

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 16th December, 2014

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

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

Also Present: 12 members of the public
1 member of press
Councillors Barnes (part), Cheetham (part) Haworth, Lamb, MacNae(part) and Neal.

THE CHAIR INFORMED THE PUBLIC THAT THE COMMITTEE MEETING WOULD BE SPLIT INTO TWO SECTIONS. THERE WOULD BE A SHORT BREAK AT 6.10PM AND THE COMMITTEE WOULD RECONVENE AT 6.30PM WHERE THE REMAINING AGENDA ITEMS WOULD BE TAKEN.

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

No apologies have been submitted.

2. MINUTES

Resolved:

That the minutes of the meeting held on 11th November, 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.

Due to the number of speakers, the Chair agreed to take agenda item B4 first followed by B3, B2 and B1.

SECTION A

PLANNING APPLICATIONS

5. Application Number 2014/0425

Proposed construction of single detached two bedroom bungalow.

At: Land at Northern End of Hollin Way, to rear of nos. 19-21 Billington Ave, Rawtenstall,

Rossendale, BB4 8TF.

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 three or more objections had been received.

Permission was sought for the construction of a detached two bedroom bungalow on the site. The bungalow would have a single storey and a footprint of approximately 13.5m x 6.9m. It would measure 2.4m in height to the eaves. The elevations would be constructed of brick and the projecting front section would be rendered. The building would have a hipped tiled roof, and stone window sills. UPVC window and door units would be installed.

A driveway would be located on the east side of the dwelling, containing adequate space for two cars to be parked.

The Planning Manager circulated a clearer plan to the committee members for their information.

There had been 5 objections received and in addition to this, further comments had been provided which were outlined within the update report along with officer responses.

There was no objection in principle as the development was located within the urban boundary and was not contrary to the Council's Housing Policy. The Planning Manager noted that at the west of the site were several trees which were subject to a TPO however the proposed development would not result in the loss of any existing live trees. It was noted that the proposed development would result in the removal of two saplings that had replaced 2 TPO trees that had been cut down without appropriate consent. It was noted the two saplings were confirmed dead following a visit from the Council's Tree Officer. The applicant contends the saplings had been dead for over four years, and therefore were outside the enforcement period for replanting, and officers had not seen evidence to the contrary.

The report noted officers considered there would not be unacceptable loss of neighbour amenity due to the separation distances, height of the proposal and boundary treatment (controlled by condition) which would also mitigate any privacy concerns.

LCC(Highways) had no objection to the proposal.

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

Mr Tate spoke against the application and Mr Grieves spoke in favour of the application.

In determining the application, the committee discussed the following:

- Clarification on the felled tree stumps and whether as the shoots from a stump were alive and growing this had implications for the TPO
- The status of the 1982 Rossendale District Local Plan
- Reasons for refusal only seemed to lie with the tree stumps with the TPO's
- Previous intention to create through road to connect the two estates

- Abuse of TPO's and importance of public to bring this to the Council's attention

The Planning Manager clarified issues raised by the committee. He also advised that he was aware some residents had complained that their reporting of the dying of the saplings had not been responded to by the Council and this matter was therefore being investigated via the Council's complaint's process. However, this was a separate process to the matters committee needed to consider in determining the planning application.

A proposal was moved and seconded to approve the officer's recommendation subject to the conditions outlined within 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 within the report.

**6. Application Number 2014/0420
Erection of one detached dwelling house.
At: Clovermount, Earnshaw Road, Bacup, OL13 9BP.**

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 three or more objections had been received.

Full planning permission was sought for the erection of one detached dwellinghouse within the curtilage of Clovermount. The dwelling would have a similar design to Clovermount being two storey in part, and single storey in part. As originally submitted the dwelling was proposed to be finished in render, with stone quoins, heads and cills, however, following a request from Officers, the applicant had amended the materials to natural stone to the southern and eastern elevations. The plans show red brick to the north and west elevations.

The garden area would be located to the north and the car parking area would be demarcated by the use of cobbles.

It was noted that there were no objection from LCC(Highways).

The Planning Officer also asked committee whether they wished for an additional condition to remove permitted development rights for dormers at the rear (western elevation) of the property to be added to the recommendation.

Officers' recommendation was for approval subject to the conditions outlined within the report along with the removal of permitted development rights for dormers to the rear of the property.

Mr Edmondson spoke in support of the application.

