

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 17th June 2014

Present: Councillor Ashworth (in the Chair)
Councillors Cheetham, Creaser, Eaton, Fletcher, Kenyon and Robertson

In Attendance: Stephen Stray, Planning Manager
Stuart Sugarman, Director of Business
Jenni Cook, Committee Officer

Also Present: 18 members of the public
1 member of press
Councillors Jackson and Lamb

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies had been submitted on behalf of Councillor Morris (Councillor Cheetham substituting), Councillor Oakes (Councillor Creaser substituting) and Councillor Procter (Councillor Kenyon substituting).

2. MINUTES

Resolved:

That the minutes of the meeting held on 22nd April 2014 be signed by the Chair and agreed as a correct record.

3. DECLARATIONS OF INTEREST

Councillor Eaton declared a non-pecuniary interest in application number 2014/0159 and would leave the meeting during this item.

4. URGENT ITEMS

There were no urgent items.

PLANNING APPLICATIONS

5. Application Number 2014/0232

Construction of two-storey building comprising twelve one-bedroom flats and four two-bedroom flats (amended scheme following withdrawal of planning application ref 2014/0077)

At: Land adjacent 123 Burnley Road, Rawtenstall, BB4 8HH

The Planning Manager introduced the application, outlined details of the site, site history, and neighbouring listed building and the reason for it being brought to the Development Control Committee, being that it was a major application. The applicant sought permission to construct a

two-storey building comprising twelve one-bedroom flats and four two-bedroom flats as part of a scheme for use by over-55s. It was noted that this application was a re-submission of a previous application that had been withdrawn in order to resolve concerns raised by the Environment Agency. In response to the concerns, the applicant had provided an amended plan and up-to-date flood risk assessment. The original application had included two consultation events with local residents. It was noted that due to financial viability, the applicant had stated it would not be able to make a contribution to public open space provision.

The Planning Manager outlined the assessment that had taken place of the application. He also spoke on consultee responses and the conditions which were attached including in relation to requiring survey work in relation to potential ground contamination, Flood Risk (as set out in the update report) and in relation to surface drainage following comments given by United Utilities, It was noted that the application accorded with the Council's Housing Policy as the land constituted previously developed land within the urban boundary of Rossendale and would provide affordable housing for the over 55s.

The Planning Manger also drew members' attention to the update report regard to the materials to be used and that a slightly revised wording was now proposed compared to the published report.

Officers' recommendation was for approval subject to a S.106 Obligation to secure payment of contributions of £1,500 to cover the cost of a Traffic Regulation Order (TRO) and £1,600 payment towards the cost of providing waste bins to each property, the conditions set out in section 10 of the committee report, condition 4 as outlined in the update report and a re-wording of condition 10 to reflect comments made by United Utilities, received on the day of committee.

In determining the application, the committee discussed the following:

- The application area had stood empty for some time and fulfilled the criteria regarding housing.
- The application area was well-positioned for local amenities.
- Members expressed concern that the TRO needed to be in place before works commenced. The Planning Manager noted these concerns.
- Members noted the inclusion of a scooter store.

The Planning Manager responded to the matters of clarification.

A proposal was moved and seconded to approve the application.

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 signing of a S.106 obligation and the conditions set out in the committee report, condition 4 in the update report and to reflect the additional comments made with respect to condition 10.

During consideration of Item 6, Councillor Eaton left the meeting.

6. Application Number 2014/0170

Extension to quarry and restoration by means of infill with inert construction, demolition and excavation waste, the sorting, screening and export of recyclable material, the consolidation of existing permissions and the revision of approved working and restoration schemes.

At: Tong Farm, Tong Lane, Bacup

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, being that Lancashire County Council were required to consult the Borough Council on this matter. It was noted that members were asked to make a recommendation and this was not the determination of the application.

It was noted that Tong Quarry had extent permissions until 2042 and that the proposed application could add an additional 9.5 years to the life of the quarry in respect of extraction. The application proposed a 3.7ha extension area to the north side of the quarry, and to then fill the permitted and proposed quarry area back to close to original ground levels and return the land to agricultural use, giving a life of 22 years if there is a return to infill or 50,000T annually. The proposal also locates a crushing and screening plant to be located within the quarry working to enable greater recycling of material.

The Planning Manager noted that concerns had been raised by Councillors Jackson and Hughes on behalf of residents regarding HGV access and egress from the site. Officers shared the concerns regarding HGV traffic and noted in the report that unless LCC were satisfied that there was a compelling need for extraction of the shale and fireclay to be found in order to meet sub-regional requirements then the harm to residents' amenities would warrant refusal of the application.

Officers recommendation was that the County Council be advised of the Borough Council's comments on this matter as outlined in Section 1 of the committee report.

Mr Chris Ballam spoke in favour of the application. Councillor Jackson also spoke on the application.

In determining the application, the committee discussed the following:

- Concerns were raised regarding the potential for redundancies should LCC refuse the application, however it was noted that this was not a reason to recommend approval.
- It was noted that there was a need for materials and aggregates to be produced locally.
- Concerns were expressed regarding taxi drivers blocking the access road, thereby exacerbating the traffic problems. It was suggested that the Council recommend to LCC that the movement of vehicles be controlled during school drop-off and pick up times, however LCC may find this a difficult condition to enforce.
- It was noted that LCC were required to notify local residents of the application.

The Planning Manager and the Director of Business provided clarification where required.

A proposal was moved and seconded to support the officer's recommendation as outlined in the committee report.

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

FOR	AGAINST	ABSTENTION
5	1	0

Resolved:

That the County Council be advised that:

- Having regard to the harm to residents' amenities which is/will continue to be caused by HGV traffic as it passes between the site and the main road network, the current application should be refused unless the County Council is satisfied that there is a compelling need for extraction of the shale and fireclay to be found here in order to meet sub-regional requirements.
- In the event that the County Council is satisfied that there is a compelling need for extraction of the shale and fireclay to be found here the permission for its extraction should minimise the period residents' amenities are to be harmed, consistent with there being no change to the presently permitted hours (7am-6pm weekdays; 8am-1pm Saturdays; not Sundays or bank holidays), nor increase in the number of HGVs that may exit the site (7 per working hour).
- Furthermore, sorting, screening and export of recyclable materials and infilling to restore the site should not extend beyond the permitted extraction period by more than 5 years, and all activities to take place on the site shall be undertaken in a manner to minimise impact on neighbours.

Councillor Eaton re-entered the meeting.

7. Application Number 2014/0159

Construction of all-weather riding arena

At: Greens Farm, Green Lane, Stacksteads, Bacup

The 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, being that 3 or more objections had been received. Permission was sought for an all-weather riding arena of 16m x 24m in area. The applicant stated that the arena was to be used for the schooling of horses by the resident family and not for business use. It was not intended for the area to be illuminated.

The Planning Manager noted that in respect of the objections received; only Greens House (adjacent to the application site) was considered to be directly affected by the proposals.

It was noted that with regards to visual amenity, the proposed arena was modest in size and acceptably sited. It was noted that further details regarding the siting/size/form of the proposed soakaway to be installed beneath the arena would be required and that this would be controlled by way of a condition requiring submission of fuller details of the intended drainage arrangements.

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

Mr Alan Butterworth spoke against the application.

In determining the application, the committee discussed the following:

- Concerns were expressed regarding the potential impact on the objector's utilities running underneath the ménage.
- Access arrangements to the ménage proposed were clarified.
- It was confirmed that red edged application area on the submitted plans did belong to the applicant according to the information submitted.

The Planning Manager provided clarification and noted that land ownership issues being raised were not a material planning consideration and that the matters raised by the objector would be a civil matter.

A proposal was moved and seconded to approve the application.

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 set out in the committee report.

8. Planning Appeals Update

The Planning Manager introduced the report which provided members with an update on appeal activity and decisions received from the Planning Inspectorate since January 2014. It was noted that at the time of writing, 9 planning appeals were lodged and awaiting decisions from the Planning Inspectorate. It was reported that 7 appeals had been determined by the Planning Inspectorate to the date of the report; 2 had been allowed and 5 had been dismissed. The Planning Manager outlined details of the 2 appeals that had been allowed. The Planning Manager also provided an update on 2 applications where cost claims had been made.

It was noted that the Planning Administration Manager had put measures in place to inform ward members, the Chair and Vice-Chair of planning appeals and it was noted that Councillors could attend informal hearing and formal inquiries, which were held in public.

Resolved:

That the report is noted.

9. Quarter 4 (13/14) and Quarter 1 (14/15) Enforcement Report

The Planning Manager provided members with an update on current planning enforcement action. It was noted that there were currently 180 ongoing complaints being dealt with by enforcement officers and during the period 1st January 2014 – 10th June 2014, 55 new complaints had been received. The Planning Manager noted that officers would take action where expedient to do so and had had some success as outlined in the appendices.

Resolved:
That the report is noted.

The meeting commenced at 6.30pm and concluded at 7.50pm

Signed: (Chair)