	✓		
Pawson	✓		
Pearson	✓		
Pilling	✓		
Riley	✓		
Rishton	✓		
Starkey	✓		
Thorne	✓		
TOTALS	10	0	0

Resolved:

That this application be refused for the following reasons:-

1. The proposed building by virtue of its design and materials would be out of keeping and character with the Bacup Conservation Area. For these reasons the proposal is contrary to Policies HP1, DC1 and DC4 of the Rossendale District Local Plan and Government guidance in the form of PPG 15.
2. The plan fails to include mobility car parking spaces and details relating to surface water run off/drainage and levels/cross sections for the site access. For these reasons the proposal does not accord with the Council's adopted car parking standards and a full assessment of the application cannot be made having regard to highway safety and taking into account Policy DC1 of the Rossendale District Local Plan.

2003/586 CONSERVATION AREA CONSENT FOR THE DEMOLITION OF EXISTING BUILDING AT LEE STREET BACUP

A proposal was moved and seconded to refuse the application. Voting took place on the proposal to refuse the application. The results were as follows:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Challinor	✓		
Driver	✓		
Neal	✓		
Pawson	✓		
Pearson	✓		
Pilling	✓		
Riley	✓		
Rishton	✓		
Starkey	✓		
Thorne	✓		
TOTALS	10	0	0

Resolved:

That this application be refused for the following reasons:-

1. The existing building is capable of contributing to the character and appearance of the conservation area.
2. The proposed replacement building by virtue of its design and materials would be out of keeping with the Bacup Conservation Area and neither preserves nor enhances its character. As such it would be contrary to Policies HP1, DC1 and DC4 of the Rossendale District Local Plan and Government guidance in the form of PPG 15.

**2003/594 MIXED USE RESIDENTIAL AND OFFICE DEVELOPMENT AT HOLMEFIELD HOUSE, HOLCOMBE ROAD, HELMSHORE
APPLICANT: BELLWAY HOMES LIMITED AND MANCHESTER LAND AND BUILDINGS LIMITED**

A proposal was moved and seconded to amend the officer recommendation to one of refusal of the application. Voting took place on the proposed amendment the result of which was as follows:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Challinor	✓		
Driver	✓		
Neal		✓	
Pawson	✓		
Pearson	✓		
Pilling	✓		
Riley		✓	
Rishton		✓	
Starkey		✓	
Thorne		✓	
TOTALS	5 (6)	5	0

In accordance with the Council Constitution as Chair of the meeting Councillor Pilling used his casting vote and voted for the amendment.

The amendment was carried and the Chair then called for a further vote on the substantive motion the result of which was as follows:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Challinor	✓		
Driver	✓		
Neal		✓	
Pawson	✓		
Pearson	✓		
Pilling	✓		
Riley		✓	
Rishton		✓	
Starkey		✓	
Thorne		✓	
TOTALS	5 (6)	5	0

In accordance with the Council Constitution as Chair of the meeting Councillor Pilling used his casting vote and the application was refused.

Resolved:

That this application be refused for the following reasons:-

1. The applicant has failed to raise any special circumstances for overriding the loss of a defined employment site. For these reasons the proposed development does not accord with Policy J3 of the Rossendale District Local Plan that states *"in existing and proposed employment areas the needs of industry and commerce will usually be given priority over housing, specifically in the determination of planning applications"*

2. Having regard to Paragraph 47 of PPG 1 (General Policy and Principles) the release of this site would be premature pending the preparation and adoption of a Local Development Framework and the interim housing statement, and as such any decision on this site may prejudice decisions on sustainable patterns of development for housing, employment and regeneration in Rossendale.
3. Having regard to Government guidance in the form of PPG 3 (Housing) this application site does not perform well in respect of sustainability criteria having regard to the fact that the site is not well served by a choice of means of non-car transport and would therefore encourage car dependency.
4. There are sufficient residential planning permissions to meet the Borough Council's housing requirement to 2006, based on the Proposed Changes to the Draft Joint Lancashire Structure Plan (Policy 12), with provision for meeting the Borough's 5 year housing supply.
5. The early release of this site for 86 dwellings would reduce the Council's freedom to promote the development of more sustainable brownfield sites, including conversions, elsewhere in Rossendale as part of the preparation and adoption of a Local Development Framework.

