

**MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE**

**Date of Meeting: 16<sup>th</sup> October 2007**

**Present:** Councillor S Pawson (in the Chair)  
Councillors L Barnes, Cheetham, Eaton, Graham, Lamb,  
Neal, Nuttall, Robertson, Swain

**In Attendance:** Linda Fisher, Executive Director of Regulatory Services  
Adrian Harding, Acting Development Control Team Manager  
Simon Bithell, Senior Solicitor  
Jenni Cook, Committee Officer  
Carolyn Law, Committee Officer  
Mick Nightingale, Conservation Officer  
Mark Dawson, Independent Environmental Health Consultant

**Also Present:** Approximately 11 members of the public and 1 representative  
of the press

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

Apologies for absence were submitted on behalf of Councillor Haworth and Councillor Thorne (Councillor Graham substituting).

**2. MINUTES OF THE LAST MEETING**

**Resolved:**

That the minutes of the meeting held on 18th September 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. However, no interests were declared.

**4. URGENT ITEMS**

There were no urgent items for consideration.

## **APPLICATIONS FOR CONSIDERATION**

### **5. APPLICATION NUMBER 2006/693 PROPOSED EXTENSION TO EXISTING PORTAL SHED AT: JAMES KILLELEA LTD, STONEHOLME ROAD, CRAWSHAWBOOTH**

The Executive Director of Regulatory Services outlined the report and introduced Mr Mark Dawson, an independent noise consultant who had conducted a study on the application site. Reference was also made to a letter received from County Councillor Hazel Harding supporting the application.

In accordance with the procedure for public speaking Mrs Kathy Fishwick spoke against the application and Mr Killelea spoke in favour of the application.

In response to questions raised by the Committee the Executive Director of Regulatory Services clarified that the blue edge plan had been amended to take out the area next to the proposed new building. It was noted that there had been no objections from Stoneholme Terrace Residents and the complaints received from residents appeared to concentrate on the condition of the highway. The Executive Director of Regulatory Services highlighted that the condition for the Traffic Regulation Order which was requested by Lancashire County Council Highways was in respect of parking restrictions along the southerly side of Turton Hollow Road (approx 138m), Stoneholme Road in a southerly direction (approx 45m), northerly side of Turton Hollow Road (approx 27m) in a westerly direction, Stoneholme Road (approx 45m) in a north westerly direction and on the westerly side of Stoneholme Road (approx 15m) in a north westerly direction. The Traffic Regulation Order was not in respect of the condition of the highway.

Following the agreement of the Chair, Councillor Eaton provided an update to the Committee on the current status of highway repairs. It was noted that potholes would be filled within the next few days, with full resurfacing scheduled to take place in the new financial year.

Mr Mark Dawson provided information on the independent noise survey carried out on the application premises in relation to the proposed conditions. It was confirmed that the noise level within condition 6 of 60-65dB was well within the noise levels currently being emitted by the premises. It was further noted that the application would result in an intensification of work at the site and the noise condition was designed to ensure that future noise could be restricted. The condition had not been attached to reduce the current level of noise.

A proposal was moved and seconded to approve the application.

An amendment was moved and seconded to approve the application with the omission of condition number 7.

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

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

The amendment failed and voting took place on the original proposal to approve the application, the result of which was as follows:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
8	2	0

**Resolved:**

That subject to completion of a Section 106 Agreement to pay for the provision of a Traffic Regulation Order to restrict parking as set out in the report, the application be approved, subject to the conditions set out in the report.

**6. APPLICATION NUMBER 2007/334  
ERECTION OF DETACHED DWELLING  
AT: LAND ADJACENT TO 176 BURNLEY ROAD, BACUP**

The Acting Development Control Team Manager introduced the report and outlined the reason for the application being brought to the Committee. It was noted that the application site lay partly in brownfield and partly in Greenfield land. A letter of support from Councillor Driver was brought to the Committee's attention.

In accordance with the Procedure for Public Speaking Mrs Donna Moore spoken in favour of the application.

