

MINUTES OF: DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: Thursday, 29th July 2004

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

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

89. MINUTES

Resolved:

That the Minutes of the meeting of the Committee held on the 15th July 2004 be signed by the Chair as a correct record.

90. 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 interests were declared:-

Councillor Driver - personal interest in Minute Number 93 (Planning Application Number 2004/277).

Councillor Wadsworth – prejudicial interest in Minute Number 93 (Planning Application Number 2004/277) by virtue of a close friendship with the applicant

Councillor Wadsworth vacated the Chair and the meeting during the discussion on and consideration of this application.

Councillor Neal – prejudicial interest in Minute Number 100 (Planning Application Number 2004/420) as he was Team Leader of the Review Team on Traffic Management in Rawtenstall.

Councillor Neal left the meeting during the discussion on and consideration of the application.

Councillor Neal also declared that having taken advice from the Monitoring Officer he considered that he did not have a prejudicial interest in Application Number 2004/262 and remained in the meeting during the discussion on and consideration of the application.

**91. APPLICATION NUMBER 2004/143
ERECTION OF 90 NO. DWELLINGS AND LANDSCAPE AREA. THE
PROPOSAL WOULD AFFECT FOOTPATH NO. 486
AT: LAND OFF ROCKCLIFFE ROAD, BACUP**

Councillors Driver and Wadsworth declared that they had been lobbied on this application.

Councillor Eaton spoke against the application.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
Atkinson	✓		
L Barnes	✓		
Crosta	✓		
Driver	✓		
Entwistle	✓		
Lamb	✓		
Neal	✓		
S Pawson	✓		
Robertson	✓		
Thorne	✓		
Wadsworth	✓		
TOTALS	11	0	0

Resolved:

That the Committee be minded to grant consent to the application for the reasons indicated below and subject to the conditions set out below but desire the Council to enter into an agreement with the developer (relative to public open space (£1159 per residential unit) and contributions towards upgrading 4 Bus stops to quality bus standard (£40,000)) under section 106 of the Town and Country Planning Act 1990, the completion of which shall be delegated to the Director of Corporate Support and (ii) that on completion of such section 106 Agreement the Development Control Manager or Principal Planning Officer be authorised to approve the said application subject to the following conditions and for the above summarised reasons:

SUMMARY OF REASONS FOR APPROVAL

Development of this site is acceptable in principle and subject to conditional control would not have an adverse impact upon highway safety or residential/visual amenity thereby according with Policy DC1 of the Rossendale District Local Plan. The application site is sustainably located and having regard to areas of open space which would serve the wider areas it is considered that the proposed development would make efficient use of land according with PPG

3. The proposed areas of open space off-set the loss of land defined as greenlands and to this extent the proposed development does not materially conflict with Policy E1 of the Rossendale District Local Plan. The proposed development would assist the Council in meeting identified annualised completion rates thereby according with Policy 12 of the Draft Joint Lancashire Structure Plan.

CONDITIONS:

01 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.

02 The proposed development shall be carried out in accordance with the amended site plan received on 11th May 2004 and the amended “scheme layout plan” received on 4th May 2004 and elevation and floor plans received on 4th March 2004.

Reason: For the avoidance of doubt.

03 Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 6:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction 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.

04 The 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 policy DC.1 of the Rossendale District Local Plan.

05 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of residential amenity and in accordance with policy DC.1 of the Rossendale District Local Plan.

06 No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the

Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of drainage in accordance with policy DC.1 of the Rossendale District Local Plan.

07 Prior to the development commencing:

a. A contaminated land Phase I 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 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA

c. Should the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. 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 LPA 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 and does not create undue risks to site users or neighbours during the course of the development in accordance with policy E7 of the Rossendale District Local Plan.

08 No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site having regard to highway safety and increased vehicular traffic flows likely to result from the development (Policy DC1 of the Rossendale District Local Plan).

09 No part of the development hereby approved shall be occupied until the approved scheme referred to in condition 8 has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works having regard to policy DC1 of the Rossendale District Local Plan.

10 No development shall be commenced until details of driveways and finished floor levels and any retaining structures/walls have been submitted to and approved in writing by the local planning authority. The driveways, finished floor levels and retaining walls/structures shall thereafter accord with approved details.

Reason: In the interests of visual amenity/highway safety having regard to Policy DC1 of the Rossendale District Local Plan.

11 No development approved by this permission shall be commenced until a planting scheme for the River Irwell corridor has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be carried out in accordance with a programme for planting and maintenance related to stages of completion of the development and will incorporate native species.

Reason: To protect, restore or replace the natural features of importance within or adjoining the watercourse having regard to Policy DC1 of the Rossendale District Local Plan.

**92. APPLICATION NUMBER 2004/262
ERECTION OF 2 HOUSES AND 1 BUNGALOW. PHYSICAL ALTERATIONS
TO EXISTING BUNGALOW WITH INCREASE FROM SINGLE STOREY TO
TWO STOREY DWELLING
AT: 35 TONACLIFFE ROAD AND LAND TO REAR, WHITWORTH**

Councillors Wadsworth, Driver, Lamb, L. Barnes, Crosta, Entwistle, Neal, S. Pawson, Robertson and Thorne declared that they had been lobbied on this application.

