

MINUTES OF: DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: Thursday, 4th November 2004

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

**IN ATTENDANCE: Mr B S Sheasby, Development Control Manager
Mr R W Lester, Head of Legal Services
Miss H Longworth, Planning Officer
Mrs H Moore, Administrative Assistant**

APOLOGIES: Councillors Entwistle and S. Pawson

234. MINUTES

Resolved:

That the Minutes of the meeting of the Committee held on the 7th October 2004 be signed by the Chair as a correct record.

235. 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 declared a prejudicial interest in Minute Number 237 (Planning Application Number 2004/277) by virtue of his friendship with one of the principal objectors. Councillor Wadsworth vacated the Chair and the meeting during the discussion on and consideration of the application.

Councillor Driver declared a personal interest in Minute Number 237 (Planning Application Number 2004/277) as she lives close to the area of the proposed development. Councillor Driver vacated the meeting during the discussion on and consideration of the application.

Councillor L. Barnes declared a prejudicial interest in Minute Number 237 (Planning Application Number 2004/277) as her husband was speaking on the application on behalf of the objectors. Councillor L. Barnes vacated the meeting during the discussion on and consideration of the application.

236. APPOINTMENT OF CHAIR

In the absence of the Chair and Vice Chair by virtue of their interests in planning application number 2004/277, Councillor Neal was appointed Chair for the following item of business.

(COUNCILLOR NEAL IN THE CHAIR)

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

Councillors Crosta, Lamb, Neal, Robertson and Thorne declared that they had been lobbied on this application.

The Development Control Manager submitted details of representations received since the preparation of his report.

Notwithstanding notice of their intention to speak not having been received in accordance with the procedure for public speaking Ms Caroline Greenhalgh spoke against the application and Mr Wilf Cooper (Agent) spoke in favour of the application. Councillor D. Barnes also spoke on the application on behalf of the objectors.

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
Lamb	✓		
Crosta	✓		
Neal	✓		
Robertson	✓		
Starkey	✓		
Thorne	✓		
TOTALS	6	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:-

REASONS

The principle of developing this site for residential purposes was established and agreed under planning permission reference 2001/297. The development will not have a detrimental impact upon residential amenity or highway safety thereby according with policy DC.1 of the Rossendale District Local Plan. The

development would make efficient use of land according with PPG3. The proposed development would tend to assist in meeting annualised completion rates as outlined in Policy 12 of the Draft Proposed Changes Joint Lancashire Structure Plan.

CONDITIONS

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the amended site plan received on 10th September 2004, the elevation and floor plans received on 23rd April 2004 and the cross section and streetscape plans received on 7th October 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
3. 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.
4. Before any development is commenced a detailed scheme of landscaping (including tree and shrub planting, the provision of any grassed areas, hard landscaping features and the erection of any screen or boundary walls, fences or other means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is sooner. 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 having regard to policy DC.1 of the Rossendale District Local Plan.
5. The proposed driveways shall be constructed in accordance with the approved plans and made available for use before the dwellings are first occupied. The driveways shall thereafter be retained in perpetuity for the purpose of parking.

Reason: Parking provision within the site is important in terms of amenity and highway safety having regard to policy DC.1 of the Rossendale District Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) 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 having regard to policy DC.1 of the Rossendale District Local Plan.

7. No development shall take place until samples of the proposed external wall and roofing materials have been submitted to and approved in writing by the local planning authority and the outer face of the building shall not be constructed other than with the approved materials.

Reason: In the interests of visual amenity and in order to ensure a satisfactory degree of harmony within the development having regard to Policies DC1 and DC4 of the Rossendale District Local Plan

8. Before any development is commenced detailed plans and particulars showing any existing trees on the site to be retained shall be submitted to and approved by the local planning authority.

Reason: In the interests of visual amenity having regard to policies E4 and DC1 of the Rossendale District Local Plan.

9. In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of one year from the date of the first occupation of the permitted buildings for their permitted use.

