

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 7TH JUNE 2016

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

In Attendance: Sarah Davies, Director of Business
Nicola Hopkins, Planning Manager
James Dalgleish, Development Management Officer – Enforcement Lead
Adrian Smith, Principal Planning Officer – Forward Planning
Clare Birtwistle, Legal Services Manager
Jenni Cook, Committee Officer

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

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies were received on behalf of Councillor Procter (with Councillor Lythgoe substituting) and Councillor Neal. The Chair noted that Councillor Neal could not have a substitute as he was an independent member.

2. MINUTES

Resolved:

That the minutes of the meeting held on 23rd February 2016 be signed by the Chair and agreed as a correct record.

3. DECLARATIONS OF INTEREST

Councillor Kenyon declared an interest in Item B8, Application 2016/0041 because she had called the item in. Councillor Kenyon would speak on the matter during public speaking and then leave the meeting during this item.

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 attended site visits.

**5. Application Number 2015/0489 (Agenda Item B1)
Erection of 26 detached dwellings with access from Yarraville Street (outline)
At: Lower Carr Farm, Rawtenstall**

The Development Management Officer – Enforcement Lead introduced the application. The applicant sought planning permission for 26 detached dwellings and this was a re-submission of a previous application, which now addressed neighbour amenity and flood risk. Thirteen objections had been received to the scheme with regards to landscaping, wildlife and school places.

Officers recommendation was to approve the application, subject to a S.106 obligation to secure payment of contributions and subject to the conditions set out in the report.

Mr Jim Eccles spoke in favour of the application. Members asked questions for clarification purposes only.

Ms Liz Mutch spoke against the application. Members asked questions for clarification purposes only.

In determining the application, the committee discussed the following:

- Public footpaths 255 and 242. It was confirmed that if permission was granted then these matters would be dealt with prior to commencement of works and it was noted that under the Highways Act it was an offence to block a right of way.
- The bridleway was discussed and it was confirmed that this would not be affected by the development and LCC had not raised any objections.
- Removal of permitted development rights was discussed.
- Members noted that the flood risk had been mitigated by proposed works.

A proposal was moved and seconded to approve the application, subject to a S.106 obligation to secure payment of contributions and subject to the conditions set out in the report and an additional condition to remove permitted development rights.

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

FOR	AGAINST	ABSTENTION
5	1	0

Resolved:

That the application is approved subject to a S.106 obligation to secure payment of contributions and the conditions set out in the report, along with an additional condition to remove permitted development rights.

**6. Application number: 2015/0431 (Agenda Item B2)
Erection of one new agricultural workers dwelling
At: Ivy House Farm, Burnley Road, Rawtenstall, BB4 8RG**

The Development Management Officer – Enforcement Lead introduced the application. The

applicant proposed to erect a 2-bed single storey dwelling to provide accommodation for an agricultural worker on site. There had been no objections to the application from neighbouring properties, however an objection had been received from LCC Estates. The application was recommended for refusal.

Mrs Holt spoke in favour of the application. Mr Holt answered questions for clarification purposes only.

In determining the application, the committee discussed the following:

- The growth of the farm should be commended.
- No objections had been received from the applicant’s neighbours.
- It was noted that living off-site would risk the loss of livestock during winter months.

A proposal was moved and seconded to approve the application on the basis that this was a genuine reason to depart from planning policy and on-site accommodation for an agricultural worker was required. Conditions would be delegated to the Planning Manager in consultation with the Chair of the Committee.

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

FOR	AGAINST	ABSTENTION
6	0	0

Resolved:

That the application is approved and that conditions are delegated to the Planning Manager in consultation with the Chair.

7. Application Number 2016/0012 (Agenda Item B3)

Erection of detached single storey dwelling including garage, in addition to landscaping and access

At: Land to rear of Rock Bridge Fold, Whitewell Bottom

The Development Management Officer – Enforcement Lead introduced the application. The applicant proposed to construct a single storey dwelling and detached garage with trees planted along the plot’s south west boundary to ensure screening. Further conditions were contained within the Update Report. Officers recommendation was for approval, subject to conditions.

Mr Ben Edmondson spoke in favour of the application and answered questions for clarification purposes only.

In determining the application, the committee discussed the following:

- The size of the site and boundary fence and it was noted that a topographical survey had been carried out.
- Sewerage issues would be addressed by Building Control/condition.
- Access issues for the part of the lane with unknown ownership was discussed and it was noted that this was not a planning consideration.
- There had been no objection from LCC highways.

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.

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

FOR	AGAINST	ABSTENTION
3	3	0

In line with the Council's Constitution, in the event of an even split of votes, the Chair had the casting vote. The Chair had voted against approval and the motion had therefore failed.

Further discussion took place on the application and officers provided planning and legal advice:-

- Some members felt the application had an unacceptable impact on the countryside with highways concerns.

A proposal was moved and seconded to refuse the application on the grounds of the unacceptable visual impact of the property, drainage issues, neighbour amenity and highways access issues.

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

FOR	AGAINST	ABSTENTION
4	2	0

Resolved:

That the application is refused for the reasons of unacceptable visual impact of the property, drainage issues, neighbour amenity and highways access issues.

7. Application Number 2016/0074 (Agenda Item B4)

Erection of 2 dwellings

At: Land adj 14 Millfold, Facit, Whitworth

The Development Management Officer – Enforcement Lead introduced the application. The application had been submitted instead of an application to discharge conditions on the current permission, and the application addressed those matters instead. The application was for 2 dwellings. Whitworth Town Council had not objected to the original planning application, however an objection had been received to this one. The recommendation was to grant subject to conditions and samples of stone and slate were shown.

