

TITLE: PLANNING APPEAL RESULTS
Application 2004/239 – 15 St. James Street,
Bacup OL13 9NJ

TO/ON: DEVELOPMENT CONTROL COMMITTEE
17 March 2005.

BY: Team Manager Development Control

STATUS: For Publication.

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

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

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

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

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

7. WARDS AFFECTED
Irwell

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

9. REPORT

2004/239 – This planning application was received on 07 April 2004 and related to an application for use change of use of ground floor from shop (use class A1) to Hot Food Takeaway (use class A3) The application was refused on the 28 June 2004 for the following reasons:-

The proposed use of the property as a Hot Food Takeaway Shop would impact adversely on the vitality and viability of the existing main shop frontage area of Bacup Town Centre to the detriment of the Town Centre. For this reason the proposal is contrary to Policy S. 4 of the Rossendale District Local Plan.

This resulted in an appeal being lodged and dealt with under the written representations method. The Inspectorate wrote informing the Council of its decision on the 16 February 2005. The appeal was allowed.

Background documents:

Application and appeal documents.

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