

TITLE:	PLANNING APPEAL RESULT – Land at Victoria Street & Hope Street, Cloughfold
TO/ON:	DEVELOPMENT CONTROL COMMITTEE Tuesday 27 June 2006
BY:	DIANE DUNGWORTH
LEAD MEMBER:	Councillor Challinor
STATUS:	PUBLICATION

1. PURPOSE OF THE REPORT

- 1.1. To inform Committee members of the result of the appeals.

2. RECOMMENDATIONS

- 2.1 That the report be noted.

3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION

- 3.1 2005/516 – This planning application was received on 05 September 2005 and related to: (Outline) - Erection of Building for Industrial Use.

- 3.2 The planning application was refused on 05 October 2005 for the following reasons:-

The siting of an industrial unit on a Greenfield site close to a row of terraced dwellings would, in the opinion of the Local Planning Authority result in conditions in the locality being detrimental to existing environmental conditions thereby failing to accord with Policy DC.1 of The Rossendale District Local Plan.

The proposal does not provide a sufficient vehicle turning area or parking provision which would lead to an exacerbation of the existing highway conditions, to the detriment of road safety and therefore the proposal fails to accord with Policy DC.1 of The Rossendale District Local Plan.

This resulted in an appeal being lodged and being dealt with by the written procedure. The appeal was allowed on 27 March 2006, for the reasons given in the decision letter of the Planning Inspectorate, a copy of which is appended to this report.

4. CORPORATE IMPROVEMENT PRIORITIES

4.1. FINANCE AND RISK MANAGEMENT

4.1.1. Quality service, better housing, the environment, regeneration and economic development, confident communities.

4.2. MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS

4.2.1. N/A

4.3. HUMAN RESOURCES

4.3.1 **Human Rights Act 1998** implications are considered to be Article 8 which relate to the right to respect for private and family life, home and correspondence. Additionally, Article 1 of Protocol 1 relates to the right of peaceful enjoyment of possessions and protection of property.

5. ANY OTHER RELEVANT CORPORATE PRIORITIES

5.1. N/A

6. RISK

6.1. N/A

7. LEGAL IMPLICATIONS ARISING FROM THE REPORT

7.1. N/A

8. EQUALITIES ISSUES ARISING FROM THE REPORT

8.1 N/A

9. WARDS AFFECTED

Hareholme

10. CONSULTATIONS

The appeal was advertised by site notices.

11. Background documents:

11.1 The appeal decision letter

For further information on the details of this report, please contact: Mr P Talbot on 01706 238637.



Appeal Decision

Site visit made on 13 March 2006

by **John Braithwaite** BSc(Arch) BArch(Hons) RIBA

an Inspector appointed by the First Secretary of State

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Date: 27 March 2006

Appeal Ref: APP/B2355/A/05/2005043

Land at south end of Victoria Street to Hope Street, Rawtensall

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by J Stephenson against the decision of Rossendale Borough Council.
- The application Ref 2005/516, dated 15 August 2005, was refused by notice dated 5 October 2005.
- The development proposed is industrial type building for employment purposes.

Decision

1. The appeal is allowed and outline planning permission is granted for an industrial type building for employment purposes on Land at south end of Victoria Street to Hope Street, Rawtensall in accordance with the terms of the application Ref 2005/516 dated 15 August 2005, and the plans submitted therewith, subject to the following conditions:

1. Approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the local planning authority before any development begins.
2. 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.
3. The development hereby permitted shall begin 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.

Reasons

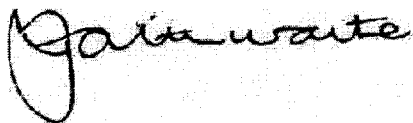
2. The appeal site is an area of steeply sloping ground at the south-west end of Victoria Street, a cul-de-sac with a terrace of 13 dwellings on its north-west side and a fence enclosing an employment site on its south-east side. To the east of the site is a short terrace of dwellings on Hope Street and to the west another employment site. The application is in outline form with all matters reserved. The application indicates the construction of an industrial building of approximately 250 square metres with a parking, loading and turning area of about the same size but, given the nature of the application, this must be regarded as being indicative only.

3. The Council has not submitted an appeal statement but has included with the appeal questionnaire a report prepared by their Development Control Team Manager at application stage. The report states that the appeal site is within the urban area and an employment area as defined in the Rossendale District Local Plan (LP) and that the proposal accords with LP policy DS1. Furthermore, in a letter dated 1 June 2004 a Senior Planning Officer of the Council stated

that "The land is currently designated for employment use and any application to use the land for employment uses would be considered appropriate in policy terms". The principle of employment use of the appeal site is established by the LP.

4. Residents of Victoria Street and Hope Street have many concerns about the proposed employment use of the appeal site. However, it is not known, amongst other things, how large the building would be, how many people would be employed, what size of hardstanding would be required to accommodate parking, turning and loading, what type of commercial or industrial operations would be carried out, what type and volume of traffic would be generated or what the building would look like. Until this information is known it is not possible to determine whether the development would cause harm to, amongst other things, environmental conditions and road safety. If a reserved matters application were to be submitted with the aforementioned and all other necessary information and if the imposition of conditions could not overcome potential harm then the Council could refuse reserved matters approval for the development. At this stage, given that the proposal is acceptable in policy terms and therefore in principle, there is no reason to withhold outline planning permission.

5. The Council has suggested a condition relating to hours of construction works but these works could not commence until approval of all reserved matters and is therefore unnecessary. Only the standard outline conditions are necessary.



Inspector