

Application Number:	2020/0136	Application Type:	Full
Proposal:	Show persons site, including erection of 3-bed bungalow, 3no caravans and area for parking and maintenance of fairground vehicles and equipment.	Location:	Land Opposite Former Deerplay Inn Burnley Road Bacup Lancashire OL13 8RD
Report of:	Head of Planning and Building Control	Status:	For publication
Report to:	Development Control Committee	Date:	06/10/2026
Applicant:	Mr & Mrs K Street	Expiry Date:	19.05.2020 EOT agreed to 09.10.2026
Agent	Hartley Planning & Development Associates		

Contact Officer:	Claire Bradley	Telephone:	01706 238636
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Public interest

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

Planning permission is approved subject to the conditions included in Section 10.

2. SITE

The application relates to a parcel of land, of approximately 0.39 hectares in area, which straddles the borough boundary with Burnley. It is situated in the Countryside approximately 700m to the north-west of the Urban Boundary of Weir.

The site is to the opposite side of Burnley Road (A671) to the former Deerplay Inn, having a 20m frontage to the main road (within Burnley) and a 75m frontage to Bacup Old Road (within Rossendale).

Prior to works by the Applicant the site had the appearance of a field used for rough grazing. The grass-cover and topsoil has now been pushed to the site boundaries to form a bund to limit public view into the site from Burnley Road and Bacup Old Road, leaving a gated vehicular access to the latter. This gateway aligns with a public footpath the crosses the site.

The greater part of the site has now been given a stone surface and is being used to keep fairground equipment, with a number of lorries/vans and a similar number of green-coloured containers having the dimensions of shipping containers, some appearing to be used to stable horses - from Bacup Old Road & fronting the former Deerplay Inn their tops are visible over the bund, whilst virtually their full height is visible from Burnley Road as the site is approached from Burnley (due to the greater height of the road).

3. RELEVANT PLANNING HISTORY

None.

4. PROPOSAL

Permission is sought to:

- Erect a 3-bedroomed bungalow towards the northern end of the site, to possess a slate roof and external walls of coursed natural stone
- Station three caravans towards the southern end of the site
- Between them have a parking & maintenance area for fairground vehicles & equipment

The proposed bungalow will have a footprint of 8m x 15.3m, with an eaves-height of 2.2m and a ridge-height of 4.4m, and is to have a slate roof and external walls of coursed natural stone. The submitted Site Plan indicates that hawthorn and beech bushes will be planted on the bund which has been formed around three sides of the site.

The Planning Statement accompanying the original application states:

“The applicant and her family come from a long line of show people. She has 3 adult sons who are all in the business and hence the inclusion of 3 caravans plus one residential bungalow. All need to be together to coordinate their work and to maintain and repair the associated plant.

There is no such provision within the Borough for a show persons’ site.

The [Local Plan] Inspector has required the Council to consult on the provision of a gypsy and traveller site. The Council has carried out such a consultation exercise with regard to the provision of such a site in a former quarry known as Little Tooter at the Borough boundary with Calderdale Council above Sharneyford, Bacup. Like the application site at the Deerplay, it is outside the Urban Boundary and in an area designated as Countryside. Both sites are comparable distances from schools and other facilities, though the site at the Deerplay is arguably better located in terms of a more certain bus route between Bacup and Burnley. If the Sharneyford is considered to be suitably located by the LPA, then so must be the Deerplay site.

While the needs of Showpeople tend to be included in the same planning policy statements as for gypsies and travellers, there are specific and separate requirements for show persons in terms of provision for the storage and maintenance of circus and similar equipment.

The above description of the proposed development is taken from the original committee report on 25th May 2021, where the report recommended refusal.

However, at the committee meeting, committee members assessing the application considered it was acceptable in terms of visual amenity, neighbour amenity and a proposal was moved and seconded to defer the application to allow further investigations to take place in relation to highway safety and for the applicant to submit evidence to demonstrate a need for the accommodation.

This was voted on and unanimously supported and the application was deferred.

The application is accompanied by documentation to demonstrate that the applicant and her 3 adult sons are show people, including birth certificates, showmen’s guild membership cards, integrity & inspection reports for their rides and equipment.

Discussions took place with LCC Highways in 2021 which have resulted in the withdrawal of their objection to the proposed development.

In addition, following discussion with the Enforcement Officer at the time, a revised site plan incorporating a larger site was submitted to the Council on 27.02.2022. This was not consulted on at the time.

I have carried out a further round of consultation, and no responses have been received.

5. **POLICY CONTEXT**

National Planning Policy Framework (2026)

Section 2: Decision making policies
Section 4: Achieving sustainable development
Section 5: Meeting the challenge of climate change.
Section 6: Delivering a sufficient supply of homes
Section 7: Building a strong, effective economy
Section 12: Making effective use of land
Section 14: Achieving well-designed places
Section 15: Promoting sustainable transport
Section 16: Promoting healthy communities
Section 19: Conserving and enhancing the natural environment

Development Plan Policies

Rossendale Local Plan 2019-2036

Strategic Policy SS: Spatial Strategy
Strategic Policy SD1: Presumption in Favour of Sustainable Development
Strategic Policy SD2: Urban Boundary and Green Belt
Strategic Policy HS1: Meeting Rossendale's Housing Requirement
Strategic Policy HS14: Gypsies, Travellers and Travelling Showpeople
Policy ENV1: High Quality Development in the Borough
Policy ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality.
Policy TR4: Parking

6. **CONSULTATION RESPONSES**

Consultee	Summary of original Comments received (2021)
LCC Highways	Objection, unless its concerns are allayed
RBC Environmental Health	Recommend an hours condition on the repairing of vehicles as it is in the open and could cause noise problems at anti-social hours. Also recommend a condition requiring approval for any scheme of external lighting, to avoid light nuisance
LCC Archaeology	The proposed development site contains one of a number of buildings (a terrace) demolished in the 20th century, that are thought to form part of the

	settlement known as 'Old Barrack', depicted on the 1st Edition Ordnance Survey 1:10560, surveyed 1844-7, and which are recorded as non-designated heritage assets on the Lancashire Historic Environment Record, PRN 20260. The application states that a consolidated hard-core surface finish is proposed, but does not whether this will just be built up from the existing ground surface or entail excavation. Building up from existing ground surface would in all likelihood have no adverse impact on any surviving below-ground remains of the former terrace that occupied the site. Excavation would however have the potential to expose or damage any such remains. In the absence of any details as to the proposed final finished levels of the site a Condition is recommended to ensure a programme of archaeological investigation and recording is undertaken during any groundworks.
Lancashire Fire & Rescue	No objection. The subsequent Building Regulations application will need to fully meet the requirements of Building Regulation Approved Document B, Part B5 'Access and facilities for the Fire Service
United Utilities	No objection. In accordance with the National Planning Policy Framework and the National Planning Practice Guidance, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Although water supply in the area is compliant with current regulatory standards, we recommend the applicant provides water storage of 24 hours capacity to guarantee an adequate and constant supply. According to our records there is an easement crossing the site which is in addition to our statutory rights for inspection, maintenance and repair. The easement UU Ref: P465 has restrictive covenants that must be adhered to. We need unrestricted access for operating and maintaining the water main that crosses the site; we will not permit development over or in close

	proximity to the main. We recommend the applicant contacts our Property Services team to discuss how the proposals may interact with the easement.
Coal Authority	On the basis of the Coal Mining Risk Assessment Report subsequently submitted (which shows the proposed bungalow will not straddle a wall left by previous open cast workings), it has now withdrawn its objection.

Following deferral at committee in May 2021, further information was submitted in August 2021, and LCC highways were reconsulted. Their comments were as follows:

“With respect to the proposed change of use of the land we would no longer wish to raise an objection, to the proposal as it stands. However, there are a number of concerns outlined below which will need to be addressed in order to fully support the application.

These concerns centre on the access to the adopted highway being sited close to the junction of Bacup Old Road and Burnley Road A671. Additionally there are concerns regarding the access to Public Right Of Way 14-1-FP 254. This Public footpath runs across the site and whilst it is referred to in the planning statement there is no supporting evidence as what, legal representations have been made in order to formally redirect the PROW.

The site is currently occupied however the gates are placed to the rear of the carriageway which leaves insufficient space to allow for any vehicle to pull clear of the highway. It is recommended that the gates are re-sited at least 6m to allow vehicles to pull clear of the carriageway whilst the gates are opened and closed.

A number of swept path analyses have been provided for a number of vehicles and combinations. They have not however included the maximum length of 22m that may be driven on the highway by a showman.

Due to the extensive nature of the application it is expected that a charging point for electric vehicles shall be included with-in the development to promote sustainable modes of transport. This shall be fitted in line with the DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings, which states :- charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle.”

LCC Highways recommend a number of conditions are included on any approval.

No further comments have been received to the consultation carried out between 21.07.2026 and 04.08.2026

7. **REPRESENTATIONS**

To accord with the General Development Procedure Order neighbours were notified by letter, a press notice published and a site notice posted. The following Objections were received to the original consultation in 2021:

- Detrimental to the locality and will negatively affect my own and others property prices.
- I moved to a rural area for peace and tranquillity.
- This piece of unused land on the fringe of the countryside has been purchased cheaply.
- There are many more suitable commercial sites available locally.
- This development will totally spoil the beauty and peaceful nature of the local area and adversely affect habitats and disturb wildlife, such as birds, badgers, deer and foxes.
- With 3 caravans and a 3-bed bungalow there will be numerous people residing and working at the site, probably with fairground rides departing/returning and being repaired/tested (with music and flashing lights) at all times of the day and night.
- Will adequate the sewerage arrangements be made.

No further representation has been received during the latest consultation

8. **ASSESSMENT**

The application was previously deferred by committee to address the Highways objection and to demonstrate need for the site.

The application site is located within land designated as countryside.

The revised NPPF (2026) states as follows:

Policy S3: Presumption in favour of sustainable development

1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

- a. Policy S4 in this Framework should be applied when considering development proposals within settlements;*
- b. Outside settlements, policy S5 should be applied; and*
- c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.*

The Council cannot currently demonstrate a five-year supply of deliverable housing land within the Borough.

Policy S5: Principle of development outside settlements [inter alia]

1. Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:

g. Development which would address an evidenced unmet need for gypsy, traveler or travelling showpeople accommodation²⁶, provided it meets the criteria in policy HO12;

Footnote 26 states:

Including (but not limited to) where the relevant local planning authority cannot demonstrate a five year supply of deliverable sites as set out in policy HO3(1)(a) or (b).

Travelers are defined in the NPPF as: Gypsies, travelers and travelling showpeople.

Policy HO12: Traveler Sites in the revised NPPF states as follows:

1. Development proposals for traveller sites should be located so that they:

- a. Provide a settled base while recognising the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability and may also mean that locations not well-related to existing settlements may be appropriate; and*
- b. Enable access to frequently used services, such as education, welfare and health services, including ensuring that children can attend school on a regular basis.*

2. When considering proposals for traveller sites, including for the purposes of considering need under policies S5 and GB7, local planning authorities should take into account the existing level of local provision and need for additional sites and other personal circumstances which may be relevant. Applications from any traveller should be considered and not just those with local connections.

