

**MINUTES OF: SPECIAL MEETING OF THE DEVELOPMENT CONTROL COMMITTEE**

**Item A2(a)**

**Date of Meeting:** 10<sup>th</sup> July 2006

**Present:** Councillor S Pawson (in the Chair)  
Councillors D Barnes, Crosta, Driver, Eaton, Entwistle, Haworth, Lamb, Neal, Robertson and Thorne.

**In Attendance:** L Fisher, Head of Legal & Democratic Services  
B Sheasby, Team Manager Development Control  
A Storah, Senior Planner – Forward Planning  
K Partington, Urban Vision  
H Moore, Committee Services Manager  
J Cook, Committee Officer

**Also Present:** Councillors A Barnes, Challinor, Cheetham, Lynskey, Ruddick, Smith and approximately 35 members of the public and 1 representative from the press.

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**1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were submitted on behalf of Councillor Swain (Driver substituting) and L Barnes (Thorne substituting).

**2. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**3. APPLICATION NUMBER 1997/155  
ERECTION OF 31 DWELLINGS – THE DEVELOPMENT MAY AFFECT THE SITING OF FOOTPATH NO. 240.  
AT: LAND AT OAKLANDS DRIVE AND LOWER CRIBDEN AVENUE,  
RAWTENSTALL**

The Head of Legal and Democratic Services presented the report and referred to the additional representations received since the preparation of the report.

In accordance with the procedure for public speaking Mr Daniel Hartley spoke in favour of the application.

A proposal was moved and seconded to refuse the application.

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

<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
Pawson	✓		
D Barnes	✓		
Crosta	✓		
Driver	✓		
Eaton		✓	

Entwistle		✓	
Haworth	✓		
Lamb		✓	
Neal		✓	
Robertson		✓	
Thorne	✓		
<b>TOTALS</b>	<b>6</b>	<b>5</b>	<b>0</b>

**Resolved:**

That the application be refused as the proposed development would contribute towards an inappropriate excess in housing supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale Borough Council Housing Position Statement (August 2005). In this instance the case has not been advanced to warrant an exception to policy being made.

**4. APPLICATION NUMBER 2004/513  
EXTENSION, ALTERATION AND CONVERSION OF MILL TO FORM 25  
RESIDENTIAL APARTMENTS INCLUDING FORMATION OF PASSING  
BAYS ALONG EDENWOOD LANE.  
AT: EDENWOOD MILL, EDENWOOD ROAD, RAMSBOTTOM**

The Head of Legal and Democratic Services presented the report and referred to the additional representations received since the preparation of the report.

In accordance with the procedure for public speaking Mr John Cowpe spoke in favour of the application. Councillor Smith also spoke on the application.

A proposal was moved and seconded to refuse the application.

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

<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
Pawson	✓		
D Barnes		✓	
Crosta		✓	
Driver		✓	
Eaton		✓	
Entwistle		✓	
Haworth		✓	
Lamb		✓	
Neal	✓		
Robertson		✓	
Thorne	✓		
<b>TOTALS</b>	<b>3</b>	<b>8</b>	<b>0</b>

This proposal was lost and a proposal was moved and seconded to grant the application.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
Pawson		✓	
D Barnes	✓		
Crosta	✓		
Driver	✓		
Eaton	✓		
Entwistle	✓		
Haworth	✓		
Lamb	✓		
Neal		✓	
Robertson	✓		
Thorne		✓	
<b>TOTALS</b>	<b>8</b>	<b>3</b>	<b>0</b>

**Resolved:**

1. That the application be approved for the following reasons:
  - That having considered the Development Plan and all other material planning considerations. Whilst it was considered there was a fine balance between refusal and grant The site was considered to provide significant regeneration benefits to the area. The building currently being derelict, dilapidated and worthy of retention this tipped the balance in favour of a grant of planning permission. This was reinforced by the considerations of fairness to the applicant put before the Committee.
2. The Committee be minded to grant planning permission subject to the conditions set out below but desire the Council to enter into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 for a contribution to the provision of community facilities in Edenfield, the signing of the Section 106 Agreement to be delegated to the Head of Legal and Democratic Services.

