

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 2nd June 2008

Present: Councillor Driver (in the Chair)
Councillors Eaton (substitute for Councillor May), Lamb, Nuttall, Robertson, Sandiford (substitute for Councillor L Barnes) and Stansfield

In Attendance: Linda Fisher, Executive Director of Regulatory Services
Stephen Stray, Planning Unit Manager
Adrian Harding, Principal Planning Officer
Joanne Braiden, Acoustic Noise Consultant
Heather Moore, Committee and Member Services Manager
Caroline Brennan, Clerical Assistant

Also Present: Councillors Cheetham, Evans, May, Neal, C. Pilling and P. Steen
Approximately 30 members of the public
2 representatives from the press

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were submitted on behalf of Councillor L. Barnes (Councillor Sandiford substituting) and Councillor May (Councillor Eaton substituting).

2. MINUTES OF THE PREVIOUS MEETING

Resolved:

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

3. URGENT ITEMS

The Chair reported one urgent item of business relating to the submission of information to the Planning Inspectorate on Application 2007/761 for a Hearing. The reason for urgency being the deadline for submission of evidence to the Planning Inspectorate. The Chair reported that the item would be considered after the remainder of business on the agenda had been dealt with.

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 Eaton declared a personal and prejudicial interest in Minute Number 9 (Application Number 2008/80) and Minute Number 10 (Application Number 2008/216) due to involvement with the applicant on fund raising activities in Rossendale.

Councillor Robertson declared a personal and prejudicial interest in Minute Number 5 (Application Number 2008/72) by virtue that she was a Board Member on Rossendale Transport.

Councillor Sandiford declared a personal and prejudicial interest in Minute Number 5 (Application Number 2008/72) by virtue that she had intended to make representation to the Committee on behalf of a resident. Councillor Sandiford indicated that she would make her representation and withdraw from the meeting thereafter.

Councillor Cheetham was in attendance to make representation on Minute Number 5 (Application Number 2008/72). She declared a personal and prejudicial interest by virtue that she was a Board Member on Rossendale Transport and she indicated that she would make her representation and withdraw from the meeting thereafter.

PLANNING APPLICATIONS FOR CONSIDERATION

N.B. For the following item of business Councillor Robertson withdrew from the meeting. Councillors Sandiford and Cheetham made representation to the Committee and then withdrew from the meeting.

- 5. Application Number 2008/72
Change of Use from Class B1 (Business) with ancillary offices to bus garage/maintenance workshop (Sui Generis) operating 24 hours with ancillary offices; associated works to service yard and erection of acoustic wall
At: Unit C, Knowsley Park Way, Haslingden**

The Principal Planning Officer introduced the application and reported that the proposal involved the change of use of the existing building from Class B1 (light industrial) to a bus garage/maintenance workshop which would be Sui Generis, not falling within a Use Class.

It was reported that amended plans were received on 27th May 2008 reflecting the reduction in the number of vehicles proposed to be operated from the site to 90. The plans demonstrated adequate parking and turning in the service yard nearest the dwellings on Devon Crescent and showed a reduction in the parking and activity proposed on that part of the site, reflecting the restricted hours of operation proposed by condition.

The Council had appointed consultants to deal with noise and air quality matters relating to the application. An acoustic consultant was in attendance to present information to the Committee relating to the acoustic barrier.

In accordance with the Procedure for Public Speaking Mr Barry Dreincourt spoke in favour of the application.

The following Councillors made representation to the Committee:

- Councillor Evans (speaking on behalf of the resident at 43 Chester Crescent)
- Councillor Neal (making representation relating to road safety and schools in locality)
- Councillor Cheetham (speaking in support)
- Councillor Sandiford (speaking on behalf of the resident at 43 Chester Crescent)

In determining the application the Committee discussed the following:

- Impact of the development on the residential amenities of the adjoining residential properties
- Sound attenuation barrier; height of barrier, options relating to the construction, for example “living barriers” with items growing on them
- Drainage to property at 43 Chester Crescent
- Impact of proposal on noise to surrounding residential properties
- Road safety

A proposal was moved and seconded that the Committee were minded to approve the application subject to the conditions and the legal requirements detailed in the Committee report, together with discussions being held with the applicant, the resident at 43 Chester Crescent and Ward Councillors in respect of options relating to the sound attenuation barrier and that the matters relating to drainage at the property at 43 Chester Crescent be investigated.

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

FOR	AGAINST	ABSTENTION
5	0	0

Resolved:

1. That the Committee be minded to approve the application subject to the Delegation to the Executive Director of the conditions and the entering into of a s106 legal agreement
2. That discussions be held with the applicant, the resident at 43 Chester Crescent and Ward Councillors in respect of options relating to the sound attenuation barrier and that the matters relating to drainage at the property at 43 Chester Crescent be investigated.

**6. Application Number 2008/294
Creation of new access road from Coal Pit Lane to previously approved dwelling
At: Land adjacent to Brook House, Coal Pit Lane, Bacup**

The Principal Planning Officer introduced the application for the creation of a new access road from Coal Pit Lane to a previously approved dwelling. He informed the Committee that the applicant had submitted revised plans to try and address the objections from Lancashire County Council highways as set out in the Committee report. In light of the amended plans, should the Committee refuse the application he advised it would not be appropriate to now refuse permission on highway grounds as the latest drawings fulfilled the wishes of the highway authority.

The Principal Planning Officer confirmed that the recommendation of refusal set out in the report remained due to the unacceptable impact on the character and appearance of the area.

In accordance with the Procedure for Public Speaking Mr John McGuire spoke in favour of the application. Councillor Peter Steen also spoke in support of the application.

In determining the application the Committee considered the following:

- That the proposed access was within the countryside and was considered inappropriate development in the countryside
- The plan relating to Application Number 2005/715
- Design and appearance and impact on countryside

A proposal was moved and seconded to approve the application, subject to conditions to be delegated to officers, for the reason that there were no objections by Lancashire County Council Highways.

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

FOR	AGAINST	ABSTENTION
3	4	0

The proposal was declared lost.

A proposal was moved and seconded to refuse the application for the reason set out in the report, excluding the reason relating to highways.

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

FOR	AGAINST	ABSTENTION
4	3	0

Resolved:

That the application be refused for the reason set out in the report, excluding the reason relating to highways.

**7. Application Number 2008/244
Erection for two blocks of apartments of 3 and 4 storeys, providing 50 units of accommodation
At: Site of former Tongbridge Mill, Reed Street, Bacup**

The Principal Planning Officer introduced the reserved matters application for the erection of two blocks of apartments of 3 and 4 storeys, providing 50 units of accommodation.

He informed the Committee that the reserved matters application related to a slightly smaller area than the Outline Permission granted by Committee in July 2006.

There were no speakers on this item.

In determining the application the Committee considered the following:

- Traffic and parking
- Additional conditions for the officers to include in the approval relating to:
 - Natural stone around the perimeter
 - Natural slate roof
 - A lighting scheme near the parking spaces and communal areas
 - Tree planting and landscaping of the court yard
 - Provision of a communal storage and collection area for recycling
 - Hours of working
- Discussions with the applicant regarding a condition relating to 10% renewable energy
- Discussions with the applicant regarding bus stop provision

A proposal was moved and seconded to approve the application, subject to the conditions set out in the report together with the inclusion of additional conditions expressed by the Committee as indicated above and that officers discuss with the applicant bus stop provision and 10% renewable energy within the development.

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

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That Reserved Matters approval be granted subject to the conditions set out in the report, together with the additional conditions expressed by the Committee as set out above and that discussions be held with the applicant in respect of 10% renewable energy within the development and bus stop provision.

**8. Application Number 2008/114
Additional 3 houses and revised plot layout and substitution of house types
At: Land off Rochdale Road/East of Stack Lane, Bacup**

The Principal Planning Officer introduced the application and reported that additional information and amendments had been received in relation to what was proposed by the current application and how this compared with the scheme for which permission already exists. The details of these being contained within the late items report .

He confirmed he was satisfied that the current application was not proposing the construction of additional dwellings to the east side of Stack Lane than Planning Permission 2005/142 would allow . Accordingly, it would not be appropriate to now refuse permission on housing over-supply, to which Reason 3 in the report referred to.

