

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 24th July 2007

Present: Councillor S Pawson (in the Chair)
Councillors L Barnes, Cheetham, Eaton, Hancock, Lamb,
Neal, J Pawson, Robertson, Swain and Thorne

In Attendance: Linda Fisher, Head of Planning, Legal and Democratic Services
Neil Birtles, Senior Planning Officer
Simon Bithell, Senior Solicitor
Jenni Cook, Committee Officer
Richard Elliott, Planning Assistant

Also Present: Councillor J Farquharson
Councillor Sandiford
Councillor Pilling
Approximately 20 members of the public and 1 representative
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 Haworth (Councillor Hancock substituting).

2. MINUTES OF THE LAST MEETING

Resolved:

That the minutes of the meeting held on 24th July 2007 be signed by the Chair and 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. No interests were declared.

4. URGENT ITEMS

There were no urgent items for consideration.

APPLICATIONS FOR CONSIDERATION

5. APPLICATION NUMBER 2006/533 DEMOLITION OF EXISTING WORKS AND ERECTION OF 11 HOUSES AT: LAND AT ANVIL STREET, STACKSTEADS

The Head of Planning, Legal and Democratic Services introduced the report and outlined the application history. She reported that the drawings accompanying the new application differed from those previously considered and she highlighted those changes for the consideration of the Committee.

The Head of Planning, Legal and Democratic Services referred to the additional representation which had been received since the publication of the report.

The Head of Planning, Legal and Democratic Services further reported that the provision of the two affordable dwellings would ensure that the proposed development made an essential contribution to the supply of affordable housing across the Borough and advised that it could be considered an acceptable exception to Policy 12 of the Joint Structure Plan.

It was noted that approval would be subject to the completion of a Section 106 Agreement which would include 2 affordable houses and £11,000 contribution towards public open space.

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

In response to concerns raised by Members in respect of access arrangements and traffic issues, the Head of Planning, Legal and Democratic Services reported that the Highway Authority had not objected to the scheme.

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

1. Authority being delegated to the Head of Planning, Legal & Democratic Services to refuse the application if the S.106 Agreement is not completed within 8 weeks.
2. An additional condition to ensure that no gates are fitted which would allow access/egress from the rear gardens of the proposed houses to Fernhill Park or Fernhill Way.

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

FOR	AGAINST	ABSTENTION
10	1	0

Resolved:

1. That the application be approved subject to the conditions in the report and the S.106 Agreement first being completed in relation to the provision of 2 affordable houses and a public open space contribution

of £11,000, relocation of the existing occupier to a unit within the borough to avoid loss of employment within the borough and an additional condition to ensure that no gates are fitted which would allow access/egress from the rear gardens of the proposed houses to Fernhill Park or Fernhill Way.

2. That authority be delegated to the Head of Planning, Legal and Democratic Services to refuse the application if the Section 106 Agreement is not completed within 8 weeks.

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

The Senior Planning Officer introduced the report and highlighted that the application was reserved matters for outline permission 2005/275. It was reported that 25 objections had been received, however, the principle of the proposed development, due to the previous outline consent had already been accepted. It was further reported that the Highway Authority had not objected to the scheme.

In accordance with the procedure for public speaking Peter McNamara spoke against the application. Councillor Sandiford spoke in her capacity as an Elected Member and objected to the application.

In response to Councillor Sandiford's comments, the Head of Planning, Legal and Democratic Services asked Members to note that the Ombudsman correspondence referred to by Councillor Sandiford was not a published report and she advised that the application should be considered on its planning merits only.

In response to a query about the inclusion of a condition in respect of landfill gas, the Senior Planning Officer advised Members that a condition had been included to alleviate any possible risk associated with the production of landfill gas.

