

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 1st September 2008

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

In Attendance: Linda Fisher, Executive Director - Business
Adrian Harding, Principal Planning Officer
Heather Moore, Committee and Member Services Manager
Caroline Brennan, Clerical Assistant

Also Present: Councillors Cheetham, Crawforth, Forshaw, Lynskey, Swain,
Thorne and Unsworth
Approximately 30 members of the public
2 representatives from the press

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

An apology for absence was submitted on behalf of Councillor Lamb (Councillor Alyson Barnes substituting).

2. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the minutes of the meeting held on 4th August 2008 be signed by the Chair and agreed as a correct record.

3. URGENT ITEMS

The Chair reported that there were no urgent items of business.

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 13 (Application Number 2008/0485) by virtue that they are Board Members of Rossendale Transport, the Company being the applicant for this particular application.

PLANNING APPLICATIONS FOR CONSIDERATION

5. **Application 2008/404**
Revised plot layout and substitution of house types (Plots 84-109 &112-115) of Planning Permission 2005/142
At: Land off Rochdale Road, East of Stack Lane Britannia

The Principal Planning Officer introduced the report and informed the Committee that the application proposed no change to the number of dwellings previously approved and the road layout remained fundamentally the same. The applicant wished to vary the house-types previously permitted in response to current marketing feedback.

The Principal Planning Officer referred to the late items report which had been circulated at the meeting and he asked the Committee to consider a request from Lancashire County Council Highways for a further condition to be added relating to wheel washing if the Committee were to approve the Application.

The Chair confirmed that there were no speakers on this item.

In determining the application the Committee discussed the following:

- Mix of dwelling sizes/types
- Design and appearance
- Existing and proposed levels on the site and their impact on residential amenity

A proposal was moved and seconded to approve the application, subject to the conditions set out in the report together with the additional condition set out in the late items 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 together with the additional condition set out in the late items report.

**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 Principal Planning Officer introduced the report and highlighted that Environmental Health and Lancashire County Council Highways had not submitted any objections to the proposal.

The Principal Planning Officer reported that the scheme proposed to retain the same access to the unit with no external alterations to the shop front. The only building work related to the erection of a flue at the rear of the premises. The number of people notified of the original scheme by letter was 24 in addition to the site notice posted; the number of objection letters received at 29/08/08 was 53; the number of sent letters notifying objectors of Committee was 63 as more than 1 letter was received and sent to particular addresses. This was beyond the regulatory requirement to ensure a high level of community engagement and to accord with PPS1.

The Principal Planning Officer referred to the late items report and the additional representations received since the preparation of the report.

In accordance with the procedure for public speaking Mr Daniel Hartley spoke against the application. Ms Runa Begum spoke in support of the application. Councillor Colin Crawforth, in his capacity as Ward Councillor spoke against the application.

In determining the application the Committee discussed the following:

- Lack of parking
- Neighbourhood amenity
- Location of proposal. The Principal Planning Officer confirmed that the application site was within the Urban Boundary and in a town centre location as defined in the Area Action Plan
- The introduction of a Takeaway Policy for the Council
- Preservation of Class A1 shop use

A proposal was moved and seconded to refuse the application for the following reasons:

- Lack of parking
- Impact on residential amenity
- To preserve the property as Class A1 Shop use

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

| FOR | AGAINST | ABSTENTION |
|------------|----------------|-------------------|
| 7 | 0 | 0 |

Resolved:

That the application be refused for the following reasons:

- Lack of parking
- Impact on residential amenity
- To preserve the property as Class A1 Shop use

**7. Application Number 2008/0341
Change of use from Phone Shop Class (A1) with living accommodation over, to Takeaway Class (A5) with Class (A3) Restaurant inc ancillary storage, with living accommodation over
At: 8 Bury Road, Rawtenstall**

The Principal Planning Officer introduced the report and referred to the information detailed in the late items report. He informed the Committee of further representations which had been received since the preparation of the report. Lancashire County Council Highways had acknowledged the lack of parking but recognised that the area was a town centre location.

The Principal Planning Officer reported that the applicant had submitted an operating statement, which had been circulated to the Committee for consideration. He informed the Committee that the operating statement addressed a number of perceived problems arising out of the operation of the unit.

Councillor Tony Swain, in his capacity as Ward Councillor spoke against the application.

