

MINUTES OF: DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: Tuesday, 12th July 2005

**PRESENT: Councillor S. Pawson (in the Chair);
Councillors Atkinson, D Barnes, L Barnes, Crosta,
Entwistle, Lamb, Neal, Robertson, Thorne and
Wadsworth (substitute for Swain)**

**IN ATTENDANCE: Mr C Walker Head of Economic Regeneration & Spatial
Development
Mr B S Sheasby, Team Manager Development Control
Mr M Weston Head of Legal & Democratic Services
Ms A Foster, Legal Services Manager
Mr N Birtles, Senior Planning Officer
Mrs E Newsome, Administrative Assistant**

**ALSO PRESENT: Councillors Hancock, J Pawson, Ruddick, Sandiford,
Starkey**

69. APOLOGIES AND NOTIFICATION OF SUBSTITUTES

Apologies were received from Councillor Swain.

70. MINUTES

Resolved:

That the Minutes of the meeting of the Committee held on the 21st June 2005 be signed by the Chair as a correct record.

71. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

**72. APPLICATION NUMBER 2005/021
ERECTION OF BUILDING FOR RETAIL SALES (USE CLASS A1) AND
RESTAURANT (USE CLASS A 3) WITH ASSOCIATED CAR PARK AT:
ST MARYS WAY, RAWTENSTALL**

Councillor Neal declared that he had been lobbied on this application.

The Development Control Manager submitted details of representations received since the preparation of his report.

In accordance with the procedure for public speaking Mr Hinds 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
S. Pawson	✓		
Wadsworth	✓		
Lamb	✓		
Atkinson	✓		
D Barnes	✓		
L Barnes	✓		
Crosta	✓		
Entwistle	✓		
Neal	✓		
Robertson	✓		
Thorne	✓		
TOTALS	11	0	0

Resolved:

1. That the Secretary of State be advised that the Local Planning Authority is minded to grant Planning Permission for this development subject to the conditions set out below and subject to the applicant first entering into a Section 106 Obligation requiring the payment of contributions towards provision of a new Bus Station for Rawtenstall Town Centre & new bus services, a Travel Plan and Car Park Management.
2. That should the Secretary of State refer this application back to the Local Planning Authority for a decision, the decision to approve be delegated to the Team Manager (Development Control) on completion of the Section 106 Obligation and subject to the following conditions:

REASONS

It is considered that this is appropriate retail development having regard to national guidance, the Joint Lancashire Structure Plan and Rossendale District Local Plan and will not cause significant harm to the amenities of neighbours, the heritage interest, townscape, highway safety or in respect of any other material consideration.

CONDITIONS

1. The development permitted shall be begun before 18 November 2008.
Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.

2. The restaurant hereby permitted shall operate in a manner ancillary to the retail unit. Furthermore, the retail unit shall neither be sub-divided nor extended by the addition of internal floorspace without the prior written consent of the Local Planning Authority”.
Reason: To help protect and promote the vitality and viability of Rawtenstall Town Centre and to accord with PPS6 and Policy 16 of the adopted Joint Lancashire Structure Plan
3. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any order amending or revoking and re-enacting that order, not more than 2,510 sq m of net floorspace shall be used for the display and sale of comparison-goods and not more than 5,577 sq m of net floorspace shall be used for the display and sale of convenience-goods and comparison-goods in total.”.
Reason: To help protect and promote the vitality and viability of Rawtenstall Town Centre and to accord with PPS6 and Policy 16 of the adopted Joint Lancashire Structure Plan.
4. Prior to the development commencing a Contaminated Land Phase One Report (to assess the actual/potential contamination risks at the site) shall be submitted to and approved in writing by the Local Planning Authority. Should the Phase One Report recommend that a Phase Two Investigation is required it shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. Should the Phase Two Investigation indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The Remediation Scheme in the approved Remediation Statement shall then be carried out and, prior to first use of any of the units hereby permitted, a Completion Report shall be submitted to the Local Planning Authority detailing the conclusions and actions taken at each stage of the works (to include validation works).
Reason: To ensure the development is suitable for its end use and the wider environment in accordance with policy DC1 of the Rossendale District Local Plan.
5. Throughout the construction period, facilities shall be provided/retained within the site by which means the wheels of vehicles may be cleaned before leaving the site, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
Reason: To avoid the deposit of mud &/or loose materials on the public highway, in the interests of highway safety.
6. Before the development is commenced, and throughout the construction period, temporary protective metal fencing shall be provided/retained to the sides of Limy Water, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent debris and construction materials being deposited in the River Irwell, in the interests of preventing pollution, and to accord with Policy DC1 of the adopted Rossendale District Local Plan.