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

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

FOR	AGAINST	ABSTENTION
7	3	1

Resolved:

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

**7. APPLICATION NUMBER 2007/293
CHANGE FO HOUSE TYPE TO PLANNING PERMISSION 2006/227
AT: LAND TO REAR OF 183 BURNLEY ROAD, OFF LAUND STREET,
RAWTENSTALL**

The Senior Planning Officer introduced the report as a change of house type in respect of planning permission number 2006/227. The Senior Planning Officer also referred to additional representations received since publication of the report.

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

In response to concerns raised by Members relating to the retention of mature trees the Senior Planning Officer confirmed that no mature trees would be lost as a result of the development.

A proposal was moved and seconded to approve the application subject to the addition of a condition as set out below:

Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with the criteria of DC1 of the adopted Rossendale District Local Plan.

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 subject to the conditions contained within the report together with the additional condition as set out above.

**8. APPLICATION NUMBER 2007/305
SINGLE STOREY GROUND FLOOR EXTENSION AND REMOVAL OF
EXISTING ROOF AND REPLACING IT WITH STEEPER PITCH TO
CREATE BEDROOMS IN ROOF SPACE
AT: 28 ZION STREET, BACUP**

The Senior Planning Officer introduced the report and advised the Committee that the proposal was acceptable in land use terms as it would accord with policy DS1 of the Rossendale District Local Plan.

In accordance with the procedure for public speaking Ms Tracy Barnes spoke against the application and Ms Christine Lever-Green spoke in favour of the application. Councillor Farquharson spoke in her capacity as an Elected Member and objected to the application.

In response to a question from a Member of the Committee the Senior Planning Officer confirmed the ridge to the existing house would be raised by approximately 1.5 metres.

A proposal was moved and seconded to approve the application subject to the conditions in the report together with an additional condition as set out below.

Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.
Reason: To safeguard the amenities of nearby residential properties in accordance with the criteria of DC1 of the adopted Rossendale District Local Plan.

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

FOR	AGAINST	ABSTENTION
10	1	0

Resolved:

That the application be approved subject to the conditions set out in the report together with the additional condition as set out above.

**9. APPLICATION NUMBER 2007/381
TWO STOREY EXTENSION TO SIDE/FRONT
AT: LAUND BANK, LEEBROOK ROAD, RAWTENSTALL**

The Senior Planning Officer introduced the report and referred to additional representations received since publication of the report. The Senior Planning Officer reported that the application was recommended for refusal and he outlined the reasons for refusal for the consideration of the Committee.

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

In response to questions raised by the Committee the Senior Planning Officer reported that there was no absolute figure set out in national or local policy as to the size of extension that may be acceptable in respect of a dwelling located in the countryside, however a figure generally applied was a maximum of 50% of the size of the original house. He indicated that although the size of the extension had been reduced, the proposal still entailed an increase of approx 86% in floor area and 68% in volume, which was still considered to be excessive.

A proposal was moved and seconded to refuse the application for the reasons in the report.

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

FOR	AGAINST	ABSTENTION
10	1	0

Resolved:

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

**10. APPLICATION NUMBER 2007/392
CHANGE OF USE FROM OFFICES TO CAFÉ/RESTAURANT (USE CLASS
A3) AND ERECTION OF FLUE TO REAR
AT: 1 NORTH STREET, RAWTENSTALL**

The Senior Planning Officer introduced the report and informed the Committee that the Applicant had carried out negotiations with the Council's Environmental Health Department in respect of the ventilation system. As a result, the Environmental Health Department had raised no objections to the application and the recommendation remained one of approval.

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

A proposal was moved and seconded to grant the application subject to:

1. The addition of a condition in respect of the hours at which construction works may be undertaken, in order to protect the amenities of neighbours.
2. Replacement of Condition 2 with a condition requiring fuller details of the fume extraction and filtration systems to be installed at the premises to be submitted to and approved in writing by the Local Planning Authority, in order to protect the amenities of neighbours.

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 subject to the additional conditions as set out below. :

1. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.
Reason: To safeguard the amenities of nearby residential properties in accordance with the criteria of DC1 of the adopted Rossendale District Local Plan.

