

MINUTES OF: DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: Thursday 10th November 2005

**PRESENT: Councillor S. Pawson (in the Chair);
Councillors Atkinson, Crosta, Entwistle, Lamb,
Robertson, Starkey, P Steen, Swain, Thorne and Young**

**IN ATTENDANCE: Mr B Sheasby, Team Manager, Development Control
Mrs S Harrison, Legal Advisor
Mrs E Newsome, Committee Services Manager
Ms H Longworth, Planning Officer**

ALSO PRESENT: Councillors Neal and Ruddick

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors L Barnes (P Steen substituting) and D Barnes (Starkey substituting).

2. MINUTES

Resolved:

That the Minutes of the meeting of the Committee held on the 11th October 2005 be signed by the Chair as a correct record.

3. DECLARATIONS OF INTEREST

Councillor Atkinson declared a prejudicial interest in item B5 by virtue of his role as school governor. Councillor Pawson declared a prejudicial interest in item B5 by virtue of family attendance at the school. He undertook to vacate the Chair upon consideration of this item.

**4. (OUTLINE) APPLICATION NUMBER 2005/142
ERECTION OF 162 HOUSES
AT: LAND OFF ROCHDALE ROAD, BACUP**

No Councillors had been lobbied on this application.

Further to the meeting of the Committee held on 11th October 2005, the Team Manager, Development Control highlighted amendments to the proposed development, following negotiations with the applicant.

In accordance with the procedure for public speaking Mr Leadbeater spoke in favour of the application. Councillor Neal invoked his right as Councillor to speak on the application.

A proposal was moved and seconded to refuse the application.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson		✓	
Swain		✓	
Lamb		✓	
Atkinson		✓	
Starkey	✓		
P Steen	✓		
Crosta	✓		
Entwistle		✓	
Robertson		✓	
Thorne		✓	
Young		✓	
TOTALS	3	8	0

A further proposal was moved and seconded to approve the recommendation as outlined in the report, further highlighting to GONW the concerns of the Committee in respect of this application.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson	✓		
Swain	✓		
Lamb	✓		
Atkinson	✓		
Starkey		✓	
P Steen		✓	
Crosta		✓	
Entwistle	✓		
Robertson	✓		
Thorne	✓		
Young	✓		
TOTALS	8	3	0

Resolved:

1. That Committee resolve to be minded to grant planning permission but since the approval of the application would constitute a departure from Policies 1,2, and 12 of the Joint Lancashire Structure Plan and policies

DS.2 and DS.5 of the Rossendale District Local Plan and that accordingly the application should be referred to Government Office for the North West in accordance with the provisions of Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999.

2. That subject to any decision of the Secretary of State, the Council enter into an agreement under Section 106 of the Town and Country Planning Act 1990 with the developer who will be required to contribute the sum of £20,000 towards upgrading the nearest two bus stops and that the Team Manager Development Control be authorised to approve the said application subject to the conditions set out below and on completion of the Section 106 Agreement.

Reasons for conditional approval

The proposed residential development of this site in the manner proposed, whilst contrary to the provisions of the development plan, presents significant improvements in terms of design, layout and landscaping/public open space provision over extant planning permission 1975/605 such that to deny planning permission would inevitably result in the continuation of the re-commenced aforesaid extant permission to the comparative detriment of visual amenity, and transport infrastructure provision.

Conditions

1. The development permitted shall be begun before 10 November 2008
Reason:- The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.
2. Development shall not commence until full details, including representative samples, of the external facing materials to be used in the construction of the dwellings have been submitted to and first approved in writing by the Local Planning Authority. The approved materials shall thereafter be used in the construction of the development.
Reason:- In order to ensure the satisfactory appearance of the development in accordance with policies DC.1 and DC.4 of the Rossendale District Local Plan.
3. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am to 1:00pm Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.
Reason:- To safeguard the amenities of nearby residential properties in accordance with policy DC.1 of the Rossendale District Local Plan.
4. Notwithstanding the submitted details no development shall take place until there has been submitted to and approved by the Local Planning Authority a revised scheme of landscaping which shall include indications

of all existing trees and hedgerows on the land, details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of visual amenity having regard to Policy DC1 of the Rossendale District Local Plan

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of residential amenity and in accordance with policy DC.1 of the Rossendale District Local Plan.

6. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of drainage in accordance with policy DC.1 of the Rossendale District Local Plan.

7. No development approved by this permission shall be commenced until a detailed scheme for the defined areas of public open space has been submitted to and approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved details.

Reason: In the interests of visual amenity having regard to Policy DC1 of the Rossendale District Local Plan.

8. Before the development is commenced and during the course of the construction period, temporary protective metal fencing shall be erected along Sheephouse Clough. Details of the type of protective fencing to be used shall be submitted to and approved by the local planning authority before it is erected.

Reason:- To protect Sheephouse Clough and prevent debris and construction material encroaching into this area

9. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or to cause harm to human health. If remediation

measures are necessary they shall be implemented in accordance with the assessment and to the satisfaction of the Local Planning Authority.
Reason: To ensure a safe form of development that poses no unacceptable risk of pollution.

10. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the local planning authority. The scheme shall be completed in accordance with approved plans.
Reason: To reduce the increased risk of flooding having regard to PPG 25
11. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
Reason:- In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
12. No part of the development hereby approved shall be occupied until the approved scheme referred to in condition 11 has been constructed and completed in accordance with the scheme details. Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway/scheme/works.
13. No part of the development hereby approved shall commence until there has been submitted to and approved by the local planning authority a detailed method statement demonstrating how the potentially adverse impacts of the development upon badgers and their setts will be avoided.
Reason:- An active badger sett is situated within the application site.

**5. APPLICATION NUMBER 2005/499
CONVERSION OF ONE DWELLING INTO TWO AND ALTERATIONS TO
FRONT AND REAR ELEVATIONS
AT: 254 DEAN LANE, WATER**

Councillors Atkinson, Crosta, Entwistle, Lamb, Pawson, Robertson, Starkey, Swain and Thorne declared that they had been lobbied on this application.

The Team Manager, Development Control outlined the details contained in the application

In accordance with the procedure for public speaking Mr Morgan spoke in support of the application.

Councillor Hancock also spoke on the application, in accordance with his right to speak as an Elected Member.

A proposal was moved and seconded to approve the application.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson		✓	
Swain	✓		
Lamb	✓		
Atkinson	✓		
Starkey	✓		
LP Steen	✓		
Crosta	✓		
Entwistle	✓		
Robertson	✓		
Thorne	✓		
Young	✓		
TOTALS	10	1	0

Resolved:

That permission be granted, subject to the following conditions

1. The development permitted shall be begun before the expiration of three years from the date of this consent.
Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The materials and finishes to be used on the external elevations and roof in the proposed renovation shall match the existing building in terms of their type, size, shape, colour and texture, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure satisfactory appearance to the development and to accord with Policy DC.4 of The Rossendale District Local Plan.

**6. APPLICATION NUMBER 2005/504
(OUTLINE) PROPOSED HOLIDAY PARK COMPRISING OF 20 HOLIDAY
LODGES, ASSOCIATE OFFICE/EMPLOYEE DWELLINGS AND CAR
PARKING
AT: SCAR END FARM, WEIR LANE, WEIR**

No Councillors had been lobbied on this application.

In accordance with the procedure for public speaking, Mr G Law spoke against the application whilst Mr G Davies spoke in favour of the application.