7. The building hereby permitted shall have the Lower Floor at a level of 171.2m unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding, and accord with Policy DC1 of the adopted Rossendale District Local Plan.

8. Notwithstanding what is shown on the submitted drawings, the development shall not be commenced until full details (including representative samples) of the external materials of construction to be used for the building (including roller-shutters and signage), and for any means of enclosure, have been submitted to and first approved in writing by the Local Planning Authority, and no others shall thereafter be used. The submitted details of enclosures shall include boundary treatment adjacent to Limy Water.

Reason: In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.

9. Notwithstanding what is shown on the submitted drawings, the development shall not be commenced until full details of all materials to be used for all hard-surfaced external areas, together with details of any system of external lighting, free-standing signs, bollards, benches, litter-bins or other street-furniture to be provided, have been submitted to and approved in writing by the Local Planning Authority, and no others shall thereafter be used.

Reason: In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.

10. Details of crime prevention measures to be carried out as part of the development shall be submitted to and approved in writing by the Local Planning Authority before development commences. The details submitted shall include illumination of parking areas and the installation of a system of CCTV. The approved measures shall be implemented and thereafter retained at all times.

Reason: In the interests of designing out crime in accordance with policy DC1 of the Rossendale District Local Plan.

11. The development shall not commence until a scheme and timetable for the provision of off-site access/highway works to be undertaken/funded by the Developer has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide for :

- a. the installation of signal-controls at both the vehicular access-points to the site, and incorporating appropriate pedestrian-crossing facilities;

- b. works to facilitate the free-flow of traffic at the Queens Square gyratory;
 - c. provision of a bus lay-by to the front of the site.
 - d. replacement of the existing zebra-crossing on Newchurch Road with a pelican-crossing, with sequential signal-controls at the Newchurch Road/Burnley Road intersection, to facilitate the free-flow of traffic and heighten pedestrian safety.
 - e. The development shall not be brought into use until the approved access/highway works have been completed/commissioned in accordance with the approved scheme and timetable.
Reason: To secure a sustainable form of development and in the interests of highway safety, in accordance with PPS6, PPG13, Policy 1 of the adopted Joint Lancashire Structure Plan and Policies DC1 and T6 of the Rossendale District Local Plan.
12. Notwithstanding the details shown on the submitted drawing, the development shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority in respect of the surfacing, draining and marking out of all areas to be used for the parking and manoeuvring of vehicles (to provide satisfactory arrangements for service vehicles, taxis and for not more than 604 car parking spaces, of which 10% of the car parking spaces shall be to mobility-standard and half of this allocated for parent-and-child parking, with an additional 4% of spaces for motorcycles and 10% of spaces for cycle parking in secure/covered facilities). The submitted scheme shall provide suitable pedestrian and vehicular access from the site to Holly Mount. The approved scheme shall be fully implemented prior to first use of any of the units hereby permitted (or as otherwise agreed in writing by the Local Planning Authority), and the facilities thereby provided shall be kept available for use as such thereafter.
Reason: To ensure the provision of adequate off-street parking and secure a sustainable form of development, in accordance with PPS6, PPG13, Policy 1 of the adopted Joint Lancashire Structure Plan and Policies DC1, T4 and T7 of the Rossendale District Local Plan.
13. 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 details of all existing trees and hedgerows on/bounding the site, detail any to be retained and the measures for their protection in the course of development, together with details of the planting to be provided. The submitted details shall include for the protection and enhancement of the Limy Water corridor.
Reason : In the interests of visual amenity and to accord with the advice of the Environment Agency and Policy DC1 of the adopted Rossendale District Local Plan.

