

**MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE**

**Date of Meeting: 10th April 2007**

**Present:** Councillor S Pawson (in the Chair)  
Councillors Challinor, Eton, Haworth, Lamb, Morris, Neal,  
J Pawson, Robertson, Swain and Thorne

**In Attendance:** Linda Fisher, Head of Planning, Legal and Democratic Services  
Neil Birtles, Senior Planning Officer  
Simon Bithell, Senior Solicitor  
Kurt Partington, Urban Vision  
Jenni Cook, Committee Officer

**Also Present:** Councillors Ruddick, Sandiford and Starkey, approximately 18  
members of the public and 2 representatives from the press

---

---

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

Apologies for absence were submitted on behalf of Councillor D Barnes (Councillor Challinor substituting), Councillor L Barnes (Councillor Morris substituting) and Councillor Crosta (Councillor J Pawson substituting).

**2. MINUTES OF THE LAST MEETING**

**Resolved:**

That the minutes of the meeting held on 6<sup>th</sup> March 2007 be agreed as a correct record.

**3. 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 interests were declared:

Councillor Swain declared a personal and prejudicial interest in Minute Number 10, application number 2007/016 and Minute Number 11, application number 2007/030 by virtue that the applicant was a business client.

Councillor Thorne declared a personal and prejudicial interest in Minute Number 10, application number 2007/016 by virtue that she had relatives living in close vicinity to the application site.

Councillor Haworth declared a personal interest in all applications on the agenda by virtue of his employment with a builder's merchant.

**4. URGENT ITEMS**

There were no urgent items for consideration.

## **NON OPERATIONAL ITEMS**

### **5. ENFORCEMENT ACTION UPDATE REPORT**

The Head of Planning, Legal and Democratic introduced the report. The Committee noted the updated position with regard to the enforcement action carried out by the Development Control Service since the previous update on 5<sup>th</sup> December 2006. The report detailed the number of enforcement matters currently being dealt with by the Service, the stage of enforcement action and details of appeals/court hearings pending.

#### **RESOLVED:**

That the report be noted.

### **6. BVPI 109 (A, B AND C) UPDATE REPORT**

The Head of Planning, Legal and Democratic Services presented an update on the current position of the year's performance against BVPI 109 (a, b and c) for the period April 2006 to March 2007 as set out below:

#### **BVPI 109 (a) Major Applications determined within 13 weeks**

<b>Target</b>	<b>Actual</b>	<b>Previous Year</b>
60%	58.3%	34.78%

#### **BVPI 109 (b) Minor Applications determined within 8 weeks**

<b>Target</b>	<b>Actual</b>	<b>Previous Year</b>
65%	78%	78.87%

#### **BVPI 109 (c) Other Applications determined within 8 weeks**

<b>Target</b>	<b>Actual</b>	<b>Previous Year</b>
80%	91%	91.45%

The Head of Planning, Legal and Democratic Services referred Members to a letter received by the Leader of the Council from Baroness Andrews congratulating the Development Control Service on exceeding all three of the national performance standards for planning in the year to December 2006.

#### **RESOLVED:**

That the report be noted. The Committee congratulated the Development Control team on their achievements.

## **APPLICATIONS FOR CONSIDERATION**

### **7. APPLICATION NUMBER 2007/049 CONSTRUCTION OF TWO DWELLINGS AT: LAND AT MILLFORD, WHITWORTH**

The Senior Planning Officer introduced the report and referred to the amended site layout plans received which had been circulated in the Late Items Report.

In accordance with the procedure for public speaking Ms Elaine Bagshaw spoke in favour of the application.

A proposal was moved and seconded 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>
9	2	0

#### **Resolved:**

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

### **8. APPLICATION NUMBER 2005/729 ERECTION OF A 3-STOREY OFFICE BUILDING AND 15 HOUSES AT: HIGHER MILL, MILLGATE ROAD, EAST PARADE, RAWTENSTALL**

The Senior Planning Officer introduced the report.

In accordance with the procedure for public speaking, Ms Kathy Fishwick spoke against the application and Ms Amy Bridge spoke in favour of the application.

The Head of Planning, Legal and Democratic Services confirmed that the Section 106 Agreement for the first application had been signed and sealed by the Mayor.

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

Voting took place on the proposal, the results of which were as follows:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
11	0	0

#### **Resolved:**

That the application be granted subject to the conditions in the Report and the addition of the following conditions:

1. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.  
*Reason: To safeguard the amenities of nearby residential properties, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
  
2. Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.  
*Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area and to accord with Policy DC1 of the Rossendale District Local Plan.*

**9. APPLICATION NUMBER 2006/696  
ERECTION OF 21 DWELLINGS  
AT: SLAUGHTER HOUSE, BURNLEY ROAD EAST, WHITEWELL  
BOTTOM**

The Senior Planning Officer introduced the report and referred to the additional representations received since publication of the report.

