

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 28th August 2012

Present: Councillor Robertson (in the Chair)
Councillors, Ashworth, Cheetham, Morris, Oakes, Procter and Roberts.

In Attendance: Stephen Stray, Planning Manager
Neil Birtles, Principal Planning Officer
Lorna McShane, Head of Legal and Democratic Services
Carolyn Sharples, Committee and Member Services Manager

Also Present: 22 members of the public
2 members of the press
Councillors Jackson, Lamb, Marriott, Serridge, MacNae and McInnes

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were submitted on behalf of Councillor Eaton (Councillor Cheetham subbing).

2. MINUTES

Resolved:

That the minutes of the meeting held on 17th July 2012 be signed by the Chair and agreed as a correct record.

3. DECLARATIONS OF INTEREST

Councillor Robertson declared personal and prejudicial interest in application number 2012/0311 in that she had previously made her views known on this application.

4. URGENT ITEMS

There were no urgent items.

PLANNING APPLICATIONS

5. Application Number 2012/0165

Modifications to infrastructure for the consented windfarm, including new site entrance arrangements, re-arranged construction compound and alterations to cutting, access road and hardstandings.

At: Reaps Moss, South of Bacup Road, Todmorden.

The Principal Planning Officer introduced the application, outlined details of the site and the relevant planning history, and the reasons for it being brought before the

Development Control Committee. The application sought permission for the erection of the 3-turbines previously permitted on land between Tooter Hill and Hogshead Law Hill, with modification of the associated infrastructure and construction compound details. As the site straddled the borough boundary with the administrative area of Calderdale MBC, they too had received a similar application which they had been minded to approve on 21st August.

The application sought full permission for a wind farm to comprise of: 3 wind turbines of 80m in height, each with 3 rotor blades of 45m in length, making for a maximum height to blade tip of 125m; together with a wind-monitoring mast of 80m in height, and associated electricity sub-station and access-tracks.

For purposes of construction and maintenance, access to the site of the wind farm was to be from the north, from the A681 at Clough Head, via a 400m long length of up-graded track, with a 1.75km length of new track also to be formed. As the length of existing track to be up-graded is within the administrative area of Calderdale MBC, and it is near this junction that the compound required for construction of the wind farm is to be sited.

The application to Rossendale Council related to formation of cutting which avoids need for the service road to cut across water courses, an additional passing place and an additional turning head.

The Principal Planning Officer outlined the consultation responses from various partner organisations and noted that there had no representations received in response to the site notices and letter to neighbours.

Officers recommendation was for approval, subject to completion of a S.106 Obligation and the conditions set out in section 11 of the report.

Mr Edward Romaine spoke in favour of the application and responded to questions asked by the committee.

In determining the application the committee discussed the following:

- Relocation of construction compound.
- Lessons learned from Scout Moor regarding transportation.
- Water courses not being diverted.
- Heavy traffic via Bacup and Waterfoot.
- Number of heavy/abnormal loads.
- Effect on houses built on random stone without the same foundations.
- Conditions relating to the Coal Authority comments.
- S106 conditions.
- Protecting the land.

In response to questions and comments made by the committee, the Principal Planning Officer confirmed that pollution prevention measures were included within condition 6, the S106 covered various things including turbine de-commissioning covenants, and

condition 24 included a habitat management scheme.

A proposal was moved and seconded to approve the application, subject to completion of a S.106 Obligation and the conditions set out in Section 11 of the report.

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

FOR	AGAINST	ABSTENTION
5	0	2

Resolved:

That the application be approved, subject to completion of a S.106 Obligation and the conditions set out in section 11 of the report.

Vice Chair Councillor Roberts took the Chair and Councillor Robertson left the meeting for the duration of the following item.

