

**MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE**

**Date of Meeting:** 17<sup>th</sup> July 2012

**Present:** Councillor Robertson (in the Chair)  
Councillors, Ashworth, Morris), Eaton, Oakes, Procter and Roberts.

**In Attendance:** Stephen Stray, Planning Manager  
Neil Birtles, Principal Planning Officer  
Sarah Doherty, Solicitor  
Jenni Cook Committee Officer

**Also Present:** 24 members of the public  
1 member of the Press  
Councillors Jackson, Lamb, Marriott

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

No apologies for absence were submitted.

**2. MINUTES**

**Resolved:**

That the minutes of the meeting held on 12<sup>th</sup> June 2012 be signed by the Chair and agreed as a correct record.

**3. DECLARATIONS OF INTEREST**

Councillor Robertson declared personal and prejudicial interest in application number 2012/0311 in that she had previously made her views known on this application.

**4. URGENT ITEMS**

There were no urgent items.

**PLANNING APPLICATIONS**

**Vice Chair Councillor Roberts took the Chair and Councillor Robertson left the meeting for the duration of this item.**

**5. Application Number 2012/0311**

**Change of use of bed and breakfast to a specialist alcohol and drug dependency recovery home for a period of 2 years  
At: Glen Valley Guest House, 634 Bacup Road, Waterfoot**

The Planning Manager introduced the application and outlined details of the site and the reasons for it being brought before the Development Control Committee. The

Application related to a 2-storey building on the corner of Bacup Road/Spring Garden Street, which was currently a 7-bedroomed guest house with living accommodation for the proprietor. The building was originally detached but has since been extended to the rear, connecting to the works building on Ashworth Street.

The planning permission sought was for the change of use of the Glen Valley Guest House from a bed and breakfast to a supported housing scheme for a period of 24 months. This would be an abstinence house for recovering alcohol and drug users. The Planning Manager outlined that there would be no external alterations to the property, nor would there be internal alterations in terms of room layout. The property was intended to be occupied by up to 7 individuals, one of which was to be a member of staff.

The Planning Manager outlined the consultation responses and noted that an 'FAQ' document had been produced. LCC Highways had not raised objections, and the recommendations of the Police were outlined which included the fitting of a CCTV system inside the property and externally covering the entrance/exit door. At the time of writing the report 1 objection had been received to the application, however the Planning Manager referenced the Update Report, which contained a further 9 letters of objection. Concerns had been raised regarding notification to the freeholder and the Planning confirmed that the freeholder had been contacted since publication of the report and had confirmed verbally that they had no objections, however this would require written confirmation and had been allowed for in the proposed condition within the update report.

The Planning Manager provided a verbal update on 6 further objections that had been received on the day of the committee, raising concerns about the location of the proposed project.

Officers recommendation was for approval, subject to conditions highlighted in the report.

Prior to his 3 minutes of public speaking, Mr Garry Buckley repeatedly stated that he felt the application was invalid and should not be considered. The Planning Manager stated that he had received legal advice to the contrary and considered that the application was valid and could be determined.

Councillor Eaton raised a point of order and stated that he felt the application should be deferred as there was a lack of consultation in Waterfoot and that the application was in the wrong location and should be considered by full Council.

Councillor Lamb objected from the public area that Councillor Eaton had fettered his discretion on this matter. The Vice Chair sought legal advice and Councillor Eaton was asked to give consideration to whether he had an open mind on the application. Councillor Eaton stated that he had an open mind and was prepared to listen to the arguments.

Mr Garry Buckley spoke against the application, Ms Clare Morris spoke in favour of the

application and Councillor Jackson also spoke on the application. In addition the Vice Chair read out a statement from Councillor Pilling, who had registered his intention to speak, however had been unable to attend.

In determining the application the committee discussed the following:

- Concerns regarding public consultation from the planning authority and Inspire. The Planning Manager clarified the statutory consultation requirements.
- Members noted the need for these establishments, however concerns remained regarding consultation with the community by Inspire. It was noted that some members had attended a presentation by Inspire, however Inspire had not been able to attend a subsequent public meeting to explain the proposals and address concerns raised by the public.
- Previous problems with childrens homes were noted and it was understood how and why this application had caused concern in the Waterfoot community.

