

MINUTES OF: SPECIAL MEETING OF THE DEVELOPMENT CONTROL COMMITTEE

Item A2(b)

Date of Meeting: 11th July 2006

Present: Councillor S Pawson (in the Chair)
Councillors D Barnes, Crosta, Driver, Eaton, Entwistle, Haworth, Lamb, Neal, Robertson and Thorne.

In Attendance: B Sheasby, Team Manager Development Control
L Fisher, Head of Legal & Democratic Services
K Partington, Urban Vision
Anne Storah, Senior Planner – Forward Planning
H Moore, Committee Services Manager
J Cook, Committee Officer

Also Present: Councillors Essex, Challinor and Ruddick and approximately 15 members of the public and 2 representatives from the press

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were submitted on behalf of Councillor Swain (Driver substituting), L Barnes (Thorne substituting).

2. DECLARATIONS OF INTEREST

Members of the Committee were asked to consider whether they had an interest in any matters to be discussed at the meeting and the following interests were declared:-

Councillor Pawson declared a personal and prejudicial interest in application number 96/226 as he had previously expressed a view on the issue of the Village Green. Councillor Pawson vacated the Chair and the meeting during the discussion on and consideration of the application.

3. APPOINTMENT OF CHAIR FOR APPLICATION 96/226

Resolved:

That Councillor Driver be appointed Chair for application number 96/226.

NB: COUNCILLOR DRIVER IN THE CHAIR

**4. APPLICATION NUMBER 96/226
CONSTRUCTION OF 16 NO. TERRACED 3 BEDROOM COTTAGES
TOGETHER WITH INFRASTRUCTURE WORKS, ROAD LAYOUT AND
CAR PARKING. ERECTION OF 1 NO. DETACHED GARAGE. THE
DEVELOPMENT MAY AFFECT THE SITING OF FOOTPATH NO. 390
AT: SITE TO THE REAR OF BOWKER STREET, OFF ATKIN STREET,
IRWELL VALE**

The Head of Legal and Democratic Services presented the report and referred to the additional representations received since the preparation of the report.

In accordance with the procedure for public speaking Mr Philip Naylor spoke against the application.

A proposal was moved and seconded to refuse the application.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
D Barnes	✓		
Crosta	✓		
Driver	✓		
Eaton	✓		
Entwistle	✓		
Haworth	✓		
Lamb	✓		
Neal	✓		
Robertson	✓		
Thorne	✓		
TOTALS	10	0	0

Resolved:

That the application be refused for the following reasons:

- The as the proposed development would contribute towards an inappropriate excess in housing supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale Borough Council Housing Position Statement (August 2005). In this instance the case has not been advanced to warrant an exception to policy being made.
- A relevant flood risk assessment has not been submitted with the application and as such the proposed development cannot be assessed relative to the potential for the site to flooding having regard to PPG25.
- The application proposes development of peripheral, greenfield land in a manner which encourages unsustainable levels and modes of travel, contrary to Policy 1 and Policy 12 of the adopted Joint Lancashire Structure Plan. The applicant has not demonstrated that there is a need to develop this site in preference to more centrally-located and brownfield sites. In this respect the proposal is therefore contrary to the aims and objectives of PPG3: Housing.

NB: COUNCILLOR PAWSON IN THE CHAIR

**5. APPLICATION NUMBER 2004/012
 CONVERSION OF FORMER CHAPEL INCLUDING PHYSICAL
 ALTERATIONS TO FORM 12 APARTMENTS WITH ACCESS ROAD AND
 19 CAR PARKING SPACES AND 2 RESIDENTS' SPACES
 AT: FORMER CHAPEL OFF YORK STREET, CRAWSHAWBOOTH**

The Head of Legal and Democratic Services presented the report and referred to the additional representations received since the preparation of the report.

In accordance with the procedure for public speaking Mr Alan Kinder spoke in favour of the application.