In response to queries raised by Members, the Executive Director of Regulatory Services stated that if Members were minded to approve the application, the sole occupancy of the property could be controlled by a Section 106 agreement.

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>
8	2	0

**Resolved:**

1. That the application be approved for the reason that exceptional circumstances exist to permit the development under Policy 12 of the Joint Lancashire Structure Plan, being that the application met the criteria for special needs housing.
2. That the standard conditions relating to the application be delegated to the Executive Director of Regulatory Services and particular regard would be given to the use of natural materials on the roof (blue slate).

**7. APPLICATION NUMBER 2007/484  
MIXED USE DEVELOPMENT OF 76 NO. APARTMENTS, 489.5 SQ M  
RETAIL FLOOR SPACE, 1103.25 SQ M OFFICE FLOOR SPACE AND  
ASSOCIATED LANDSCAPING AND CAR PARKING  
AT: ALBION MILL, BACUP ROAD, RAWTENSTALL**

The Acting Development Control Team Manager introduced the report and referred to additional information submitted by the Council's Conservation Officer and other additional representations from Environmental Health, the Environment Agency, Natural England, Lancashire County Council Highways, and a 27 signature petition. The information received from the consultees had overcome the reasons for refusal stated in the published report and the Officer's recommendation had initially changed to one of approval as detailed in the Late Items Report.

However the Executive Director of Regulatory Services had received a draft Section 106 Agreement from the applicant which had not fully addressed the manner in which the contribution of £76,000 towards public open spaces would be allocated. The recommendation, therefore, remained that of refusal.

In accordance with the procedure for public speaking Mrs Kathy Fishwick spoke against the application and Ms Sarah Foster spoke in favour of the application.

The Executive Director of Regulatory Services stated that if Members were minded to approve the application then a Grampian condition could be imposed, subject to completion of a satisfactory Section 106 Agreement.

The Conservation Officer clarified the guidance given by English Heritage and central Government as being that new developments should try to complement and not challenge what is already in situ in the area.

Concerns were raised by Members in respect of the number of residential units being applied for (76). It was noted that the Rawtenstall Area Action Plan specified 55 residential units.

A proposal was moved 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 following reasons:

1. The proposed development by reason of the number of residential units exceeding the allocation in the emerging Rawtenstall Town Centre Area Action Plan and inadequate justification being put forward to meet the criteria providing the exceptions to the policy, would contribute an excess in housing supply. As such the proposal is contrary to PPS3 – Housing, Policy 12 of the adopted Joint Lancashire Structure Plan, the

emerging Rawtenstall Town Centre Action Plan and the Rossendale Borough Council revised Interim Housing Position Statement.

2. The proposed development by reason of its size, height, position, appearance, architectural composition and materials would be a prominent and intrusive feature in the street-scene and out of keeping with the surrounding area, in particular affecting the setting of the Listed Buildings at Weaver's Cottage and Ilex Mill and the setting of and views into and out of this part of the Rawtenstall Town Centre Conservation Area. As such the proposed development is contrary to PPG 15 – Planning and the Historic Environment, Policy 21 Lancashire's Natural and Manmade Heritage of the adopted Joint Lancashire Structure Plan, the emerging Rawtenstall Town Centre Area Action Plan and Saved Policies HP1 – Conservation Areas, HP2 – Listed Buildings and DC1 – Development Criteria of the adopted Rossendale District Local Plan.
3. The proposed development, by reason of the non-completion of a section 106 agreement, does not make adequate provision for affordable housing on site nor public open space. As such, the proposed development is contrary to PPS3 – Housing, PPG17 – Sport and Recreation, Policy 12 Housing Provision of the adopted Joint Lancashire Structure Plan and the Rossendale Borough Council Interim Affordable Housing Position Statement (January 2007) and Saved Policy DC3 – Public Open Space of the adopted Rossendale District Local Plan.

**The meeting commenced at 6.30pm and concluded at 9.00pm**