

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 6th March 2007

Present: Councillor S Pawson (in the Chair)
Councillors D Barnes, L Barnes, Eaton, Haworth, Lamb,
Neal, J Pawson, Robertson, Steen and Thorne.

In Attendance: Linda Fisher, Head of Planning, Legal and Democratic Services
Neil Birtles, Senior Planning Officer
Stephen Stray, Senior Forward Planning Officer
Jenni Cook, Committee Officer

Also Present: Councillors Entwistle, Essex, Gill, Graham, Lynskey and
Ruddick, approximately 30 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 Crosta (Councillor J Pawson substituting) and Councillor Swain (Councillor Steen substituting).

2. MINUTES OF THE LAST MEETING

Resolved:

That the minutes of the meeting held on 6th February 2007 be agreed as a correct record.

3. 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 S Pawson declared a personal and prejudicial interest in Minute Number 6 (Application 2006/530) by virtue that he had relatives living in close proximity to the application site.

Councillor J Pawson declared a personal and prejudicial interest in Minute Number 6 (Application 2006/530) by virtue that she had relatives living in close proximity to the application site.

Councillor Haworth declared a personal interest in all applications on the agenda by virtue of his employment with a builder's merchant.

4. URGENT ITEMS

There were no urgent items for consideration.

5. APPEAL UPDATE REPORT

The Head of Planning, Legal and Democratic Services outlined the report which informed Members of the recent appeal decisions/activity relating to applications since the report to Committee in December 2006. Members were asked to note that out of 5 Appeals, 1 had been withdrawn, 3 had been dismissed by the Inspectorate and 1 had been upheld.

RESOLVED:

That the Report and contents be noted.

APPLICATIONS FOR CONSIDERATION

NB: COUNCILLORS J & S PAWSON LEFT THE MEETING PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM.

COUNCILLOR D BARNES CHAIRED THE FOLLOWING ITEM.

**6. APPLICATION NUMBER 2006/530
ERECTION OF PETROL FILLING STATION & KIOSK
AT: TESCO STORES LTD, HASLINGDEN ROAD, HASLINGDEN**

The Head of Planning, Legal and Democratic Services introduced the report and outlined the reason for deferral from the previous Committee that being an insufficient consultation response from Lancashire County Council's Highways Department.

In accordance with the procedure for public speaking, Ms Kate Simms spoke against the application and Mr Richard Purser spoke in favour of the application. Councillor Entwistle also spoke on the application.

In response to a question from a Member, the Head of Planning, Legal and Democratic Services confirmed that the application site formed part and not all of the staff car park.

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

Voting took place on the proposal, the results of which were as follows:

FOR	AGAINST	ABSTENTION
8	1	0

Resolved:

1. That the application be granted subject to the conditions set out in the Report, with additional conditions as listed below:
 - i) A footpath to be retained.
 - ii) Sources of illumination from underside of canopy not to be directly visible from beyond the boundaries of the site.

**7. APPLICATION NUMBER 2006/556
ERECTION OF DWELLING
AT: LAND OFF UNDERBANK ROAD, RISING BRIDGE, HASLINGDEN**

The Senior Planning Officer introduced the report and outlined the reasons for reporting the Application to the Committee.

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

The Senior Forward Planning Officer advised Members of the importance of adhering to current policy and advised on the Government guidelines on housing.

A proposal was moved and seconded to refuse the application.

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

FOR	AGAINST	ABSTENTION
11	0	0

Resolved:

That the application be refused for the reasons set out in the report.

**8. APPLICATION NUMBER 2006/608
ERECTION OF 19 HOUSES AND A BLOCK OF 9 APARTMENTS
AT: BRIDGE MILL, NORTH STREET, WHITWORTH**

The Senior Planning Officer introduced the report and outlined the reasons for reporting the Application to the Committee.

