

**MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE**

**Date of Meeting: 9<sup>th</sup> October 2013**

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

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

**Also Present:** 28 members of the public  
2 members of press  
Councillors Barnes and Cheetham

**1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

No apologies had been submitted.

**2. MINUTES**

**Resolved:**

That the minutes of the meeting held on 3<sup>rd</sup> September 2013 be signed by the Chair and agreed as a correct record.

**3. DECLARATIONS OF INTEREST**

Councillor Oakes declared a pecuniary interest on agenda item B4 and stated that she would leave the room whilst the application was heard.

**4. URGENT ITEMS**

There were no urgent items.

**PLANNING APPLICATIONS**

**5. Application Number 2013/0256**

**The construction of 15 detached dwellings with a new access from Burnley Road. Access and infrastructure works to resident's allotments and infrastructure and facilities including growing houses and community education building for a community allotment and garden scheme.**

**At: Land opposite 1001-1037 Burnley Road, Loveclough.**

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

for it being brought before the Development Control Committee. Permission was sought to erect 15 detached 4-bedroomed houses. They would be 2-storey, of stone and slate construction, grouped around a new cul de sac connecting directly to Burnley Road. Each would have off street parking, front and rear gardens. The land would be re-graded such that the dwellings would sit lower than the existing land levels.

The applicant would provide infrastructure and enable works for allotments (Phase 1) and a community garden facility on the Council-owned land which would be accessed via the unmade private track giving access to the garage colony.

In addition they were willing to undertake the provision and construction of the following as a second phase: a community education building, growing houses, compost toilet and photovoltaic panels and mesh security fencing around the allotment site.

As part of the scheme the applicant proposed to construct a pelican-crossing to the north of the residential site.

It was clarified that the existing garage colony was in the applicant's ownership; however the land to the west of this was owned by the council.

With regard to comments, the scheme was classed as a major development in the countryside and was therefore contrary to policy AVP4. The creation of the allotments would be desirable in principle and would accord with the council's core strategy however it was questioned by officers as to whether they were necessary and directly related to the proposed development and whether the design proposed was suitable.

In relation to notification responses, a large number of objections had been received with the main concern being the development was to be located within the countryside. It was noted that the applicant had referred to a previous permission granted at Loveclough Social Club and had felt that this had set a precedence for future similar applications. Officers view was the comment was not relevant as the circumstances in that application had been very different to this.

According to housing policy and affordable housing, policy 4 stated that housing developments within greenfield required between 30% - 40% of dwellings to be affordable. For this application, this would equate to 4 properties. The applicant had recently indicated that they would adhere to this requirement.

LCC (Highways) had no objection to the application; LCC (Education) had not sought an education contribution.

Officers recommendation was for refusal, for the reasons set out in the report.

Mr Hemsall spoke against the application and Mr Luxton spoke in favour of the application.

In determining the application, the committee discussed the following:

- Negotiations between LVRA and the council regarding the allotments
- Enhancements from developer
- Loveclough Social Club application not relevant to the proposed application
- The affordable housing – when this was confirmed
- If plans would need to change now affordable housing agreed
- Site was greenfield/ countryside
- Allotments seemed to be progressing without the housing application

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

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

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
7	0	0

**Resolved:**

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

**6. Application Number 2013/0393**

**Flood defence works including the formation of bunds, embankments inlet weirs and outlet weirs and associated works (retrospective).**

**At: Chatterton Recreation Ground, Chatterton Road, Chatterton.**

The Principal Planning Officer introduced the application, outlined details of the site and the reasons for it being brought before the Development Control Committee. In June 2012 land/properties in the vicinity of the recreation ground were inundated when the River Irwell over-topped its banks, initially to the north of Mint Street. In response to this flood event the Environment Agency (EA) undertook a detailed flood risk management study. This identified the need for enhanced flood defenses in the area.

The main elements of the scheme devised were outlined within the report.

