

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 15th April 2008

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

In Attendance: Linda Fisher, Executive Director of Regulatory Services
Stephen Stray, Planning Unit Manager
Neil Birtles, Principal Planning Officer
Heather Moore, Committee and Member Services Manager
Jenni Cook, Committee Officer

Also Present: County Councillor Serridge, approximately 35 members of the public and 1 representative of the press

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies were submitted on behalf of Councillor S Pawson (Councillor Challinor substituting) and Councillor Thorne (Councillor Swain substituting).

2. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the minutes of the meeting held on 11th March 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 Swain declared a personal and prejudicial interest in Minute Number 5 (Application Number 2007/630) and Minute Number 9 (Application Number 2008/0124) by virtue that the applicant was a business client.

Councillors L Barnes, Cheetham and Robertson declared a personal and prejudicial interest in Minute Number 5 (Application Number 2007/630) by virtue that they were members of Rossendale Transport.

Councillors Challinor and Driver declared a personal and prejudicial interest in Minute Number 6 (Application Number 2008/144) by virtue that they were

Members of the Cabinet and had taken part in discussions on this matter previously.

Councillor Robertson declared a personal and prejudicial interest in Minute Number 8 (Application Number 2007/764) by virtue that she had engaged in discussions with objectors to the application and had declared an interest on this application at a previous committee..

APPLICATIONS FOR CONSIDERATION

COUNCILLORS L BARNES, CHEETHAM, ROBERTSON AND SWAIN LEFT THE MEETING FOR THE FOLLOWING ITEM OF BUSINESS

NB: COUNCILLOR CHALLINOR IN THE CHAIR FOR THIS ITEM OF BUSINESS

**5. APPLICATION NUMBER 2007/630
(AMENDED PLAN) 2008/0118 FRANKIE AND BENNYS, 2008/0032 KFC
RELATED SECTION 106 MATTERS
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. It was noted that the application was to determine elevational and dimensional alterations.

The Committee was updated on an issue relating to the delivery of the Leisure use on the Kwik Save site. It was outlined that the matter impacted on the resolution of the s106 agreement. The Executive Director of Regulatory Services had recently been made aware of this issue.

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

In response to queries from Members of the Committee the Executive Director of Regulatory Services confirmed that if the Section 106 Agreement was not completed by the date of the next Development Control Meeting, the whole application 2007/630 would be brought back before the Committee for re determination. The reason for being that if the Section 106 could not be resolved or the conditions, then the Executive Director of Regulatory Services had no delegated power to refuse the application. A refusal on this basis would need to be made by the Committee.

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

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

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

1. In relation to Application 2007/630 the minor amendment is acceptable and this plan would supercede previous plans relating to application 2007/630 subject to the re-consultation
2. That authority to complete a Section 106 Agreement be delegated to the Executive Director of Regulatory Services.
3. That the materials relating to application 2008/0032 and 2008/0118 be approved and the determination of both schemes, including the completion of a Section 106 Agreement/conditions be delegated to the Executive Director of Regulatory Services.
4. That all amended plans be the subject of a 14 day re-consultation exercise.
5. That if the Section 106 Agreement was not completed by the date of the next Development Control Meeting, the whole application for 2007/630 would be brought back before the Committee for re-determination.

**6. APPLICATION NUMBER: 2008/0144
ERECTION OF EXTRA CARE BUILDING INCORPORATING 42
APARTMENTS AND COMMUNAL FACILITIES
AT: BROOKVILLE, RAWSTRON STREET, WHITWORTH**

The Principal Planning Officer 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 an additional consultation response, confirming that Whitworth Town Council were in favour of the application.

In accordance with the procedure for public speaking Mr Michael Lester spoke against the application and Mr Derek Hepworth spoke in favour of the application.

Members commented on the following issues:

- Colour of stone to be used for construction of the building.
- Screening issues between neighbouring properties.
- Eco-friendly nature of the proposed building.

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
9	0	0

Resolved:

1. That the application be approved for the reasons and subject to the S.106 Agreement and conditions set out in the Report.
2. Members asked that the Executive Director of Regulatory Services, the Chair (or Vice Chair where necessary) and Opposition Group Spokespersons discuss with the applicant the nature of the artificial stone to be used to construct the building and requested that the

applicant enter into discussions with neighbours in respect of suitable screening for neighbouring properties.

**7. APPLICATION NUMBER: 2008/0082
ERECTION OF FREE RANGE EGG PRODUCTION UNIT (12,000 SQ M)
AT: HEY HEAD FARM, ROCHDALE ROAD, BACUP**

The Principal Planning Officer introduced the report and outlined the reasons which had brought the application to the Committee.

In response to queries from Members, the Principal Planning Officer noted that the Highway Authority had not considered it appropriate to ask for a contribution towards the repair of Tong Lane. It was agreed that discussion on this matter be delegated to the Executive Director of Regulatory Services. Clarification was also given on the process proposed to dispose of chicken manure as outlined by the applicant.

