

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 7th September 2009

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

In Attendance: Mr S Sugarman, Director of Business
Mr A Harding, Principal Planning Officer
Mr M Sadiq, Planning Officer
Mrs J Cook, Committee Officer
Miss C Brennan, Clerical Officer (in part)

Also Present: Councillors Eaton, Essex, Lynskey and Swain
Approximately 40 members of the public
2 representatives of the press

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were submitted on behalf of Councillor Nuttall (Councillor C. Pilling substituting).

2. MINUTES

Resolved:

That the minutes of the meeting held on 3rd August 2009 be signed by the Chair and agreed as a correct record.

3. URGENT ITEMS

The Chair reported that there was one urgent item of business as follows:-

Application number 2009/0239 – Variation of condition 6 of planning permission 2005/617 and variation of condition 21 of planning permission 2007/030 at Heritage Arcade, Bacup Road, DSS Club, Bury Road and Land at New Hall Hey, Rawtenstall. The reason for the urgency of the item was that the Administrators for the site have advised that Council that they are anxious to proceed on the site and tenants are ready to move into the retail units, once complete. Swift resolution by the Council would allow the unfinished development to be completed and address the very real concern of the impact this unfinished site currently has on a key gateway into Rawtenstall. This item would be taken as item 6.

4. DECLARATIONS OF INTEREST

No declarations of interest were made.

PLANNING APPLICATIONS FOR CONSIDERATION

**5. Application Number 2009/289
Erection of new galvanised steel palisade perimeter fence
At: Land opposite 183 Dean Lane, Water, Rossendale**

The Planning Officer introduced the application and outlined details of the site, the relevant planning history and retrospective proposal for the retention of a 2.4m high galvanised palisade fence along the perimeter of the site.

The Planning Officer informed the Committee of the consultation responses including the 7 letters of objection received and he detailed the nature of the responses. It was noted that since publication of the report, a further 3 letters and a 45-name petition objecting to the application had been received.

The application was being recommended for approval subject to the conditions detailed in the report.

In accordance with the procedure for public speaking, Mr Tony Morgan spoke against the application. Councillor Eaton also spoke on the application.

In relation to the application the Committee discussed the following:

- Concerns regarding the consultation of residents.
- Clarification was sought regarding ownership of the site and the landscaping issues.
- Highways concerns regarding the new fencing.

A proposal was moved and seconded to refuse the application.

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:-

1. The fencing was deemed to be an inappropriate design not in keeping with the surrounding area thereby harming the visual amenity and intrinsic character of the Countryside.
2. Highways safety concerns regarding the visibility splay of the fencing.

**6. Application Number 2009/0239
Variation of condition 6 of planning permission 2005/617 and variation of condition 21 of planning permission 2007/030
At: Heritage Arcade, Bacup Road, DSS Club, Bury Road and Land at New Hall Hey, Rawtenstall**

The Principal Planning Officer introduced the item and provided Members with an update on the planning history of this site. It was noted that the Administrators for the application site have met with the Council and it was felt that the most appropriate course of action to proceed swiftly with the development of the site would be a Section 106 Agreement.

The Director of Business confirmed that the Administrators were keen to proceed and had informed the Council that retailers were waiting to occupy the site.

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

In relation to the application the Committee discussed the following:

- The timescales for completion of the site.
- Assurances from the Administrators that retailers were waiting to proceed.

A proposal was moved and seconded to approve variation of the application conditions as outlined in the committee report, to delegate the negotiations to the Director of Business, the Leader of the Council and the Chair of the Development Control Committee and to prepare a Section 106 Agreement.

Voting took place on the proposal as follows:-

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

1. That the Director for Business in conjunction with the Leader of the Council and the Chair of the Development Control Committee agree the wording of a Section 106 Agreement in relation to a marketing strategy for office provision on land at New Hall Hey.
2. That the applicant be asked to formally withdraw the current undetermined applications to avoid confusion in light of the above recommendation.

