

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 19th February 2008

Present: Councillor L Barnes (in the Chair)
Councillors Challinor, Cheetham, Driver, Eaton, Hancock,
Lamb, Neal, Nuttall, Robertson, Thorne

In Attendance: Linda Fisher, Executive Director of Regulatory Services
Adrian Harding, Acting Development Control Team Manager
Stephen Stray, Senior Forward Planning Officer
Jenni Cook, Committee Officer

Also Present: Councillor Farrington, Whitworth Town Councillor David
Barnes, Mr Andrew Neville (Independent Chair of the
Standards Committee)
Approximately 20 members of the public and 2 representatives
of the press

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were submitted on behalf of Councillor Haworth (Councillor Hancock substituting) and Councillor Stuart Pawson (Councillor Challinor substituting).

2. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the minutes of the meeting held on 15th January 2008 be signed by the Vice Chair and agreed as a correct record.

3. URGENT ITEMS

There were no urgent items for consideration.

4. 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 Hancock declared a personal and prejudicial interest in Minute Number 9, Application Number 2007/764 by virtue that he had called in this item to the Committee.

Councillor Robertson declared a personal and prejudicial interest in Minute Number 9, Application Number 2007/764 by virtue that she had obtained information on the application which differed to the committee report.

Councillor Lynda Barnes declared a personal and prejudicial interest in Minute Number 6, Application Number 2007/739 by virtue that her husband,

Whitworth Town Councillor David Barnes had registered to speak on this application.

5. APPOINTMENT OF CHAIR

Resolved:

That Councillor Driver be appointed as Chair for Application Number 2007/739.

APPLICATIONS FOR CONSIDERATION

**NB: COUNCILLOR DRIVER IN THE CHAIR
COUNCILLOR LYNDA BARNES VACATED THE MEETING DURING
CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS**

**6. APPLICATION NUMBER: 2007/739
CHANGE OF USE FROM B1 TO VEHICLE DISMANTLING AND
STORAGE/SALE OF REUSABLE PARTS (RETROSPECTIVE)
AT: UNIT 8, SPODDEN MILL, STATION ROAD, FACIT, WHITWORTH**

The Executive Director of Regulatory Services introduced the report and outlined the reasons which had brought the application to the Committee. Reference was made to the Late Items Report which contained details of one further letter of support for the scheme.

In accordance with the procedure for public speaking Mr Richard Storah spoke in favour of the application. Whitworth Town Councillor David Barnes also spoke on the application.

In response to queries from Members it was clarified that the access ramp would form part of the current application. The Executive Director of Regulatory Services confirmed that Enforcement Officers had received complaints in respect of the operation of the applicant's business.

Members raised concerns in respect of the storage of toxic materials at the site, however the Executive Director of Regulatory Services stated that the Council's Environmental Health Officers had not raised objections to the application. It was further noted that enforcement of conditions was not a material planning consideration.

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	0	1

Resolved:

That the application be refused for the following reasons:

1. Detrimental to residential amenity
2. Insufficient information regarding toxic materials

3. Highway safety

**7. APPLICATION NUMBER 2007/716
ERECTION OF 61 HOUSES, PROVISION OF PLAY AREA AND PARKING
FOR EXISTING RESIDENTS/SCHOOL AND FELLING OF PROTECTED
TREES
AT: LAND ADJACENT TO BROADCLOUGH FARM, BURNLEY ROAD,
WEIR**

The Executive Director of Regulatory Services introduced the report and outlined the reason for the application being brought to the Committee. It was noted that this was an outline application. Reference was made to the Late Items Report which contained an additional reason for refusal.

In accordance with the procedure for public speaking, Mr Garry Gregory spoke against the application and Mr Rigg spoke in favour of the application. During Mr Rigg's submission the Chair reported that if he continued to make improper statements about individual officers his right to speak would be discontinued.

In response to queries raised by Members the Executive Director of Regulatory Services contested allegations made by Mr Rigg that he had been unable to contact the Development Control Department and that he had been advised that the land was a brownfield site.

A proposal was moved and seconded to refuse the application for the reasons set out in the report together with the inclusion of the additional reason set out in the Late Items Report.

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 reasons set out in the report and the addition of the following reason for refusal which was detailed in the Late Items report:

The proposed development would be seriously detrimental to the residential amenities of occupiers of dwellings to the south of the site by reason of the height and size of the new houses which would lead to overlooking and loss of privacy. The proposed development would conflict with the criteria of Saved Policy DC1 of the adopted Rossendale District Local Plan.

**8. APPLICATION NUMBER: 2007/737
DEMOLITION OF EXISTING GARAGE BUILDING AND REDEVELOPMENT
WITH 3 STOREY BLOCK OF 10 APARTMENTS AND CAR PARKING
(RESUBMISSION OF 2007/636)
AT: PACKHORSE GARAGE, MARKET STREET, EDENFIELD**

The Acting Development Control Team Manager introduced the report and outlined the reasons which had brought the application to the Committee.

Reference was made to the Late Items Report which contained a letter of support from the Ward Councillor, Councillor Darryl Smith. It was noted that the application was for a 10 apartments and not the 12 apartments stated in the committee report.

