

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 21st July, 2015

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

In Attendance: Stephen Stray, Planning Manager
Lauren Ashworth, Principal Planning Officer
Martin Carpenter, ENPLAN
Andrew Metcalfe, ENPLAN
Clare Birtwistle, Legal Services Manager
Abigail Wrench, Trainee Solicitor
Michelle Hargreaves, Committee and Member Services Officer

Also Present: 22 members of the public
1 member of press
Councillors Haworth and Lamb

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

There were no apologies for absence.

2. MINUTES

Resolved:

That the minutes of the meeting held on 16th June, 2015 be signed by the Chair and agreed as a correct record.

3. DECLARATIONS OF INTEREST

Councillor Kempson declared an interest on agenda item B1 as he was commoner in relation to the land at Rooley Moor and would leave the room whilst the item was being heard.

4. URGENT ITEMS

There were no urgent items.

PLANNING APPLICATIONS

The Chair noted that the Planning Officers would be outlining the main points of the application and any relevant additional information. She noted that the Committee were given copies of all reports and plans in advance of the meeting and had had adequate time to read the same.

NB. Councillor Kempson left the room for the following item to be taken.

5. Application Number 2014/0388

Erection of 12 wind turbine generators (maximum height to tip of 125m), construction of access tracks and crane pads, formation of borrow pits for the extraction of stone for on-site construction works, erection of 70m high meteorological mast.

At: Land to East and West of Rooley Moor Road, Rochdale.

The Case 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.

It was noted that the site extended over 360 hectares and was located on Rooley Moor to the south and Brandwood Moor to the north, between Rochdale and Rossendale but was accessed via Rochdale.

There were two potential proposed developments, one scheme included 12 turbines (2 in Rossendale), the other scheme proposed an 8 turbine scheme and had no turbines in Rossendale. The 12 turbine development comprised of 12 three blade turbines that would have a tip height of up to 125m. The scheme included permanent foundations, access tracks, underground cabling, control building, offices, a 70m high meteorological mast, borrow pits and associated landscaping. It was noted that the scheme would be operational for 25 years after which it would be decommissioned and the turbines removed from the site.

A selection of proposed viewpoints from Lobden Golf Course, Maden Rec, Cowpe and Cowm Reservoir Car Park were shown to the committee.

There would be 8 turbines located to the west of Rooley Moor Road and 4 located to the east. The proposed site would be very close to the Mary Towneley Loop. The development did have positive aspects in the fact that it would reduce emissions and assist with climate change.

The Case Officer informed the committee that Rochdale MBC had appointed a number of sub consultants shared with Rossendale that provided advice which was outlined within the report. After careful consideration the impact caused was considered by officers to outweigh the public benefits for the reasons outlined in the report.

Officer's recommendation was for refusal for the reasons outlined within the report.

The Case Officer referred to the update report in relation to the appeal lodged with the Planning Inspectorate against the decision of Rochdale MBC to refuse the part of the development within their borough and in relation to the unilateral undertaking now submitted by the applicant.

Mr Romaine spoke in favour of the application.

In determining the application, the committee discussed the following:

- Clarification in relation to the height of the proposed turbines
- Financial clarification regarding the proposed £25k to the community; if the application was refused and was taken to appeal, if this contribution would remain

- Energy saving as a whole and government requirements for the future
- Potential cases for both for and against windfarm applications
- Potential cumulative effect of turbines
- Public rights of way near the proposed turbines

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

A proposal was moved and seconded to refuse the application in accordance with the officer’s recommendation due to the reasons outlined within the report.

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

FOR	AGAINST	ABSTENTION
4	0	2

Resolved:

That the application be refused, for the reasons outlined within the officer’s report.

NB. Councillor Kempson returned to the room for the remaining items.

6. Application Number 2015/0059

Erection of 2 wind turbines (48m high to blade tip) and associated track.

At: Sheepphouse Farm, Greens Lane, Stacksteads, Bacup

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 the site was located near to a site for which the turbines at Rooley Moor were proposed.

Permission was sought to erect two 3-bladed wind turbines of 48.01m in height to blade-tip, each with an anticipated maximum rated capacity of 225kW.