With regard to notification responses, 3 letters of support had been received along with 10 letters of objection to the scheme, which mainly stated the concern with the lack of planning permission obtained by the Environment Agency and the appearance/operation the bund serves.

In relation to visual amenity, the works undertaken did not detract to a significant extent from the character and appearance of the area. Concerns were raised with regard to the number of mature trees damaged by contractors and a tree survey submitted by the (EA) acknowledged the harm done.

The Principal Planning Officer raised contamination issues in relation to the material which formed the bund that may contain Japanese Knotweed. It was clarified in the update report that the top soil had been imported from an approved source.

Officers' recommendation was for approval, subject to a landscaping scheme to provide details of the planting to be undertaken in compensation for the damaged trees.

Mr Taylor spoke against the application and Mr Palmer spoke in favour of the application.

In determining the application the committee discussed the following:

- Diversion of water by the bund
- Consultation from the EA
- If the bund was useful and an advantage to residents
- Grateful EA had assisted residents
- Financial implications of removing the bund
- Safety of bund

A proposal was moved and seconded to approve the application subject to a landscaping scheme to provide details of the planting to be undertaken in compensation for the damaged trees.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
6	0	1

**Resolved:**

That the application be approved, subject to a landscaping scheme to provide details of the planting to be undertaken in compensation for the damaged trees.

**7. Application Number 2013/0396**

**Flood risk management scheme including the construction of flood defence walls, alterations to ground levels, erection of fencing/walls and associated works.**

**At: Land in the vicinity of the River Irwell between Cuba Industrial Estate and Pin Meadows, Stubbins, Ramsbottom.**

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

Both Ramsbottom and Stubbins have had a long history of flooding. The most recent flood event occurred in June 2012.

This identified the need for flood defences in Stubbins along the right bank of the River Irwell. The Flood Defence Scheme the Environment Agency (EA) wished to implement was in 7 distinct parts, referred to as 'reaches' owing to their linear nature and proximity to the watercourse. Works within each 'reach' was outlined in the report.

There was a track located behind Dale Street which had an area of land which sloped downwards. The intention was to remove the slope and replace this with a structure. A resident may lose their garage through these works however the EA were in discussions regarding a replacement. There would also be a loss of trees in which replacement planting had been proposed.

It was also clarified that the works would not diminish the character of the memorial garden.

No objections had been received from LCC (Highways) or from the residents association. One letter of objection had been received from a resident of Robert Street which stated their concerns of their wheelchair access, however this issue was being addressed.

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

In determining the application the committee discussed the following:

- Positive news for residents of Ramsbottom
- Lack of representation from EA
- Well consulted upon scheme

The Principal Planning Officer clarified issues raised by the committee.

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

Voting took place on the original proposal to approve the application:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
7	0	0

**Resolved:**

That the application be approved subject to the conditions outlined in the report.

**NB. Councillor Oakes left the room in order for the following application to be determined.**

**8. Application Number 2013/0363**

**Erection of part 1 storey/part 2 storey rear extension with attached raised balcony area and single storey side extension.**

**At: 81 Booth Road, Waterfoot, Rossendale, BB4 9BP**

The Principal Planning Officer introduced the application, outlined details of the site and the current application. The applicant sought permission for the erection of a part 2-storey/part 1-storey rear extension, with attached raised balcony area, and 1-storey side extension.

The proposed extension to the rear would have a width of 4.85m, which was just over half of the width of the original house. It would project from the rear of the property by 4.84m. The two storey element would project by 2.86m and the 1-storey element the full 4.84m. The extension would be 1.8m from the boundary with 79 Booth Road. There would be no windows in the side elevations of the rear extension.

The extensions would be constructed of stone and slate to match the existing house and would not breach the SPD 45 degree rule.

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

Mr Bann spoke against the application and Mr Edmundson spoke in favour of the application.

In determining the application the committee discussed the following:

- Dimensions of proposed balcony to neighbouring property
- Clarification whether the 45 degree rule complied with the SPD
- Step down design of extension

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

Voting took place on the original proposal to approve the application:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
6	0	0

**Resolved:**

That the application be approved subject to the conditions outlined in the report.

