

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 1st September, 2015

Present: Councillor Oakes (in the Chair)
Councillors Eaton, Fletcher, Haworth, Morris, Procter and Robertson

In Attendance: Stephen Stray, Planning Manager
Lauren Ashworth, Principal Planning Officer
Martin Carpenter, Director of Planning (Enplan) – SECTION B ONLY
Andrew Metcalfe, Case Officer / Senior Planner (Enplan) – SECTION B ONLY
Asitha Ranatunga, Barrister (Cornerstone Barristers) – SECTION B ONLY
Richard Bingham, Legal Services Officer
Abigail Wrench, Trainee Solicitor
Michelle Hargreaves, Committee and Member Services Officer

Also Present: 4 members of the public during Section A
50 members of the public during Section B.
2 members of press
Councillors Ashworth (part), Kempson (part) and Lamb (part)

THE CHAIR INFORMED THE PUBLIC THAT THE COMMITTEE MEETING WOULD BE SPLIT INTO TWO SECTIONS. THERE WOULD BE A SHORT BREAK AFTER THE FIRST THREE ITEMS AND THE COMMITTEE WOULD RECONVENE AT 6.30PM WHERE THE REMAINING AGENDA ITEM WOULD BE TAKEN.

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies were submitted on behalf of Councillor Kempson, (Councillor Haworth sub).

2. MINUTES

Resolved:

That the minutes of the meeting held on 21st July, 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.

SECTION A

PLANNING APPLICATIONS

5. Application Number 2015/0232

Erection of extension to north side of existing building, removal of former railway embankment and formation of service yard with new vehicular access.

At: Wardle Street Works, Wardle Street, Stacksteads, Bacup.

The Principal Planning Officer referred to the recent update report and noted that since publication United Utilities had confirmed that a sewer crossed the application site and they would therefore not permit a building over it. Following this information, the applicant's agent had requested the application be deferred from the September meeting to enable negotiations with United Utilities to be completed.

Officers had considered the request and considered it appropriate to allow the applicant more time and on this basis, Officers recommendation was now to defer the application for the reason to allow the applicant more time to negotiate with United Utilities in relation to the sewer.

The Principal Planning Officer informed the committee that a late representation had been received in relation to bats. It was noted that some of this aspect was covered within the report, however officers would pass this concern onto the applicant for their consideration for when the application was taken to the relevant committee.

A proposal was moved and seconded to defer the application in accordance with the officer's recommendation due to the reasons outlined within the update 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 deferred, for the reasons outlined within the officer's update report.

6. Application Number 2015/0210

Outline application: Erection of 4 No. detached dwellings with associated infrastructure and car parking, and new access for Flaxmoss House onto Campion Drive (all matters reserved except for access and layout).

At: Flaxmoss House, Helmshore Road, Haslingden

The Principal Planning Officer introduced the application, outlined details of the site, the relevant planning history and the reasons for it being brought before the Development Control Committee, being that three or more objections had been received.

Outline planning permission was sought for four detached dwellings accessed from Helmshore Road, and the construction of a new access to Flaxmoss House itself from Campion Drive. It was noted that each house had been set in from the boundaries such that they would not encroach on the root protection areas of the surrounding trees.

It was confirmed there would be four trees removed from the site, however to make up for the loss of these, it was stated that new trees would be planted within the site to enhance the existing boundary along with providing additional screening and landscape feature within the application site.

Two objections had been received from neighbours and one objection received from Rossendale Civic Trust and details of these were highlighted within the report.

The Principal Planning Officer noted that the site was located within the urban boundary and there was an extant permission for residential development of the site. Since publication of the report, the applicant had commissioned an up to date tree report and following this, the plans had been amended as outlined within the update report.

It was noted that an additional condition was included to secure a traffic regulation order which was detailed within the update report also.

Officers' recommendation was for approval subject to the conditions outlined in the report along with the additional condition detailed within the update report.

In determining the application, the committee discussed the following:

- Concern with regard to location of the plots and the distance to the tree roots; amended plans addressed this issue
- Entrance to site, if this was a suitable width for a refuse vehicle

The Planning Manager confirmed that the Operations Department were sent weekly lists of planning applications which allowed them to raise any issues relating to an application if there was need to do so. It was also clarified that the width of the entrance was 4m wide.

A proposal was moved and seconded to approve the application, in accordance with the officers recommendation subject to the conditions within the report, along with the additional condition detailed within the update 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 in accordance with the officers recommendation subject to the conditions within the report, along with the additional condition detailed within the update report.

**7. Application Number 2015/0259
Two Storey Rear Extension (Retrospective).
At: 32 Roundhill View, Rising Bridge, Accrington**

The Principal Planning Officer introduced the application, outlined details of the site and the reasons for this proposal being brought before the Development Control Committee, being that three or more objections to the application had been received.