The turbines would stand 180m apart and would have tubular steel towers giving a hub-height of 30.5m and the rotors of 29.1m diameter. There would also be construction of associated works including an access track/platform. It was proposed that the wind turbines would be in operation for up to 25 years. The development would be constructed within 2 weeks and the decommissioning of the application was detailed within the report.

With regard to consultation responses, these were outlined within the report along with the notification responses which included those in support/objection on the application.

The proposed 2 turbines would be categorised as small commercial turbines having regard to the guidance from Julie Martin Associates.

The proposed turbines whilst appreciably less in height than those at Scout Moor would be nearer to the built-up areas extending down the valley and therefore officers had concerns it would set an undesirable precedent for turbines of ‘Small Commercial’ or greater size on the edge of the

moorland plateau of spilling down the slope between Rawtenstall and Bacup.

It was noted that the proposal would provide public benefits contributing to energy generation from renewable sources and some employment during the construction phase, but it was considered that these would be outweighed by the impacts arising from the proposal which were detailed in the report.

Officers' recommendation was for refusal for the reasons outlined in the committee report.

Mr Dewar spoke in favour of the application and Councillor Lamb also spoke on the application.

In determining the application, the committee discussed the following:

- If the proposal would power just the farm or other buildings
- Concern if approved may set a precedent for the surrounding area; it was clarified from the agent's perspective that other than the proposed location, due to significant coal restoration to the east of the site and Rooley Moor/Scout Moor developments, it would be difficult for further developments to be built.
- Electricity produced if 225Kw would be per turbine or combined; it was noted this was a combined output and equal to approximately 240 homes.
- Amount of electricity that would be used and sold; it was clarified that any excess would be exported to the network
- If there were any other approved plans for turbines within the area
- If the application was approved how the decision would compare in relation to the Rooley Moor application being refused; it was clarified that it would be down to the applicant to make their own case in the relevant context.
- What protection could be put in place for requiring removal of the turbines after 25 years, if committee were minded to approve the application
- Issue of discussing a 'cumulative' impact – it was felt there may not be one
- Local applicant, local benefit
- Support of renewable energy

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

A proposal was moved and seconded to approve the application, contrary to the officer's recommendation with the conditions to be delegated to the Planning Officer in consultation with the Chair of Planning.

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 contrary to the officer's recommendation with the conditions to be delegated to the Planning Officer in consultation with the Chair of Planning.

7. Application Number 2015/0190
Erection of 4 dwellings
At: Land opposite 44-60 Lee Road, Stacksteads

The Planning Manager introduced the application, outlined details of the site, the relevant planning history for the application site and a separate but relevant adjoining site and the reasons for this proposal being brought before the Development Control Committee, being that three or more objections to the application had been received.

It was noted in March 2013, Development Control committee approved application number 2009/0340 which sought outline permission for the erection of four dwellings.

The Planning Manager noted that rather than implement this planning permission, permission was now sought for a scheme which varied the house type and layout as outlined within the report.

With regard to consultation and notification responses, these were detailed within the officer's report.

In relation to access and parking, no objections had been received from LCC highways. The Planning Manager outlined from the report why LCC highways and RBC officers felt a condition attached to a consent for the neighbouring site on provision of a footway and two additional parking spaces could not now be attached to this application, even though it now looked as though the neighbouring permission would not now be implemented.

Officers' recommendation was for approval, subject to the conditions set out in Section 11 of the committee report.

Mr Metcalfe spoke against the application.

In determining the application, the committee discussed the following:

- Clarification in relation to residents financially contributing to maintenance of the road
- Expectation of applicant to upgrade the un-adopted road; Officers clarified that conditions 7 and 8 within the report addressed the areas of concern in relation to the road raised by the objector, that is from water run-off and damage by construction traffic.
- What would the material of road be as condition states as permanent/permeable in the report, plans submitted state tarmac
- Photos to be taken of state of road now and after construction in order for road to be put back to appropriate standard after construction if damage caused.
- Option of developer to meet with residents to discuss the road surface
- Parking now relocated - amended layout
- Option of additional condition in relation to the survey work of the current slope/cliff face prior to commencement of the development
- Concern some work had already started on site; The Planning Manager clarified that the applicant/agent was aware of the risk of potential enforcement action if work had

commenced without planning permission.

- Concern of damage to road due to construction traffic that had already been on site.

