

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 6th February 2008

Present: Councillor S Pawson (in the Chair)
Councillors Aldred, L Barnes, Cheetham, Driver, Eaton,
Lamb, Neal, Nuttall, Robertson and Thorne.

In Attendance: Linda Fisher, Executive Director of Regulatory Services
Adrian Harding, Acting Development Control Team Manager
Jon Sharples, Head of Economic Regeneration and Strategic
Housing
Mick Nightingale, Conservation Officer
Stephen Stray, Senior Planning Officer - Forward Planning
Steve Jackson, Housing Market Renewal Manager
Kurt Partington, Urban Vision
Bill Lawley, Interim Legal and Democratic Services Manager
Anne Storah, Senior Forward Planning Officer
Heather Moore, Committee and Member Services Manager
Carolyn Law, Committee and Member Services Officer
Caroline Brennan, Clerical Officer

Also Present: Councillors Essex, Swain, Pilling, A Barnes, Sandiford,
Unsworth, Crawforth, Challinor, Chair of Standards A Neville
and approximately 48 members of the public and 2
representatives of the press.

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were submitted by Councillor Haworth (Councillor Aldred substituting).

2. DECLARATIONS OF INTEREST

Members were asked to consider whether they had personal and/or prejudicial interests in the application to be discussed at the meeting. The following interest was declared:

Councillor Swain declared a personal interest and prejudicial interest in items B.1.a and B.1.b by virtue that a family member had a business on Bank Street.

3. URGENT ITEMS

There were no urgent items for consideration.

APPLICATION FOR CONSIDERATION

4. APPLICATION NUMBER 2007/317 REDEVELOPMENT OF VALLEY CENTRE, BUILDINGS, PUBLIC TOILETS & EXISTING CAR PARK TO PROVIDE MIXED-USE SCHEME, COMP.5726 SQ M RETAIL, 1125 SQ M RETAIL AND 1125 SQ M RESIDENTIAL USES, PLUS PUBLIC TOILETS, PARKING AND PUBLIC REALM ENHANCEMENTS. AT: THE VALLEY CENTRE AND TOWN HALL AND ANNEXE, RAWTENSTALL

The Executive Director of Regulatory Services introduced the application and briefly summarised the content of the report. She informed the meeting of the consultations held and the responses received, and proceeded to outline the Scheme including explaining the different types of materials to be used and presented the elevations and artist impressions of the development. Members were also informed of how the Scheme contributed to the Area Action Plan and Joint Lancashire Structure Plan.

The Executive Director of Regulatory Services informed the meeting that Lancashire County Council had highlighted that they objected to the scheme unless short stay parking was provided on Kay Street.

The Acting Development Control Team Manager introduced the Late Items Report and noted the comments received during the drop-in session on Friday 1st February 2008. He also referred to a letter pertaining to the application from the Rawtenstall Chamber of Commerce and a lobbying letter sent to Councillors from Rawtenstall Chamber of Trade. The Acting Development Control Team Manager informed the Committee of the responses of the applicant and officers in relation to the points raised in the letters.

In accordance with the Procedure for Public Speaking, which was amended for this meeting only, the following people spoke against the application, and answered questions from the Committee for points for clarification:

- Ms Kathy Fishwick, Rossendale Civic Trust
- Mr Leonard Entwistle, Local Resident
- Ms Dorothy McCarthy, Rossendale Youth Council
- Mr Clive Balchin, Rawtenstall Chamber of Commerce
- Mr Ian Swingewood, Local Resident

The following people spoke in favour of the application and answered questions from the Committee for points for clarification:

- Ms Sharon Lees, East Lancashire Service User Network
- Mr Mark Farrar, Powell Dobson
- Mr Findlay MacAlpine, Ashbourne Property Fund Managers Ltd (applicant)

Councillors Swain, A. Barnes and Pilling also spoke on the application.

The Chair informed the meeting that there would be a recess and the meeting would reconvene at 6.30pm for the debate and decision.

The meeting reconvened at 6.30pm when the Executive Director of Regulatory Services introduced Late Items received in response to questions raised earlier in the meeting concerning highways, Kay Street car park, percentage of render used, public consultation responses and renewable energy.

The Acting Development Control Team Manager confirmed that the height of the highest elevation would be lower than Ilex Mill (which was used for comparison purposes). He also confirmed the position with regard to the number of available car parking spaces.

The Conservation Officer informed the meeting that the advice from Government regarding new developments was not to create a copy of what existed but to translate it in a modern interpretation. This would be achieved with different depths and widths of buildings and using different shapes to reflect the small shop character of Bank Street and Kay Street. In addition, elevations facing the Conservation Area would be predominantly built in stone.

Members discussed the application and raised concerns in respect of various issues, including parking spaces for shop keepers; access for disabled and the provision of disabled changing facilities; viability of the development if the number of residential apartments/retail units was reduced; a Waste Management Strategy; renewable energy, building materials; affordable housing; residential unit take up; flat roofs; cycle parking, CCTV and Public Art contributions (referred to in the Section 106 Agreement); landscaping and furniture; deliveries to the retail units; bat survey, working hours (including Bank Holidays), parking and disruption to residents living in Kay Street.

In respect of the points raised by Members, the Acting Development Control Team Manager confirmed that:

- there was no current provision of parking spaces specifically for shop keepers in the proposal, but the new development would have a net increase in the number of parking spaces with additional parking for residents also forming part of the scheme;
- the development was subject to Building Regulations that had to meet Disability Discrimination Act requirements so the development would be accessible for wheelchair users, however a recommendation could be made to alter the internal design to accommodate disabled changing facilities;
- reductions in either retail space or number of apartments would effect the development as it was currently marginally viable;
- a Waste Management Strategy was a requirement (see Condition 31 of the report);
- the contributions to CCTV and Public Art in the Section 106 Agreement were for the Committee to agree;
- a bat survey had been undertaken and another one would be required before demolition commenced (see Condition 32);
- deliveries to retail units and servicing would be subject to Conditions 20 and 21 of the report;
- working hours during the demolition and construction phases would be subject to Condition 2 of the report, however an additional condition

could be included to ensure no work would take place on Bank Holidays.