2. Notwithstanding any such details previously submitted, before any works to implement this permission are commenced full details of the fume extraction and filtration systems to be installed at the premises shall have been submitted to and approved in writing by the Local Planning Authority. The systems shall be installed in full accordance with the approved details prior to the commencement of the use of the premises as hereby permitted and retained in good working order at all times thereafter.

**11. APPLICATION NUMBER 2007/272
CHANGE OF USE FROM SHOP (CLASS A1) TO FINANCIAL/
PROFESSIONAL (CLASS A2)
AT: 6 KAY STREET, RAWTENSTALL**

The Senior Planning Officer introduced the report and advised Members that proposal was recommended for approval and outlined the reasons for approval for the consideration of the Committee.

In response to concerns raised by Members, the Senior Planning Officer advised that it would not be appropriate to impose a condition with respect to the provision shutters as permission would need to be sought for this in any case.. However, the Applicant could be reminded by way of a Note on the Decision Notice that if external shutters were to be fitted an application would be required.

A proposal was moved and seconded to approve the application subject to the conditions in the report and a Note for Applicant in respect of external shutters.

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

FOR	AGAINST	ABSTENTION
10		1

Resolved:

That the application be approved subject to the conditions in the report and a Note for Applicant advising that if external shutters are to be fitted an application for planning permission would first need to be submitted and approved.

**12. APPLICATION NUMBER 2007/308
ERECTION OF 2 STABLES WITH A FOALING BOX AND TACKROOM
AT: HARDSOUGH MEADOW, IRWELL VALE**

The Head of Planning, Legal and Democratic Services and the Senior Planning Officer introduced the report and advised Members that the proposal was recommended for approval and the reasons for approval were outlined for the consideration of the Committee.

Notwithstanding the procedure for public speaking, the Chair authorised the Applicant to clarify that there was no intention to erect fencing and that the horses would have access to the stream for drinking water purposes.

A proposal was moved and seconded to approve the application subject to the conditions in the report together with the addition of an additional condition as set out below:

1. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with the criteria of DC1 of the adopted Rossendale District Local Plan.

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 subject to the conditions set out in the report together with the additional condition as detailed above.

OPERATIONAL MATTERS

13. AMENDMENTS TO THE CURRENT SCHEME OF DELEGATION FOR PLANNING AND CALL-IN PROCEDURES

The Head of Planning, Legal and Democratic Services presented a report outlining amendments to the Scheme of Delegation for Planning and Call-in Procedures. She reported that the amendments had been considered by the Cabinet on 4th July 2007 and Cabinet were recommending approval of the amendments to Full Council. The Scheme of Delegation needed to be updated in order to continually improve the performance of the Council's Development Control Service and to improve customer service in dealing with determining planning applications.

The Head of Planning, Legal and Democratic Services outlined that the proposed amendments sought to clarify the authority delegated to her and to provide clearer guidance for Elected Members in respect of the call-in procedure and to ensure that minor applications could be dealt with as expeditiously as possible.

It was noted that previous use of the call-in procedure had resulted in the Planning Department failing to meet BVPI targets. It was agreed that a form would be designed in consultation with all parties, which would assist Members in calling in applications and this would be circulated to Members.

In response to questions raised by Members it was confirmed that the meeting of the Cabinet on 4th July 2007 had been quorate. The Head of Planning, Legal and Democratic Services confirmed that she would provide Members with BVPI figures for their consideration.

Resolved:

1. That the Head of Planning, Legal and Democratic Services would provide Members with BVPI figures and an analysis of applications which were called in to Committee or there by way of 3 objections
2. That Members would consider the proposed amendments to the Scheme of Delegation for Planning and Call-in Procedures and provide comments to the Head of Planning, Legal and Democratic Services, prior to submission of the scheme to Full Council on 29th August 2007.

The meeting commenced at 6.30pm and concluded at 9.10pm