In accordance with the procedure for public speaking John Cowpe (Agent) spoke in favour of the application.

A proposal was agreed and seconded to approve the application subject to conditions. Voting took place on the proposal the result was as follows:

COUNCILLOR	FOR	AGAINST	ABSTENTION
Atkinson	✓		
L Barnes	✓		
Crosta	✓		
Driver	✓		
Entwistle	✓		
Lamb	✓		
Neal		✓	
S Pawson	✓		
Robertson	✓		
Thorne	✓		
Wadsworth	✓		
TOTALS	10	1	0

Resolved:

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

SUMMARY OF REASONS FOR APPROVAL

The application site falls within the defined Urban Boundary. The principle of developing this site for residential development accords with policy DS.1 of the Rossendale District Local Plan. The existing properties in the area are characterised by a wide variety of different designs and materials and as such the proposed mock Tudor style will not look materially out of place in the locality. The dwellings will not result in significant harm to the privacy and outlook of neighbouring properties thereby according with policy DC.1 of the Rossendale District Local Plan. The site is brownfield and is sustainably located and therefore accords with the aims and objectives of PPG3, PPG13 and policy 1b of the proposed changes Joint Lancashire Structure Plan. The proposed development could assist in meeting annualised completion rates whilst at the same time not materially prejudicing housing land supply aims and objectives as contained within policy 12 of the proposed changes Joint Lancashire Structure Plan.

CONDITIONS

01 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.

02 The development shall be carried out in accordance with plans numbered FST-02, FST-03 and FST-04 received on 16th April 2004, FST-05 received on 6th May 2004 and FST-01 received on 22nd June 2004.

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

03 Any 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 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.

04 No development shall be commenced until a scheme for the proposed access, turning area and driveways, including gradient, drainage and surfacing materials, has been submitted to and approved in writing by the local planning authority. The gradient of the driveway from Tonacliffe Road to the most easterly part of the turning area shall not exceed 1 in 12 and the gradient of the driveways to each of the new dwellings shall not exceed 1 in 10. The approved scheme shall thereafter be carried out in accordance with the approved details before any of the dwellings are first occupied.

Reason: In the interests of highway safety in accordance with policy DC.1 of the Rossendale District Local Plan.

05 The 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 DC.4 of the Rossendale District Local Plan.

06 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, C, D, E and G in Part 1 of Schedule 2 to 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.

07 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) the garages shall not be used for any purpose which would preclude their use for the parking of motor cars.

Reason: The retention of the parking spaces within the site is important in terms of amenity and highway safety in accordance with policy DC1 of the Rossendale District Local Plan.

08 No development shall take place until a scheme for the treatment of the boundary to the rear of the site has been submitted to, and approved in writing by, the local planning authority. Such scheme shall be fully implemented in accordance with details in the approved plans within 12 months of the first occupation of any of the residential units hereby approved.

Reason: To ensure the existing, undisturbed buffer strips remains and to protect the adjoining wetlands and linking semi-natural corridors from encroachment having regard to Policy DC1 of the Rossendale District Local Plan.

Reason: In the interest of visual amenity and in accordance with Policies DC1 and DC4 of the Rossendale District Local Plan.

**93. APPLICATION NUMBER 2004/277
ERECTION OF 20 THREE-STOREY TOWN HOUSES (AMENDMENT
2001/297)
AT: PENDLE AVENUE, BACUP**

(Councillor Driver in the Chair)

Councillors Driver, Lamb, Atkinson, L. Barnes, Crosta, Entwistle, Neal, S. Pawson, Robertson, Thorne declared that they had been lobbied on this application.

The Development Control Manager reported on a recent communication by a resident living immediately adjacent to the access. Although amended plans had been submitted the proposed finished levels and access gradients as submitted on the amended plans would not be sufficient to overcome the concerns of the Highway Authority. Further discussions had been held with the Highway Engineer who remained concerned that the schemes would not meet the minimum standard and as a consequence could potentially impact on the finished levels of the properties to be constructed.

A proposal was moved and seconded to defer consideration of the application. Voting took place on the proposal. The result was as follows:

COUNCILLOR	FOR	AGAINST	ABSTENTION
Atkinson	✓		
L Barnes	✓		
Crosta	✓		
Driver	✓		
Entwistle	✓		
Lamb	✓		
Neal	✓		
S Pawson	✓		
Robertson	✓		
Thorne	✓		
TOTALS	10	0	0

Resolved:

That no decision be made at the meeting and that consideration of the application be deferred to the next meeting for further advice on the acceptability of the amended plan to the Highway Authority.