A proposal was moved and seconded to approve the application subject to conditions.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
Pawson	✓		
D Barnes	✓		
Crosta	✓		
Driver	✓		
Eaton	✓		
Entwistle	✓		
Haworth	✓		
Lamb	✓		
Neal	✓		
Robertson	✓		
Thorne	✓		
TOTALS	11	0	0

Resolved:

That the Committee be minded to approve the application subject to the conditions set out below and subject to the landowner entering into an agreement with the Council under Section 106 of the Town and Country Planning Act 1990 for the contributions to the improvement and maintenance of the Mill Row Recreation Area and to a Traffic Regulation Order the completion of which shall be delegated to the Head of Democratic and Legal Services (or such other officer as may from time to time exercise the functions currently exercised by that post holder).

Conditions

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
 Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with plans numbered 03114 01, 02, 03, 04 and 05 received on 07/01/04 and 03114 06 and 07 and letter dated 16/02/04 received on 17/02/04.

Reason: To ensure the development complies with the approved plans and for the avoidance of doubt

3. Details of the proposed junction of the new access road and York Street including sight lines shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details prior to the occupation of any of the apartments hereby approved.

Reason: In the interests of pedestrian and highway safety in accordance with policy DC.1 of the Rossendale District Local Plan.

4. The building shall not be occupied until the proposed access road and parking areas have been constructed, drained, surfaced and laid out in accordance with details to be first submitted to and approved in writing by the Local Planning Authority; the parking areas shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure adequate off-street parking in the interests of highway safety in accordance with policy DC.1 of the Rossendale District Local Plan.

5. Notwithstanding the submitted plans or application forms all of the 18 car parking spaces shall be made available for the occupiers of the 12 apartments, none shall be designated solely for visitor use.

Reason: To ensure adequate off-street parking in the interests of highway safety in accordance with policy DC.1 of the Rossendale District Local Plan and Lancashire County Council's car parking standards.

6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from car parking areas shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment in accordance with policy DC.1 of the Rossendale District Local Plan.

7. The development shall not be commenced until full details, including a representative sample of the external material to be used to block up the existing openings have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with details approved.

Reason: In the interests of visual amenity and to accord with policies DC.1 and DC.4 of the Rossendale District Local Plan.

8. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of residential amenity in accordance with policy DC.1 of the Rossendale District Local Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season

following the occupation of the building or the completion of the development, whichever is sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interests of residential amenity in accordance with policy DC.1 of the Rossendale District Local Plan.

10. Prior to the development commencing:

- a) A contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA)
- b) Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA.
- c) Should the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development in accordance with policy DC.1 of the Rossendale District Local Plan.

**6. APPLICATION NUMBER 2002/608
OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING PREMISES AND NEW ACCESS TO FACILITATE RESIDENTIAL DEVELOPMENT
AT: C CHEADLE & SONS, HERBERT STREET, STACKSTEADS, BACUP**

The Head of Legal and Democratic Services presented the report and referred to the additional representations received since the preparation of the report.

A proposal was moved and seconded to approve the application subject to conditions.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
Pawson	✓		
D Barnes	✓		
Crosta	✓		
Driver	✓		

Eaton	✓		
Entwistle	✓		
Haworth	✓		
Lamb	✓		
Neal	✓		
Robertson	✓		
Thorne	✓		
TOTALS	11	0	0

Resolved:

1. That the Committee be minded to approve the application subject to the conditions set out and subject to the landowner entering into an agreement with the Council (relative to the enhancement of the open space to the south of the site known as Stacksteads Recreation Ground) under section 106 of the Town and Country Planning Act 1990, the completion of which shall be delegated to the Head of Legal and Democratic Services (or such other officer as may from time to time exercise the functions currently exercised by that post holder) and that on completion of such section 106 Agreement the Team Manager Development Control or Principal Planning Officer (or such other officer as may from time to time exercise the functions currently exercised by either of those post holders) be authorised to approved the said application subject to the conditions considered previously with the additional Condition 7 contained within the report presented to Committee.
2. That Members concerns be noted and officers be asked to undertake further discussions with the application in terms of providing natural stone in the development.

