

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 11th March 2008

Present: Councillor S. Pawson (in the Chair)
Councillors Aldred, Challinor, Driver, Eaton, Haworth,
Lamb, Neal, Nuttall, J. Pawson, Thorne

In Attendance: Linda Fisher, Executive Director of Regulatory Services
Bill Lawley, Interim Legal and Democratic Services Manager
Stephen Stray, Planning Unit Manager
Neil Birtles, Principal Planning Officer
Kurt Partington, Urban Vision
Carolyn Law, Committee Services Officer
Caroline Brennan, Clerical Officer

Also Present: Councillors Cheetham, and Morris, County Councillor Serridge,
Whitworth Town Councillor Ruane, Mr Andrew Neville
(Independent Chair of the Standards Committee)
Approximately 45 members of the public and 2 representatives
of the press

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies were submitted on behalf of Councillor L. Barnes (Councillor J. Pawson substituting) and Councillor Robertson (Councillor Aldred substituting). Councillor Challinor was substituting for Councillor Cheetham.

2. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the minutes of the meeting held on 6th February 2008 be signed by the Chair and agreed as a correct record.

That the minutes of the meeting held on 19th February 2008 be signed by the 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 Haworth declared a personal interest in all applications on the agenda by virtue of his employment with a builder's merchant. Councillor Cheetham declared a personal and prejudicial interest in application 2007/665 by virtue that she is the Chair of Rossendale Bus Company.

APPLICATIONS FOR CONSIDERATION

5. APPLICATION NUMBER 2007/665 DEMOLITION OF EXISTING BUS DEPOT BUILDING AND ERECTION OF A NEIGHBOURHOOD FOOD RETAIL UNIT WITH ASSOCIATED CAR PARKING AT: 35 BUS DEPOT, BACUP ROAD, RAWTENSTALL

The Executive Director of Regulatory Services introduced the report and outlined the reasons which had brought the application to the Committee. The application proposed a Lidl food store with associated car parking, access, servicing and landscaping arrangements. The proposal also sought to demolish the existing bus repair garage to accommodate the scheme. Reference was made to the Late Items Report which contained information from the Environment Agency, and letters of objections and support.

In accordance with the procedure for public speaking Mr Tony Winder spoke against the application and Mr Chris Hawley spoke in favour of the application. Councillor Cheetham also spoke on the application.

In response to queries from Members it was clarified that materials would be natural stone and slate; the location would be close to the town centre; the close proximity to the bus station would encourage the use of public transport; it would create employment opportunities, and deliveries would be made using one delivery vehicle.

Members commented on the following issues:

- The impact on the bus interchange.
- Timescales for bus interchange improvements.
- The use of natural building materials.
- Bat survey.
- CCTV and pedestrian safety.
- Parking space availability.
- Landscaping.

N.B. At this point in the meeting a member of the public caused a disturbance. The Chair requested the person be quiet whilst the application was decided or to leave. The member of the public refused to leave, however sat back down. The proceedings continued.

A proposal was moved and seconded to approve the application with authority delegated to the Executive Director of Regulatory Services to impose relevant conditions, and to agree the wording of the Section 106 agreement concerning CCTV (to be increased to £20,000) and other matters outlined in the report including the transfer of land.

N.B. At this point the same member of the public continued to cause a disturbance as he was unable to hear owing to some background noise from within the building. The Chair gave the member of the public a final warning and requested that he allowed the application to continue after which there would be a short break to resolve the problem. The proceedings continued.

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 with additional conditions that the authority be delegated to the Executive Director of Regulatory Services to impose relevant conditions, and to agree the wording of the Section 106 agreement concerning CCTV (to be increased to £20,000) and other matters outlined in the report including the transfer of land.

N.B. There was a short break during which the background noise problem was resolved. The meeting continued.

**6. APPLICATION NUMBER: 2007/630
FULL APPLICATION FOR ERECTION OF BUILDING TO FORM LEISURE & RESTAURANT UNITS & A FOOD RETAIL UNIT & OUTLINE APPLICATION FOR THE ERECTION OF DRIVE THRU RESTAURANT AND ONE RESTAURANT (AMENDMENT TO 2005/617) (1,656 SQM A1 RETAIL AND 1,766 SQ M A3 RETAIL)
AT: LAND AT NEW HALL HEY, RAWTENSTALL**

The Executive Director of Regulatory Services introduced the report and outlined the reasons which had brought the application to the Committee. The application sought full consent for part of the scheme and outline consent for a restaurant and a drive thru restaurant. The proposal sought to vary elements of the wider approved scheme for New Hall Hey 2005/617 and to effectively swap land uses between the former Kwik Save building and the ground floor of unit B1 consented by 2005/617. Reference was made to the Late Items Report which contained details of a letter of support from Rawtenstall Chamber of Commerce and additional responses from the applicant.

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

In response to queries from Members it was clarified that: existing footpaths lead to the site and improvements were included as part of the Section 106 Agreement (S106); if more natural stone was requested the amount of S106 contribution would be reduced; a shuttle bus service would enable members of the public to access the facilities; and leisure facilities would include a Health and Fitness Centre.

