

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 15th NOVEMBER 2011

Present: Councillor Robertson (in the Chair)
Councillors, Driver (sub for L Barnes), Graham, Nuttall, Oakes, Roberts and Stansfield.

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

Also Present: 13 members of the public.

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies had been submitted on behalf of Councillor L Barnes (Cllr Driver sub).

2. MINUTES

Resolved:

That the minutes of the meetings held on 4th October and 11th October 2011 be signed by the Chair and agreed as a correct record.

3. URGENT ITEMS

The Chair reported that there were no urgent items of business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

PLANNING APPLICATIONS

5. Application Number: 2011/400
Erection of 12 houses
At: East Parade, Higher Mill Street, Rawtenstall

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history and the nature of the current application which was to seek permission to erect 12 houses on the site.

The submitted layout proposed:

Two pairs of semi-detached houses facing Millgate Road; a further pair of semi-detached houses and couple of garages facing East Parade, one of these houses

having living accommodation bridging over a drive, giving access to a parking court and garages to be provided to the rear and three pairs of semi-detached houses facing town-houses recently built by the Applicant, that front Higher Mill Street, these semis to have drives to the front of them and appear 2-storey as viewed from the front, but 3-storey at the rear, thereby utilising differences in levels across the site.

Eleven of the houses would have 3 bedrooms and the other 4 bedrooms. A total of 23 off-street car parking/garage spaces were proposed. The houses and garages were to be built with coursed natural stone walls and slate roofs, with white upvc window frames, which would match the adjacent town-houses that had recently built by the Applicant. The scheme would also require provision and/or make good of significant lengths of public footway around the site.

LCC (Highways) had no objection to the application.

The site had previously been designated as a proposed employment site for office/service industry development. However, Policy J2 was not a 'saved' policy.

The current road network would be able to accommodate the traffic from the proposed housing, which would also require less parking than the previously permitted office accommodation.

In relation to a Section 106 agreement, one had been agreed on a previous scheme which was a sum of £18,000 to be paid to the Council. However, this had not yet been spent and therefore Officers did not consider a further financial contribution necessary. The Council's Open Space & Play Equipment Contributions SPD indicated that developments of 10 or more dwelling units should make a contribution of £1,366 per dwelling (amounting to £16,392 for the 12 houses now proposed).

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

In determining the application the committee discussed the following:

- Family expansion space – clarification
- Justification in relation to not maintaining land for employment
- Elevations that were shorter in distance to the houses on East Parade than the recommended guidelines
- Footpaths on road
- Layout of site
- Number of properties in relation to affordable housing
- Why no further contribution was being sought for new proposed dwellings

A proposal was moved and seconded to refuse the application due to loss of an employment opportunity, failure to fully comply with spacing standards/design and lack of a Public Open Space Contribution.

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 loss of an employment opportunity, failure to fully comply with spacing standards/design and lack of a Public Open Space Contribution.

6. Application Number 2011/0376

Construction of managers dwelling and 3 bedroomed bed and breakfast, 10 bay stables, manege and altered access road.

At: Fisherman's Retreat, Off Bury Old Road, Shuttleworth.

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history and the nature of the current application which had been deferred by committee in September 2011.

New information had been provided in the latest report however, appended was the previous report detailing the application.

Since the previous report, the applicant had clarified that there were two possible locations for the house and B&B, either could be approved as part of this application should they be considered acceptable.

The first location was the preferred location, details of which were highlighted in the report. The second location was also detailed in the report; this location was currently occupied by 2 static caravans.

Since the previous committee meeting the applicant had provided 3 statutory declarations regarding the caravans, which stated the applicant and her family had lived in the caravans in excess of 7 years. Also, letters of support had been received from the National Farmers Union (NFU), the British Horse Society (BHS) and the Forest of Rossendale Bridleways Association (FORBA). A Business Plan had also been provided.

The Planning Officer made reference to PPS7 within the national policy context, further details of this was outlined in the report. Some of the points raised are detailed below:

- No policy objection to stable and arena
- The worker to live on site would depend on needs of the enterprise
- Full time employment
- Financial Tests

It was acknowledged that the horse riding season was from April to October, anticipated occupancy rates for the B&B rooms of 57% in the first year and 71% in the second year

attained by marketing to guests visiting the area for business, weddings, functions, etc. The submitted figures did not seek to indicate what income would be generated by B&B guests who were holidaying with their horses.

The distance from the Mary Towneley Loop was also outlined.

Officers recommendation was for refusal as detailed in section 6 of the report.