The Planning Manager responded to matters of clarification raised by the committee. It was also noted that if residents had photos of the road condition that were dated and timed, they could submit these to the Planning Manager if residents felt they could demonstrate damage had already been caused by vehicles undertaking the recent site clearance ahead of the committee decision. The Planning Manager would give regard to all evidence submitted. If the road condition was to change following the development, the developer would be responsible for reinstating any damage at their cost.

A proposal was moved and seconded to approve the application subject to the conditions outlined within the report along with the additional condition requiring a land stability 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 outlined within the report along with the additional condition requiring a land stability report be submitted and agreed by the local planning authority and implemented in accordance with any agreed scheme.

8. Application Number: 2015/0009

Change of use from a nursery (Use Class D1) and a dwelling (Use Class C3) to a 7 bedroomed children's home and residential school (Use Class 2)

At: New Haven Children's Nursery, 546 and 548 Manchester Road, Haslingden.

The Principal 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 three or more objections to the application had been received.

It was noted the site was located within an area of countryside designated as Green Belt. The Principal Planning Officer referred to the update report which noted that the applicant had supplied a proposed floor layout plan which would now be referenced in an attached condition.

Planning permission was sought for a change of use from a nursery (Use Class D1) and a dwelling (Use Class C3) to a 7 bedroomed children's home and residential school (Use Class C2).

The submitted site layout showed parking to the front for two cars for each property and parking to the rear of No.548, accessed from Holme Lane. That parking area indicated space for ten vehicles.

It was noted that there would be ten full time and 6 part time employees. The school would open from 0800 – 1600.

With regard to notification responses, neighbour objections had been received and the issues raised were outlined within the report

In relation to visual amenity, the scheme was acceptable in principal as no external alterations were proposed and RBC(Environmental Health) was content with the application. LCC(Highways) were satisfied that there was sufficient space for parking of vehicles to the front of the property which accorded with parking standards, however it was advised that parking to the rear of Holme Lane would be detrimental to the highway safety and a condition had been recommended to prevent this occurring.

Officers' recommendation was for approval, subject to the conditions set out in Section 8 of the committee report.

Mrs Mitchell-Mellor spoke in favour of the application.

In determining the application, the committee discussed the following:

- Therapeutic parents if they would have the appropriate qualifications to do the job
- Parking; The Planning Manager clarified that LCC (Highways) had stated there was adequate parking at the front of the building. If the applicant wanted to vary the condition, a separated planning application would need to be submitted.
- Safety of children and policies in place for play areas outside of the building
- Monitoring through Ofsted and other forms of monitoring through authorities
- Fire escape not shown on drawings; it was noted that this was not a planning consideration, but would be covered by other legislation.

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

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 in the report.

**9. Application Number: 2015/0159
Erection of 3 houses and associated hardstandings
At: Land adj 101 Bankside Lane, Bacup.**

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 to the application had been received.

Rather than implementing planning permission 2013/0065, permission was now sought for the erection of a short terrace of three 3-bedroomed dwellings. The latest scheme would result in construction of the 2 houses previously permitted of the design and in the position then permitted, plus a further house of similar design on that side nearest to the garage-court.

It was noted that the distance between the new build and the garage had been reduced to 5m, however this distance was still sufficient to provide a 1.5m path from Bankside Lane to the field at the rear which was in separate ownership and also a badger run as recommended having regard to the Ecology report submitted with the application.

With regard to notification responses, these were outlined within the report. In relation to assessment, the site was acceptable in principal as the site was located within the urban boundary and was within a relatively sustainable location.

The Planning Manager noted that the scheme was acceptable with regard to visual amenity as detailed within the report. The Planning Manager did not consider the proposed development would be detrimental to neighbour amenity as the proposed houses would not be raised above the floor levels of neighbouring houses and would have sufficient spacing distances having regard to the Council's adopted Residential Alterations and Extensions SPD.

LCC (Highways) had no objection and noted that traffic would not be unduly affected.

Officers' recommendation was for approval, subject to the conditions set out in Section 8 of the committee report.

Mr Jagger spoke in favour of the application.