In determining the application, the committee discussed the following:

- If any of the trees would be replanted
- Appreciate offer of maintenance plan from applicant
- Use of red brick blended well with the rest of Clover Street

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

A proposal was moved and seconded to approve the officer's recommendation subject to the conditions outlined within the report along with the additional condition to remove the permitted development rights in respect of roof alterations to the rear of the property.

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 along with the additional condition to remove the permitted development rights in respect of roof alterations to the rear of the property.

7. Application Number 2014/0397

Change of use from retail to hot food takeaway, including bin storage area to rear and extract flue on rear roof plane.

At: 17 St James Street, Bacup, OL13 9NJ.

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 three or more objections had been received.

The application was a re-submission of Application 2014/0177 which sought permission to change the use of the property from A1 Retail to a Hot Food Takeaway, which included refurbishment of the existing shop front and the installation of an extraction flue on the rear roof-plane but differed in that it proposed partitioning-off part of the ground-floor space at the rear of the building as a bin store.

The bin store would measure 1.2m x 1.6m in area, and would be accessed from the lane to the rear.

It was noted that RBC(Conservation Officer) was supportive subject to conditions to improve the front elevation as it lay with the conservation Area and THI area.

With regard to notification responses, no comments had been received from nearby neighbours,

however one comment had been received from a resident on Maden Road. Comments had been received from Ward Councillors, Councillor Jackson and Councillor MacNae objecting to the proposal.

With regard to principle, according to Council's Hot Food Takeaway Policy it was felt that there would not be an over concentration as there was only one other takeaway in the terrace of 16 properties and the 3 vacant units in the row could not open for Hot food Takeaway use without submitting an application.

To the rear of the building the flue was considered acceptable. The applicant had proposed metal railings to retain the bin store area. It was noted officers preferred the option of timber which would have been more in keeping with the area and would reduce the opportunity for items to be thrown into the bin storage area which could cause a fire risk.

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

In determining the application, the committee discussed the following:

- Whether there was a flat above the property and whether this would be occupied
- Concern of fire risk and if there could be a condition for fire alarms
- Signage and whether this would need to be conditioned or required as a new application

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

A proposal was moved and seconded to approve the officer's recommendation subject to the conditions outlined within 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.

8. Application Number 2014/0475

Erection of 1 no. garage.

At: Garage Plot, Rear of 21 Whittle Street, Rawtenstall, BB4 8SB.

The Planning Officer introduced the application, outlined details of the site, relevant planning history and the reason for it being brought to the Development Control Committee, being that the application was on council owned land.

Permission was sought for the construction of a single garage on the vacant plot.

No objections had been received and the application was acceptable in principle.

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

A proposal was moved and seconded to approve the application subject to the conditions outlined within 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 Committee had a short break for 30 minutes prior to Section B commencing at 6.30pm.

FOR MEMBERS OF THE PUBLIC THAT HAD ARRIVED FOR SECTION B OF THE AGENDA, THE CHAIR INTRODUCED THE COMMITTEE AND OFFICERS AND COVERED AGENDA ITEMS A1, A3 AND A4.

SECTION B

9. Application Number 2014/0334

Erection of stone building to provide 19 no. rooms for short stay/overnight accommodation, and associated car parking and landscaping. .

At: The Fisherman's Retreat, Riding Head Lane, Bury, BL0 0HH.

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 it had come via call in and was a departure from the local plan.

Planning permission was sought for the construction of a nineteen bedroomed building with a first floor glazed link to the existing building (the glazed link was proposed to be removed from the proposals in the update report). It would be sited to the south elevation of the existing building with the existing road leading to the car park to be shifted further south. The building would be constructed in materials to match the existing buildings.

The applicant considered that the scheme would provide overnight/short stay accommodation for existing customers and visitors to the Fisherman's Retreat and the wider Rossendale Valley. It was felt the number of bedrooms was sufficient to cater for the needs of a wedding function or event taking place at the Retreat, whilst also being flexible to accommodate overnight/short stay visitors to the Rossendale Valley.

The applicant considered the accommodation would directly reduce the number of vehicle movements into and out of the site, particularly during functions and events and specifically at unsociable hours.

The applicant agreed that the proposed development constitutes inappropriate development within the Green Belt and had advanced what they considered to be very special circumstances to outweigh inappropriateness, which was summarised within the report.

With regard to this application, 113 letters of support had been received and 15 letters of objection, details of these were outlined within the report.

LCC(Highways) raised an objection to the application initially, further comments had been received which were highlighted within the update report. It was noted that Bury MBC had no objection to the proposal subject to LCC highways not having an objection.

With regard to assessment, the development would not meet any of the exceptions outlined within the report and the scheme constituted an inappropriate development.