**94. APPLICATION NUMBER 2004/341
ALTERATIONS TO EXISTING RECREATION AREA, INCLUDING
FORMATION OF CHILDREN’S PLAY AREA, PATHS, AMPHITHEATRE,
BARBECUE AREA, PICNIC AREA AND BOUNDARY TREATMENT
AT: CLOUGHFOLD RECREATION AREA, OFF HAREHOLME LANE,
HIGHER CLOUGHFOLD, RAWTENSTALL**

(Councillor Wadsworth returned to the Chair)

Councillors Driver and Lamb declared that they had been lobbied on this application.

In accordance with the procedure for public speaking Penny Bennett (Landscape Architect) spoke in favour of the application and PC Simon Evans Architect Liaison Officer Pennine Division spoke against the application.

A proposal was agreed and seconded to approve the application subject to conditions. Voting took place on the proposal the result was as follows:

COUNCILLOR	FOR	AGAINST	ABSTENTION
Atkinson	✓		
L Barnes	✓		
Crosta	✓		
Driver	✓		
Entwistle	✓		
Lamb	✓		
Neal	✓		
S Pawson	✓		
Robertson	✓		
Thorne	✓		
Wadsworth	✓		
TOTALS	11	0	0

Resolved:

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

SUMMARY OF REASONS FOR APPROVAL

The application site falls within the defined Urban Boundary. The principle of developing this site accords with policy DS.1 of the Rossendale District Local Plan. The proposed development would be appropriate to the functions of the Greenlands having regard to policy E.1 of the Rossendale District Local Plan. The open character of the area would be maintained and the recreation opportunities improved as a result of this proposal which accords with policy E.2 of the Rossendale District Local Plan. The proposal would not generate unacceptable levels of noise nuisance having regard to policy E.12 of the Rossendale District Local Plan. The benefits of the proposal outweighed police concerns over the lack of lighting.

CONDITIONS

01 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.

02 The development shall be carried out in accordance with drawing numbered REC-01 A received by the Local Planning Authority on 6th July, 2004.

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

03 Any 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 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.

04 No development shall be commenced on the barbecue area, as delineated on drawing number REC-01 A and received by the Local Planning Authority on 6th July, 2004, until a detailed scheme indicating the size and position of the barbecues has been submitted to and approved in writing by the Local Planning Authority. The barbecue area shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure an adequate distance between the wooden huts and barbecue area is maintained and in the interest of visual amenity in accordance with policy DC.1 of the Rossendale District Local Plan.

05 Within one month from the commencement of development the dog foul and litter bins shall be installed as detailed on drawing number REC-01 A and received by the Local Planning Authority on 6th July. The dog foul and litter bins shall thereafter be maintained in perpetuity.

Reason: To ensure adequate facilities are provided having regard to policy DC.1 of the Rossendale District Local Plan which requires that new development should not be detrimental to the existing conditions in the area.

**95. APPLICATION NUMBER 2004/372
CONVERSION OF CONSERVATIVE CLUB TO 8 NO. RESIDENTIAL
APARTMENTS INCLUDING MINOR PHYSICAL ALTERATIONS AND
LANDSCAPING WITHOUT COMPLYING WITH CONDITIONS NOS 3,4 AND 5
ATTACHED TO PLANNING PERMISSION NUMBER 2003/600
AT: 592 AND 596 BURNLEY ROAD, CRAWSHAWBOOTH**

In response to a written statement from the secretary of the Chartists the Head of Legal Services submitted a note on the different matters raised

Councillors Wadsworth, Driver, Lamb, Atkinson, L. Barnes, Crosta, Entwistle, Neal, S. Pawson, Robertson and Thorne declared that they had been lobbied on this application.

In accordance with the procedure for public speaking Mr. Gordon Kenyon (Agent) spoke in favour of the application.

Councillors D Hancock and A Barnes spoke against 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:

COUNCILLOR	FOR	AGAINST	ABSTENTION
Atkinson		✓	
L Barnes		✓	
Crosta		✓	
Driver		✓	
Entwistle	✓		
Lamb		✓	
Neal		✓	
S Pawson	✓		
Robertson		✓	
Thorne	✓		
Wadsworth	✓		
TOTALS	4	7	0

The Committee considered the application further and a proposal was moved and seconded to defer the application. Voting took place on the proposal the result of which was as follows:

COUNCILLOR	FOR	AGAINST	ABSTENTION
Atkinson	✓		
L Barnes			✓
Crosta			✓
Driver			✓
Entwistle		✓	
Lamb	✓		
Neal	✓		
S Pawson		✓	
Robertson	✓		
Thorne		✓	
Wadsworth		✓	
TOTALS	4	4	3

The Chair declined to use his casting vote and asked if members of the Committee would consider the matter further.

