

LATE ITEMS REPORT

FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 11th DECEMBER 2007

B1. APPLICATION 2007/629 – FORMER KWIK SAVE STORE

No further comments received – any additional items will be reported verbally at Committee.

B2. APPLICATION 2007/636 - PACK HORSE GARAGE

The applicant's agent has sent several emails which were copied to Members requesting that amendments he submitted be considered as part of this application. No such amendments were requested by the case officer and the amendments submitted are so significant that, under the Council's policy for the receipt of amendments to planning applications, they cannot be considered as part of the same application.

Two emails sent from the Acting Development Control Team Manager to the agent are appended below.

The application remains recommended for refusal.

B3. APPLICATION 2007/612 – VIKING TRAILERS

No further comments received.

B4. APPLICATION 2007/555 – FORMER SCOUT HUT, NEW LINE

No further comments received.

B5. APPLICATION 2007/667 – BACK OF BIRCH STREET AND SHEPHERD STREET

Further to the above, the Council's Environmental Health Officer comments that there are no objections to the application.

Finalised LCC Highways comments awaited.

B6. APPLICATION 2007/688 – LAND AT MILL STREET AND HOLMES LANE, BACUP

Further to the above, the Council's Environmental Health Officer comments that there are no objections to the application.

CORRESPONDENCE RELATING TO ITEM B4.

Emails to Steven Hartley

Sent: Wed 05/12/2007 15:39

Dear Mr Hartley,

I refer to your email dated 3rd December 2007 to John Hodkinson.

The level of amendment to a submitted application which can be allowed is a matter of law. If these changes are so substantial that they warrant reconsultation this is sufficient to trigger the need for a fresh application. In this case not only are your proposed amendments so substantial as to require reconsultation and thus trigger the need for a fresh application, but cannot even be described as the same scheme. It is not therefore for you to agree or disagree, nor for the Committee or Officers to decide.

In your email you state that "It cannot be correct that the amendment materially or substantially alters the scheme", whilst I am not clear what you mean by this statement, I suppose it to mean that you believe the amended scheme you have put in, is not materially or substantially different to that originally submitted. By re-siting the building around 10m forward, relocating the car parking to the rear of the site, creating a new vehicular access, creating a new pedestrian access, providing access to the car park at the rear of the site through the building and changing its appearance, relocating the communal garden and altering the bin store siting, it is clear that the scheme is "materially or substantially different" and therefore cannot be considered as an amendment to the originally submitted scheme.

For clarity, when the amendments are tested against the Council's policy for the receipt of amendments the amendments conflict with points 2, 3, 5 and 6. Namely,

- That the amendments would exacerbate the impact of the scheme
- That the amendments would bring the development closer to an object of recognised sensitivity
- That the amendments would necessitate the need to reconsult
- That the amendments would materially or substantially alter the scheme

As such, the Council is not in a position to consider the amendments you have submitted. If you wish the amendments to be considered, these should be submitted as part of a fresh application. If you do not wish the current application to be considered by the Committee you are entitled to withdraw the current application.

Yours sincerely,

ADRIAN HARDING
ACTING DEVELOPMENT CONTROL TEAM MANAGER

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Submit your planning application On Line at www.planningportal.gov.uk

2nd Email to Steven Hartley

Fri 07/12/2007 13:50

Dear Mr Hartley,

I refer to your email dated 5th December 2007 from which I understand you do not wish to withdraw the application.

In your email you claim that it is common practice for discussions to be held with case officers, for amendments to be made and for these to be accepted.

This is not only a generalisation but also did not happen in this case. Moreover, your comments suggest a carte blanche approach being taken to the accepting of amendments to applications, however, in your last email you conceded that the Council indeed has set criteria for the acceptance of amendments.

The amendments you submitted were not requested by the case officer and do not fall to be considered within the remit of amendments allowed within the Council's policy on the receipt of amendments to planning applications. Indeed, you have altered the boundary of the site by including an area for additional parking. So in addition to the previously cited reasons that your amendments fail the Council's policy on receipt of amendments to planning applications, there is in fact a further reason why it cannot be considered as such.

I would reemphasise that the requirement to submit a fresh application is a matter of law if you wish the amendments you submitted to be considered.

Yours sincerely,

ADRIAN HARDING
ACTING DEVELOPMENT CONTROL TEAM MANAGER

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DEVELOPMENT CONTROL COMMITTEE – 11TH DECEMBER 2007

APPLICATION 2007/636 – PACK HORSE GARAGE

Dear Committee Members

Unfortunately I am unable to attend the meeting due to a business commitment; however I would like to make comment on the above application.

Many of you would have attended the site visit and will be aware of the location of this proposed development and will have noted that it is on the main through road in Edenfield.

Pack Horse garage has historically been used as an HGV depot and is currently being used as a car repair workshop. The uses of Pack Horse garage have never sat comfortably with its' surroundings and I believe still do not today given that most if not all industry / commerce carried out in Edenfield is centred at the Bridge Mills Industrial Estate on Rochdale Road. I believe the current occupant of Pack Horse Garage is keen to also relocate to Bridge Mills to be nearer to complimentary businesses (MOT centre etc).

Pack Horse garage has an HGV operators licence still in place, which would allow for the operation of five HGVs' from the site, a thought nearby residents would dread.

It seems to me that the only viable option for this site is residential housing (given the situation relating to business outlined above). The applicant has worked tirelessly to submit a scheme which would work for the benefit of all concerned, the applicant himself, the local community and the Council. Despite notes in the report to the contrary I am led to believe that the applicant has sought the feedback of the case officer on numerous occasions relating to the scheme and based on that feedback several amendments had been made to the plans, however the planning department has chosen not to allow these to be heard without the need for a fresh application being submitted. A fresh application would of course cost a considerable amount of money (on top of the several thousand pounds already paid to the Council). Given that the changes were only at the suggestion of the case officer the applicant has decided to let you the committee deliberate on this original scheme.

As one of the local Ward Councillors I am very much in support of this application as I feel it would make a massive improvement to this particular area of the village. The application has generated a lot of interest within the village and has the support of the majority of the residents including the Residents' Association and immediate neighbours to the proposed development.

The design of the development offering one bedroom apartment accommodation would bring much needed, more affordable property to the village. I have already been approached by two constituents keen to know more about the development because of this reason, one a student in his final year who would like to stay living in the village when he attains his degree and sees this as potentially an affordable option and the other at the other end of the property scale wanting to downsize to something more manageable.

Should the application not be approved I have some major concerns for this site, will it revert back to an HGV operation or some other business use such as is occupying the site at present, sitting uncomfortably with it's neighbours or will it become derelict?

I ask that you consider all the information I have provided above and join with me in support of this application.

Thank you.

COUNCILLOR DARRYL SMITH