- (a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped otherwise than in accordance with the approved plans and particulars without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

- (b) if any retained tree is uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of the same size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

- (c) the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are

brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor shall any excavation be made nor any fire lit, without the written consent of the local planning authority.

Reason: In the interests of visual amenity having regard to policies E4 and DC1 of the Rossendale District Local Plan.

10. No development shall take place until details of the siting of any storage compound and temporary buildings (moveable or otherwise) have been submitted to and approved by the local planning authority. Any storage compound or building (moveable or otherwise) shall be sited solely in accordance with details approved.

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

11. No development shall take place until full details of all proposed retaining walls have been submitted to and approved in writing by the local planning authority. The retaining walls shall thereafter accord with approved details.

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

(COUNCILLOR WADSWORTH IN THE CHAIR)

**238. APPLICATIONS NUMBER 2004/535 AND 2004/536
TWO APPLICATIONS FOR RESERVED MATTERS APPROVAL PURSUANT
TO OUTLINE PERMISSION 2000/286
AT: LAND AT ST MARY'S WAY, RAWTENSTALL**

No Councillors had been lobbied on this application.

In accordance with the procedure for public speaking Mr Bob May on behalf of Peel Investments North Ltd spoke against the application and Mr Keith Jones spoke on behalf of the applicant.

The Development Control Manager submitted details of representations received since the preparation of his report.

A proposal was moved and seconded to approve the reserved matters applications 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	✓		
Starkey	✓		
Neal	✓		
Robertson	✓		
Thorne	✓		
TOTALS	10	0	0

Resolved:

That reserved matters approval be granted for application numbers 2004/535 and 2004/536 for the reasons set out below and subject to the conditions set out below:-

REASONS

The siting of the proposal relates well to Limy Water and the existing residential properties having regard to policy DC.1 of the Rossendale District Local Plan. The building would be on a large scale. However, the site is large as were the buildings which this would replace. The majority of the surrounding buildings are located at a higher level which will reduce the overbearing impact of the proposed building. Reclaimed stone, amongst other materials, will be used which accords with policy DC.4 of the Rossendale District Local Plan. In accordance with policy T.4 of the Rossendale District Local Plan adequate parking provision is proposed. The proposed landscaping is acceptable and it is considered that the tower of the former Holly Mount School will be enhanced in accordance with policy HP.2 of the Rossendale District Local Plan.

CONDITIONS FOR APPLICATION NUMBER 2004/535

1. The development shall be carried out in accordance with plans numbered PI-05-01, PL-05-13, PL-05-14, PL-05-15, PL-05-19 received on 16th July 2004, TS01 and PP01 received on 23rd July 2004, PL-05-04 Rev a, PL-05-06 Rev a, PL-05-08 Rev a, PL-05-10 Rev a, PL-05-11 Rev a, PL-05-12 Rev a and PL-05-18 Rev a received on 4th October 2004, s122 Rev c received on 6th October 2004, PL-04-09 Rev a received on 18th October 2004, PL-05-02 Rev b, PL-05-03 Rev b, PL-05-05 Rev b and PL-05-07 Rev b received on 19th October 2004
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.

2. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting those Orders or either of them, with or without modification) not more than 5,400 sq.m. of floor space (gross) shall be used for shopping purposes (use class A1).
Reason: To ensure consistency with planning application reference 2000/286
3. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting those Orders or either of them, with or without modification) not more than 2,525 sq.m. of floor space (gross) shall be used for leisure (health and fitness) purposes (use class D2).
Reason: To ensure consistency with planning application reference 2000/286
4. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting those Orders or either of them, with or without modification) not more than 864 sq.m. of floor space (gross) shall be used for storage purposes (use class B8).
Reason: To ensure consistency with planning application reference 2000/286
5. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting those Orders or either of them, with or without modification) not more than 1,580 sq.m. of floor space (gross) shall be used for entrance foyer/mall purposes.
Reason: To ensure consistency with planning application reference 2000/286
6. The area annotated as 'service yard' on plan reference numbers PL-04-02 Rev a and PL-04-03 Rev b shall be maintained as an open area and shall not be enclosed, with or without prior written approval of the planning authority.
Reason: To ensure consistency with the outline planning consent
7. The total floor space within the building hereby approved shall not exceed 10,369 square metres in total and the service yard used in connection with the building shall not exceed 1,459 sq m in area..
Reason: To ensure consistency with planning application reference 2000/286.