6. Application Number 2012/0311

Change of use of bed and breakfast to a specialist alcohol and drug dependency recovery home for a period of 2 years

At: Glen Valley House, 634 Bacup Road, Waterfoot

The Planning Manager introduced the application, outlined details of the site and planning history and informed that the application had been deferred from the previous meeting to allow further consultation to take place. The application related to a 2-storey building on the corner of Bacup Road/Spring Garden Street, which was currently a 7-bedroomed guest house with living accommodation for the proprietor. The building was originally detached but has since been extended to the rear, connecting to the works building on Ashworth Street.

The planning permission sought was for the change of use of the Glen Valley Guest House from a bed and breakfast to a supported housing scheme for a period of 24 months. This would be an abstinence house for recovering alcohol and drug users. The Planning Manager outlined that there would be no external alterations to the property, nor would there be internal alterations in terms of room layout. The property was intended to be occupied by up to 7 individuals, one of which was to be a member of staff. The Planning Manager highlighted the previous report had recommended approval with provision of details in relation to external CCTV as a requirement by condition, whilst another condition restricted the use of the building purely to that applied for in the description of development and would therefore not allow changes to other uses that would normally be permitted in the same use class

The Planning Manager outlined the consultation methods and responses, and referred to information received at the consultation events, which was detailed in the Update Report.

Officers recommendation was to grant temporary permission subject to the conditions set out in section 11 of the report.

Mr Garry Buckley spoke against the application and responded to a question asked by a committee member. Ms Clare Morris spoke in favour of the application.

In determining the application the committee discussed the following:

- Application is just for 2 years.
- Differing opinions depending on perception of impact.
- Owners plans for the building.
- Visits to the Stockport scheme, which is well run.
- Care in the community the way forward.
- Similar establishment in Edenfield.
- Inspire work closely in partnership with other organisations.
- Reassuring people with problems that there can be a future for them.
- What would happen after 2 years if more funding was gained?
- How would issues be resolved if they arise, could it be by condition?
- Inspire, Police and residents would work together to resolve issues arising.
- The unit will give priority to Rossendale people.

In response to questions and comments made by the committee, the Planning Manager confirmed that the permission was for 2 years, after which it would need to come back to the committee if the applicant wanted to extend the consent. If problems were identified regulatory organisations including the Police would work together to resolve issues.

A proposal was moved and seconded to grant temporary permission subject to the conditions set out in section 11 of the report.

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

FOR	AGAINST	ABSTENTION
6	0	0

Resolved:

That temporary permission be granted subject to the conditions set out in the report.

Councillor Robertson returned to chair the remainder of the meeting.

7. Application Number: 2010/0669

Erection of new perimeter railings, screen planting and alterations to front entrance (Retrospective).

At: Scrap yard, Opposite 183 Dean Lane, Water.

The Principal Planning Officer introduced the application and outlined details of the site and the nature of the application which sought permission for the retention of the new gates and fence for most of its length, and its position to be varied on the site frontage to the east side of the entrance. It was noted that the application proposal differed from that which had been before the Planning Inspector, and the differences were outlined in the report.

Previously the applicant had been unable to demonstrate ownership/control of the full site, and the ability to planting a hedge outside the fence. The Land Registry had since amended the extent of the site registered within the applicants ownership/control.

The Principal Planning Officer detailed the consultation responses within the report and objections received from residents.

Mr Gary Manock spoke against the application. Mr Ilyas spoke in favour of the application and responded to questions asked by the committee.

In determining the application the committee discussed the following:

- Information regarding pending court action and could the court overturn any planning decision?
- Length of time it would take for a hawthorn hedge to grow.
- Site not in an ideal place, but it has been there a considerable time and measures can be taken to disguise it.
- It would be good to consult with residents about suitable planting.
- Mask the site as quickly as possible.
- Imperative to secure fencing for safety reasons as well as security.
- Consider using mixture of gorse and hawthorn.
- Use a mixture of fast cover hedging.

In response to questions and comments made by the committee, the Principal Planning Officer confirmed that the court would only intervene if there was non-compliance regarding improvement of the site in line with the application and timetable agreed, and hawthorn had been suggested for the hedging as once it was established it would look after itself and was also in keeping with this rural area. The hedging would need to be agreed as part of the screening scheme and was included in the conditions relating to the application.

A proposal was moved and seconded to approve the application subject to the conditions detailed in section 9 of the report.

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

FOR	AGAINST	ABSTENTION
6	0	1

Resolved:

That the application be approved subject to the conditions set out in the committee report.

NB. There was a short comfort break of 3 minutes after which the business of the meeting was resumed.

8. Application Number 2012/0178

Erection of a 50Kw wind turbine (34.2m high blade to tip).

At: Heightside Farm, Todmorden Road, Bacup.

The Principal Planning Officer introduced the application and outlined details of the site and the nature of the current application which was to seek permission to erect a 50kw wind turbine with a 24.6m high column and 3- bladed rotor having a radius of 9.6m. The agent had stated that the amount of electricity produced by the proposed turbine would be 5 times greater than with the turbine already permitted.

The consultation responses were outlined in the report as well as representations and objections following the circulation of consultation letters and site notices.

Officers recommendation was for approval subject to conditions set out in section 12 of the report.

In determining the application the committee discussed the following:

- Noise issues mentioned in the conclusion.
- Julie Martin study and other turbines in the pipeline.
- A plan of all turbines agreed and proposed to help manage the extent of turbines in the area.
- Need to consider “planning creep” and applicants applying for something less intrusive to then amend the plans to obtain something bigger.
- Possibility of deferring until members can see plan of approved and proposed turbines.
- Impact on wild life, particularly birds.
- Turbine too big for the landscape, 10 m higher with a 20m blade diameter.
- Turbine would be smaller than the pylons.
- Turbine had already been approved, this was to amend the type of turbine.

In response to questions and comments made by the committee, the Principal Planning Officer and Planning Manager confirmed that: government guidance favoured renewable energy applications; there would be no significant additional harm from the turbine compared with the original approved application; 34m height was deemed small

by Julie Martin's classification; it was situated off the ridge of the moor; that officers felt on balance that the difference between the already approved schemes and that proposed was not so significant particularly in relation to height increase as to be able to substantiate at appeal.

A proposal was moved and seconded to approve the application subject to the conditions in the committee 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 approved subject to the conditions detailed in the committee report.

9. Application Number 2012/0179

Erection of a 50Kw wind turbine (34.2m high blade to tip).

At: Parrock Farm, Todmorden Road, Bacup.

The Principal Planning Officer introduced the application and outlined details of the site and the nature of the current application which was to seek permission to erect a 50kw wind turbine with a 24.6m high column and 3- bladed rotor having a radius of 9.6m. The current proposal would generate 2.5 times the amount of electricity than the previously approved proposal which had 2 turbines of a height of 24.6m of lattic tower construct and which are 2 bladed turbines.

The consultation responses were outlined in the report as well as representations and objections following the circulation of consultation letters and site notices.

Officers recommendation was for approval subject to conditions set out in section 12 of the report.

In determining the application the committee discussed the following:

- Less visual impact in having one larger turbine rather than two smaller ones.
- This relates to “planning creep” and the Council needs a policy in place to remedy this.
- Vehicle movements and proximity of the school.
- Core Strategy and Policy 18.
- In favour of renewable energy.
- Shortfalls in breeding birds.
- Need to look at turbine heights, the plan of approved and proposed turbines and have a policy on it.

In response to a question by a committee member, the Principal Planning Officer confirmed that there was no condition on vehicle movement similar to the last

application as it had a different proximity to the school.

A proposal was moved and seconded to approve the application subject to the conditions in the committee 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 approved subject to the conditions detailed in the committee report.

