

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 19th March 2013

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

In Attendance: Stephen Stray, Planning Manager
Neil Birtles, Principal Planning Officer
Lorna McShane, Legal and Democratic Services Manager
Jenni Cook, Committee Officer

Also Present: 22 members of the public
No members of the press
Councillors Barnes, Kenyon, Lamb, Sandiford and Wilkinson

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

No apologies had been submitted; all members of the Development Control Committee were present.

2. MINUTES

Resolved:

That the minutes of the meeting held on 12th February 2013 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 2013/0033

Proposed change of use from A1 retail unit to retail sales of tyres and tyre change facility, including the installation of roller-shutter to front and rear elevation of building and erection of 2m high fence around rear parking area

At: Former Furniture Centre, Beaconsfield Street, Haslingden

The Principal Planning Officer introduced the application, outlined details of the site and the relevant planning history and the reasons for it being brought before the Development Control Committee. The application proposed a change of use of the premises from A1 retail to a mixed use for the retail

sales of tyres and tyre change facility. The intended opening hours of the business would be 9am-6pm Monday to Saturday and 10am-4pm on Sundays. It was proposed that the business would employ 2 full time staff and 2 part time staff. The application proposed that half of the building would be used for tyre storage, with a small area partitioned off as a customer waiting room. The remaining half of the building would contain 3 tyre fitting bays accessed off Beaconsfield Street, with roller shutter doors.

With regard to the application, the applicant had stated that the lawful use of the premises was as a retail unit which could open 24/7 and that they had no objections to conditions which limited hours of opening and the use of handheld tyre fitting equipment.

With reference to consultation responses the Principal Planning Officer noted that there had been no objections from LCC Highways, however the Council's Environmental Health Officer had raised concerns regarding operational noise and noise from increased traffic movements. A petition objecting to the application containing 47 signatures, along with 81 letters of objection had been received. In addition to this a petition in support of the application, containing 189 signatures and 3 letters of support had been received.

In terms of assessment of the application, the Principal Planning Officer noted that the site was within the urban boundary, however, this was within a predominantly residential area, and did not front a main road, which gave rise to concerns regarding impact upon the residential character and appearance of the area from the use as well as signage on/to the premises. It was noted that although the lawful use of the premises was for retail, the fallback position was not enough to tip the balance in favour of officers recommending approval. It was noted that the building was constructed of natural stone and of single storey height, and that the roller shutter doors, which were of utilitarian appearance would diminish the attractiveness of the building.

The officers recommendation was one of refusal.

Mr Frederick Hope spoke against the application and Mr Bashir Rassass spoke in favour of the application. Councillors Kenyon, Sandiford and Wilkinson also spoke on the application.

Following a query from the applicant, the Chair clarified the procedure for public speaking.

In determining the application, the committee discussed the following:-

- Concerns regarding parking spaces, the space required for the roller shutter door and delivery/collection of tyres.
- Concerns regarding the safety of pedestrians, accessibility to the rear of the site and visibility for those entering and exiting the property.
- The Haslingden area did need employment opportunities; however this may be the wrong location.

The Principal Planning Officer clarified the issues raised by the Committee.

A proposal was moved and seconded to refuse the application for the reasons 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 refused for the reasons outlined in the committee report and below:-

Notwithstanding the employment provided by the development, the premises cannot accommodate the tyre-fitting element of the business without causing unacceptable detriment to the character and appearance of this primarily residential area and the amenities its residents could reasonably expect to enjoy. Accordingly, the scheme is considered to be contrary to Section 7 the National Planning Policy Framework (2012), Policy DP7 of the Regional Spatial Strategy and Policies 1, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

6. Application Number 2012/0604

Change of use of vacant agricultural land to vehicle chassis parking area for 92 vehicles and new vehicular access point with associated landscaping, boundary treatment and meter hut

At: Land off Manchester Road to the East of Holme Lane, Haslingden

The Planning Manager introduced the application, outlined details of the site and the relevant planning history, and the reasons for it being brought before the Development Control Committee, being a departure from the Development Plan as the land is in the countryside and green belt. The application seeks permission for the change of use of the site from agriculture to a vehicle chassis parking area for 92 vehicles, surfacing of an extensive area with road planings, formation of a new vehicular access to Manchester Road, with fencing, lighting and CCTV.

The applicant had answered extensive questions regarding the application, the site, alternative sites, land values and viability as referred to in the officer's report and it was noted that officers had considered all of this information.

In terms of consultation responses no objections had been received from LCC Highways, Environmental Health, United Utilities, the Environment Agency and the Highways Agency. The Council's Economic Development Team had indicated strong support for the scheme in terms of 45 additional jobs that the development would create within the area. The Council's Forward Planning Team had noted that the proposed development lay on green belt land and that the initial submission did not overcome the harm to the green belt that the proposal would cause. Feedback received from the Lancashire Constabulary Architectural Liaison Officer had raised concerns regarding crime within the area and conditions to mitigate this were outlined within the update report. Objections to the application had been received from 19 people, including Councillor Sandiford.

The Planning Manager outlined the issues around the proposal being on green belt land and stated that the benefits of the scheme would, in this instance, outweigh the harm to the green belt and that a decision to approve the scheme would not set a dangerous precedent having regard to the 'special circumstances' case advanced by the applicant. It was noted that as the proposed scheme constituted a departure from the Development Plan, should Members be minded to grant the

application, it must be referred to the National Planning Casework Unit (NPCU) who would determine, within a period of 21 days, whether to allow the Council to issue the decision it wished or issue a direction under Section 77 of the Town and Country Planning Act to take the determination out of the hands of the local authority.

Officers recommendation was for approval subject to the conditions set out in the update report.

Mr Solomon spoke in favour of the application. Councillor Sandiford also spoke on the application.

In determining the application the committee discussed the following:

- The visibility of the site from the surrounding rural area and concerns regarding tourism.
- Lighting and CCTV issues.
- The balance between job creation and protecting the green belt.
- The existing industrial nature of the A56 corridor.
- Signage for vehicles and visibility issues.
- Concerns regarding precedents.
- Leasing of alternative sites, the difficulty of finding alternative sites and the business case.

The Planning Manager clarified issues raised by the committee.

A proposal was moved and seconded to approve the applications for the reasons 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 Committee be minded to grant the application permission subject to the conditions set out in the update report.

Note: A short comfort break took place at this point in the meeting.

7. Application Number 2012/0526

**Construction of 5no. wind turbines of 125m to blade-tip (maximum) and associated infrastructure, including 85m high meteorological mast, switch gear/control building, crane hardstandings and access tracks extending from Bacup Road, Todmorden
At: Land south west of Gorpley Reservoir, off Bacup Road, Todmorden**

The Principal Planning Officer introduced the application, outlined details of the site and planning history and the current application which sought permission for the applicant to form/utilise the permitted access arrangements for the Reaps Moss windfarm. It was noted that construction of the wind turbines was the subject of an application to Calderdale Council. This application had been refused and may become the subject of a planning appeal. The Principal Planning Officer noted that

if the Reaps Moss project did not go ahead, then the applicant's proposal would entail works within Rossendale no different to those already permitted other than at the point on the borough boundary where its new track would join the already permitted track.

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

Mr Stephen Bottomley spoke against the application.

In determining the application the committee discussed the following:

- Calderdale's refusal and it was noted that the applications were submitted at the same time, however Calderdale's was heard first.
- The decision to be made was on elements of work within Rossendale only.
- Width of the access road and how the turbines would be transported through Rossendale and the inspections by LCC Highways roads before and after transportation.
- The number of vehicular movements required for construction of the proposal using the access in Rossendale and associated impact.
- Concerns regarding the disruption to wildlife.
- Discussions took place regarding refusal and deferral.

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

A proposal was moved and seconded to refuse the application for reasons of health and safety and concerns regarding congestion on the highways.

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

FOR	AGAINST	ABSTENTION
2	5	0

Resolved:

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

8. Application Number 2012/0538

Erection of 13 dwellings

At: Land adj. 368 Rochdale Road, Britannia

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history and the nature of the application which was to seek permission for the erection of 13 dwellings on the site and it was noted that the application broadly accorded with the previously permitted scheme, which was now time-expired.

One objection to the proposed scheme had been received and it was noted that no objections had been received from LCC Highways, however S106 funds had been requested for the relocation of a bus stop/shelter and a Traffic Regulation Order. In addition to this LCC Education had requested a contribution in the sum of £59,402 to add to primary school capacity within the local area.

The Principal Planning Officer advised that in the present economic climate it was considered appropriate to require that the S106 obligation secure a payment of £7,500 to modify/relocate a bus shelter and limit on-street parking and a further payment of £17,758 only in the event that none of the proposed dwellings are provided as affordable housing.

Officers recommendation was for approval subject to a S.106 agreement the conditions outlined in the report.

There were no speakers on this item.

In determining the application the committee discussed the following:

- Housing Association scheme and reserved matters.
- The site was derelict and an eyesore.

The Principal Planning Officer clarified issues raised by the committee.

A proposal was moved and seconded to approve the application subject to conditions and Section 106 obligations 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 and Section 106 obligations outlined in the report.

**9. Application Number 2009/430
Erection of 4 dwellings
At: Land opposite 44-60 Lee Road, Bacup**

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 outline permission for the erection of 4 dwellings on the land, described as 'oversized bungalows'. It was noted that the high stone wall fronting the site would be mostly retained. Officers had concerns regarding the size of two of the gardens, however these concerns were not a sufficient reason for refusal.

An objection to the scheme had been received which raised concerns regarding traffic, safety, driver visibility at the access-point and badgers. No objections had been received from LCC Highways.

The Principal Planning Officer noted that the proposed development was within the urban boundary, there was no requirement for affordable housing and that the site was mainly hidden from view.

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

Mr Andrew Sharples spoke in favour of the application.

In determining the application the committee discussed the following:

- Adjacent sites and proposals.
- It was noted that badgers crossed the land however there is no sett on the application site.
- Access for Council refuse wagons.
- Traffic access and turning options for large vehicles.
- Lifetime Home standards regarding garden sizes.
- Surface water run-off and drainage.

The Principal Planning Officer clarified matters raised by the Committee.

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

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 subject to the conditions set out in the report.

10. Application Number 2013/0011

Erection of Garage

At: Plot 10, Garage site rear of Whittle 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 for a standard sized garage, set within a row of already constructed garages. No objections had been received from neighbours regarding the application. The report was before the Committee as it was on council-owned land.

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

11. Application Number 2013/0065

Erection of a pair of semi-detached houses with one detached garage and associated hardstanding

At: Land adj 101 Bankside Lane, Bacup

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 the erection of a pair of semi-detached 3-bedroomed dwellings, one with a detached garage and the other with a drive extending to its side.

The site lay within the urban boundary and was bounded by residential properties/garages on 3 sides and open land to the rear. As the site sloped down from Bankside Lane, the applicant proposed to build up a level platform on which to accommodate the buildings and parking areas with a 1.5m retaining wall 1.5m from the rear of the buildings. Two sewers crossing the site would be diverted.

The Principal Planning Officer noted that no badger setts were within the site boundary and the LCC Highways had not objected. No objections had been received from LCC Ecology or United Utilities. Three neighbour objections had been received and an additional objection was noted in the update report.

Officers Recommendation was to approve, subject to the conditions outlined in the report.

Arwen Taylor spoke against the application.

In determining the application the committee discussed the following:-

- Rights of way dating back to the 1800s across the land.
- Badger activity on the site
- Concerns regarding objections and whether objections to previous applications were carried forward to subsequent applications and individually acknowledged.
- Concerns regarding the run-off of water and spring water on the site.
- Tree preservation orders and surrounding landscaping and trees.

The Principal Planning Officer and Planning Manager clarified the issues raised by the Committee and the Legal and Democratic Services Manager provided legal advice.

A proposal was moved and seconded to refuse the application for reasons of traffic congestion and drainage/spring water within the site. However this proposal was withdrawn.

A proposal was moved and seconded to defer determination of the application to allow for further consultation with residents and previous objectors, and then report back to Committee to provide further information regarding rights of way and the spring water running through the site.

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

FOR	AGAINST	ABSTENTION
6	1	0

Resolved:

That determination of the application be deferred to allow for further consultation with residents and previous objectors, and the report back to Committee to provide further information regarding rights of way and the spring water running through the site.

The meeting commenced at 6.30pm and concluded at 9.30pm

Signed:

(Chair)