8. Further details of the taxi pickup/drop off and similar facility for minibuses shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully implemented before the first occupation of the building hereby permitted.
Reason: To ensure that there are sufficient facilities to meet demand and so the building is readily accessible to all modes of transport in accordance with policy DC.1 of the Rossendale District Local Plan.
9. The development shall not be commenced until full details, including representative samples of the external materials of construction to be used on the roof and walls of the development have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with details approved.
Reason: In the interests of visual amenity and to accord with policies DC.1 and DC.4 of the Rossendale District Local Plan.
10. 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.
11. Notwithstanding the submitted plans details of the hard and soft landscaping, including the identification of all the trees to be removed within woodland plots G1, G13, G2, G3, G4, G14, G5 and G15 and the inclusion of replacement planting within plot G9, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. All hard and soft landscape works shall thereafter 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: To ensure the implementation of the approved scheme of landscaping within an appropriate timescale in the interests of visual amenity in accordance with policy DC.1 of the Rossendale District Local Plan.
12. If within a period of 3 years from the date of planting of any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement of it, is removed, uprooted, destroyed or dies (or becomes in the opinion of the Local Planning Authority, seriously damaged or defective), another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its 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.

13. The car park shall be surfaced in accordance with the approved details and the car parking (including mobility impaired and parent and child), motorcycle spaces and manoeuvring areas marked out in accordance with the approved details prior to the occupation of any part of the development.

Reason: To allow for the effective use of the parking areas and to ensure sufficient number of spaces in accordance with policy T.4 of the Rossendale District Local Plan.

CONDITIONS FOR APPLICATION NUMBER 2004/536

1. The development shall be carried out in accordance with plans numbered PI-04-01, PL-04-14, PL-04-15, PL-04-19 received on 16th July 2004, TS01 and PP01 received on 23rd July 2004, PL-04-04 Rev a, PL-04-06 Rev a, PL-04-08 Rev a, PL-04-09 Rev a, PL-04-10 Rev a, PL-04-11 Rev a, PL-04-12 Rev a and PL-04-18 Rev a received on 24th September 2004, s122 Rev c received on 6th October 2004 and PL-04-02 Rev a, PL-04-03 Rev a, PL-04-05 Rev a and PL-04-07 Rev a received on 19th October 2004.

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

2. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting those Orders or either of them, with or without modification) not more than 5,400 sq.m. of floor space (gross) shall be used for shopping purposes (use class A1).

Reason: To ensure consistency with planning application reference 2000/286

3. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting those Orders or either of them, with or without modification) not more than 2,525 sq.m. of floorspace (gross) shall be used for leisure (health and fitness) purposes (use class D2).

Reason: To ensure consistency with planning application reference 2000/286

4. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting those Orders or either of them, with or without modification) not more than 864 sq.m. of floor space (gross) shall be used for storage purposes (use class B8).

Reason: To ensure consistency with planning application reference 2000/286

5. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting those Orders or either of them, with or without modification) not more than 1,580 sq.m. of floor space (gross) shall be used for entrance foyer/mall purposes.

Reason: To ensure consistency with planning application reference 2000/286

6. The area annotated as 'service yard' on plan reference numbers PL-04-02 Rev a and PL-04-03 Rev b shall be maintained as an open area and shall not be enclosed, with or without prior written approval of the planning authority.

Reason: To ensure consistency with the outline planning consent

7. The total floor space within the building hereby approved shall not exceed 10,369 square metres in total and the service yard used in connection with the building shall not exceed 1,459 sq m in area.

Reason: To ensure consistency with planning application reference 2000/286.

8. Further details of the taxi pickup/drop off and similar facility for minibuses shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully implemented before the first occupation of the building hereby permitted.

