

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 20th April 2009

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

In Attendance: Linda Fisher, Executive Director - Business
Noel Scanlon, Principal Legal Officer
Stephen Stray, Planning Unit Manager
Neil Birtles, Principal Planning Officer
Carolyn Sharples, Committee and Member Services Officer

Also Present: Councillors Cheetham, Eaton and Smith
Approximately 18 members of the public
1 representative 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 P.Steen substituting)

2. MINUTES

Resolved:

That the minutes of the meeting held on 16th March 2009 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 interest was declared:

Councillor Robertson declared a personal and prejudicial interest in Minute Number 5 (Application Number 2007/665) by virtue that she was a Board Member of Rossendale Transport and declared an interest in the original application as the Company was associated with the site.

N.B. Councillor Robertson vacated the meeting prior to consideration of the following item of business.

BUSINESS MATTERS

**5. Application Number 2007/665
Amendment to Draft Conditions Lidl
At: 35 Bacup Road, Rawtenstall**

The Executive Director – Business informed the Committee that that the report related to amendments to the wording of the conditions previously agreed by the Committee.

The Executive Director – Business detailed the proposed changes and informed the Committee that the s106 agreement had been returned by Lancashire County Council and it would be ready to be issued and signed by the end of the week. If the recommendations were approved the document issued would reflect that development had taken place on site and the amended conditions that would apply.

In determining the amendments to the draft conditions the following was discussed:

- Roof materials
- Delegating decisions on materials

A proposal was moved and seconded to approve the revised conditions subject to the signature of the s106 agreement on the terms outlined in the report.

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

FOR	AGAINST	ABSTENTION
6	0	0

Resolved:

1. That the Planning permission is issued subject to the revised conditions outlined in the report and subject to the signature of the s106 agreement on the terms outlined in the report.
2. That the materials for the roof be delegated to the Executive Director – Business in consultation with the Chair and the Opposition Group Spokesperson.

N.B. Councillor Robertson returned to the meeting prior to consideration of the following items of business.

PLANNING APPLICATIONS FOR CONSIDERATION

**6. Application Number 2009/0048
Conversion of pub to ten apartments
At: The Market Hotel, 14 Market Street, Bacup**

The Principal Planning Officer introduced the report and referred to the relevant planning history. He informed the Committee that the application sought to convert the building to ten apartments, eight one bedroom apartments and the others two bedrooms and he detailed the intended external works.

No public objections had been received in relation to the application, however the Principal Planning Officer detailed the consultation responses received from Lancashire County Council - Highways and the Environment Agency. The Environment Agency had objected on the basis that there was no Flood Risk Assessment provided and they had identified a flood risk issue with the two apartments located in the basement. The Principal Planning Officer informed the Committee that the application was being recommended for refusal, but with delegated authority to approve the scheme and agree conditions if the Environment Agency withdrew its objection before the decision notice was issued.

In accordance with the procedure for public speaking, Councillor Eaton spoke on the application.

In determining the application the Committee discussed the following:

- Nature of the flood risk
- Climate change
- The use of the building
- Renovation
- Fire Escape provision
- Use of the passageway – footpath to the side of the building
- Timber frames for doors/windows
- Front door feature
- Retaining cobbles
- Bin storage
- Bus route and links to local transport
- Conservation area and aesthetic appearance
- Would it go to Secretary of State if approved as it stands?

A proposal was moved and seconded to refuse the application with delegated authority to approve the application and agree to delegate the conditions if the Environment Agency withdrew their objection 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:

1. That the application be refused for the following reason (unless the Environment Agency has withdrawn its objection before the decision notice is issued):

The application site is located within an area of low-medium risk from flooding and the application is not accompanied by a Flood Risk Assessment to show that undue risk to people and their property will not result from implementation of the proposed development, contrary to the advice of the Environment Agency, PPS25, Policy EM5 of the Regional Spatial Strategy for the NW of England (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

2. In the event that the Environment Agency has withdrawn its objection before the decision notice is issued Officers have delegated authority to grant planning permission, subject to conditions to accord with the advice of the Environment Agency and to ensure the bin store, other external alterations (removal of UPVC from plans and replacement with timber frames), landscaping/ boundary treatment, etc., is undertaken in a form which is in-keeping with the character and appearance of the building and Bacup Town Centre Conservation Area.

7. Application Number 2009/0019 Conversion of redundant barn to dwelling At: Hedges Barn, Broadclough, Bacup

The Principal Planning Officer introduced the report and informed of the relevant planning history. The barn had been advertised to let by the applicant for a period of 6 months, but there had been no interest in the site. The current application proposed the conversion of Hedges Barn to form a three-bedroom dwelling with an office.

The Principal Planning Officer referred to information in the Update Report and also to consultations with Lancashire County Council - Highways and Lancashire County Council - Archaeology. There had also been one representation letter received indicating there were no objections provided that no commercial business was carried out from the dwelling.

The Principal Planning Officer informed the Committee that there were no concerns in relation to detracting from neighbour amenity, the structure, or the scheme of conversion. However, the application was recommended for refusal as it was contrary to Countryside Policy and the Interim Housing Policy, as detailed in the report.

In accordance with the procedure for public speaking, Mr B Marvelley spoke in favour of the application. Councillor Eaton also spoke in support of the application.