Note: All Members of the Committee were lobbied on this application except Councillor Pearson.

2003/639 ERECTION OF TWO DETACHED HOUSES (SITE AREA APPROXIMATELY 500 M2) AT SPRINGFIELD ROAD, RAWTENSTALL.

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:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Challinor	✓		
Driver	✓		
Neal	✓		
Pawson	✓		
Pearson	✓		
Pilling	✓		
Riley	✓		
Rishton	✓		
Starkey	✓		
Thorne		✓	
TOTALS	9	1	0

Resolved:

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

REASONS

As the application site falls within the urban boundary the principle of development is acceptable in accordance with Policy DS.1. of the RDLP. Furthermore, as the site is previously developed and sustainably located it accords with the principles of PPG3, PPG13 and policy 1b) of the deposit Structure Plan. It is considered that these factors represent special reasons for overriding the housing land supply objections to the proposal. The proposal will have a marginal impact on the privacy and light of numbers 69 Newchurch Road and 1 Springfield Road. This impact however is not considered to be so significant as to recommend refusal in accordance with policy DC.1 of the Rossendale District Local Plan. The setting of the listed cottages will not be detrimentally affected by the proposal in accordance with policy HP.2 and PPG15.

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 plans numbered 1 rev. B and 2 rev A received on 19th December, 2003.
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.
3. Any construction works associated with the development hereby approved shall not take place except between 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays or recognized public holidays.
Reason: To safeguard the amenities of nearby residential properties in accordance with policy DC.1 of the Rossendale District Local Plan.
4. Before either of the dwellings are first occupied the access, vehicular turning area and parking area as shown on the approved plan shall be constructed, laid out and made available for use. The parking and turning areas shall not thereafter be used for any purpose other than the parking of vehicles and turning respectively.
Reason: In the interests of highway safety in accordance with policy DC.1 of the Rossendale District Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) the garages shall not be used for any purposes which would preclude their use for the parking of a motor vehicle.
Reason: In the interests of highway safety in accordance with policy DC.1 of the Rossendale District Local Plan.
6. The landing window in the west elevation of 'house 1' shall not at any time be glazed other than with opaque glass of a type and degree and opacity to be first agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree of opacity to that which was first approved.
Reason: In the interests of privacy in accordance with policy DC.1 of the Rossendale District Local Plan.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) order 1995 (or any order revoking or re-enacting that Order with or without modification), there shall not at any time, in connection with the development hereby permitted, be erected or planted or allowed to remain upon the land any building, wall, fence, hedge, tree, shrub or other device or object exceeding a height of 1.1 metres within 1 metre of the southern boundary of the site.
Reason: To ensure adequate visibility in the interests of highway safety in accordance with policy DC.1 of the Rossendale District Local Plan.
8. Development shall not be commenced until full details, including representative samples, of the external 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 the approved details.
Reason: In the interests of visual amenity in accordance with policies DC.1 and DC4 of the Rossendale District Local Plan.
9. 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 Classes A, B and E, Part 1 to Schedule 2 of the Order, without the prior consent of the Local Planning Authority.
Reason: To ensure the Local Planning Authority retain control over the amount of development that takes place, in the interests of amenity in accordance with policy DC.1 of the Rossendale District Local Plan.

Note: Councillors Pearson and Riley declared that they had been lobbied on this application.