Members commented on the following issues:

- The use of stone and natural materials.
- Keep materials in keeping with surrounding area.
- There is no detrimental visual impact.
- What was the need for additional retail stores?
- Employment opportunities would be created.
- The provision of leisure facilities.
- Regeneration benefits.

- Visual alterations to the existing Kwik Save building.
- How soon car parking will be available.
- The regeneration, leisure and economic benefits.

A proposal was moved and seconded to approve the application with additional conditions that car parking proposals would remain the same as agreed in the previous application, and that landscaping decisions would be delegated to the Executive Director of Regulatory Services. The reasons for approval were visible regeneration, economic regeneration, job creation, sustainability of the site, materials and leisure provision.

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 with additional conditions that car parking proposals would remain the same as agreed in the previous application, and that landscaping decisions would be delegated to the Executive Director of Regulatory Services.

That the application be approved against the officer recommendation for the following reasons:

- Visible regeneration
- Economic Growth
- Sustainability of site
- Leisure benefits
- Improvements in materials being used (as per the report 9.34)
- Job Creation
- The regeneration, leisure and economic benefits

**7. APPLICATION NUMBER: 2007/0763
ERECTION OF 16 DWELLINGS
AT: LAND TO THE REAR OF HOLLY MOUNT HOUSE, ST MARY'S WAY,
RAWTENSTALL**

The Principal Planning Officer introduced the report and outlined the application for full permission for residential development of the site. The proposal was for 16 split-level houses constructed in natural stone with slate roofs, and arranged around a cul-de-sac. Reference was made to information contained in the Late Items Report including letters of support from Councillor Forshaw and a local resident. The Principal Planning Officer also gave an update that since the publication of the Late Items Report comments from the Environment Officer had been received as well as additional letters of support.

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

Members commented on the following issues:

- Affordable housing contributions.
- The original landscaping scheme.

- The steep nature of the site.
- Land drainage and flood risk assessments.
- Visibility from the town centre.

A proposal was moved and seconded to refuse the application for reasons 1-3 as identified in the report, with a recommendation to comply with the landscaping scheme from the previous application.

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 reasons 1, 2 and 3 of the report. The Committee raised concern at the loss of landscaping which had been proposed as part of the previous application.

**8. APPLICATION NUMBER: 2008/046
CHANGE OF USE OF RESTAURANT TO TAKEAWAY AND RESTAURANT.
AT: 617 BURNLEY ROAD, RAWTENSTALL**

The Principal Planning Officer introduced the report and outlined the reasons which had brought the application to the Committee. The application sought consent for a change of use from Use Class A3 to part A3 restaurant use and part A5 hot food takeaway use.

In accordance with the procedure for public speaking Mr Peter Roberts spoke against the application and Mr Stephen Hartley spoke in favour of the application.

In response to queries from Members it was clarified that there was a care home next to the property, there was no parking facilities for customers, the property had previously been a restaurant until 2005, and that the back of the building is not part of the restaurant but a residential property.

Members raised concerns in respect of the following:

- Close to residential properties.
- Next to a care home.
- No parking facilities but a public car park with 8 spaces nearby.
- Problems with bin storage and deliveries.

A proposal was moved and seconded to refuse the application owing to the loss of residential amenity, and lack of parking facilities.

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 following reasons:

1. The proposed development will detract from the amenities that residents of properties in the vicinity of the site could reasonably expect to enjoy, contrary to the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.
2. The proposed development will result in the stopping/parking of vehicles on the highway to the detriment of highway safety and the free-flow of traffic, contrary to the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.

**9. APPLICATION NUMBER: 2007/717
SITING OF RESIDENTIAL MOBILE HOME (RETROSPECTIVE)
AT: CARTER HALL STABLES, CARTER HALL PLACE, HASLINGDEN**

This application had been submitted in retrospect to retain a detached residential mobile home. The building was constructed with a brickwork skirting and exterior walls finished in ridgewood cladding. It had a pitched roof and doors, and windows built in upvc materials. The Principal Planning Officer explained the application had been brought before the Committee because the siting of the residential mobile home was on greenbelt land; it impacted on visual amenity; there was no history of residential occupation submitted, and there was housing oversupply.

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

In response to queries from Members it was clarified that: an established business existed; the area had previously been a temporary caravan park, and that the mobile home was being lived in to tend to the livestock on site.

The meeting re-convened

Members raised concerns in respect of the following:

- There was no evidence of a short-term or long-term business plan.
- The visual impact.
- The siting of the mobile home on green-belt land.

Members discussed deferring the application until more evidence of the business and residency could be supplied. In response, the Senior Planning Officer confirmed that additional planning items would need to be considered if the application was deferred.

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 detailed in the report.

NB. At this point in the meeting the Chair asked the Committee to consider a short break and an extension to continue the meeting as it was 3 hours since the meeting commenced. The Committee agreed to have a short recess and continue the meeting.