The Head of Planning, Legal and Democratic Services noted the additional requirements of the County Council which needed to be controlled by condition. The Highways Authority had indicated that the pavements into the site must be constructed in hard paving, not landscaping and fencing must be no more than 1 metre high.

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:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
11	0	0

**Resolved:**

That the application be granted subject to the conditions in the Report and that authority be delegated to the Head of Planning, Legal and Democratic Services to refuse the application if the Unilateral Undertaking does not satisfactorily provide the commuted sum payment of £21,000 for Public Open Space by 18<sup>th</sup> April 2007.

**NB: COUNCILLORS SWAIN AND THORNE LEFT THE ROOM DURING  
CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS**

**10. APPLICATION NUMBER 2007/016  
ERECTION OF 48 DWELLINGS  
AT: LAND OFF OAKLANDS DRIVE & LOWER CRIBDEN AVENUE,  
RAWTENSTALL**

The Head of Planning, Legal and Democratic Services introduced the report and referred to the additional representations received since publication of the report.

In accordance with the procedure for public speaking Mr Matthew Taylor spoke against the application and Mr Daniel Hartley spoke in favour of the application.

The Head of Planning, Legal and Democratic Services asked Members to consider the addition of a Grampian Condition, stating that works may not commence on the development until the Section 106 Agreement as agreed had been signed, if they were minded to grant the application.

In response to a question raised by a Member, the Head of Planning, Legal and Democratic Services reported that the Highways Authority and United Utilities had not objected to the application.

A proposal was moved and seconded to approve the application subject to the conditions 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>
9	0	0

**Resolved:**

1. That the application be granted subject to the conditions in the report and the satisfactory completion of a Section 106 legal agreement to secure the provision of affordable housing and public open space contribution referred to above.
2. That authority be delegated to the Head of Planning, Legal and Democratic Services to refuse the application if the Section 106 legal agreement is not satisfactorily completed by 13 April 2007.
3. Not to commence development on the site (pursuant to Section 56(4) of the Town and Country Planning Act 1990) unless and until a Section 106 agreement has been entered into in the form attached unless otherwise agreed with the Local Planning Authority.

**NB: COUNCILLOR SWAIN LEFT THE ROOM DURING CONSIDERATION OF  
THE FOLLOWING ITEM OF BUSINESS**

**11. APPLICATION NUMBER 2007/030  
ERECTION OF 3 RETAIL UNITS MEASURING 3356 SQ M, 1412 SQ M AND  
1412 SQ M**

## **AT: LAND AT NEW HALL HEY, RAWTENSTALL**

The Head of Planning, Legal and Democratic Services introduced the report and referred to the additional representations received since publication of the report.

An explanation was provided that the first application 2005/617 had received approval by the Committee in April 2006 subject to the signing of a s106 agreement. The application, heads of terms for the s106 and agreed conditions had been referred to the Secretary of State over the summer and a decision not to call the application in had been made. The s106 is largely agreed.

In accordance with the procedure for public speaking Ms Kathy Fishwick spoke against the application and Mr Daniel Hartley spoke in favour of the application.

It was noted that the applicant was willing to submit the marketing brochure for the whole New hall hey site to the Head of Planning, Legal and Democratic Services.

Councillor Lamb expressed concern that the new application resulted in a loss of the two leisure units and instead replaced them with retail. That members had granted permission and wished to see the Leisure delivered on the Site.

Mr Hartley confirmed that the applicants were committed to delivery of the Leisure units and the whole of the New Hall Hey Site.

The Head of Planning, Legal and Democratic Services advised Members that there was currently no condition on application 2005/617 controlling the timing and delivery of the Leisure uses and that none was proposed for this application. The Committee requested that their concerns be recorded in respect of the loss of leisure provision within the application site.

A proposal was moved and seconded to grant the application subject to the conditions 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>
10	0	0

### **Resolved:**

1. That the Secretary of State be advised that the Council is minded to grant planning permission for the development proposals subject to the following heads of terms in a planning obligation and the recommended planning conditions.
2. That if the Secretary of State does not intervene in the application, that planning permission be granted subject to the conditions in the report and that:

- i) Authority be delegated to the Head of Planning, Legal and Democratic Services to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the repayment of £75,000 to the Council for the sustainable transport initiatives (£25,000) and for public art (£50,000).
- 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 in the report) on completion of the above-mentioned legal agreement.
- iv) That authority be given to refuse the application if the applicant fails to complete the Section 106 legal agreement within a reasonable period on the grounds that the proposals do not support the aim and objectives of PPS1 Delivering Sustainable Development.

## **12. CHAIRS ANNOUNCEMENTS**

The Chair thanked the Development Control Team for their hard work in exceeding all three of the national performance standards for planning in the year to December 2006.

**The meeting commenced at 6.30pm and concluded at 9.05pm**