**7. Application Number 2009/257
Demolition of existing building & erection of 3 storey 39 bedroomed care home
At: Bacup Health Centre, Yorkshire St, Bacup**

The Principal Planning Officer introduced the application and outlined details of the site and the current proposal to demolish the existing building and erect a new building to accommodate a Care Home with 39 bedrooms and a communal lounge/dining area on the ground-floor.

The Principal Planning Officer informed the Committee of the responses to the consultation from the following departments/organisations: Lancashire County Council (LCC) – Highways; LCC – Archaeology; Rossendale Borough Council (RBC) - Conservation Officer; RBC – Regeneration; Environment Agency;

United Utilities and Lancashire Police. He also reported that no objections had been received following publication of the site notices and letters to neighbouring residents.

The application was being recommended for approval subject to the conditions detailed in the report.

In accordance with the procedure for public speaking, Dr Krishnan Satkunam spoke in favour of the application. Councillor Eaton also spoke in favour of the application.

In relation to the application the Committee discussed the following:

- Regeneration of a dilapidated site and risks of vandalism, fire, etc.
- Clarification of the facilities for residents.
- Proximity of shops and transport links and ease of access for residents.

A proposal was moved and seconded to approve the application subject to the conditions detailed 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 detailed in the report.

**7. Application Number 2009/370
Change of Use From Retail to Restaurant/Café/Wine Bar with Two Flues
To The Rear
At: 23-27 Bacup Road, Rawtenstall**

The Principal Planning Officer introduced the application which was a resubmission of 2009/162 and he outlined details of the site, the relevant planning history and current proposal for the change of use of 23-27 Bacup Road to a restaurant/café/wine bar with two flues to the rear.

The Principal Planning Officer informed the Committee of the responses to the consultation from LCC – Highways, RBC – Conservation Officer, and RBC – Environmental Health. He also reported that 2 letters of support had been received from the original consultation, but no additional responses had been received from the re-consultation. It was noted that since publication of the report, 273 letters of objection and 3 letters of support had been received.

The application was being recommended for approval subject to the conditions detailed in the report.

In accordance with the procedure for public speaking, Mr Kamir spoke against the application and Mr David Hancock spoke in favour of the application. Councillor Swain also spoke on the application.

In relation to the application the Committee discussed the following:

- Concerns regarding the lack of parking spaces specific to the restaurant. However it was noted current Government guidance discouraged the use of cars, particularly within town centre areas.
- Need for use of buildings in a conservation area.
- The level of public opposition to the application.
- The amount of floor space involved
- How could the active café frontage be controlled or maintained if were found not to be profitable
- Cumulative effect of the number of eating establishments in the town centre discouraging new businesses from coming to the town

A proposal was moved and seconded to approve the application subject to the conditions detailed in the report.

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

FOR	AGAINST	ABSTENTION
3	4	0

Resolved:

That the application be refused for the following reasons:-

1. The application was in an inappropriate location and was too large for the area.
2. Concerns regarding neighbour amenity.
3. Impact on the vitality and viability of town centre.

**8. Application Number 2009/327
Erection of canopy/awning to front
At: Casa Tapas 93-95 Bacup Road, Rawtenstall**

The Planning Officer introduced the application and outlined details of the site, the relevant planning history and retrospective proposal for the erection of a retractable awning.

The Principal Planning Officer informed the Committee of the responses to the consultation from LCC – Highways and RBC – Conservation Officer. He informed the Committee of the consultation responses including 2 letters of objection, 2 letters of support, a 417 name petition in support of the application and he detailed the nature of the responses. It was noted that since publication of the report, two photographs had been received showing 3 people drinking and/or smoking underneath the canopy.

The application was being recommended for refusal as detailed in the report.

In accordance with the procedure for public speaking Councillor Swain spoke in favour of the application. Councillor Driver read out an email in favour of the application from Councillor Alyson Barnes, who was unable to attend the Committee.

In relation to the application the Committee discussed the following:

- The height of the canopy and safety concerns.
- A photograph
- Reference was made to a photograph of Bank Street in 1921, which depicted shops with canopies.
- LCC Highways had not objected to the canopy.

