

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 23rd July 2013

Present: Councillor Ashworth (in the Chair)
Councillors, Eaton, Kenyon, Morris, Oakes, Procter and Roberts.

In Attendance: Stephen Stray, Planning Manager
Neil Birtles, Principal Planning Officer
Clare Birtwistle, Principal Legal Officer
Michelle Hargreaves, Committee and Member Services Officer
Richard Bingham, Legal Officer

Also Present: 30 members of the public
1 member of press
Councillor Jackson
Councillor Lamb
Councillor MacNae
Councillor Marriott
Councillor Robertson
Councillor Serridge

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies were submitted on behalf of Councillor Fletcher and Councillor Kenyon subbed.

2. MINUTES

Resolved:

That the minutes of the meeting held on 18th June 2013 be signed by the Chair and agreed as a correct record.

3. DECLARATIONS OF INTEREST

Councillor Ashworth declared a pecuniary interest on item B3 and stated that she would leave the room whilst the Vice Chair tabled that item. Councillor Oakes declared a pecuniary interest on item B4 and stated that she would leave the room whilst this item was tabled and Councillor Procter declared an interest on item B2 as she was an appointed member of the Green Vale Home Board.

4. URGENT ITEMS

There were no urgent items.

The Chair informed the committee that agenda item B4 would be tabled first as Councillor Robertson had an engagement to attend in her capacity Mayor and was speaking on that item.

NB Councillor Oakes left the room for this item to be determined.

PLANNING APPLICATIONS

5. Application Number 2013/0207

Erection of a detached house.

At: 69 Booth Road, Waterfoot, BB4 9BP.

The Planning Manager introduced the application, outlined details of the site and the reasons for it being brought before the Development Control Committee. The applicant sought permission for the erection of a single detached dwelling.

The property would have a rectangular footprint with a single storey attached garage to front and a flat roof extension to rear with patio above. The proposed dwelling would have no windows in the side elevations with the exception of a single obscured bathroom window at first floor facing towards No.71 Booth Road and a single roof light in the roof slope.

To the front of the property would be a single storey attached garage which would project forward of the front elevation by 6m and be 3m in width. The garage would have a pitched roof over which would extend to provide a covered canopy area to the main entrance door, close to the boundary with No.71 Booth Road.

The vehicle access from Booth Road would be widened to accommodate off street parking for the proposed dwelling and alter the current parking arrangement at the applicant's property.

In relation to consultation responses, no objection had been received from LCC (Highways) and United Utilities.

With regard to visual amenity the dwelling would have a pitched slate roof with natural stone and the front of the dwelling would be in line with the rear elevations of 69 and 71 Booth Road. The property would be set back and not visible from the street scene.

Officers recommendation was for approval, subject to the conditions set out within the report.

The Planning Manager referred to the update report stating that condition 3 was unnecessarily restrictive in terms of treatment of surface water drainage and therefore recommended condition 3 be amended to state the following:

No surface water from this development should be discharged either directly or indirectly to the foul or combined sewer network. Surface water should discharge to the soakaway/watercourse/surface water sewer. If surface water is to discharge to the public surface water sewerage system details of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development (the submission shall provide details of the rate of flow (which may need to be attenuated to a maximum discharge rate determined by United Utilities). The approved scheme shall be implemented.

Reason : *To prevent flood risk, in accordance with comments received from United Utilities and Policy*

Mr Hartley spoke in favour of the application and Councillor Robertson spoke on the application.

In determining the application, the committee discussed the following:

- Clarification of where windows would be located
- Further clarification regarding the amended surface water condition
- Owners of 69 Booth Road may not live in that property forever and concerns were discussed regarding distance between that property and the proposed dwelling

The Principal Planning Officer clarified the issues raised by the Committee.

A proposal was moved and seconded to approve the application, subject to the conditions outlined in the report along with the amended condition 3 clarified in the update report.

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

FOR	AGAINST	ABSTENTION
5	1	0

Resolved:

That the application be approved, subject to the conditions outlined in the report with the amended condition 3 clarified in the update report.

NB Councillor Oakes returned to the committee for the remaining items.

6. Application Number 2013/0090

Erection of 22 houses and access courts, together with landscaping, stables and access to adjoining farm land.

At: Kearns Mill, Cowpe Road, Cowpe.

The Principal Planning Officer introduced the application, outlined details of the site, the relevant planning history and the reasons for it being brought before the Development Control Committee. The Applicant advised that the first permission was granted prior to the recession and both permissions had now lapsed as unviable. They had purchased the site from the receiver and sought permission for a scheme entailing the following:

- Conversion of the building attached to 11 Moor View to a 3-bedroomed dwelling and demolition of all other buildings on the site.
- Erection of 21 detached and semi-detached houses of 4 or more bedrooms, of varying house-types, to be arranged around two mews courts taking access directly from Cowpe Road.

- Erection towards the eastern boundary of the site of a 1-storey building that would provide stabling for two of the houses.
- The lodge was to be retained and provided with a new spillway near to the western boundary.