Mr Luxton spoke in favour of the application and Councillor Cheetham also spoke on the application.

In determining the application the committee discussed the following:

- Distance from the Mary Towneley Loop/Pennine Bridleway
- Scheme viable without housing and guest house
- Green Belt
- Need for tourism in Rossendale
- Size of the proposed dwelling
- History of applicant in relation to business
- Wooden construction as an option in relation to house

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

A proposal was moved and seconded to refuse the application, as detailed in section 6 of the report.

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

FOR	AGAINST	ABSTENTION
3	2	2

Resolved:

That the application be refused as detailed in section 6 of the report.

7. Application Number 2011/0453

Change of use from library and Council Offices to tea rooms with associated shop and 3 external grilles.

At: Bridge End House, Bacup Road, Rossendale BB4 7EU.

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history and the nature of the current application which was to seek permission for change of use of the premises from library and council offices to tea rooms, with a large kitchen at ground floor and a smaller kitchen at first floor, and an associated shop and a reading room.

The only external alteration to the building being proposed was the installation of two grilles in the east elevation and one in the north elevation. There would be no significant impact on the character or appearance of the building.

The tea room operating hours would be conditioned to open from 7.00am to 7.30pm.

LCC (Highways) had no objection to the application. However, it requested that the lines on the car park adjacent to the building be repainted.

No objections had been received from neighbours. However, Councillor Pilling had sent an email which was highlighted in the update report regarding the fir tree on site which had functioned as a Christmas tree for Waterfoot.

Mr Hartley spoke in favour of the application.

It was noted that the applicant was prepared to keep the holly tree.

In determining the application the committee discussed the following:

- Shutters
- Bin storage
- Condition 3
- Fir tree
- Disabled parking
- Tree remaining in place for Christmas 2011.

The Legal representative clarified issues raised by the committee along with the Planning Manager and Principal Planning Officer.

A proposal was moved and seconded to approve the application, with the conditions outlined in the update report along with a provision of a bin store and to retain the holly tree and, until after Christmas at least, the fir tree, with a long-term scheme to review their retention/replacement to be agreed in consultation with Chair.

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

FOR	AGAINST	ABSTENTION
6	1	0

Resolved:

That the application be approved with the conditions outlined in the update report along with a provision of a bin store and to retain the holly tree and, until after Christmas at least, the fir tree, with a long-term scheme to review their retention/replacement to be agreed in consultation with Chair.

8. Application Number 2011/445
Erection of wind turbine (20m high to blade tip)
At: Swinshaw Farm, Goodshaw Lane, Loveclough.

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history and the nature of the current application which was to seek permission to erect a wind turbine with a 15m high column and 3- bladed rotor having a diameter of 9 metres. The turbine would be coloured light grey.

LCC and RBC had no objection to the application however three objections had been received; details of these were outlined within the report.

The application would support energy generation in relation to renewable sources.

There were no known ecological features on the site, nor was the area likely to be disturbed by construction, also the nearest property to the site was 250m away.

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

In determining the application the committee discussed the following:

- Height of construction
- Use of power
- Further drawings

The Principal Planning Officer clarified issues raised by the committee.

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.

9. Application Number 2011/0461
Change of use from children's party and activity venue to a nursery school.
At: Ski Club Log Cabin, Haslingden Old Road, Rawtenstall.

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history and the nature of the current application which was to seek permission to change the use of the building from a children's party and activity venue to a nursery. The proposed opening hours were to be 08.00-18.00 Mondays to Fridays.

The applicant had advised that there would be a maximum of 24 children attending the nursery, with 5-6 full time and part time staff.

No external alterations to the building were proposed. They would have available to them ten parking spaces in the adjacent car park.

There would be no need for any trees to be cut down, but there were branches overhanging the cabin to be trimmed.

LCC (Highways) requested that the signage be renewed to more clearly show the one way operating system in place.

Three objections had been received and details of these were outlined in the report.

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

Mr Murray spoke in favour of the application.

In determining the application the Committee discussed the following:

- Outdoor play facilities
- Use on Saturdays
- Ages of children attending
- Footpath

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. Enforcement Report Q2

The Planning Manager outlined the report to the committee which was to provide elected members with an update on current enforcement activity.

The report focused on updating members with 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, appeals and details of any court hearings pending for the second quarter of this year.

Following this information, members discussed the following:

- Shutters on properties closed during the day

Resolved:

That the report be noted.

The meeting commenced at 6.30pm and concluded at 9.10pm

Signed:

(Chair)