**10. Application Number 2012/0217
Erection of 2m high fence adjacent to highway (retrospective)
At: 39 Oaklands Drive, Rawtenstall.**

The Principal Planning Officer introduced the application and outlined details of the site and the nature of the current application which was to seek retrospective permission for the fence which is up to 2m in height and has been constructed in timber with a scalloped edge to the top.

The Principal Planning Officer detailed the consultation responses within the report and objections received from residents.

The Principal Planning Officer advised that the fence had been stained, but a darker stain was still considered necessary, and the applicant had also confirmed that they were willing to reduce the stump to ground level as requested by LCC Highways.

Officers recommendation was for approval, subject to condition 1 as set out in section 10 of the report and amendment of condition 2 to reflect this.

Mrs Katie Barker spoke in favour of the application and responded to questions raised by a committee member.

In determining the application the committee discussed the following:

- Garden was grass with no hedge.
- The owner clarified the hedge had been removed to resolve drainage issues and to make their residential boundary more secure in relation to their child.

A proposal was moved and seconded to approve the application subject to the conditions set out in section 10 of the 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 conditions .

11. Application Number 2012/0371

Formation of ramped access to rear of building.

At: Whitworth Historical Society & Museum, North Street, Whitworth.

The Principal Planning Officer introduced the application and outlined details of the site and the nature of the current application which was for a ramped access to the rear of the building, to have a length of 19m, width of 1.2m and rise of 1m, and to include a set of steps to its side. The ramp would have a concrete surface and measure approximately the length of the north elevation with a 1.1m high steel railing to its side, leading to an existing door.

Officers recommendation was for approval, subject to the conditions set out in section 10 of the report.

In determining the application the committee discussed the following:

- Asking for the tree to be removed from the chimney.

The Principal Planning Officer agreed to ask the Property Team to remove the tree whilst undertaking the additional work on the site.

A proposal was moved and seconded to approve the application subject to the conditions set out in 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 set out in the report.

12. Application Number 2012/0324

Variation of condition 6 of permission 2011/0453 to extend the opening hours of the permitted tea rooms with ancillary shop.

At: Bridge End House, Bacup Road, Waterfoot.

The Principal Planning Officer introduced the application and outlined details of the site and the nature of the current application which sought to vary Condition 6 to extend the

opening hours to between 07.00 and 23.30 Monday to Saturday and on Bank Holidays and 07.00 to 18.00 on Sundays.

The Principal Planning Officer detailed the consultation response from Environmental Health, and that there had been no objections received from neighbouring properties.

Officers recommendation was for approval, subject to conditions highlighted in the report.

Mr Steven Hartley spoke in favour of the application and responded to questions raised by committee members.

In determining the application the committee discussed the following:

- Need for extension of hours.
- Extraction pipe and noise.
- Sale of tea/cakes and no alcohol.
- Good site and a need for something to promote tourism.
- More problems with other establishments in the area.
- Council owned building with a duty of care to look after it.
- Doing a good job of looking after it.

In response to questions by committee members, the Principal Planning Officer confirmed that Environmental Health had previously been concerned with the possibility of noise from the ventilation/extraction system, it would be for the applicant to prove that there would be no noise problem to satisfy this requirement, and they would need to speak to Environmental Health about this issue.

A proposal was moved and seconded to approve the application along with the conditions highlighted in section 10 of 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 set out in the report.

13. TPO Objection Report - RBC Tree Preservation Order No 1 (Land at St Veronica's Church, Helmshore) 2012.

The Principal Planning Officer introduced the report which informed members that objection had been received to a TPO recently made in respect of trees in the vicinity of St Veronica's Church, Helmshore.

The TPO provided more clarification for officers, the church and neighbours regarding which specific trees near the boundaries had protection.

In considering the report the committee discussed the following:

- Good for this to come to committee.

A proposal was moved and seconded that the TPO be confirmed without modification.

Resolved:

That the TPO be confirmed without modification.

The meeting commenced at 6.30pm and concluded at 8.55pm

Signed:

(Chair)