Mr Garry Buckley raised objections from the public area and the Planning Manager advised him that the council's complaints process was open to him.

A proposal was moved to refuse the application. Members were reminded that valid planning reasons for refusal had to be listed. The proposal was moved for refusal, for the reasons that it was in the wrong location, inadequate consultation had been carried out, it was close to houses and close to schools. The proposal was seconded.

An amendment was moved and seconded to defer the application to allow for further community consultation by Inspire.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
5	0	1

The amendment became the substantive motion which was voted on as follows:-

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
6	0	0

**Resolved:**

That the application be deferred and returned to a future Development Control Committee and that prior to this, further community consultation should be carried out and documented by the applicant.

**Councillor Robertson returned and chaired the remainder of the meeting.**

**5. Application Number: 2012/210**

**Erection of 12 houses**

**At: Millgate Road/East Parade/Higher Mill Street, Rawtenstall**

The Principal Planning Officer introduced the application and outlined details of the site and the nature of the application which was to seek permission for the erection of 12 houses on the site. It was noted that this was a major application, and the previous planning history and reasons for the previous refusal were outlined. It was noted that the previous extant planning permission had been for a greater bulk of houses and that works had been carried out by the applicant to address the original reasons for refusal.

The Principal Planning Officer outlined the work undertaken by the applicant following the previous refusal and the further marketing works, revision of house types, revision of window distances and improvements to the highway.

It was noted that LCC Highways had not raised any objections to the application, subject to various conditions to ensure provision/retention of the parking/garaging facilities proposed and making good of carriageways/footways/lighting to an adoptable standard on the highways adjacent to the site. Environmental Health had recommended a condition to ensure the previously approved remediation scheme was implemented. One objection from a resident had been received which raised concerns regarding properties already built and existing house prices being devalued.

Mr Boys spoke in favour of the application.

In determining the application the committee discussed the following:

- Clarification was sought over whether the cobbles would be retained. It was confirmed that it was intended to do so with repairs and improvements to the highway to be carried out.
- Marketing of the site as a workspace was discussed.
- Members noted that this application could be an enhancement to the conservation area.

A proposal was moved and approve the application subject to the conditions set out in the committee report.

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 subject to the conditions set out in the committee report.

**6. Application Number 2012/0231**  
**Erection of 38 affordable family houses and associated works**  
**At: Acre Mill, Mill View, Stacksteads**

The Principal Planning Officer introduced the application and outlined details of the site and the nature of the current application which was to seek permission for the erection of 38 affordable homes, not 28 as noted on the agenda. The application related to an irregularly shaped site situated to the south side of Acre Avenue. The site already had an extant planning permission for 44 dwellings. It was intended that should permission be granted, the site would be passed to Calico Homes for affordable housing.

The consultation responses were outlined and it was noted that at the time of writing the report 2 objections had been received from residents. Reference was made to the Update Report and a further objection and 77-name petition had been received. It was noted that LCC highways had not raised any objections and it was noted that a 20mph speed limit was proposed for this area.

The Principal Planning Officer outlined the assessment of the application that had taken place and noted that in view of further information submitted by the applicant, the proposed conditions, if approval was given would need to be amended as outlined in the update report. It was further noted that the applicant had indicated that some of the roofs of the properties would be 'hipped' and the facing materials of red brick could be considered preferable over buff brick. Though spacing standards for all of the properties do not meet that set out in recent Council guidance, the scheme is an improvement in this respect having regard to the extant consent.

Officers recommendation was for approval subject to amendment of the conditions highlighted in the report.

Ms Susan Davies spoke against the application and Jane Aspinall spoke in favour of the application. During questions for clarification purposes only, the Chair allowed the Design Director to clarify certain technical matters.

In determining the application the committee discussed the following:

- It was noted that the current site was unsightly and fly tipping had taken place.
- It was clarified that level access was required to homes to meet lifetime homes standards.
- Concerns were raised regarding the appearance of a large gabion wall behind some properties and it was clarified that fencing to act as screening would be constructed.
- It was noted by the committee that the site did have existing permission for 44 homes which is extent, 6 more than this application proposed.
- Discussion took place on solar panels and the fitting of these to roofs.
- Contaminated land issues were discussed and conditions had been proposed to remediate the site adequately.
- It was noted that it was the intention to complete the roads to an adoptable standard.