**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. Development shall not commence until full details, including representative samples, of the materials to be used in the construction of all new areas of external wall and roof have been submitted to, and approved in writing by, the Local Planning Authority. The approved materials shall thereafter be used in the construction of the development.  
Reason:- In order to ensure the satisfactory appearance of the development and to safeguard the character and appearance of the

Green Belt, in accordance with policies DC.1 and DC.4 of the Rossendale District Local Plan.

3. Details of the proposed treatment of the site boundaries shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved boundary treatment shall be completed in accordance with the approved details before any of the apartments hereby approved are first occupied and shall thereafter be retained at all times.

Reason:- In order to ensure the satisfactory appearance of the development and to safeguard the character and appearance of the Green Belt, in accordance with policies DC.1 and DC.4 of the Rossendale District Local Plan.

4. The apartments hereby approved shall not be occupied until the access road connecting Rosebank with the application site, and the passing places shown on approved drawing number 1768-031, have been surfaced, drained (and sealed if deemed appropriate) in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The submitted details shall include for the provision of traffic calming measures on the access road and measures for lighting the road. The access lane and passing places shall be surfaced, drained (and sealed if deemed necessary), and the approved traffic calming and lighting measures implemented, in accordance with the approved details before the approved dwellings are first occupied and shall thereafter be retained at all times.

Reason:- In the interests of amenity and highway safety, in accordance with policy DC.1 of the Rossendale District Local Plan.

5. Details of the proposed means of surfacing, draining (and sealing if deemed appropriate) of the car parking spaces and associated vehicular turning areas shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The car parking spaces and vehicular turning areas shall be surfaced, drained (and sealed if deemed appropriate) in accordance with the approved details, and laid out in the manner shown on approved drawing number 1768-032, before any of the approved apartments are first occupied. These areas shall thereafter be retained at all times solely for the parking and turning of vehicles in conjunction with those dwellings.

Reason:- To ensure that adequate off-street parking and turning space is provided in conjunction with the dwellings and in the interests of amenity, in accordance with policies DC.1 and T.4 of the Rossendale District Local Plan.

6. Details of the proposed cycle store shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved store shall be completed, in accordance with the approved details, before any of the apartments hereby approved are first occupied and shall thereafter be retained at all times solely for the storage of cycles in conjunction with the development.

Reason:- In the interests of securing sustainable development, in accordance with policy DC.1 of the Rossendale District Local Plan.

7. The site shall be landscaped in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The submitted details shall include the location of all existing trees and hedgerows on the site and shall specify those that are to be retained and those that are to be removed.

Reason:- In the interests of visual amenity, in accordance with policies DC.1 and E.4 of the Rossendale District Local Plan.

8. 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 visual amenity, in accordance with policies DC.1 and E.4 of the Rossendale District Local Plan.

9. No tree on or adjacent to the site shall be lopped, topped or felled without the prior written approval of the Local Planning Authority.

Reason:- In the interests of visual amenity, in accordance with policies DC.1 and E.4 of the Rossendale District Local Plan.

10. (a) Before any equipment, machinery or materials are brought onto the site, fencing to protect the safeguarded trees within or on the boundaries of the site shall be erected in accordance with a detailed scheme for that purpose which shall be first submitted to and approved in writing by the Local Planning Authority. The scheme shall be drawn up in compliance with the relevant provisions of BS 5837 (1991);
- (b) the said fencing shall be maintained until all the equipment, machinery and surplus materials have been removed from the site;
- (c) 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, without the prior written consent of the Local Planning Authority.

Reason: To ensure adequate protection to prevent harm to trees which make a valuable contribution to the amenity of the area, in accordance with policies DC.1 and E.4 of the Rossendale District Local Plan.

11. Prior to the development commencing:-

- a) a contaminated land Phase One report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA),

- b) Should the Phase One report recommend that a Phase Two investigation is required, a Phase Two investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority
- c) Should the Phase Two investigations indicate that remediation is necessary then a Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The remedial scheme in the approved Remediation Statement shall then be carried out.

Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use or occupation of any part of the development hereby approved.

Reason: To ensure the development is suitable for its end use and the wider environment in accordance with policy DC.1 of the Rossendale District Local Plan.

- 12. Notwithstanding the details given on the approved plans, and unless otherwise agreed in writing by the Local Planning Authority, no dwellings shall be formed at ground floor level within the building.  
Reason:- To minimise the risk of flooding to future occupiers of the apartments, in accordance with policy DC.1 of the Rossendale District Local Plan and the requirements of PPG25.
- 13. 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 works 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.