2003/646: ERECTION OF A STABLE BLOCK AT LAND OFF BURNLEY ROAD, BROADCLOUGH, BACUP

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:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Challinor	✓		
Driver	✓		
Neal	✓		
Pawson	✓		
Pearson	✓		
Pilling	✓		
Riley	✓		
Rishton	✓		
Starkey	✓		
Thorne	✓		
TOTALS	10	0	0

Resolved:

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

REASONS

The proposal will not have an adverse impact on neighbouring property or the Countryside and accords with Policies DC1, DS5 and C1 of the Rossendale District Local Plan and Policy 1 of the Lancashire Structure Plan.

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.
2. 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 in accordance with Policies DC1 and DC2 of the Rossendale District Local Plan

3. All planting seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following occupation of the houses or the completion of the development, whichever is the sooner; and any plants or trees 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interests of visual amenity, in accordance with Policy DC1 and DC2 of the Rossendale District Local Plan

4. Before the development hereby permitted is commenced a scheme for the containment and storage of manure shall have been submitted and approved in writing by the Local Planning Authority and at all times while the development is in use, or while manure resulting from such use is being stored on site, such scheme shall be fully implemented and maintained.
Reason: To prevent the pollution of the water environment, in accordance with Policy DC1 of the Rossendale District Plan.

5. The stables building shall at no time be used for a commercial purpose.
Reason: Having regard to residential amenity and Policy DC1 of the Rossendale District Local Plan.

Note: Councillor Driver declared that she had been lobbied on this application.

2003/669 ERECTION OF TWELVE DETACHED DWELLINGS AT LAND OFF BEAUFORT ROAD, WEIR.

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:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Challinor	✓		
Driver		✓	
Neal		✓	
Pawson	✓		
Pearson	✓		
Pilling	✓		
Riley	✓		
Rishton	✓		
Starkey	✓		
Thorne	✓		
TOTALS	8	2	0

Resolved:

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

REASONS

The principle of the development has already been established by the extant consent since when there have been no material changes in circumstances. The proposal accords with Policies DC1 and DS1 of the Rossendale District Local Plan.

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.
2. 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. The submitted scheme shall include details of the footpath link from Beaufort Road to Heald Lane including its surfacing and boundary treatment. Reason: In the interests of visual amenity and to secure satisfactory pedestrian links, in accordance with Policies DC1 and DC2 of the Rossendale District Local Plan
3. All planting seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following occupation of the houses or the completion of the development, whichever is the sooner; and any plants or trees 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interests of visual amenity, in accordance with Policies DC1 and DC2 of the Rossendale District Local Plan
4. No development shall be commenced until a detailed site investigation report to assess the degree and nature of any land contamination has been submitted to and first approved in writing by the Local Planning Authority. The method and extent of the investigation shall be agreed by the Local Planning Authority in conjunction with the Environment Agency and the report shall contain details of appropriate remedial measures to avoid risk to the public and the environment, including provisions for

monitoring. The development shall thereafter be carried out in full accordance with the agreed measures and details.

Reason: In the interests of public safety and to prevent pollution of the water environment, in accordance with Policy E7 of the Rossendale District Local Plan

5. No development shall take place until a scheme for the improvement to adoption standard of Beaufort Road has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such time as the aforementioned length of highway has been constructed to adoption standard.

Reason: In the interests of highway safety, in accordance with Policy DC1 of the Rossendale District Local Plan

6. No development shall take place until a scheme for the improvement of the path (as indicated on plan reference no SB.W.12 submitted on 20 October 2003) including a representative sample of the surfacing, has been submitted to and approved in writing by the Local Planning Authority. The path shall be constructed, in accordance with the approved details and sample, before the first houses begin construction.

Reason: In the interest of safety of the uses of the path and to retain access through the site, in accordance with Policy DC1 of the Rossendale District Local Plan.

7. Samples of all external facing and roofing materials to be used in the development shall be first submitted to and approved in writing by the Local Planning Authority, prior to their use in the development hereby approved.

