

**MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE**

**Date of Meeting:** 3<sup>rd</sup> August 2009

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

**In Attendance:** Stephen Stray, Planning Unit Manager  
Adrian Harding, Principal Planning Officer  
Richard Elliott, Planning Officer  
Noel Scanlon, Principal Legal Officer  
Carolyn Sharples, Committee and Member Services Officer

**Also Present:** Councillors Cheetham, Forshaw, Pilling and Smith  
Approximately 15 members of the public  
2 representatives of the press

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**1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were submitted on behalf of Councillor May (Councillor Sandiford substituting).

**2. MINUTES**

**Resolved:**

That the minutes of the meeting held on 6<sup>th</sup> July 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**

Councillor Stansfield declared a personal and prejudicial interest in Minute Number 11 (9a Worsley Street, Rising Bridge) on the basis of fettering his discretion in his call-in of the matter. Councillor Stansfield withdrew from the meeting prior to consideration of the application.

**PLANNING APPLICATIONS FOR CONSIDERATION**

**N.B. Items 5 and 6 were heard in conjunction with one another.**

- 5. Application Number 2009/239  
Variation of condition 6 of 2005/617  
At: Heritage Arcade, Bacup Road, DSS Club Bury Road and Land at New Hall Hey, Rawtenstall**

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history, and the nature of the proposed variation to condition 6.

The Principal Planning Officer informed members of a change to the recommendation since the publication of the report. The recommendation had changed to a deferral to allow the applicant to submit a viability appraisal and for the Council to have the viability appraisal assessed before a decision was made.

In relation to the application the Committee discussed the following:

- If it was deferred how long would it take to submit information?
- If it was deferred when would it come back to committee?
- The importance of it coming back to Committee if deferred.

A proposal was moved and seconded to defer the application to allow a viability appraisal to be submitted and assessed.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
7	0	0

**Resolved:**

That the application be deferred.

**6. Application Number 2009/240  
Variation of condition 21 of 2007/030  
At: Land at New Hall Hey, Rawtenstall**

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history, and the nature of the proposed variation to condition 21.

The Principal Planning Officer informed members of a change to the Officer's recommendation since the publication of the report. The recommendation was now to defer the application to allow the applicant to submit a viability appraisal and for the Council to have the viability appraisal assessed before a decision was made.

A proposal was moved and seconded to defer the application to allow a viability appraisal to be submitted and assessed.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
7	0	0

**Resolved:**

That the application be deferred.

**7. Application Number 2009/219  
Conversion of pub/hotel to ten apartments  
At: The Market Hotel, 14 Market Street, Bacup**

The Principal Planning Officer introduced the application and explained that it was a resubmission of an application before the Committee in April. The Environment Agency had objected to the proposal at the time as it was not accompanied by a Flood Risk Assessment. The application was now accompanied by a Flood Risk Assessment which had been assessed by the Environment Agency and they had raised no objections.

The recommendation was to grant the application with the conditions as listed in the report.

In determining the application the Committee discussed the following:

- Hard standing and the use of cobbles
- The use of wooden window frames
- Regeneration of the building

A proposal was moved and seconded to approve the application with the conditions as set out in the report in addition to conditions to use cobbles in the hard landscaped area and to use wooden window frames.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
7	0	0

**Resolved:**

That the application be approved with the conditions as set out in the report with the additional conditions to use cobbles in the hard landscaped area and to use wooden window frames.

**8. Application Number 2009/199  
Erection of new sports hall (683sqm) with terraced seating area on its south side with canopy over (159sqm)  
At: All Saints RC High School, Haslingden Road, Rawtenstall**

The Principal Planning Officer introduced the application and explained that the application was before the Committee because it was a Departure and had also been called in by a Councillor.

The Principal Planning Officer referred to the site details, relevant planning history and the current proposal for the erection of a sports hall. The site was located within the Countryside in an area designated as Green Belt so the scheme would constitute inappropriate development, however very special circumstances had been provided to outweigh the inappropriateness and any other harm.

Amended plans had been submitted since the publication of the report regarding the roof, materials and canopy, as detailed in the Update Report. Additional amended plans were also detailed by the Principal Planning Officer regarding the height of the roof, roof edge, appearance of the building and canopy. The recommendation was to approve the application subject to the conditions detailed in the report and Update Report and subject to the amended plans.

In accordance with the procedure for public speaking, Mr Taylor spoke in favour of the application. Councillor C. Pilling and Councillor Forshaw also spoke in favour of the application, and a letter from the Leader of the Council was also read out in favour of the application.

In determining the application the Committee discussed the following:

- The materials to be used
- Number of pupils using the facility
- Type of facilities provided
- The future use of the existing hall
- Special circumstances
- Current students having to use other school's facilities at present
- Viewed at site visit from different perspectives
- No detriment to neighbour amenity
- New height of roof
- Conditions on materials
- Colour of brick/softer tones

A proposal was moved and seconded to approve the application subject to the conditions listed in the report and Update Report, subject to the amended plans and also that the decision on the conditions of the materials be delegated to the Planning Unit Manager in consultation with the Committee.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
7	0	0

**Resolved:**

- I. That Members be minded to approve the application and amendments received on 03/08/2009
- II. That the application and amended plans be referred to the GONW as a departure from the Local Plan
- III. That the amended plans should undergo a 14 day re-consultation to neighbours
- IV. That subject to the application not being called-in by GONW, delegated authority be given to the Planning Unit Manager to determine the application, for approval if no adverse comments are received; if adverse comments are received that the application be determined by the Planning Unit Manager in

conjunction with the Chair, and 2 Opposition Spokespersons of the DC Committee.