14. All planting, seeding and turfing proposed in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building, 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 and to accord with Policy DC1 of the adopted Rossendale District Local Plan.

15. Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas shall be passed through oil interceptors designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not be passed through the interceptor.

Reason : To prevent pollution of the water environment in accordance with policy DC1 of the Rossendale District Local Plan.

16. No development shall be commenced until noise assessment details have been submitted to and approved in writing by the Local Planning Authority. The assessment should include information about :

a. the levels of noise emitted from the roof-mounted refrigeration/cooling units, the air-handling units and the predicted noise levels at the nearest noise sensitive dwellings.

b. the levels of day and night-time noise generated from the loading –bay operations eg. reversing-bleepers on vehicles, etc and the predicted noise levels at the nearest noise sensitive dwellings.

Reason : To protect the amenities residents in the vicinity of the site could reasonably expect to enjoy, and to accord with Policy DC1 Of the adopted Rossendale District Local Plan.

**73. APPLICATION NUMBER 2005/109
ERECTION OF 4 No. NON FOOD RETAIL, 8 No. B1 AND B8 BUSINESS, 4No
B1 OFFICE, 2No. LEISURE AND 4 No. RESTAURANTS
AT: LAND ADJOINING NEW HALL HEY, RAWTENSTALL, CONVERSION OF
HERITAGE ARCADE, BACUP ROAD, RAWTENSTALL**

Councillors S. Pawson Wadsworth Lamb Atkinson D Barnes L Barnes Crosta Entwistle Neal Robertson Thorne declared that they had been lobbied on this application.

The Team Manager Development Control submitted details of representations received since the preparation of his report.

In accordance with the procedure for public speaking Mr May spoke against the application. Mr Winder spoke for 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
S. Pawson	✓		
Wadsworth		✓	
Lamb	✓		
Atkinson	✓		
D Barnes	✓		
L Barnes	✓		
Crosta	✓		
Entwistle		✓	
Neal		✓	
Robertson	✓		
Thorne	✓		
TOTALS	8	3	0

Resolved:

That planning permission be refused for the following reasons:

1. The applicant has failed to demonstrate that a need presently exists for the proposed development of a non-food retail park at this out of centre site of New Hall Hey which is contrary to PPS6 : Planning for Town Centres.
2. The proposal fails the sequential approach to site selection in that there exist better located town centre and edge of centre opportunities for comparison shopping development that would better support the existing town centre shopping function and is therefore contrary to PPS6: Planning for Town Centres and Policy 16 (Retail, Entertainment and Leisure Development) of the Joint Lancashire Structure Plan 2001-2016.
3. The applicant has failed to demonstrate that the proposals would not adversely affect the vitality and viability of Rawtenstall town centre which is contrary to PPS6: Planning for Town Centres.

**74. APPLICATION 2005/142 ERECTION OF 186 HOUSES
AT: LAND OFF ROCHDALE ROAD, BACUP**

No Councillors declared that they had been lobbied on this application.

In accordance with the procedure for public speaking Mr Seedhouse reserved the right to speak against the application. A representative from Wainhomes reserved the right to speak in favour of the application dependent upon consideration of deferral of this application from the agenda.

The Team Manager Development Control submitted details of representations received since the preparation of his report. He advised that a significant issue had been raised in connection with this application which warranted further discussion with the applicant.

A proposal was moved and seconded to defer the application.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson	✓		
Wadsworth	✓		
Lamb	✓		
Atkinson	✓		
D Barnes	✓		
L Barnes	✓		
Crosta	✓		
Entwistle	✓		
Neal	✓		
Robertson	✓		
Thorne	✓		
TOTALS	11	0	

Resolved:

That consideration of this application be deferred to a subsequent meeting of the Development Control Committee in order to allow for further discussion between parties.

**75. APPLICATION NUMBER 2005/183
DEMOLITION OF EXISTING SUPERMARKETS AND ERECTION OF 6 NON
FOOD RETAIL UNITS WITH ASSOCIATED CAR PARKING
AT: ASDA SITE, BOCHOLT WAY, RAWTENSTALL**

No Councillors declared that they had been lobbied on this application.

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

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson	✓		
Wadsworth	✓		
Lamb	✓		
Atkinson	✓		
D Barnes	✓		
L Barnes	✓		
Crosta	✓		
Entwistle	✓		
Neal	✓		
Robertson	✓		
Thorne	✓		
TOTALS	11	0	

Resolved:

1. That the Secretary of State be advised that the Local Planning Authority is minded to grant Planning Permission for this development subject to the conditions set out below and subject to the applicant first entering into a Section 106 Obligation requiring the payment of contributions towards provision of a new Bus Station for Rawtenstall Town Centre, a Travel Plan and Car Park Management.
2. That should the Secretary of State refer this application back to the Local Planning Authority for a decision, the decision to approve be delegated to the Team Manager (Development Control) on completion of the Section 106 Obligation and subject to the following conditions:

REASONS

It is considered that this is appropriate retail development having regard to national guidance, the Joint Lancashire Structure Plan and Rossendale District Local Plan and will not cause significant harm to the amenities of neighbours, highway safety or in respect of any other material consideration

1. The development permitted shall be begun before 23 March 2010.
Reason : The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.
2. The six retail units hereby permitted shall neither be combined (except for the 20,000 sq ft unit and the garden centre), sub-divided or extended by the insertion of a first-floor without the prior written consent of the Local Planning Authority.
Reason : To help protect and promote the vitality and viability of Rawtenstall Town Centre and to accord with PPS6 and Policy 16 of the adopted Joint Lancashire Structure Plan.

3. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any order amending or revoking and re-enacting that order, none of the units hereby permitted shall be used for the sale of clothing or for the sale of food or drink for human consumption (other than for consumption on the premises as an ancillary use).
Reason : To help protect and promote the vitality and viability of Rawtenstall Town Centre and to accord with PPS6 and Policy 16 of the adopted Joint Lancashire Structure Plan.
4. Prior to the development commencing a Contaminated Land Phase One Report (to assess the actual/potential contamination risks at the site) shall be submitted to and approved in writing by the Local Planning Authority. Should the Phase One Report recommend that a Phase Two Investigation is required it shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. Should the Phase Two Investigation indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The Remediation Scheme in the approved Remediation Statement shall then be carried out and, prior to first use of any of the units hereby permitted, a Completion Report shall be submitted to the Local Planning Authority detailing the conclusions and actions taken at each stage of the works (to include validation works).
Reason: To ensure the development is suitable for its end use and the wider environment in accordance with policy DC1 of the Rossendale District Local Plan.
5. Before the commencement of demolition works, and throughout the construction period, facilities shall be provided/retained within the site by which means the wheels of vehicles may be cleaned before leaving the site, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
Reason : To avoid the deposit of mud &/or loose materials on the public highway, in the interests of highway safety.
6. Before the development is commenced, and throughout the construction period, temporary protective metal fencing shall be provided/retained to the east side of the River Irwell, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
Reason : To prevent debris and construction materials being deposited in the River Irwell, in the interests of preventing pollution, and to accord with Policy DC1 of the adopted Rossendale District Local Plan.
7. Units within the building hereby permitted shall have a floor-level of 165.3m unless otherwise agreed in writing by the Local Planning Authority.
Reason : To reduce the risk of flooding, and accord with the advice of the Environment Agency and Policy DC1 of the adopted Rossendale District Local Plan.