**5. APPLICATION NUMBER 2004/555  
OUTLINE APPLICATION FOR THE ERECTION OF 50 DWELLING UNITS –  
THIS MAY AFFECT PUBLIC FOOTPATH NO. 90.  
AT: LAND ADJACENT TO DEANSGREAVE ROAD, OFF NEW LINE,  
BACUP**

The Head of Legal and Democratic Services presented the report and referred to the additional representations received since the preparation of the report.

In accordance with the procedure for public speaking Ms Alison Rowland spoke in favour of the application.

A proposal was moved and seconded to grant the application.

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

<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
Pawson	✓		
D Barnes	✓		
Crosta	✓		
Driver	✓		
Eaton	✓		
Entwistle	✓		
Haworth	✓		
Lamb	✓		
Neal		✓	
Robertson	✓		
Thorne	✓		
<b>TOTALS</b>	<b>10</b>	<b>1</b>	<b>0</b>

**Resolved:**

1. That the Committee be minded to grant consent to the application subject to the conditions set out below but desire the Council to enter into an agreement with the developer (relative to a contribution towards the maintenance and enhancement of the linear walkway to the rear of the site) under Section 106 of the Town and Country Planning Act 1990, the completion of which shall be delegated to the Head of Legal and Democratic Services (or such other officer as may from time to time exercise the functions currently exercised by that post holder) and that on completion of such Section 106 Agreement the Team Manager Development Control or Principal Planning Officer (or such other officer as may from time to time exercise the functions currently exercised by either of those post holders) be authorised to approve the said application subject to the conditions set out below:
2. That members concerns be noted and officers be asked to undertake further discussions with the application in terms of providing natural stone in the development.

Conditions:

1. Approval of the details of the siting, design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
Reason: The application is in outline only and not accompanied by detailed plans.
2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
Reason: The application is in outline only and not accompanied by full and detailed plans

3. The submission for approval of reserved matters shall provide for a significant element of single storey house types to reflect an identified local housing need.  
Reason: The application is in outline only and not accompanied by full and detailed plans. Therefore it is necessary to ensure that the development provides for an identified housing need in accordance with Policy 12 of the Adopted Joint Lancashire Structure Plan. To meet an identified local housing need as expressed by the Rossendale Borough Council Housing Needs and Market Assessment 2004/05.
4. 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.  
Reason: Required by Section 92 of the Town and Country Planning Act 1990
5. The development hereby permitted shall be begun 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.  
Reason: Required by Section 92 of the Town and Country Planning Act 1990
6. 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.
7. No 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.4 of the Rossendale District Local Plan.
8. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land, details of any to be retained, together with measures for their protection in the course of development.  
Reason: In the interests of visual amenity having regard to Policy DC1 of the Rossendale District Local Plan
9. 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 any 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.

10. Prior to the development commencing:

- a) A contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).
- b) Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by the LPA.
- c) Should the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved

Reason: Having regard to Policy E7 of the Rossendale District Local Plan

11. No development shall take place until details of pedestrian links from the site to the Britannia greenway walkway to the rear of the site (south) have been submitted to and approved in writing by the local planning authority. The pedestrian links shall be implemented in accordance with approved details prior to the first occupation of any of the dwelling houses hereby approved.

Reason: In order to promote sustainable travel having regard to PPG 13 and PPG 3.

**6. APPLICATION NUMBER 2003/744  
OUTLINE APPLICATION (SITING AND MEANS OF ACCESS DETAILS INCLUDED) FOR THE ERECTION OF AN OFFICE BUILDING AND 15 DWELLINGS  
AT: HIGHER MILL, MILLGATE ROAD/EAST PARADE/RAWTENSTALL**

The Head of Legal and Democratic Services presented the report and referred to the additional representations received since the preparation of the report.

In accordance with the procedure for public speaking Mr Mike Gibson spoke in favour of the application.

A proposal was moved and seconded to approve the application.