In this case, whilst the location of the site is not well-related to existing settlements in the Borough, there are specific and separate requirements for show persons in terms of provision for the storage and maintenance of circus and similar equipment.

Currently there are no sites available or allocated for travelling showpeople in the Borough based on a GTAA carried out in 2016, which concluded that:

5.30 There are currently no Travelling Showpeople living in Rossendale and on this basis there is no need for Travelling Showperson plots. This was also the conclusion of the 2010 GTAA.

The agent is advising that as the applicant is now located in the Borough there is an obvious need, and this site meets the unmet need.

Policy HS14 of the Rossendale Local plan was adopted 15th December 2021 after the application was previously heard at committee and states as follows:

The accommodation need for Gypsies, Travelers and Travelling Showpeople over the Plan period is of up to four permanent pitches.

Two of the pitches will be provided via intensification on existing sites (at Tong Lane, Bacup and/ or Cobland View, Stacksteads) and any potential need for other pitches will be dealt with as windfall development against the following criteria:

- *Access to the road network;*
- *Access to schools and services;*
- *Availability of water and infrastructure services;*
- *Proximity to existing development and the settled community, particularly with respect to noise and light; and*
- *Adequacy of landscaping and boundary treatments.*

The applicant and her extended, adult family come from a long line of show persons. They have lived on similar sites, sometimes with planning approval and sometimes not, but require a more permanent base from which to continue with their show person life style.

With regard to compliance with this policy, the site has good access to the road network, good access to schools, with services in Bacup Centre being a distance of 3.6km accessible by an hourly bus service. There are available services and infrastructure to the site and there are a scattered number of dwellings around the site, which would not be impacted with respect to noise and light subject to conditions.

Whether or not the development would address an unmet need, NPPF Policy S5.2 states

2. In applying this policy (Policy S5), the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

There are no longer objections from LCC Highways in terms of Highway Safety and at the original committee meeting, Members considered that the development was acceptable in terms of visual amenity and neighbor amenity. Therefore, the benefits of the provision of a site for travelling show people are not substantially outweighed by any adverse impact and the development is in accordance with the revised NPPF.

Parking, Access and Highway Safety

LCC Highways previously objected to the development. However, further information was submitted in 2021 which addressed their concerns. Their final response in September 2021 was as follows:

“With respect to the proposed change of use of the land we would no longer wish to raise an objection, to the proposal as it stands. However, there are a number of concerns outlined below which will need to be addressed in order to fully support the application.

These concerns centre on the access to the adopted highway being sited close to the junction of Bacup Old Road and Burnley Road A671. Additionally there are concerns regarding the access to Public Right Of Way 14-1-FP 254. This Public footpath runs across the site and whilst it is referred to in the planning statement there is no supporting evidence as what, legal representations have been made in order to formally redirect the PROW.

The site is currently occupied however the gates are placed to the rear of the carriageway which leaves insufficient space to allow for any vehicle to pull clear of the highway. It is recommended that the gates are re-sited at least 6m to allow vehicles to pull clear of the carriageway whilst the gates are opened and closed.

A number of swept path analysis's have been provided for a number of vehicles and combinations. They have not however included the maximum length of 22m that may be driven on the highway by a showman.

Due to the extensive nature of the application it is expected that a charging point for electric vehicles shall be included with-in the development to promote sustainable modes of transport. This shall be fitted in line with the DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings, which states :- charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle.”

Therefore, subject to the inclusion of the recommended conditions, the application as amended is acceptable in terms of access, parking and highway safety.

Conclusion

It is therefore considered that whether or not the development would address an unmet need, NPPF Policy S5.2 states *“In applying this policy (Policy S5), the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.”*

There are no longer objections from LCC Highways in terms of Highway Safety and at the original committee meeting, Members considered that the development was acceptable in terms of visual amenity and neighbour amenity. Therefore the benefits of the provision of a site for travelling show people are not substantially outweighed by any adverse impact and the development is in accordance with the revised NPPF.

9. **RECOMMENDATION**

Approve the application subject to the following conditions:

10. **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the submitted application form and the following plans and documents:

Location plan amended 27.02.22
Proposed site plan 27.02.22
Proposed landscaping and boundary treatment 27.02.22
Bungalow and caravan details C
Existing site plan A
J1324 Deerplay Access Note received 18.08.2020
DTPC J1324 left sight line fig 1-A2 500 16.08.2026
DTPC J1324 right sight line fig 2 -A2 500 16.08.2020
A571 Burnley Road, Weir ATC Eastern Site speed bin 16.08.2020
A571 Burnley Road, Weir ATC Western Site count 16.08.2020
A571 Burnley Road, Weir ATC Western Site speed bin 16.08.2020
Historic Record 18.06.2020
Tree planting at Height Barn, Bacup Old Rd (1) 18.05.2020
CMRA additional information 29.04.2020
Drawing - Deerplay, proposed over open cast 29.04.2020
Coal mining report 20.03.20
Planning statement

Reason: In the interests of proper planning and for the avoidance of doubt.

3. The land between the improvement line and the existing highway boundary of Bacup Old Road shall be kept free of all buildings, structures or erections, whether above or below the surface of the land, excepting gates, fences or walls not exceeding a height of 1m. The improvement line is 7m from Bacup Old Road at the centre of the gated access with a 45° splay to the centre line of the access.

Reason: The land between the improvement line and the existing highway boundary will be required for highway purposes in the future.

4. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 6m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority and retained in a good state of repair in perpetuity.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users

5. All garage facilities or off-street parking shall include provision of an electrical supply suitable for charging an electric motor vehicle.

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.

6. The parking areas hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability of their use for the parking of motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: To ensure that adequate parking provision is retained on site

11. INFORMATIVES

1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Policy DM3 of the National Planning Policy Framework.
2. The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.
3. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.
4. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant should be

advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the location, district and planning application number, to discuss their proposal before any development works begin.

Additional information for the DC Committee 25 May 2021

2020/0136

Show persons site including the erection of a 3-bed bungalow, 3 no caravans and an area for parking and maintenance of fairground vehicles and equipment. Deerplay

Need

Reason for refusal No 1 is that there is no need for a show person's site in Rossendale. This is based on the 'Gypsy and Traveller and Travelling Show person Accommodation Assessment 2016'. This states that *'there are currently no travelling show people living in Rossendale and on this basis there is no need for plots'*. The report is out of date and clearly there is a show person family living in the Borough. Moreover, Councils are required to identify and update annually a 5-year supply of available sites. There are none in Rossendale.

So, the reason for refusal based on need cannot be sustained.

(The proposed traveller site at Sharnerord is not a site suitable for show persons where it is recognised they need a yard for the parking and maintenance of their showground equipment)

Character and appearance

Reason for refusal no 2

The area, while certainly attractive, has no special landscape protection.

A landscaping condition can control appearance.

Moreover, the site is largely hidden from the road and from which the vast majority of people will view it.



In this respect it would be less visible than the proposed traveller site at Sharneyford and would be more sustainably located.

Highway and access

Reason for refusal no 3

LCC highways have objected that stationary vehicles turning into Bacup Old Road from the Burnley direction cannot be seen by approaching vehicles. This is clearly not the case as the following photo indicates: -



Sight lines to and from the Bacup direction are now good following the demolition of broken- down walls near the junction which previously interfered with visibility towards Bacup.

The junction is used regularly by agricultural machinery with trailers.



existing site plan

proposed showmans residential site incorporating
3 caravans + 3 bed bungalow with additional
services provision for caravan residents plus
area for parking / maintaining fairground equipment
on land adjacent to

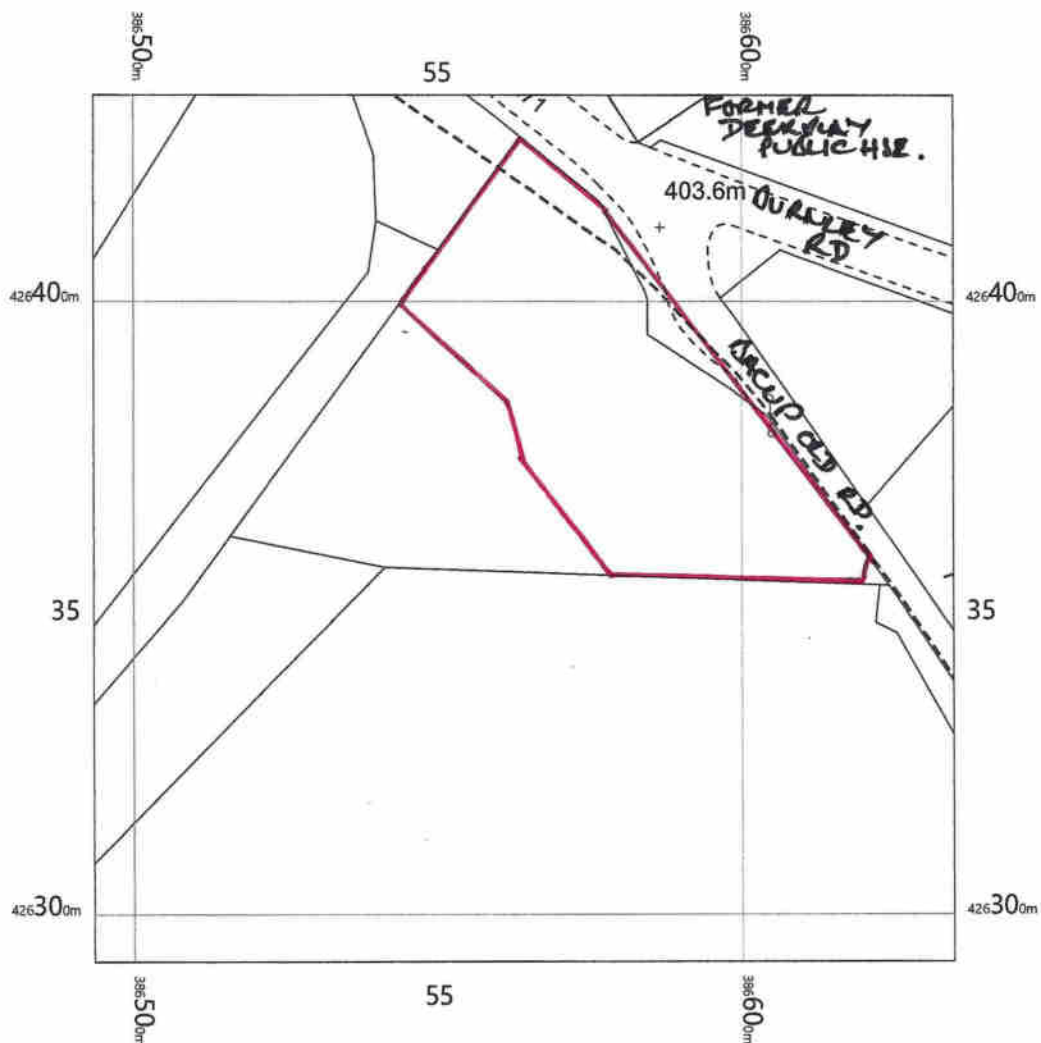
Bacup Old Road Deerplay Bacup

plan scale 1:200 @ A1

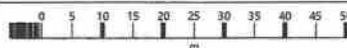
0m  20m
linear scale 1:200 @ A1

drawing number CS-08-03-20-A

Rae Connell Associates Building Design and Planning Consultants
214 Burnley Road Bacup Lancashire
01706 873000



LOCATION PLAN.

