

UPDATE REPORT 3rd OCTOBER 2017

**FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 03 OCTOBER
2017**

ITEM B1: 2017/0237 (Edenfield Methodist Church)

Since publication of the Committee report, amended plans have been received which demonstrate the incorporation of two bat roost wall boxes into the proposed scheme (one located on the south east elevation and one on the south west elevation), in line with the recommendations of the Council's ecology consultant.

The Council's ecology consultant now has no objection to the proposed scheme subject to the inclusion of a condition.

If the application is approved it is considered appropriate to include a condition which would require that no development takes place until full details of the timing and methodology of demolition and construction works which are likely to affect the bat roost on site (and details of any necessary further mitigation measures) have been submitted to and approved in writing by the Local Planning Authority.

Subject to the above, it is considered that the scheme provides adequate mitigation for any potential harm to bat roosts on site and is now acceptable in terms of ecology.

ITEM B2: 2017/0389 (Land West of Bowling Green, Loveclough)

Since publication of the Committee Report, three further letters of objection have been received following the receipt of amended plans.

Two letters have been received from Mr and Mrs Sourbutts of No. 4 Loveclough Place, raising the following points:

Letter 1

- 1) *"The only drawing that I can compare with (drainage layout) would show that the developer has made a couple of changes to the windows and added a window to the garage. The change from one big angled windows to 2 smaller ones in the bedrooms will still allow overlooking as stated in points 2, 3 and 19 of my letter dated 18th August 2017. The addition of garage windows would lead me to believe there is no intention to use*

- them as garages and they would be marketed as another room, leaving an issue of where the additional car space required would be, a point I have already raised in point 18 of my letter dated 18th August 2017.*
- 2) The LPA has stated that there was insufficient information submitted for them to make a decision on the application. It appears this matter is still outstanding. This needs to be concluded before any decision is made.*
 - 3) Adding to point 9 of my letter dated 18th August 2017, the reports done by Michael Pooler are totally contradictory. The independent report submitted by Michael Dopp shows the true state of the bridge.*
 - 4) I am aware that the applicant has been offered a significant amount of money from one of the farm properties to buy the land from him and he would keep the land as countryside. This would allow the land to stay in keeping with the local area and the applicant should take the offer.*
 - 5) The site lies in open countryside, immediately adjacent to the Loveclough Fold Conservation Area. Rossendale Borough Council has committed to keeping land to the west of the A682 Burnley Road free of significant development, a principle upheld most forcefully by Mr Mike Hayden, the Planning Inspector in his ruling of 4 February 2016 in Appeal Reference APP/B2355/W/15/3130570.*
 - 6) As stated at point 13 of my original submission I will be starting my own business next week. I have attended many courses and had mentors, all funded by the Council (for which I am most grateful). I have been advised that I have a great chance of making a success of my business, however 50% of business fail in the first year of trading and I absolutely believe that if the development goes ahead it will cause significant disruption to my business (and other local business who will depend on my services) and a cause significant financial impact to my family due to a lack of income.*
 - 7) When we look at our justice system, whether that be criminal law, or employment law, both are based on a fair assessment of facts and, in criminal law, decided by a number of jurors with the majority ruling, and in an employment tribunal decisions are based on what is reasonable. In this application we have 1 applicant, consider that again the 5 objections received and if this was a case to be decided by a jury, the majority ruling would be to say no as it is 5 versus 1. In the Employment Tribunal, it would be reasonable to conclude that 1 applicant wishing to provide houses to 2 families cannot be put before 5 objections and considerable impact to 3 families already living there, not to mention the other properties beyond Loveclough Place who will be impacted but who will not have been invited to make representations.”*

Letter 2

- 1) “The addition of a chimney breast to the front of the properties not only appears ugly but goes further to differ from the design of the other houses on the estate and is certainly not keeping within the design of other properties on the estate or in the area.*

- 2) *The change from 1 angled window to several angled windows on the ground and 1st floor do nothing to mitigate the points I have already raised in both previous letters.*
- 3) *The balconies to the first floor now provide even more overlooking than the previous design allowing for direct view into my garden, conservatory, kitchen, bathroom, office, and of most concern, my daughter's bedroom.*
- 4) *The original planning permission granted in 2008 was given due to Mr Paul Taylor, previously of no 6 Loveclough Place, intending to buy the house, the design was his. He left the property 4 years ago. We are now 9 years on and the council's strategy on development has changed since then and your commitment to our borough that you would keep the land to the west of the A682 Burnley Road free of significant development should lead you to reject the proposal, safe in the knowledge that the applicant has an offer of money for the land that would then keep it as countryside."*

An objection has been received from Ms N. Homes, raising the following points:

"I live opposite this proposed site and feel that these buildings will negatively impact on our lives in the following ways so here are my reasons for objecting:

- 1) *The land is in very close proximity to my home and will definitely impact on my property in terms of invading privacy as the windows still face me and can still be seen out of therefore look into my kitchen and rear bedrooms.*
- 2) *The building will look out of place with its ultra-modern look and imposing big grey/black windows and doors. It will not blend into the area as it is at the moment in my opinion.*
- 3) *There is very little room around the site, front and to the side of this area as both sides are farm/fishery roads and in front a narrow lane so how the large plant vehicles going to access the site and maneuver around it without causing massive disruption and obstruction is impossible.*
- 4) *The issue of the bridge has not been resolved as reports show it is in need of repair and thus has a MAXIMUM load bearing of 19 tonnes. A cement truck alone is between 26/33 tonnes so how can they get materials and diggers, and remove all the heavy soil to be excavated out across the bridge. I cannot understand how a council which will not allow its own bin lorries across can grant planning for other heavy vehicles to use it. Signs erected are a good idea at 18 tonnes but who is going to police this ensuring correct use?*
- 5) *Being so close to my property will definitely cause problems as in noise and disturbance on the property's being built will be unbearable even working on Saturdays from 7.30 am. There will be lots of pollution with dust and maybe even gases from this old site.*
- 6) *Surely there are enough 4 bed properties for sale already in the area which are unsold so how are we going to benefit from another 2.*
- 7) *Access for cars is very limited and will take a few maneuvers to park in such a small area thus even more noise and air pollution directly in my*

back garden and home.”

Whilst the above points are noted, officers do not consider that they raise any additional issues over and above those addressed within the original Committee Report which would warrant the refusal of the application.

ITEM B3: 2017/0363 (16 Bury Road, Rawtenstall)

Since publication of the Committee report, the applicant has requested that proposed Condition 3 is amended to allow the establishment to open for an extra hour on Christmas Eve and on New Year’s Eve. The Council’s Environmental Health Officer has no objection to the proposed amendment and it is considered appropriate to amend the proposed condition to read as follows:

“The drinking establishment hereby permitted shall not be open to members of the public other than between the following hours:

- 11:00-23:00 Sunday to Thursday ;
- 11:00-23:30 on Fridays and Saturdays; and
- 11:00-00:30 on Christmas Eve and New Year’s Eve.

Reason: In the interests of neighbour amenity.”

Item C2, Appendix 1

The title of the first item on the Appendix should be:

2016/0419

Huttock Top Farm, Newchurch Old Road, Bacup