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

In response to queries from Members it was noted that the wording of the unilateral undertaking offered by the applicant allowed for a £10,000 commuted sum to the Edenfield Community Centre to be used for either improvement of existing facilities or provision of new facilities. The Senior Forward Planning Officer also noted that 1 bedroom apartments did not formally constitute affordable housing.

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 following reasons:

1. No objections from local residents
2. Regeneration benefits to the area.

Subject to the satisfactory completion of a unilateral undertaking and the Section 106 agreement to provide a commuted sum of £10,000 towards the Edenfield Community Centre facilities and the provision of a contaminated land survey. All further conditions to be delegated to the Executive Director of Regulatory Services.

NB: COUNCILLOR HANCOCK LEFT THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS COUNCILLOR ROBERTSON MADE A STATEMENT AND VACATED THE MEETING

**9. APPLICATION NUMBER: 2007/764
CONVERSION OF FORMER WHITE HORSE PUBLIC HOUSE (WITH LIVING ACCOMMODATION) INTO 2 NO. TERRACED DWELLINGS
AT: FORMER WHITE HORSE PUBLIC HOUSE, EDGESIDE LANE, WATERFOOT**

The Executive Director of Regulatory Services introduced the report and outlined the reasons which had brought the application to the Committee.

Councillor Robertson stated that she was in receipt of information which may indicate that there was commercial interest in the premises for use other than residential. After making this statement Councillor Robertson left the meeting.

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

In response to queries from Members the Chair allowed Councillor Robertson to present further information to the Committee. Councillor Robertson confirmed that she considered the interest in the premises to be from the Church. The applicant's agent stated that he was not aware of the owner of the premises having signed any contractual paperwork to sell the premises.

The Executive Director of Regulatory Services clarified that Councillor Robertson's information was relevant to the application as the applicant's lobbying information and design and access statement stated that there had been no commercial interest in the premises for 4 years.

A proposal was moved and seconded to defer the application to seek clarification on the matter of ownership and commercial interest in the land.

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

FOR	AGAINST	ABSTENTION
7	2	0

Resolved:

That the application be deferred in order to clarify the ownership, and evidence of interest for alternative commercial uses in the site and buildings to be provided by the applicant.

**10. APPLICATION NUMBER: 2007/738
ALTERATIONS TO FRONT OF BUILDING, FIRST FLOOR EXTENSION
AND CHANGE OF USE OF LAND TO PROVIDE ADDITIONAL CAR
PARKING FACILITIES
AT: LIVESEY SHOE CO. LTD, 206 BACUP ROAD, RAWTENSTALL**

The Acting Development Control Team Manager introduced the report and outlined the reasons which had brought the application to the Committee. Reference was made to the Late Items Report which contained details of an additional letter of objection.

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

In considering the application Members discussed employee levels and it was noted that expansion of the business would create further employment opportunities.

It was further noted that razor wire was in situ at the premises, which was illegal. The applicant's representative assured the committee that this would be removed immediately. The Executive Director of Regulatory Services noted that this was not an issue that could be covered by a planning condition.

A proposal was moved and seconded to approve the application subject to the conditions set out in the report.

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.

**11. APPLICATION NUMBER 2007/664
EXTERNAL AND SITE LAYOUT ALTERATIONS INCLUDING STOPPING
UP OF ACCESS TO SITE
AT: FORMER CAR SHOWROOM, BACUP ROAD, WATERFOOT**

The Acting Development Control Team Manager outlined the application details and the reasons why the application had been brought before the Committee. Reference was made to the Late Items Report which contained details of amended plans which had been submitted, and further consultee responses.

In response to queries by Members it was noted that a request could be made to retain the blue Police light at the entrance to the premises, however this was not a matter that could be covered by a planning condition.

A proposal was moved and seconded to approve the application subject to the conditions set out in the report.

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.

**12. APPLICATION NUMBER: 2007/750
FORMALISATION OF EXISTING BIN STORAGE CREATING 5 NO. BAYS
FOR 10 NO. BINS 1.54M HIGH, 1.8M WIDE AND 18M LONG, SCREENED
WITH EARTH MOUNDING AND PLANTING TO REAR AND SIDES
AT: JACK LODGE, COAL PIT LANE, WATERFOOT**

The Acting Development Control Team Manager introduced the report and outlined the reasons which had brought the application to the Committee.

A proposal was moved and seconded to approve the application subject to the conditions set out in the report.

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

FOR	AGAINST	ABSTENTION
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11	0	0
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Resolved:

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

13. **APPLICATION NUMBER: 2007/767
 INSTALLATION OF 1.8M HIGH FENCING TO SCREEN THE EXISTING
 RECYCLING FACILITY
 AT: BACUP LEISURE HALL, BURNLEY ROAD, BACUP**

The Acting Development Control Team Manager introduced the report and outlined the reasons which had brought the application to the Committee.

A proposal was moved and seconded to approve the application subject to the conditions set out in the report.

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.

The meeting commenced at 6.30pm and concluded at 8.55pm