With regard to principle, the scheme was located in Countryside however planning permission had previously been granted for this site for 39 dwellings; details of this were outlined within the report. The current scheme was for fewer dwellings.

In relation to contamination and flood risk, the previous scheme had addressed this. An amended flood risk assessment had been submitted by the applicant that sought to overcome the Environment Agency objection. However, its comments on this assessment were awaited. It was noted that it would not be appropriate to approve the application unless the Environment Agency withdrew its objection.

The application would improve the site and would not result in a greater spread of buildings and buildings would be further back from the highway.

The Principal Planning Officer referred to access and parking, LCC (Highways) had no objection and in the interest of highway safety requested a contribution of £10,000. The applicant had agreed to a Section 106 agreement incorporating this contribution. LCC (Education) requested a contribution of £95,044 towards primary school spaces.

With regard to planning contributions, policy requirements indicated that 20% of the properties should be made available for affordable housing. However the applicant had indicated that this could not be provided for viability reasons but would be willing to enter into a Section 106 obligation that included an 'overage clause'. This would mean any profit above the norm (i.e. 20%) would then be shared equally between them and the Council.

Officers recommendation was to approve the application subject to the Environment Agency withdrawing its objection and a Section 106 Obligation securing a contribution of £10,000 for highway works, along with an 'overage clause' ensuring the lion's share of any additional profit was paid to the Council and ensuring suitable arrangements be made to maintain the lodge.

Mr Steel spoke in favour of the application.

In determining the application the committee discussed the following:

- Confidence regarding design solution and if the Environment Agency was satisfied with this
- Safety points around the lodge
- Number of trees to be removed
- Figure for potential profit
- What endeavours shown from developer to confirm application would be completed
- Removal of mill pond from development
- Add value to surrounding properties
- Current eyesore of site

The Principal Planning Officer and the Planning Manager clarified issues raised by the committee.

A proposal was moved and seconded to approve the application giving Officers authority to refuse the application in the event that, prior to 30th August 2013, the Environment Agency do not withdraw its objection and a Section 106 agreement had not been entered into providing a contribution of £10,000 along with the sum of any additional profit and ensuring suitable arrangements be made to maintain the lodge.

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, subject to the Environment Agency withdrawing its objection and a Section 106.

**7. Application Number 2013/0141
Erection of 20 affordable housing units and associated roads.
At: Land adj Bacup Leisure Centre, Burnley Road, Bacup.**

The Principal Planning Officer introduced the application, outlined details of the site and the current application which was to seek permission to erect upon the site 20 2-storey houses, all of which were to be provided as Affordable Housing.

It was intended that half the house be 2-bed and the others 3-bed, arranged in three rows having a north-south axis. The row of properties nearest to Burnley Road would have their front elevations facing towards the main road, but a new access road to be formed midway along the site frontage was to give access to parking to their rear and to the other houses.

A handful of trees towards the rear boundary would be removed, together with a clump of trees towards the north-western corner and most of the trees within that clump around the gas installation towards the south-eastern corner of the site; trees in the clump adjacent to 3 St John Street would be retained if the need to replace the culverted watercourse running near the southern boundary of the site could be avoided.

The site was mostly located within the Urban Boundary and was near to the town centre and bus services, there was however a 11m-14m wide strip of land which was designated as Countryside.

With regard to consultation responses, a number of objections had been received, details of these were outlined within the report, and some of the concerns raised included loss of green space.

The applicant had indicated that they would be willing to make a contribution of £27,320 towards open space/play provision.

It was reminded that the application was for 100% affordable housing, it was noted that a couple of the houses did not comply with the council's housing spacing standards however this referred window to window, however this was between proposed houses and not with neighbouring properties. In relation to access and parking, LCC (Highways) were satisfied with the conditions and required a Traffic Regulation Order in relation to parking.

Officers recommendation was for approval subject to a legal agreement to secure payment of contributions and conditions set out within the report.

Ms Smythe and Mr Helm spoke against the application. Mr Stray said he would look into an equality issue relating to an objection that was raised on this item.

In determining the application the committee discussed the following:

- Types/extent groups use the land
- If the council had supported any events on the land
- If land was protected under open spaces
- Comparison of the land behind Bacup Hub and the land relating to the application
- Lack of other 'green' spaces within Bacup
- Potential noise creation from Bacup Hub to proposed housing development
- Flooding issues
- Detriment to local shops in relation to parking
- Part of the application site was located in countryside

The Planning Manager and the Principal Planning Officer clarified issues raised by the committee.

A proposal was moved and seconded to refuse the application contrary to officers recommendation due to the fact that part of the application located within the countryside, there would be removal of open space for user groups, it was the only 'green area' within Bacup and potential noise from Bacup Hub and parking issues for local residents.

Following this proposal, a proposal was made to defer the application for further discussions to take place, however this was not seconded.

Members continued to discuss the following:

- The option of a deferral

Following a question from a member of the committee, Legal advice was given confirming that the proposal for the deferral was not an amendment.

Voting took place on the original proposal to refuse the application, contrary to the officers recommendation, the result of which was as follows:

FOR	AGAINST	ABSTENTION
6	1	0

Resolved:

That the application be refused, due to that part of the application being located within the countryside, the removal of open space for user groups, it was the only 'green area' within Bacup, potential noise from Bacup Hub, and parking issues for local residents.

