

MINUTES OF: DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 5th April 2006

PRESENT: Councillor S Pawson (in the Chair)
Councillors Eaton, D Barnes, L Barnes, Crosta, Hancock,
Lamb, P Steen, Robertson, Thorne, Young

IN ATTENDANCE: B Sheasby, Team Manager Development Control
K Partington, Urban Vision
A Kershaw, Urban Vision
D Jolley, Urban Vision
Helen Longworth, Planning Assistant
A Parkinson, Legal Service Manager
H Moore, Executive Office Manager
J Cook, Committee Officer

ALSO PRESENT: Councillors Challinor, Disley, Driver, Farquharson,
Graham, Neal, H Steen

1. APOLOGIES AND NOTIFICATION OF SUBSTITUTES

Apologies were received from Councillors Atkinson (Hancock substituting),
Entwistle (P Steen substituting) and Swain (Eaton substituting).

2. MINUTES OF THE LAST MEETING:

Resolved:

That the minutes of the meeting held on 8th March 2006 be agreed as a
correct record subject to the inclusion of the planning appeal decisions as
detailed below.

It was resolved that the following planning appeal decisions be noted:

Application 2004/651 – Land between Manchester Road and Laneside Road,
Haslingden – Appeal upheld – application granted.

Application 2005/064 – 17 Ainsdale Drive Whitworth – Appeal upheld –
application granted.

Application 2005/140 – 224 Burnley Road, Weir – Appeal upheld – application
granted.

Application 2005/237 – 5 Ivy Grove, Rawtenstall – Appeal dismissed –
refused.

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 interest was declared:-

Councillor Hancock declared a personal and prejudicial interest in Application Number 2005/617 by virtue that his employer has worked with the applicant. Councillor Hancock vacated the meeting during the discussion and on consideration of the application.

4. APPLICATION 2005/617

PART A – LAND AT NEW HALL HEY, RAWTENSTALL – ERECTION OF 1 NON-FOOD RETAIL UNIT, 8 NO. B1 AND B8 BUSINESS UNITS, 4 NO. B1 OFFICE, 3 LEISURE AND 5 A3 UNITS

PART B – HERITAGE ARCADE, BACUP ROAD, RAWTENSTALL – CONVERSION OF HERITAGE ARCADE FROM RETAIL MARKET TO CLASS A3/A4 RESTAURANT/PUB

PART C – EX SOLDIER AND SAILORS’ CLUB, QUEEN STREET – CONVERSION OF FORMER CLUB TO HEALTH CARE FACILITY

Councillors Pawson, D Barnes, L Barnes, Crosta, Eaton Steen, Lamb, Robertson, Thorne and Young declared they had been lobbied on the application but had not fettered their discretion in determining the application.

Kurt Partington of Urban Vision presented the application and informed the Committee of the additional representations which were received since the preparation of his report.

There were no public speakers against the application.

In accordance with the procedure for public speaking Stephen Ashworth spoke in favour of the application.

Councillor Neal also spoke on the application.

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

An amendment was moved and seconded that the Committee be minded to approve the application as a refusal would be detrimental to the future of Rossendale and that the Chief Executive in consultation with the Officers and the Chair be given delegated authority to determine the conditions to be attached to the consent together with the Heads of Terms in respect of a Section 106 Agreement and to issue a decision notice if the application is not called in by the Government Office.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson	✓		
Eaton	✓		
D Barnes	✓		
L Barnes	✓		
Crosta	✓		
P Steen	✓		
Lamb	✓		
Robertson	✓		
Thorne	✓		
Young	✓		
TOTALS	10	0	0

The amendment was carried and the substantive motion was put to the meeting, the result of which was as follows:

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson	✓		
Eaton	✓		
D Barnes	✓		
L Barnes	✓		
Crosta	✓		
P Steen	✓		
Lamb	✓		
Robertson	✓		
Thorne	✓		
Young	✓		
TOTALS	10	0	0

RESOLVED:

That members of the Committee be minded to approve the application as a refusal would be detrimental to the future of Rossendale and that the Chief Executive in consultation with the Officers and the Chair be given delegated authority to determine the conditions to be attached to the consent together with the Heads of Terms in respect of a Section 106 Agreement and to issue a decision notice if the application is not called in by the Government Office.

Reasons

Having taken into account all relevant material planning considerations, this committee considers that planning permission for this proposed development should be resolved to be granted (subject to a Section 106 agreement relating to sustainable transport initiatives and highway works) because in our judgement its positive impacts in terms of the wider economic, environmental, social and physical regeneration opportunities and benefits which the scheme will bring to the local community and to the town, are all key issues which, when weighed in the balance with other factors, should be given conclusive weight in this case. In addition, the approval of this application will have very positive and significant sustainable development benefits resulting from the

reduction in car-borne journeys made by many people who currently travel out of the Valley to do their non-food shopping and to access leisure facilities that are not available locally. Taken together, it is the view of Committee that these positive regeneration and other benefits plainly outweigh any perceived objections to the development including those based upon retail capacity, need, or potential negative impacts on the town centre's future vitality and viability.