A proposal was moved and seconded to approve the application subject to the

conditions in the committee report, along with the amendments to the conditions as outlined in the update report.

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 subject to the conditions set out in the update report as clarified below:-

- Condition 3 – (a) and (b) to be removed.
- Condition 5 – grey tile and red brick to be specified
- Condition 6 – “Prior to commencement of construction of any dwelling...” to replace “No development to take place until...”

**7. Application Number 2012/0158**

**Erection of 8 apartments in a three-storey building with basement parking and altered access to Helmshore Road and new access to Campion Drive  
At: Flaxmoss House, Helmshore Road, Haslingden**

The Principal Planning Officer introduced the application and outlined details of the site, relevant planning history and the nature of the current application which was to seek permission for the erection of 8 apartments in a 3-storey building with basement parking and altered access to Helmshore Road and new access to Campion Drive. The previous planning history and refused application was outlined and the Principal Planning Officer outlined the actions taken to address the reasons for refusal.

It was noted that 10 objections had been received to the application. It was noted that LCC Highways had no objections and that a new access would be created to Campion Drive, with the old, inadequate access being permanently closed.

The update report was referenced and it was noted that a revised plan had been submitted which showed existing and proposed ground levels in the vicinity of the proposed Campion Drive entrance and a further tree report from the applicants arboriculturalist. The plan showed how the development could be undertaken without harm to trees.

It was further noted that the approval would be subject to a Section 106 agreement of £2.5k to fund a traffic regulation order and associated works.

Ms Fleur McCarten spoke in favour of the application.

In determining the application the committee discussed the following:

- It was clarified that only the 4 trees in the grassed area would be removed.
- Roofing levels between the proposed new building and the nearby sheltered accommodation building were discussed and the Principal Planning Officer confirmed that the proposed property was 0.85m higher. This was a significant reduction from the previous scheme.
- Road markings were discussed and it was noted that this was an LCC issue, however planning officers would pass on the committees comments that consideration should be given for the markings to extend to Champion Drive too.

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

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

FOR	AGAINST	ABSTENTION
6	0	1

**Resolved:**

That the application be approved subject to the conditions set out in the report.

**8. Application Number 2012/0224  
Kiosk to be used for the sale of takeaway ice cream and coffee  
At: Site of former 19-21 Bank Street, Rawtenstall**

The Planning Manager introduced the application and outlined details of the application which was to erect a kiosk for the sale of takeaway ice cream and coffee within the site of the former Valley Centre. The Planning Manager noted that this was council-owned land, and therefore this application had been brought to the Committee.

The Planning Manager outlined the application for the erection of the kiosk which would have a diameter of 5m and would be set back from the footway of Bank Street by 5m. the walls of the kiosk would be clad with red cedar vertical boards with a domes GRP roof. There would be no windows to the rear and security shutters would be on the inside of the kiosk.

Consultation responses were outlined and the Council's Property Services Team had noted that the terms of the lease would enable removal of the kiosk when required. The Council's Conservation Officer had noted that this was part of the interim development and that the bin store should be as tidy as possible. Environmental Health had provided comments regarding food handling within the kiosk.

It was noted that LCC Highways had no objections, as the kiosk would be set back 5m from Bank Street. The Chamber of Commerce had broadly supported the application, however raised some questions which the Planning Manager addressed within the update report.

Officers recommendation was for approval, subject to conditions highlighted in the

report.

Mrs Kathy Fishwick spoke against the application and Ms Anna Preece spoke in favour of the application.

In determining the application the committee discussed the following:

- The bin storage issue was discussed.
- It was noted that during cold months the kiosk would sell coffee and that children were likely to purchase ice cream regardless of the weather.
- Opening hours were clarified as 7am-5pm.
- It was clarified that the use class would be A1 but would be restricted further by condition to cover just coffee, ice cream and wrapped goods.
- Security and electricity on the site was discussed.

