

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 20th November 2012

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

In Attendance: Stephen Stray, Planning Manager
Neil Birtles, Principal Planning Officer
Sarah Doherty, Solicitor
Michelle Hargreaves, Committee and Member Services Officer

Also Present: 65 members of the public
2 members of the press
Councillor Aldred
Councillor Barnes
Councillor Knowles
Councillor Lamb
Councillor Marriott
Councillor McInnes
Councillor Neal
Councillor Serridge
County Councillor Steen
County Councillor Winder
Whitworth Town Councillor D Barnes

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were submitted on behalf of Councillor Procter (Councillor Kenyon subbed).

2. MINUTES

Resolved:

That the minutes of the meeting held on 16th October 2012 be signed by the Chair and agreed as a correct record.

3. DECLARATIONS OF INTEREST

A declaration of interest was made on behalf of Councillor Roberts on items B1 as he was a councillor in the Longholme Ward.

4. URGENT ITEMS

There were no urgent items.

It was agreed that item B4 would be moved and would follow item B1.

PLANNING APPLICATIONS

5. Application Number 2012/0162

Demolition of existing buildings and erection of 139 dwellings, with associated car parking, landscaping & other ancillary development.

At: Rossendale Hospital, Off Haslingden Road, Rawtenstall.

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 included two sites, Site A which proposed two short terraces to be erected on the former clinic site, intended to reflect the properties at Egypt Mount opposite. They were to be separated from Union Road by front gardens and 19 car parking spaces would be provided to the rear to meet the needs of their own residents, with surplus spaces for residents of the terrace of 7 houses opposite.

Site B proposed demolition of all the buildings presently occupying it, which included the Workhouse building, and erection of 132 houses. There would be a mix of detached and semi-detached houses and short terraces.

The proposal included 20% affordable houses which equated to 28 of the proposed dwellings. A tree survey had been conducted and it had concluded that most of the 200 trees and further groups of trees within the site were of limited quality. Most would be removed and a further 73 trees would be planted.

In relation to consultation responses, LCC (Highways) had no objection, subject to various works off-site, which included road improvements and footpath/cycle links. LCC Education had also requested £23,000 to add to primary school capacity.

Rossendale Civic Trust had submitted their objections to the proposal, along with a petition which had over 200 names. A further 156 letters of objection had also been received, expressing the same and other concerns.

Concerns had been raised regarding the heritage trail and also the amount of traffic that would be caused and the safety of the Union Road/Haslingden Road junction.

Four letters of support had been received which included points such as, the site would be unsuitable for commercial use, scheme would deliver quality housing and it would be pointless to retain an empty building.

The site was located adjacent to the Urban Boundary of Rawtenstall, within an area of countryside designated as Green Belt. The buildings on the main hospital site practically fill the gap between the Urban Boundaries of the settlements of Rawtenstall and Haslingden.

Due to the size of the site mixed use development would have been preferred. However, following the submission of the Nolan Redshaw report which accompanied the application, it was clear that there was no viability for office development at present and this was unlikely to change over the next 3-5 years.

The Principal Planning Officer referred to the National Planning Policy Framework, which looked at the heritage aspect, confirmed that the hospital building was not on the national List of Buildings of Special Architectural or Historic Interest. In 2008 English Heritage was asked to consider buildings on the hospital site for inclusion on the National List. It conducted an assessment and concluded that none of the buildings were of sufficient special architectural or historic interest to merit inclusion on the national List.

Despite acknowledging the local heritage/landmark significance of the Workhouse building, the Applicant had submitted documentation to substantiate its claim that for viability reasons this building could not be retained and converted to a new use, with new-build houses on the remainder of the site, even if the Health Authority gifted them this part of the site and no Affordable Housing was provided. Officers referred to the independent audit of viability commissioned by the Council from the District Valuer which concluded that the Workhouse building did not have to be retained because it was not a Listed building (or protected from demolition in some other way) part conversion/part new-build scheme for consideration was not viable.

With regard to design, Site A proposed two short terraces, which Officers considered appropriate subject to them being constructed in natural and local stone/slate to match the houses opposite. Site B would consist of removal of all existing buildings, majority of trees and would be replaced by an all new development, constructed in artificial stone/slate. Officers considered that the proposal, in totality, would not erode the openness of the Green Belt to a greater extent than the existing buildings and would not unduly detract from visual or neighbour amenity.

In relation to access and parking, an objection had been received in relation to this. However, LCC (Highways) had no objection to the scheme, subject to various off-site highway works including signalization of the Union Road / Haslingden Road junction and a pedestrian/cycle link to Sandown Road.

