

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 25th MARCH 2014

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

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

Also Present: 65 members of the public
1 member of press
Councillors Barnes, De Souza, Farrington, Jackson, Lamb and Neal
Whitworth Town Councillor Ruane

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies had been submitted on behalf of Councillor Eaton (Councillor Cheetham sub).

2. MINUTES

Resolved:

That the minutes of the meeting held on 25th February, 2014 be signed by the Chair and agreed as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. URGENT ITEMS

There were no urgent items.

PLANNING APPLICATIONS

5. Application Number 2012/0588

Demolition of existing buildings & erection of up to 49 dwellings, with vehicular access off Albert Street & 6-space car park to rear of 1 Albert Street.

At: Former Albert Mill, Site of Sunnyside Mill & Sunnyside Works, Market Street, Whitworth.

It was noted that the application had come before committee due to receiving 3 or more objections, the application was contrary to the Development Plan, it was a Major application and some of the site was council owned land.

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 application was to secure outline planning permission; therefore the final details of the design did not form part of the application. However, permission was being sought at this stage for the means of access and demolition of Sunnyside Mill and Sunnyside Works. A design and access statement which had been submitted included an illustrative layout and birds eye view of the proposed site.

It was proposed there would be a range of dwelling types, 49 in total consisting of 13 two bed and 36 three bed arranged in terraces of two to four properties. The scheme would result in the culverted section of the river being opened up and the dwellings would need to be built at a higher level than previous buildings to reduce flood risk.

The original application proposed there would be two entrance and exit points these being from Albert Street and Massey Croft. Since this submission the applicant had amended the scheme and removed Massey Croft as access to the site for vehicles and proposed a 6 space car park to the rear of 1 Albert Street. Following the removal of access from Massey Croft LCC (Highways) had removed its original objection and this was outlined within the update report.

In relation to neighbour comments, nine objections had been received and a petition of 94 signatures referring to concerns about access. It was noted following amendment of the scheme (removal of access to the site from Massey Croft and provision of the additional 6 space car park) neighbours had been re-notified. Further representations had been received as set out in the update report.

The Principal Planning Officer noted that in relation to assessment, in principle, the site for the most part was within the Urban Boundary of Whitworth, was previously developed land, near to Whitworth town centre and was located near to a quality bus route. It was noted that the site had been formerly used for employment purposes however it was noted there was no shortfall in employment sites/ land within Whitworth. It was noted that the part of the site located in Green Belt had been considered as part of the Boundary Review undertaken by the Council in 2012/13 and it was considered appropriate to remove it from Green Belt.

The Principal Planning Officer informed the committee that Policy 4 indicated that on a site of this size affordable housing should be provided at a rate of 20% of units for the brownfield element of the site and 30% for the Greenfield element.

In relation to visual amenity the proposal was not unduly prominent or intrusive however care would need to be given to the frontage of Market Street and sufficient planting being retained/provided to the southern boundary of the site.

With regard to neighbour amenity, the site was presently of poor appearance and had been a source of complaint from local residents for some years.

In respect of the proposal as first submitted Whitworth Town Council indicated it had no objection to the site being redeveloped for housing, but was not confident the access and egress proposed was appropriate due to the impacts on residents on George Street, Albert Street & Massey Croft.

The Principal Planning Officer stated that the applicants planning contributions were outlined on page

14 of the report. It was noted if the application be approved, it was required that the applicant enter into a section 106 obligation to provide all of the listed contributions unless they submitted a Viability Assessment with the application for Reserved Matters approval for site layout and intended house number/types which demonstrated to the Council's satisfaction that for viability reasons a relaxation from these contributions was necessary. The TRO element of contributions would not be subject to any relaxation entitlement.

Officers recommendation was for approval subject to a section 106 obligation and the conditions outlined within the report.

Mr Dust spoke against the application and Mr Kellie spoke in favour of the application. Councillor Neal and Whitworth Town Councillor Ruane also spoke on the application.