**10. APPLICATION NUMBER 2008/0033
RETENTION OF PALISADE FENCE AND 3 SECURITY LIGHTS.
AT: NEW HALL HEY YARD, RAWTENSTALL**

The Principal Planning Officer introduced the report and outlined the application for retrospective consent for the retention of palisade security fencing, and 3 security lights to the yard.

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

In response to queries from Members it was clarified that shrubbery had been planted to cover the fencing that backed onto residential properties, but it would take time for this to grow, and the fence was required for security and safety reasons.

Members commented on the following issues:

- The lights were shining away from residential properties.
- The lights had restricted use as set out in the conditions of the report.
- Fencing provided security and safety.

A proposal was moved and seconded to approve the application subject to the conditions as 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 of the report.

**11. APPLICATION NUMBER: 2008/0079
CONVERSION OF FORMER MILL AND RETAIL ESTABLISHMENT TO
FORM VISITOR ATTRACTION INCORPORATING FUDGE PRODUCTION
AREA, SPACE FOR CRAFT BASED BUSINESSES, ASSOCIATED RETAIL
SPACE, RESTAURANT AND FUNCTION ROOM.
AT: SPRING PLACE, MILLFOLD, WHITWORTH**

The Executive Director of Regulatory Services introduced the report and outlined the reasons which had brought the application to the Committee. She referred to one letter of objection noted in the Late Items Report, and that the consultation period would end on 21st March 2008. The recommendation

of the report would be to delegate the decision of the application to the Executive Director of Regulatory Services, in consultation with the Chair, Vice-chair and Spokesperson for the Opposition as listed in item 1.4 of the report.

In accordance with the procedure for public speaking Mr Nicholas Edwards spoke in favour of the application. Whitworth Town Councillor Ruane also spoke on the application.

In response to queries from Members it was clarified that: the business was expanding; it would provide a tourist attraction; it would increase employment opportunities in the area; and it would attract other businesses to the units within the building.

Members commented on the following issues:

- The scheme's potential to attract tourism.
- The potential for increased employment.
- The opportunities it may provide in the borough.
- The potential for visitors to be attracted to the borough.

A proposal was moved and seconded to delegate the decision of the application to the Executive Director of Regulatory Services, if however a substantial number of objections were received at the end of the consultation period, the decision would be delegated to the Executive Director of Regulatory Services in consultation with the Chair and Spokespersons for the Opposition Groups.

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

FOR	AGAINST	ABSTENTION
11	0	0

Resolved:

That the decision of the application be delegated to the Executive Director of Regulatory Services, if however a substantial number of objections were received at the end of the consultation period, the decision would be delegated to the Executive Director of Regulatory Services in consultation with the Chair and Spokespersons for the Opposition Groups.

**12. APPLICATION NUMBER: 2008/0036
INSTALLATION OF MILD STEEL ALLEY GATE.
AT: LAND BETWEEN 5 YORKSHIRE STREET AND THE LIBRARY OFF ST
JAMES SQUARE, BACUP**

The Principal Planning Officer introduced the application for the installation of a gated entrance which would be constructed from galvanised mild steel and painted black. The gate would be 2.37m in width and 2.2m in height. He also brought the Committees attention to information from the Conservation Officer contained in the Late Items Report.

There were no speakers on this item.

A proposal was moved and seconded to approve the application. Subject to the conditions as 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 stated in the report.

**13. APPLICATION NUMBER: 2008/0070
BALCONY TO THE REAR (RETROSPECTIVE)
AT: 1 BROADLEY VIEW, MARKET STREET, WHITWORTH**

The Principal Planning Officer introduced the application which was a re-submission of a previous application refused on 28 December 2007. The application was made in retrospect for consent of a balcony at the upper ground floor level to the rear of the dwelling. The structure had been constructed from stained timber with wrought iron railings in front and timber panels on both sides to protect the amenity of the adjoining residents.

There were no speakers on this item.

Members commented on the following issues:

- It enhances the property.
- Balconies with walkways are common features of properties in the Rossendale area.
- It was not unduly detrimental to neighbours or visual amenity.

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 reason:

- It is not unduly detrimental to neighbours or visual amenity.

14. VALLEY CENTRE SECTION 106 (S106) AGREEMENT

The Executive Director of Regulatory Services gave an update to the Committee concerning the Section 106 Agreement deadline for the Valley Centre application.

Resolved:

It was agreed that the 6 week deadline for signing the Valley Centre Section 106 Agreement would start from the date the call in outcome was confirmed by the Secretary of State.

15. ENFORCEMENT UPDATE

The Executive Director of Regulatory Services introduced the report which provided members with an update of the current position with regard to planning enforcement actions. She also informed the Committee that enforcement decisions were being distributed to Ward Councillors on a regular basis.

Members recognised and praised the work of the Enforcement and Legal Teams. A suggestion was also made by members that the information sent to Ward Councillors contain information concerning the exact decisions made.

Resolved:

That the report be noted.

The meeting commenced at 6.30pm and concluded at 10.25pm