Following publication of the report, further comments had been submitted by Rossendale Civic Trust and a local resident along with a request for removal/amendment of certain conditions from Taylor Wimpey.

Officers recommendation was for approval, subject to the S.106 Obligation and conditions outlined in the report.

Mr Hirst, Ms Marsden and Ms Fishwick spoke against the application and Mr Diggle, Mr Hodgkinson and Mr Calvert spoke in favour of the application.

Councillor McInnes and Councillor Knowles also spoke on the application.

In determining the application the committee discussed the following:

- According with the core strategy with regard to redevelopment
- Number of new vehicles and movement on and off site
- Applicants experience in developments similar to the one proposed
- State of current building
- Value of stone
- Traffic flow in relation to HGV's per week
- Bad weather and issues caused with number of vehicles
- Traffic light option
- Bus stop relocation
- Zebra crossing loss
- Retaining buildings
- Conversion of existing Workhouse building into apartments
- Listening to views of the public
- Valuation Office advice on viability
- Greenbelt issues
- Topography in relation to proposed development

The Principal Planning Officer clarified issues raised by the committee.

The Officers recommendation was moved and seconded.

Councillor Eaton proposed an amendment to refuse the application due to the design and access, loss of heritage, greenbelt issues and lack of sufficient drawings.

The committee voted on this to become the substantive motion.

Voting took place on this in which 3 members voted in favour, the Chair then declared that this motion was lost.

The committee then voted on the original recommendation proposed by officers, with the addition of a further condition in relation to construction hours, etc.

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 completion of the S.106 Obligation and the conditions detailed in the committee report, plus an additional condition in relation to the construction phase.

6. Application Number 2012/0469
Conversion of barn to form two flats and associated parking.
At: Mangle Fold Barn, Elm Street, Edenfield.

The Planning Manager introduced the application, outlined details of the site and planning history and the current application which proposed to seek conversion of the barn into 2 flats. The external alterations to the barn were the same as those proposed under 2012/0298. They included, two first floor windows aligned with the ground floor windows in the south western gable. Internally there would be a flat on each floor of the converted barn comprising a bedroom, kitchen and living space. Four car parking spaces were proposed to the east of the existing outbuilding, including a tarmac surface leading to them and between the outbuilding and barn.

The applicant had not provided details to show what the existing outbuilding would be used for.

LCC (Highways) had no objection to the application but had submitted a number of comments in relation to it.

With regard to notification responses, 3 neighbour letters had been received, further details of these were outlined within the report.

The Planning Manager stated that in relation to assessment, the application related to an existing building in a relatively sustainable location with an extant permission for conversion into a 4 bed dwelling. Therefore, in accordance with the Council's Core Strategy, there would be no requirement for affordable housing. Visually, there would be no further alterations to the building.

In relation to the outbuilding, there would not be unacceptable harm caused by its retention in the form now to be seen. Condition 5 in the report was recommended to clarify its use.

With regard to ecology, concern had been raised about bats within the property. It was clarified that whilst the owner advised that regular onsite inspections had been done the condition had not been discharged in respect of the earlier consent. A bat survey management plan was therefore required by condition on the new proposal.

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

Mr Teague spoke in favour of the application.

In determining the application the committee discussed the following:

- Garage site to be used for storage
- Parking for the site
- Clarification on height of arch windows

The Planning Manager clarified issues raised by the committee.

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

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

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application be approved subject to the conditions highlighted in the report.

7. Application Number 2012/0385

Erection of 30 houses.

At: Land adj New Line/ Deansgreave Road, Bacup.

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history and the nature of the application which was to seek to erect upon the site 30 houses, which would comprise of detached dwellings except for one pair of semi-detached, 3 with 3 bedrooms and the others with 4+ bedrooms.

The submitted scheme differs most particularly from those previously considered in the following ways as the site had been extended to include 137/139 New Line a pair of semi-detached houses that were to be demolished. The vehicular access to serve the proposed development had been moved from opposite 248 New Line, to opposite 260/262/264 New Line, mid-terraced houses reliant on on-street parking.

The proposed scheme had less housing units and having regard to the constraints of the site, the scheme now seemed appropriate. With regard to flooding issues, it was felt that these concerns had been addressed.

