

MINUTES OF: DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: Thursday, 2nd September 2004

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

**IN ATTENDANCE: Mr D Hartley, Principal Planning Officer
Mr R W Lester, Head of Legal Services
Ms K Grimshaw, Senior Planning Officer
Mr P Jones, Chief Administrative Officer**

APOLOGIES: Councillor S Pawson

142. MINUTES

Resolved:

That the Minutes of the meeting of the Committee held on the 29th July 2004 be signed by the Chair as a correct record subject to:-

1. The deletion of the word "applicant" and the substitution therefore of the words "principal objector" in Minute 90 in relation to Councillor Wadsworth's prejudicial interest arising by virtue of a close friendship; and
2. The word "rear" being substituted by the word "South" in condition 8 of Minute 92.

143. 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 Wadsworth – prejudicial interest in Minute 148 (Planning Application Number 2004/495) by virtue of his membership of the Governing Body of the Bacup and Rawtenstall Grammar School.

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

**144. APPLICATION NUMBER 2004/428
ERECTION OF TWO STOREY EXTENSION AT REAR AND SIDE OF DWELLING
HOUSE (TO INCLUDE THE FORMATION OF A NEW RETAINING WALL)
AT: LOWER CHAPEL HILL BARN, HURST LANE, - RAWTENSTALL**

No Councillors had been lobbied on this 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
Wadsworth	✓		
Driver	✓		
Lamb	✓		
Atkinson	✓		
L. Barnes	✓		
Crosta	✓		
Entwistle	✓		
Neal	✓		
Starkey	✓		
Robertson	✓		
Thorne	✓		
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 proposed extensions and physical alterations are in keeping with the character of the existing dwelling in accordance with policy C.1 of the Rossendale District Local Plan although it is acknowledged that this is due to the conversion and subsequent alterations resulting in a much more residential design. The addition of a first floor extension to the side of the property will not have an adverse impact on the neighbouring property in accordance 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 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 Notwithstanding the approved plans, planning permission is approved solely for the development described above and this approval does not confer permission for the single storey rear (north east) extension.

Reason: For the avoidance of doubt and to ensure consistency with policy DC.1 of the Rossendale District Local Plan.

04 No development shall be commenced until full details of the retaining wall, including exact location and visual appearance, have been submitted to and approved in writing by the Local Planning Authority, the development shall thereafter be carried out in accordance with the approved details.

Reason: Insufficient detail was submitted with the application and it is necessary for the Local Planning Authority to consider the detail to ensure a satisfactory appearance and structural design in accordance with policy DC.1 of the Rossendale District Local Plan.

05 The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture.

Reason: To ensure that the appearance of the building to be extended is not adversely affected by the materials to be used in the extension having regard to Policy DC.4 of the Rossendale District Local Plan.

(Note Daniel Hartley Principal Planning Officer declared a personal and prejudicial interest in this matter arising from the close proximity of the application site to his parents' address. He left the meeting and took no part in this item during its consideration).

**145. APPLICATION NUMBER 2004/452
ERECTION OF DETACHED DWELLING
AT: LAND OFF HENRY STREET, BETWEEN 31 SCHOFIELD ROAD AND 7
HENRY STREET, RAWTENSTALL**

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

In accordance with the procedure for public speaking Susan Kirkland spoke against the application and Tony Deakin (Architect) spoke in favour of the application.

A proposal was agreed and seconded to defer the application in light of the comments now made by the Architect concerning the possible relocation of the proposed dwelling within the development. Voting took place on the proposal the results of which were as follows.

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

Resolved:

That the application be deferred in order that a plan can be submitted showing a revised location of the development within the application site.

- 146. APPLICATION NUMBER 2004/460
CONVERSION OF STONE SHIPPON TO FORM DWELLING WITH SINGLE STOREY EXTENSION (THIS PROPOSAL MAY AFFECT THE SETTING OF FOOTPATH NUMBER 25)
AT: LOWER HOUSE FARM, LOWER HOUSE LANE, WATER**

This application was withdrawn.

- 147. APPLICATION NUMBER 2004/465 (RETROSPECTIVE)
CHANGE OF USE FROM DWELLING HOUSE TO USE AS DWELLING HOUSE AND FOR THE PROVISION OF BED AND BREAKFAST ACCOMMODATION
AT: THE PADDOCKS, 9 COTTESMORE CLOSE, WHITWORTH**

No Councillors had been lobbied on this application.