Planning permission was sought for a two storey rear extension to form a lounge at ground floor and a third bedroom at first floor. It would be set in from the party boundaries by 1.3m to No. 34, and 2.4m to No.30. A new window to an existing first floor bedroom would be provided to the side of the extension. It was noted that the extension would have an eaves height to match the

existing and a ridge height 0.7m below the existing ridge. The materials would match the existing.

Five objections had been received and these were detailed within the report.

It was confirmed that the application was in accordance with the Residential Alterations and Extensions SPD

The Principal Planning Officer noted that there was an amendment to Condition 4 to include the areas for the storage of plant and materials used in constructing the development. Details of this were outlined within the update report.

Officers' recommendation was for approval, subject to the conditions set out in the committee report along with the amended Condition 4 outlined within the update report.

In determining the application, the committee discussed the following:

- Concern of narrow road and this being used for construction vehicles which may prevent access for emergency vehicles
- In keeping/subservient to house
- Request to ask applicant to liaise with residents when work commences in order for cars to be moved
- Concern raised in relation to loss of light.

The Principal Planning Officer responded to matters of clarification raised by the committee. It was noted that the 45 degree rule was used to measure how much impact an extension would have in respect of outlook and light from neighbouring properties. Officers were satisfied that this application accorded with this policy as the extension was set in from both neighbouring properties.

A proposal was moved and seconded to approve the application subject to the conditions outlined within the report along with the amended condition 4 as outlined within the update report. Along with the request that the applicant liaise with residents in relation to construction times.

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 outlined within the report along with the amended condition 4 as outlined within the update report. Along with a request from the committee that the applicant liaise with residents in relation to construction times to minimise disruption.

The Committee had a short break prior to Section B commencing at 6.30pm.

FOR MEMBERS OF THE PUBLIC THAT HAD ARRIVED FOR SECTION B OF THE AGENDA, THE CHAIR INTRODUCED THE COMMITTEE AND OFFICERS AND COVERED AGENDA ITEMS A1, A3 AND A4.

SECTION B

8. Application Number: 2015/0112

Scout Moor Wind Farm Extension - 16 wind turbines up to 115m to blade tip (14 of which are in Rossendale) and associated ancillary infrastructure

At: Scout Moor Wind Farm, Rochdale.

Martin Carpenter (MC) introduced himself, the Case Officer and Barrister. He explained that a number of consultants had advised on the impacts of the proposed development.

MC provided a further update since the publication of Committee Report and subsequent Update Report. MC confirmed that Manchester Airport withdrew their objection subject to planning conditions that they provided. MC also reported that Lancashire County Council had made a representation in relation to archaeological matters but MC considered that Condition 26 adequately addresses the matters raised.

MC provided an overview of the proposed development, details of the site, the relevant planning history and the reasons for it being brought before the Development Control Committee, being that it was outside of the officer scheme of delegation, a major application with environmental assessment and three or more objections to the application had been received.

The site was c.411 hectares. The area required for the proposed windfarm was c.58 hectares with the remaining c.353 hectares proposed for moorland habitat restoration. The proposal straddled the administrative boundaries of Rossendale Borough Council and Rochdale Metropolitan Borough Council (RMBC). MC stated that two turbines (T15 and T16) would be located in Rochdale.

It was briefly outlined that the existing Scout Moor Wind Farm (SMWF) became operational in 2009 and comprised of 26 turbines, each with a tip height of 100m. SMWF was due for decommissioning in 2034. MC noted that the proposed development was on land adjacent to and between the existing SMWF.

MC provided an overview of how the current application evolved prior to submission. The initial scheme proposed 26 turbines and following pre-application public consultation the scheme was reduced by 10 turbines. The submitted application was therefore for 16 turbines, each with a tip height of 115m. Each proposed turbine will have a maximum generating capacity of 2.3MW, with a total scheme generating capacity of up to 37MW of renewable electricity. Assuming this scheme was operational in 2017 it would be decommissioned in 2042.

MC summarised the responses from the public consultations carried out by the Council in relation to the submitted planning application, including the numbers of responses received in support and against to both the original submissions consultation and consultation on the Further Environmental Information (FEI) that was submitted.

MC noted the local and national policy support for renewable energy including wind farm schemes.

MC summarised the assessment that had been undertaken and that the applicant had been asked to amend the scheme following the Environmental Statement consultation and comments from the independent consultants. These changes were not agreed to by the applicant, however, following consideration of the FEI it was considered that the following revisions to the scheme were required to make the scheme acceptable:

- Turbines T5, T6 and T7 be reduced to a tip height of 100m in order to minimise visual and cultural heritage impacts.
- T10 and T11 be removed at the same time as the decommissioning of the existing windfarm in 2034 as they would become isolated from the other turbines and appear as outliers.
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MC acknowledged that not all consultant advice had been followed but confirmed that all had been considered in the planning balance.