Outline permission 2004/555 had no requirement for affordable housing however a section 106 contribution of £25,000 had been agreed towards the enhancement and maintenance of Britannia Greenway. A viability report had been submitted by the Applicant which concluded that there were significant costs associated with the scheme which prohibited provision of any affordable housing and other section 106 contributions. The Council's Regeneration Manager had looked at the Homes and Communities Agency's Development Appraisal Tool and as a result of this felt the scheme was not necessarily financially unviable as costs of further remediation/foundation construction may be overstated and the proceeds from selling the proposed houses may be understated.

In relation to design, the current application proposed the access to the site at a point on New Line which differed from previous permissions and both neighbours and LCC Highways had expressed that this change was not preferred. Furthermore, the Highway Authority had objection to reversing of vehicles from private drives onto New Line and failure to provide a

pedestrian/cycle link to Deansgreave Road. Officers were also concerned that the submission proposed most of the dwellings be constructed of brick, whilst neighbouring buildings were largely of stone.

With regard to neighbour amenity, concerns had been raised in relation to the duration of construction/construction noise & disturbance and also potential issues with parking on the main road.

However, the Principal Planning Officer advised that since publication of the Agenda discussions were taking place between the Applicant and the Council's Regeneration Manager in relation to viability issues and also an amended Site Layout plan had been submitted a confirmation that the houses could be constructed with an artificial stone; there had not yet been an opportunity to re-consult neighbours and LCC Highways on these changes.

Officers recommendation was for refusal of the originally submitted scheme for the reasons set out in the report.

Mr Brook, the Agent, requested deferral of decision on the application.

In determining the application the committee discussed the following:

- Deferring the application
- Culvert running across the site
- Financial cost of re-submission

The Planning Manager and the Principal Planning Officer clarified issues raised by the committee.

A proposal was moved and seconded to defer decision on the application to allow further discussion/re-consultations.

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

FOR	AGAINST	ABSTENTION
5	2	0

Resolved:

That decision on the application be deferred to allow further discussions / re-consultations.

8. Application Number 2012/0444

Erection of single storey retail unit (372 sqm) with associated car park accessed from Market Street.

At: Land at Mills Street, Whitworth.

The Planning Manager introduced the application and outlined details of the site and the nature of the current application which was to seek planning permission for the erection of a single storey retail unit with associated car park accessed from Market Street.

The proposed building would be set back from Market Street by approximately 20m with car park between the front elevation and the highway. The car park would provide parking for 16 cars including 1 disabled bay. There would also be secure cycle parking and a delivery area.

The retail unit would open from 7am – 11pm 7 days a week. Employee numbers had not been provided as the end user was not known.

LCC (Highways) had no objection. LCC (Archaeology) and RBC (Environmental Health) also had no objections subject to conditions.

In relation to neighbour responses, 15 letters had been received expressing concerns about the proposal, details of these were outlined in the report. Whitworth Town Council had also expressed their objection, in particular the potential increase in customer vehicles.

The Planning Manager confirmed that since publication of the report, 4 letters of support had been submitted, details of these were outlined in the update report. It was also reported that there was a minor error at one point in the original report with regard to the floor space size, this had been rectified within the update report.

In relation to access and parking, LCC Highways was satisfied that HGV's could enter, manoeuvre and exit the site in forward gear, however 4 parking spaces would need to be coned-off for this to occur.

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

Ms Smith spoke in favour of the application, and Whitworth Town Cllr D Barnes, Councillor Neal, County Councillor Steen and Councillor Aldred spoke on the application.

In determining the application the committee discussed the following:

- Location of bin storage and loading lorries
- Car parking spaces and maximum standards
- Use of Mill Street for deliveries
- Reversing banksman and who would be conducting this when deliveries arrived
- Traffic issues
- Number of disabled parking spaces

Councillor Roberts wished to lodge a formal complaint as he felt that the committee had not been given sufficient plans in relation to HGV's movements.

A proposal was moved and seconded to refuse contrary to the Officer's recommendation, due to highway issues and design/appearance.

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

FOR	AGAINST	ABSTENTION
5	1	1

Resolved:

That the application be refused due to highway issues and design and appearance.

9. Enforcement Report Q2

The Planning Manager introduced the report to the committee which was to provide elected members with an update on current enforcement activity.

The report focused on updating members with details relating to the current number of open planning enforcement files, the different stages of any enforcement action paying particular Attention to any details relating to enforcement notices issued, appeals and details of any court hearings pending for the second quarter of this year.

It was noted that there had been an increase in the number of investigations compared to the previous quarters.

Following this information, members discussed the following:

- Old Conservative Club and whether this was due to go to court.

Resolved

That the report be noted.

The meeting commenced at 6.30pm and concluded at 10.30pm

Signed:

(Chair)