In accordance with the procedure for public speaking Anna Ramsden one of the applicants 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 results of which were as follows:

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

Starkey	✓		
Robertson	✓		
Thorne	✓		
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 accords with policy DS.1 of the Rossendale District Local Plan. The provision of facilities such as those proposed accords with the principle of policy J.5 of the Rossendale District Local Plan. Having regard to policy DC.1 of the District Local Plan it is not considered given the scale of the development and existing parking provision that the proposal would be detrimental to the existing conditions in the area.

CONDITIONS

1 The bed and breakfast facility shall be restricted to the two bedrooms (with breakfast served in the dining room) detailed on the plan received by the Local Planning Authority on 19th August, 2004.

Reason: To ensure the scale of development is controlled given the location of the property within a residential area and the limited area available for parking having regard to policy DC.1 of the Rossendale District Local Plan.

2 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 fences, gates or walls above one metre in height shall be erected in the curtilage of the premises between Cottessmore Close and the line of the front main wall of the premises or any projection of such line.

Reason: To ensure that existing visibility is maintained in the interests of highway safety and in accordance with policy DC.1 of the Rossendale District Local Plan.

3 Not more than four persons over the age of 16 shall be accommodated on a commercial basis at any time.

Reason: To ensure the scale of development is controlled given the location of the property within a residential area and the limited area available for parking having regard to policy DC.1 of the Rossendale District Local Plan.

**148. APPLICATION NUMBER 2004/495
ERECTION OF TWO/THREE STOREY BUILDING TO BE USED AS A SPORTS HALL WITH FITNESS SUITE AND CLASSROOMS, ACCESSED THROUGH EXISTING SCHOOL GROUNDS AND UTILISING EXISTING SCHOOL PARKING FACILITIES
AT: BACUP AND RAWTENSTALL GRAMMAR SCHOOL, GLEN ROAD, WATERFOOT**

(Councillor Driver in the Chair)

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

In accordance with the procedure for public speaking David Heap (Chair of School Governors at Bacup & Rawtenstall Grammar School) spoke in favour of the application and Mr. Anthony Cordey (local resident) spoke against the application.

A proposal was agreed and seconded to approve the application subject to conditions. The effect of the proposal was to change the recommended conditions to require that the building be built from natural materials, to control the hours of use, to allow inter school activities and to control access to the site. Voting took place on the proposal, the result of which was as follows.

COUNCILLOR	FOR	AGAINST	ABSTENTION
Driver		✓	
Lamb	✓		
Atkinson		✓	
L. Barnes		✓	
Crosta		✓	
Entwistle		✓	
Neal	✓		
Starkey		✓	
Robertson	✓		
Thorne		✓	
TOTALS	3	7	0

A further proposal was agreed and seconded to approve the application subject to conditions. The effect of the proposal was to change the recommended conditions to require that the building be built from man made materials, to control hours of use, to allow inter school activities and control access to the site. Voting took place on the proposal, the result of which was as follows.

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

Resolved:

That planning permission be granted for the application for the reasons set out below 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 construction materials will blend with the existing school buildings thereby according with policies DC.1 and DC.4 of the Rossendale District Local Plan. There would be no significant harm to residential amenity in terms of loss of privacy or outlook. The building would not have a dominating impact on the street scene having regard to 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 Notwithstanding any indication on the approved plans or application forms, no development shall be commenced until full details of the artificial stone and grey Marley interlocking tiles to be used on the walls and roof of the development have been submitted to and first approved in writing by the Local Planning Authority. The development thereafter shall not be carried out otherwise than in complete accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to accord with Policies DC.1 and DC.4 of the Rossendale District Local Plan.

03 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 residential amenity and in accordance with policy DC.1 of the Rossendale District Local Plan.

04 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.

05 No development shall be commenced until full details of the retaining wall, including details of the facing material and visual appearance, have been submitted to and approved in writing by the Local Planning Authority, the development shall thereafter be carried out in accordance with the approved details.