Mr Stephen Hartley spoke in favour of the application and answered questions for clarification purposes.

In determining the application, the committee discussed the following:

- The houses were sited so that the two trees did not overhang the houses. It was noted that they may overhang the garden to some extent.

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.

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

FOR	AGAINST	ABSTENTION
6	0	0

Resolved:

That the application is approved subject to the conditions outlined within the report.

8. Application number: 2015/0466 (Agenda Item B5)

Erection of 2 dwellings

Land adj 72 Holland Avenue, Rawtenstall

The Development Management Officer – Enforcement Lead introduced the application. The Applicant proposed to erect two dwellings on the site. Objections had been received by 9 residents and the Civic Trust on the grounds of loss of view, access and right of way issues, run off of water from hillside, the design of the properties and concerns that the properties were unduly elevated. There was also a concern raised by objectors that the site was not within the urban boundary.

The Officer confirmed that the site was within the urban boundary and that the application would contribute to housing need within the Borough. Visual amenity was considered to be acceptable. The update report contained a 1m revision to the level of one of the properties.

Mr Steven Hartley spoke in favour of the application and answered questions for clarification.

Mr Tim Gardener spoke against the application and answered questions for clarification.

In determining the application members discussed the following:

- Access to the well and spring.
- LCC highways had not objected.
- Concerns were raised regarding the parking and the safety of school children.
- It was confirmed that the proposed development was within the urban boundary.

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 and the revised drawing and amendment to condition 2 in the Update Report.

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

FOR	AGAINST	ABSTENTION
5	1	0

Resolved:

That the application is approved subject to the conditions outlined within the report and the revised drawing and amendment to condition 2 in the Update Report.

10. Application number: 2016/0062 (Agenda Item B6)
Erection of four houses and associated access road and landscaping
At: Land at Holly Mount, St Mary’s Way, Rawtenstall

The Development Management Officer – Enforcement Lead introduced the application. The applicant proposed to erect 4 houses with an associated access road and landscaping on the north side of the previously approved Holly Mount House development. Trees on the site were subject to a TPO and there would be two parking spaces in front of each house along with a turning facility for refuse waggons. No objections had been received from LCC or United Utilities. Objections had been received from 3 neighbouring properties raising concerns regarding the access road and neighbour amenity.

Additional information had been provided since the publication of the original report to seek to address a number of the prior commencement conditions, however the Officer did not consider this information sufficient to discharge the condition and the original should be adhered to.

Mr Steven Hartley spoke in favour of the application and answered questions for clarification.

In determining the application members discussed the following:-

- The access to the site from Haslingden Old Road was not part of this application.
- The application was a better scheme than the one submitted previously.

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.

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

FOR	AGAINST	ABSTENTION
6	0	0

Resolved:

That the application is approved subject to the conditions outlined within the report.

11. Application Number: 2016/0062 (Agenda Item B7)
Proposed extension to form a resource room and lobby and new Key Stage 1 playground
At: St Peters Roman Catholic Primary School, St Peters Road, Newchurch, Rossendale, BB4 9EZ

The Development Management Officer – Enforcement Lead introduced the application. The Applicant proposed to erect a new classroom, lobby with steps, access ramp and a new KS1 playground. The proposal was within the urban boundary and the applicant had confirmed that there was no intention to increase pupil numbers. Three objections had been received on the grounds of increase in pupils, traffic and noise/dust whilst construction was underway. The Officer noted that the majority of the works would take place in the school holidays. The application was acceptable in terms of visual amenity and was not unduly detrimental.

There were no speakers on this item.

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.

In determining the application members discussed the following:

- There were no plans to increase pupil numbers.

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

FOR	AGAINST	ABSTENTION
6	0	0

Resolved:

That the application is approved subject to the conditions outlined within the report.

Note: Councillor Kenyon sat in the public area at the start of this item.

12. Application number: 2016/0041 (Agenda Item B8)

Creation of new door opening from kitchen, increase in bin store size, erection of new fence along boundary with adjacent property, and erection of a new gate set back from front elevation of previously approved extension.

At: Farmers Glory Inn, Roundhill Road, Haslingden

The Development Management Officer – Enforcement Lead introduced the application. The application was part retrospective for a 1.2m high wood panel fence, 1.2m high wooden double gates and a wooden kitchen door in the south east elevation. It was noted that a UPVC door had already been inserted. The application also asked for an extension to the bin area to the rear of the property, with an increase in width. There had been no statutory consultee objections, however a neighbouring resident had raised objections regarding privacy and highways safety. The application was considered to be compliant in terms of neighbour amenity and highways safety, however the Update Report contained condition 5, which restricted the opening of the side elevation door, other than for the purpose of access/egress.

Councillor Kenyon spoke on the item and then left the room.

In determining the application members discussed the following:

- The wooden gates and whether wrought iron should be used. The Planning Manager noted that the use of wood gave a clear distinction between the residential properties and the commercial property and reduce the visual impact of the gate within the streetscene.
- The reasons for the application being part retrospective were clarified.
- Delivery times and concerns raised were a planning enforcement matter and would be investigated separately.
- Concerns were raised regarding the bin store and odours on warm days and it was noted that this could be investigated if it were to become an issue.

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 and the further condition 5 in the Update Report.

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

FOR	AGAINST	ABSTENTION
5	0	0

Resolved:

That the application is approved subject to the conditions outlined in the report and further condition 5 in the Update Report.

Members asked the Planning Officers to note their concerns regarding enforcement matters.

The meeting commenced at 6.05pm and concluded at 8pm

Signed:

(Chair)