In accordance with the procedure for public speaking Mr Gordon Armitage spoke in favour of the application. Mr John Marsh, who had registered to speak against the application confirmed he no longer wished to object to the application.

A proposal was moved and seconded to approve the application.

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

FOR	AGAINST	ABSTENTION
11	0	0

Resolved:

That the application be granted subject to the conditions set out in the report.

**9. APPLICATION NUMBER 2007/009
CONVERSION OF EXISTING BUILDING TO FORM 6 APARTMENTS AND
3 TOWN HOUSES (INCLUDING 3 NO. 1 BED APARTMENTS AND 3 NO. 2
BED TOWN HOUSES)
AT: PACKHORSE FARM, MARKET STREET, EDENFIELD**

The Senior Planning Officer introduced the report and referred to the additional representations received since publication of the report together with the reasons for reporting the Application to the Committee.

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

The Head of Legal and Democratic Services informed the Committee of the comments of Councillor D Smith. In addition she asked Members to note that the Applicant's offer to give £10,000 to the Edenfield Community Fund was not supported by a S106 legal agreement. Mr Hartley confirmed that he would not support the signing of either a unilateral undertaking or S106 agreement due to the legal costs. The proposal was for an agreement between the Community Centre and the applicant to pay the money .A proposal was moved and seconded to refuse the application.

An amendment was moved and seconded to grant the application.

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

FOR	AGAINST	ABSTENTION
3	8	0

The motion was declared lost. Voting took place on the original proposal, the result of which was as follows:

FOR	AGAINST	ABSTENTION
8	3	0

Resolved:

That the application be refused for the reasons in the report.

**10. APPLICATION NUMBER 2007/014
REDEVELOPMENT OF THE WORKS FOR A 7 NO. APARTMENT BLOCK
AT: CLOUGH END WORKS, CLOUGH END ROAD, HASLINGDEN**

The Senior Planning Officer introduced the report and referred to the additional representations received since the publication of the report together with the reasons for reporting the Application to the Committee.

In accordance with the procedure for public speaking Mr Steven Hartley spoke in favour of the application. Councillor Ruddick also spoke on the application and it was noted the he had called in the previous application and his name should not have appeared on the report before the Committee.

A proposal was moved and seconded to refuse the application.

An amendment was moved and seconded to approve the application.

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

FOR	AGAINST	ABSTENTION
3	8	0

The motion was declared lost. Voting took place on the original proposal, the result of which was as follows:

FOR	AGAINST	ABSTENTION
8	3	0

Resolved:

That the application be refused for the reasons set out in the report.

**10. APPLICATION NUMBER 2007/020
CHANGE OF USE FROM CLASS A1 (SHOP) TO CLASS A5 (HOT FOOD
TAKEAWAY) WITH RETENTION OF 2 FLATS
AT: 87/89 LOWER DEARDENGATE, HASLINGDEN**

The Head of Planning, Legal and Democratic Services introduced the report.

In accordance with the procedure for public speaking Mr Barry Haworth spoke against the application and Mr Martin Thornley spoke in favour of the application. Councillor Ruddick also spoke on 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:

FOR	AGAINST	ABSTENTION
11	0	0

Resolved:

The proposed development would have an unduly detrimental impact upon neighbour amenity and the wider community, most particularly for reasons of health and safety having regard to the inadequate facilities the hot food takeaway would have for the storage of waste and the units of residential accommodation within the building. In light of the above, and the lack of evidence of the unit having been adequately marketed for Class A1 retail purposes, the case has not been made for permitting the proposed development.

**11. APPLICATION NUMBER 2007/035
REMOVAL OF CONDITION 6 AND MODIFICATION OF CONDITION 7 ON
PLANNING PERMISSION 2006/623 FOR ERECTION OF 8 CHALETS
AT: CROFT TOP FARM, STONEFOLD VILLAGE, RISING BRIDGE**

The Head of Planning, Legal and Democratic Services introduced the report and outlined the reasons for reporting the Application to the Committee.

