

Subject:	Planning Appeals Update	Status:	For Publication
Report to:	Development Control	Date:	16 th January 2018
Report of:	Planning Manager	Portfolio Holder:	Regulatory Services
Key Decision:	N/A	Forward Plan N/A	General Exception N/A
			Special Urgency N/A
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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2. PURPOSE OF REPORT

2.1 To inform Committee Members about the scale of Appeal activity, and the Appeal decisions received from the Planning Inspectorate, since October 2017.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale's residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.
 - **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.
 - **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

4. RISK ASSESSMENT IMPLICATIONS

4.1 There are no specific risk issues for members to consider arising from this report.

5. BACKGROUND

5.1 Appeals in Progress

At the time of writing 8 planning appeals are lodged and awaiting decisions from the Planning Inspectorate: These are:

	Application Reference	Site Address	Proposal	Level of Decision
1.	2017/0320	Crabtree Hurst Lench Road Rawtenstall Rossendale	Proposed set of two containers for adaption and use for the domestic storage and display of lambrettas and scooters	N/A- application never validated
2.	2017/0042	Near Pastures Farm Burnley Road East Waterfoot	Erection of Agricultural storage building	Delegated

3.	2017/0322	Land Opposite 10 Northfield Road Rising Bridge	Section 73 application for the removal of conditions 3 (removal of building) and 4 (agricultural use only) pursuant to planning approval 2017/0228 which approved the erection of an agricultural building	Delegated Powers
4.	2017/0364	The Pumphouse/Orangerie Crawshaw Hall Burnley Road	Full Application: Conversion and extension of former pump house to form 1 no. four-bedroom dwelling, with associated landscaping and access works.	Delegated Powers
5.	2017/0365	The Pumphouse/Orangerie Crawshaw Hall Burnley Road	Listed Building Consent for works associated with the conversion and extension of former pump house to form 1 No. four-bedroom dwelling.	Delegated Powers
6.	2017/0449	11 Lower Stone Fold Kings Highway Haslingden	Erection of detached domestic double garage, including construction of a new access and turning area	Delegated Powers
7.	2017/0360	49-51 Bury Old Road Shuttleworth Ramsbottom	Reinstatement of two houses from one, 1-storey side extension with balcony, 1-storey rear extension, front porches and parking provision	Delegated Powers
8.	2017/0124	Cedar Lodge Bury Road Rawtenstall	Change of use of dwelling and clinic to offices (B1)	Delegated Powers

5.2 Appeals dismissed since the report taken to 3rd October 2017 Development Control Committee

Since the time of last writing, 1 planning application appeal has been dismissed by the Planning Inspectorate, listed below.

	Application Reference	Site Address	Proposal	Level of Decision
1.	2017/0239	Land To North Of Turton Hollow Road Crawshawbooth Rossendale	Full: Demolition of garages and erection of 3no. detached dwellings	Delegated Powers

5.3 Appeals allowed since the report taken to 3rd October 2017 Development Control Committee

Since the time of last writing, 3 planning application appeals have been allowed by the Planning Inspectorate. These are:

	Application Reference	Site Address	Proposal	Level of Decision
1.	2017/0126	Vale Lodge Meadow Park Ramsbottom	Section 73 application to remove condition 3 (removal of the building) attached to planning approval 2017/0017 which approved the erection of an agricultural building	Delegated Powers

2.	2017/0202	23 Helmshore Road Haslingden	Householder: First floor extension above existing living space with balcony extension.	Delegated Powers
3.	2017/0324	Craven Heifer 264-266 Burnley Road Rawtenstall	Change of use from Public House (A4) to Restaurant (A3). Demolition of porch & smoking shelter and erection of porch/extension to north side & elevation changes	Delegated Powers

5.4 Keeping members informed

Most appeals as members may be aware are dealt with by the Written Representations format. However, “Informal Hearings” and “formal Inquiries” are heard in public and so councillors can attend should they wish to do so. Members interested in attending informal hearings will need to advise the relevant case officer accordingly when they are informed. The case officer can then update the Councillor on the date of the hearing when it has been fixed by the Planning Inspectorate.

An Informal Hearing in respect of the Enforcement Notice served against the unauthorised road which has been created at Vale Lodge (Land to East of Helmshore Road leading to Lumb Village) has been set for 16th January in the Council Chamber.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 None contained within this report.

7. MONITORING OFFICER

7.1 Report is for information purposes only

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 None contained within this report, however, appeal decisions can inform interpretation / implementation of Planning Policies.