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

<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
Pawson	✓		
D Barnes	✓		
Crosta	✓		
Driver	✓		
Eaton	✓		
Entwistle	✓		
Haworth	✓		
Lamb	✓		
Neal	✓		
Robertson	✓		
Thorne	✓		
<b>TOTALS</b>	<b>11</b>	<b>0</b>	<b>0</b>

**Resolved:**

That the Committee be minded to grant consent to the application subject to the conditions set out below but desire the Council to enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for contributions to the improvement and maintenance of the Mill Row Recreation Area and to a Traffic Regulation Order, the completion of which shall be delegated to the Head of Legal and Democratic Services.

Conditions

1. The development hereby permitted shall be begun 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.  
Reason: Required by section 92 of the Town and Country Planning Act 1990.
2. Approval of the details of the design and external appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority, in writing before any development is commenced.  
Reason: The application is in outline only and is not accompanied by detailed plans.
3. Plans and particulars of the reserved matters referred to in condition 2 above shall be submitted in writing to the local planning authority and shall be carried out as approved.  
Reason: The application is in outline only and is not accompanied by detailed plans.
4. 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.  
Reason: Required by section 92 of the Town and Country Planning Act 1990.

5. The development shall be carried out in accordance with plan(s) numbered 2315 00.005 received on 09.02/04 and 2315 00.004 received on 19/02/04.  
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt
6. Details of the proposed kerb and footpath along the south side of Higher Mill Street and a new 6 metre radius kerb and 1.8 metre footpath at its junction with Newchurch Road including a new gulley street light upgrading or repositioning shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.  
Reason: In the interests of pedestrian and highway safety in accordance with policy DC.1 of the Rossendale District Local Plan
7. Details of the proposed extension of Higher Mill Street to link with East Parade incorporating a 5.5 metre wide carriageway and 1.8 metre wide footpaths on both sides shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.  
Reason: In the interests of pedestrian and highway safety in accordance with policy DC.1 of the Rossendale District Local Plan
8. Details of the proposed 1.8 metre wide footpath to the north side of East Parade and east side of Grange Terrace shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in full accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.  
Reason: In the interests of pedestrian and highway safety in accordance with policy DC.1 of the Rossendale District Local Plan
9. Within 6 months of the first occupation/use of the office building hereby permitted there shall have been submitted to and approved in writing by the Local Planning Authority (in consultation with Lancashire County Council) a Staff Travel Plan (including an Implementation Plan/Programme for a period of one year). The Travel Plan shall document the measures to be pursued to reduce the number and length of car trips to the development and the active promotion of alternative methods of travel. The approved Travel Plan shall be implemented in full for a 12 month period following its approval. Within 18 months of the first occupation/use of the office building hereby permitted and every 12 months thereafter for a period of 5 years there shall have been submitted to and approved in writing by the Local Planning Authority an updated Staff Travel Plan (including an Implementation Plan/Programme for a period of one year and a monitoring/audit report detailing the achievements in carrying out the Implementation Programme for the previous one year period.  
Reason: To reduce the reliance on the private car and promote alternative modes of transport in accordance with the Proposed Changes deposit Joint Lancashire Structure Plan.

10. The proposed dwellings shall not exceed the height of the terraced properties numbers 1-33 East Parade.  
Reason: To ensure that the new buildings are in keeping with the scale of existing buildings and to prevent issues of overlooking and privacy in accordance with policy DC.1 of the Rossendale District Local Plan.

11. Two car parking spaces shall be provided for each of the dwellings and 1 space per 35 square metres of office floor space shall be provided (including in this overall provision 1 mobility impaired space per 10 car spaces) and in addition 1 bicycle space per 10 car spaces and 1 motorcycle space per 25 car spaces.  
Reason: To ensure adequate off-street parking in the interests of highway safety in accordance with policy DC.1 and T.4 of the Rossendale District Local Plan.

12. Prior to the development commencing:

- a) A contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).
- b) Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA.
- c) Should the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development in accordance with policy DC.1 of the Rossendale District Local Plan.

**7. APPLICATION NUMBER 2004/143  
RESIDENTIAL DEVELOPMENT OF 90 NO. DWELLINGS AND  
LANDSCAPE AREA  
AT: LAND OFF ROCKCLIFFE ROAD, BACUP**

The Head of Legal and Democratic Services presented the report and referred to the additional representations received since the preparation of the report.

In accordance with the public speaking procedure Mr Doug Hann spoke in favour of the application.

A proposal was moved and seconded to grant the application.