- V. That the Discharge of Condition in relation to the materials be agreed in consultation with the DC Committee

**9. Application Number 2009/210**

**Removal of two-storey external steel staircase and erection of three-storey extension to rear, and removal of hip from roof to south elevation  
At: Celeste Arnold, 5 Market Place, Edenfield**

The Planning Officer introduced the application and explained that the application was before the Committee because it had been called in by a Councillor.

The Planning Officer referred to the site details, relevant planning history and current proposal to change the hipped roof to a gable end style roof and remove the external rear staircase and construct a 3 storey extension in its place. There had been no objections from LCC Highways, however two letters of representation had been received in response to site notices as detailed in the report.

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

In determining the application the Committee discussed the following:

- The number of staff employed
- Training and qualifications offered
- The symmetry of the roof and end wall
- The future of the premises if the business moved
- Existing asymmetry
- Expansion and provision of training opportunities
- Provision of specialist training and provision of jobs
- Parking and comments from Highways
- Use of pub car park
- Tiny space at the back of the building
- Gaining a small space in the eaves
- Scheme to improve the roof
- Overpowering cottages at the back and detriment to light

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:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
4	3	0

**Resolved:**

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

**10. Application Number 2009/189  
Retention and use of building as a dwelling by a Gypsy/Traveller family,  
in association with the use of land for keeping of animals  
(Retrospective)  
At: Cobland View, Rooley Moor Road, Stacksteads**

The Principal Planning Officer introduced the application and explained that the application was before the Committee because it had been called in by a Councillor. He described the site details, relevant planning history and retrospective proposal to retain the use of a building as a dwelling by a Gypsy/Traveller family. The dwelling would be used by the applicant and his family in connection with the keeping of animals on part of the site.

There had been no comments or objections raised in relation to the consultation process. The Principal Planning Officer detailed information raised by the planning agent in the Update Report and informed the Committee that permission related to the use and retention of the dwelling marked "House outline" within the application site only and that no permission would be granted for any other buildings/sheds included within the site.

In accordance with the procedure for public speaking, Mr Hartley spoke in favour of the application.

In determining the application the Committee discussed the following:

- The length of time the applicants had been on site
- The Traveller status and attendance at school for the children
- What happens to the animal when travelling?
- Ages of the children
- Traveller sites and land ownership
- The stage enforcement was up to
- Land erosion and "digging out" of the land
- Site visible from the opposite side of the valley
- Accommodation needs
- Other buildings on site and enforcement
- Water drainage and sanitation
- The need for proper sites and facilities for travelling people
- Proper use of the site
- 3 year permission not referred to in the report but in the Update Report
- Location next to the scrap yard
- Better clarification on the dwellings and buildings
- The large dwelling – a mobile home or static home?

In response to questions from Members the Principal Planning Officer updated members on Planning Enforcement relevant to the site, and the Planning Unit Manager updated members on the planning guidance relating to Traveller sites.

The Chair asked the agent to clarify which dwelling the application related to and the Principal Planning Officer to confirm the application detail and impact on the other dwellings if the application was approved.

A proposal was moved and seconded to defer the application to allow it to come back to Committee with more details, and that if the requested details were not submitted by the applicant there would be delegated authority for the Planning Unit Manager to refuse the application.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
7	0	0

**Resolved:**

That the application be deferred to allow it to come back to Committee with more details for consideration, and that if the requested details were not submitted by the applicant there would be delegated authority for the Planning Unit Manager to refuse the application.

**NB. Councillor Stansfield was not present during consideration of the following item of business.**

**11. Application Number 2009/237  
Retention of 1.8m high fence/gate to front elevation (retrospective)  
At: 9a Worsley Street, Rising Bridge**

The Planning Officer introduced the application and explained that the application was before the Committee because it had been called in by a Councillor.

He referred to the site details and described the current retrospective proposal for a 1.8m high fence with a 2.5m wide access. There had been no objections received although LCC Highways had initially objected. Following the revised proposal LCC Highways had commented on the height of the fence and suggested inward opening gates.

In accordance with the procedure for public speaking, Ms Winfield spoke in favour of the application.

In determining the application the Committee discussed the following:

- The metal gates
- Size of gates and fence
- Metal panel to the side of the gates
- Different heights of the metal gates and panel to the side
- Volume of traffic
- Parking on the road
- Staining/weathering of the wooden fence
- Wide footway
- Low speed of traffic

A proposal was moved and seconded to refuse the application owing to the design and impact on the street scene and highway safety.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
4	2	0

**Resolved:**

That the application be refused owing to the design and impact on the street scene and highway safety.

**The meeting commenced at 6.30pm and concluded at 9.00pm**

**Signed:** \_\_\_\_\_  
**(Chair)**