In considering the application, the Committee discussed the following:

- Lack of parking
- Bin storage. The Executive Director-Business confirmed that bin storage was provided and could be accessed from a rear service road.
- Residential amenity
- Lack of detail relating to provision of toilets
- Access to upper floors being through the main restaurant
- Impact on conservation area
- Disabled access
- Lighting of the signage. It was advised that this was a separate issue to the planning application

A proposal was moved and seconded to refuse the application for the following reasons:

- Lack of parking
- Impact on residential amenity

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

| FOR | AGAINST | ABSTENTION |
|------------|----------------|-------------------|
| 7 | 0 | 0 |

Resolved:

That the application be refused for the following reasons:

- Lack of parking
- Impact on residential amenity

**8. Application Number 2008/0408
Change of use of restaurant (Class A3) and provision of colour coated external flue on rear roof plane
At: Former Groundwork Building, New Hall Hey**

The Principal Planning Officer introduced the report and informed the Committee that the site was located in the Urban Boundary on a designated employment site in the Rossendale District Local Plan.

Mr Stephen Hughes spoke in support of the application. Councillor June Forshaw, in her capacity as Ward Councillor also spoke in support of the application.

In considering the application, the Committee discussed the following:

- Rossendale Employment Land Study undertaken by King Sturge
- The offer by the applicant of a Travel Plan
- Loss of important employment land within the Borough
- Further retail outside the town centre would damage the vitality and viability of Rawtenstall
- Lack of demonstration by the applicant on the need for the development in the specific location.
- Evidence of selling and marketing of unit
- Evidence of demand for proposal
- Regeneration
- Parking
- Approval for restaurant uses which already exist on New Hall Hey and recently approved schemes

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.

**9. Application Number 2008/0416
Proposed 9 no. stone and slate stables and ancillary faculties
At: The Former Pit Yard, Dean Lane, Water**

The Principal Planning Officer introduced the report and clarified that the proposal was for the construction of a commercial stable block comprising 9 no. stables and associated storage/office facilities.

Mr Stephen Anderson spoke in support of the application.

In considering the application, the Committee discussed the following:

- Original scheme revised from 12 stables to 9
- Planning condition relating to the provision of manure storage facilities
- Planning condition relating to disposal of sewage
- Flood lighting. It was noted that there was no request for this.

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. Application Number 2008/423
Erection of pigeon lofts
At: Land off St Peter's Road, Newchurch**

The Principal Planning Officer introduced the report and informed the Committee that the application had been submitted for a replacement building on land allocated as countryside, following the destruction of a similar building by fire that was on land at Bridleway, Newchurch.

The Principal Planning Officer reported that whilst the proposal was unacceptable in policy terms, the Council had granted consent for the original building on land similarly allocated and in a much more prominent position and the new location would be less prominent.

The Principal Planning Officer referred to the late items report and the additional representation received since the preparation of the report.

Mr Brian Smallridge spoke against the application. Mr Ronald Shirley spoke in favour of the application. Councillor Trevor Unsworth, in his capacity as Ward Councillor spoke against the application.

In considering the application the Committee discussed the following:

- Location description
- Size and siting of structure
- Impact on openness of countryside
- Fencing
- Impact on residential amenity

A proposal was moved and seconded to refuse the application for the following reasons:

- Impact on openness of countryside
- Size, siting and design
- Impact on residential amenity

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

| FOR | AGAINST | ABSTENTION |
|------------|----------------|-------------------|
| 7 | 0 | 0 |

Resolved:

That the application be refused for the following reasons:

- Impact on openness of countryside
- Size, siting and design
- Impact on residential amenity

**11. Application Number 2008/424
Retrospective – change of use from shop/laundry to flat and for the siting of two mobile homes
At: Holden Mill House, Grane Road, Haslingden**

The Principal Planning Officer introduced the report and referred to the representation by Environmental Health regarding the siting of the two mobile homes, which would need to comply with the new Model Standards 2008 for Caravan Sites in England. Further, as set out in the late items report Environmental Health had confirmed it would be prepared to grant a licence under the Caravan Sites and Control of Development Act 1960. It was also noted that the Environment Agency had raised no objection, however, had highlighted that the site was located in a high risk flood zone.

In accordance with the procedure for public speaking Mr John Rose spoke against the application. Mr Rostron spoke in support of the application.

In considering the application, the Committee discussed the following:

- Caravan siting standards
- Whether a personal permission would be appropriate
- Further condition to remove caravans when cease to be used for a period of time
- Interim Housing Policy Position Statement
- No objections from Environmental Health in respect of noise

A proposal was moved and seconded to approve the application, subject to the conditions set out in the report and an additional condition requiring the caravans to be removed within 6 months of them becoming vacant.

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 and an additional condition requiring the caravans to be removed within 6 months of them becoming vacant.

**12. Application Number 2008/0434
Change of use from social club to restaurant with 24 hour opening.
At: Former Servicemen's Club, 12 Bury Road, Rawtenstall**

The Principal Planning Officer introduced the report and informed the Committee that there were no differences between the proposal and the previously approved application 2008/0216, apart from the proposed change in opening hours from between 11.30am and 24.00 daily, to 24 hour opening.

