

**MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE**

**Date of Meeting:** 22<sup>nd</sup> May 2007

**Present:** Councillor S Pawson (in the Chair)  
Councillors Eaton, Driver, Haworth, Lamb, Neal, J  
Pawson, Steen, Swain and Thorne

**In Attendance:** Linda Fisher, Head of Planning, Legal and Democratic Services  
Adrian Harding, Acting Development Control Team Manager  
Simon Bithell, Senior Solicitor  
Jenni Cook, Committee Officer

**Also Present:** Councillors Cheetham, Essex, P Gill, Sandiford and Smith,  
approximately 60 members of the public and 3 representatives  
from the press

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**1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were submitted on behalf of Councillor L Barnes (Councillor Driver substituting), Councillor Crosta (Councillor J Pawson substituting) and Councillor Cheetham (Councillor Steen substituting).

**2. MINUTES OF THE LAST MEETING**

**Resolved:**

That the minutes of the meeting held on 10<sup>th</sup> April 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 Swain declared a personal and prejudicial interest in Minute Number 9, Application Number 2007/197 by virtue that the applicant was a business client.

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.

## **APPLICATIONS FOR CONSIDERATION**

**5. APPLICATION NUMBER 2007/099  
CHANGE OF USE – FORMER CAR SHOWROOM TO ONE FAST FOOD  
TAKEAWAY AND 2 NO. RESTAURANTS WITH BARS  
AT: FORMER CAR SHOWROOM, BACUP ROAD, WATERFOOT**

The Head of Planning, Legal and Democratic Services introduced the report and referred to the additional representations, including a letter from Councillor Unsworth, which had been received since the publication of the report.

In accordance with the procedure for public speaking Mr Maurice Jones spoke against the application. Councillor P Gill 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:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
10	0	0

**Resolved:**

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

**6. APPLICATION NUMBER 2007/202  
ERECTION OF 3 NO. BUNGALOWS (RESERVED MATTERS FOR  
APPLICATION 2005/275)  
AT: LAND TO REAR AND GARDEN AREA OF 27 HELMSHORE ROAD,  
HASLINGDEN**

The Head of Planning, Legal and Democratic Services introduced the report and referred to the additional representations received since publication of the report, including a letter received from Councillor Pilling. Members' attention was drawn to a letter received from the Local Government Ombudsman in respect of the application.

In accordance with the procedure for public speaking, Mr Lindsay Rutter spoke against the application. Councillor Sandiford also spoke on the application.

The Head of Planning, Legal and Democratic Services advised members that a Planning Appeal decision had yet to be determined by the Planning Inspectorate.

A proposal was moved and seconded to defer the application.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
7	3	0

**Resolved:**

That the application be deferred, pending the outcome of the Planning Appeal to be determined by the Planning Inspectorate.

**7. APPLICATION NUMBER 2007/130  
CHANGE OF USE TO POLICE OPERATING CENTRE  
AT: FORMER CAR SHOWROOM, BACUP ROAD, WATERFOOT**

The Head of Planning, Legal and Democratic Services introduced the report and asked Members to note that the Environment Agency had withdrawn their objection to the application on flood risk grounds. As this was the sole reason for the Officer's recommendation of refusal, Officers now recommended this application for approval. Members were informed that if they were minded to grant approval, a Section 106 Agreement should be entered into with regard to a Traffic Regulation Order relating to access to the site.

In accordance with the procedure for public speaking, Mr Maurice Jones spoke in favour of the application. Councillor P Gill also spoke on 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:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
10	0	0

**Resolved:**

That the application be granted subject to conditions to be delegated to the Head of Planning, Legal and Democratic Services and the entering into of a Section 106 Agreement relating to a Traffic Regulation Order for access to the site, to be delegated to the Head of Planning, Legal and Democratic Services and authority be delegated to officers to refuse the application if the legal agreement has not been completed by 27<sup>th</sup> June 2007.