A proposal was moved and seconded that the application be refused

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson	✓		
Swain		✓	
Lamb	✓		
Atkinson	✓		
Starkey	✓		
LP Steen	✓		
Crosta	✓		
Entwistle		✓	
Robertson	✓		
Thorne	✓		
Young	✓		
TOTALS	9	2	0

Resolved:

That outline permission be refused for the following reasons:

1. The proposed buildings, and the activity, gardens and external works associated with them, will detract to an unacceptable extent from the essentially open and rural character of the area, contrary to PPS7 and Policy 20 of the adopted Joint Lancashire Structure Plan. Most particularly, the proposed buildings are not in-keeping with those of the landscape character tract in which they will be located and the presence of public footpaths precludes the use of landscaping to satisfactorily screen the development from public view.
2. The proposed development would be located within the Countryside as defined by the adopted Rossendale District Local Plan , where planning permission will not be given except in very special circumstances for erection of a dwelling. The special circumstances have not been advanced to justify the erection of the site managers dwelling as an exception to PPS7, Policy DS5 of the Local Plan, Policies 1 and 12 of the Structure Plan and the Rossendale BC's Housing Position Statement (August 2005) .

**7. APPLICATION 2005/548
RETROSPECTIVE APPLICATION FOR THE ERECTION OF A TWO METRE
HIGH SECURITY FENCE
AT: THE PLAYING FIELDS OF HELMSHORE PRIMARY SCHOOL,
HELMSHORE**

Councillors Atkinson, Crosta, Entwistle, Lamb, Pawson, Robertson, Starkey, Swain, Thorne and Young declared that they had been lobbied on this application.

Councillors Atkinson and Pawson left the meeting during consideration of this item.

(COUNCILLOR SWAIN IN THE CHAIR)

The Team Manager, Development Control advised the Committee that further information had been submitted in respect of the application. Lancashire County Council had provided an ownership declaration in relation to their interest in land, and as such the planning application must be determined by them as opposed to Rossendale Borough Council.

However, Members were requested to consider their response to Lancashire County Council in respect of required consultation on the application.

In accordance with the procedure for public speaking Mr Keith Pilkington spoke against the application. Councillor Nicholass spoke in accordance with his right as an elected Member.

A proposal was moved and seconded on the response to Lancashire County Council.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
Swain	✓		
Lamb	✓		
Starkey	✓		
P Steen	✓		
Crosta	✓		
Entwistle	✓		
Robertson	✓		
Thorne	✓		
Young	✓		
TOTALS	9	0	0

Resolved:

That Rossendale Borough Council register an objection with Lancashire County Council and request that the retrospective application for the erection of a 2 metre high fence at Helmshore Primary School be refused on the grounds of historical use of the land by the local community, and that they further be requested to enter into consultations with the local community in respect of a mutually satisfactory resolution to this matter.

**8. APPLICATION NUMBER 2005/565
 OUTLINE APPLICATION FOR THE ERECTION OF 6 No. DWELLINGS
 AT: BLACKWOOD JOINERY, BLACKWOOD MILL, BACUP**

Councillors Atkinson, Entwistle, Lamb and Swain declared that they had been lobbied on this application.

In accordance with the procedure for public speaking Mr Keith Whatmough spoke in favour of the application.

A proposal was moved and seconded to grant the application.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson		✓	
Swain	✓		
Lamb		✓	
Atkinson		✓	
Starkey	✓		
P Steen		✓	
Crosta		✓	
Entwistle	✓		
Robertson		✓	
Thorne		✓	
Young		✓	
TOTALS	3	8	0

A further proposal was moved and seconded to refuse the application.

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

COUNCILLOR	FOR	AGAINST	ABSTENTION
S. Pawson	✓		
Swain		✓	
Lamb	✓		
Atkinson	✓		
Starkey		✓	
P Steen	✓		
Crosta	✓		
Entwistle		✓	
Robertson	✓		
Thorne		✓	
Young	✓		
TOTALS	7	4	0

Resolved:

That planning permission be refused for the following reasons:

1. It is considered that the development is not currently required to meet the housing requirements of the Borough. The proposal is therefore considered to be contrary to the provisions of Policy 12 of the Joint Lancashire Structure Plan 2001 – 2016.
2. The proposed development will result in the net gain of dwellings and the applicant has not demonstrated sufficiently how the proposal will meet an identified local housing need, which is contrary to Criterion E of the Housing Policy Position Statement.

(The meeting commenced at 6.30pm and closed at 9.10pm)