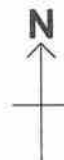


Deerplay Inn
Burnley Road,
Clough Bottom,
Cliviger,
Lancashire
OL13 8RD

OS MasterMap 1250/2500/10000 scale
Thursday, March 12, 2020, ID: MPMBW-00867384
www.blackwellmapping.co.uk

1:1250 scale print at A4, Centre: 386564 E, 426363 N

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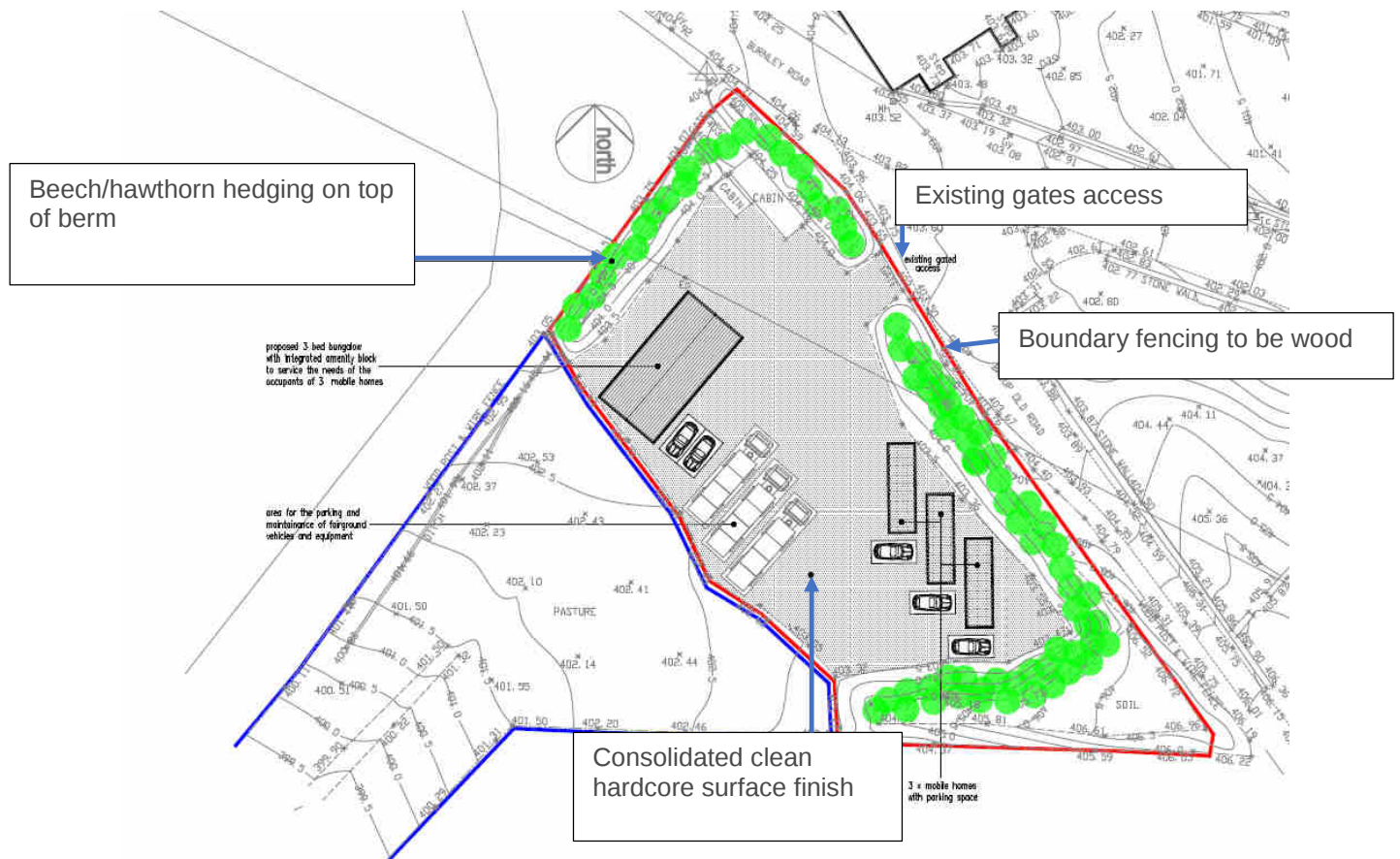


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Proposed landscaping and boundary treatment

Beech



Planting and landscaping schedule

Hedging (as shown on the above plan)

%	Botanic	Common	Nursery size
50	<i>Crataegus monogyna</i>	Hawthorn	900-1200mm
50	<i>Fagus Sylvatica</i>	Beech	900-1200mm

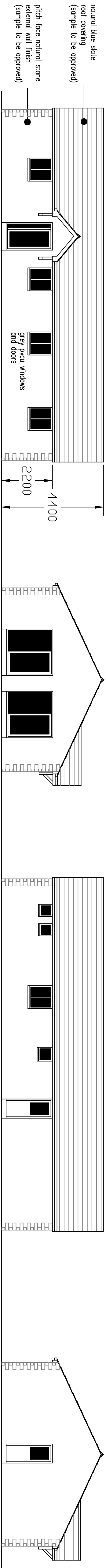
All proposed shrub areas are to receive 400mm depth approved quality topsoil beds, to comply with BS 3882 "General Purpose Grade" "As dug", made weed free and cultivated incorporating Enmag fertiliser at a rate of 70g/m². Specimen plants to have backfill of 80% topsoil/20% approved peat free compost. All plants to be well watered in.

General Plant Quality

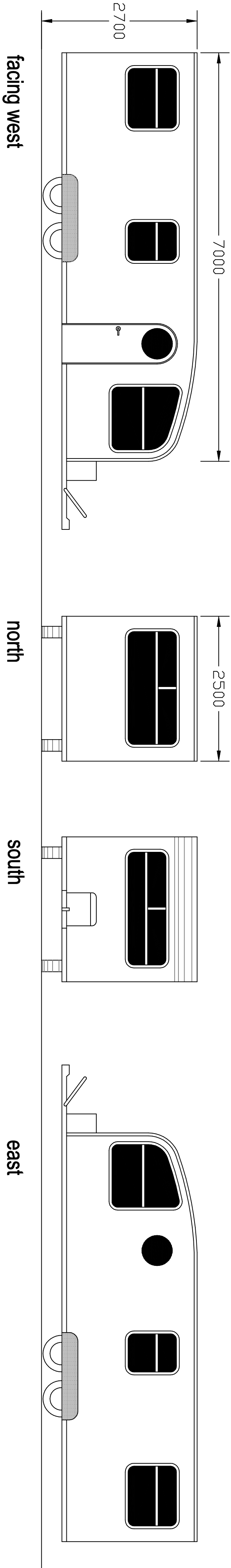
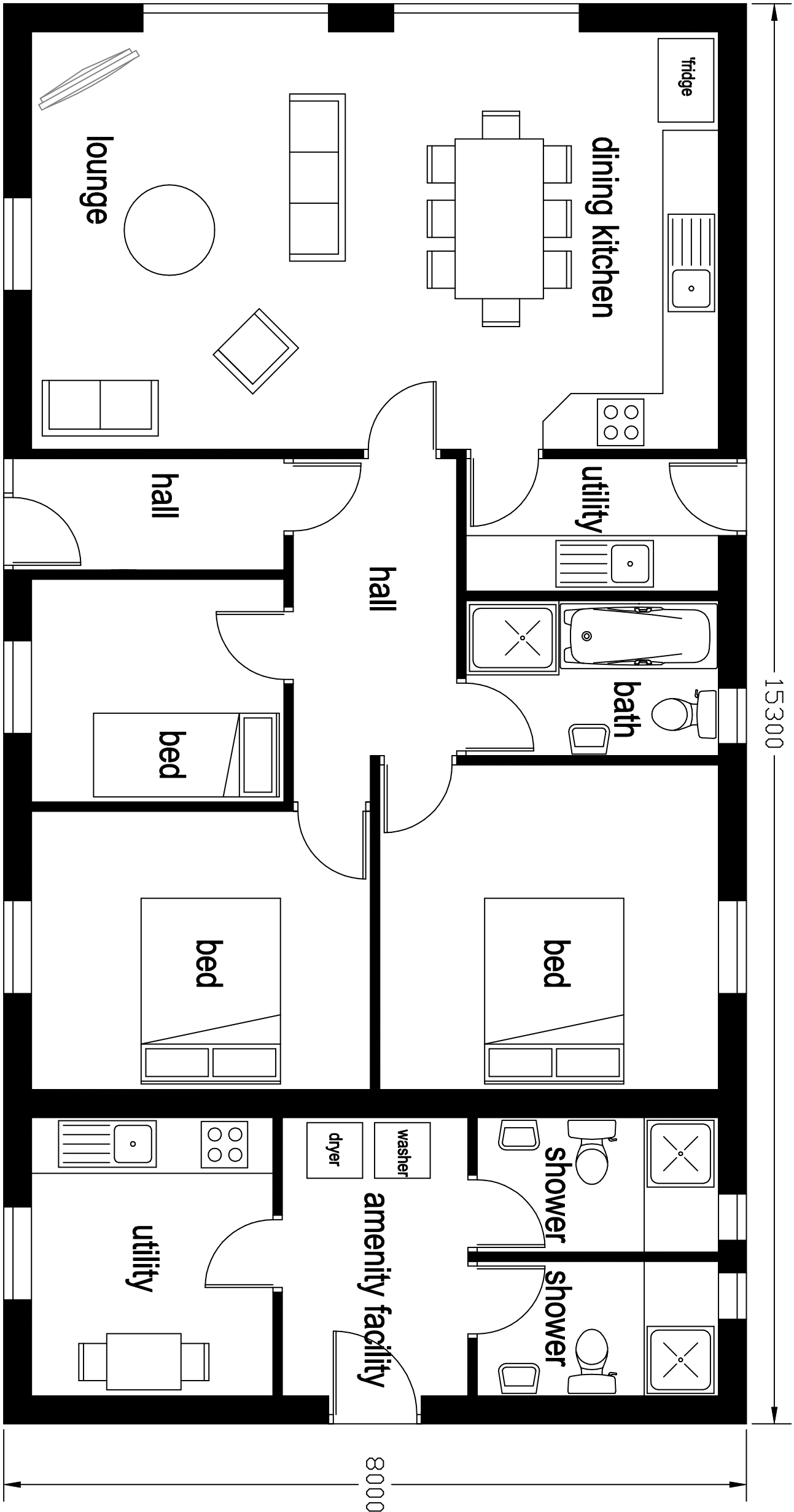
All plant material to be supplied in accordance with BS 3936 Parts 1 – 4 and 9 – 10. All plants to be correct species and stock size specified and to be good specimens characteristic of species. All plants to be supplied free from pest and disease

Maintenance

Any trees and hedging failing within the first 5 years to be replaced with similar



proposed elevations (1:100)



bungalow and caravan details

proposed showmans residential site incorporating
3 caravans + 3 bed bungalow with additional
services provision for caravan residents plus
area for parking / maintaining fairground equipment
on land adjacent to

Bacup Old Road
Deerplay
Bacup

plan scale 1:100 1:50 @ A1

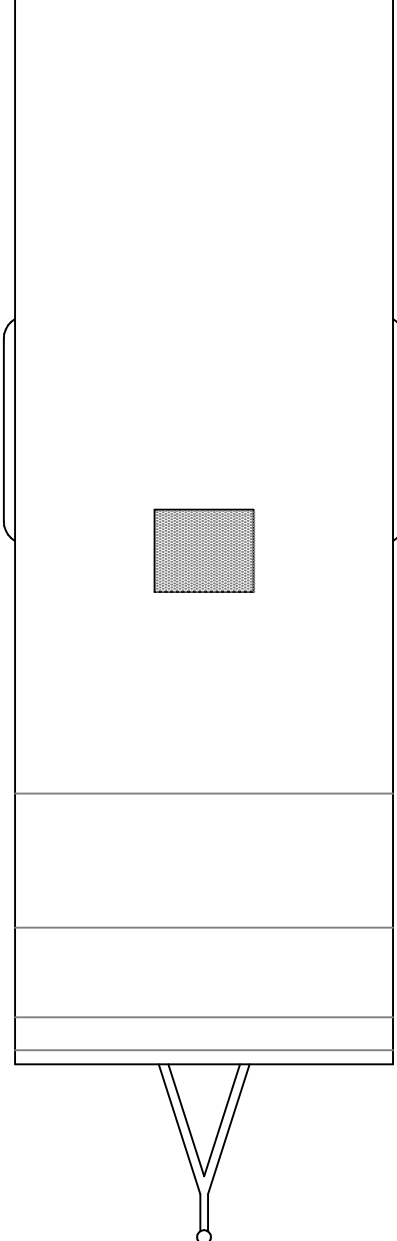
0m 10m

linear scale 1:100 @ A1

drawing number CS-08-03-20-C

Rae Connell Associates Building Design and Planning Consultants
214 Burnley Road Bacup Lancashire
01706 873000

proposed caravan x 3 (1:50)



Photos of fairground rides and entertainments



Granddaddy Sammy Daniels
(my Dad's side)
in one of his Roundstalls.



Sheraden Street
+ Reuben Street
before the
fairground opens



* Street Senior's
Chair o' planes

3524



The Smart
Boy is my
middle son
Rouben
he was born in 2000



Kenny Street + Kerson Street
Sat outside the paybox
Castleford
Tigers
1997



my eldest
boy looking after
the Cam Stall
he is now 29 years



Shevaden
Street my eldest
in our
Round Stall.



Kenny Street
building
up the
Rocks



Kenny
Sneet,
Building
the twist up.



Our Chairs

Application Number:	2020/0136	Application Type:	Full
Proposal:	Show persons site, including erection of 3-bed bungalow, 3no caravans and area for parking & maintenance of fairground vehicles & equipment	Location:	Land opposite the former Deerplay Inn Burnley Road Bacup
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	25 May 2021
Applicant:	Mr & Mrs K Street	Determination Expiry Date:	19/05/2020
Agent:	Hartley Planning & Development Associates		

Contact Officer:	Neil Birtles	Telephone:	01706-238645
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Due to public interest

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. **RECOMMENDATION**

That Permission be refused for the reasons set out in Section 9 of the Report.

2. **The Site**

The application relates to a parcel of land, of approximately 0.25 in area, which straddles the borough boundary with Burnley. It is situated in the Countryside approximately 700m to the north-west of the Urban Boundary of Weir.

The site is to the opposite side of Burnley Road (A671) to the former Deerplay Inn, having a 20m frontage to the main road (within Burnley) and a 75m frontage to Bacup Old Road (within Rossendale).

Prior to works by the Applicant the site had the appearance of a field used for rough grazing. The grass-cover and topsoil has now been pushed to the site boundaries to form a bund to limit public view into the site from Burnley Road and Bacup Old Road, leaving a gated vehicular access to the latter. This gateway aligns with a public footpath the crosses the site.

The greater part of the site has now been given a stone surface and is being used to keep fairground equipment, half a dozen lorries/vans and a similar number of green-coloured containers having the dimensions of shipping containers, some appearing to be used to stable horses - from Bacup Old Road & fronting the former Deerplay Inn their tops are visible over the bund, whilst virtually their full height is visible from Burnley Road as the site is approached from Burnley (due to the greater height of the road).

3. **RELEVANT PLANNING HISTORY**

None.

4. **PROPOSAL**

Permission is sought to :

- Erect a 3-bedroomed bungalow towards the northern end of the site, to possess a slate roof and external walls of coursed natural stone
- Station three caravans towards the southern end of the site
- Between them have a parking & maintenance area for fairground vehicles & equipment

The proposed bungalow will have a footprint of 8m x 15.3m, with an eaves-height of 2.2m and a ridge-height of 4.4m, and is to have a slate roof and external walls of coursed natural stone. The submitted Site Plan indicates that hawthorn and beech bushes will be planted on the bund which has been formed around three sides of the site.

The Planning Statement accompanying the application states :

"The applicant and her family come from a long line of show people. She has 3 adult sons who are all in the business and hence the inclusion of 3 caravans plus one residential bungalow... All need to be together to coordinate their work and to maintain and repair the associated plant and equipment.

While the needs of Show people tend to be included in the same planning policy statements as for gypsies and travellers, there are specific and separate requirements for show persons in terms of provision for the storage and maintenance of circus and similar equipment.

There is no such provision within the Borough for a show persons' site.

The [Local Plan] Inspector has required the Council to consult on the provision of a gypsy and traveller site. The Council has carried out such a consultation exercise with regard to the provision of such a site in a former quarry known as Little Tooter at the Borough boundary with Calderdale Council above Sharneyford, Bacup. Like the application site at the Deerplay, it is outside the Urban Boundary and in an area designated as Countryside. Both sites are comparable distances from schools and other facilities, though the site at the Deerplay is arguably better located in terms of a more certain bus route between Bacup and Burnley... if the Sharneyford is considered to be suitably located by the LPA, then so must be the Deerplay site.

The Council concedes that it cannot demonstrate a 5 year supply of deliverable housing land.

Footpath 254 crosses the site and provision will be made to ensure that it is not affected."

The application is accompanied by documentation to demonstrate that the applicant and her 3 adult sons are show people, including birth certificates, showmen's guild membership cards, integrity & inspection reports for their rides.

5. POLICY CONTEXT

National

National Planning Policy Framework

Section 2	Achieving sustainable development
Section 5	Delivering a sufficient supply of homes
Section 6	Building a strong, competitive economy
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 15	Conserving and enhancing the natural environment

Development Plan Policies

RBC Core Strategy DPD (2011)

AVP2	Area vision for Bacup, Stacksteads, Britannia & Weir
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 5	Meeting the Needs of Gypsies, Travellers & Travelling Showpeople
Policy 8	Transport (inc Appendix 1 Parking Standards)
Policy 9	Accessibility
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 21	Supporting the Rural Economy & Its Communities
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

Other Material Planning Policy Considerations

National Planning Practice Guidance

RBC Emerging Local Plan

The Council has been preparing a Local Plan to replace the adopted Core Strategy. On 25/03/19 the Council submitted the Rossendale Local Plan 2019-2034 to the Secretary of State for Housing, Communities & Local Government for examination. On the Proposals Map to accompany the emerging Local Plan the application site continues to be shown as being in the Countryside 700m beyond the Urban Boundary of Weir.

6. CONSULTATION RESPONSES

RBC Environmental Health

No objection.

Recommend an hours condition on the repairing of vehicles as it is in the open and could cause noise problems at anti-social hours. Also recommend a condition requiring approval for any scheme of external lighting, to avoid light nuisance.

LCC Highways

Objection, unless its concerns are allayed.

LCC Archaeology

No objection.

The proposed development site contains one of a number of buildings (a terrace) demolished in the 20th century, that are thought to form part of the settlement known as 'Old Barrack', depicted on the 1st Edition Ordnance Survey 1:10560, surveyed 1844-7, and which are recorded as non-designated heritage assets on the Lancashire Historic Environment Record, PRN 20260.

The application states that a consolidated hard-core surface finish is proposed, but does not whether this will just be built up from the existing ground surface or entail excavation. Building up from existing ground surface would in all likelihood have no adverse impact on any surviving below-ground remains of the former terrace that occupied the site. Excavation would however have the potential to expose or damage any such remains.

In the absence of any details as to the proposed final finished levels of the site a Condition is recommended to ensure a programme of archaeological investigation and recording is undertaken during any groundworks.

Lancashire Fire & Rescue Service

No objection.

The subsequent Building Regulations application will need to fully meet the requirements of Building Regulation Approved Document B, Part B5 'Access and facilities for the Fire Service'.

Burnley BC

No comments.

United Utilities

No objection.

In accordance with the National Planning Policy Framework and the National Planning Practice Guidance, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Although water supply in the area is compliant with current regulatory standards, we recommend the applicant provides water storage of 24 hours capacity to guarantee an adequate and constant supply.

According to our records there is an easement crossing the site which is in addition to our

statutory rights for inspection, maintenance and repair. The easement UU Ref:P465 has restrictive covenants that must be adhered to. We need unrestricted access for operating and maintaining the water main that crosses the site; we will not permit development over or in close proximity to the main. We recommend the applicant contacts our Property Services team to discuss how the proposals may interact with the easement.

Coal Authority

Initially objected to the proposal.

On the basis of the Coal Mining Risk Assessment Report subsequently submitted (which shows the proposed bungalow will not straddle a wall left by previous open cast workings), it has now withdrawn its objection.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order neighbours were notified by letter, a press notice published and a site notice posted.

The following Objections have been received :

2 Pleasant View Cottage, Burnley Road

- Detrimental to the locality and will negatively affect my own and others property prices.
- I moved to a rural area for peace and tranquillity.
- This piece of unused land on the fringe of the countryside has been purchased cheaply.
- There are many more suitable commercial sites available locally.
- This development will totally spoil the beauty and peaceful nature of the local area and adversely affect habitats and disturb wildlife, such as birds, badgers, deer and foxes.
- With 3 caravans and a 3-bed bungalow there will be numerous people residing and working at the site, probably with fairground rides departing/returning and being repaired/tested (with music and flashing lights) at all times of the day and night.
- Will adequate the sewerage arrangements be made.

8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; & 4) Access/Parking

Principle

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan deemed most relevant to the consideration of the proposal in question are out-of-date the default position is that planning permission should be granted unless :

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Council is currently unable to demonstrate a five year supply of deliverable housing land so its Core Strategy policies relating to housing supply are considered to be out of date and can therefore only be afforded limited weight.

The NPPF promotes the integration of development with sustainable modes of transport.

This site is located 700m beyond the Urban Boundary of Weir, although it does have a frontage to a main road along which bus services operate. However, residents of it would be likely to rely on use of the private car to access schools and town centre services and the site is remotely situated in a high moorland plateau location.

Accordingly, the site cannot be considered well-placed for the construction of a permanent dwelling, nor the stationing of 3 caravans for residential purposes. However, Section 5 of the NPPF states :

“To support the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
(Para 59)

Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). (Para 61)

Government recognises that Gypsies, Travellers & Travelling Show people have particular housing needs and has issued ‘Planning Policy for Traveller Sites’. which sets out how travellers’ housing needs should be assessed.

In this regard Policy 5 of the adopted Core Strategy reads as follows :

Meeting the Needs of Gypsies, Travellers and Travelling Show people
Sufficient housing provision must be made to meet the needs of the whole community.

It is proposed that:

1. Up to 5 Permanent pitches and up to 3 transit pitches are provided.
2. The preferred areas of search are Haslingden, Waterfoot, Stacksteads and Bacup.
3. Sites will be located in places that have access to the road network which is acceptable to the Highway Authority, be within reach of schools, shops and other facilities, should have adequate space for business and storage activities on site or nearby and have reasonable access by foot, cycle or public transport.
4. Sites should be located where they are capable of being served by adequate water and waste infrastructure services.
5. All sites should be well landscaped, be close to “green infrastructure” networks and take into account impact on local residents including noise and light pollution.

As part of the work undertaken to prepare the Local Plan to replace the adopted Core Strategy, the Council has consulted upon the provision of a gypsy and traveller site in the former quarry known as Little Tooter at Sharneyford, Bacup in order to meet an identified need for a Transit site in the Borough. However, a decision on whether the Sharneyford site is deemed suitable as a proposed allocation within the Emerging Local Plan to meet the identified need is awaited from the Local Plan Inspectors as part of their overall response on whether the Emerging Plan can proceed to main modifications.

Notwithstanding that the council does not have a 5 year supply of housing land, the description of the application as submitted is for, a Show persons Residential Site. Therefore, it is submitted by a specific housing sector i.e. Travelling Show People and it is not intended to meet a general housing need. The most up to date evidence which informs the Emerging Local Plan is the Rossendale Gypsy and Traveller Accommodation Assessment (GTAA) 2016 and this assessment of Gypsy and Traveller needs does not identify a need for a Travelling Show person site in the Borough. Therefore, this proposed development is not required to meet an identified need. What the GTAA did is identify a need for a Gypsy Transit site based on the historical number of unauthorised encampments in the Borough from Gypsies Travelling through the Borough.

Within both the GTAA and Central Government policy, Travelling Show people and Gypsies travelling through different boroughs are defined differently, hence, they are recognised as distinct groups. Therefore, as the GTAA did not identify a need for a Travelling Show persons site in the Borough, there is no evidence of need and consequently this application should be refused.

Visual Amenity

The application site is located in Countryside which is at an upland level that fields tend to be bounded by drystone walls and fences rather than hedges and trees. Whilst the proposed bungalow is to be constructed with 'traditional' facing materials - walls of coursed natural stone and a slate roof - it is to be to the south side of Burnley Road, where there are presently no other buildings to break the public view of it.

Notwithstanding this, having regard to the substantial 2-storey building to the other side of the main road (formerly the Deerplay Inn), a matter of even greater concern is the visual intrusion which would arise from the formation of such a large area of hard standing and its use by 3no caravans and for the parking & maintenance of fairground vehicles & equipment.

The greater part of the site has already been given a stone surface and is being used to keep fairground equipment, half a dozen lorries/vans and a similar number of green-coloured containers having the dimensions of shipping containers. From Bacup Old Road, and on the stretch of Burnley Road fronting the former Deerplay Inn, their tops are visible over the bund, whilst virtually their full height is visible from Burnley Road as the site is approached from Burnley (due to the greater height at which the road runs. The bund in itself is an alien feature in the landscape and, although the submitted Site Plan indicates that hawthorn and beech bushes will be planted on the bund, it is questionable whether they will grow sufficiently well to 'soften' the appearance of the bund or further screen the fairground equipment, caravans, lorries/vans and associated activities from public view.

Consequently, it is considered that the combined detrimental landscape and visual harm arising from this proposal would be substantial – as such, the application should be refused.

Neighbour Amenity

The only neighbouring occupied building nearby is the former Deerplay Inn. The Council's Environmental Health Unit is satisfied that its occupiers should not experience unacceptable detriment, so long as Conditions are imposed on any Permission to preclude repair of vehicles and fairground equipment or use external lighting at anti-social hours.

Access/Parking

LCC Highways has objection to the proposal unless its concerns are allayed :

"These concerns centre on the access to the adopted highway being sited close to the junction of Bacup Old Road and Burnley Road A671. Additionally there are concerns

regarding the access to Public Right Of Way 14-1-FP 254. This Public footpath runs across the site and whilst it is referred to in the planning statement there is no supporting evidence as to what, legal representations have been made in order to formally redirect the PROW.

In order to support the application we request that a number of swept path analysis's are undertaken, these should be for vehicles entering and leaving the site, traveling to and from Bacup and Burnley. It is expected that a swept path is produced for the following and any other vehicle combination that could be expected to be present at a Showman's Site.

- Any vehicle towing the double axle caravan (size and weight of both required)*
- An articulated HGV with a standard 12m container*
- An articulated HGV with a standard 12m container and a double axle caravan*
- A 3 axle HGV Box van up to 26 tonne and a double axle caravan as above.*

The junction of Bacup Old Road and Burnley Road is problematic and a known accident hotspot. Burnley Road its self is a high speed road, and the exit onto Bacup Old Road is partly unsighted from Burnley. Particularly, for any vehicle turning right this will by virtue of the lack of forward visibility due to the former Deerplay Inn, being a problematic manoeuvre. It is likely that any HGV will virtually have to come to a near stop, to ensure that there is a sufficient gap in the oncoming traffic to allow for the right turn manoeuvre to be made without causing oncoming traffic to slow down or potentially stop. It is also not know if any likely vehicle combination would be able to pull clear of Burnley Road. As this application is being made by a known showman, the gate should be positioned in order to allow a vehicle combination of up to 22m to pull clear of Burnley Road prior to entering the gated site. Consideration should also be given of the angle of the car or HGV cab in relation to the give way line on Bacup Old Road and the stopping point on Burnley Road in order to turn right into Bacup Old Road should be shown on the plan. This is to ensure that the driver of any vehicle and trailer combination can clearly see in both directions when turning from Bacup Old Road onto Burnley Road.

A 7 day automated traffic count will also be required to ensure that a visibility splay can be achieved - it is unlikely that a traffic count carried out during the current traffic conditions will be considered as a valid count. It is not expected that a traffic count will be accepted as a valid count until most work places are open and all schools including sixth form colleges are open.

Should Rossendale Borough Council wish to support the application we would wish for the opportunity to add to further conditions to this application, relating to the gates and the surfacing of the yard to prevent debris being carried on to the highway. A Section 278 agreement will also be required for the new access onto the adopted highway, and a construction management plan."

The Agent responded that :

- it is unnecessary to provide the number of swept path analysis's sought as vehicles would not be entering the site from the Burnley direction;*
- the objection is that such vehicles will be hidden from the view of traffic also approaching from Burnley but this would not be the case; &*
- visibility when exiting from Bacup Old Road and when looking right towards Weir has also been significantly improved by recent demolition of old broken down walling*

LCC Highways has most recently commented that :

"The applicant has said that he would only approach the site from one direction, but if working in Burnley it is an extra 10 mile detour through Rawtenstall and Bacup to approach from a different direction.

We have not had any request from the Agent regarding commissioning of the 7 day automated traffic count - Covid restrictions are not such that they would now preclude an automated 7 day traffic count giving a speed indication, which is the main figure of interest."

The applicant has not demonstrated to the satisfaction of LCC Highways that the traffic movements associated with the proposed development will not endanger highway safety, the junction of Bacup Old Road and Burnley Road in any case stated to be "*problematic and a known accident hotspot*". Furthermore, it being questionable whether the Public Footpath which runs across the site could co-exist with the intended site activities the applicant was asked to consider its diversion but have indicated that it can be retained on the existing alignment.

9. RECOMMENDATION

Refusal

REASONS FOR REFUSAL

- 1) Notwithstanding that the Council is unable to demonstrate a 5-year supply of deliverable housing land, the proposed development will have substantial adverse impacts that significantly and demonstrably outweigh any very limited benefits. There is no identified need for Travelling Show persons accommodation in the borough of Rossendale. Therefore, the proposed development is contrary to section 5 of the National Planning Policy Framework and Government policy within 'Planning Policy for Traveller Sites 2015.'
- 2) The proposed development will be unduly detrimental to the essentially open and rural character and appearance of the Countryside at a point on a main road frontage at the Borough boundary. It will also have a substantial detrimental landscape and visual impact, contrary to Section 15 of the National Planning Policy Framework and Policies 18 & 23 of the Council's adopted Core Strategy DPD (2011).
- 3) The Applicant has not adequately demonstrated that the proposed development will not endanger highway safety. The junction of Bacup Old Road and Burnley Road is already identified by Lancashire County Council Highways department as "*problematic and a known accident hotspot*". Furthermore, it has not been adequately demonstrated that the Public Footpath which runs across the site can co-exist with the intended site activities on its existing alignment. Therefore, the proposed development is contrary to policies 1, 5 and 23 of the Council's adopted Core Strategy DPD (2011).

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 25th May 2021

Present: Councillor Procter (Chair)
Councillors Stevens, Eaton, Adshead, Kempson, Marriott, Kenyon, Haworth and
Cllr Cheetham (subbing for Cllr Pendlebury)

In Attendance: Mike Atherton, Head of Planning
Lauren Ashworth, Principal Planning Officer
Nick Brookman, Planning Officer
Abigail Wrench, Solicitor
Joanna Wood, Committee and Member Services Officer

Also Present: Cllr Lythgoe, Cllr Peter Steen and 7 members of the public.

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies from Cllr Pendlebury (Cllr Cheetham subbing)

2. MINUTES

Resolved:

That the minutes of the meeting held on the 16th March 2021 be signed by the Chair and agreed as a correct record.

3. DECLARATIONS OF INTEREST

Cllr Kempson confirmed he had a declaration of interest on Item B6 as he was the applicant, he confirmed he would leave the meeting and return once the item had been heard.

4. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

PLANNING APPLICATIONS

The Chair noted that the planning officers would be outlining the main points of the application and any relevant additional information. She noted that the committee were given copies of all reports and plans in advance of the meeting, which they had adequate time to read.

Cllr Kempson left the meeting.

5. Application Number (Agenda Item B6) 2021/0086 – Land South of Hugh Business Park, Cowpe Road, Cowpe, Rossendale, Lancashire, BB4 7EU. Full: Demolition of existing buildings and change of use of land from former coal yard to storage of caravans.

The Principal Planning Officer outlined the application as detailed in the report and update report, including the site details, planning history, the proposal, consultation responses and notification responses received.

Officer recommendation was to approve the application subject to the conditions set out in Section 10 of the report.

S Hartley spoke in favour of the application.

Members asked questions for clarification purposes only.

In determining the application members discussed the following:

- Landscaping/fencing
- Installation of entry and exit point signage
- Colour of security fence

Clarification was given on the above points.

A proposal was moved and seconded to approve the application as per the officer's recommendation, the conditions set out in section 10 of the report and subject to two extra conditions in relation to the colour of the security fence (to be green) and installation of signage at entry and exit points.

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

FOR	AGAINST	ABSTENTION
8	0	0

Resolved:

That Planning Permission was granted as per the officer's recommendation, subject to conditions set out in section 10 of the Report and the further two conditions as stated above.

Cllr Kempson re-entered the meeting.

6. Application Number (Agenda Item B1) 2018/0596 – Land north of Co-operative Street, Helmshore – Erection of 3 no. dwellings with associated access, parking and landscaping works.

The Head of Planning outlined as detailed in the Report and Update Report, including the site details, planning history, the proposal, consultation responses and notification responses received.

Officer recommendation was to approve the application subject to the correct conditions set out in the Update Report.

S Giles spoke against the application.

Members asked questions for clarification purposes only.

S Hartley spoke in favour of the application.

Members asked questions for clarification purposes only.

Cllr Woods spoke on the application.

In determining the application members discussed the following:

- Errors within the officer's report
- Neighbour notification

- Car parking spaces to serve the proposed development and existing residents
- Height of proposed buildings
- Drainage and surface water
- Road infrastructure

Clarification was given on the above points.

A proposal was moved and seconded to defer the application to allow the applicant to consider the provision of additional land for car parking to serve existing residents, for further comments from the Highway Authority, and for a new officer's report to be prepared.

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

FOR	AGAINST	ABSTENTION
9	0	0

Resolved:

To defer the determination of the application.

7. Application Number (Agenda Item B2) 2021/0117 – Plot 1, Futures Park, Bacup – Provision of timber cabin for use as outdoor clothing store and changing room (associated with the approved nursery development).

The Principal Planning Officer outlined the application as detailed in the report, including the site details, planning history, the proposal, consultation responses and notification responses received.

Officer recommendation was to approve the application subject to the conditions set out in the report.

M Kirk spoke in favour of the application.

A proposal was moved and seconded to approve the application as per the officer's recommendation and subject to the conditions set out in the Report.

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

FOR	AGAINST	ABSTENTION
9	0	0

Resolved:

That Planning Permission was granted as per the officer's recommendation and subject to conditions set out in the Report.

8. Application Number (Agenda Item B3) 2021/0168 – Land on the South side of Commercial Street, Loveclough – S.73 Application: Variation of Condition 8 (to change the wording of the condition to that the timescales to discharge this condition can be met, regarding a scheme for the construction of the site access and the off-site highways works) pursuant to Planning Approval 2018/0554.

The Principal Planning Officer outlined the application as detailed in the report, including the site details, planning history, the proposal, consultation responses and notification responses received.

Officer recommendation was to approve planning permission subject to the conditions set out in the report and subject to the original Section 106 Agreement (securing planning contributions and obligations pursuant to 2018/0554). The original Section 106 Agreement contains a clause to bind its requirements to any subsequent variations of the original outline approval (2018/0554) including the variation hereby sought. All contributions and obligations from the original Section 106 Agreement are therefore carried through into this variation.

H Wild spoke in favour of the application.

A proposal was moved and seconded to approve the application as per the officer's recommendation, subject to the conditions set out in the report and subject to the original Section 106 Agreement as stated above.

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

FOR	AGAINST	ABSTENTION
9	0	0

Resolved:

The application was granted as per the officer's recommendation, subject to the conditions set out in the report and subject to the original Section 106 Agreement as stated above.

9. Application Number (Agenda Item B4) 2020/0555 – Land between 184 and 188 Booth Road, Stacksteads, Bacup, Lancashire. Outline Application: Outline application (including access, layout and scale) for the erection of a single storey detached dwelling.

The Principal Planning Officer outlined the application as detailed in the report, including the site details, planning history, the proposal, consultation responses and notification responses received.

Officer recommendation was to refuse the application.

M Hill spoke in favour of the application.

Members asked questions for clarification purposes only.

In determining the application members discussed the following:

- Size of the properties
- Integrity of the greenbelt and greenbelt exceptions including infilling within a village
- Building line

Clarification was given on the above points.

A proposal was moved and seconded to refuse the application as per the officer's recommendation.

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

FOR	AGAINST	ABSTENTION
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7	1	1
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Resolved:

The application was refused.

10. Application Number (Agenda Item B5) 2020/0436 – Land rear of 85 Grane Road, Haslingden, BB4 5ED – Full: Demolition of existing garages and erection of 13 no. Townhouses, with associated parking, highways/access improvement and landscaping.

The Principal Planning Officer outlined the application as detailed in the report, including the site details, planning history, the proposal, consultation responses and notification responses received.

Officer recommendation was, that Members resolve that they were minded to grant planning permission subject to conditions and that the determination of the application hereafter be delegated to the Head of Planning and Chair of the Development Control Committee as follows:

(1) To complete a suitable Section 106 Agreement to secure in particular:

- A financial contribution of £17,758 to be allocated to improving the existing facilities at Victoria Park, Haslingden.

(2) To carry out drafting amendments to any planning condition

(3) To have to discretion to refuse planning permission in the circumstance that the Section 106 Agreement is not completed within four months of the resolution to grant planning permission.

(4) That upon satisfactory completion of the above legal agreement that planning permission be granted subject to the following conditions or as amended by (2) above.

There were no registered speakers.

In determining the application members discussed the following:

- Whether public open space contributions should be directed to Greenfield Gardens instead of Victoria Park
- Materials used
- Condition and maintenance of the un-adopted road
- Construction hours

Clarification was given on the above points.

A proposal was moved and seconded to approve the application as per the officer's recommendation, subject to the conditions and s106 agreement as set out in the report, and also subject to the following amendments:

Condition 6 to include the use of blue slate on the roofs of the properties.

Condition 14 to include a requirement to bring the road up to an adoptable standard.

An additional condition to restrict hours of construction.

An amendment to be made in relation to the Section 106 agreement to include Greenfield Gardens, Haslingden.

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

FOR	AGAINST	ABSTENTION
9	0	0

Resolved:

The application was granted as per the officer's recommendations and the amendments listed above.

11. Application Number (Agenda Item B7) 2020/0136 – Land opposite the former Deerplay Inn, Burnley Road, Bacup. Full: Show persons site, including erection of 3-bed bungalow, 3 no caravans and area for parking and maintenance of fairground vehicles and equipment.

The Head of Planning outlined the application as detailed in the report and update report, including the site details, planning history, the proposal, consultation responses and notification responses received.

Officer recommendation was to refuse the application as per the reasons set out in Section 9 of the Report.

S Hartley spoke in favour of the application.

Members asked questions for clarification purposes only.

Cllr Steen spoke in favour of the application.

In determining the application members discussed the following:

- Highways/traffic movement
- Visibility when exiting the site
- Viability of using other sites
- Local Plan and identify the need

Clarification was given on the above points.

A proposal was moved and seconded to approve the application contrary to the officer's recommendation on the grounds that contrary to the Highway Authority's advice, the site access is suitable and safe, there is a need for the accommodation in the location and this will not have a detrimental impact on the character of the countryside.

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

FOR	AGAINST	ABSTENTION
4	5	0

Resolved:

The proposal was not carried.

A proposal was moved and seconded to defer the application to allow further investigations to take place in relation to highway safety reason for refusal and for the applicant to submit evidence to demonstrate a need for the accommodation.

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

FOR	AGAINST	ABSTENTION
9	0	0

Resolved:

The application was deferred.

The meeting commenced at 6.30pm and concluded at 9.09pm

Signed:

(Chair)

UPDATE REPORT

**FOR DEVELOPMENT CONTROL COMMITTEE
MEETING OF 25 May 2021**

Item B1 2018/0596 – Land north of Co-operative Street

Since publication of the report, Members' attention is drawn to the following:

Factual errors in the report

There are references in the Committee Report to a public footpath running through the site, also to Musbury Brook and Park Road, these are all incorrect as the site does not have these features within or adjacent to it.

Changes to planning conditions

The planning conditions as stated on the Agenda are incorrect and relate to another site, the full list of conditions should read as follows:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following:

- Submitted application form.
- Location Plan (1) Co-operative Street 10.12.2018
- Proposed Site Plan and Cross Section (WARB – 12-11-19-C)
- Proposed Plans and Elevations (WARB –12–11-19 – C)
- Swept Path Plan by DTPC Limited Consultants 02.03.2020
- Landscape and Boundary Treatment Plan (Ref: AW 08/12/18)

Reason: To ensure the development complies with the approved plans and submitted details.

3. No above foundation level development shall commence until full details (including physical samples) of the following have been submitted to and approved in writing by the Local Planning Authority:

- Natural coursed stone to be used on the elevations
- Natural blue slates to be used on the roofs
- Porous block paving

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: In the interests of securing a high quality finish to the development.

4. The approved scheme of landscaping and boundary treatment shall be implemented in full for each plot, prior to the first occupation of the dwelling on that plot.

Reason: In the interests of visual and neighbour amenity.

5. Construction works shall not be permitted outside the following hours:

- Monday to Friday: 08:00 to 18:00
- Saturday: 08:00 to 13:00

No construction works shall take place on Sundays or Bank Holidays.

Access and egress for delivery vehicles shall also be restricted to the working hours indicated above.

Reason: In the interests of neighbour amenity.

6. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present, which has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting nesting birds.

7. Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority.

The submitted report shall include:

- i) A Preliminary Risk Assessment report (phase 1), including a conceptual model of the site indicating sources, pathways and receptors, and a site walk over survey;
- ii) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater, surface water and the wider environment; and
- iii) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy prior to commencement of development. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of mitigating any hazards posed by contaminated land, and in the interests of reducing pollution.

8. Pursuant to condition 7 and prior to first occupation of any of the dwellings, a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating any hazards posed by contaminated land, and in the interests of reducing pollution.

9. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

10. The site access works, road layout and parking arrangements for both the proposed dwellings and the existing dwellings (7 spaces for existing dwellings on Co-operative Street), as shown on the proposed site plan (drawing number WARB – 12-11-19-C) shall be implemented to the satisfaction of the Local Planning Authority, prior to the first occupation of the dwellings, hereby approved. The parking areas shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings.

Reason: In the interests of highway safety.

11. Details of any street lighting, (including levels of illuminance), if it is to be erected, shall be submitted to and approved in writing by the Local Planning Authority, prior to the 1st occupation of the dwellings. The approved scheme shall be implemented in full, in accordance with an approved timetable to the satisfaction of the Local Planning Authority.

In order to satisfy the Local Planning Authority and Highway Authority that the final details of the retaining structure are acceptable before work commences on site.

12. The approved Construction Method Statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) Wheel washing facilities within the site
- v) Measures to deal with dirt, debris, mud or loose material deposited on the adopted highway network as a result of clearance and construction works
- vi) The maximum size (loaded weight) of construction vehicles servicing the development
- vii) Measures to control the emission of dust and dirt during construction

- viii) A scheme for recycling/disposing of waste resulting from clearance and construction works
- ix) Details of working hours
- x) Timing of deliveries
- xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

13. No development shall commence until details of the proposed arrangements for the future management and maintenance of the proposed road and associated infrastructure including surface water drainage within the development, have been submitted to and approved by the local planning authority. The road and infrastructure shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either the highway works have been adopted or a private management and maintenance company has been established.

Reason: To ensure that the highway works and infrastructure serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety.

14. Prior to the occupation of any approved dwelling, electric vehicle charging points shall be installed for each dwelling.

Reason: To ensure that the development provides sustainable transport options.

Item B6 2021/0086 – Land South of Hugh Business Park

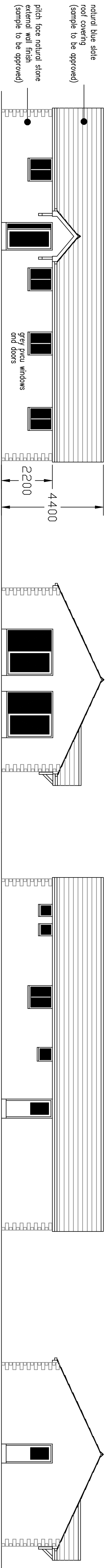
Application number should read 2021/0086 and not 2020.

Item B7 2020/0136 – Land opposite former Deerplay Inn

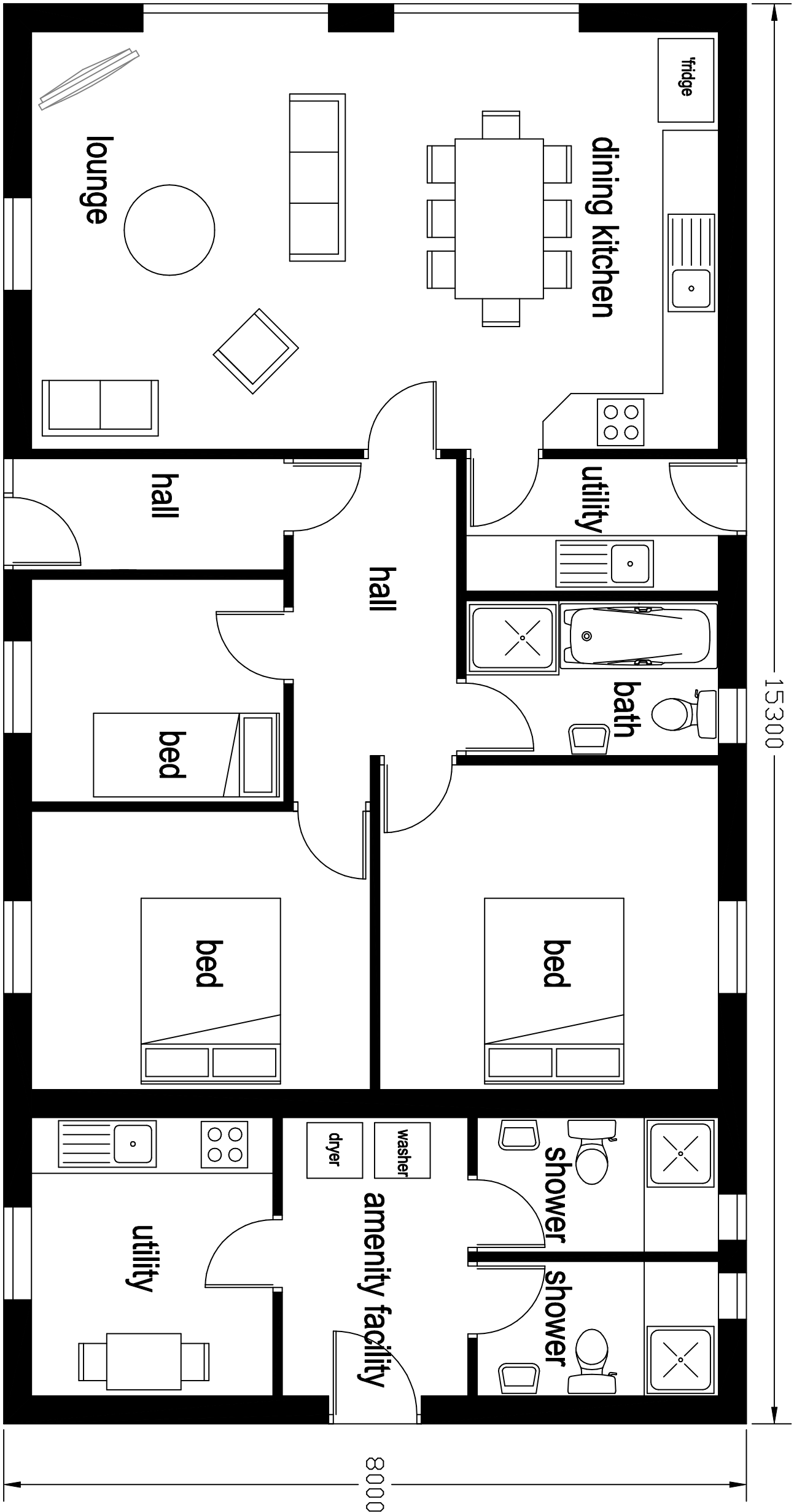
Application number on the list of Agenda items should be 2020/0136 and not 2020/0028.

Additional information has been received from the Applicant's Agent in respect of the proposed reasons for refusal. The letter is attached in full to this report.

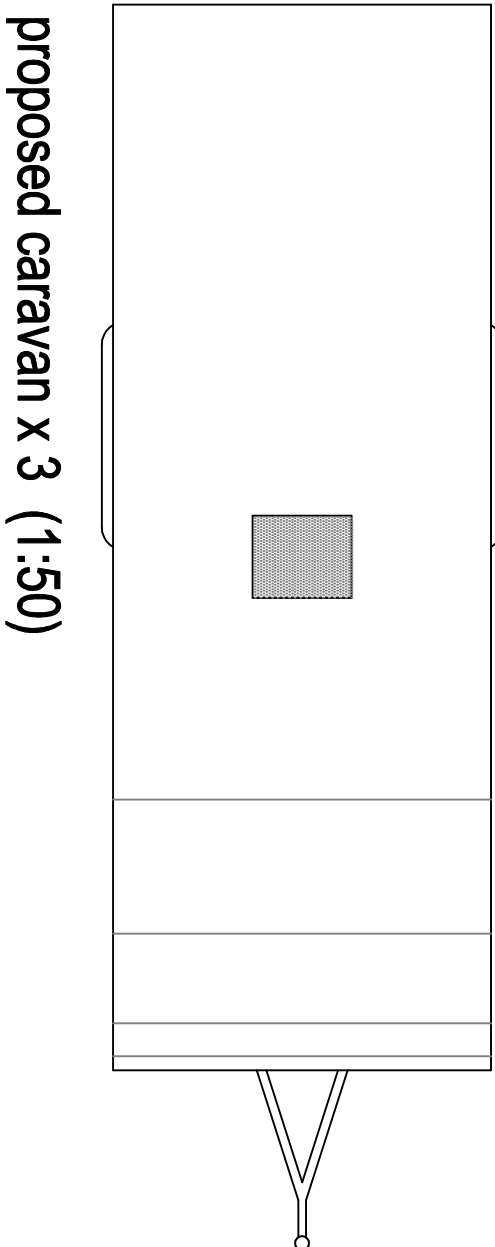
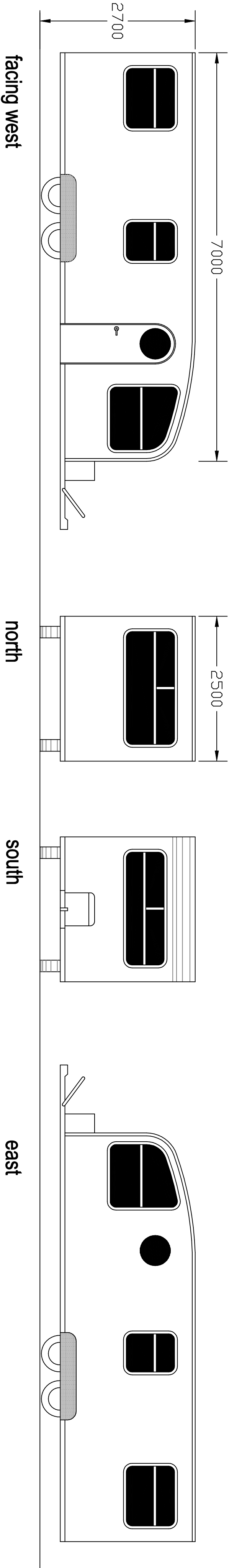
Mike Atherton
Head of Planning
21 May 2021



proposed elevations (1:100)



proposed floor plan (1:50)