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

**9. Application Number 2013/0374 & 2013/376**

**Bury MBC and Lancashire County Council consultation on a proposed Anaerobic Digester.**

**At: Fletcher Bank Quarry, Manchester Road, Ramsbottom**

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

purpose of the report.

This type of application would normally result in officer comments as it was an application for Bury MBC and LCC to determine but officers were aware that the application may give rise to impacts for Rossendale and its residents/businesses/visitors.

The report related to a proposal for an Anaerobic Digester, whilst the second (item C2 on the agenda) report related to a proposal for a revised restoration scheme for the northern part of the quarry.

It was reminded that this application was for consultation only and the planning decision would be made by Bury MBC and LCC.

Officers recommendation was that this Council had no objection to the proposed Anaerobic Digester, however within the recommendation, Bury MBC be advised of odour and air quality issues. Further details were outlined within the report.

Councillor Cheetham spoke on the application.

In determining the item the committee discussed the following:

- Similar issues within Stacksteads in relation to odour
- Vehicles potentially coming from the North
- Potential number of vehicles used per day
- Sealed vehicles
- Monitoring of the vehicles
- Concerns of vehicle routes through Rossendale
- Maintenance/cleaning of roads following vehicle movements

Members agreed to support the officers recommendation that this Council had no objection to the proposed Anaerobic Digester, however within the recommendation, Bury MBC be advised of odour and air quality issues as detailed within the report along with an additional recommendation requesting that LCC monitor the routing of vehicles if the application be approved and take necessary action where routes were not suitable.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
7	0	0

**Resolved:**

That members agree the officers recommendation that this Council had no objection to the proposed Anaerobic Digester, however within the recommendation, Bury MBC be advised of odour and air quality issues as detailed within the report along with an additional recommendation requesting that LCC monitor the routing of vehicles if the application be approved and take necessary action where routes were not suitable.

## 10. Application Number 2013/0375 & 2013/378

**Bury MBC and Lancashire County Council consultation on a Revised Restoration Scheme for the northern part of the quarry.**

**At: Fletcher Bank Quarry, Manchester Road, Ramsbottom**

The committee noted the report.

Councillor Cheetham spoke on the application.

In determining the item the committee discussed the following:

- Concerns of vehicle routes through Rossendale

Members agreed with the officers recommendation that Bury MBC and Lancashire County Council be advised that this Council had no objection to the Revised Restoration Scheme with an additional recommendation requesting that LCC monitor the routing of vehicles if the application be approved and take necessary action where routes were not suitable.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
7	0	0

### **Resolved:**

That members agreed with the officers recommendation that Bury MBC and Lancashire County Council be advised that this Council had no objection to the Revised Restoration Scheme with an additional recommendation requesting that LCC monitor the routing of vehicles if the application be approved and take necessary action where routes were not suitable.

## 11. Enforcement Report Update

The Planning Manager outlined the purpose of the report which was to provide elected members with an update on current planning enforcement action. This report would focus on updating members with the details relating to the current number of open planning enforcement files, the different stages of any enforcement action, paying particular attention to any details relating to enforcement notices issued and appeals.

The details in this report covered the six month period 1<sup>st</sup> April 2013 to 30<sup>th</sup> September 2013. Members were asked to note that there were a number of open complaints about potential breaches of Planning Regulations from previous months and years relating to contraventions of planning control. The number of on-going complaints at 30<sup>th</sup> September 2013 was 220.

During quarters 1 and 2, 76 new complaints had been received.

Members were further advised that there were a number of enforcement notices currently in force



from previous months.

In determining the item the committee discussed the following:

- Animal Quakers and notice served
- Roller Shutters
- Clarification of shops on Union Street
- Alternative methods of exterior security

**Resolved:**

That the update be noted.

**The meeting commenced at 6.35pm and concluded at 8.40pm**

**Signed:**

**(Chair)**