

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 8th December 2008

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

In Attendance: Linda Fisher, Executive Director – Business
Adrian Harding, Principal Planning Officer
Brian Taylor, Senior Enforcement Officer
Carolyn Sharples, Committee and Member Services Officer

Also Present: Councillors Thorne and Swain
Fraser Nash, Senior Projects Manager LCDL
Approximately 17 members of the public
2 representatives from the press

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

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

2. MINUTES

Resolved:

That the minutes of the previous meeting held on 3rd November 2008 be signed by the Chair and agreed as a correct record.

That the minutes of the special meeting held on 19th November 2008 be signed by the Chair and agreed as a correct record, subject to the following amendment:

Item 5

Councillor Nuttall spoke on the application. He stated he was in favour of a new school, but against the principle of the application on this site, and raised some concerns which he asked the Committee to consider.

3. URGENT ITEMS

The Chair reported that there was one urgent item of business which would be taken as the final item at the end of the meeting.

4. DECLARATIONS OF INTEREST

Councillors L.Barnes and Robertson declared a personal and prejudicial interest in the urgent item of business (minute 13) by virtue that they were members of Rossendale Transport. Councillor Stansfield declared that he had been heavily lobbied regarding application 2008/0621 (minute 5) and he would be leaving the meeting for this item.

N.B. Councillor Stansfield left the meeting prior to consideration of the following item of business.

PLANNING APPLICATIONS FOR CONSIDERATION

**5. Application Number 2008/0621
Erection of Office Accommodation (3,021 sq m) and Associated Works.
At: Land Adjoining Rising Bridge Inn, Blackburn Road, Rising Bridge.**

The Principal Planning Officer introduced the report and outlined the proposal for the erection of 3,021 square metres of office space provided in 9 two storey office units.

It was reported that since the initial report was published there were further updates and the Principal Planning Officer outlined the details in the Update Report. This included details of minor amendments to the plans and amended conditions.

In accordance with the procedure for public speaking, Ms A. Kenyon spoke against the application and Mr A. Barrow spoke in support of the application.

In determining the application the Committee discussed the following:

- Pedestrian crossing
- Traffic calming
- Speed reduction sign
- Employment provision
- Re-development of a brownfield site
- Contaminated land
- Footpath contribution
- Carbon emissions
- Opening hours for offices
- High quality accommodation
- Commercial awareness
- Attracting business to the area
- Congestion charges
- Security/safety barrier and CCTV

The Principal Planning Officer reported that CCTV was not a requirement, however it would be possible to negotiate with the Applicant regarding a speed reduction sign, CCTV and barriers.

A proposal was moved and seconded to approve the application subject to the additional conditions of CCTV and barriers, as well as the conditions as set out in the Update Report, the Applicant having already signed a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to make the following commuted sum payments:

- £35,000 towards cycling improvements
- £6,000 towards Travel Plan development and implementation
- £2,000 bus stop maintenance and improvement

- £10,000 towards creating a pedestrian link between Blackburn Road and Stonefold Primary School.

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

FOR	AGAINST	ABSTENTION
6	0	0

Resolved:

That the application be approved subject to conditions in the update report (exact details of which to be agreed by the Executive Director – Business) together with an amendment to **Condition 16** requiring barriers and CCTV provision to be added to the Car Park Management (and usage) Strategy and subject to the agreed Unilateral Undertaking.

Amendment to Condition 16

Prior to the first occupation of the development hereby approved, a Car Park Management (and usage) Strategy shall be submitted to and approved by Lancashire County Council and Rossendale Borough Council. The strategy shall include allocation and location of spaces for all users (including disabled, cycle, and motorbike), security/safety barriers, CCTV provision, security and links to both Travel Plan and Service, Delivery, Waste Collection and Internal Manoeuvring of Vehicles Strategy.

N.B. Councillor Stansfield returned to the meeting.

6. Application Number 2008/0652

**Change of use from hotel and associated function room to single dwelling, and existing detached dwelling (the gate house) within the curtilage of the mansion to become an annex to Horncliffe House.
At: Horncliffe Mansion, Bury Road, Rawtenstall.**

The Principal Planning Officer introduced the report and referred to the relevant planning history.

The Principal Planning Officer updated the Committee with additional information in the Update Report concerning the application for English Heritage grant funding, which had been refused on the grounds that the building was still basically weather tight. He also made reference to the Design Access Statement which noted that the building still required considerable maintenance, and as such the case officer considered that grant funding may still be available and that the recommendation to refuse the application remained unchanged.

In accordance with the procedure for public speaking, Ms K. Fishwick spoke against the application and Mr J. Carter spoke in support of the application. Councillor Swain also spoke in support of the application.

In determining the application the Committee discussed the following:

- Current recession
- Investment in the valley

- Tourism industry underdevelopment
- Need for hotels in the valley
- Advertising required
- Marketing the hotel business
- Originally built as a single residence
- Gatehouse usage
- Restoration
- Provision of employment
- Deterioration of property if the hotel was not viable
- New hotel on the college site

A proposal was moved and seconded to approve the application with authority delegated to the Executive Director – Business to impose relevant conditions. The reason for approval was that the building was originally a dwelling and it would be returning to its original intended purpose as a dwelling.

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

FOR	AGAINST	ABSTENTION
4	3	0

Resolved:

- That the application be approved with authority delegated to the Executive Director – Business to impose relevant conditions.
- That the application be approved against the officer recommendation for the following reason:
 - The building would be restored to its original intended purpose as a dwelling/residence. The committee being satisfied that marketing had taken place and this being confirmed by the applicant.

