

<b>Application Number:</b>	2015/0341	<b>Application Type:</b>	Full
<b>Proposal:</b>	Variation of conditions 2 (list of approved drawings) and 3 (materials) for application 2014/0296	<b>Location:</b>	Ski Rossendale Haslingden Old Road Rawtenstall Rossendale Lancashire BB4 8RR
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	3 November 2015
<b>Applicant:</b>	Ski Rossendale	<b>Determination Expiry Date:</b>	6 November 2015 (time extension)
<b>Agent:</b>	Gary Dearden PPY Design Limited		

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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b>	
Name of Member:	
Reason for Call-In:	
<b>3 or more objections received</b>	
<b>Other (please state):</b>	<b>Council land</b>

## 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 Committee Approve planning permission for the reasons set out in Section 9.

## 2. SITE

Ski Rossendale is one of Rossendale's major tourist facilities, located to the west of the town centre of Rawtenstall and accessed from the northern side of Haslingden Old Road

(Whitaker Park is located to its southern side). The land, which is significantly screened by mature trees to all sides rises steeply upwards to the north and roughly comprises the following:

- a car park to its front (south) side;
- a single storey timber clad building ‘main facilities building’;
- a single storey timber clad building originally an ancillary shop;
- three slopes, including the nursery slope directly behind the main facilities building; and
- an ancillary restaurant/café building to the rear of the nursery slope

The site lies within an area of Greenlands with the land to its west Green Belt and the land to its north and east designated as countryside.

### **3. RELEVANT PLANNING HISTORY**

2014/0296 - First floor extension to the north east side of the existing main facilities building to form cafe and club room, installation of ski tows to the slopes, extension of nursery slope and alterations to existing access and parking. Approved 04/09/14.

### **4. PROPOSAL**

Section 73 of the Town and Country Planning Act enables applicants to apply to vary or remove planning conditions associated with a planning application. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

In this case Ski Rossendale is seeking permission for a number of amendments to planning permission 2014/0296 by varying conditions 2 (list of approved drawings) and 3 (materials). Members will recall granting planning permission in September 2014 for application 2014/0296 which sought to improve the clubhouse and slope facilities to make them suitable for multi users including the disabled, and to encourage the continued development of snow sports within the area, and to help achieve the aim of becoming a “winter sports centre of excellence”.

The proposed amendments are as follows:

1. Replace the proposed white rendered walls to the extension to natural stone.
2. Join the two terraces together to form one i.e. to extend the glazed balustrade.
3. Introduction of a void between the retaining wall and the building to allow natural ventilation of the ground floor toilets and shower.
4. Installation of a timber door at the first floor and staircase to serve the new kitchen (top flight to be constructed in timber, lower flight in pre-cast concrete flagged treads with stone risers cut into the existing banking to form steps).

The Planning Practice Guidance states that where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

## **5. POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework (2012)**

- Section 1 Building a Strong Competitive Economy
- Section 4 Promoting Sustainable Transport
- Section 7 Requiring Good Design
- Section 8 Promoting Healthy Communities
- Section 9 Protecting Green Belt Land
- Section 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment

### **Development Plan Policies**

#### **Rossendale Core Strategy DPD (2011)**

- AVP 4 Rawtenstall
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 14 Tourism
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity and Landscape Conservation
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

## **6. CONSULTATION RESPONSES**

### **LCC (Highways)**

No objection.

## **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order 7no. neighbour letters have been issued and site notices were displayed. No responses have been received.

## **8. ASSESSMENT**

The main considerations of the application are:

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

### **Principle**

The application to seek minor amendments to planning permission 2014/0296 is acceptable in principle, subject to the considerations below.

### **Visual Amenity**

The proposed amendments consist of the following:

1. Replace the proposed white rendered walls to the extension to natural stone.
2. Join the two terraces together to form one i.e. to extend the glazed balustrade.
3. Introduction of a void between the retaining wall and the building to allow natural ventilation of the ground floor toilets and shower.

4. Installation of a timber door at the first floor and staircase to serve the new kitchen (top flight to be constructed in timber, lower flight in pre-cast concrete flagged treads with stone risers cut into the existing banking to form steps).
  1. The proposed use of natural stone rather than the permitted white render is considered to be an improvement in terms of visual amenity and is welcomed.
  2. The joining together of the two separate terraces by extending the proposed glazed balustrade is acceptable in terms of visual amenity.
  3. The introduction of the void will have no impact on appearance / visual amenity.
  4. The proposed staircase and timber door to serve the new kitchen at first floor are acceptable alterations in terms of their design and appearance as they will be constructed from materials that are in-keeping with the building.

For the reasons above, the proposed amendments are acceptable in terms of visual amenity and are therefore compliant with the development plan and NPPF in this regard.

#### Neighbour Amenity

The proposed amendments (listed above) do not raise any issues in relation to neighbour amenity such as loss of privacy, or overbearing impact, noise etc. Neighbours have been consulted and no objections have been made. Officers are satisfied with the amendments in this regard.

#### Access / Parking

The proposed amendments raise no issues in relation to access or parking, and Lancashire County Highway Engineer raises no objection.

### **9. SUMMARY REASON FOR APPROVAL**

The proposed variations to the scheme are acceptable in principle and, subject to conditions, would not detract to an unacceptable extent from visual and neighbour amenity, public and highway safety, or ecology, having regard to the National Planning Policy Framework (2012) and Policies AVP 4 / 1 / 8 / 9 / 14 / 17 / 18 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

### **10. RECOMMENDATION**

That the application be approved.

#### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date 04/09/2014.

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. The development shall be carried out in accordance with the submitted drawings numbered TP2-01, TP2-02, TP2-03, TP2-04, TP2-05, TP2-06, AND TP2-07 (amended plan received 07 October 2015)

Reason: To ensure the development complies with the amended approved plans, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

3. The facing materials to be used in the construction of the buildings hereby permitted, and their colours, shall be as stated on the application form and approved drawings.

Reason : In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

### **INFORMATIVES**

1. Public rights of way no. 241 and 239a run through / adjacent the site. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed topping up or diversion of a right of way should be the subject of an Order under the appropriate act. Please contact Lancashire County Council PROW department for any further information.

This permission does not provide permission for the formation of any 'overspill car parking' or the loss of any trees other than those expressly shown on the approved drawings. A separate planning application would be required for the creation of any additional car parking areas.