A proposal was moved and seconded to approve the application along with the conditions highlighted 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>
6	1	0

**Resolved:**

That the application be approved subject to the conditions highlighted in the report.

**9. Application Number 2012/0225**

**Two signs attached to proposed kiosk and a 1.2m high freestanding 3D ice cream cone to stand to the front of the kiosk**

**At: Site of former 19-21 Bank Street, Rawtenstall**

The Planning Manager introduced the application and outlined details of the application which was to obtain advertisement consent for 2 signs to be erected to the kiosk for which planning permission had been granted (see item 8 above). The application was initially for 3 signs, however amendment of the scheme now meant that consent was being sought for 2 advertising signs and a freestanding sign in the shape of a 3D ice cream cone.

Officers recommendation was for approval, subject to conditions highlighted in the report.

Mr Peter Wood spoke against the application and Ms Anna Preece spoke in favour of the application.

In determining the application the committee discussed the following:

- Security of the signage and consideration to be given to fixing it in a manner that discouraged vandalism.

- It was clarified that the freestanding sign would be taken into the kiosk at nights.
- A preference was expressed for a sign to each side of the kiosk rather than have one over the entrance.

A proposal was moved and seconded to approve the application along with the conditions highlighted 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>
6	1	0

**Resolved:**

That the application be approved for 2 signs on the building and 3D ice cream cone, subject to the conditions in the report.

**10. Application Number 2012/0198  
Erection of four dwellings  
At: Plots 17-20 Kandel Place, Whitworth**

The Principal Planning Officer introduced the application and outlined details of the application which was to erect 4 dwellings on the former Bridge Mill site. The previous planning history and permissions was outlined with 12 of the previously permitted houses being constructed. The application related to a site approximately 20x50m located immediately to the rear of houses fronting Brenbar Crescent elevated above the level of the application site.

Consultation responses were outlined and Environmental Health had requested remedial measures to be conditioned, however the update report referenced the fact that works had already begun on the site. Assurances would need to be sought from the developer that remediation works had been carried out. It was noted that this was a Building Control issue.

It was noted that Whitworth Town Council had raised concerns with regards to piling on the site, however the Principal Planning Officer noted that as the development had already started, issues regarding piling were not now something that would be ongoing.

Officers recommendation was for approval, subject to conditions highlighted in the report.

Councillor Neal spoke on the application. The Chair allowed the applicant's agent to clarify matters.

In determining the application the committee discussed the following:

- Concerns were raised regarding works having already begun and the Planning Manager noted the comments.

- Concerns were noted regarding the River Spodden and the flooding issues. The Principal Planning Officer clarified that the Environment Agency were aware of the incidences nearby where the River Spodden had burst its banks and were kept up to date on this development.
- It was clarified that remediation works and monitoring were ongoing.

A proposal was moved and seconded to approve the application along with the conditions highlighted in the report and update 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 approved subject to the conditions highlighted in the report and update report.

**Councillor Eaton left the meeting.**

**11. Application Number 2012/0266**

**Construction of a 4-bay non-turf cricket practice facility and associated cricket cage and perimeter fencing**

**At: Haslingden Cricket Club, Private Lane, Haslingden**

The Planning Manager introduced the application and outlined details of the application which was to construct a 4-bay non-turf cricket practice facility and associated cricket cage and perimeter fencing at Haslingden Cricket Club.

The update report was referred to, as a further representation had been received which expressed concerns as to the proximity of the proposal to 11 Grasmere Road. It was noted that the planning authority considered the separation distances to be acceptable and that no floodlights were proposed.

Officers recommendation was for approval, subject to conditions highlighted in the report.

The Chair allowed the applicant, Mr Rothewell to speak on the application.

In determining the application the committee discussed the following:

- Deferral was suggested and the Planning Manager outlined the reasons why this would not be appropriate in this instance.
- It was noted that the position within the application was the only one considered to be suitable.
- Councillor Morris noted that he was a Ward Councillor in the area for which the application had been submitted.

A proposal was moved and seconded to approve the application along with the conditions highlighted 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>
5	0	1

**Resolved:**

That the application be approved subject to the conditions in the report.

**The meeting commenced at 6.30pm and concluded at 10.15pm**

**Signed:**

**(Chair)**