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

<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
Pawson	✓		
D Barnes	✓		
Crosta	✓		
Driver		✓	
Eaton	✓		
Entwistle	✓		
Haworth	✓		
Lamb	✓		
Neal	✓		
Robertson	✓		
Thorne	✓		
<b>TOTALS</b>	<b>10</b>	<b>1</b>	<b>0</b>

**Resolved:**

1. That the Committee be minded to grant consent subject to the conditions set out below but desire the Council to enter into a revised agreement with the developer (relative to open space and contributions towards a Quality Bus Service) and to provide an appropriate provision of affordable housing to meet an identified local housing need under Section 106 of the Town and Country Planning Act 1990, the completion of which shall be delegated to the Head of Legal and Democratic Services (or such other officer as may from time to time exercise the functions currently exercised by that post holder) and that on completion of such Section 106 Agreement the Team Manager Development Control or Principal Planning Officer (or such other officer as may from time to time exercise the functions currently exercised by either of those post holders) be authorised to approve the said application subject to the conditions outlined below:
2. That Members' concerns be noted and officers be asked to undertake further discussions with the applicant in terms of providing artificial or reconstituted stone in the development.

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 proposed development shall be carried out in accordance with the amended site plan received on 11<sup>th</sup> May 2004 and the amended "scheme layout plan" received on 4<sup>th</sup> May 2004 and elevation and floor plans received on 4<sup>th</sup> March 2004.  
Reason: For the avoidance of doubt.

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. 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.
5. 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.
6. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.  
Reason: To ensure a satisfactory means of drainage in accordance with policy DC.1 of the Rossendale District Local Plan.
7. Prior to the development commencing:
  - a) A contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).
  - b) Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA.
  - c) Should the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the

LPA prior to the first use or occupation of any part of the development hereby approved.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development in accordance with policy E7 of the Rossendale District Local Plan.

8. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site having regard to highway safety and increased vehicular traffic flows likely to result from the development (Policy DC1 of the Rossendale District Local Plan).

9. No part of the development hereby approved shall be occupied until the approved scheme referred to in condition 8 has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works having regard to policy DC1 of the Rossendale District Local Plan.

10. No development shall be commenced until details of driveways and finished floor levels and any retaining structures/walls have been submitted to and approved in writing by the local planning authority. The driveways, finished floor levels and retaining walls/structures shall thereafter accord with approved details.

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

11. No development approved by this permission shall be commenced until a planting scheme for the River Irwell corridor has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be carried out in accordance with a programme for planting and maintenance related to stages of completion of the development and will incorporate native species.

Reason: To protect, restore or replace the natural features of importance within or adjoining the watercourse having regard to Policy DC1 of the Rossendale District Local Plan.

**8. APPLICATION NUMBER 14/2002/261  
OUTLINE APPLICATION FOR THE ERECTION OF 45 NO. RESIDENTIAL  
UNITS.  
AT: LAND OFF EASTGATE, WHITWORTH**

The Head of Legal and Democratic Services presented the report and referred to the additional representations received since the preparation of the report.

In accordance with the public speaking procedure Mr John Moritz spoke in favour of the application.

A proposal was moved and seconded to grant the proposal.

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

<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
Pawson		✓	
D Barnes	✓		
Crosta		✓	
Driver		✓	
Eaton	✓		
Entwistle	✓		
Haworth		✓	
Lamb	✓		
Neal	✓		
Robertson	✓		
Thorne		✓	
<b>TOTALS</b>	<b>6</b>	<b>5</b>	<b>0</b>

**Resolved:**

1. That having considered the Development Plan and all other material planning considerations the Committee considered that there was a fine balance between refusal and grant , the significant regeneration benefits ( brownfield site /derelict and in need of remediation) tipped the balance in favour of grant.
2. The Committee resolved to be minded to grant planning permission subject to: a) to the signing of a Section 106 Agreement relating to the provision of open space, a contribution towards a quality bus service and the provision of an element of affordable housing to meet an identified local need, the signing of the Section 106 Agreement to be delegated to the Head of Legal and Democratic Services, and b) the imposition of conditions the preparation of which to be delegated to the Team Manager Development Control.
3. That Members' concerns be noted and officers be asked to undertake further discussions with the applicant in terms of providing artificial or reconstituted stone in the development.

**The Meeting commenced at 6.30pm and closed at 8.55pm**