The Planning Officer noted that a letter had been received from Jake Berry MP in support of the proposal and further details were highlighted within the update report.

Officers' recommendation was to refuse the application for the reasons outlined within the report.

Mr Magnall spoke in favour of the application and Ward Councillor, Councillor Cheetham and Portfolio Holder for Regeneration, Tourism and Leisure, Councillor MacNae spoke on the application.

In determining the application, the committee discussed the following:

- Number of potential jobs created if application successful
- Clarification of number of weddings booked in for 2015
- Would be nice to have a place to encourage visitors to Rossendale
- Impressed at the number of weddings booked in
- Location within Greenbelt
- Concern of impact on landscape
- Ménage still not complete and concern of impact of this on completion prior to any other works
- Sufficient weddings booked in so lack of hotel not putting people off
- Reasons for refusal from the Secretary of State in 2000 discussed
- Remote area, would the number of car journeys change as a result of these proposals
- Times had changed since 2000 and it was felt special circumstances were valid
- Protect Greenbelt and importance of this
- Location of proposed site and whether it lay within the original curtilage
- Traffic safety concerns
- Visitors come to Rossendale for the countryside – developments such as the one proposed

reduce the amount of countryside

The Planning Manager reminded the committee to be mindful of the purposes of Greenbelt – which included steering developments to Brownfield/Urban areas. The Planning Manager highlighted wider tourism potential and workshop / conferences were mentioned as one of the reasons for special circumstances being met. However, the evidence submitted by the applicant and assessed regarding traffic assessment / traffic numbers and the business case had related to more of a focus on the wedding business. It was now unclear whether the business case and traffic assessment submitted reflected and supported intentions for the site

A proposal was moved and seconded to approve the application, contrary to the officer's recommendation.

The Chair informed the committee that the proposal put forward did not include any conditions if this was voted on and carried.

The Legal Services Manager provided advice in relation to the amendments.

The Chair put forward an amendment to the proposal to approve the application, contrary to officers recommendation, subject to the conditions be delegated to the Planning Manager, in consultation with the Chair of the Committee. This proposal was seconded.

Voting took place on the amendment to become the substantive motion which was carried.

The Committee voted on the proposal to approve the application, contrary to officers recommendation, subject to the conditions be delegated to the Planning Manager, in consultation with the Chair of Committee.

FOR	AGAINST	ABSTENTION
3	4	0

This proposal was lost, therefore the application was refused, as per the reasons outlined within the report.

Resolved:

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

10. Application Number 2014/0355

Demolition of all buildings erection of 29 dwellings & associated works, including provision of off-street parking facilities to rear of 1-27 Wheatholme Street .

At: Site of Whinberry View Home for the Elderly and 166 Bacup Road, Rawtenstall, BB4 7PA.

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 it was a major application.

The applicant sought permission to erect upon the site 29 houses, 22 to be 3-bedroomed and 7 4-bedroomed following demolition of all the existing buildings. The proposed houses were all to be 2-storey, although some had living accommodation within the roof void.

The submitted layout proposed houses that faced towards Bacup Road and Co-operation Street, with houses behind them that were served off a new cul-de-sac extending from the northern end of Co-operation Street.

On the frontage to Bacup Road there were to be two terraces of town-houses, linked by a pair of garages. The garages/parking to serve these town-houses was to be provided/ accessed from the rear, not directly from the main road.

Off-street parking spaces were to be made available to serve the 29 houses proposed, in the form of integral, attached or detached garages and parking spaces.

Recognising that significant parking of vehicles presently occurs on Co-operation Street, and this would interfere with access to/from the cul-de-sac to be constructed, the applicant was proposing to slightly widen the verge to the west side of the existing carriageway and use additional areas of hardstanding as parking for existing residents of the houses fronting Wheatholme Street. It was also intended that a footway to adoptable standard was formed to the east side of the carriageway of Co-operation Street.

The Agent had provided a summary of the benefits of the proposal and these were outlined within the report.

In relation to consultation responses, Rossendale Civic Trust provided extensive comments on the application and these were summarised within the report.

In principle, most of the site was previously developed land in relation to visual amenity, appropriate landscaping and visual conditions were attached to the proposal. The Planning Manager noted that concerns raised that the layout on the area currently occupied by Rossendale Restart were not acceptable to the highway authority had now been addressed in revised plans.

With regard to neighbour amenity, closeness of the proposal to Lambton Gates was now also addressed by the new layout plans and officers were now satisfied that the spacing standards were more or less within the Council's design guide standards.

