

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 23rd July 2024

Present: Councillor Procter (Chair)
Councillors Adshead, Ashworth (sub), Cheetham (sub), Driver (sub), Eaton, and Kenyon

In Attendance: Mike Atherton, Head of Planning
James Dalgleish, Principal Planning Officer
Claire Bradley, Senior Planning Officer
Sattar Hussain, Legal Officer

Also Present: Councillors A. Barnes, McInnes, M. Smith and Holland
David Smurthwaite, Director of Economic Development
13 members of the public
1 press

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hancock (Councillor Driver sub), Councillor Harris (Councillor Ashworth sub) and Councillor Hodgkiss (Councillor Cheetham sub).

2. MINUTES

Resolved:

That the minutes of the meeting held on the 25th June 2024 be signed by the Chair and agreed as a correct record. (Cllr Procter moved to approve and Cllr Eaton seconded this)

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. 2023/0462 - Land off Hardman Avenue, Rawtenstall (ITEM B1)

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

Ms Oakey spoke in favour of the application. Members asked questions for clarification purposes.

Councillor McInnes also spoke on the application as a ward member.

In determining the application, the Committee discussed the following:

- Heritage conservation issues
- Planning contributions of £100k and the affordability of the same

- Concerns around public footpaths in the area
- Concerns around separation distance between properties and plots
- General size of the dwellings
- Access and narrowness of the lanes
- Concerns on contributions
- Concerns regarding parking spaces
- 25 dwellings in relation to the Local Plan and the reason for increasing it to 44 dwellings
- The size of the Gross Internal Area (GIA)
- Adaptability of homes for future needs of residents

In response to questions from members the Planning Officer advised that:-

- Balancing exercise is carried out in relation to the heritage conservation area
- The provision for the education contribution has been negotiated
- Materials – The change from brick to artificial stone has been negotiated
- The development will be acceptable in terms of landscaping
- Public footpath will be re-routed and retained
- Local education authority – Contribution of £80k is to fund secondary schools
- Separation distance has been looked into and is over 20m and the distance between the boundary fence has been increased
- Parking spaces have been assessed and no objections raised. The site is sustainably located in Rawtenstall and within walking distance.
- A case can be made regarding applying for more dwellings despite the number stated in the Local Plan and housing is under delivered in the Borough
- The harm of the proposal is outweighed by the public benefit
- There is a requirement to determine each planning application on its own merits
- Balancing exercise carried out regarding GIA
- HS5 has been complied with regarding adaptability

A proposal was moved and seconded that members were minded to approve the application in line with the Officer’s recommendation as detailed in the report.

Moved: Councillor Eaton

Seconded: Councillor Ashworth

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

FOR	AGAINST	ABSTENTION
3	4	0

Resolved:

Members failed to reach a majority vote and therefore, the application was refused based on the following reasons:-

- High density of development
- Impact on heritage asset & non-designated heritage asset
- Insufficient planning contributions
- Access reasons – generates more traffic with the number of dwellings proposed and inadequate vehicular access which would be detrimental to highway safety

- Small size of some properties – gross internal floor area is insufficient to meet policy requirements

6. 2024/0145 – 76 Burnley Road, Rawtenstall, BB4 8EW (ITEM B2)

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

A proposal was moved and seconded to approve the application in line with the Officer’s recommendation subject to the conditions detailed in the report and with the addition of a condition restricting construction work to standard working hours.

Moved: Councillor Eaton
 Seconded: Councillor Ashworth

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

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application be approved in line with the Officer’s recommendation subject to the following conditions as set out in 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 planning application form and the following drawings and documentation unless otherwise required by the conditions below:
 76 BURNLEY ROAD RAWTENSTALL LANCASHIRE BB4 8EW (REC12/4)
 16009 1 EXISTING ELEVATIONS (REC12/4)
 16009 2 EXISTING PLANS (REC 29/4)
 16009 3 PROP ELEVATIONS (REC12/4)
 16009 4 PROPOSED PLAN (REC12/4)
 FLOOD RISK ASSESSMENT
 Reason: To define the permission and in the interests of the proper development of the site.
- 3) The following external materials shall be used
 - natural coursed stone to be used on the elevations
 - natural slate to be used on the roof of the extension
 Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.
- 4) Restrict construction work to standard working hours

7. 2023/0311 – Former Cams Mill, Land East of Holcombe Road, Helmshore. (ITEM B3)

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

Mr Wignall spoke in favour of the application. Members asked questions for clarification purposes.