Reason: In the interests of visual amenity., in accordance with Policy DC1 and DC4 of the Rossendale District Local Plan

8. Prior to occupation of any dwelling hereby approved its driveway shall be formed using a solid bound material, details of which shall have been first submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent loose material being carried onto the highway, in accordance with Policy DC1 of the Rossendale District Local Plan

2003/703 ERECTION OF FOUR BEDROOM DETACHED HOUSE WITH INTEGRAL GARAGE AT LAND TO THE REAR OF 549 BURNLEY ROAD EAST, WHITEWELL BOTTOM.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
Challinor	✓		
Driver	✓		
Neal	✓		
Pawson	✓		
Pearson		✓	
Pilling		✓	
Riley	✓		
Rishton	✓		
Starkey	✓		
Thorne	✓		
TOTALS	8	2	0

The amendment was carried and the Chair called for a further vote on the substantive motion the result of which was as follows:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Challinor	✓		
Driver	✓		
Neal	✓		
Pawson	✓		
Pearson		✓	
Pilling		✓	
Riley	✓		
Rishton	✓		
Starkey	✓		
Thorne	✓		
TOTALS	8	2	0

Resolved:

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

REASONS

The principle of housing development has been established by extant consents since when there have been no material changes in circumstances. The development would not have an adverse impact on neighbouring properties and accords with Policy DC1 of the Rossendale District Local Plan.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development shall not be commenced until full details, including representative samples, of the external materials of construction to be used on the roof and walls of the development and road surfacing materials have been submitted to and first approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with the details approved.
Reason: In the interests of visual amenity in accordance with policy DC.1 and DC.4 of the Rossendale District Local Plan
3. Before the development is commenced a fully detailed scheme of landscaping (as such including tree and shrub planting, the provision of any grassed areas, hard landscaping features and the erection of any screen or boundary walls, fences or other means of enclosure) shall be submitted to and approved in writing by the Local planning Authority, and such scheme shall thereafter be fully implemented before any building hereby permitted is first occupied for the purposes hereof, or at such time as may subsequently be agreed in writing with that authority. Any trees or shrubs dying/becoming diseased or otherwise being removed within two years of planting shall be replaced by the applicant/developer by a species of a similar type or size.
Reason: In order to assist in the provision of a satisfactory standard of visual amenity within the locality and to screen the development in accordance with Policy DC1 of the Rossendale District Local Plan.
4. Before any construction of the development hereby permitted is commenced, that part of the access extending from the highway boundary of Burnley Road East for a minimum distance of 10 metres into the site shall be surfaced in a permanent construction.
Reason: To prevent loose surface material from being carried onto the public highway thus causing a potential source of danger to other road users in accordance with Policy DC1 of the Rossendale District Local Plan.
5. Before the first occupation of the dwelling hereby approved, the car parking spaces as shown on the site plan (drawing no 0.1A) shall be constructed and thereafter retained for use as car parking spaces.
Reason: In the interests of highway safety in accordance with 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 which would otherwise be permitted by virtue of the provisions of Class A and E of Part 1 of Schedule 2 to the Order shall be carried out anywhere within the application site without the grant of formal express planning permission.

Reason: To protect the residential and visual amenities of the area in accordance with Policy DC1 of the Rossendale District Local Plan.

7. The development shall be carried out in accordance with the amended plans received on 9th January 2004 deleting the first floor balcony.

Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.

2003/718 ERECTION OF CONCRETE SECTIONAL GARAGE AT LAND AT LAW STREET, WATERFOOT

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:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Challinor	✓		
Driver	✓		
Neal	✓		
Pawson	✓		
Pearson	✓		
Pilling	✓		
Riley	Declared interest		
Rishton	✓		
Starkey	✓		
Thorne	✓		
TOTALS	9	0	0

Resolved:

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

REASONS

The application site falls within the Urban Boundary and the principle of development therefore accords with policy DS.1 of the Rossendale District Local Plan. Although a garage is not development appropriate to the functions of the Greenlands it is considered that on balance, due to the limited value of this site as a link between open spaces and the fact there has been a previous approval for a garage on this site, the proposal is not contrary to policy E.1. A new garage on this site is in line with policy H.2. The development would not have an adverse impact on the neighbouring properties and accords with policy DC.1 of the Rossendale District Local Plan.