Reason: To ensure that there are sufficient facilities to meet demand and so the building is readily accessible to all modes of transport in accordance with policy DC.1 of the Rossendale District Local Plan.

9. The development shall not be commenced until full details, including representative samples of the external materials of construction to be used on the roof and walls of the development have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with details approved.

Reason: In the interests of visual amenity and to accord with policies DC.1 and DC.4 of the Rossendale District Local Plan.

10. 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.

11. Notwithstanding the submitted plans details of the hard and soft landscaping, including the identification of all the trees to be removed within woodland plots G1, G13, G2, G3, G4, G14, G5 and G15 and the inclusion of replacement planting within plot G9, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. All hard and soft landscape works shall thereafter 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: To ensure the implementation of the approved scheme of landscaping within an appropriate timescale in the interests of visual amenity in accordance with policy DC.1 of the Rossendale District Local Plan.
12. If within a period of 3 years from the date of planting of any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement of it, is removed, uprooted, destroyed or dies (or becomes in the opinion of the Local Planning Authority, seriously damaged or defective), another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its 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.
13. The car park shall be surfaced in accordance with the approved details and the car parking (including mobility impaired and parent and child), motorcycle spaces and manoeuvring areas marked out in accordance with the approved details prior to the occupation of any part of the development.
Reason: To allow for the effective use of the parking areas and to ensure sufficient number of spaces in accordance with policy T.4 of the Rossendale District Local Plan.

**239. APPLICATION NUMBER 2004/614
ALTERATION AND CONVERSION OF FORMER AGRICULTURAL BUILDINGS
TO FORM FIVE DWELLINGS (RE-SUBMISSION)
AT: HONEY HOLE, STACKSTEADS, BACUP**

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

In accordance with the procedure for public speaking Mr John Cowpe spoke on behalf of the applicant.

A proposal was moved and seconded to refuse the application. An amendment was moved and seconded to defer consideration of the application.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
Wadsworth		✓	
Driver	✓		
Lamb	✓		
Atkinson	✓		
L. Barnes		✓	
Crosta		✓	
Starkey	✓		
Neal		✓	
Robertson		✓	
Thorne		✓	
TOTALS	4	6	0

The amendment was lost and the Chair called for a vote on the original proposal, the result of which was as follows:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Wadsworth	✓		
Driver		✓	
Lamb		✓	
Atkinson		✓	
L. Barnes	✓		
Crosta	✓		
Starkey		✓	
Neal	✓		
Robertson	✓		
Thorne	✓		
TOTALS	6	4	0

Resolved:

That planning permission be refused for the following reasons:-

1. The proposed development is contrary to Policy 1 of the Proposed Changes Draft Joint Lancashire Structure Plan which states that development will be located primarily in principal urban areas, main towns, market towns and strategic locations for development and Policy 5 of the Proposed Changes Draft Joint Structure Plan which states that most rural development will take place in villages and other settlements.
2. The application site is not sustainably located and is greenfield. For these reasons the proposal does not accord with PPG3 (Housing) which states

that brownfield sites should be developed before greenfield sites and Policy 1(b) of the Proposed Changes (Deposit Edition) Joint Structure Plan which states *"development will be located primarily in the principal urban areas, main towns, market towns, and strategic locations for development and will contribute to achieving high accessibility for all by walking, cycling and public transport"*.

3. The proposed development would be located outside the urban boundary thereby failing to accord with Policy DS1 of the Rossendale District Local Plan.

**240. APPLICATION NUMBER 2004/616
DEMOLITION OF EXISTING OUTBUILDINGS AND ERECTION OF 13 DWELLINGS
(THIS MAY AFFECT THE SETTING OF PUBLIC FOOTPATH NO. 126)
AT: GARDEN COTTAGE, WALLBANK DRIVE, WHITWORTH**

Councillor Neal declared that he had been 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	✓		
Starkey	✓		
Neal	✓		
Robertson	✓		
Thorne	✓		
TOTALS	10	0	0

Resolved:

That planning permission be refused for the following reasons:-

1. The proposal is not justified either in meeting an identified local housing need or assisting in rural regeneration and is therefore contrary to and policies 1, 5 and 12 of the Deposit Joint Lancashire Structure Plan and the Proposed Changes to the Deposit Joint Lancashire Structure Plan.
2. The proposed development is not required to meet the authority's housing supply requirements and is therefore contrary to Policy 43 of the Adopted Lancashire Structure Plan.