Members commented on the following issues:

- Concerns regarding the disposal of chicken manure.
- The condition of the road surface at Tong Lane.

A proposal was moved and seconded to approve the application with an amendment of Condition Number 3 and authority to discuss the condition of the road surface at Tong Lane to be delegated to the Executive Director of Regulatory Services.

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

FOR	AGAINST	ABSTENTION
11	0	0

Resolved:

1. That the application be approved for the reasons and subject to the conditions set out in the Report with the following amendment to Condition 3:

All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority. Prior to first use of the building the timber-boarding shall be stained/painted a shade of green to match that of the Agricultural Buildings permitted by Planning Permission 2006/20, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will be of satisfactory appearance, in accordance with the criteria of the saved Policy DC1 of the adopted Rossendale District Local Plan.

2. That authority to discuss works of improvement of the road surface at Tong Lane be delegated to the Executive Director of Regulatory Services.

NB: COUNCILLOR ROBERTSON LEFT THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS

**8. APPLICATION NUMBER: 2008/0764
CONVERSION OF PUBLIC HOUSE (WITH LIVING ACCOMMODATION)
INTO TWO DWELLINGS
AT: WHITE HORSE PUBLIC HOUSE, EDGESIDE LANE, WATERFOOT**

The Planning Unit Manager introduced the report and outlined the reasons which had brought the application to the Committee.

In accordance with the procedure for public speaking Ms Rachel Bevan spoke against the application and Mr Phil Barker spoke in favour of the application.

In response to queries from Members it was confirmed that the application was to determine the current application for conversion of the property to two residential dwellings. The Executive Director of Regulatory Services asked Members to note that conversion of commercial premises to residential premises was not the only option open to developers. It was also noted that property owners had a duty to maintain their properties.

Members raised concerns in respect of the following:

- Level of marketing of the property as a commercial premises.
- The current urban boundary.
- Dereliction of the current premises.

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
7	3	0

Resolved:

That the application be approved for following reason:

The Council considers that the circumstances exist to warrant permitting the proposed conversion to two dwellings as an exception to Policies 5 and 12 of the Joint Lancashire Structure Plan and the Council's Interim Housing Policy Statement as the application provides for the sympathetic conversion of a building that may otherwise become further dilapidated, to the detriment of visual and neighbour amenity.

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

**9. APPLICATION NUMBER: 2008/0101
CHANGE OF USE OF APPROVED B1 (BUSINESS) UNIT TO USE CLASS
B8 (STORAGE AND DISTRIBUTION)
AT: UNIT 9, THE COURTYARD, GRANE ROAD, HASLINGDEN**

The Planning Unit Manager introduced the report and outlined the reasons which had brought the report before the Committee.

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 confirmed that if Members were minded to approve the application, the General Permitted Development Order allowed conversion back to B1 use without the need for planning permission.

Members raised concerns in respect of the following:

- The proximity of residents to the application site.
- Noise of traffic and traffic regulation.

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
9	1	0

Resolved:

That the application be approved for the reasons and subject to the conditions in the report.

**10. APPLICATION NUMBER: 2008/0124
ERECTION OF 3 BED DETACHED BUNGALOW WITH INTEGRAL
GARAGE
AT: LAND ADJOINING 15 ANDREW AVENUE, RAWTENSTALL**

The Principal Planning Officer introduced the report and outlined reasons which had brought the report before the committee. Reference was made to the Late Items Report which contained a further representation from a neighbouring property requesting the removal or shortening of a tree on the application site. It was confirmed that the submitted application stated that no trees were to be lopped or felled.

In response to queries by Members it was confirmed that this was an application for a bungalow.

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 for the reasons and subject to the conditions set out in the report.

11. DELEGATION OF DECISIONS TO THE EXECUTIVE DIRECTOR OF REGULATORY SERVICES BETWEEN 15TH APRIL TO 3RD JUNE 2008

The Executive Director of Regulatory Services introduced the report which outlined that under the current scheme of delegation, certain matters could not be decided by the Executive Director of Regulatory Services. Due to the absence of meetings between 15th April 2008 and 3rd June 2008 due to the pre and post election period, it was proposed that the Development Control Committee delegated the decision making on such matters to the Executive Director of Regulatory Services in consultation with the Chair and Opposition Group Spokespersons, in order to maintain targets for determining planning applications and to meet the required customer service standards.

It was agreed that Members would be given regular updates of decisions made.

Resolved:

That the decision making relating to planning applications between 15th April to 3rd June 2008 be delegated to the Executive Director of Regulatory Services in consultation with the Chair (or Vice Chair where necessary) and Opposition Group Spokespersons.

The meeting commenced at 6.30pm and concluded at 9.05pm