Councillor Woods submitted a written representation as a ward member which was read out by Cllr Procter.

In determining the application, the Committee discussed the following:

- Change of use to the barn will have to come back to full planning committee
- Collection point for bins
- Grazing of horses in place for many years
- Condition 6 amended

A proposal was moved and seconded to approve the application in line with the Officer's recommendation subject to the conditions detailed in the report and with amendment to condition 6.

Moved: Councillor Procter

Seconded: Councillor Driver

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

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application be approved in line with the Officer's recommendation subject to the following conditions as set out in the report.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the application form and the following drawings and documents, unless otherwise required by the conditions below:
Drawing No: C50-3 Location Plan received 29.06.2023
Drawing No: C50-3 Existing Site Plan received 29.06.2023
Drawing No: C50-3 Proposed Site Plan received 29.06.2023
Drawing C50-3 - Proposed Elevations, Floor Plan & Roof Plan received 29.06.2023
C50-3 Planning Statement received 29.06.2023
Preliminary Ecological Appraisal received 13.05.2024
Heritage Appraisal received 13.05.2024
Reason: To define the permission and in the interests of the proper development of the site.
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 hours shall not take place on Sundays or Bank or Public Holidays.
Access and egress for Construction deliveries shall only be accepted between the hours of (9.30am) and (2.30pm) Monday - Friday, to avoid peak traffic on the surrounding highway network.
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. All external materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied.
Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.

5. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.
Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.
6. The buildings hereby permitted shall only be used for the stabling of horses (and related storage of feed and equipment) for personal use, and shall not be used for livery, equestrian events or any commercial purpose whatsoever at any time.
Reason: In the interest of highway safety.
7. The equine use of the land shall not commence unless and until a pasture management plan and details of management and disposal of manure have been submitted to and approved in writing by the Local Planning Authority. The use shall at all times thereafter be managed in strict accordance with the approved details.
Reason: To protect the character and visual amenity of the area, controlled waters from pollution and the amenity of neighbouring residential properties from odours and flying insects.
8. No lighting shall be installed or erected at the site without the submission and approval of a further application for planning permission for that lighting.
Reason: To protect the ecology and biodiversity of the site.
9. No development, site clearance, or earth moving shall take place or material or machinery brought on site until a method statement via a Construction Environmental Management Plan (CEMP) to protect the River Ogden from accidental spillages, runoff, dust and debris has been supplied to and agreed by the LPA. All measures shall be implemented and maintained for the duration of the construction period and for future operations in accordance with the approved details.
Reason: To protect controlled waters and the ecology of the area from pollution.
10. Prior to any earthworks, vegetation clearance or demolition a method statement detailing eradication or avoidance measures for Himalayan balsam shall be supplied to and agreed in writing to the LPA. The development shall thereafter be implemented in strict accordance with the approved details.
Reason: To ensure proper management of plant species otherwise harmful to the built environment
11. Prior to any earthworks, vegetation clearance or demolition a reasonable avoidance measures method statement for amphibians, reptiles and small mammals shall be supplied to and agreed in writing by the Local Planning Authority. The proposed works shall proceed in accordance with the approved method statement
Reason: In order to satisfy the requirements of the NPPF, the Wildlife and Countryside Act 1981, the Natural Environment and Rural Communities Act 2006, and The Conservation of Habitats and Species Regulations 2010.
12. Any vegetation clearance including trees, shrubs and undergrowth (eg bramble) shall avoid the bird breeding season (March-August inclusive) unless it has been demonstrated to the satisfaction of the Local Planning Authority (which has provided its agreement in writing) that there is no nesting activity present.
Reason: To ensure that there is no harm to nesting birds which are protected by the Wildlife and Countryside Act 1981.
13. Prior to development commencing full details of the type and location of the two 'woodcrete' nest boxes recommended by the surveying ecologist shall be submitted to and approved in writing by the Local Planning Authority. The boxes should be fixed at a minimum height of 2m from the ground facing east. Northerly and south-eastern aspects are also acceptable. The approved details shall be implemented in full prior to bringing the development into use.
Reason: In order to mitigate for any loss of biodiversity at the site.

