

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 4th August 2008

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

In Attendance: Linda Fisher, Executive Director - Business
Adrian Harding, Principal Planning Officer
Heather Moore, Committee and Member Services Manager
Kurt Partington, Urban Vision
Emy Aceret, Committee Officer

Also Present: Councillor P. Steen
Approximately 25 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 1st July 2008 be signed by the Chair and agreed as a correct record.

3. URGENT ITEMS

The Chair reported that there were three urgent items of business which would be taken after the planning applications. The reason for urgency being that they could not be deferred to the next meeting of the Committee.

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

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

- 5. 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 Chair reminded Members that at the last meeting of the Committee it was agreed to defer the application, in light of comments made by the applicant, to enable clarification on the following matters:

- Delivery timescale and commitment to delivery
- Scale of leisure being offered and details of the Section 106 Agreement relating to the leisure use at the Kwik Save land.

The Chair reported that the Council's Officers received the wording of the covenant on 30th July 2008 and responded on 31st July 2008, suggesting alternative wording.

The Chair further reported the receipt of an email today, from the applicant's solicitors suggesting that the Council's covenants were not fair or reasonable. If this was the case then no weight could be afforded to the covenants being offered.

The Chair informed the Committee that the Council's barristers advice was that we should seek further clarification from the solicitor on the matter and that it was not appropriate to progress the matter at this stage.

Accordingly, a proposal was moved and seconded for the determination of the planning application to be delegated to the Executive Director – Business in consultation with the Chair (Councillor Driver) and the Opposition Group Spokespersons (Councillor Lamb (as Councillor Robertson had declared a personal and prejudicial interest in this item) and Councillor Nuttall).

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

FOR	AGAINST	ABSTENTION
5	0	0

Resolved:

That the determination of the planning application be delegated to the Executive Director – Business in consultation with the Chair (Councillor Driver) and the Opposition Group Spokespersons (Councillors Lamb and Nuttall), without prejudice of the planning merits of the decision.

**6. Application Number 2008/0206
Change of Use from Class A1 Hairdressers to Class A5 Hot Food
Takeaway
At: Fancy Finger, 221 Bacup Road, Rawtenstall**

The Chair reported that not all objectors had received notification of the Committee meeting. Accordingly, a proposal was moved and seconded to defer consideration of the application to the next meeting of the Committee in order that notification letters could be dispatched.

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

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application be deferred to the next meeting of the Committee in order for notification letters to be sent to all objectors.

**7. Application Number 2008/0403
Creation of new access road from Coal Pit Lane to previously approved
dwelling (re-submission of previously refused application 2008/0294)
At: Land adjacent Brook House, Coal Pit Lane, Bacup**

The Principal Planning Officer introduced the report and referred to the relevant planning history. He informed the Committee that a previously approved application (2005/715) had been granted with access on brownfield land which was far less visually intrusive than the current proposal located in the designated Countryside.

The Principal Planning Officer referred to the late items report and informed the Committee that an additional letter of objection had been received since the preparation of the Committee report.

In accordance with the procedure for public speaking Mr Daniel Hartley spoke in favour of the application. Councillor P. Steen in his capacity as Ward Councillor also spoke in support of the application.

In determining the application the Committee discussed the following:

- Principle of the development
- Design and appearance together with the impact on the countryside
- Materials to reduce the impact of the access road in the Countryside
- Policy context. The proposal conflicts with Policy DS5 of the Local Plan, is contrary to PPS1 and PPS7 and saved policy DC1 of the Rossendale District Local Plan.
- Concerns regarding the gradient of proposed access

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
6	1	0

Resolved:

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

**8. Application Number 2008/0397
Siting of a caravan (Retrospective)
At: Sunnyside Lodge off Tong Lane, Bacup**

The Principal Planning Officer introduced the report and informed the Committee that the application site was within the Countryside as designated in the adopted Rossendale District Local Plan. He referred to the relevant planning history and outlined the policy context for the consideration of the Committee.

In accordance with the procedure for public speaking, Councillor P. Steen in his capacity as Ward Councillor spoke in support of the application.

In determining the application the Committee discussed the following:

- Principle of the development
- Criteria of the Interim Housing Policy Statement
- Planning history relating to the site
- Time limits for enforcement action
- Policy position and conflict with adopted policies
- Letters of support from residents in the area
- Human Rights

In the opinion of the Executive Director – Business the legislative / policy presumption against development was not overridden by the human rights outlined by Councillor P. Steen.

In response to a discussion on the appearance of the land should permission not be granted, the Executive Director – Business clarified that land owners had a responsibility to make sure land was in a fit and tidy condition and this would not sufficiently outweigh the policy presumption of refusal.

A proposal was moved and seconded to refuse the application for the reasons set out in the report and that enforcement action be taken for the caravan to removed 2 years from the date that the Notice is served and that the land be tidied and made secure.

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

FOR	AGAINST	ABSTENTION
6	1	0

Resolved:

That the application be refused for the reasons set out in the report and that enforcement action be taken for the caravan to removed 2 years from the date that the Notice is served and that the land be tidied and made secure.

**9. Application Number 2008/0401
Erection of gable above existing garage
At: 5 Pendleton Avenue, Rawtenstall**

The Principal Planning Officer introduced the report and referred to the late items report which detailed a letter of support from Councillor Gill.

The Principal Planning Officer reported that the proposal was a revised scheme following refusal of an earlier application. The current scheme was considered to be a marked improvement on the previous proposal and had been developed in consultation with a planning officer.

There were no speakers on this item.

In determining the application the Committee discussed the following:

- Neighbourhood amenity. No loss of light/privacy
- Design and appearance of the proposal

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.

10. Urgent Items of Business

10a. Application Number 2008/0144 Brookville, Rawstron Street, Whitworth

The Executive Director – Business reported that some changes relating to the detail of the delivery were required and she asked the Committee to consider delegating the wording of the Section 106 Agreement in consultation with the Chair and Opposition Group Spokespersons. The Chair indicated that it would be appropriate for the matter to be delegated to the Vice Chair as she had a personal interest by virtue that she was a Board Member on Green Vale Homes.

Resolved:

That the wording of the Section 106 Agreement be delegated to the Executive Director – Business in consultation with the Vice-Chair (Councillor L. Barnes) and Opposition Group Spokespersons (Councillors Robertson and Nuttall).

**10b. Major Application 2008/0386
Orama Mill, Whitworth**

The Executive Director - Business reported on a major application which was required to be determined to enable targets to be met. The Committee agreed that a Special Meeting should be held to consider the application to support the team on meeting their targets.

Resolved:

That a Special meeting of the Committee be held on 19th August 2008 at 7.00pm to consider the major application.

**10c. Application 2008/0472
Land at New Hall Hey, Rawtenstall, Lancashire
Variation of Condition 18 (Public Art) of Planning Permission 2007/030**

The Executive Director – Business reported a request by an applicant to vary a condition relating to application number 2007/030 relating to the provision of public art.

Resolved:

That the matter be delegated to the Executive Director – Business in consultation with the Chair (Councillor Driver) and the Opposition Group Spokespersons (Councillors Robertson and Nuttall).

The meeting commenced at 6.30pm and concluded at 7.45pm