**5. APPLICATION 2006/046
ERECTION OF BUILDING FOR USE AS PRIVATE INDOOR RIDING
ARENA
AT LAND ADJACENT TO LOWER BOARSGREAVE BARN, COWPE
ROAD, COWPE**

Councillors Pawson, Hancock, D Barnes, L Barnes, Crosta, Lamb, Robertson and Young declared that they had been lobbied on the application, but had not fettered their discretion in determining the application.

The Team Manager Development Control presented the application.

In accordance with the procedure for public speaking Stephen John St Ledger spoke against the application and Alison Rowland spoke in favour of the application.

Councillor Neal also spoke on the application.

A proposal was moved and seconded to defer the application in order that further consideration could be given to materials and the proximity of residential development.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson		✓	
D Barnes	✓		
L Barnes	✓		
Crosta		✓	
Eaton	✓		
Hancock	✓		
P Steen		✓	
Lamb		✓	
Robertson		✓	
Thorne		✓	
Young		✓	
TOTALS	4	7	0

This motion was lost and a proposal was moved and seconded to grant the application subject to conditions outlined in the officers' report.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson	✓		
D Barnes		✓	
L Barnes		✓	
Crosta	✓		
Eaton		✓	
Hancock		✓	
P Steen	✓		
Lamb	✓		
Robertson	✓		
Thorne	✓		
Young	✓		
TOTALS	7	4	0

Resolved:

The planning permission be granted for this application for the reasons set out below and subject to the reasons and conditions set out below:

Reasons

The proposed development is located within the countryside and is an appropriate use for the land. The proposed development will have no significant adverse impact upon the amenity of the neighbouring properties and will not look out of place within the locality, subject to conditional control. Therefore, the proposed development is in accordance with Policies DC1 and DC2 of the Rossendale District Local Plan and Policies 1 and 5 of the Joint Lancashire Structure Plan.

Conditions

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.
2. 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 shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.
Reason: To safeguard the amenities of nearby residential properties in accordance with policy DC.1 of the Rossendale District Local Plan.
3. Notwithstanding any indication on the approved plans or application forms, no development shall be commenced until full details of the external materials to be used on the roof and the walls of the development have been submitted to and first approved in writing by the Local Planning Authority. The development shall thereafter not be carried out otherwise than in complete accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to accord with Policy DC4 of the Rossendale District Local Plan

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a scheme containing details for the proposed drainage of the site. This scheme shall be implemented prior to the first use of the building hereby permitted.
Reason: To ensure a satisfactory form of development and in the interests of land drainage.
5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
Reason: In the interests of residential amenity.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interests of visual amenity.
7. The building hereby permitted, shall not be brought into use, until a scheme for the removal and storage of manure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first use of the building.
Reason: In the interests of visual amenity.

**6. APPLICATION 2006/050
RESIDENTIAL DEVELOPMENT OF 55 DWELLINGS
AT GREENSNOOK LANE, BACUP**

Councillors D Barnes and L Barnes declared that they had been lobbied on the application but had not fettered their discretion in determining the application.

The Team Manager Development Control presented the application and informed the Committee of the additional representations which were received since the preparation of the report.

In accordance with the procedure for public speaking Mr S Oldfield spoke against the application. It was noted that Mr W D Cooper had registered an intention to speak in favour of the application, however did not take the opportunity to speak when called.

Councillors Neal and Driver also spoke on 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:-

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson	✓		
D Barnes	✓		
L Barnes	✓		
Crosta	✓		
Eaton	✓		
Hancock	✓		
P Steen	✓		
Lamb	✓		
Robertson	✓		
Thorne	✓		
Young	✓		
TOTALS	11	0	0

Resolved:

That the application be refused for the following reasons:

1. The application proposes development of peripheral, greenfield land in a manner which encourages unsustainable levels and modes of travel, contrary to Policy 1 and Policy 12 of the adopted Joint Lancashire Structure Plan. The applicant has not demonstrated that there is a need to develop this site in preference to more centrally-located and brownfield sites available within the Urban Boundary of Bacup and do so in a manner providing parking in excess of Policy 7 of the Structure Plan and the approved Parking Standards.
2. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Housing Position Statement (August 2005). In this instance the case has not been advanced to warrant an exception to policy being made.
3. It is considered that the terrace of houses to be erected on Plots 50 to 53, because of their siting/elevation/size, would cause an unacceptable loss of amenity for the occupiers of 32 Greensnook Lane (most particularly by reason of overbearing), contrary to Policy 1 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 of the Rossendale District Local Plan.

7. APPLICATION 2006/076 – CHANGE OF USE OF VACANT CHAPEL TO 1 DWELLING AND GRANNY FLAT AT FORMER BETHLEHEM UNITARIAN CHAPEL AND 64 OLD STREET, TURNPIKE, WATERFOOT

Councillors Pawson, Hancock, D Barnes, L Barnes, Crosta, Lamb, Robertson, Thorne and Young declared that they had been lobbied on this application but had not fettered their discretion in determining the application.

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

The Team Manager Development Control presented the application and informed the Committee of the additional representations which were received since the preparation of the report.

Councillor Disley also spoke on the application.

A proposal was moved and seconded to grant the application, subject to conditions as the proposal would bring back an old building into use.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson	✓		
D Barnes	✓		
L Barnes	✓		
Crosta	✓		
Eaton	✓		
Hancock	✓		
P Steen	✓		
Lamb	✓		
Robertson	✓		
Thorne	✓		
Young	✓		
TOTALS	11	0	0

Resolved:

That planning permission be granted subject to the reasons and conditions set out below.

Reasons

The Council considers that the circumstances exist to warrant permitting the proposed residential development as an exception to Policy 12 of the adopted Joint Lancashire Structure Plan by reason of the architectural/ historic interest of this locally important building and, subject to the conditions, is satisfied the development will not result in significant detriment to its heritage interest or for neighbours, highway safety or in respect of any other material planning consideration.

Conditions

1. The development permitted shall be begun before the expiration of three years from the date of this consent.
Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.
2. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No

construction 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.

3. Before the development commences full details of the treatment proposed for all rooflights, windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details, and any roof slates/external stonework requiring replacement/repair shall be undertaken with materials matching in colour, form and texture those of the existing building, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the building and area in general, accordance with Policy HP4 and DC4 of the adopted Rossendale District Local Plan.

4. Before the development hereby permitted is first commenced full details of the position, height and appearance of the fences/walls to be erected to bound the garden shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved scheme has been implemented.

Reason: To ensure a visually satisfactory form of development/provide reasonable standards of privacy to residents in accordance with Policy HP4 of the adopted Rossendale District Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Classes A to E and H), or any Order amending or revoking and re-enacting that Order, no alterations of extensions shall be undertaken to the dwelling(s) hereby permitted, or any satellite antennae, garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: In the interests of the character and appearance of the building and area in general, accordance with Policy HP4 and DC4 of the adopted Rossendale District Local Plan.

**8. APPLICATION 2006/079
ERECTION OF ONE-STOREY BUILDING TO HOUSE ELECTRICITY SUB
STATION
AT LAND AT ST MARY'S WAY, RAWTENSTALL**

It was noted that no Councillors had been lobbied on this application.

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

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson	✓		

D Barnes	✓		
L Barnes	✓		
Crosta	✓		
Eaton	✓		
Hancock	✓		
P Steen	✓		
Lamb	✓		
Robertson	✓		
Thorne	✓		
Young	✓		
TOTALS	11	0	0

Resolved:

That the application be approved for the reasons set out below and subject to the conditions set out below.

Reasons

The proposal accords with Policy 1, 2 & 21 of the adopted Joint Lancashire Structure Plan and Policy DS1, HP1 & HP2 of the adopted Rossendale District Local Plan in that the proposed development is located within the Urban Boundary of Rawtenstall and, subject to the conditions, is not likely to result in unacceptable detriment to the setting of any Listed Building or Conservation Area, to the amenities of any nearby resident or in respect of any other material planning consideration.

Conditions

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. Notwithstanding what is shown on the submitted drawings, the development hereby permitted shall not commence until samples of the local natural stone to be used to construct the external walls to the proposed building (or an alternative closely matching it) has been submitted to and approved in writing by the Local Planning Authority. The external facing materials to be used shall in all other respects accord with those shown on the submitted drawings, unless a variation is first agreed in writing by the Local Planning Authority.
Reason: To ensure that the materials used are visually appropriate to the locality, in accordance with Policy DC4 of the adopted Rossendale District Local Plan.
3. No part of the building hereby permitted (including its foundation) shall be constructed within 1.5m of the wall/fence bounding the passageway running to the rear of 5-9 St Mary's Court and its construction shall not commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate all existing trees and shrubs in the vicinity of the site; detail any to

be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of neighbour and visual amenity, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

4. All hard-landscaping comprised in the approved details of landscaping shall be completed prior to first use of the permitted building. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building, and any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of neighbour and visual amenity, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

9. APPLICATION 2006/116 – OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT FEARNLEA SERVICE STATION, ROCHDALE ROAD, BACUP

Councillors Pawson, D Barnes, L Barnes, Crosta, Steen, Lamb, Robertson, Eaton, Thorne and Young declared that they had been lobbied on the application but had not fettered their discretion in determining the application.

The Team Leader, Development Control presented the application and informed the Committee of the additional representations which were received since the preparation of his report.

In accordance with the public speaking procedure Mr J Cowpe spoke in favour of the application. Councillor Farquharson also spoke on the application.

A proposal was moved and seconded to approve the application as it was considered that there was no loss of amenity and the site was in a prominent position and was in keeping with the area and shall not be derelict.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson		✓	
D Barnes	✓		
L Barnes	✓		
Crosta	✓		
Eaton	✓		
Hancock	✓		
P Steen	✓		
Lamb	✓		
Robertson		✓	

Thorne		✓	
Young		✓	
TOTALS	7	4	0

RESOLVED:

That the outline planning permission be granted for the reasons outlined below and subject to the following conditions:

Reasons

The Council considers that the circumstances exist to warrant permitting the proposed residential development as an exception to Policy 12 of the adopted Joint Lancashire Structure Plan by reason of its regenerative impact upon Bacup, Stacksteads and Britannia Action Area and, subject to the conditions, is satisfied the development will not result in significant detriment to neighbours, highway safety or in respect of any other material planning consideration.

Conditions

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: The application is in outline only and not accompanied by detailed plans.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
Reason: The application is in outline only and not accompanied by detailed plans.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act
4. 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 shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.
Reason: To safeguard the amenities of nearby residential properties in accordance with policy DC.1 of the Rossendale District Local Plan.
5. The first reserved matters application shall be accompanied by a Contaminated Land Phase I Report to assess the actual/potential contamination risks at the site. Should the Phase 1 Report recommend

that a Phase II Investigation is required, a Phase II Investigation shall be carried out and the results submitted to, and approved in writing by, the LPA. Should the Phase II Investigation indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA before commencement of construction of any dwelling. The remedial scheme in the approved Remediation Statement shall then be carried out and a Site Completion Report (detailing the conclusions and actions taken at each stage of the works, including validation works) shall be submitted to the LPA prior to first occupation of any dwelling.

Reason: To ensure the development is suitable for its end use and the wider environment, and does not create undue risks to site users or neighbours during the course of the development, and to accord with Policy E7 of the adopted Rossendale District Local Plan.

**10. APPLICATION 2006/121
ERECTION OF ONE DETACHED DWELLING (OUTLINE)
AT LAND ADJACENT TO LANE END FARM, EDEN LANE, EDENFIELD**

It was noted that no Councillors had been lobbied on the application.

The Team Manager, Development Control, outlined the application and informed the Committee of the additional representations which were received since the preparation of the report.

In accordance with the public speaking procedure, Mr S Preston 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:

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson	✓		
D Barnes	✓		
L Barnes	✓		
Crosta	✓		
Eaton		✓	
Hancock	✓		
P Steen	✓		
Lamb	✓		
Robertson	✓		
Thorne	✓		
Young	✓		
TOTALS	10	1	0

RESOLVED:

That the application be refused for the following reasons:

Reasons

1. The proposed development would result in the provision of a dwelling outside of the main development locations, which will not support rural regeneration or has no identified local need, contrary to Policies 1 and 5 of the adopted Joint Lancashire Structure Plan and Policy DS1 of the adopted Rossendale District Local Plan .
2. The proposed development would be located within the Green Belt as defined by the adopted Joint Lancashire Structure Plan and the adopted Rossendale District Local Plan, wherein planning permission will not be given for erection of a new dwelling except in very special circumstances. In this instance the case has not been advanced to warrant an exception to PPG2 and Policy DS3 of the Local Plan. Furthermore, the proposed development would erode unacceptably the essentially open and rural character of the area and undermine the purposes for having included this and the neighbouring land in Green Belt
3. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Housing Position Statement (August 2005). In this instance the case has not been advanced to warrant an exception to policy being made.

**11. PLANNING APPEAL RESULT
APPLICATION 2005/014
PAIR OF SEMI-DETACHED DORMER BUNGALOWS WITH SINGLE
GARAGES (OUTLINE)
AT LAND TO REAR OF 1 GREAVE TERRACE, BACUP**

The Team Manager Development Control submitted a report notifying members of an appeal decision in respect of Planning Application Number 2005/014 which was for the erection of one pair of semi detached dormer bungalows with single garages.

The Team Manager Development Control reported that the Inspector had dismissed the appeal.

Resolved:

That the report be noted.

DURATION OF MEETING

The Committee resolved in accordance with Committee Procedure Rule 4.1 of the Council's Constitution to continue the meeting after 9.30pm.

The Meeting commenced at 6.30pm and closed at 9.55pm