Reasons/Conditions

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the local planning authority, in writing before any development is commenced.
Reason: The application is outline only and is not accompanied by detailed plans.
2. Application for approval of the reserved matters shall be made to Local Planning Authority before the expiration of three years from the date of this permission.
Reason: Required by Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: Required by Section 92 of the Town and Country Planning Act 1990.

4. The access shall be constructed in accordance with the scheme shown on the amended plans received by the Local Planning Authority on 3 January 2003.

Reason: For the avoidance of doubt and in the interest of highway safety.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within the period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity in accordance with Policy DC1 of the Rossendale District Local Plan.

6. No development shall be commenced until a detailed site investigation report to assess the degree and nature of any land contamination has been submitted to and first approved in writing by the Local Planning Authority. The method and extent of the investigation shall be agreed by the Local Planning Authority in consultation with the Environment Agency and the report shall contain details of appropriate measures to prevent pollution of groundwater and surface water, including provision for monitoring. The development shall thereafter be carried out in full accordance with the agreed measures and details.

Reason: To prevent pollution of the water environment.

7. Prior to first occupation of any dwelling 6 replacement garages shall be provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to commencement of development.

Reason: Required by Policy H2 of the adopted Rossendale Local Plan.

**7. APPLICATION NUMBER 2003/497
OUTLINE APPLICATION FOR A PRIVATE RESIDENTIAL DEVELOPMENT
WITH OFF STREET PARKING (SITE AREA APPROXIMATELY 1.48
ACRES)
AT: WHINBERRY VIEW, BACUP ROAD, ROSSENDALE**

The Head of Legal and Democratic Services presented the report and referred to the additional representations received since the preparation of the report.

In accordance with the public speaking procedure Mr Mike Gibson spoke in favour of the application.

A proposal was moved and seconded to refuse the application.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
Pawson	✓		
D Barnes		✓	
Crosta		✓	
Driver	✓		
Eaton		✓	
Entwistle		✓	
Haworth	✓		
Lamb		✓	
Neal		✓	
Robertson		✓	
Thorne	✓		
TOTALS	4	7	0

The motion was declared lost and a proposal was moved and seconded to approve the application.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
Pawson		✓	
D Barnes	✓		
Crosta	✓		
Driver		✓	
Eaton	✓		
Entwistle	✓		
Haworth		✓	
Lamb	✓		
Neal	✓		
Robertson	✓		
Thorne		✓	
TOTALS	7	4	0

Resolved:

That the Committee be minded to approve the application for the following reasons:

- That having considered the Development Plan and all other material planning considerations . Whilst it was considered that there was a fine balance between refusal and grant, the significant regenerative benefits of the proposal (The site was considered to a key element within a mixed use regeneration project, it was considered that the site was a key gateway site into Rawtenstall, that it would aid regeneration near Rawtenstall Town Centre, the site was sustainable being brownfield and on a quality bus route) tipped the balance in favour of grant. That conclusion was reinforced by consideration of fairness to the applicant in that the section 106 agreement had been signed in this case.

- Subject to the signing of an with the developer under Section 106 of the Town and Country Planning Act to be delegated to the Head of Legal and Democratic Services and the conditions including a condition relating to protection of the trees currently on the site be delegated to the Team Manager Development Control.

Conditions

01 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: Required by section 92 of the Town and Country Planning Act 1990.

02 Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority, in writing before any development is commenced.

Reason: The application is in outline only and is not accompanied by detailed plans.

03 Plans and particulars of the reserved matters referred to in condition 2 above shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason: The application is in outline only and is not accompanied by detailed plans.

04 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Required by section 92 of the Town and Country Planning Act 1990.

05 The access to this development shall be via Co-operation Street and this street shall be widened by 3 metres along its easterly edge before any of the houses hereby approved are occupied.