In accordance with the procedure for public speaking Janet Dixon spoke in favour of the application. Councillor Ruddick also spoke on the application.

The Head of Planning, Legal and Democratic Services submitted alternative wording to Condition 7 for the Committee to consider, however, this was not accepted

A proposal was moved and seconded to approve the application.

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

FOR	AGAINST	ABSTENTION
11	0	0

RESOLVED

That the application be approved for the reason that with the deletion of condition 6 and the modification of condition 7 as proposed the development would continue to accord with PPS7 and would further the Council's corporate priorities in respect of tourism.

**12. APPLICATION NUMBER 2007/043
CONVERSION OF REDUNDANT BARN TO DWELLING
AT: HARGREAVES FOLD FARM, HARGREAVES FOLD LANE, LUMB**

The Senior Planning Officer introduced the report and outlined the reasons which had brought the report before the Committee.

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

The Head of Planning, Legal and Democratic Services refuted allegations made within Mr Hartley's representation that unreasonable requests for information had been made by Planning Officers.

A proposal was moved and seconded to refuse the application.

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

FOR	AGAINST	ABSTENTION
9	1	1

RESOLVED:

That the application be refused for the reasons set out in the report.

**13. APPLICATION NUMBER 2007/047
ERECTION OF DETACHED HOUSE
AT: HURST PLATT, WAINGATE ROAD, RAWTENSTALL**

The Senior Planning Officer introduced the report and referred to the additional representations received since the publication of the report. The reasons which had brought the report before the Committee were also outlined.

In accordance with the procedure for public speaking Janet O'Driscoll spoke against the application and Mr Steven Hartley spoke in favour of the application. Councillor Peter Gill also spoke on the application.

The Head of Planning, Legal and Democratic Services advised members that Ms O'Driscoll had approached the Chair prior to the meeting with DVD evidence obtained that day in respect of proof of a protected species, badgers, being present on the application site. It was noted that this evidence had not been seen by the Applicant or their Agent and there was no protocol for allowing such evidence at such a late stage. Ms O Driscoll explained in her submission the location of the wildlife and the applicant suggested a condition to control such matters .

A proposal was moved and seconded to refuse the application.

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

FOR	AGAINST	ABSTENTION
9	1	1

RESOLVED:

That the application be refused for the reasons set out in the report.

**14. APPLICATION NUMBER 2007/048
REMOVAL/AMENDMENT OF CONDITION 3 OF PLANNING PERMISSION
2006/101 RELATING TO A LOCK UP GARAGE
AT: LAND ADJACENT TO 7 ROSE MOUNT, NEWCHURCH**

The Head of Planning, Legal and Democratic Services introduced the report and outlined the reasons for reporting the application to the Committee.

A proposal was moved and seconded to approve the application.

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

FOR	AGAINST	ABSTENTION
11	0	0

RESOLVED:

That the application be granted for the reasons set out in the report.

**15. APPLICATION NUMBER 2007/049
CONSTRUCTION OF 2 DWELLINGS
AT: LAND AT MILLFORD, WHITWORTH**

A proposal was moved and seconded to defer the application to the next meeting due to the lateness of the meeting to ensure that full consideration could be given to the application.

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

FOR	AGAINST	ABSTENTION
11	0	0

RESOLVED:

That the application be deferred.

16. DURATION OF MEETING

The Committee resolved in accordance with Committee Procedure Rule 4.1 of the Council's Constitution to continue the meeting after 9.30pm. However it was later resolved that Application Number 2007/049 would be deferred to the next meeting of the Development Control Committee to ensure full consideration could be given to the application.

17. CHAIRS ANNOUNCEMENTS

The Chair thanked Councillors Neal and Swain and Neil Birtles, Senior Planning Officer for their negotiations in respect of Application 2006/608.

The meeting commenced at 6.30pm and concluded at 11.00pm