**7. Application Number 2008/0643
Certificate of Lawfulness for existing residential use of caravan.
At: Willows Farm, Gib Hill Lane, Crawshawbooth.**

The Executive Director - Business introduced the report and outlined the relevant planning history. She informed the Committee that the application was for a Certificate of Lawfulness for an existing use of a caravan for residential purposes made on the grounds that the caravan had been used as a mobile home for at least ten or more years.

The Executive Director – Business also noted that there was evidence of utility bills being paid on the site going back to evidence the use of the caravan on site for at least 10 years.

There were no speakers on this application.

In determining the application the Committee discussed the following:

- Would it lay the foundations for residential use?
- Could approval generate planning permission for a house to be built?
- New caravan on site
- The site was clean and tidy
- The site was a long way from other residences and was hidden from view

A proposal was moved and seconded to approve the application as recommended in the report.

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

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That a Certificate of Lawfulness be granted for the following reason:

After consideration of all the evidence put forward by the applicant including affidavits, sale invoices and additional enquiries undertaken by the Council to assess the validity of the submitted evidence, comprising statements for the availability of residential facilities including gas, electricity and water supply, the Council consider on the balance of probabilities that the caravan has been sited on the land shown edged red on the application plan numbered 2008/643 received on 17 October 2008 and used as a primary residence for a period in excess of 10 years.

**8. Application Number 2008/0658
Construction of manege for private use.
At: Land opposite 150-154 Rising Bridge Road, Rising Bridge.**

The Principal Planning Officer introduced the report and clarified that a “manege” was the correct term for a horse riding arena. He referred to the relevant planning history and the current proposal for a manege 40m by 20m to the rear of the existing stables.

In accordance with the procedure for public speaking, Mr M. Flood spoke in support of the application.

In determining the application the Committee discussed the following:

- The need to clean up the site
- Site for private use only

A proposal was moved and seconded to approve the application with conditions as detailed in the report and an additional condition that the site would be tidied up.

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

FOR	AGAINST	ABSTENTION
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7	0	0
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Resolved:

That the application be approved subject to the conditions listed in the report (exact details of which to be agreed by the Executive Director – Business) together with an additional condition that the site be tidied up.

**9. Application Number 2008/0697
Retrospective consent for double garage to rear of 11 Dale Street.
At: Land at rear of 11 Dale Street, Stubbins, Rossendale.**

The Principal Planning Officer introduced the report and outlined the details of the proposal for retrospective consent for a double garage on a site within the Urban Boundary.

The Principal Planning Officer informed the Committee that since the report was written a further letter of objection had been received, however the issues raised had already been addressed in the original report.

There were no speakers on this application.

In determining the application the Committee discussed the following:

- That it was a retrospective application which is an undesirable way of handling development proposals
- Other garages on site with no planning permission
- Other garages on site in poor condition
- Garage was tidy compared with others on the site
- Conditions preventing the sale of cars from the garage

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:

FOR	AGAINST	ABSTENTION
6	0	1

Resolved:

That the application be approved subject to the conditions set out in the report (exact details of which to be agreed by the Executive Director – Business).

**10. Enforcement Number 189/06
Re-instate land to its former condition.
Land between Croston Close Road and Sales Lane, Edenfield,
Rossendale.**

The Executive Director - Business introduced the report and informed the Committee of the relevant enforcement history and the proposal for the

Council to re-instate the land to its former condition as directed by the planning inspector and a charge on the land be registered in order for the costs to be reclaimed off the current owners or from the future sale of the land.

In considering the item members discussed the following:

- Requirement for enforcement
- Charge on land or owner?
- Recovering monies

Resolved:

That the work is approved to re-instate the land to its former condition as directed by the planning inspector and a charge on the land be registered in order for the costs to be reclaimed off the current owners or from the future sale of the land.

11. Development Control Performance 1st April 2008 – 30th September 2008.

The Executive Director – Business updated the Committee on the Planning Unit Performance from 1st April – 30th September 2008. This would be a regular report to the Development Control Committee.

The Executive Director – Business updated the Committee with the current performance figures and noted the improvements in the service. Additional graphs were circulated at the meetings to show comparative information on performance figures.

In considering the item members discussed the following:

- The improvements in performance

Resolved:

That the report be noted.

12. Audit Commission report Probity in Planning including ethical governance arrangements.

The Executive Director – Business informed the Committee of the Probity in Planning report which had recently been received from the Audit Commission. The report identified that the Authority had made good progress, there was a new sense of leadership in the Planning function and working relationships between members, officers and external stakeholders were much improved.

The Executive Director – Business informed the Committee that there were still areas where improvements were required, and these were being addressed as part of the Improvement Plan. She also informed members that amendments to the Scheme of Delegation would go through the Governance Working Group and that members would be able to inform the document.

In considering the item members discussed the following:

- Positive report
- Scheme of Delegation
- Call-in procedure
- Changes in the number of objections from 3 to 6
- Targets

Resolved:

- That the report be noted.
- That progress on such matters be reported to a future Audit Committee.

N.B. Councillors L.Barnes and Robertson left the meeting prior to consideration of the following item of business.

(Councillor May in the Chair)

13. Update report on the section 106 agreement for the Lidl store in Rawtenstall.

The Executive Director – Business updated the Committee on the current progress of the section 106 agreement for the Lidl store in Rawtenstall. This included the provision of land for a Bus Interchange facility, car park management plan, travel plan requirements, and contribution to pedestrian crossing facilities and CCTV in Rawtenstall.

The Executive Director – Business informed the Committee that it had been necessary to protect the Council's original decision and outlined the details of the suggested covenant and side agreement with Lancashire County Council and Lidl.

Resolved:

That the Executive Director – Business be given the authority to enter into the section 106 agreement on the terms outlined in the report and that the permission is then issued.

The meeting commenced at 6.30pm and concluded at 8.20pm