

**UPDATE REPORT THURSDAY 24 AUGUST 2017**  
**FURTHER UPDATE 29<sup>TH</sup> AUGUST 2017**

**FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 29 AUGUST  
2017**

**ITEM B1: APPLICATION NUMBER 2017/0246**

Since publication of the Committee report, officers have considered that the wording of condition 5 should be amended to include a requirement for the development to be implemented in accordance with any mitigation measures contained within the bat survey report that will be required if works have not commenced by 1<sup>st</sup> April 2018. The amended condition would read as follows:

*“If works have not commenced by 1<sup>st</sup> April 2018, no works shall be carried out until a further bat survey has been carried out and the results in the form of a report have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with any mitigation measures contained in the approved report.*”

Reason: *To safeguard any bats roosting on the site.”*

**ITEM B2: APPLICATION NUMBER 2017/0353**

A further representation (objection) from a local resident was received on 17 August 2017 and the key points are summarised below:

- The upstairs of the building is being refurbished and I suspect that he is working on his future entertainment venue with a view to applying for planning permission at a later date.
- Mr Davies was explicitly told that he could not use the outside area for dining in a planning control meeting in June this year. He continued to use Elizabeth Street for outside dining as he has done for the last 12-18 months.
- His use of this area is of no great concern to me, but his disrespect for planning law or the local council is galling.
- Mr Davies has erected signs claiming that the land is “private property” despite the land registry search done by my neighbour Mr Rostron showing that this is not the case. Mr Davies appears to be registered as

owning the building, but not the adjacent land which as far as I can tell is an un-adopted, public road.

- Despite claiming in this application and the previous application (2016/0575) that his business would “not be viable” if the extension to opening hours were not granted; Mr Davies has not yet taken advantage of his extended opening hours. I am convinced that this is because he is “playing a long game”, avoiding complaints related to the extended hours, so that his longer term ambitions to open the upstairs of the property for weddings, parties and live music can be achieved.
- In view of the fact that I have personally observed Mr Davies telling the development control committee things that he knows are untrue and the fact that his current application contains further untruths, I think that Mr Davies’ ventures at 38-42 Market Street should face additional scrutiny from the planning department before any further planning permissions are granted.

### **Officer Response**

It is noted that the land subject to the application is already in use for outside dining, hence the description of development makes reference to the proposal being “part retrospective”. The application has been submitted to the Local Planning Authority in order to regularise the situation. Matters of land ownership are addressed within the committee report. The other matters raised in the representation are not material to the determination of this application.

**Accordingly the recommendation contained within the committee report remains unchanged.**

### **ITEM B4: APPLICATION NUMBER 2017/0377**

During discussions with Rossendale Civic Trust concern was raised as to whether glazing would be the most appropriate treatment for the gable feature at the first and second floor. The Civic Trust also requested that consideration be given to ways in which a “civic” feature could be incorporated into the design.

Following the publication of the committee report the architect has prepared three material options for consideration by Officers, namely: semi-transparent glazing; mirror glazing and Corten steel. The architect has also responded to the suggestion of a civic feature being incorporated, and has now included a clock which is to be located at the upper floor level on all three of the following options, being fitted to the face of the gable feature. Images of the three options are provided below:

1) Semi-transparent glazing



① 3D - Proposed Gable End Treatment - Semi Transparent Glazing

2) Internally painted mirror glazing



② 3D - Proposed Gable End Treatment - Internally Painted Glazing

3) Corten steel



2 3D - Proposed Gable End Treatment - Corten Steel Screen

After a review of the three options put forward by the architect, the Council's Planning and Conservation Officers consider the first option of semi-transparent glazing to be the most appropriate for the site. Officers also consider that the inclusion of a simple clock at upper floor level is acceptable, providing an appropriate and useful feature in the otherwise blank façade and reflecting the historic civic function of the building.

**Accordingly the recommendation that planning permission be granted subject to conditions remains unchanged, however conditions 2 and 3 are amended to state:**

**“2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise required by the conditions below:**

Title	Drawing Reference	Received date
Site Plan	L-00-004 Rev T1	31st July 2017
Location Plan	L-00-001 Rev T1	31st July 2017
Proposed Ground Floor Plan	319-15-L-20-001 Rev T1	31st July 2017
Proposed First Floor Plan	319-15-L-20-002 Rev T1	31st July 2017
Proposed Second Floor Plan	319-15-L-20-003 Rev T1	31st July 2017
Proposed Elevations	20-004 Rev P1	25th July 2017
Town Hall – Semi Transparent Tinted Glazing	SK-01-XX-XX-100	23 <sup>rd</sup> August 2017

**Reason: To define the permission and in the interests of the proper development of the site”**

**“3. Notwithstanding the submitted plans, prior to the commencement of the development sample panels of the proposed semi-transparent glazing in accordance with drawing no. SK-01-XX-XX-100 at grades 25%, 50% and 75% transparency shall be made available on site for viewing and subsequent approval in writing by the Local Planning Authority. The details shall also include the proposed design and materials to be used for**

**the proposed clock feature and any lighting details. The development thereafter shall be completed in accordance with the approved details.**

**Reason: To ensure a satisfactory form of development in the interests of the visual amenities of the area.”**

**ITEM B6: APPLICATION NUMBER 2017/0292**

Condition 20 as worded within the original Committee Report refers to the original planning approval. As approval of this new application under Section 73 of the Town and Country Planning Act would result in the issuing of a new planning approval there is no requirement to refer to the previous approval and as such condition 20 is proposed to be amended as follows:

20, No construction works to the largest unit hereby approved, detailed on the Phase 4 Floor Plans and Elevations drawing (ref: 1490/11J) and Site Layout Plan Scheme B (ref: 1490/B/120L), shall commence until land drainage consent has been issued to the applicant for temporary works to the culverted watercourse located at the north-west point of the largest unit. A copy of the land drainage consent shall be submitted to and approved in writing by the Local Planning Authority prior to any construction works taking place to the largest unit.

Reason: To ensure there is no increase in flood risk on-site or off-site and that the watercourse continues to convey the flow of water without obstruction or impediment during the construction period.