

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 1st July 2008

Present: Councillor Driver (in the Chair)
Councillors L. Barnes, Lamb, May, Nuttall, Robertson and Stansfield

In Attendance: Linda Fisher, Executive Director of Regulatory Services
Stephen Stray, Planning Unit Manager
Heather Moore, Committee and Member Services Manager
Kurt Partington, Urban Vision
Caroline Brennan, Clerical Assistant

Also Present: Councillors Gledhill, Graham and Thorne
Approximately 20 members of the public
1 representative from the press

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

No apologies for absence were received.

2. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the minutes of the meeting held on 2nd June 2008 be signed by the Chair and agreed as a correct record.

3. URGENT ITEMS

The Chair reported that Item B3 on the Agenda (Application 2008/83 Erection of 80 Houses, entailing diversion of Public Footpath No 486, Bacup at Land off Rockcliffe Road, Bacup) had been withdrawn from the Agenda.

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:

Councillors L Barnes and Robertson declared a personal and prejudicial interest in Minute Number 6 (Application Number 2007/630) by virtue that they are Board Members of Rossendale Transport / the Company being associated with a competing application.

PLANNING APPLICATIONS FOR CONSIDERATION

5. Application Numbers 2005/617, 2007/030, 2008/118 and 2008/32 Request to Vary Section 106 Agreement At: Land at New Hall Hey, Rawtenstall

The Executive Director of Regulatory Services presented the report which outlined a request by the Applicant to vary the Section 106 Agreement.

The Executive Director of Regulatory Services informed the Committee that the clause to which the variation request had been made related to the date for delivery only in terms of the car parking. The implication of the request for the variation would be that the car parking would be delivered in phases as set out in the report.

The Executive Director of Regulatory Services referred to the late items report which outlined that a further representation had been submitted by the Applicant. She informed the Committee that the issue of legal fees was not a matter for Committee.

In accordance with the procedure for public speaking Mr Leonard Entwistle spoke against the matter and Mr Daniel Hartley spoke in favour of the matter.

In response to points raised during public speaking, the Executive Director of Regulatory Services reported that the matters relating to the Section 106 Agreement had been communicated to the Applicant, and the legal fee had been agreed. She agreed to confirm this in writing to the Applicant.

In determining the matter the Committee considered the following:

- Detailed landscaping scheme and timescales. The Executive Director of Regulatory Services agreed to seek confirmation from the Applicant and report back to the next meeting of the Committee.
- Date of first occupation

A proposal was moved and seconded to agree to delegate to the Executive Director of Regulatory Services the variation of the clause under the section 106 agreement, to reflect the phasing shown in Appendix 2 and as outlined in the report, subject to the Applicant meeting all reasonable legal fees.

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

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the Committee agrees to delegate to the Executive Director of Regulatory Services the variation of the clause under the section 106 agreement, to reflect the phasing shown in Appendix 2 and as outlined in the report, subject to the Applicant meeting all reasonable legal fees. Details of

the landscaping plans for the site to be brought to the next Development Control Committee.

N.B. Councillors L. Barnes and Robertson vacated the meeting prior to consideration of the following item of business

**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 & one restaurant (amendment to 2005/617 (1656 sq m A1 retail & 1,766 sq m A3 retail)
At: Land at New Hall Hey, Rawtenstall**

The Executive Director of Regulatory Services introduced the report and informed the Committee that the scheme related to part of the New Hall Hey site and sought changes to elements of the original approval of 2005/617.

The Executive Director of Regulatory Services reported that relevant to the appraisal of the Scheme was the Change of Use Application that was approved by the Committee in December 2007 at the former Kwik Save. That approval related to a Health and Fitness Centre.

The Executive Director of Regulatory Services asked Members to consider the policy position in terms of PPS 6 which required applicants to demonstrate:

- The need for development
- That the development is of an appropriate scale
- That there are no more central sites for development
- That there are no unacceptable impacts on existing centres
- That locations are accessible

The Executive Director of Regulatory Services reported that expert retail advice had been received in respect of the Scheme which indicated that there was a sequentially preferable site which was located closer to the Town Centre and that there was no quantitative or qualitative need for further food retail provision within the Borough at this time.

The Executive Director of Regulatory Services further reported that since the Committee previously considered the scheme on New Hall Hey no agreement had been reached on a clause within a legal agreement which would secure the implementation of the leisure use. Moreover, the applicant had offered to implement a reduced amount of leisure floor space and approximate figures were provided at the meeting which demonstrated the need for an agreement to ensure leisure provision was delivered.

The Executive Director of Regulatory Services reported that without the linkage to the leisure scheme at the former Kwik Save site building it was not considered that the scheme was finely balanced.