8. No goods, materials or storage system within the garden centre shall exceed a height of 4m unless otherwise agreed in writing by the Local Planning Authority.
Reason : In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.

9. Notwithstanding what is shown on the submitted drawings, the development shall not be commenced until full details (including representative samples) of the external materials of construction to be used for the building (including roller-shutters and signage), and for any means of enclosure, have been submitted to and first approved in writing by the Local Planning Authority, and no others shall thereafter be used. The submitted details of enclosures shall include boundary treatment adjacent to the River Irwell.
Reason : In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.

10. Notwithstanding what is shown on the submitted drawings, the development shall not be commenced until full details of all materials to be used for all hard-surfaced external areas, together with details of any system of external lighting, free-standing signs, bollards, benches, litter-bins or other street-furniture to be provided, have been submitted to and approved in writing by the Local Planning Authority, and no others shall thereafter be used.
Reason : In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.

11. Details of crime prevention measures to be carried out as part of the development shall be submitted to and approved in writing by the Local Planning Authority before development commences. The details submitted shall include fencing/gating of the service yard, illumination of parking areas and the installation of a system of CCTV. The approved measures shall be implemented and thereafter retained at all times.
Reason : In the interests of designing out crime in accordance with policy DC1 of the Rossendale District Local Plan.

12. The development shall not commence until a scheme and timetable for the provision of off-site access/highway works to be undertaken/funded by the Developer has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide for :
 - a. the up-grading/illumination of the footpath between Hall Carr Road and the site;
 - b. the up-grading of the pedestrian link between St Mary's Way and Bocholt Way;
 - c. the provision of a Toucan-crossing on Bocholt Way;
 - d. the provision of a pedestrian/cycle link between the proposed Toucan-crossing on Bocholt Way and the new bridge proposed over the River Irwell, the bridge itself to be of a width suitable as a shared pedestrian/cycle route.
 - e. the provision of a railing or other barrier to protect users of the footway of Bury Road adjacent to the vehicular access-point to the service yard.

The development shall not be brought into use until the approved access/highway works have been completed/commissioned in accordance with the approved scheme and timetable.

Reason : To secure a sustainable form of development and In the interests of highway safety, in accordance with PPS6, PPG13, Policy 1 of the adopted Joint Lancashire Structure Plan and Policies DC1, T6 and T7 of the Rossendale District Local Plan.

13. Notwithstanding the details shown on the submitted drawing, the development shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority in respect of the surfacing, draining and marking out of all areas to be used for the parking and manoeuvring of vehicles (to provide for service vehicles, taxis and not more than 320 car parking spaces, of which 10% of car parking spaces shall be to mobility-standard and half of these allocated for parent-and-child parking, with an additional 4% of spaces for motorcycles and 10% of spaces for cycle parking in secure/covered facilities). The approved scheme shall be fully implemented prior to first use of any of the units hereby permitted (or as otherwise agreed in writing by the Local Planning Authority), and the facilities thereby provided shall be kept available for use as such thereafter.

Reason : To ensure the provision of adequate off-street parking and secure a sustainable form of development, in accordance with PPS6, PPG13, Policy 1 of the adopted Joint Lancashire Structure Plan and Policies DC1, T4 and T7 of the Rossendale District Local Plan.

14. 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 details of all existing trees and hedgerows on/bounding the site, detail any to be retained and the measures for their protection in the course of development, together with details of the planting to be provided. The submitted details shall include for the protection and enhancement of the River Irwell corridor.

Reason: In the interests of visual amenity and to accord with the advice of the Environment Agency and Policy DC1 of the adopted Rossendale District Local Plan.

15. All planting, seeding and turfing proposed in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building, 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 and to accord with Policy DC1 of the adopted Rossendale District Local Plan.

16. Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas shall be passed through oil interceptors designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not be passed through the interceptor.

Reason: To prevent pollution of the water environment in accordance with policy DC1 of the Rossendale District Local Plan.

(The meeting commenced at 6.30pm and closed at 9.52pm)