In determining the application, the committee discussed the following:

- Whether Allied Irish Bank were to dispose of the site following planning permission approval
- Whether Whitworth Town Council opposed the application
- Site was derelict and in need of development
- Access to site from Albert Street and impact on residents
- History of traffic incidents on Market Street
- Alternative options such as one way or traffic light systems – had these been explored
- Entrance from Market Street to site would be ideal
- Original access to site
- Concern if not approved the site would remain derelict for much longer
- A lot of work undertaken between all parties involved

The case officer responded to the matters of clarification.

A proposal was moved and seconded to approve the application subject to a section 106 obligation along with the conditions outlined in the report.

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

FOR	AGAINST	ABSTENTION
5	0	2

Resolved:

That the application be approved subject to a section 106 obligation along with the conditions outlined in the report.

6. Application Number 2013/0537

The construction of 15 detached family dwellings with a new access to be incorporated from Burnley Road. The development also to include access and infrastructure works to the proposed residents allotment, together with the infrastructure and facilities required for the community allotment and garden scheme.

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

It was noted to members the background history to this application which was application 2013/0256 which was refused by committee at the meeting of the 9th October, 2013.

The Planning Manager 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 now sought planning permission for essentially the same as that refused under planning reference 2013/0256 but with the following amendment:

- A minor alteration to the layout of the proposed houses to enable a road through the housing development directly into the propose Community Garden Facility and associated buildings and infrastructure.

In respect of planning contributions the applicant had agreed to provide the following:

- Four of the houses to be Affordable Units in line with the Council's Core Strategy
- £20,490 to meet the requirements of the Council's Open Space and Play Provision SPD.
- Provision of a pelican crossing
- Provision of 28 allotments accessed from their land proposed to be developed.

The case officer also highlighted other arguments in favour of development advanced by the applicant in the report.

The officer also highlighted comments in the update report from the applicant regarding storage containers upon the site.

It was noted that RBC (Forward Planning) recommended refusal to the application and additional comments had been provided in the report, the main concern being the proposed development being in countryside.

In relation to notification responses, 292 objections had been received however the main issues remain the same as of those of the previous application with the additional points raised which were outlined within the report.

In principle, the application was outside the urban boundary and located within the countryside, The applicant was willing to provide four affordable units, public open space provision, a pelican crossing and allotments provision, however, in the officers opinion these provisions did not outweigh the principle objection to the scheme and the harm it would cause to the essentially open and rural character of the countryside.

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

Dr Hemsall spoke against the application and Mr Hunter QC spoke in favour of application.

In determining the application, the committee discussed the following:

- Would the proposed dwellings be of appropriate sustainable code levels
- Whether the site was classified as 'previously developed land' in 2010 in the SHLAA and whether this was appropriate
- History not popular with local residents
- Application 'piggybacking' on allotment, design and appearance not appropriate in greenfield site
- Not much difference from previous application
- Containers on land should be removed

The case officer responded to the matters of clarification.

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
6	0	1

Resolved:

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

7. Application Number 2013/0550

Change of use of land and associated buildings from agriculture with stables to mixed use for agriculture and as a petting farm, creation of vehicular passing point on Newchurch Old Road and associated works (Retrospective).

At: Animal Quackers, Huttock Top Farm, Newchurch Old Road, Bacup

The Planning Manager clarified that the application had come to committee due to it being a major application.

The Planning Manager introduced the application, outlined details of the site, the relevant planning history and the reasons for it being brought before the Development Control Committee. It was noted that the application site was currently used in part as a petting farm ('Animal Quackers') without the benefit of planning permission.

The revised proposals still sought to:

- continue using the south western portion of the site, and the buildings within the farmyard, in conjunction both with the agricultural holding and the petting farm
- alter one of the farmyard buildings to provide ancillary visitor facilities for the latter (namely a café, toilets and a teaching and activity area)
- create a visitor parking area within the site.
- create a vehicular passing point on Newchurch Old Road

There were, however, some revisions to the layout. The car parking layout had been revised, though there was little change in the number of spaces proposed in total. A ménage had also been introduced and 4 loose boxes. The dog kennels were not shown on the plans and landscaping

previously shown to the southern boundary was not shown on the latest submission. In addition, the proposed passing place on the access track was now shown as part of the formal submission.

With regard to consultation responses, LCC (Highways) had no objection to the proposal and in relation to notification responses, comments had been received from one objector who stated they spoke on behalf of most residents of Bankside Lane and details of these were outlined within the report. In relation to condition 7 in the report, previous land drain issues had now been addressed to the satisfaction of the Council's drainage officer.

