

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 21st May 2024

Present: Councillor Procter (Chair)
Councillors Adshead, Eaton, Hancock, Harris, Hodgkiss and Kenyon

In Attendance: Mike Atherton, Head of Planning
James Dalglish, Principal Planning Officer
Sattar Hussain, Legal Officer

Also Present: Councillors D Ashworth, M Smith, A Walmsley, J Driver
24 members of the public

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. MINUTES

Resolved:

That the minutes of the meeting held on the 19th March 2024 be signed by the Chair and agreed as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

PLANNING APPLICATIONS

The Chair noted that the Planning Officers would be outlining the main points of the applications and any relevant additional information. The Committee were given copies of all reports and plans in advance of the meeting, which they had adequate time to read.

5. 2022/0543 – LAND OFF FIELDFARE WAY, BACUP (ITEM B1)

The Planning Officer introduced the application as detailed in the report and noted the additional information since the deferral at the previous meeting. The report from the previous meeting was attached at Appendix 1.

Mr Wells spoke against the application. Members asked questions for clarification purposes only.

Councillor Walmsley spoke on the application as Ward member.

In determining the application the Committee discussed the following:

- Six policies under the Local Plan as referred to in the report had numbers that were incorrectly referenced (typographical error), however the titles of the policies and the assessment contained within the report were correct.
- EV charging point locations.
- Capacity of the access on to Fieldfare Way, and the wider highway network.

- Level of affordable housing proposed was less than 30%, which is sought by Local Plan policy.

In response to questions from members the Planning Officers advised on the following:

- The level of affordable housing was compliant with the affordable housing policy as it has been demonstrated to officers' satisfaction that the 15% offered was a reasonable contribution based on the viability conditions relating to the site and proposed development. The policy (HS3) allows for less than 30% provision if it is demonstrated that such provision would render the scheme unviable.
- Scope of s106 agreement – and what it would include.
- Bio-diversity net-gain – officers advised that the development was not required to provide 10% biodiversity net gain, as it was submitted long before the national requirement for 10% BNG was introduced. The development only needs to demonstrate compliance with Local Plan policy on biodiversity.
- Compensatory measures on applicant's own land – officers explained that the development proposed to create new areas of biodiversity net gain on the open space near to the site, which would be secured by S.106 Agreement.
- Vehicular traffic, access and highway capacity – officers explained that the Local Highway Authority had no objection to the proposals. Since the previous Committee meeting, officers had gone back to request further clarification from the Local Highway Authority, which reiterated that it had no objection to the proposed single point of access off Fieldfare Way, and no issues with the capacity of the surrounding highway network.
- Protection for wildlife – officers had consulted Greater Manchester Ecology Unit on the application.
- Open space for children to play – the scheme was proposing to provide open space on site.

A proposal was moved to grant the application in line with the officer's recommendation, subject to the conditions set out in the report. This was not seconded.

A proposal was moved and seconded to refuse the application against the officer's recommendation. The reasons for refusal were as follows:

- Access and highway safety – the proposed single point of vehicular access off Fieldfare Way would not be adequate to serve the amount of traffic that would be generated by the development, and would create highway safety issues around that access, along with causing congestion on the highway network in the vicinity.
- Biodiversity – the development would cause harm to biodiversity on site, and would not provide an adequate net gain in biodiversity.
- Affordable housing – the development would not deliver 30% affordable housing on site as required by policy HS3 of the Local Plan.

Following the proposals, officers strongly advised Members that they would need to provide justification for each reason for refusal and that reasons for refusal had to be clearly linked to policy, as explained in the training session held for Members last week.

Moved: Eaton
 Seconded: Kenyon

FOR	AGAINST	ABSTENTION
5	2	0

Resolved

That the application be refused for the following reasons:

1. The proposed single point of vehicular access on to Fieldfare Way would not be adequate to serve the amount of traffic that would be generated by the development, and would create highway safety issues around that access due to the additional number of vehicles, along with causing congestion on the highway network in the vicinity. As such, the development would have an unacceptable impact on highway safety, and the cumulative impact of the additional traffic on the road network would be severe. The development would not accord with Section 9 of the National Planning Policy Framework.
 2. The development would cause harm to biodiversity on site due to the loss of existing habitats, and would fail to provide adequate compensatory provision or an adequate net gain in biodiversity. The development would not accord with Policy ENV4 of the Council's Local Plan.
 3. The development would not deliver 30% affordable housing on site, and it has not been adequately demonstrated that doing so would make the development unviable and undeliverable. As such, the development would not accord with Policy HS3 of the Council's Local Plan.
- 6. 2024/0118 - PLOT 7 GARAGE SITE, MARK STREET, STACKSTEADS, BACUP (ITEM B2)**
The Planning Officer introduced the application as detailed in the report, including the proposal, site details, relevant planning history and consultation responses received.

No one was registered to speak on the application.

A proposal was moved and seconded to approve the application as per the officer's recommendation, subject to the conditions set out in the report.

Moved: Councillor Eaton
Seconded: Councillor Kenyon

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application be granted in line with the officer's recommendation, subject to the following conditions from the report:

1. The development hereby 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. The development shall be carried out in accordance with the following:

Signed application form dated 20/3/2024

Garage finished drawing 1 received 21/03/24

Garage finished drawing 2 received 21/03/24

Garage Galvanised Steel received 21/03/24

Garage Fibre Cement received 21/03/24

Garage location Plan Red received 21/03/24

Location Plan received 21/03/24

Reason: To define the permission and in the interests of the proper development of the site.