In determining the application, the committee discussed the following:

- Traffic – concerns of footpath access and if this was near to the garage colony
- Variation of house types near the development, proposed dwelling would fit in

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

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

10. Application Number: 2015/0169

Variation of Condition 3 (Windows) from Planning Approval 2014/0031

At: Maza (formerly Madison's Wine Bar) 2 Burnley Road, Rawtenstall.

The Principal 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 was a councillor call-in.

It was noted that the windows had already been inserted and did not match those they had replaced and therefore the applicant sought permission to vary condition 3 of planning permission 2014/0031.

The Principal Planning Officer referred to the update report which outlined a further objection from Rossendale Civic Trust and further comments from the applicant's agent. Reference was also made to a supplementary report which clarified matters raised at the members site visit and further comments from the applicant's agent.

RBC (Conservation Officer) objected to the proposal as the windows would cause harm to the heritage asset, which was within the Rawtenstall Town Centre Conservation Area.

The main issues were highlighted, those being the windows being overly chunky and opened outwards. The thickness was considered to be emphasised when the windows were opened outwards and broke up the flat planes of the building which was considered to be contrary to good heritage design considerations. The previous windows were made of much thinner timber and were vertically sliding and did not have trickle vents at the top.

Members were asked to consider the issues raised in the report and the precedent that could be set going forward for other buildings within the conservation area.

Officers' recommendation was for refusal, for the reasons set out in the committee report.

Mr Hartley spoke in favour of the application.

In determining the application, the committee discussed the following:

- Clarification if the agent had managed the application from the start
- Quality of windows looked excellent
- Windows did not appear unsightly
- Other shops had modified windows within the conservation area
- Issue of maintaining conservation areas
- Owner should have sought more clarity prior to commencement of works
- Option of placing a restriction on the depth the windows could be open. The Planning Manager noted that this would have to be dealt with as a separate condition. It was unclear from a functionality point of view if this would be acceptable for the applicant.
- Health and safety issues if sash windows were installed
- Concern business may suffer if windows were to be replaced which may lead to a

- redundant building
- If other businesses would suffer that were also within the conservation area

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

A proposal was moved and seconded to approve the application, contrary to the officers recommendation with a condition regarding the opening distance of the windows. The reason for this being the high standard of work taken place and the appearance of the building following the work done.

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

FOR	AGAINST	ABSTENTION
3	4	0

The motion failed and the Chair asked for any other proposals.

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
4	3	0

Resolved:

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

11. Application Number: 2015/0175

Two internally illuminated fascia signs displaying the name ‘Maza’ (Retrospective).

At: Maza (formerly Madison’s Wine Bar) 2 Burnley Road, Rawtenstall.

The Principal 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 was a councillor call in.

It was noted that this application related to the same site as agenda item B6.

The applicant sought permission for a retrospective advertisement consent for two illuminated signs displaying the name Maza. One based on Burnley Road and one based on Haslingden Old Road.

The Principal Planning Officer referred to the update report which outlined a further objection from Rossendale Civic Trust and further comments from the applicant’s agent. The application was located within the Rawtenstall Town Centre Conservation Area.

It was noted that RBC (Conservation Officer) objected to the advertisements on the grounds that they had a harmful impact on the historic character of the property and of the area. The colour, design and materials used contrasted to the traditional stone building.

Officers' recommendation was for refusal, for the reasons set out in the committee report.

Mr Hartley spoke in favour of the application.

In determining the application, the committee discussed the following:

- If the application was for both signs
- Option of not illuminating the signs
- Query in relation to the present signs being larger than the previous sign
- Suggestion of downlights to be put over the sign if it was not to be illuminated
- Signs did not create a significant impact on the building
- Option of deferring. The Legal Services Manager clarified that this would not be advised as the committee had discussed the application at length and it was felt members had fettered their discretion.

The Planning Manager, The Principal Planning Officer and Legal Services Manager responded to matters of clarification raised by the committee.

A proposal was moved and seconded to approve the application, contrary to officers recommendation for the signs to be approved but to be conditioned to be not illuminated until details of means of illumination were submitted and approved by the local planning authority. 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, contrary to officers recommendation for the signs to be approved but not illuminated. A Condition was added requiring details of means of illumination to be submitted and approved by the local planning authority.

The meeting commenced at 6.30pm and concluded at 9.15pm

Signed: (Chair)