MC commented on whether the Council could make a decision on the application given the Council's pecuniary interest and highlighted the appointment of Enplan and other consultants to provide independent advice on the proposed development.

It was confirmed that if the Committee were minded to approve the application, the Council would advise the National Planning Casework Unit of this decision to enable the Secretary of State to decide whether the application should be recovered.

The Barrister clarified an issue raised by an objector to the proposal in relation to amplitude modulation and referred to paragraphs 6.67 to 6.74 of the report. It was noted that Condition 53 required a Scheme for Assessment and Regulation of Excess Amplitude Modulation (EAM) to be submitted and approved by the Council. This scheme would be reviewed every 5 years to ensure general accordance with current guidance.

It was considered that neither the use of the existing access or the installation of underground cabling was inappropriate development in the Green Belt as it would not have a significant impact on openness.

MC referred to Condition 37 concerning the Moorland Restoration and Management Plan and recommended that additional wording be inserted to provide clarity on the commencement of the proposed works to address a matter raised in a late representation.

A number of photomontages were displayed to the Committee with a brief explanation provided.

The recommendation was to approve the application subject to the conditions set out within the report and the update report.

Mr Whitehead, Mr Davies and Dr Woods spoke against the application. Mr England spoke in favour of the application.

In determining the application, the Committee discussed the following:

- Clarification on term 'affected communities'.
- Clarification from the first speaker as to how their figure of 3% for public support of the proposal had been reached.
- Restoration Fund for SMWF and how much had already been spent, and that the

committee would wish to see improved communication between the Developer, Council and the Community with regard to the SMWF restoration funds available.

- Turbines would be located on a hill – would this would have a less effect on health?
- Clarification of number of jobs to be created?
- Location of turbines related to Mary Towneley Loop and concerns in relation to this.
- If an agreement was in place for energy to be exported to the national grid.
- Would further applications for wind turbine development be submitted in this area?
- If approved, following decommissioning of the turbines, what would be left on site?
- Provision of Moorland Ranger and whether this person would be employed straight away.
- Concern over moorland use by motorcyclists – would Ranger have appropriate equipment provided such as a mobile in order to contact emergency services if required and what would happen “out of hours”.
- British Horse Society’s proposal of additional bridleway route. Concern this may be another access point for illegal motorcyclists.
- Clarification that the turbines in the proposed scheme were to be 115m but three would be reduced to 100m. Two of the 115m turbines would be removed following the decommissioning of the existing turbines on Scout Moor.
- Reference to the Local Plan Part 2 and the implication of “Areas of Search” for new turbines.
- Size of plateau the turbines were sited on.
- Concerns of loss of wildlife due to construction.
- When the restoration plan would commence.
- Noise from a turbine on the site visit.
- The Government target of 15% renewable energy required by 2020.
- Need to look at planning reasons if minded to refuse.
- One member stated he was against windfarms.
- Clarity of proposals –the mapping was not clear on the presentation to the committee. The Chair clarified that members of the committee had, had a substantial amount of time to view the proposals along with attending a site visit to Scout Moor. The Planning Manager also confirmed that members of the public had also had opportunity to make comments and representation on the application through proposals being on the web and the series of public events held by the applicant.

The Planning Manager, MC and the Barrister responded to matters raised by Committee Members. It was confirmed that the Community Benefit Fund offered was not a planning consideration. In response to a question from a Member as to the relationship of the proposal to the emerging Local Plan Part 2, the Planning Manager clarified that Local Plan Part 2 was at an early consultation phase (Regulation 18) and therefore could be afforded very limited weight. The areas of search identified for potential future windfarm development in Local Plan part 2 were in a different location to SMWF. In addition, the Planning Manager also stated that this application was being dealt with under the transitional arrangements referred to in the final paragraph of the 18th June Ministerial Statement.

A proposal was moved and seconded to refuse the application, contrary to officer’s recommendation due to the impact on visual amenity.

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

FOR	AGAINST	ABSTENTION
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The motion failed and the Chair asked for any other proposals.

A proposal was moved and seconded to approve the application in accordance with the officers' recommendation subject to; removal of the horse enclosure and permissive bridleway at Turn; the conditions included in the committee report as amended in the Update Report; and to include reference to turbines T10 and T11 in condition 5 (part a).

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

FOR	AGAINST	ABSTENTION
5	2	0

Resolved:

That the application be approved with the removal of the horse enclosure and permissive bridleway at Turn together with the planning conditions included within the report, the amended conditions outlined in the Update Report and the amendment to condition 5 (part a) to include reference to T10 and T11.

The meeting commenced at 5.05pm and concluded at 8.15pm

Signed: (Chair)