**8. APPLICATION NUMBER 2007/114  
ERECTION OF DWELLING FOR AGRICULTURAL WORKER  
AT: LAND OFF MICHAEL WIFE LANE/GINCROFT LANE, EDENFIELD**

The Acting Development Control Team Manager introduced the report and referred to the additional information contained within the Late Items Report, in which the applicant's assertion that information requested was provided. Members were asked to note that information had been received

approximately 48 hours prior to the Committee, which had not left adequate time for the County Land Agent to be consulted.

In accordance with the procedure for public speaking Mr Stephen Preston spoke in favour of the application. Councillor Smith also spoke on the application.

The Head of Planning, Legal and Democratic Services advised Members that if they wished the County Land Agent to be consulted on the recent information received, then a deferral would be advisable.

A proposal was moved and seconded to defer the application.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
6	4	0

**Resolved:**

That the application be deferred to allow information submitted after publication of the report and prior to the committee, to be considered by the County Land Agent.

**NB: COUNCILLOR SWAIN LEFT THE ROOM DURING CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS**

**9. APPLICATION NUMBER 2007/197  
CHANGE OF USE FROM B1 (LIGHT INDUSTRY) TO B8 (STORAGE AND DISTRIBUTION)  
AT: UNIT 1, THE COURTYARD, GRANE ROAD, HASLINGDEN**

The Acting Development Control Team Manager introduced the report and referred to the additional representation received since publication of the report.

In accordance with the procedure for public speaking Ms Amanda Robinson spoke against the application and Mr Daniel Hartley spoke in favour of the application.

The Acting Development Control Team Manager asked Members to consider an additional condition which would impose B1 conditions on the B8 application, which would provide protection to residents in respect of noise, dirt, dust, etc.

In response to comments made by Members, the Head of Planning, Legal and Democratic Services reminded Members that this application was in respect of a change of use application only and that previous applications were irrelevant. This application should be determined solely on its planning merits.

A proposal was moved and seconded to grant the application subject to the conditions in the report.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
9	0	0

**Resolved:**

That the application be approved subject to the conditions in the report, with additional condition to be imposed as follows:

That the unit be restricted for the same use limitations as Class B1 and that the hours of operation be limited to 8am to 8pm, Monday to Friday, etc.

**12. RBC TPO T2/133 (BALLADEN HOUSE, RAWTENSTALL)  
AUTHORITY FOR THE MAKING OF A MODIFICATION ORDER AND  
CONFIRMING THE SAME  
AT: LAND SURROUNDING BALLADEN HOUSE, UNION ROAD,  
RAWTENSTALL**

The Head of Planning, Legal and Democratic Services introduced the report and gave a Members a brief outline of the planning history. For the purpose of clarification, Members were informed that planning permission 2006/190 for the erection of a 1 storey extension to Balladen House had been refused at a previous Committee, however the application had been granted on appeal by the Planning Inspectorate. The Tree Preservation Order (TPO) was therefore before the Committee in order that the Head of Planning, Legal and Democratic Services could receive the necessary authority to modify the TPO to confirm the re-planting of trees in compliance with the Planning Inspectorate's decision.

In accordance with the procedure for public speaking Mr Barry Casey spoke against the application.

In response to discussion about the loss of a mature eucalyptus tree, the Head of Planning, Legal and Democratic Services advised Members that the Council were bound to enforce the decision of the Planning Inspectorate and were unable to impose additional conditions, however she would contact the developer to discuss re-planting issues, in particular the inclusion of mature trees and a eucalyptus tree in an alternative location.

A proposal was moved and seconded to grant the application.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
10	0	0

**Resolved:**

1. That authority for the confirmation with modification of the Rossendale Borough Council Tree Preservation Order T2/133 (Balladen House,

Rawtenstall) 2006 be delegated to the Head of Planning, Legal and Democratic Services.