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 not be commenced until full details, including representative samples, of the 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 the details approved.
Reason: In the interests of visual amenity in accordance with policy DC.1 and DC.4 of the Rossendale District Local Plan

2003/738 – TEMPORARY LOCATION OF ACCOMMODATION AND LINK TO TOWN HALL ANNEXE AT THE CAR PARK TO SOUTH OF TOWN HALL ANNEXE, LORD STREET, RAWTENSTALL

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:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Challinor	✓		
Driver	✓		
Neal	✓		
Pawson	✓		
Pearson	✓		
Pilling	✓		
Riley	✓		
Rishton	✓		
Starkey	✓		
Thorne	✓		
TOTALS	10	0	0

Resolved:

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

REASONS

Due to the fact that the application site is shielded by existing buildings the impact of this proposal on the character and appearance of the conservation will be negligible in accordance with policy HP.1 of the Rossendale District Local Plan, policy 22 of the adopted Structure Plan and PPG15. Notwithstanding this as the materials are not wholly suitable in this location the duration of this permission shall be restricted to two years.

CONDITIONS

1. The development hereby permitted shall be removed on or before 20th January 2006 and the land including the wall of the Town Hall Annexe restored within one month of this date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason: Due to the materials the permanent permission would be inappropriate in the conservation area in accordance with policy HP.1 and DC.4 of the Rossendale District Local Plan.

2003/750 RENEWAL OF OUTLINE PLANNING PERMISSION 2000/435 FOR RESIDENTIAL DEVELOPMENT AT STANSFIELD HOUSE AND ACRE MILL, ACRE MILL ROAD, STACKSTEADS, BACUP.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
Challinor	✓		
Driver	✓		
Neal	✓		
Pawson	✓		
Pearson	✓		
Pilling	✓		
Riley	✓		
Rishton	✓		
Starkey	✓		
Thorne	✓		
TOTALS	10	0	0

Resolved:

That planning permission be granted for this application and subject to the following conditions:-

REASONS

The principle of residential development has been established by the previous consent since when there have been no material changes in planning circumstances. The proposal does not represent a significant variation to the previously approved proposal. The development accords with PPG 3. Development of this brownfield site would assist in the regeneration of this part of the Borough. Furthermore the site is sustainably located being close to Stacksteads District Centre and a good bus route (Newchurch Road). The site performs well against sustainability criteria in PPG 3. Development of the site

would not compromise housing land supply objectives/policies and there is additional capacity for additional housing given that in recent years Rossendale has not been meeting its house building targets as outlined in the Lancashire Structure Plan.

CONDITIONS

1. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called the “reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. 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 to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
3. 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 and means of access to 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 only and not accompanied by full and detailed plans
4. 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
5. Before any development is commenced a fully detailed scheme of landscaping (as such including tree and shrub planting, the provision of any grassed areas, hard landscaping features and the erection of any screen or boundary walls, fences or other means of enclosure) shall be submitted and approved in writing by the Local Planning Authority, and such scheme shall be fully implemented before any building hereby permitted is first occupied for purposes hereof, or as such other time as may subsequently be agreed in writing. Any trees or shrubs dying/becoming diseased or otherwise being removed within two years of planting shall be replaced by the applicant/developer by species of a similar type and size.
Reason: Having regard to Policy DC1 of the Rossendale District Local Plan and in order to assist in the satisfactory standard of visual amenity within the locality and to screen the development.