NB Councillor Ashworth left the room in order for the following item to be considered. Councillor Roberts chaired this item as he was Vice Chair of the committee.

8. Application Number 2013/0075

Erection of 42 bed specialist care facility and 40 extra care apartments, with car parking accessed from Burnley Road, adj to Northern Primary School, and other associated works and landscaping.

At: Land off Burnley Road, Weir.

The Principal Planning Officer introduced the application, outlined details of the site and the current application.

It was noted that this application had been reported to the Development Control Committee held on 28th May, 2013 with the officer recommendation for refusal, however committee deferred the decision on the application.

Since this meeting, the agent had reiterated that their Client sought consent for a high quality Health Care Campus and had drawn attention to 20 care home schemes elsewhere in the country that had also been located in the countryside, though no context was given to these examples in order to make valid comparisons.

The Agent had also submitted a Supplementary Site Search Report to be more explicit in terms of outlining why, and how, certain sites in Rossendale were more suitable than others and, above all else, why their Client's application site should be considered an appropriate and acceptable location for the proposed development.

As the site was not well served by bus services, which presently did not operate during the evenings or on Sundays, the Applicant had investigated the options of making a contribution to supplement existing bus services and operation of their own shuttle service to meet the needs of staff at the times of shift change-overs, for their residents/patients and visitors. They favoured the operation of their own shuttle service, as did LCC Highways.

In relation to drainage, consultations had taken place and the Environment Agency had no objection. With regard to badger setts, an addendum to the Ecology report had been submitted which clarified that there was no evidence of badgers using the site or surrounding land.

Officers recommendation was for refusal for the reasons outlined in the report.

Mr Gregory spoke against the application and Mr Kellie spoke in favour of the application. Councillor MacNae and Councillor Jackson also spoke on the application.

In determining the application the committee discussed the following:

- Number of accidents on junction to site entering onto Burnley Road
- Comments in the report from LCC
- Contingency plans in place for bad weather in relation to access
- Consultations taken place with local residents
- Focus of care to remain the same as originally stated in original application
- Concerns of traffic around school times
- Interesting design

The Principal Planning Officer clarified issues raised by the committee.

A proposal was moved and seconded to refuse the application for the reasons outlined in the report.

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

FOR	AGAINST	ABSTENTION
5	0	1

Resolved:

That the application be refused for the reasons outlined in the report.

NB Councillor Ashworth returned to the committee to chair the remaining items.

9. Application Number 2013/0197

Application of render to front and rear elevation of house.

At: 4 Richmond Avenue, Haslingden.

The Planning Manager introduced the application and outlined details of the site and the nature of the current application which was to seek permission for to apply a chalk coloured rendered finish to the front and rear elevation of the house. The applicant separately intended to create a porch in the canopied area to the existing front door; the latter was considered to be permitted development.

In support of the application the applicant explains that there were numerous parts of the property where the faces of the brickwork at the front and rear had “blown” leaving the remainder exposed to the elements. The applicant considered this process would continue unless action was taken leading to the building being vulnerable to dampness.

Three letters of objection had been received, expressing concerns that the refurbishment needed to be sympathetic, due to the position of the building the proposed works would create an adverse impression when entering the estate and also the colour chosen was not in keeping with the general character of the area.

With regard to principle, the site was located within the Urban Boundary and in relation to visual amenity; Officers had outlined to the applicant the concerns of objectors in relation to the use of render and the colour of render proposed in the initial application.

The applicant had proposed a brick-faced porch and garage and explained the cost-reasons why brick was not an option for the whole of the property.

Officers recommendation was for approval subject to the conditions set out in the report.

The Chair read a submission sent against the application and Mr Paul spoke in favour of the application.

In determining the application the committee discussed the following:

- If applicant had tried to compromise with residents regarding colour choice
- Different variations of 'chalk' colour
- If the applicant would be residing at the property in question

The Planning Manager clarified that a condition was included with regard to providing a sample of the facing materials prior to work commencing if the committee was minded to approve 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:

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application be approved subject to the conditions set out in the report.

10. Application Number 2013/0208

**Creation of new access, engineering operations to raise level of land and retaining walls.
At: 2 Conway Road, Cloughfold.**

The Planning Manager introduced the application and outlined the details of the site, and the purpose of the report. Retrospective planning permission was sought for 'The creation of a new access, engineering operations to raise the level of the land, and the construction of retaining walls to form an additional area of garden'. The access would be approximately 3m wide leaving a gap of approximately 4m from the side wall of the adjacent bungalow.

With regard to neighbour amenity, there would be no loss of light or privacy to neighbours and it was not proposed for this proposal to result in an alternative vehicle access for parking and turning.

Officers recommendation was to approve the application, subject to the conditions outlined in the report.

In determining the item the committee discussed the following:

- Retrospective 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:-

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application be approved, subject to the conditions outlined within the report.

The meeting commenced at 6.35pm and concluded at 9.10pm

Signed:

(Chair)