14. Prior to development commencing full details of the type and location of a hedgehog box within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to bringing the development into use.
Reason: In order to mitigate for any loss of biodiversity at the site.

8. 2024/0236 – 13A Longholme Road, Rawtenstall, BB4 7NG. (ITEM B4)

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

A proposal was moved and seconded to approve the application in line with the Officer’s recommendation subject to the conditions detailed in the report.

Moved: Councillor Procter
Seconded: Councillor Kenyon

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

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application be approved in line with the Officer’s recommendation subject to the following conditions as set out in the report.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the following:
Application Form received 21.06.2024
Location Plan received 04.06.2024
Drawing No: 16015 1 Existing plans received 04.06.2024
Drawing No: 16015 2 Existing Elevations received 04.06.2024
Drawing No: 16015 3 Proposed layouts received 04.06.2024
Drawing No: 16015 4 Proposed Elevations received 04.06.2024
Design and Access Statement received 04.06.2024
Heritage Statement received 04.06.2024
Revised Flood Risk Assessment received 08.07.2024
Reason: To define the permissions and in the interests of the proper development of the site.
3. No materials shall be used on the elevations of the proposed development other than those referred to on the application form.
Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.
4. Prior to commencement of development, a detailed design for the ramp on Longholme Road shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be constructed in accordance with the approved details (see informative note).
Reason: In the interests of highway safety.
5. Prior to first occupation of any of the apartments, a secure covered cycle store for at least 3 bicycles shall be provided and shall be maintained thereafter for that purpose.
Reason: In the interests of highway safety.
6. Refuse receptacles shall only be stored on the highway on collection days.

Reason: In the interests of highway safety.

7. The development hereby proposed shall be carried out in accordance with the Flood Risk Assessment submitted on 08.07.2024

Reason: To ensure there is no danger from flood risk.

9. Edenfield Masterplan & Design Code (ITEM C1)

The Committee considered the report on the Edenfield Masterplan & Design Code.

The following registered speakers spoke in relation the report:

- Ian Lord, Edenfield Community Neighbourhood Forum.
- Paul Bradburn, Edenfield Village Residents Association.
- Sebastian Tibenham, Taylor Wimpey.
- Councillor Holland, Ward Member.

In response to questions it was confirmed that:

- The Transport Assessment for the whole allocation will be determined comprehensively by the Local Planning Authority as part of planning applications.
- It is a material consideration and the developments and planning applications will adhere to the Design Code, Phasing and Implementation Strategy and the Masterplan. It is a policy requirement if the Masterplan, Phasing and Implementation Strategy and Design Codes are agreed.
- Affordable housing would not be stated in a Masterplan. The major applications submitted for development within the allocation, show 30% of affordable housing.
- Building materials were considered in respect of affordable housing.
- The Masterplan document does include road, footpaths and cycle routes.
- Ecological advisers have been consulted on Masterplan and no concerns were raised.
- Masterplan document covers heritage and no objections have been raised regarding the Masterplan proposals.
- Drainage – Connections for water points are at low land level points on the site.

Moved: Councillor Eaton

Seconded: Councillor Procter

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

FOR	AGAINST	ABSTENTION
5	1	1

Resolved:

The committee recommend Cabinet to approve the Masterplan, Phasing and Implementation Strategy and Design Codes subject to the receipt of satisfactory consultation responses. It is also recommended that if any future amendments to the Phasing and Implementation Strategy are required that they are reported back to Cabinet for their agreement.

10. New Validation Checklist Document (ITEM C2)

The Committee considered the report on the New Validation Checklist Document.

Moved: Councillor Procter

Seconded: Councillor Ashworth

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

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

The committee recommended Cabinet to approve the updated Validation Checklist document for immediate use.

The meeting concluded at 9:05pm

**Signed:
(Chair)**

Date:
