

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 22nd July 2014

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

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

Also Present: 30 members of the public
1 member of press
Councillors Essex, Hughes, Jackson, Kempson and Neal,

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies had been submitted on behalf of Councillor Oakes (Councillor Lamb Substituting) and Councillor Procter (Councillor Kenyon substituting).

2. MINUTES

Resolved:

That the minutes of the meeting held on 17th June 2014 be signed by the Chair and agreed as a correct record.

3. DECLARATIONS OF INTEREST

Councillor Ashworth declared an interest in item B5 as the application affected close members of her family. Councillor Ashworth stated she would step down as Chair and would leave the room prior to the application being determined.

4. URGENT ITEMS

There were no urgent items.

PLANNING APPLICATIONS

5. Application Number 2014/0149 & 2014/0150

Installation of a wind turbine (47m high to blade tip) on each site.

At: West of Brex Heights & Brex Farm, Off Coal Pit Lane, Whitwell Bottom.

The Planning Officer introduced the application, outlined details of the site, site history and the reason for it being brought to the Development Control Committee, being that there were 3 or more objections.

Each application sought permission for a 225Kw wind turbine (which equated to electricity usage by 149 homes), the 30m high mono-poles to be topped by 3-bladed rotors giving a height at blade-tip of 47m, all to be coloured off-white. The Applicant believed that, due to careful siting, landscaping would not be required.

It was noted in the supporting statement there were no highways or public footpaths within the overall fall over distance of 47m from the turbines.

In relation to consultation responses RBC (Environmental Health) had no objection to the application and LCC (Highways) had no objection subject to conditions outlined within the report.

With regard to notification responses, seven objections had been received in relation to 2014/0149 and 11 objections had been received for application 2014/0150. The Planning Officer noted that since publication of the report, a further 3 new objections had been received along with further points raised by previous objectors. Further information had been received from the applicant including statements from land owners and an offer of monetary contributions to improve the maintenance of the access road as part of a community benefit, this was included within the update report.

In relation to assessment, the applicant had stated that residents of up to 1000m were informed of the proposals, this consultation process was considered to be of appropriate size. However, following the Council's notification letters/site notices, it became apparent the applicant had not notified all residents within 1000m of the turbines. Following this, the Council had ensured all properties within this distance that were not initially notified or had sent correspondence in were sent a notification letter.

The Planning Officer confirmed the proposal would read as a two turbine cluster.

With regard to principle, government guidance supported renewable energy sources however, it was recognised the need to balance this with protecting the landscape, ecology and neighbour amenity. RBC (Environmental Health) considered the application acceptable and conditions had been put in place regarding the noise element. The Julie Martin Study identified that the 'Forest of Rossendale' capacity area was capable of accommodating a medium size wind farm of medium/large turbines.

In relation to access and parking, LCC (Highways) had no objection to the proposal and proposed conditions to be included. Objectors had raised concern of the maintenance cost of Coal Pit Lane following the use of construction traffic however the Planning Officer referred to the update report which includes the offer from the applicant resolving this matter.

The Planning Officer referred to other issues such as the Coal Authority indicated past coal working had been undertaken under/in the vicinity of the application site. Accordingly a condition was proposed to ensure that prior to the commencement of development further investigations of coal and former coal mines and their treatment were undertaken in an agreed form.

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

Mr Row spoke against the application and Mr Tidmarsh spoke in favour of the application.

In determining the application, the committee discussed the following:

- Noise survey and what was the correct measure
- Grade 2 listed building – clarification on the location of this
- Direction of wind a potential noise created
- Confirm condition regarding the concern raised from the coal authority
- Clarification of the 2 different figures in relation to the ETSU standards related to noise levels
- Confirmation there were no public footpaths near turbines
- Was there a similar turbine to ones proposed which was refused and dismissed on appeal
- Additional vehicles for construction of track to site
- Application concurred with government policy and RBC Core Strategy

The Planning Manager and Planning Officer responded to the matters of clarification raised by the committee.

A proposal was moved and seconded to refuse the application contrary to officers' recommendation due to the detrimental visual effect on neighbours and landscape.

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

FOR	AGAINST	ABSTENTION
6	1	0

Resolved:

That the application be refused due to the detrimental visual effect on neighbours and landscape.

6. Application Number 2014/0175

Subdivision of house into 2 separate dwellings, including formation of 2 ground floor gable windows

At: 50 Tonacliffe Road, Whitworth

The Planning Officer introduced the application, outlined details of the site and the reasons for it being brought before the Development Control Committee, being that the application was from a local councillor.

The proposal was sought to sub-divide the property entailing:

- Blocking-up of an internal doorway between the main body of the house and the 1-storey addition to the side and provision within the latter of a 1-bedroomed dwelling, with bathroom and kitchen/living room.
- Formation of 2 windows in the north elevation, to supplement the existing door and window in the front elevation and window in the rear elevation.

It was noted that the 2 windows in the north elevation were existing windows which had previously been blocked up.

The application was accepted in principle, there was limited external alteration and there was no detriment to visual amenity.

With regard to access, the property was reliant on on-street parking. 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:

- Footpath to side of property and access of wheelie bins for refuse collection.

The Planning Officer clarified that the footpath in question was a private footpath.

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
7	0	0

Resolved:

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

7. Application Number 2014/0177

Change of use from Retail to Hot Food Takeaway, including the installation of Extract Flue on the rear roof-plane

At: 17 St James Street, Bacup

The Planning Officer introduced the application, outlined details of the site and the reasons for it being brought before the Development Control Committee, being that 3 or more objections had been received.

Permission was sought to change the use of the property from A1 Retail to a Hot Food Takeaway, including refurbishment of the existing shopfront and the installation of an extraction flue on the rear roof-plane.

The proposed ventilation system would entail the installation of steel duct within the building with only 1m projecting above the rear roof-plane, this part to be stove-enamelled black.

Consultation responses were outlined and it was noted that the site lay within the Bacup

Conservation Area and the Conservation Officer had provided comments in this respect which could be addressed by condition

It was noted that there had been 5 objections received, details of these were outlined in the report.

In relation to the Council's Hot Food Takeaway Policy, the proposed takeaway was not considered to result in an over-concentration of such uses as there was only one other takeaway in this terrace of 16 properties, comprising of a good mix of retail/town centre uses. It was also noted that there were 4 other properties in the terrace which were currently vacant, none had been hot food takeaways and if they wished to open as one they would have to obtain planning permission in the first instance.

Reference was made to the NPPF in relation to turning buildings back in to use and also policy 24 of the Core Strategy which indicated the Council would seek to ensure that each proposal positively contributed to the townscape, historic environment and local distinctiveness of Rossendale.

In relation to access and parking, there was no objection as there was a public car park nearby.

Concerns were raised by officers regarding refuse removal. The applicant had initially proposed that refuse would be bagged up and stored in the cellar and then be placed outside on collection day. The Agent had subsequently indicated that they had now negotiated and agreed with the adjacent Pizza King for a bin to be stored in their yard. The Planning Officer informed the committee of an email (which was circulated) stating that following an objection submitted by Pizza King, the Applicant had since contacted the Council to ask if it would be possible to have a refuse container within Bacup Market. Officers noted that a condition for a waste strategy plan would be required.

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

Councillor Jackson spoke on the application.

In determining the application, the committee discussed the following:

- Support Councillor Jackson comments
- Concern regarding refuse storage
- Risk of fire at rear of property
- No indication of opening times
- Potential signage to be put in place
- Bin to be located within vicinity of shop for public to use
- Fire escape route from flat above shop

The Planning Officer responded to the matters of clarification raised by the committee.

A proposal was moved and seconded to refuse the application, contrary to officers' recommendation due to the application not having sufficient refuse storage.

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

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application be refused due to the premises not having sufficient refuse storage and inadequate alternative provision being in place.

**8. Application Number: 2014/0237
Demolition of Bungalow and Garage and Construction of Bungalow with Attached Garage (Retrospective).
At: 10 Kingston Crescent, Helmshore**

The Planning Manager introduced the application, outlined details of the site and the reasons for it being brought before the Development Control Committee, being that 3 or more objections had been received. Retrospective planning permission was sought for demolition of the bungalow and the construction of a larger bungalow on the site.

The proposed bungalow would have its frontage set back from the original bungalow by 0.5-1m. The building would be irregularly shaped, extending in width as it moves further into the site. A paved driveway would be formed to the east side of the house, extending to an attached garage which would be sited in roughly the same place as the garage of the original bungalow.

With regard to consultation responses, there were no objections from RBC (Environmental Health) or LCC (Highways). Four objections had been received, details of these were summarised within the report.

In relation to visual amenity, officers were satisfied that the height and design of the building would not unduly detract from the character of the area when viewed from Kingston Crescent. It was noted that the building would be significantly larger than the footprint of the previous property but due to the size of the site and the design it was considered acceptable subject to a condition regarding levels. The materials to be used could also be agreed by condition. As there had been limited information provided regarding soft landscaping, this was a matter which would also be conditioned.

Officers were also satisfied that there would be no loss of light, privacy or outlook to number 12 Kingston Crescent nor no. 8 or to the properties to the rear due to landscaping.

In relation to access and parking, LCC (Highways) had no objection to this.

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

Councillor Essex spoke on the application.

In determining the application, the committee discussed the following:

- Original had concern regarding height of dwelling
- If there would be intention of erecting a fence
- Conditions being adhered to, particularly 5 and 6

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
7	0	0

Resolved:

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

NB. Councillor Ashworth left the room in order for the following item to be determined. The Vice Chair introduced the item.

**9. Application Number: 2014/0168
Construction of 8 Houses
At: Hurst Platt, Waingate Road, Rawtenstall**

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 3 or more objections had been received.

It was noted that outline permission had already been granted for the construction of eight houses. The applicant now sought full planning permission for eight houses with variations to the scheme previously approved. The submitted application also proposed to address the conditions attached to the previous outline permission.

There would be no changes to the size of the houses. As previously they would be split level, three storeys when viewed from the front and two storeys to the rear. There would be garages at ground floor and the living accommodation would comprise a lounge, dining room/kitchen and three bedrooms over the above two storeys. In respect of landscaping the applicant proposes the rear gardens to be soiled and seeded and the retaining wall would be reinforced concrete.

To address condition 5 (highway matters) the applicant had indicated that they would be content to surface Green Street to a standard determined by the Highway Authority.

With regard to notification responses 6 objections had been received.

Officers noted that at the time of the report being written, comments were awaited by RBC (Land Drainage). Since then late comments had been received and it was noted that officers were not content with the details submitted by the applicant and therefore officers would require a condition

regarding drainage to be included.

Officers recommendation was for approval, subject to the conditions outlined in the report along with the additional condition regarding drainage.

Mrs Hayhurst spoke against the application and Mr Hartley spoke in favour of the application.

In determining the application, the committee discussed the following:

- Days the church was used
- Concrete retaining wall and if it could be conditioned for further information to show it would be sufficient to address stability concerns
- Preference of natural stone to be used
- Improve area and value of other properties
- Concern of subsidence raised from objector

A proposal was moved and seconded to support the officer's recommendation subject to the conditions outlined within the report along with the additional conditions in relation to the retaining wall and drainage.

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

FOR	AGAINST	ABSTENTION
6	0	0

Resolved:

That the application be approved subject to the conditions outlined within the report along with the additional conditions in relation to the retaining wall and drainage.

NB. Councillor Ashworth returned to the room to chair the remaining item.

**10. Application Number: 2014/0172
Two Storey Rear and Side Extension with Single Storey Entrance Porch and Driveway
At: 48 Haworth Avenue, Rawtenstall, BB4 8SS**

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 the application was from a local councillor.

Planning permission was sought for a two storey side and rear extension, a single storey rear extension, an extended driveway to the front and a new porch.

Following submission of the application, discussions were held with the planning department and subsequently revised plans were submitted. The revised plans altered the proposed boundary treatments, altered the size and siting of the front porch and reduced the first floor projection of the

extension by 0.8m, whilst increasing the ground floor projection by 0.3m. An additional drawing was provided showing how the extension would appear when seen from No.50.

With regard to consultation responses, LCC (Highways) had no objection to the proposal.

It was noted one objection had been received in respect of the original round of consultations. There had been no further correspondence following the re-consultation.

With regard to assessment, having regard to the revisions made to the scheme by the applicant, it was acknowledged that the proposals had been revised significantly from the original withdrawn scheme and that further concessions had then been made in this submission.

In relation to access and parking, LCC (Highways) had no objection to the scheme.

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

In determining the application, the committee discussed the following:

- Natural stone to be used
- Location of refuse bins
- Drainage due to the differences in roof height
- Very large scheme
- Making use of space
- Width of space down side of property

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
4	0	3

Resolved:

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

The meeting commenced at 6.30pm and concluded at 8.45pm

Signed:

(Chair)