Reason: In the interests of highway safety and to accord with Policy DC1 of the Rossendale District Local Plan

06 The density of the development shall be over 30 dwellings per hectare.

Reason: In accordance with PPG 3 (Housing)

07 The plans and particulars submitted in accordance with condition 2 above shall include:

- (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
- (b) details of the species, diameter (measured in accordance with paragraph (a) above, and the approximate height, and an assessment of the general

state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation (within the crown spread of any retained tree or of any tree on land adjacent to the site) (within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree);

(e) details of the specification and position of fencing (and of any other measures to be taken) for the protection of any retained tree from damage before or during the course of development.

In this condition "retained" tree means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: In the interests of visual amenity and to accord with Policy E4 (Tree Preservation) of the Rossendale District Local Plan

08 The plans and particulars submitted in accordance with condition 02 above shall include details of the size, species, and positions or density of all trees to be retained and new trees to be planted, and the proposed time of planting.

Reason: In the interests of visual amenity and to accord with Policy E4 (Tree Preservation) of the Rossendale District Local Plan

09 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of (1 year) from (the date of the occupation of the building for its permitted use).

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standards [3998 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policy E4 (Tree Preservation) of the Rossendale District Local Plan

10) No existing tree on the application site shall be lopped, topped, pruned or felled without the prior written consent of the local planning authority.

Reason: For the avoidance of doubt and in the interests of protecting the visual amenity of the locality afforded by the existing trees and to accord with Policy E4 (Tree Preservation) of the Rossendale District Local Plan

**8. APPLICATION NUMBER 2002/501
 OUTLINE APPLICATION FOR RESIDENTIAL USE/DEVELOPMENT ON
 SITE OF FORMER MILL
 AT: TONGBRIDGE MILL, REED STREET, BACUP**

The Head of Legal and Democratic Services presented the report and referred to the additional representations received since the preparation of the report.

In accordance with the public speaking procedure Mr Alan Kinder spoke in favour of the application.

A proposal was moved and seconded to approve the application subject to conditions.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
Pawson	✓		
D Barnes	✓		
Crosta	✓		
Driver	✓		
Eaton	✓		
Entwistle	✓		
Haworth	✓		
Lamb	✓		
Neal	✓		
Robertson	✓		
Thorne	✓		
TOTALS	11	0	0

Resolved:

That the Committee be minded to approve the application subject to the conditions set out below and subject to the landowner entering into an agreement with the Council to provide a financial contribution toward the improvement of existing public open space in the locality under Section 106 of the Town and Country Planning Act 1990, the completion of which shall be delegated to the Head of Legal and Democratic Services and that on completion of such Section 106 Agreement the Team Manager Development Control be authorised to issue the permission subject to the conditions considered previously together with the additional Condition 6.

Conditions

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority, in writing before any development is commenced.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interests of visual amenity.
5. No development shall be commenced until a detailed site investigation report to assess the degree and nature of any land contamination has been submitted to and first approved in writing by the Local Planning Authority. The method and extent of the investigation shall be agreed by the Local Planning Authority in consultation with the Environment Agency and the report shall contain details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring. The development shall thereafter be carried out in full accordance with the agreed measures and details.
Reason: To prevent pollution of the water environment.
6. The submission for approval of reserved matters shall provide for a significant element of single storey house types to reflect an identified local housing need.
Reason: The application is in outline only and not accompanied by full and detailed plans. Therefore, it is necessary to ensure that the development provides for an identified housing need in accordance with Policy 12 of the Adopted Joint Lancashire Structure Plan. To meet an identified local housing need as expressed by the Rossendale Borough Council Housing Needs and Market Assessment 2004/05.
7. The submission for approval of reserved matters shall provide for a significant element of single storey house types to reflect an identified local housing need.
Reason: The application is in outline only and not accompanied by full and detailed plans. Therefore it is necessary to ensure that the development provides for an identified housing need in accordance with Policy 12 of the Adopted Joint Lancashire Structure Plan. To meet an identified local housing need as expressed by the Rossendale Borough Council Housing Needs and Market Assessment 2004/05.

The Meeting commenced at 6.30pm and closed at 8.05pm