**241. APPLICATION NUMBER 2004/617
ERECTION OF WOODEN FENCE AROUND GARDEN AREA
(RETROSPECTIVE)
AT: LAND OPPOSITE 24 ERNEST STREET, BRITANNIA, BACUP**

No Councillors had been lobbied on this application.

In accordance with the procedure for public speaking Mrs L Carter spoke against the application and Mrs S Wilkinson (Applicant) spoke in favour of the application.

A proposal was moved and seconded to approve the application, subject to a condition.

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

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

Resolved:

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

REASON

The proposal will not have an adverse impact on neighbouring properties or highway safety and accords with Policy DC.1 of the Rossendale District Local Plan.

CONDITION

1. The fence which is the subject of this permission shall not exceed a height of 1 metre from ground level of the garden area in which it is erected.
Reason: In the interests of highway safety and to accord with Policy DC1 of the Rossendale District Local Plan.

**242. APPLICATION NUMBER 2004/626
RESERVED MATTERS APPLICATION (SITING, DESIGN, MEANS OF
ACCESS, EXTERNAL APPEARANCE AND LANDSCAPING) FOR THE
ERECTION OF 8 DWELLINGS
AT: ROSEHILL WORKS, ROSEHILL STREET, CRAWSHAWBOOTH**

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

The Development Control Manager submitted details of representations received since the preparation of his report.

In accordance with the procedure for public speaking Mrs Lynsky spoke against the application and Mr Alan Kinder (Agent) spoke in favour of the application.

A proposal was moved and seconded to approve the application, subject to conditions. An amendment was moved and seconded to refuse the application.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
Wadsworth		✓	
Driver	✓		
Lamb		✓	
Atkinson		✓	
L. Barnes	✓		
Crosta			✓
Starkey		✓	
Neal	✓		
Robertson		✓	
Thorne		✓	
TOTALS	3	6	1

The amendment was lost and the Chair called for a vote on the original proposal, the result of which was as follows:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
Wadsworth	✓		
Driver		✓	
Lamb	✓		
Atkinson	✓		
L. Barnes		✓	
Crosta			✓
Starkey	✓		
Neal		✓	
Robertson	✓		
Thorne		✓	
TOTALS	5	4	1

Resolved:

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

REASONS

Having regard to policy DC.1 of the Rossendale District Local Plan the proposed development will not result in any material loss of privacy to the existing dwellings given the proposed siting details. The design and external appearance of the proposed dwellings is in keeping with the surrounding dwellings and will prevent any material loss of light. The proposed access and internal road layout is considered to be satisfactory and the hard and soft landscaping details will enhance the setting of the development.

CONDITIONS

1. The development shall be carried out in accordance with plans numbers 2560/1A received on 20th October 2004 and 2560/2A, 3A and 4A and 2560/5 received by the Local Planning Authority on 12th October, 2004.
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt
2. 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.
3. 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.
4. 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.

5. 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, of 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the garages shall not be used for any purpose which would preclude their use for the parking of a motor car.

Reason: The retention of the parking spaces within the site is important in terms of amenity and highway safety in accordance with policy DC.1 of the Rossendale District Local Plan.

7. The driveway serving the five dwellings from its junction with Higher Booths Lane shall be constructed in accordance with the provisions of the Lancashire County Council Residential Road Design Guide.

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

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

Councillor Thorne declared that she had been lobbied on this application.

A proposal was moved and seconded to defer consideration of 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	✓		
Starkey	✓		
Neal	✓		
Robertson	✓		

Thorne	✓		
TOTALS	10	0	0

Resolved:

That no decision be made at the meeting and that the application be deferred to the next meeting.

**244. APPLICATION NUMBER 2004/669
ERECTION OF SINGLE DETACHED CONCRETE SECTIONAL GARAGE
AT: LAND TO THE REAR OF 51 – 53 MARKET STREET, SHAWFORTH**

Councillor L. Barnes declared that she had been lobbied on this application. In accordance with the procedure for public speaking Mr Brian Ison 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
Wadsworth	✓		
Driver		✓	
Lamb	✓		
Atkinson	✓		
L. Barnes		✓	
Crosta		✓	
Starkey		✓	
Neal	✓		
Robertson	✓		
Thorne	✓		
TOTALS	6	4	0

Resolved:

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

REASONS

The proposal accords with Policy DS1 of the Rossendale District Local Plan and is acceptable in land use principle. The proposed development would not have a detrimental effect upon the amenities of nearby dwellings and garages and would not look out of place within the locality, therefore the proposed development does accord with Policy DC1 of the Rossendale District Local Plan.

CONDITIONS

1. The development permitted shall be begun before the expiration of five years from the date of this permission. Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.
2. 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 garage shall not be used for any purpose which would preclude its use for the parking of a motor car. Reason: the retention of the parking space within the site is important in terms of amenity and highway safety.

**245. APPLICATION NUMBER 2004/671
ERECTION OF A THREE BEDROOMED DORMER BUNGALOW AND
RETAINING WALLS
AT: LAND ADJACENT TO 36 THORNFIELD AVENUE, WATERFOOT**

No Councillors had been lobbied on this application.

In accordance with the procedure for public speaking Mrs Janet Weeks spoke against the application and Mr Paul Heys (Applicant) spoke in favour of 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
Wadsworth			✓
Driver	✓		
Lamb	✓		
Atkinson			✓
L. Barnes	✓		
Crosta	✓		
Starkey			✓
Neal	✓		
Robertson		✓	
Thorne			✓
TOTALS	5	1	4

Resolved:

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

REASONS

The proposal relates to a brownfield site within the urban boundary and would not have an adverse impact upon residential amenity or highway safety thereby according with Policies DC1 and DS1 of the Rossendale District Local Plan. The proposed development would ensure that annualised completion rates were met as outlined in Policy 12 of the Proposed Changes draft Joint Lancashire Structure Plan.

CONDITIONS

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.
2. Notwithstanding any indication on the approved plans or application forms, no development shall be commenced until full details of the external materials to be used on the roof and the walls of the development have been submitted to and first approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to accord with Policy DC4 of the Rossendale District Local Plan.
3. 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)
 - i. No external alterations shall be carried out to the dwelling
 - ii. No extensions shall be carried out to the dwelling
 - iii. No windows or dormer windows shall be added to the dwelling
 - iv. No garages or car ports shall be erected within the curtilage of the dwellingother than those expressly authorised by this permission or another express grant of planning permission in that behalf.
4. 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 garage shall not be used for any purpose which would preclude its use for the parking of a motor car.
Reason: The retention of the parking space within the site is important in terms of amenity and highway safety having regard to Policy DC1 of the Rossendale District Local Plan.

5. The windows in the south east elevation of the proposed development 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 glazing shall be of an equal degree of opacity to that which was first approved.
Reason: To protect the residential amenities of adjoining property and to accord with Policy DC1 of the Rossendale District Local Plan.
6. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping including the reconstruction of the retaining wall to the south east boundary, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, with measures for their protection in the course of development together with details of the materials to be used in the construction of the wall.
Reason: In the interests of visual amenity having regard to policy DC1 of the Rossendale District Local Plan.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interests of residential amenity in accordance with policy DC.1 of the Rossendale District Local Plan.
8. Any construction works associated with the development hereby approved shall not take place except between the hours of 8:00am 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.
9. The construction of the retaining wall in accordance with the approved scheme shall be completed prior to first occupation of the bungalow hereby approved. Reason: In the interest of highway safety and to accord with Policy DC1 of the Rossendale District Local Plan.

(The meeting commenced at 6.30pm and closed at 9.30pm)