The Principal Planning Officer reported that Environmental Health would not support the proposed 24 hour opening and would want to restrict the hours of opening in order to prevent night time noise.

The Principal Planning Officer referred to the late items report and the receipt of a request by the agent for the Committee to consider revised opening hours from the ones previously conditioned to 8.00am to 1.00am so that the tenant could serve morning breakfast and coffee.

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

The Executive Director – Business advised Members not to comment on the previous application 2008/0216 if an appeal was pending. The Chair of the Committee did however comment that hours of opening had been considered by the Committee at the time it was determined.

In considering the application, the Committee discussed the following:

- Opening hours for when customers could be served

A proposal was moved and seconded to approve the application, subject to the conditions set out in the report but with an amendment to condition number 5 restricting the hours so that the premises are open for trade to the public between 08:00am – 24:00 with 1 hour either side for preparation and closing up.

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 but with an amendment to condition number 5 restricting the hours so that the premises are open for trade to the public between 08:00am – 24:00 and for 1 hour either side for preparation and closing up.

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

**13. Application Number 2008/0485
Change of use from dwelling to drivers' rest area with ancillary office at first floor level
At: Peter Street, Rawtenstall**

The Principal Planning Officer introduced the report and referred to the information detailed in the late items report. The applicant's agent had requested an extension of the opening hours from 06.30 to 22.30 daily to allow access for drivers to toilet facilities. He informed the Committee that the timing of the request had not made it possible to re-notify neighbours.

In accordance with the procedure for public speaking Mr Steven Hartley spoke in support of the application. Councillor Cheetham, in her capacity as Chairman of Rossendale Transport spoke in support of the application.

In considering the application, the Committee discussed the following:

- Hours of use
- The request by the applicant for an extension of hours

The Executive Director – Business reported that if the Committee were minded to approve the application further consultation with residents / objectors would be required in relation to the extension of hours.

A proposal was moved and seconded that the Committee were minded to approve the application and the applicant's request for an extension of hours from 06.30 to 22.30 daily was noted and this be the subject of further consultation with residents/objectors and the decision be delegated to the Planning Manager.

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

| FOR | AGAINST | ABSTENTION |
|------------|----------------|-------------------|
| 5 | 0 | 0 |

Resolved:

That the Committee be minded to approve the application and the applicant's request for an extension of hours from 06.30 to 22.30 daily be noted and this be the subject of further consultation with residents/objectors and the final decision on the application be delegated to the Planning Manager following the consultation period.

**14. Application Number 2008/0508
Erection of 2 No. CCTV cameras mounted on an 8.0m high columns
At: Land Adjacent 15 Bank Street and land adjacent 1 Newchurch Road,
Rawtenstall**

The Principal Planning Officer introduced the report and clarified that the application was for 2 CCTV cameras at 2 separate locations in the town centre.

The Chair reported that there were no speakers on this application.

In considering the application, the Committee discussed the following:-

- An additional condition to paint the cctv poles black, as set out in the late items report

A proposal was moved and seconded to approve the application, subject to the conditions set out in the report together with the further condition set out in the late items report.

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

| FOR | AGAINST | ABSTENTION |
|------------|----------------|-------------------|
| | 0 | 0 |

Resolved:

That the application be approved, subject to the conditions set out in the report together with the further condition set out in the late items report.

**15. Application Number 2008/0553
Demolition of concrete garage/carport, conversion and extension of stables to form single dwelling for limited period
At: Land adjacent Park View Cottage, Cowpe Road**

The Principal Planning Officer introduced the report and outlined the policy position for the consideration of the Committee.

Councillor Lynskey spoke on behalf of the applicant in support of the application.

In considering the application, the Committee discussed the following:-

- Information presented by Councillor Lynskey relating to needs of the applicant. The Executive Director – Business advised that more information would need to be submitted in support of this.
- Concerns regarding the creation of a separate dwelling
- Inappropriate materials
- The application does not constitute a conversion
- Information on other new dwellings in Countryside should be included in supporting information

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

- The creation of a separate dwelling
- The application does not constitute a conversion
- Inappropriate materials

Voting took place on 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 and the additional reasons below:

- The creation of a separate dwelling
- The application does not constitute a conversion
- Inappropriate materials
- The Committee advised the applicant that more information would be required to demonstrate the need of the applicant if a future application were to be justified on this ground
- Also that information on other new dwellings in the Countryside should be included in supporting information if this argument were to be relied on in a future application

In accordance with the Committee Procedure Rules, the meeting resolved to continue after 9.30pm

The meeting commenced at 6.30pm and concluded at 10.05pm