A proposal was moved and seconded to approve the application.

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

FOR	AGAINST	ABSTENTION
3	3	1

The proposal failed and an alternative 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
4	3	0

Resolved:

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

**9. Application Number 2009/262
Erection of 10 two/three bed houses, with new access road and associated external works
At: Site of St Josephs Church, Huttock End Lane, Stacksteads, Bacup**

The Planning Officer introduced the application and outlined details of the site and the current proposal for the erection of 10 dwellings (3 pairs of semi-detached houses and a terrace of 4 houses), with improved access to Huttock End Lane.

The Planning Officer informed the Committee of the responses to the consultation from LCC – Highways and RBC – Environmental Health. He also reported that 11 letters of objection had been received in addition to a petition and detailed the nature of the objections.

The application was being recommended for approval subject to the conditions detailed in the report.

In relation to the application the Committee discussed the following:

- Concerns regarding neighbour and visual amenity.
- Provision of much-needed affordable housing.
- The need for a bat survey.
- Clarification of roof heights.

A proposal was moved and seconded to approve the application subject to the conditions detailed in the report with two additional conditions as detailed in the resolution below.

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 detailed in the report with two additional conditions:

1. That a bat survey be carried out prior to commencement of any works on the site or any felling of trees.
2. That details of boundary treatment be submitted prior to commencement of any works on the site to alleviate issues of overlooking.

The Committee asked that their concerns be noted regarding traffic management on the site, with particular reference to the nearby mini roundabout.

**10. Application Number 2009/263
Erection of chimney on southerly wing of the mill
At: Grove Mill, Todmorden Road, Bacup**

The Planning Officer introduced the application and outlined details of the site, the relevant planning history and the current proposal for the erection of a mild steel construction chimney on the roof of the mill.

The Planning Officer informed the Committee that a petition had been submitted by 20 residents of Vale Street objecting to the proposal and he detailed the nature of the objections.

The Planning Officer noted that since publication of the report, the applicant has submitted revised drawings which provide fuller details of the height and diameter of the proposed chimney, being 0.45m diameter and 2.7 metres above the roof.

The application was being recommended for approval subject to the conditions detailed in the report.

In relation to the application the Committee discussed the following:

- Clarification of the boiler cycle timings and noise levels.

A proposal was moved and seconded to approve the application subject to the conditions detailed in the report and an amended condition no. 2 as outlined in the Resolution below.

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 detailed in the report, with condition no. 2 amended to read as follows:

The development shall be carried out in accordance with drawing no. 2009/263 (amended) received on 3rd September 2009.

Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.

**11. Application Number 2009/286
Outline Application for a Detached Dwelling with Appearance,
Landscaping Layout and Scale Reserved
At: Land adjoining 2 Heritage Drive, Marl Pits, Rawtenstall**

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history and current proposal for outline permission for the erection of one detached dormer bungalow.

The Principal Planning Officer informed the Committee of the responses to the consultation from LCC – Highways and RBC – Land Drainage Officer. He also reported that 3 letters of objection had been received and detailed the nature of the objections. It was noted that since publication of the report, an objector had re-iterated their concerns regarding the impact of the development but introduced concerns regarding its impact on their own property in relation to residential amenity.

The application was being recommended for approval subject to the conditions detailed in the report.

In relation to the application the Committee discussed the following:

- No objections from LCC Highways.
- Parking issues and provision of a turning head.
- Lack of pedestrian access to no. 2 Heritage Drive and concerns regarding neighbour amenity.

A proposal was moved and seconded to refuse the application.

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

FOR	AGAINST	ABSTENTION
5	1	1

Resolved:

That the application be refused for the following reasons:-

1. Concerns regarding highway safety and pedestrian safety.

2. Concerns regarding the provision of access to other properties and parking.

The meeting commenced at 6.35pm and concluded at 10.15pm

**Signed: _____
(Chair)**