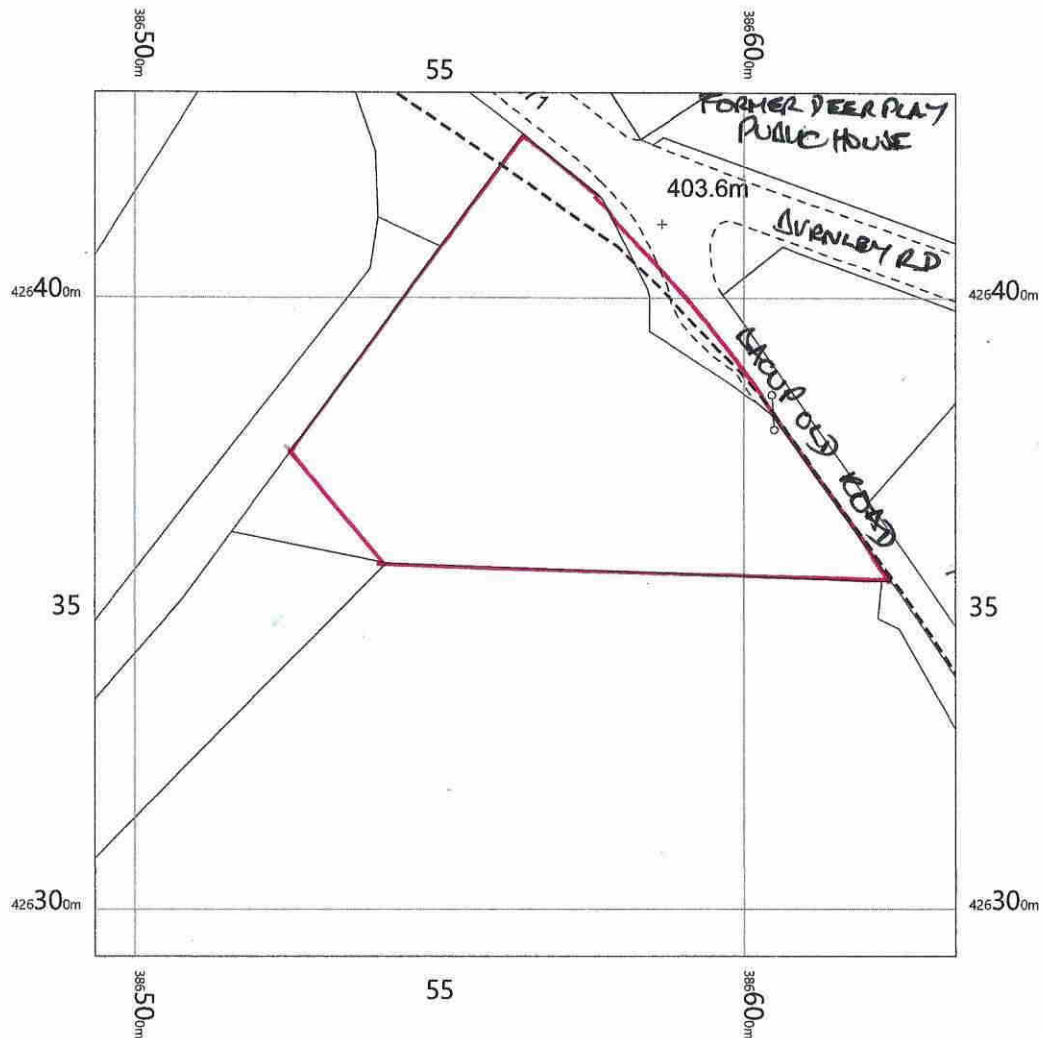
proposed caravan x 3 (1:50)

bungalow and caravan details

proposed showmans residential site incorporating
3 caravans + 3 bed bungalow with additional
services provision for caravan residents plus
area for parking / maintaining fairground equipment
on land adjacent to

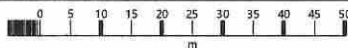
Bacup Old Road
Deerplay
Bacup

plan scale 1:100 1:50 @ A1
linear scale 1:100 @ A1
drawing number CS-08-03-20-C



LOCATION PLAN (AMENDED)

REF. C.S. 270222.A.

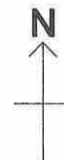


Deerplay Inn
Burnley Road,
Clough Bottom,
Cliviger,
Lancashire
OL13 8RD

OS MasterMap 1250/2500/10000 scale
Thursday, March 12, 2020, ID: MPMBW-00867384
www.blackwellmapping.co.uk

1:1250 scale print at A4, Centre: 386564 E, 426363 N

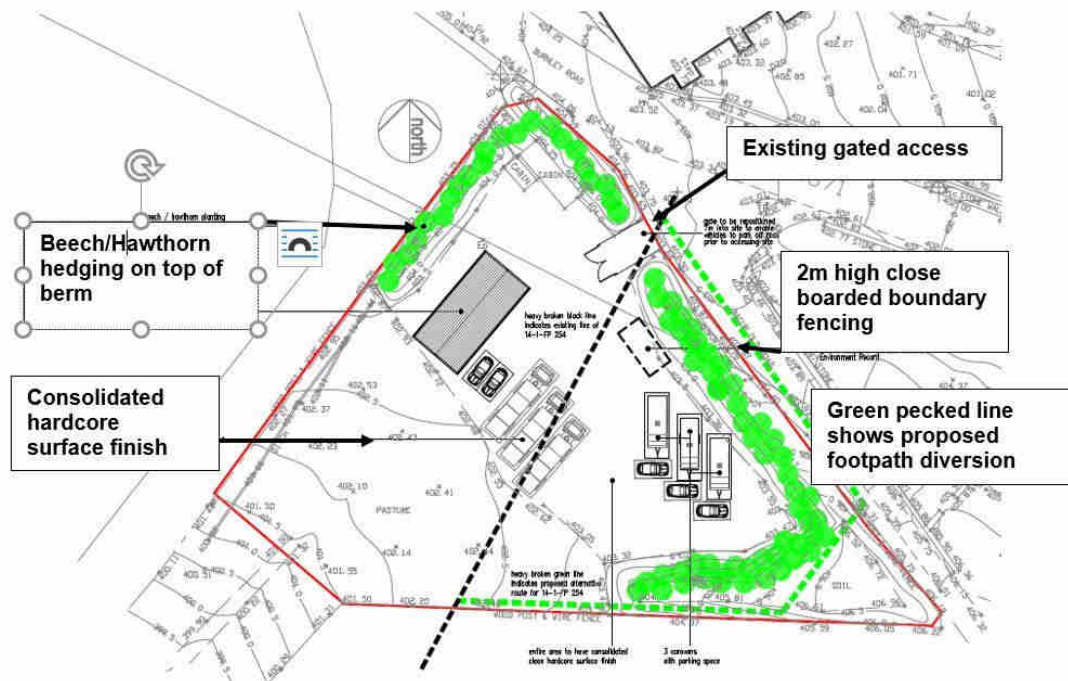
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Proposed landscaping and boundary treatment



Planting and landscaping schedule

Hedging (as shown on the above plan)

%	Botanic	Common	Nursery size
50	<i>Crataegus monogyna</i>	Hawthorn	900-1200mm
50	<i>Fagus Sylvatica</i>	Beech	900-1200mm

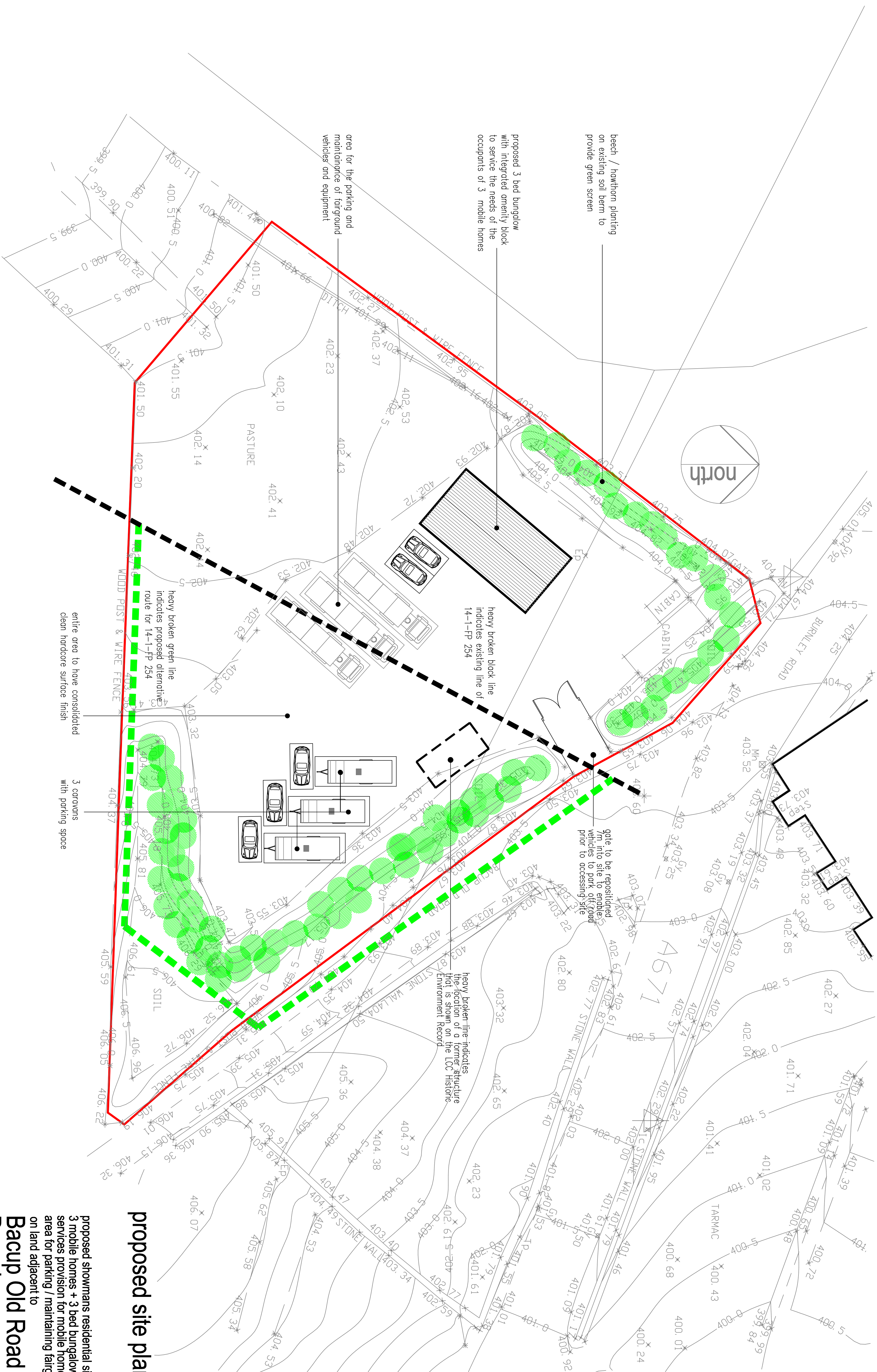
All proposed shrub areas are to receive 400mm depth approved quality topsoil beds, to comply with BS 3882 "General Purpose Grade" "As dug", made weed free and cultivated incorporating Enmag fertiliser at a rate of 70g/m². Specimen plants to have backfill of 80% topsoil/20% approved peat free compost. All plants to be well watered in.

General Plant Quality

All plant material to be supplied in accordance with BS 3936 Parts 1 – 4 and 9 – 10. All plants to be correct species and stock size specified and to be good specimens characteristic of species. All plants to be supplied free from pest and disease

Maintenance

Any trees and hedging failing within the first 5 years to be replaced with similar



proposed site plan

proposed showmans residential site incorporating
3 mobile homes + 3 bed bungalow with additional
services provision for mobile home residents plus
area for parking / maintaining fairground equipment
on land adjacent to
Bacup Old Road
Deerplay
Bacup

plan scale 1:200 @ A1

0m 20m
linear scale 1:200 @ A1

drawing number CS-08-03-20-B(amended 2)

Rae Cornell Associates Building Design and Planning Consultants
214 Burnley Road Bacup Lancashire
01706 873000