6. Before the development is commenced a site investigation and assessment shall be carried out by the applicant/developer in relation to the suspected presence of contaminated land, or contaminants, within the boundary of the application site, and the applicant/developer, shall thereafter, send a copy of the report and assessment together with any recommendations to the local authority, and shall, thereafter, take all such steps and carry out all measures as may be required in accordance with the recommendations and requirements of the report and assessment, to deal satisfactorily with and as necessary, remove any contaminants or contaminated land from the application site before any of the proposed buildings is/are first occupied.
Reason: Having regard to Policy E7 of the Rossendale District Local Plan and in order to ensure that any contamination is adequately and safely dealt with in the interests of health and safety, and the control of pollution.
7. No development approved by this permission shall be commenced until details of the existing and proposed floor levels have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved details.
Reason: Having regard to Policy DC1 of the Rossendale District Local Plan and to ensure that development is subject to minimum risk of flooding.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no buildings or structures (including gates, walls and fences) shall be erected on a strip of land 8 metres wide adjacent to the top of the banks of all watercourses fronting or crossing the site must be kept clear of all new buildings and structures (including gates, walls and fences). Ground levels shall not be raised within such a strip of land.
Reason: Having regard to Policy DC1 of the Rossendale District Local Plan and to preserve access to the watercourse for maintenance and improvement.
9. The residential development for which permission is given shall be limited to the provision of 30 dwellings.
Reason: Having regard to Policy DC1 of the Rossendale District Local Plan and to ensure that the current highway network can support the additional traffic generated by the development and is not over-burdened in the interests of highway safety.

**2003/753 CHANGE OF USE FROM GROUND FLOOR SHOP WITH 4
RESIDENTIAL UNITS ABOVE TO RESTAURANT WITH STAFF
ACCOMMODATION AT 25 MARKET STREET, BACUP**

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:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Challinor	✓		
Driver	✓		
Neal	✓		
Pawson	✓		
Pearson	✓		
Pilling	✓		
Riley	✓		
Rishton	✓		
Starkey	✓		
Thorne	✓		
TOTALS	10	0	0

Resolved:

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

REASONS

The principle of a change of use from A1 with four separate C3 uses above to A3 with associated C3 use is acceptable within the Town Centre locality and would not compromise its vitality or viability thereby according with PPG 6. The development would not have an adverse affect on neighbouring properties or the street scene and accords with Policies DS1, DC1, HP1 and S4 of the Rossendale District Local Plan.

CONDITIONS

1. The development permitted shall be begun before the expiration of five years from the date of this permission
Reason: Required by Section 92 of the Town and Country Planning Act 1990

2. The restaurant hereby permitted shall be closed for the serving of customers except between the hours of 0830 to 2300 on Mondays to Saturdays and 0830 and 2200 hours on Sundays.
Reason: In the interest of residential amenity having regard to Policy DC1 of the Rossendale District Local Plan.

3. Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and fully implemented before the

use as a restaurant is first commenced. The approved scheme shall be fully maintained for the duration of the restaurant use.

Reason: In the interests of residential amenity having regard to Policy DC1 of the Rossendale District Local Plan.

4. The restaurant use hereby permitted shall be restricted to the ground floor and first floor of the premises.

Reason: In order to control the size and intensity of development having regard to Policies DC1 and S4 of the Rossendale District Local Plan

5. The staff accommodation hereby permitted shall be provided only on the second floor of the premises.

Reason: In order to control the size and intensity of development having regard to Policies DC1 and S4 of the Rossendale District Local Plan

462. PLANNING APPEAL RESULT – APPLICATION NUMBER 2002/558

The Development Control Manager submitted a report informing Members of an appeal decision in respect of application number 2002/558 for the erection of three 3-storey dwellings on land bounded by Co-operation Street and Occupation Road, Crawshawbooth.

The Development Control Manager circulated a copy of the Inspector's decision letter, for the consideration of the Committee. He advised Members that the appeal was allowed and that planning permission had been granted, subject to conditions.

Resolved:

That the report be noted.

(The meeting commenced at 6.32pm and closed at 8.55pm)