The Executive Director of Regulatory Services informed the Committee that the Counsels opinion had been sought in regard to the change in circumstances. The Council's barrister advised that it was appropriate to

consider the fall back position relating specifically to the extant permission at Kwik Save. The barrister's opinion was that it was unlikely that a retail operator would take up this unit. Therefore, given that the proposal sought to effectively swap uses, it was not considered that a reduced amount of leisure provision to be finely balanced when considered against the provisions of PPS6 and the weight which could be given to the fall back position.

The Executive Director of Regulatory Services referred to a representation received from the Civic Trust who supported the recommendation in the report. Aldi had also made a representation in support of the application which was referred to.

In accordance with the Procedure for Public Speaking Mr Leonard Entwistle spoke against the application and Mr Stephen Ashworth spoke in favour of the Application. The Chair also agreed to allow Ms Louise Brookes to address the Committee in the event that the Committee had any points for clarification.

In response to matters raised by the Applicant during public speaking, specifically:

- Whilst the Applicant indicated that potentially operators may want a smaller space and the remainder could be used for other leisure options, for example retail shops such as mountain bikes and a café the Applicant offered the full 30,000 sq feet as leisure provision approved by 2007/629 but delivered 18 months after implementation of Aldi
- That the Applicant was willing to enter into a Section 106 Agreement
- That the Applicant alleged officer adversity to the proposal
- That the Applicant indicated that two operators had expressed interest

The Executive Director of Regulatory Services advised that it would be appropriate to defer the application to enable clarification to be sought on the matters and that Members of the Committee should reserve their position to enable them to determine the application.

In considering the advice of the Executive Director of Regulatory Services the Committee stressed the importance of delivery of leisure.

A proposal was moved and seconded to defer the application until the next meeting of the Committee.

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

FOR	AGAINST	ABSTENTION
5	0	0

Resolved:

That the Application be deferred to the next meeting of the Committee for clarification of the following:

- Delivery timescale and commitment to delivery

- Scale of Leisure being offered and detail of the Section 106 Agreement relating to the leisure use at the Kwik Save land.

7. Application Number 2008/374
Conversion of dwelling to 2 self contained apartments, including single storey rear extension (resubmission of planning application 2008/0202)
At: 550 Newchurch Road

The Planning Unit Manager introduced the report and informed the Committee that the proposal complied with the Interim Housing Policy Statement (December 2007) and was therefore acceptable in principle. Officers also considered the proposal acceptable having regard to neighbour amenity.

In accordance with the Procedure for Public Speaking Mr Steven Hartley spoke in favour of the application.

In determining the application the Committee discussed the following:

- Neighbour amenity
- Highway safety and parking

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
7	0	0

Resolved:

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

8. Application Number 2008/282
Refurbishment of existing seating/formal garden area, including works to trees, understorey and bog planting. Provision of new hard surfacing, seating, erection of gates, archway and ramped access. Decorative railings to be installed on top of the existing wall in places
At: The View, land off Bankside Lane

The Planning Unit Manager introduced the report and informed the Committee that the application sought consent for environmental improvements to the site.

There were no speakers on the application.

In determining the application the Committee discussed the following:

- That the works proposed would improve the local environment to the benefit of the local community

- The design, which had been developed by young people
- The positive engagement and consultation with young people
- Proposals relating to the tree works

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
7	0	0

Resolved:

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

**9. Application Number 2008/390
Erection of detached bungalow and detached garage
At: Land adjacent to Longacres House, Longacres Drive, Whitworth**

The Planning Unit Manager introduced the report and outlined the relevant planning history, for the consideration of the Committee.

The Planning Unit Manager reported that planning permission reference 2004/645 for the development of the land for residential purposes had been approved in 2004, however, this was based on the misinterpretation of the Green Belt Boundary as delineated on the Rossendale District Local Plan – Proposals Map. He explained the complicated nature of the Green Belt Boundary in the area, and advised Members that the proposed bungalow was within the Green Belt and not the Urban Boundary.

The Planning Unit Manager reported that the Urban Boundary would be reviewed as part of the Local Development Framework process, with approximate timescales being 2010 but he could not provide specific assurances in relation to the application and he advised Members to consider the current policy position.

In accordance with the Procedure for Public Speaking Mr Alan Train spoke in favour of the application.

In determining the application the Committee discussed the following:

- That the bungalow was located in Green Belt and not within the Urban Boundary
- Clarification of Whitworth Town Council’s comment set out in Section 5 of the report to which the Planning Unit Manager confirmed that this was incorrect and the bungalow was sited in Green Belt.

A proposal was moved and seconded to refuse the application for the reasons set out in the report.

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

FOR	AGAINST	ABSTENTION
5	2	0

Resolved:

That the application be refused for the reasons set out in the report.

The meeting commenced at 6.30pm and concluded at 8.10pm