9. CONCLUSION

9.1 For members to note the update provided in the report

Background Papers

The relevant application numbers and locations are as outlined in the report and further details can be found on the Council’s website or by contacting the Planning Service

C2 – Appendix 1 – Planning Appeals update

Appeals dismissed since the report taken to October 2017 Development Control Committee

1. 2017/0239 Land To North Of Turton Hollow Road, Crawshawbooth,

The Planning Inspector considered that the unorthodox design of the proposed dwellings, and in particular the large voids formed at ground floor level by the undercroft parking areas, would fail to respond to local character and context. In respect of design the Inspector concluded that taken as a whole the scheme fails to take any design cues from the positive features within the immediate locality, such as the simplicity of form and style and the proportions of nearby Victorian properties.

In respect of neighbour amenity the Inspector considered that the end proposed dwelling would be unacceptably overbearing, would dominate the outlook when seen from the rear windows and garden of No 15 and would materially harm the living conditions of the occupants of No 15 Stoneholme Road with regard to outlook.

In respect of the proposed garden space associated with the dwellings the Inspector concluded that the proposed dwellings would not provide acceptable living conditions for the future occupants in terms of outdoor amenity space.

Appeals allowed since the report taken to October 2017 Development Control Committee

1. 2017/0126 Vale Lodge, Meadow Park, Ramsbottom

The appeal relates to an application to remove condition 3 attached to the previous planning approval 2017/0017 which approved the erection of an agricultural building. Condition 3 stated:

The building hereby permitted shall be removed from the land in its entirety and the land restored to agricultural land if it is not used for the purposes of agriculture for a period of six months, within ten years of the building being substantially complete.

Reason: An agricultural building on the site is considered to be appropriate based on the submitted information, however if the building is no longer required for agricultural purposes in the future its removal will avoid the proliferation of buildings in the site's Green Belt location.

The Planning Inspector considered that the condition is not required to maintain the openness of the Green Belt, or to make an otherwise unacceptable development acceptable by mitigating the adverse effects of the development. As such the condition has been removed from the planning approval.

An application for costs was also submitted with the appeal. The Inspector concluded that the Council had not behaved unreasonably with respect to the substance of the matter under appeal and costs were not awarded.

2. 2017/0202 23 Helmshore Road, Haslingden

The appeal relates to the erection of a first floor extension above existing living space with balcony extension which was refused for the following reason:

The proposed development involves significant extensions and alterations to the host dwelling, to an extent where the original style and scale of the building will be lost. The

development will not give the appearance of being part of the original building due to its scale, nor will it complement the original building by virtue of its design, which incorporates unsympathetic features including large front facing gables which will dominate the building and destroy its simplicity. Accordingly, the proposal fails to comply with Policies 1, 23 and 24 of the Adopted Core Strategy, the Alterations and Extensions to Residential Properties SPD and the National Planning Policy Framework.

The Inspector considered that although the proposal would greatly increase the bulk of the dwelling, it would not appear either cramped within the property's extensive plot or out of place in the wider street scene, which includes detached, semi-detached and terraced houses. The Inspector concluded that the proposed first floor extension would complement and enhance the character and appearance of the original dwelling.

3. 2017/0324 Craven Heifer, 264-266 Burnley Road, Rawtenstall

The appeal relates to the change of use from Public House (A4) to Restaurant (A3). The development includes the demolition of the porch and smoking shelter and the erection of porch/extension to north side along with elevational changes. The application was refused for the following reasons:

The applicant has not adequately demonstrated that there are no sequentially preferable sites/premises within or on the edge of Rawtenstall Town Centre or Crawshawbooth centre that could accommodate the proposed restaurant. Additionally adequate marketing information has not been provided to support the loss of the existing public house. The proposal is therefore contrary to guidance contained within the National Planning Policy Framework and Policies 7 and 11 of the Council's Adopted Core Strategy (2011).

Insufficient parking provision is proposed as part of the development, which will result in on-street parking to the detriment of highway safety. Furthermore, customers and staff of the premises are likely to park in close proximity to residential properties, which will result in increased noise and disturbance through late night activity, including the opening/closing of car doors. The proposal is therefore contrary to Policies 1 and 8 of the Council's Adopted Core Strategy (2011).

The Inspector was satisfied that the premises had been effectively marketed for sale as a public house without success, and the weight of the evidence lead the Inspector to conclude that the Craven Heifer would not be viable as a public house.

In terms of parking the Inspector considered that although the Highway Authority requires 16 parking spaces this cannot be provided nor was it provided historically for the public house. The Inspector went on to conclude that the proposal would not materially harm the living conditions of nearby residents with regard to additional noise and disturbance that may be generated by the proposal, particularly from customers' vehicles.