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

Ms Dawson spoke in favour of the application.

In determining the application, the committee discussed the following:

- Facing materials and if Officers were content with the materials proposed
- Whether the artificial stone would be of good quality
- Amended layout plan
- If roads would be to an adoptable standard

The Planning Manager clarified issues raised by the committee.

The Planning Manager informed the committee that the applicant had now offered a financial contribution in lieu of the affordable housing offer referenced within the update report which could be required to be included in recommendation along with the conditions outlined within the report. However, the offer had not been assessed as to whether it equated to that contained in the update report. Accordingly advice was to stick with the recommendation in the update report. Equivalent contributions could be agreed subsequently.

A proposal was moved and seconded to approve the officer's recommendation subject to the conditions outlined within the report along with the Section 106 agreement as outlined within the update 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 along with the Section 106 agreement as outlined within the update report.

11. Application Number 2014/0310

Erection of 26 detached dwellings with access from Yarraville Street (Outline).

At: Land at Lower Carr Farm, To The Rear of Hardman Avenue and Adjacent Yarraville Street, Rawtenstall.

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 it was a major application.

The applicant sought outline planning permission which included access, layout and scale for the construction of 26 dwellings.

The dwellings would comprise six, three bedroomed and twenty, four bedroomed detached dwellings accessed from the eastern end of Yarraville Street close to its junction with Hardman Avenue.

In respect of land drainage the applicant proposed to divert the existing ditches around and through the proposed development. In addition new land drains and swales would be placed along the boundary of the higher land to prevent overland water from entering the site. It was noted the Land Drainage Officer required more information on the drainage issues.

No objections had been received from RBC(Environmental Health).

With regards to assessment, the proposal was located within the countryside and was therefore

deemed unacceptable. It was close to Middle Carr Farm and detrimental from certain view points within the Rossendale.

The Planning Officer noted that the LCC (Drainage Officer) had indicated there may be a way forward in terms of resolving the drainage issues, however these details were not before committee and the objection from the RBC drainage officer remained

Officers' recommendation was to refuse the application for the reasons outlined within the report.

Mr Luxton spoke in favour of the application.

In determining the application, the committee discussed the following:

- Clarification if application was for outline or full permission
- Option of deferring the application
- Late items and possible deadline for submissions

The Planning Manager clarified the issues raised including in relation to the decision to refuse not being inconsistent with the report to full Council in July on proposed urban boundary changes

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:-

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

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

12. Application Number 2014/0384

Variation of Conditions 3,4 and 20 (varied to widen the range of goods) that can be sold from the Retail Park. Conditions 2,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,21 and 22 to be removed. Conditions 3,4 and 20 (to be replaced with a single condition that permits 1162 sqm gross of the floor space to sell all Class A1 good and ancillary uses and 5026 to sell all Class A1 goods except food and ancillary uses) from Planning Approval 2007/0030.

At: Three Vacant Units, New Hall Hey Road, Rawtenstall, BB4 6HR.

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 it was a major application and departure.

The applicant now sought planning permission to vary conditions 3, 4 and 20 and replace them with a single condition that permits 1162 sq.m gross of the floorspace to sell all Class A1 goods and ancillary uses and 5026 sqm to sell all Class A1 goods except food and ancillary uses from

Planning Approval 2007/0030. Permission was also sought to remove the other conditions attached to the consent for 2007/030 as the applicant considered they had all been complied with (or superseded in respect of condition 21) and therefore should not be attached to any consent going forward related to 2007/0030.

The Planning Manager informed the committee that some conditions had been provided within the update report however it was requested that due to the requirement of some tweaks and wording changes to the conditions, if committee was minded to approve the application, conditions be delegated to the Planning Manager in consultation with the Chair along with a Section 106 agreement.

Officers' recommendation was for approval with the conditions to be delegated to the Planning Manager in consultation with the Chair along with a Section 106 agreement.

Ms Partridge spoke in favour of the application.

In determining the application, the committee discussed the following:

- If the other units would be able to sell food
- Bus route to and from the site
- Safety of roundabout
- 5 year travel plan
- Internal split of building
- Financial contributions for transport
- Thanks sent to report writer

The Planning Manager clarified matters raised by the committee.

A proposal was moved and seconded to approve the officer's recommendation with the conditions to be delegated to the Planning Manager in consultation with the Chair along with a Section 106 agreement.

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 with the conditions to be delegated to the Planning Manager in consultation with the Chair along with a Section 106 agreement..

The meeting commenced at 5.00pm and concluded at 8.30pm

Signed:

(Chair)