With regard to assessment, in principle the application was acceptable, having regard to planning policy for reasons outlined in the report. In relation to neighbour amenity, it was noted there would be a condition attached regarding siting and disposal of animal waste. The Planning Manager stated that the revised parking layout still appeared to indicate that 21 car parking spaces were to be provided within the site (though the supporting literature indicated 22), with further spaces available for use by farm vehicles. These were to be accessed from Newchurch Old Road by way of a 'one-way' system, with separate points of access/exit being created to and from the site.

The Planning Manager also indicated that the applicant had not sought to extend the hours of operation and in fact had reduced the closing time by an hour. There was also no indication in the proposals for the occasional evening entertainment activities or for children's parties or other petting farm activities outside of the hours applied for, that in the past had led to significant highway congestion difficulties for local residents. In addition, the applicant had indicated visits from schools or other groups would no longer be undertaken, instead the applicant would visit schools and other groups, and the applicant had offered to improve the surface of Newchurch Old Road to encourage parking away from Bankside Lane.

If approved the implications for the extant enforcement notice were detailed within the report.

It was brought to the attention of committee that in the update report the applicant had requested condition 7 had be reworded slightly to state 'half term and summer holidays inclusive 7 days per week'.

Officers recommendation was for approval subject to the conditions outlined within the report and update report.

The Chair read out a submission submitted on behalf of the agent in favour of the application.

In determining the application, the committee discussed the following:

- Concern of neighbour amenity and location of dung keep
- Health and safety of children on site in relation to wash facilities
- Agricultural land and smells associated to this
- Width of road
- Enforcement issues related to site

The case officer responded to the matters of clarification.

A proposal was moved and seconded to refuse the application, contrary to Officers recommendation, due to neighbour amenity and lack of clarification in relation to the width of the highway.

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

FOR	AGAINST	ABSTENTION
3	3	1

As there was not a majority vote, the Chair used her casting vote and voted against refusal of the application.

Resolved:

That the application be approved subject to the conditions outlined in the report, with condition 7 amended in line with the update report.

8. Application Number 2013/0593

Construction of Detached Dwelling.

At: Land to rear of 16 Dalesford, Haslingden

The Planning Manager clarified that the application had come to committee due to 3 or more objections being received.

The Planning Manager introduced the application, outlined details of the site, the relevant planning history and the reasons for it being brought before the Development Control Committee. Planning permission was sought for a detached house within the rear garden of No.16 Dalesford, again to be accessed from its northern side.

The house would be smaller than that previously refused and the proposed access had been moved further away from the neighbouring property.

It was noted that Councillor Sandiford had contacted the officer to clarify that she did not object to the proposal but sought assurance that previous problems regarding a sewer running through the site would not recur with this development.

The Planning Manager stated that the proposed development was reduced in size and was satisfied it would not cause harm to the character/appearance of the area. It was noted a condition was included regarding the landscaping of the scheme. In relation to access, there was adequate access to the proposed development and therefore no objection had been received from LCC (Highways).

A query had also been raised regarding land stability; the Planning Manager assured that this could be dealt with by condition.

Officers recommendation was for approval subject to the conditions outlined within the report.

Mr Hartley spoke in favour of the application.

In determining the application, the committee discussed the following:

- If leylandii bounding the site would be retained
- Potential disruption of the road surface
- Steepness of proposed driveway

The case officer responded to the matters of clarification.

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

**8. Application Number 2014/0027
Demolition of Public House and Construction of Four Dwellings.
At: Hare & Hounds PH, 391 Newchurch Road Stacksteads**

The Principal Planning Officer stated that the item had come before committee due to 3 or more objections being received.

The Principal Planning Officer introduced the application, outlined details of the site, and the reasons for it being brought before the Development Control Committee. Planning permission was sought for demolition of the public house and construction of four, three bedroomed terraced houses fronting Newchurch Road. They would be constructed in natural stone under slate roofs, would be set back from Newchurch Road by approximately 1.5m.

RBC (Environmental Health) and LCC (Highways) had no objection to the scheme however requested conditions which were outlined within the report.

In relation to notification responses, 10 letters of objections had been received.

In principle, the site was sustainably located on brownfield land within the Urban Boundary of Stacksteads, the land had been previously developed and was located near a quality bus route.

The Principal Planning Officer stated that in relation to visual amenity, the size and appearance of the houses would be acceptable and there was also adequate off-street parking being proposed. The new footway around the site and the proposed boundary treatments, providing appropriate stone was used, would be acceptable.

Offices recommendation was for approval, subject to a section 106 obligation along with the

conditions outlined within the report.

Mr Howells spoke in favour of the application.

In determining the application, the committee discussed the following:

- Concern of loss of a public house for local residents

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

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

FOR	AGAINST	ABSTENTION
5	2	0

Resolved:

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

**8. Application Number 2013/0543
Erection of Agricultural Building for Cattle Handling / Lambing.
At: Land rear of Clough Terrace, Newchurch Road, Rawtenstall**

The Principal Planning Officer stated that the item had come before committee due to 3 or more objections being received.

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 sought permission to erect a further building, which the Design & Access Statement stated was to provide *“handling facilities for the applicant’s suckler and beef herd at times when he needs to administer medicines, TB tests, do welfare checks on the cattle and also to be used for the housing of his flock of 150 commercial sheep during the lambing period which starts in March and ends in approximately June”*.

The proposed building was to be sited immediately to the north of the section of access road fronting the existing agricultural buildings. It was to be open-sided, with a fibre-cement roof.

Objections had been received from 4 local residents; details of these were outlined within the report.

In relation to visual amenity, the design of the building proposed was appropriate to its intended function, behind the existing agricultural building and was located further away from residential properties than them. A condition had been included to deal with manure/odour issues along with a condition to replace the fencing and plant additional trees in the wooded area fronting to Newchurch Road.

LCC (Highways) had no objection to the proposal.

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

In determining the application, the committee discussed the following:

- Condition of replacing fence and trees
- Length of time the existing buildings had been located here
- Location of the proposed structure
- Concern of odour emitting from structure

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

**9. Application Number 2014/0014
Erection of 1- storey side extension.
At: 5 Chapel Terrace, Irwell Vale**

The Principal Planning Officer stated that the item had come before committee due to 3 or more objections being received.

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 again sought permission for a 1-storey side-extension, to provide a 'summer room'. However, the extension now proposed differs from that previously refused most particularly by:

- a) Reduction in its outward projection, but increase in height; &
- b) Incorporation of a window in both the front and rear elevation of a size/form reflecting existing windows.

The proposed extension would project from the gable by 3.75m and be set back from the front and rear elevation of the house by 0.8m. It was to be constructed with walls of coursed natural stone to match the front elevation of the house and with a pitched roof of 3m in eaves height & 5.1m in ridge height, covered with natural slates. That elevation facing the river would have 'bi-folding' doors over a 5.5m opening and a standard sized window in its other two faces.

Eight objections had been received and these concerns were outlined within the report.

It was noted that 7 Hardsough Fold would be the property mainly affected by the proposal, further details on this were outlined in the report.

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

In determining the application, the committee discussed the following:

- If decking at 7 Hardsough Fold had planning permission for decking structure

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

10. Application Number 2014/0021

Erection of 80m met mast for a period of 36 months.

At: Land north of Scout Moor Wind Farm / south of Cowpe Lowe, off Sand Beds Lane, Edenfield

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 by Scout Moor Wind Farm Expansion Ltd to erect an 80m high mast upon which to mount equipment to monitor wind speed and direction. The mast would comprise of galvanised steel tube of approx 200-250mm diameter, supported by a series of guy-wires extending to each side by approx 50m from the base of the mast.

The applicant advised that the mast was required to collect the wind speed data over a maximum of 36 months and was necessary to assess the viability of building a wind farm on the site and surrounding area.

The Principal Planning Officer informed the committee the land was owned by United Utilities.

No objections had been received on the application.

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

In determining the application, the committee discussed the following:

- Clarification of how mast would be transported to site
- Research in to wind speed prior Scout Moor Development

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

The meeting commenced at 6.35pm and concluded at 9.15pm

Signed:

(Chair)