2. That the Head of Planning, Legal and Democratic Services approach the developers to advise them of Members' concerns in respect of the loss of mature trees and request that these be replaced, with consideration given to replacement of a mature eucalyptus tree in an alternative location.

**13. APPLICATION NUMBER 2006/673  
DEMOLITION OF EXISTING BUILDINGS, ERECTION OF FOOD RETAIL STORE, CAR PARK AND SERVICE ARRANGEMENTS, REFURBISHMENT OF BUILDING ADJACENT TO HEALTH CENTRE TO B1 OFFICE  
AT: LAND OFF LEE STREET, BACUP**

The Acting Development Control Team Manager outlined the report and referred to the additional information contained within the Late Items Report, in particular the Section 106 Agreement and conditions to be imposed if Members were minded to approve the application. Members were asked to note that consideration could be given to retention of the stone frontage of the existing building if they were minded to approve the application.

In accordance with the procedure for public speaking Mr Nigel Smith spoke against the application and Ms Nicole Johnson spoke in favour of the application.

Discussion took place about a separate Conservation Area application and it was noted that if Members wished to consider the applications together, then a deferral of this application would be necessary.

A proposal was moved and seconded to approve the application.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
10	0	0

**Resolved:**

1. That outline planning permission be granted subject to a Section 106 Agreement to be entered into by the applicant for which authority would be delegated to the Head of Planning, Legal and Democratic Services. The Section 106 Agreement to be respect of the following matters:
  - a) Payment to the Council of the sum of £83,460 to be expended on improvements to public transport/accessibility.
  - b) Payment to the Council of a sum of money to be agreed and which is to be expended on public realm and public art works.
  - c) The management regime to ensure the proposed customer car park is made/maintained as a short-stay public car park.
2. The outline permission to be granted subject to the conditions in the Late Items Report, with Members' concerns in respect of retention of the stone frontage of the building.

3. That authority be delegated to officers to refuse the application if the legal agreement has not been completed within 4 calendar months from the date of the committee's decision.
4. Prior to the above, the application to be referred to the Government Office for the North West due to the nature and size of the development and the Council's interest in the land, in order that it may consider whether it wishes to call-in the application for its own decision.

**14. APPLICATION NUMBER 2007/067  
AMENDED APPLICATION – ADDITION OF 3 ROOFLIGHTS IN  
CONNECTION WITH APPLICATION NUMBER 2006/468  
AT: 352 BURNLEY ROAD EAST, WHITEWELL BOTTOM**

The Acting Development Control Team Manager introduced the report and outlined the reason for the report being before 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:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
10	0	0

**Resolved:**

That the application be approved subject to the conditions in the report.

**15. APPLICATION NUMBER 2007/075  
CHANGE OF USE FROM BED & BREAKFAST AND PUBLIC HOUSE TO  
BED & BREAKFAST AND ERECTION OF 1&2 STOREY EXTENSION TO  
SIDE  
AT: GLEN VALLEY HOUSE, 634 BACUP ROAD, WATERFOOT**

The Acting Development Control Team Manager outlined the report and the additional representation from the Highways Agency received since publication of the report.

Concerns were raised about the impact on a neighbouring property's right to light and neighbour amenity.

A proposal was moved and seconded to refuse the application.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
10	0	0

**Resolved:**

That the application be refused on the grounds that to approve the application would be detrimental to neighbour amenity, particularly with regard to right to light and outlook.

**16. EXCLUSION OF THE PUBLIC AND PRESS**

**Resolved:**

That the public and press be excluded from the meeting during consideration of the following item of business on the grounds that it involves disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972.

**17. PLANNING APPEAL UPDATE**

The Head of Legal and Democratic Services provided an update in respect of a Planning Appeal and outlined proposals relating to the appeal

**Resolved:**

That the approach as outlined by the Head of Planning, Legal and Democratic Services be agreed.

**The meeting commenced at 6.30pm and concluded at 9.50pm**