

**MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE**

**Date of Meeting: 8<sup>th</sup> DECEMBER, 2015**

**Present:** Councillor Oakes (in the Chair)  
Councillors Eaton, Fletcher, Kempson, Haworth, Lythgoe and Robertson

**In Attendance:** Stephen Stray, Planning Manager  
Lauren Ashworth, Principal Planning Officer  
Richard Bingham, Legal Officer  
Jenni Cook, Committee Officer

**Also Present:** 6 members of the public  
0 member of press  
No other Councillors in attendance.

**1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies were received on behalf of Councillor Morris (Councillor Haworth sub) and Councillor Procter (Councillor Lythgoe sub).

**2. MINUTES**

**Resolved:**

That the minutes of the meeting held on 3<sup>rd</sup> November, 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.

**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.

**5. Application Number 2015/0334**

**Full Major: Erection of 34 no. dwelling houses with car parking, landscaping and associated infrastructure.**

**At: Land off Oaklands Drive and Lower Cribden Avenue, Rawtenstall.**

The Principal 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 more than three objections had been received.

The applicant sought planning permission for 34 dwellings including car parking and general landscaping, with the dwellings comprising of 14 x 5 bedroomed homes, 13 x 4 bedroomed homes and 7 x 3 bedroomed homes. Dwellings 1-26 would be accessed via Oaklands Drive and dwellings 27-34 via Lower Cribden Avenue via Union Road.

The application site was approximately 1.57 hectares, characterised by an area of dense vegetation, hardstanding and scattered tree cover.. The site has an existing planning permission in place for 48 dwellings.

The Principal Planning Officer outlined that no objections had been received from statutory consultees and it was noted that objections had been received from local residents, including a petition containing 64 signatures.

The Principal Planning Officer noted that work had been carried out by the applicant to address concerns regarding separation distances. The application was considered acceptable in principle, was within the defined Urban Boundary of Rawtenstall and was within the 5-Year Housing Land Supply Report as a site currently under construction.

There were no speakers on this application.

In determining the application, the committee discussed the following:

- It had been observed on the site visit that the revised separation distances addressed any concerns regarding this matter.
- Removal of permitted development rights, particularly with regard to dormers would be controlled by condition.
- The Committee expressed their preference for natural stone and slate, where appropriate. It was noted that the properties on the Lower Cribden Avenue side of the site were mostly stone faced and the properties on the Oaklands Drive side were mostly brick.
- The applicant would be required to submit material samples to the Planning Department as part of a condition discharge application
- The applicant had worked well with officers to address concerns.
- Although objections from residents had been received, LCC Highways considered the application to be acceptable and raised no objection.

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

A proposal was moved and seconded to approve the application in accordance with the officer's recommendation subject to the conditions outlined within the report along with the S.106 Obligation. In addition the Committee requested that the use of natural stone and slate be considered where possible and appropriate.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
7	0	0

**Resolved:**

That the application be approved, subject to the conditions outlined within the report along with the S.106 Obligation.

That it be noted that the Committee would prefer the use of natural stone and slate where possible and appropriate.

**6. RBC Tree Preservation Order No 3**

**At: Land off Hazel Street, Rising Bridge.**

The Planning Manager introduced the report and outlined the background information which informed the committee that a TPO was made on 26<sup>th</sup> June 2015 to afford protection to trees of various species located on land in Rising Bridge bounded to the east by Hazel Street. Representations had been made on the Order, including an objection to the Order.

The Planning Manager informed the Committee that an application seeking outline planning permission on the part of the site covered by the TPO had been received to erect 8 houses with associated access road, however this was being held as invalid due to a lack of various information having been submitted with the application.

Unfortunately, complaints had subsequently been received that trees were being felled on the site, notwithstanding correspondence between the Council and the applicant's agent which stated that the council would require both a tree report and ecology report to be submitted before validating the application. It was noted that there were concerns that the trees were being felled during the bird nesting season without regard to the Wildlife and Countryside Act 1981 (as amended).

Planning Enforcement Officers had visited the site following receipt of the complaints and had been advised by the contractor that they had been instructed to remove all the trees on the land within the applicant's ownership. Accordingly a TPO had been made in June 2015.

Officers' recommendation was to confirm the TPO without modification.

Amanda Bellas spoke in favour of the TPO and the Chair used her discretion to allow photographs to be circulated to Members of the site.

In determining the order, the committee discussed the following:

- The photographs circulated by the speaker were useful as they showed the trees at a different time of the year, whereas at this time of the year they looked a little bare.
- A TPO would not prevent any planning permission – any application received would be considered on its own merits with tree reports, ecology report and landscaping required.
- Some of the trees on the site were not mature.

- There was a fly tipping issue on part of the site.
- Extension of the temporary TPO was raised by a member.
- The trees were an important amenity to the community.
- Concerns were expressed regarding the treatment of Japanese Knotweed on the site and the implications for residents.

A proposal was moved and seconded to confirm the TPO without modification.

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

FOR	AGAINST	ABSTENTION
7	0	0

**Resolved:**

That the TPO be confirmed without modification.

**7. Planning Appeals Update.**

The Planning Manager introduced the report which provided members with an update on planning appeal activity since January 2015. The Planning Manager highlighted some of the main appeals for members’ information. At the time of writing the report, 4 appeals were lodged and awaiting decisions from the Planning Inspectorate, however the Planning Manager advised that the Appeal lodged in respect of 2015/0020 had been dismissed and the application for costs dismissed.

Following this information, the committee discussed the following:

- What were the costs on the appeal allowed at 112 Booth Rd. the Planning Manager advised it was in the region of £2000.
- The good success rate on the appeals

**Resolved:**

That the report be noted.

**8. Planning Enforcement Report**

The Planning Manager introduced the report which updated members on current planning enforcement action and an amended Enforcement Plan/Policy. The report advised members of the staffing issues which had now been resolved and the work being carried out by Enforcement Officers. Members’ attention was drawn to the site at Hardsough Fold, Irwell Vale appeal – with the Enforcement Notice being upheld. The Planning Manager also gave an update with regards to Kearns Mill.

The Planning Manager drew members’ attention to the Planning Enforcement Policy and noted that delegations were in place to allow minor amendments to be made in consultation with the Portfolio Holder – these were summarised as clearer and more concise wording, updates of policies and frameworks and a new mandatory complaint form.

Following this information, the committee discussed the following:

- The update on ongoing enforcement action at Kearns Mill which was discussed in more detail.
- The incentive for developers to work within the planning laws was discussed.
- The hard work of the Planning Officers, Enforcement Officers and the decisions of the Committee was noted.

**Resolved:**

That the report be noted.

**The meeting commenced at 6.30pm and concluded at 7.30pm**

**Signed:**

**(Chair)**