It was again moved and seconded to defer the application. Voting took place on the proposal, the result of which was as follows:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Atkinson	✓		
L Barnes		✓	
Crosta		✓	
Driver		✓	
Entwistle		✓	
Lamb	✓		
Neal	✓		

S Pawson		✓	
Robertson	✓		
Thorne		✓	
Wadsworth		✓	
TOTALS	4	7	0

Further consideration of the application took place and 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
Atkinson		✓	
L Barnes	✓		
Crosta	✓		
Driver	✓		
Entwistle	✓		
Lamb		✓	
Neal		✓	
S Pawson	✓		
Robertson		✓	
Thorne	✓		
Wadsworth	✓		
TOTALS	7	4	0

Resolved:

That (i) the Committee be minded to grant consent to the application for the reasons summarised below subject to the conditions set out below but desire the Council to enter into an agreement with the developer under section 106 of the Town and Country Planning Act 1990 for contributions to improvement of the adjacent northbound and southbound bus stops the completion of which shall be delegated to the Director of Corporate Support and (ii) on completion of such section 106 agreement the Development Control Manager or Principal Planning Officer be authorised to approve the said application subject to the following conditions:-

SUMMARY OF REASONS FOR APPROVAL

Given the situation of the building in the centre of Crawshawbooth the dwellings would be accessible by public transport, walking and cycling which accords with policy 1b of the Rossendale District Local Plan, PPG3 and PPG13. As no on site parking would be provided the requirements of policy T.4 of the Rossendale District Local Plan would not be achieved. The existing use however requires more car parking spaces than the proposed use and as such it is not considered that the proposal will worsen the current situation. To this extent the proposed development accords with policy DC.1 of the Rossendale District Local Plan.

CONDITIONS

01 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.

02 The 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 policy DC.1 of the Rossendale District Local Plan.

03 The areas identified on plan reference AL (0) 11 for cycle storage shall be made available for such use before the occupation of any of the dwellings hereby approved and shall be retained for such use thereafter.

Reason: In order to encourage the use of cycles in accordance with policy DC.1 of the Rossendale District Local Plan.

**96. APPLICATION NUMBER 2004/386
ERECTION OF FOUR TERRACED DWELLINGS
AT: LAND OFF JAMES STREET, HASLINGDEN**

Councillors Wadsworth, Driver, Lamb, Atkinson, L. Barnes, Crosta, Neal, S. Pawson, Robertson and Thorne declared that they had been lobbied on this 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:

COUNCILLOR	FOR	AGAINST	ABSTENTION
Atkinson	✓		
L Barnes	✓		
Crosta	✓		
Driver	✓		
Entwistle	✓		
Lamb	✓		
Neal	✓		
S Pawson	✓		
Robertson	✓		
Thorne	✓		
Wadsworth	✓		
TOTALS	11	0	0

Resolved:

That planning permission be granted for the following summarized reasons and subject to the following conditions:

SUMMARY OF REASONS FOR APPROVAL

The proposal accords with Government guidance in the form of PPG 3. The erection of four dwellings on this site would allow the Council to meet completion targets as set out in Policy 12 of the Proposed Changes Draft Joint Lancashire Structure Plan.

Subject to conditional control the proposal would not have a materially adverse impact upon residential amenity or highway safety and accords with Policy DC1 of the Rossendale District Local Plan.

CONDITIONS

01 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.

02 The development shall be carried out in accordance with the amended plan received on 22nd June 2004.

Reason: For the avoidance of doubt and in the interests of highway safety and residential amenity having regard to Policy DC1 of the Rossendale District Local Plan

03 The 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 policy DC.1 of the Rossendale District Local Plan.

04 Prior to the development commencing:

- a. A contaminated land Phase I 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 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA
- c. Should the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. 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 LPA 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 and does not create undue risks to site users or neighbours during the course of the development in accordance with policy DC.1 and E7 of the Rossendale District Local Plan.

**97. APPLICATION NUMBER 2004/401
ERECTION OF 194 DWELLINGS (RESERVED MATTERS). THE
DEVELOPMENT WOULD AFFECT FOOTPATH NO. 445
AT: LAND BETWEEN DOUGLAS ROAD AND TONG LANE, BACUP**

Councillors Wadsworth and Driver declared that they had been lobbied on the application.

The Development Control Manager submitted details of a communication from Government Office North West (GONW) which had purported to direct the authority under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 not to approve this application without special authorisation.

The Head of Legal Services advised that this did not prevent consideration of the application and that GONW would be assisted by hearing the Committee's views.

A letter from the Environment Agency was also submitted confirming that subject to the inclusion of additional conditions their objection to the proposed development would be withdrawn.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
Atkinson	✓		
L Barnes	✓		
Crosta	✓		
Driver	✓		
Entwistle	✓		
Lamb	✓		
Neal	✓		
S Pawson	✓		
Robertson	✓		
Thorne	✓		
Wadsworth	✓		
TOTALS	11	0	0

Resolved:

(i) That the Committee be minded to grant consent to the application subject to the conditions set out below but desire the Council to enter into an agreement with the developer (relative to public open space within the site) under section 106 of the Town and Country Planning Act 1990, the completion of which shall be delegated to the Director of Corporate Support and (ii) that on completion of such section 106 Agreement and subject to any direction by the Secretary of State the Development Control Manager or Principal Planning Officer be authorised to approve the said application subject to the following conditions:

CONDITIONS

01 The development shall be carried out in accordance with the amended planning layout received on 30th June 2004, the maintenance store plan received on 30th June 2004 and elevation and floor plans received on 18th June 2004
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt

02 Any 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 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.

03 The 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 policy DC.1 of the Rossendale District Local Plan.

04 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, 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

7

05 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 any 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of residential amenity and in accordance with policy DC.1 of the Rossendale District Local Plan.

06 No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of drainage in accordance with policy DC.1 of the Rossendale District Local Plan.

07 No development approved by this permission shall be commenced until a detailed scheme for the defined areas of public open space has been submitted to and approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved details.

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

08 Prior to commencement of any development works on the site the developer shall undertake an ecological survey of the ditch crossing the site to establish whether or not any protected species are present. Where species or their habitat are found to be present, a mitigation report shall be prepared and submitted to the local planning authority. No development or site clearance shall take place until the local planning authority has agreed the mitigation measures in writing and these measures shall then be implemented in accordance with that agreement.

Reason: To protect protected species having regard to PPG 9

09 No development approved by this permission shall be commenced until a scheme for the provision of the proposed ponds or ditch around the boundary of the site as mitigation for the loss of the ditch across the site have been submitted to and approved in writing by the local planning authority. Such a scheme shall be completed in accordance with approved plans and details.

Reason: To prevent loss of aquatic habitat on site having regard to PPG 9.

10 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the local planning authority. The scheme shall be completed in accordance with approved plans.

Reason: To reduce the risk of flooding having regard to PPG 25

**98. APPLICATION NUMBER 2004/416
CHANGE OF USE OF FORMER RESTAURANT TO ONE DWELLING HOUSE
AND ERECTION OF THREE NEW DWELLINGS
AT: LAND AT/ATTACHED TO TRUFFLES, HELMSHORE ROAD,
HELMSHORE**

No Members were lobbied.

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
Atkinson	✓		
L Barnes	✓		
Crosta	✓		
Driver	✓		
Entwistle	✓		
Lamb	✓		
Neal	✓		
S Pawson	✓		
Robertson	✓		
Thorne	✓		
Wadsworth	✓		
TOTALS	11	0	0

Resolved:

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

SUMMARY OF REASONS FOR APPROVAL

The proposal is acceptable in land-use principle (in so far as it accords with Policy DS1 of the Rossendale District Local Plan) and accords with Government guidance in the form of PPG 3. The proposal would lead to a loss of a small proportion of land defined as greenlands but would not materially prejudice openness or indeed the aims and objectives of Policy E1 of the Rossendale District Local Plan.

CONDITIONS

01 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.

02 The development shall be carried out in accordance with the amended plan received by the Local Planning Authority on 20th July 2004
Reason: For the avoidance of doubt and in the interests of highway safety having regard to Policy DC1 of the Rossendale District Local Plan.

03 Any 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 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.

04 The 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 policy DC.1 of the Rossendale District Local Plan.

05 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, 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

06 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of residential amenity and in accordance with policy DC.1 of the Rossendale District Local Plan.

07 Prior to the development commencing:

a. A Phase II contaminated land investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA)

b. If the Phase II investigations indicate that remediation is necessary, then a Remediation

Statement shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Statement shall then be carried out

If remediation is 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 LPA 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 and does not create undue risks to site users or neighbours during the course of the development in accordance with policy DC.1 of the Rossendale District Local Plan.

**99. APPLICATION NUMBER 2004/418
ERECTION OF TWO STOREY BUILDING TO FORM SIX TWO BEDROOM
APARTMENTS
AT: LAND OFF JOHN STREET AND JAMES STREET, WHITWORTH**

Councillors Wadsworth, Driver, Lamb, Atkinson, L. Barnes, Crosta, Entwistle, Neal, Robertson and Thorne declared that they had been lobbied 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:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Atkinson	✓		
L Barnes	✓		
Crosta	✓		
Driver	✓		
Entwistle	✓		
Lamb	✓		
Neal	✓		
S Pawson	✓		
Robertson	✓		
Thorne	✓		
Wadsworth	✓		
TOTALS	11	0	0

Resolved:

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

SUMMARY OF REASONS FOR APPROVAL

The proposal as amended is acceptable in land-use principle (in so far as it accords with Policy DS1 of the Rossendale District Local Plan) and accords with Government guidance in the form of PPG 3. Subject to conditional control the proposal would not have a detrimental impact upon highway safety or residential amenity thereby according with Policy DC1 of the Rossendale District Local Plan.

CONDITIONS

01 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.

02 The development shall be carried out in accordance with the site plan and elevation plan received on 10th June 2004 and the amended car park and crossing plan received on 8th July 2004.

Reason: For the avoidance of doubt.

03 The 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 having regard to Policy DC4 of the Rossendale District Local Plan.

04 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, 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

05 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of residential amenity and in accordance with policy DC.1 of the Rossendale District Local Plan.

06 Prior to the development commencing:

a. A contaminated land Phase I 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 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA

c. Should the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the

LPA. 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 LPA 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 and does not create undue risks to site users or neighbours during the course of the development in accordance with policy DC.1 of the Rossendale District Local Plan.

07 The windows in the side elevations of the proposed development shall be fixed and unopenable and shall not at any time be glazed other than with opaque glass of a type and degree of opacity to be first agreed in writing by the Local Planning Authority. Any replacement window frame shall be fixed and unopenable and be fitted with opaque glass of an equal degree of opacity to that which was first approved.

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

08 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment having regard to Policy DC1 of the Rossendale District Local Plan.

**100. APPLICATION NUMBER 2004/420
FOLLOWING DEMOLITION OF EXISTING BUILDINGS, THE ERECTION OF A
FOOD CONVENIENCE SUPERSTORE (USE CLASS A1) AND A LEISURE
(HEALTH AND FITNESS) FACILITY (USE CLASS D2), TOGETHER WITH
ASSOCIATED CAR PARKING, ACCESS, SERVICING ARRANGEMENTS,
LANDSCAPING AND OFFICE USE (USE CLASS B1)WITHOUT COMPLYING
WITH CONDITION 3 ATTACHED TO OUTLINE PLANNING PERMISSION
REFERENCE 2000/286 (EXTENSION OF PERIOD FOR SUBMISSION OF
RESERVED MATTERS APPLICATION(S) BY 12 MONTHS)
AT: LAND AT ST. MARY'S WAY RAWTENSTALL**

Councillor Driver declared that she had been lobbied on the application.

The Development Control Manager submitted details of representations received since the preparation of the report together with details of proposed additional conditions.

In accordance with the procedure for public speaking Mr. Jeremy Hinds (Agent) spoke in favour of the application and confirmed that the additional conditions were acceptable. With the approval of the Chair, Mrs. Kathy Fishwick spoke.

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
Atkinson	✓		
L Barnes	✓		
Crosta	✓		
Driver	✓		
Entwistle	✓		
Lamb	✓		
S Pawson	✓		
Robertson	✓		
Thorne	✓		
Wadsworth	✓		
TOTALS	10	0	0

Resolved:

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

SUMMARY OF REASONS FOR APPROVAL

In accordance with Circular 11/95 (The Use of Conditions in Planning Permission) consideration has been given to material changes in planning circumstances since the original permission was granted. The material changes constitute policy 16 of the proposed changes deposit edition of the Joint Lancashire Structure Plan and PPS6. It is considered that the proposed development accords with this emerging policy guidance and as such it is considered that the application should be approved

CONDITIONS

01 Approval of the details of the siting, design and external appearance of the buildings and the landscaping of the site (hereinafter called “the relevant matters”) shall be obtained

Reason: For the avoidance of doubt as this is an outline permission only.

02 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 such reserved matters shall be carried out in strict accordance with an approval of the local planning authority.

Reason: For the avoidance of doubt as this is an outline permission only.

03 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of four years from the date of the outline planning permission reference 2000/286 issued by the Local Planning Authority on 7th August 2001.

Reason: In accordance with the timescales requested by the applicant and required by section 92 of the Town and Country Planning Act 1990.

04 The development hereby permitted shall be begun either before the expiration of six years from the date of the outline planning permission reference 2000/286 issued by the Local Planning Authority on 7th August 2001, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the timescales requested by the applicant and required by section 92 of the Town and Country Planning Act 1990.

05 No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in strict accordance with such approval. These details shall include finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, indicating lines, manholes' supports).

Reason: In order to enhance the setting and appearance of the proposed development, to assist in the provision of a satisfactory standard of visual amenity in the locality, and to screen the development in accordance with policy DC.1 of the Rossendale District Local Plan.

06 For the purposes of Condition 5 above, soft landscaping works shall include planting plans and written specifications (including specifications for cultivation and other operations associated with plans and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities; and implementation programme.

Reason: For the avoidance of doubt and to ensure that an appropriate level of detail is provided for consideration by the Local Planning Authority in that respect in accordance with policy DC.1 of the Rossendale District Local Plan.

07 If within a period of 2 years from the date of planting of any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority give written consent to any variation.

Reason: To ensure an appropriate standard of landscape maintenance during the initial period of plant establishment in the interests of visual amenity and in accordance with policy DC.1 of the Rossendale District Local Plan.

08 All hard and soft landscape works referred to in Conditions 5 and 6 above shall be carried out in accordance with the approved details prior to the occupation of any part of the development or by such later date as may be specified in any programme agreed with the Local Planning Authority.
Reason: For the avoidance of doubt and to ensure the implementation of the approved scheme of landscaping within an appropriate timescale in the interests of visual amenity and in accordance with policy DC.1 of the Rossendale District Local Plan.

09 The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved scheme before the use of the premises hereby permitted becomes operative.
Reason: To allow for the effective use of the parking areas in accordance with policies DC.1 and T.4 of the Rossendale District Local Plan.

10 Before work commences on the development hereby approved facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. Such facilities shall remain and be used as necessary for the full period of construction of the development.
Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials by construction traffic thus creating a potential hazard to road users having regard to policy DC.1 of the Rossendale District Local Plan.

11 Construction of any part of the development shall not commence until a scheme for the construction of the site access and off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority. Such a scheme shall include suitable access to internal parking areas and service access to the site and a scheme for the improvement of traffic flows around the Queen's Square gyratory system.
Reason: In order to ensure the final details of the proposed access and highway improvement area acceptable to the Local Planning Authority and Highway Authority before work commences on site in accordance with policy DC.1 of the Rossendale District Local Plan.

12 No part of the development hereby approved shall be occupied or open for trading until the approved scheme referred to in Condition 11 has been constructed and completed in accordance with the scheme details.
Reason: In order that traffic generated by the development shall not exacerbate unsatisfactory highway conditions in advance of the completion of the proposed access and highway improvement having regard to policy DC.1 of the Rossendale District Local Plan.

13 No development shall take place prior to the implementation and completion of a programme of archaeological recording in accordance with a written scheme submitted to and approved in writing by the Local Planning Authority.

Reason: This is a site of archaeological importance requiring a phased scheme of archaeological assessment prior to disturbance by development in accordance with policy DC.1 of the Rossendale District Local Plan.

14 No development shall be commenced until a study has been undertaken to assess the effects of the development on the hydraulic regime of the Limy Water and its tributaries to the satisfaction of the Local Planning Authority. If the study demonstrates the capacity of the channel is insufficient to convey flows generated by a 1 in 100 year catchment wide rainfall event, a scheme of works to remedy such incapacity shall be submitted to and approved by the Local Planning Authority and shall, prior to the commencement of the development be implemented in full.

Reason: To reduce the risk of flooding on the development site and flooding elsewhere due to the development in accordance with policy DC.1 of the Rossendale District Local Plan.

15 No development shall be commenced until details of the existing and proposed floor levels have been submitted to and approved by the Local Planning Authority. The scheme shall be constructed and completed with floor levels in accordance with the approved details.

Reason: To reduce the risk of flooding to the development in accordance with policy DC.1 of the Rossendale District Local Plan.

16 Before the development is commenced a detailed site investigation shall be carried out to establish if the site contains contaminants, to assess the degree and nature of any contaminants present, and to determine its potential for the pollution of the water environment. The method and extent of this investigation shall be agreed in writing with the Local Planning Authority prior to the commencement of the investigation. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall not proceed unless measures are implemented in full.

Reason: To prevent pollution of the water environment having regard to policy E.10 of the Rossendale District Local Plan.

17 No development shall be commenced until a scheme for the storage, handling, loading and unloading of fuels, oils, chemicals and effluents has been approved by the Local Planning Authority. The development shall be constructed and completed in accordance with the approved scheme and any works constructed pursuant to the scheme (except works specified in the scheme as being required only temporarily) shall be retained and any other requirement of the scheme be observed after completion of the development.

Reason: To prevent discharge of contaminated drainage or accidental spillages to underground strata or surface waters having regard to policy E.10 of the Rossendale District Local Plan.

18 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from areas and ways to which vehicles have access shall be passed through an oil interceptor designed and constructed in accordance with details for which the prior approval in writing of the Local Planning Authority shall have been obtained.

Reason: To prevent pollution of water resources having regard to policy E.10 of the Rossendale District Local Plan.

19 Water drainage from any roof in the development into a pipe connected to such roof shall, without passing through such oil interceptor be piped to such watercourse, surface water sewer or soakaway system in a pipe totally enclosed save for its mouth and (i) a connection with a roof or (ii) a connection with a pipe of which the only other opening is a connection with a roof or (iii) a connection with a pipe of which the only other opening is connected to a similar pipe or a pipe as mentioned in (ii) above.

Reason: To avoid overloading the oil interceptor with water unlikely to be contaminated with oil resources having regard to policy E.10 of the Rossendale District Local Plan.

20 No development shall be commenced until a scheme for the landscaping of the proposed open river channel has been submitted to and approved in writing by the Local Planning Authority. Such a landscaping scheme shall be completed in accordance with the approved scheme prior to the occupation of any part of the development or by such later date as may be specified in any programme agreed with the Local Planning Authority.

Reason: To improve the ecological value of the river corridor in accordance with policy DC.1 of the Rossendale District Local Plan.

21. 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 or re-enacting those Orders or either of them, with or without modification) not more than 5,400 sq.m. of floorspace (gross) shall be used for shopping purposes (use class A1).

Reason: For the avoidance of doubt and in conformity with the original outline approval

22. 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 or re-enacting those Orders or either of them, with or without modification) not more than 1,554 sq.m. of floorspace (gross) shall be used for office purposes (use class B1).

Reason: For the avoidance of doubt and in conformity with the original outline approval

23. 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 or re-enacting those Orders or either of them, with

or without modification) not more than 2,525 sq.m. of floorspace (gross) shall be used for leisure (health and fitness) purposes (use class D2).

Reason: For the avoidance of doubt and in conformity with the original outline approval

24. 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 or re-enacting those Orders or either of them, with or without modification) not more than 864 sq.m. of floorspace (gross) shall be used for storage purposes (B8).

Reason: For the avoidance of doubt and in conformity with the original outline approval

25. 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 or re-enacting those Orders or either of them, with or without modification) not more than 1,580 sq.m. of floorspace (gross) shall be used for entrance foyer/mall purposes.

Reason: For the avoidance of doubt and in conformity with the original outline approval

**101. APPLICATIONS NUMBERS 2004/431 AND 2004/432
ERECTION OF 56 DWELLINGS INCLUDING 10 DETACHED UNITS AND 46
APARTMENTS WITH ASSOCIATED PARKING (RESERVED MATTERS)
AT: DUCKWORTH CLOUGH MILL, CLOUGH END ROAD, HASLINGDEN**

Councillors Wadsworth, Atkinson and Thorne declared that they had been lobbied on these applications, which were identical.

The Development Control Manager submitted details of representations received since the preparation of his report including a letter from the Environment Agency.

In accordance with the procedure for public speaking Mr. Bernard Watson spoke against the application.

Councillor Ruddick also spoke against 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:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Atkinson		✓	
L Barnes	✓		
Crosta	✓		
Driver	✓		

Entwistle	✓		
Lamb	✓		
Neal	✓		
S Pawson	✓		
Robertson	✓		
Thorne	✓		
Wadsworth	✓		
TOTALS	10	1	0

Resolved:

That planning permission be granted for these applications for the reasons set out below and subject to the conditions set out below.

SUMMARY OF REASONS FOR APPROVAL

The proposed development makes efficient use of land and would not have a detrimental impact upon highway safety or visual amenity/residential amenity. For these reasons the development accords with Policy DC1 of the Rossendale District Local Plan and PPG 3.

CONDITIONS

01 The development shall be carried out in accordance with the amended planning layout plan received on 27th July 2004, the proposed master landscape plan received on 27th July 2004 and elevation and floor plans received on 11th June 2004.

Reason: For the avoidance of doubt.

02 The development shall not be commenced until full details, including representative samples (natural stone and blue slate), 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 policy DC4 of the Rossendale District Local Plan.

03 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of residential amenity and in accordance with policy DC.1 of the Rossendale District Local Plan.

04 No development shall be commenced until a bat survey has been undertaken and submitted to the local planning authority. If bats are on the site the survey shall (i) include measures to protect the bats during the period of construction and/or (ii) provide details of alternative site(s) and the timing for movement of such bats. The development shall thereafter accord with details approved by the local planning authority.

Reason: In order to protect any bats on the site having regard to Government guidance in the form of PPG 9

05 No development approved by this permission shall be commenced until a scheme for the diversion of the existing culverted watercourse has been submitted to and approved by the local planning authority. The works shall be carried out in accordance with the details in the approved plans prior to the commencement of the erection of any of the residential units hereby approved.

Reason: To reduce the risk of flooding on site elsewhere having regard to Policy DC1 of the Rossendale District Local Plan.

06 No development shall take place until a scheme for boundary treatment adjacent to the steep river valley corridor and pond areas has been submitted to and approved in writing by the local planning authority. No revetment or terracing shall encroach out into the wetland or woodland areas. The works shall be carried out in accordance with details in the approved plans prior to the first occupation of any of the residential units hereby approved.

Reason: To ensure the existing, undisturbed buffer strips remains and to protect the adjoining wetlands and linking semi-natural corridors from encroachment having regard to Policy DC1 of the Rossendale District Local Plan.

102. PLANNING APPEAL DECISION – APPLICATION NUMBER 2003/172 – OUTLINE FOR RESIDENTIAL DEVELOPMENT AT LAND OFF YORK STREET, CRAWSHAWBOOTH

The Development Control Manager submitted a report notifying Members of an appeal decision in respect of planning application number 2003/172 together with a copy of the inspector's decision letter for consideration of the Committee.

He informed Members that the appeal had been allowed subject to conditions.

Resolved:

That the appeal decision be noted.

103. PLANNING APPEAL DECISION – APPLICATION NUMBER 2003/491 – OUTLINE FOR RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO 35 ASHWORTH STREET, WATERFOOT

The Development Control Manager submitted a report notifying Members of an appeal decision in respect of planning application 2003/491 together with a copy of the inspector's decision letter for consideration of the Committee.

He informed Members that the appeal was dismissed.

Resolved:

That the appeal decision be noted.

104. PLANNING APPEAL DECISION – APPLICATION NUMBER 2003/647 – SITE AT ALDERWOOD, OFF MARKET STREET, EDENFIELD

The Development Control Manager submitted a report notifying Members of an appeal decision in respect of planning application number 2003/647 together with a copy of the inspector's decision letter for consideration of the Committee.

He informed Members that the inspector had dismissed the appeal.

Resolved:

That the appeal decision be noted.

(The meeting commenced at 6.30pm and closed at 9.50pm)