Reason: Insufficient detail was submitted with the application and it is necessary for the Local Planning Authority to consider the detail to ensure a satisfactory appearance and structural design in accordance with policy DC.1 of the Rossendale District Local Plan.

06 Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00am 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.

07 The development hereby approved shall not be used other than between 07.30 hours and 18.30 hours Monday to Saturday and shall not in any event be used on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: In the interest of residential amenity having regard to Policy DC.1 of the Rossendale District Local Plan.

08 Notwithstanding the submitted plans, before the development hereby approved is commenced a scheme of improvement to the access to the site from Mount Avenue (including visibility sight lines within the school premises between Mount Avenue and Millar Barn Lane) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been provided, constructed and surfaced in complete accordance with the approved plans and the visibility sight lines shall thereafter be retained in accordance with the approved details.

Reason: To ensure satisfactory provision is made to and within the site for the accommodation of emergency and service vehicles attracted to or generated by the proposed development having regard to policy DC.1 of the Rossendale District Local Plan.

09 Once the development hereby approved has been brought into use the entrances to the site from Mount Avenue shall not be used by vehicles other than (i) those being used by the police, fire and ambulance or rescue services or (ii) those being used primarily for the purpose of delivery or collection of goods.

Reason: In the interests of residential amenity and highway safety having regard to policy DC.1 of the Rossendale District Local Plan.

10 The use of the building hereby approved shall be restricted to the staff and pupils of Bacup and Rawtenstall Grammar School and Waterfoot Primary School and the staff and pupils of any other school which may at any time be participating in a sporting event in which either of the above named schools is participating. At no time shall the building be used by any other persons or on a commercial basis.

Reason: To prevent increased demand for parking and to ensure that there is no detrimental impact on the existing conditions in the area in accordance with policy DC.1 of the District Local Plan.

**149. APPLICATION NUMBER 2004/471
INSTALLATION OF 30M X 45M FLOODLIT ALL WEATHER RIDING ARENA.
AT: LAND AT DOALS HOUSE, HILLSIDE CRESCENT, WEIR, BACUP**

(Councillor Wadsworth returned to the Chair)

Councillors Driver, Lamb, L. Barnes, Crosta, Entwistle, Neal, Robertson and Thorne had all been lobbied on this application.

In accordance with the procedure for public speaking Ms Gail Barrowcliffe spoke against the application. A proposal was agreed and seconded to move the application subject to conditions. Voting took place on the proposal the results of which were as follows.

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

Resolved:

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

SUMMARY OF REASONS FOR APPROVAL

The proposed development as amended and subject to conditional control would not have a harmful impact upon the character of the countryside or a detrimental impact upon residential amenity or highway safety thereby according with policies C1 and DC1 of the Rossendale District Local Plan and Government guidance in the form of PPG 7 and PPS 7.

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 amended plans received on 15th July 2004

Reason: For the avoidance of doubt

03 The floodlights hereby approved shall not be operated before 10am or after 5.30pm on Sundays, Good Friday, Christmas Day or Bank Holidays, or before 8am or after 9pm on other days.

Reason: In the interests of visual/residential amenity having regard to Policies DC1 and C1 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 The riding arena hereby approved shall not at any time be used for commercial or business purposes and shall be used solely by the owner(s) of the arena.

Reason: Use of the arena by other persons other than the owner(s) would generate additional traffic and disturbance in the area to the detriment of highway safety and residential amenity having regard to Policy DC1 of the Rossendale District Local Plan.

07 The access road from the terminal point of Hillside Crescent and the proposed turning area shall be surfaced in a hard material the details of which shall be submitted to and approved in writing by the local planning authority before development is commenced. The approved details shall be fully implemented prior to the first use of the arena and the surfacing shall thereafter be fully maintained in accordance with such approved details.

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

**150. APPLICATION NUMBER 2004/549
CHANGE OF USE OF DWELLING HOUSE (GROUND AND FIRST FLOORS) TO
WAITING/RECEPTION FACILITIES FOR ADJACENT DENTISTRY PRACTICE
(THIS PROPOSAL MAY AFFECT THE SETTING OF A LISTED BUILDING)
AT: 1 ALEXANDRIA STREET, RAWTENSTALL**

Councillors Wadsworth, Driver, Lamb, Atkinson, L. Barnes, Crosta, Entwistle, Robertson and Thorne were all lobbied on this application.

In accordance with the procedure for public speaking Mr. S. Morgan (applicant) spoke in favour of the application.

A proposal was agreed and seconded to move the application subject to conditions. Voting took place on the proposal, the result of which was as follows

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

Resolved:

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

SUMMARY OF REASONS FOR APPROVAL

The principle of developing this site within the defined Urban Boundary accords with policy DS.1 of the Rossendale District Local Plan. The proposed development, if controlled by condition, would not increase the demand for parking or adversely affect highway safety and would therefore be in accordance with policy DC.1 of the Rossendale District Local Plan. The development would not affect the listed building opposite having regard to policy HP.2 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 ground and first floors of number 1 Alexandria Street, Rawtenstall shall be used solely as waiting/reception areas ancillary to the dental practice at number 124 Burnley Road and shall not be used for dental surgery rooms or for any other purpose within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification).

Reason: In the absence of off street parking provision, to prevent increased demand for parking and to ensure that there is no detrimental impact on the existing conditions in the area in accordance with policy DC.1 of the Rossendale District Local Plan.

03 The existing ground floor reception room at 124 Burnley Road as indicated on the plan received by the Local Planning Authority shall be used solely as a waiting/reception area ancillary to the dental practice at number 124 Burnley Road and shall not be used for dental surgery rooms or for any other purpose within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification).

Reason: In the absence of off street parking provision, to prevent increase demand for parking and to ensure that there is no detrimental impact on the existing conditions in the area in accordance with policy DC.1 of the Rossendale District Local Plan.

151. **APPLICATION NUMBER 2004/554
CONVERSION OF SINGLE DWELLING INTO TWO SEPARATE DWELLINGS
(THIS MAY AFFECT PUBLIC FOOTPATHS 255, 256 AND 257)
AT: HEIGHT END FARM, OFF BACUP OLD ROAD, DEERPLAY, BACUP**

Councillors Driver and Lamb were lobbied on this application.

A proposal was moved and seconded to refuse the application. Voting took place on the proposal the result of which was as follows.

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

Resolved:

That the planning application be refused for the following reasons.

SUMMARY OF REASONS FOR REFUSAL

01 The proposal is not justified in meeting an identified local need for employment, community services or housing, providing for farm diversification or assisting rural regeneration which is contrary to policies 1 and 5 of the Proposed Changes deposit Joint Lancashire Structure Plan.

02 The application does not perform well from a sustainability point of view and would encourage car dependency. For these reasons the proposed development does not accord with Government guidance in the form of PPG3 and PPG13 and Policy 1b of the Proposed Changes draft Joint Lancashire Structure Plan.

03 The application proposal is not required to meet housing provision requirements as set out in policy 12 of the Proposed Changes deposit Joint Lancashire Structure Plan.

04 The proposed development is contrary to policy DS.5 of the Rossendale District Local Plan and policy 1 of the adopted Lancashire Structure Plan and the building is situated outside of the Urban Boundary and the new dwelling would not be required for the purposes of agriculture, forestry or another use appropriate to the rural area.

**152. APPLICATION NUMBER 2004/555
RESIDENTIAL DEVELOPMENT (THIS MAY AFFECT PUBLIC FOOTPATH NO. 90)
AT: LAND ADJACENT TO DEANSGRAVE ROAD, OFF NEW LINE, BACUP
(OUTLINE)**

Councillors Driver, Lamb and Atkinson were lobbied on this application.

In accordance with the procedure for public speaking Mr. William Ormerod 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 of which was as follows.

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

Resolved:

That for the reasons set out below 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 the maintenance and enhancement of the linear walkway to the rear of 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 (or such other officer as may from time to time exercise the functions currently exercised by that post holder) and (ii) that on completion of such section 106 Agreement the Development Control Manager or Principal Planning Officer (or such other officer as may from time to time exercise the functions currently exercised by either of those post holders) be authorised to approved the said application subject to the following conditions:

SUMMARY OF REASONS FOR APPROVAL

The site is allocated for residential purposes, falls within the urban boundary for Bacup, is brownfield and sustainably located. To this extent the proposal accords with Policies DS1 and H3 of the Rossendale District Local Plan and PPG 3. The development would not in principle cause harm to residential amenity or highway safety thereby according with Policy DC1 of the Rossendale District Local Plan. The development would assist the Council in meeting its annualised completion rates as set out in Policy 12 of the Draft Joint Lancashire Structure Plan.

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 reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: The application is in outline only and not accompanied by detailed plans.

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 shall be carried out as approved.

Reason: The application is in outline only and not accompanied by full and detailed plans

03 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Required by Section 92 of the Town and Country Planning Act 1990

04 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

05 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.

06 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.4 of the Rossendale District Local Plan.

07 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

08 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.

09 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: Having regard to Policy E7 of the Rossendale District Local Plan

10 No development shall take place until details of pedestrian links from the site to the Britannia greenway walkway to the rear of the site (south) have been submitted to and approved in writing by the local planning authority. The pedestrian links shall be implemented in accordance with approved details prior to the first occupation of any of the dwelling houses hereby approved.

Reason: In order to promote sustainable travel having regard to PPG 13 and PPG 3

11 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) there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain in the area of the visibility splay hereinafter defined any building, wall, fence, hedge, tree,

shrub or other device. The visibility splay to be the subject of this condition shall be that land in front of (i) a line drawn from a point 4.5 metres along the centre line of the proposed road from the continuation of the southerly edge of the carriageway of New Line to a point measured 90 metres in a westerly direction on the southerly edge of the carriageway of New Line from the centre line of the proposed road at its junction with New Line and (ii) a line drawn from a point 3.63 metres along the centre line of the proposed road from the continuation of the southerly edge of the carriageway of New Line to a point measured 90 metres in an easterly direction on the southerly edge of the carriageway of New Line from the centre line of the proposed road at its junction with New Line. This visibility splay shall be constructed prior to the first occupation of any of the dwellings hereby approved and thereafter maintained at footway/verge level in accordance with a scheme to have been agreed with the local planning authority in consultation with the highway authority.

Reason: To ensure adequate visibility at the site access having regard to Policy DC1 of the Rossendale District Local Plan.

12 No development shall be commenced until a scheme for protecting the proposed dwellings from noise from the premises at Britannia Mills New Line, Bacup currently occupied by Lancashire Sock Manufacturing Co, has been submitted to and approved in writing by the local planning authority. Such an approved scheme shall be fully implemented prior to the first occupation of any of the dwellings hereby approved.

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

13 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 submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

Reason: To reduce the risk of flooding having regard to Government guidance in the form of PPG 25.

**153. APPLICATION NUMBER 2004/569
OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR RESIDENTIAL
DEVELOPMENT
AT: 6-26A (EVENS) STAGHILLS ROAD AND 2-2A BROW EDGE, NEWCHURCH**

No Councillors were lobbied on this application.

A proposal was agreed and seconded to approve the application subject to conditions. Voting took place on the proposal the results of which was as follows.

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

Resolved:

That planning permission be granted for the application for the reasons set out below 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 site is brownfield and is sustainably located and therefore accords with the aims and objectives of PPG3, PPG13 and policy 1 of the proposed changes Joint Lancashire Structure Plan. As the proposal would not lead to any additional dwellings it is in conformity with policy 43 of the adopted Lancashire Structure Plan and policy 12 of the Proposed Changes deposit Joint Lancashire Structure Plan.

CONDITIONS

01 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.

02 Approval of the details of the means of access, siting, design and external appearance of the building(s) 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.

Reason: The application is in outline only and is not accompanied by detailed plans.

03 Plans and particulars of the reserved matters referred to in condition 2 above 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 is not accompanied by detailed plans.

04 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Required by section 92 of the Town and Country Planning Act 1990.

05 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.

06 The development shall be built to a minimum density of 30 and a maximum of 50 dwellings per hectare.

Reason: To ensure the efficient use of land in accordance with PPG3.

**154. PLANNING APPEAL DECISION
APPLICATION NUMBER 2003/531 – SITE AT 4 LOWER CRIBDEN AVENUE,
RAWTENSTALL, ROSSENDALE, LANCS. BB4 6SW**

The Development Control Manager submitted a report on a Planning Appeal decision in respect of application number 2003/531.

This appeal had been dismissed by the Inspector.

Resolved:

That the appeal decision be noted.