In determining the application the Committee discussed the following:

- Advertising the barn

- Agricultural use
- Livestock on the land
- The maintenance of the 40 acres of land
- Reversion of land to wasteland
- Age of the building
- The applicants fencing business
- Storage of fencing materials
- Location away from the Town Centre
- Length of time before the barn deteriorates beyond a saleable state
- History and quality of the building

In response to questions from the Committee the Principal Planning Officer confirmed that the requirement to do marketing was only applicable once it had been proved that the building was no longer required for agricultural use, but it was not yet at this stage. The Executive Director - Business also confirmed that every land owner had an obligation to maintain properties on their land.

A proposal was moved to refuse the application for the reasons as listed in the report. This proposal was not seconded.

A proposal was moved and seconded to approve the application with details of conditions delegated to the Planning Manager. The reason for approval was the interpretation and application of PPS7 guidance; the preservation of a 200 year old building; maintenance of the land; each application would be considered on its own merits; there would still be part of the business on the land and the property had been marketed.

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

FOR	AGAINST	ABSTENTION
6	1	0

Resolved:

1. That the application be approved, subject to conditions to be delegated to the Planning Manager.
2. The reasons for approval contrary to officer recommendation were that, notwithstanding the provisions of PPS3 / PPS7 and the Council's own Interim Housing Policy Statement, it was appropriate to permit the proposed development in this instance in order to maintain in the long-term this building of archaeological/historic significance and the 40 acres of land/business associated with it. Furthermore, the submitted scheme provided for the sympathetic conversion of the building and would not result in significant detriment for any neighbours or highway safety.

**8. Application Number 2009/0014
Re-cladding of existing house and erection of 1 and 2-storey extensions
At: The Vicarage, Chatterton Road, Edenfield**

The Principal Planning Officer introduced the report and informed the Committee of the relevant planning history. The application was a re-submission of a previous proposal and the Principal Planning Officer outlined the revisions to the application which included incorporating re-cladding of the existing house in more appropriate materials as well as its extension. The site was located within the Green Belt and the Council's own guidelines recommended that the dwelling should not be extended by more than one third of the original volume of the dwelling. In this instance Officers considered it appropriate to recommend approval for extensions adding to the volume of the original dwelling by 49% (39% having regard to a garage to be demolished) in light of the overall benefits for the appearance of the Conservation Area in which the property also lies.

The Principal Planning Officer detailed the points raised in the four representations that had been received, three in favour of the application and one letter of objection. He also informed the Committee that no objections had been received from Lancashire County Council - Highways, and also noted the comments of Council's Conservation Officer.

In accordance with the procedure for public speaking, Mr Hacking spoke in favour of the application. Councillor Smith also spoke in support of the application.

In determining the application the Committee discussed the following:

- The garage
- Parking
- Trees in the conservation area
- Architectural features
- Extension to the rear of the property
- Improvement with modifications
- Comments of the Conservation Officer
- Praise for joint working between officers and the applicant

A proposal was moved and seconded to approve the application with conditions as listed 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 listed in the report (exact details of which to be agreed by the Planning Manager).

**9. Application Number 2008/0804
Erection of stables, two hay storage sheds and associated midden
At: Land south of Parklands, New Line, Bacup**

The Principal Planning Officer introduced the report and outlined the details of the application. He informed the Committee that the application was to regularise the unauthorised works that had been undertaken in addition to including other elements of work that had not yet commenced. He detailed the proposed conditions being recommended and informed the Committee that the stables were for the applicants own horses.

The Principal Planning Officer referred to the three representations which had been received, together with comments from Lancashire County Council – Highways and also the Council’s Environmental Health and Drainage departments. He informed the Committee that the application was recommended for approval subject to the conditions listed in the report.

In determining the application the Committee discussed the following:

- Location of the stable block
- Location of the midden
- Removal of chicken shed and dog kennel
- Retrospective application
- Large number of buildings for recreational use
- Visual impact
- Concerns relating to the bridge and also enforcement
- No Highways objections
- Rural area
- Screening the midden
- Location of the brook/river

A proposal was moved and seconded to approve the application, subject to the conditions as listed 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 approved subject to the conditions listed in the report (exact details of which to be agreed by the Planning Manager).

10. Householder Appeals Service

The Planning Unit Manager introduced the Householder Appeals Service report and informed Committee Members of the changes to the appeals

process relating to householder applications and he detailed the implication of the changes.

The changes would be applicable from 6th April 2009. The changes would mean that if the Committee made a decision against officer recommendations they would need to give detailed reasons which would need to be recorded in the minutes and also the decision notice. The reasons recorded would then form the evidence on which appeals would be decided by the inspectorate. There would no longer be an opportunity to submit additional information/evidence or statements to expand on the reasons. In addition there would be cost implications that Committee Members needed to be aware of if refusals are not substantiated in the minutes.

In considering the report the Committee discussed the following:

- Informing all Councillors of the implications identified in the report
- Training for Development Control Members
- De-brief sessions and site visits
- Timing of site visits and de-brief sessions

Resolved:

1. That the report be noted.
2. That the information from the Planning Inspectorate be distributed to all Elected Members for information.

The meeting commenced at 6.30pm and concluded at 9.10pm

Signed: _____
(Chair)