The Executive Director of Regulatory Services confirmed that delegated authority could be given herself, the Chair, Vice Chair and Opposition Spokespersons in relation to renewable energy, building materials, trees, landscaping and furniture (including cycle parking provision). In respect of the flat roofs issue, the Chair clarified that the plans before the committee were the ones for approval, and that substantial changes could not be made as this would warrant a new planning application.

A proposal was moved and seconded to grant the Application as set out in the Report with the addition to the following:

1. the conditions referred to in the Late Items Report
2. delegated authority be given to the Executive Director of Regulatory Services and a “Working Group” comprised of the Chair, Vice Chair, and Spokespersons of the Opposition Parties to agree matters relating to:
 - a. Renewable energy
 - b. Building materials
 - c. Trees, landscaping and furniture (including cycle parking provision)
3. a minimum contribution of £75,000 to CCTV and a maximum contribution of £25,000 to the Irwell Sculpture Trail (Public Art/Section 106) to be agreed within 6 weeks of the Secretary of State deciding on whether the matter should be called in
4. car parking to remain the same on Kay Street
5. a Traffic Regulation Order, to allow two way traffic at the bottom of Kay Street
6. Hours of working – no working on Bank Holidays
7. Design of internal layout to include provision of disabled changing facilities

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

FOR	AGAINST	ABSTENTION
11	0	0

Resolved:

That the application be approved subject to the conditions contained within the report and Condition 36 of the Late Items Report, in addition to the following:

(a) That the Secretary of State be advised that the Council is minded to approve planning permission for the development proposals subject to the following heads of terms in a planning obligation agreement and the planning conditions (as amended).

(b) That if the Secretary of State does not intervene in the application, that planning permission be granted subject to the following:

I. The Executive Director of Regulatory Services be authorised to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the repayment of £955,000 to the Council in accordance with the areas set out below:

▪ Affordable Housing	£500,000
▪ CCTV	£75,000 (minimum)
▪ Public Art (Irwell Sculpture Trail)	£25,000 (maximum)
▪ Travel Plan	£5,000
▪ Open Space	£150,000
▪ Sustainable Transport Initiatives	£200,000

(The Section 106 Agreement to be completed as expeditiously as possible and within 6 weeks);

II. That the applicant be informed that the Council is minded to grant planning permission, subject to the conditions stated below, on completion of such legal agreement;

III. That authority be given for the decision notice relating to the application be issued, (subject to the conditions and reasons stated below) on completion of the above-mentioned legal agreement;

IV. That the applicant enters into a S278 agreement to secure the highway works set out in paragraph 6.2 of this report, but that the car parking arrangements on Kay Street remain the same.

V. A Traffic Regulation Order be made, to allow for two way traffic at the bottom of Kay Street.

VI. That authority be given to refuse the application if the applicant fails to complete the S106 and S278 agreement within a 12 month period (from the date of this Committee) on the grounds that the proposals do not support the Aim and Objectives of PPS1 Delivering Sustainable Development PPS3 Housing or provide for adequate highway safety.

VII. That the Executive Director of Regulatory Services, the Chair, Vice Chair and Spokespersons of Opposition Parties agree the following matters:

- Renewable energy
- Building materials
- Trees, landscaping and furniture (including cycle parking provision)
(Councillor Neal to be consulted in respect of renewable energy)

VIII. That the design of the internal layout be amended to make provision for disabled changing facilities.

IX. The Conditions provide that there should be no working on Bank Holidays.

**5. APPLICATION NUMBER 2007/322
DEMOLITION OF EXISTING RETAIL PRECINCT, COUNCIL OFFICES AND
PUBLIC TOILETS WITHIN THE RAWTENSTALL TOWN CENTRE
CONSERVATION AREA. AT: THE VALLEY CENTRE AND TOWN HALL
AND ANNEXE, RAWTENSTALL**

The Executive Director of Regulatory Services introduced the application and briefly summarised the content of the report. She asked Committee Members to consider the report including the amendment to condition 2 as stated in the late items report.

Members of the Committee discussed the application and raised concerns in respect of provision of public conveniences, working hours during the demolition works and footpath closures.

The Executive Director of Regulatory Services confirmed that conditions could be agreed concerning the phasing plan to include the provision of public conveniences, in addition to an amendment to working hours to ensure no demolition works will be carried out on Bank Holidays. A scheme could also be agreed relating to footpath/road closure orders.

A proposal was moved and seconded to grant the application as set out in the report in addition to the following:

- Amended condition 2 as stated in the late items report
- Phasing Plan to include the provision of public conveniences
- Hours of working – no working on bank holidays
- Scheme to be agreed relating to footpath/road closure orders

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

FOR	AGAINST	ABSTENTION
11	0	0

Resolved:

That the application be approved as set out in the report subject to referral to Government Office for the North-West, in addition to the amendment of Condition 2 in the Late Items Report and subject to the following conditions:

1. No demolition or construction works will be carried out on Bank Holidays.
2. That the Phasing Plan will include provision of public conveniences during the demolition and development phases.
3. Prior to the commencement of demolition on site, the applicant shall submit a scheme relating to footpath/road closure orders.

The meeting commenced at 1.00pm and concluded at 9.00pm