3. The garage shall be used for domestic vehicular parking only and not for the operation of any form of business.

Reason: In the interests of Highway Safety and amenity.

7. 2024/0091 - PILLING BARN, TUNSTEAD LANE, BOOTH ROAD, STACKSTEADS. BACUP (ITEM B3)

The Planning Officer introduced the application as detailed in the report, including the proposal, site details, relevant planning history and consultation responses received.

Mr Steven Hartley spoke in favour of the application. Members asked questions for clarification purposes only.

In determining the application the Committee discussed the following:

- Land stability

A proposal was moved and seconded to approve the application as per the officer's recommendation, subject to the conditions set out in the report.

Moved: Councillor Eaton

Seconded: Councillor Kenyon

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application be granted in line with the officer's recommendation, subject to the following conditions from the report:

- 1) The development hereby permitted shall be carried out in accordance with the following drawings received on 07/03/2024 , unless otherwise required by the conditions below:

Location Plan
Plan of Agric Unit
Existing Site Plan Prior to start of extant approval
Proposed Building details
Proposed Landscaping
Proposed Site Plan

Reason: For the avoidance of doubt.

- 2) The stables and riding arena hereby approved shall be used solely for private purposes and not, at any time, for any commercial use including use for livery and/or in connection with any equestrian event.

Reason: In the interests of highway safety, in accordance with the requirements of Policy LT5 of the Council's adopted Rossendale Local Plan 2019 to 2036.

- 3) At no time shall any form of external illumination or sound amplification be erected or used in association with the development hereby permitted.

Reason: To safeguard the essentially open rural character of the countryside and in the interests of visual and neighbour amenity in accordance with the requirements of Policies ENV1, ENV3 and LT5 of the Council's adopted Rossendale Local Plan 2019 to 2036 and Sections 12, 13 and 15 of the National Planning Policy Framework.

- 4) The planting scheme shown on approved drawing "Proposed Landscaping" shall be implemented in full within the first planting season following the substantial completion of the development. Any planting forming part of that scheme which, within a period of 5 years from the completion of those works, dies, is removed or become seriously damaged or diseased shall be replaced in the next planting season with replacement planting of similar size and species.

Reason: In the interests of visual amenity and the ecology of the area, in accordance with the requirements of Policies ENV1, ENV3, ENV4 and LT5 of the Council's adopted Rossendale Local Plan 2019 to 2036 and Sections 12, 13 and 15 of the National Planning Policy Framework.

- 5) No further trees, shrubs or other vegetation shall be removed from the site between 1st March and 31st August inclusive unless a competent ecologist has first undertaken a detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and has provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority.

Reason: To safeguard nesting birds, in accordance with the requirements of Policies ENV1 and ENV4 of the Council's adopted Rossendale Local Plan 2019 to 2036 and Section 15 of the National Planning Policy Framework.

- 6) Two swallow cups shall be provided as part of the development. These shall be attached to the new building before it is first brought into use and shall thereafter be satisfactorily retained at all times.

Reason: In the interests of the ecology of the area, in accordance with the requirements of Policies ENV1 and ENV4 of the Council's adopted Rossendale Local Plan 2019 to 2036 and Section 15 of the National Planning Policy Framework.

- 7) The approved parking/turning area shall be constructed in accordance with the approved details, and in the approved position, before the approved building and riding arena are first brought into use. It shall thereafter be retained at all times solely for the parking and turning of vehicles in conjunction with those developments.

Reason: In the interests of visual amenity and highway safety, in accordance with the requirements of Policies ENV1, ENV3, LT5 and TR4 of the Council's adopted Rossendale Local Plan 2019 to 2036 and Sections 12, 13 and 15 of the National Planning Policy Framework.

8. 2024/0137 - LAND AT BARNES AVENUE (ITEM B4)

The Planning Officer introduced the application as detailed in the report, including the proposal, site details, relevant planning history and consultation responses received.

No one was registered to speak on the item.

A proposal was moved and seconded to approve the application as per the officer's recommendation, subject to the conditions set out in the report.

Moved: Councillor Kenyon

Seconded: Councillor Eaton

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application be granted in line with the officer's recommendation, subject to the following conditions from the report:

1. The development hereby 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. The development shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:
 - Application form received 08.04.2024
 - Location Plan received 23.04.2024
 - Elevations Plan received 18.04.2024
 - 3D Plan received 18.04.2024

Reason: To ensure the development complies with the approved plans and submitted details.

3. Construction works shall not take place outside the following hours:

Monday to Friday 08:00 to 18:00

Saturday 08:00 to 13:00

Construction shall not take place on Sundays or Bank or Public Holidays.

Access and egress for delivery vehicles shall be restricted to the working hours indicated above.

Reason: to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

4. The garage hereby approved shall be kept freely available for the parking of cars and shall not be converted for any other use without the submission and grant of a planning permission for that purpose by the local planning authority. The garage shall be used only for personal vehicular parking and maintenance, and not for any commercial purposes.

Reason: To allow for the effective use of the parking areas.

5. The parking areas must be constructed of a bound porous material in order to ensure that satisfactory parking is provided before the proposal hereby permitted becomes operative.

Reason: To allow for the effective use of the parking areas.

The meeting concluded at 7:40pm

**Signed:
(Chair)**

Date:
