

**TITLE: PLANNING APPEAL RESULTS**  
**Application 2004/318 – Unit 9 New Line Industrial Park, The Sidings, Bacup OL13 9RW**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE**  
**17 March 2005.**

**BY: Brian Sheasby**

**STATUS: For Publication.**

1. **PURPOSE OF THE REPORT**  
To inform Committee members of the result of the appeals.
2. **RECOMMENDATIONS**  
That the report be noted.
3. **CORPORATE AIMS**  
Quality service, better housing , the environment, regeneration and economic development, confident communities.
4. **RISK**  
n/a
5. **SERVICE DELIVERY/PERFORMANCE MANAGEMENT ISSUES**  
The councils decision has been overruled.
6. **IMPLICATIONS ARISING FROM THE REPORT**

LA21/Environment	*	IT	
Human Rights Act 1998	*	Land and Property	*
Equalities Issues		Personnel	
Community Safety		Legal	
Financial		Partnership Working	

**LA21/Environment** implications are considered to be the effect of the proposals on the local environment. Representations received were under consideration whilst the application was being assessed.

**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.

The relevant **Land and Property** implications were considered in the Officer's Report.

7. WARDS AFFECTED  
Irwell

8. CONSULTATIONS  
Rossendale Highways, Environmental Health (RBC), Environment Agency,  
County Highways & Department of Transport

9. REPORT

2004/318 – This planning application was received on 10 May 2004 and related to an application for use of industrial unit/site for combined use as a road haulage garage and storage/distribution depot based on 24 hours a day, 7 days a week (Retrospective) The application was refused on the 02 July 2004 for the following reasons:-

Given the close proximity of the site to dwelling houses it is considered that the development has real potential to have a detrimental impact upon residential amenity by reason of noise generation. In the absence of receipt of a detailed noise impact assessment with the application it is not possible to properly determine the full impact of the development upon residential amenity (or indeed and if necessary to mitigate by way of conditional control) taking into account Policies DC. 1 and E. 12 of the Rossendale District Local Plan and Government guidance in the form of PPG 24.

This resulted in an appeal being lodged and dealt with under the written representations method. The Inspectorate wrote informing the Council of its decision on the 23 February 2005. The appeal was dismissed. There are no cost implications in this particular case.

Background documents:

Application and appeal documents.

For further information on the details of this report, please contact: Mrs Diane Dungworth extension 134.