

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 21st April, 2015

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

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

Also Present: 20 members of the public
1 member of press
Councillors Haworth and Lamb

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies had been submitted by Councillor Procter (Councillor Kenyon sub) and Councillor Eaton (Councillor Sandiford sub).

2. MINUTES

Resolved:

That the minutes of the meeting held on 24th March, 2015 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.

The Chair informed the committee that the applicant had withdrawn agenda Item B1, application number 2014/0520.

PLANNING APPLICATIONS

5. Application Number 2015/0024

Erection of 22 houses and access courts, together with landscaping, stables and access to adjoining farm land.

At: Kearns Mill & adjacent Lodge, Cowpe Road, Cowpe.

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

was a major application and a departure.

The application was a re-submission of the scheme of conversion/new-build proposed in application 2013/0090, but was accompanied by a different Site Valuation Report and Viability Appraisal.

The latest Site Valuation Report (dated January 2015) placed a market value on the site of £320,000 and this was the figure carried forward into the latest Viability Appraisal, rather than the figure of £600,000 referred to in the documentation that accompanied Application 2013/0090.

The Applicant had indicated that they were willing to enter into a Section 106 Obligation that would ensure payment of £10,000 for off-site traffic calming/ traffic safety works along with suitable arrangements being agreed upon for the long-term management and maintenance of the mill lodge and its surrounds for the benefit of wildlife and as a recreational resource for residents of the development and locally.

However, the Applicant stated that for viability reasons the proposed development could not make any contribution towards Affordable Housing in the form of on-site provision or payment to enable off-site provision by the Council.

Comments from consultees were outlined within the report and there were additional comments from Rossendale Civic Trust which were included within the update report.

In relation to assessment, the main issue for Officers was the planning contributions. The Applicant was willing to enter into a Section 106 Obligation that included an 'overage' clause that would mean any profit above 20% would then be shared equally between them and the Council. Subsequently this offer was increased to 100% of any uplift in profit above 20% up to £122,200.00

It was noted that the Health and Housing Manager had been in discussions with the applicant in relation to contributions which was detailed within the report; however, difference in opinion remained most particularly in relation to the amount of monies that could be claimed back on Land Remediation Relief.

The Planning Officer noted that discussions on the above differences of opinion would continue but Officers had asked for authority to refuse the application in the event that the Section 106 Obligation had not been completed in a satisfactory form by 19 May 2015.

- Officers' recommendation was therefore for approval, subject to the conditions and Section 106 outlined within the latest update report, but with authority to refuse the application unless it had been demonstrated with evidence to the Council's satisfaction that a reduction in Land Remediation Relief that was achievable makes it appropriate to make a corresponding reduction in the contribution of £122,200 and this had been incorporated into the S106 obligation by that date.

Mr Wood spoke against the application and Mr Mackie spoke in favour of the application.

In determining the application, the committee discussed the following:

- Mill pond and if this would be accessible to local residents
- Clarification if local stone would be re-used
- Retail prices of the proposed dwellings and if these had dropped
- Clarification in relation to the 13.8% figure and the 20% figure with regard to contributions
- If the applicant was of the view the return is in the order of 13.8% why was the scheme still going ahead
- What was the reason for not claiming back monies through HMRC for Land Remediation Relief.
- Concerns that rate payers may end up subsidising the costs if the full Section 106 Obligation was not entered into
- Traffic and safety concerns
- Safety in relation to the pond

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

A proposal was moved and seconded to approve the application subject to the Section 106 Obligation and conditions outlined within the latest 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 Section 106 Obligation and conditions outlined within the latest update report.

6. Application Number 2015/0025

Erection of ‘Passivhaus’ dwelling along with hard and soft landscaping and vehicular access – Revised Submission.

At: Land Off Lomas Lane, Balladen, 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 it raised significant policy considerations.

The applicant had submitted revised proposals for the erection of a single ‘Passivhaus’ with hard and soft landscaping and vehicular access off Lomas Lane.

The house would have a T shape layout, a similar design to the previous submission. The lower ground floor was to consist of four bedrooms, storage spaces, an office, bathroom and a garage for 2 cars. The upper floor was to consist of an open plan kitchen and lounge and adjoining pantry and study.

The proposed materials remain as per the previous submission. As per the previous submission, the proposals included a suite of green living/ zero carbon measures which included the house being of Passivhaus construction as well as landscaping measures, erection of solar panels and a range of potential measures to broaden flora and fauna habitat and to remove invasive species on land within their ownership.

In relation to consultation responses, RBC (Forward Planning) had retained its objection for similar policy reasons to those provided with the original application. It was noted that United Utilities (Water), RBC (Environmental Health) and the Environment Agency had no objections to the proposal. The Planning Manager noted that LCC (Ecology) had objected to the application and further information on this was outlined within the report and update report. In summary the applicant had submitted further information in response to the objection and the Ecologist now advising the Council on the application had indicated as per the update report that the concerns regarding potential harm and as set out in the second reason for refusal could now be overcome.

Rossendale Civic Trust had made comment on the application.

In relation to notification responses, 9 residents had objected, seven of these were from different households and it was noted that one objector had appointed a Planning Agent in order to assist with the objection for the proposed development. The Planning Manager stated that 27 letters had also been received in support of the application.

With regard to assessment, the Planning Manager outlined the main issues that were to be judged on the revised proposals which were detailed within the report and it was concluded that the application should be refused on the basis of the points set out in reason for refusal 1. The Planning Manager informed the committee that LCC (Highways) had not raised objection to the proposal, however, concerns were noted in relation to construction traffic by an objector. It was clarified that these concerns could be resolved by means of condition if the application was approved.

Officers' recommendation was for refusal, for the points set out in reason for refusal 1 outlined within the report.

Mr Ashworth spoke against the application and Mrs Howard spoke in favour of the application.

In determining the application, the committee discussed the following:

- Beautiful design of building, but wrong location
- Outside of Urban Boundary
- RBC Policies and Guidance's and adhering to these
- No special circumstances outlined in order to deviate from policy

A proposal was moved and seconded the officer's recommendation, to refuse the application for the first reason outlined within 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 reason 1 outlined within the report.

7. Application Number 2015/0001

Two storey rear extension to replace existing conservatory.

At: 7 Lower House Green, Water, BB4 9UH.

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 member call-in.

Permission was to construct a two storey rear extension in place of the existing conservatory, in order to provide additional dining space on the ground floor, and enlarged bedroom space at first floor level.

Initially, plans were submitted for a larger extension which would have extended across the full width of the dwelling (around 5.6m), projected by 4.3m from the main dwelling, and had a pitched roof. However, following discussions between the officers and the applicant's agent in light of the case officer's concerns and objections received, revised plans for a smaller extension were submitted.

The proposed extension as amended would now project by around 3.5m from the main dwelling, and would be around 4.3m wide. The eaves height of the proposed extension would match that of the main dwelling, and it would have a ridge height lower than that of the main dwelling.

The extension would include a set of four bi-folding patio doors at ground floor level on its rear elevation. No windows or doors were proposed on the side elevations of the extension. The extension would be constructed of artificial stone and would have a tiled roof to match the existing dwelling.

The Planning Manager noted that 2 objections to the proposal had been received.

In relation to assessment, the application was located within the urban boundary and was therefore acceptable in principle. Following the amended plans, the extension would be set slightly further back which would appear less dominant and less overbearing to the neighbour's property . It was noted that the application accorded with spacing standards in the Residential Alterations and Extensions SPD.

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

Mr Hartley spoke in favour of the application.

Councillor Robertson clarified that her call-in was based on the original design submitted and the application brought this evening was not the same design.

In determining the application, the committee discussed the following:

- Following site visits, it was noted the varied types of house design
- House set back which would have less of an overbearing impact
- Preference of a top-hung window on the obscure glazed windows at the side of the property

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 meeting commenced at 6.30pm and concluded at 7.55pm

Signed: (Chair)