In accordance with the Procedure for Public Speaking Mrs Cynthia Bottomley spoke against the application. Councillor Neal also spoke against the application.

In determining the application the Committee considered the following:

- Amenity of residents
- Loss of Open Space
- Design and appearance/ type scale of houses

A proposal was moved and seconded to refuse the application for the reasons set out in the late items report together with an additional reason relating to the detrimental effect on the amenity of residents on Cobden Street.

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

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application be refused for the reasons set out in the report together with an additional reason relating to the detrimental effect on the amenity of residents on Cobden Street.

N.B. Councillor Eaton withdrew from the meeting for the following items of business

**9. Application Number 2008/80
Change of Use of land from car park to temporary (18 months) car sales including siting of temporary cabin and 1.8 metre high temporary black paladin security fencing
At: Land off the A682, New Hall Hey, Rawtenstall**

The Principal Planning Officer introduced the application and referred to a representation received from the applicant since the publication of the report. He informed the Committee that the site was important for employment generation and he referred to the visual amenity of the development as the site was a prominent gateway to the Borough.

In accordance with the Procedure for Public Speaking Mr Daniel Hartley spoke in favour of the application. Councillor Neal also spoke in favour of the application.

A letter from Councillor Forshaw in support of the application was conveyed to the Committee.

In determining the application the Committee considered the following:

- Permitted Development Rights. The Applicant confirmed that the cabin would be removed before 18 months and not used for the purpose after 18 months
- The development would limit other office development
- The site being an important employment site in the Borough as identified in the Area Action Plan
- Lighting and impact on visual amenity
- Signs (it was noted that a separate application would have to be made)
- Highways information
- The fact that the site had been given approval for a mixed use 2005/617 on the basis that employment uses were delivered / the temporary use for car sales would impact on the delivery of the employment uses
- The employment generated being 4-5 persons / planning history for employment uses would generate more
- Gateway site / impact on visual amenity even if for a temporary period.

A proposal was moved and seconded to refuse the application for the reasons set out in the report together with additional reasons relating to lighting and insufficient highways information.

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

FOR	AGAINST	ABSTENTION
6	0	0

Resolved:

That the application be refused for the reasons set out in the report together with additional reasons relating to lighting and insufficient highways information.

**10. Application Number 2008/216
Change of use from social club to restaurant with associated external alterations
At: 12 Bury Road, Rawtenstall (Former Servicemen's Club)**

The Principal Planning Officer introduced the application and referred to correspondence from the agent in response to the objections received and the Conservation Officer comments.

He informed the Committee that a 17 signature petition had been received relating to parking and visual amenity.

In accordance with the Procedure for Public Speaking, Mr Stephen Hughes spoke in favour of the application.

In determining the application the Committee considered the following:

- Officers to include an additional condition relating to installing the internal roller shutter box behind the fascia board and that the roller shutter be perforated
- Discussion with the applicant to ensure that the access to the building was compliant with the Disability Discrimination Act
- Hours of construction to remain as outlined in the report
- Residents parking

A proposal was moved and seconded to approve the application, subject to the conditions set out in the report together with the inclusion of an additional condition relating to the internal roller shutter and compliance with the Disability Discrimination Act in terms of access to the building 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
6	0	0

Resolved:

That the application be approved subject to the conditions set out in the report together with the inclusion of an additional condition, the exact wording to be delegated to the Executive Director of Regulatory Services, together with the issue of compliance with the Disability Discrimination Act in terms of access to the building.

URGENT ITEM OF BUSINESS

11. The Chair reported that the Planning Inspectorate was conducting a Hearing relating to Application Number 2007/761 for the erection of a 38 bedroom hotel, public house and 34 apartments at the Accrington and Rossendale College site, Rawtenstall.

A submission would need to be made to the Planning Inspectorate and the Committee considered delegating the submission to the Executive Director of Regulatory Services in consultation with the Chair (Councillor Driver) and Opposition Groups Spokespersons (Councillors Robertson and Nuttall).

Resolved:

That the submission be delegated to the Executive Director of Regulatory Services in consultation with the Chair and Opposition Groups Spokespersons.

The meeting commenced at 6.30pm and concluded at 9.25pm