

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 6th October 2008

Present: Councillor Driver (in the Chair)
Councillors Haworth (substitute for Lamb), May, Nuttall,
Robertson, Stansfield and Swain (substitute for L. Barnes)

In Attendance: Linda Fisher, Executive Director – Business
Stephen Stray, Planning Unit Manager
Neil Birtles, Principal Planning Officer
Clare Birtwistle, Acting Assistant Head of Legal
Heather Moore, Committee and Member Services Manager
Richard Elliot, Planning Assistant
Caroline Brennan, Clerical Assistant

Also Present: Councillors C. Pilling, J. Pilling and Neal
Approximately 35 members of the public
2 representatives from the press

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were submitted on behalf of Councillor L. Barnes (Councillor Swain substituting) and Councillor Lamb (Councillor Haworth substituting).

2. MINUTES

Resolved:

That the minutes of the special meeting held on 19th August 2008 and the minutes of the last meeting held on 1st September 2008 be signed by the Chair and agreed as a correct record.

3. URGENT ITEMS

The Chair reported that there were no urgent items of business.

4. DECLARATIONS OF INTEREST

No declarations were made.

PLANNING APPLICATIONS FOR CONSIDERATION

- 5. Application Number 2008/0586
Installation of 15m high timber-clad column with 3 antennas & 2 600mm telecommunications dishes and 6 equipment cabinets within a 4.5m x 6m compound bounded by a 2.4m high fence
At: Land off High Barn Lane, Whitworth**

The Principal Planning Officer introduced the report and stated that the application was made under the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 24), as amended. It provided prior notification of the applicant's wish to install electronic telecommunications apparatus.

The Principal Planning Officer clarified that the Committee were being asked to determine whether prior approval was required to the siting and appearance of the installation and the application was not for planning permission.

The Principal Planning Officer reported on the relevant planning history and provided an assessment of the application as set out in the report before the Committee.

The Principal Planning Officer referred to additional information which had been received since the preparation of his report. He informed the Committee that further objections had been received, totalling 646.

In accordance with the procedure for public speaking, Mr R. Pickup spoke against the application and Mr Lanahan spoke in support of the application. Whitworth Town Councillor D. Barnes spoke in support of the application. Councillor C. Pilling and Councillor Neal spoke against the application.

In determining the application the Committee discussed the following:

- Relevant planning history
- Residential amenity
- Compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines on health matters. The Principal Planning Officer confirmed that the applicant had submitted the necessary declaration that the proposal would meet the ICNIRP guidelines
- Visual amenity and impact on character and appearance of countryside
- Whether the applicant had considered other sites. The Principal Planning Officer confirmed that 6 sites had been investigated and technical assessments had been submitted to the Planning Authority
- Number of representations made
- Options of appearance including colour scheme to minimise landscape impact

A proposal was moved and seconded that the Council does not require prior approval of the siting and appearance of the installation. The Committee asked that officers request the Applicant investigate whether the visual impact of the proposed installation on the landscape could be reduced by use of alternative colouring/cladding of the mast.

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

FOR	AGAINST	ABSTENTION
6	1	0

Resolved:

That the Council does not require prior approval of the siting and appearance of the installation. The Committee asked that officers request the Applicant investigate whether the visual impact of the proposed installation on the landscape could be reduced by use of alternative colouring/cladding of the mast.

**6. Application Number 2008/ 0405
Erection of house, entailing retention of existing garage and store
At: Land Adjacent The Bungalow, Dean Road, Haslingden**

The Planning Assistant introduced the report and referred to the relevant planning history. He informed the Committee that the proposal was for a 4 bedroom house and incorporated the existing garage and store room.

The Planning Assistant referred to additional information which had been submitted by the Applicant since the preparation of his report. The Planning Assistant clarified that the dwelling would be 1.55m higher than the previously permitted dwelling and not 2.6m as stated in the report.

In accordance with the procedure for public speaking, Mr D. Banks spoke against the application. Mr A. Brown spoke in support of the application.

In determining the application the Committee discussed the following:

- Adverse impact on Residential amenity. Unacceptable loss of privacy and light and overbearing
- Need to retain conifers
- Concerns about the size and scale of the development in terms of siting, height, bulk and design

The Executive Director – Business clarified that the site had extant planning permission that could be implemented.

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
3	4	0

The Chair declared that the vote was lost.

A proposal was moved and seconded to refuse the application for the following reasons:

- Adverse impact on Residential amenity. Unacceptable loss of privacy and light and overbearing
- The size and scale of the development in terms of siting, height, bulk and design

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

FOR	AGAINST	ABSTENTION
4	3	0

Resolved:

That the application be refused for the following reasons:

- Adverse impact on Residential amenity. Unacceptable loss of privacy and light and overbearing
- The size and scale of the development in terms of siting, height, bulk and design

N.B. Councillor Stansfield was not present during consideration of the following item of business

**7. Application Number 2008/0475
Erection of 1 no. detached dwelling
At: Oaklands, Rochdale Road, Britannia, Bacup**

The Principal Planning Officer introduced the report and informed the Committee that the outline permission for the erection of a dwelling on the site had been sought and granted on several occasions. The application sought renewal of Outline Permission 2005/456 which had expired on 27th September 2008. The application had been submitted prior to expiry of 2005/456.

The Principal Planning Officer reported that all matters other than the means of access were reserved for later consideration.

In accordance with the procedure for public speaking, Mr S Hartley spoke in support of the application.

In determining the application the Committee discussed the following:

- Fall of the land. The Committee requested a condition that the Applicant submit details of levels to the Planning Authority
- Concerns of residents regarding potential damage to road. The Committee requested that a condition be included that the road be made to a reasonable standard if damaged during construction works
- Design and appearance to ensure in-keeping with the level and form of the surrounding development. The Principal Planning Officer

confirmed that a condition requiring that the dwelling was of single-storey construction would be attached to the permission.

- Hours of construction. The Committee requested that Condition 6 set out in the report be amended so that any construction works associated with the development should not take place except between the hours of 8.00am and 7.00pm Monday to Friday.

A proposal was moved and seconded to approve the application, subject to the conditions set out in the report but with an amendment to Condition 6 of the report so that any construction works associated with the development should not take place except between the hours of 8.00am and 7.00pm Monday to Friday and that additional conditions be imposed requesting that the Applicant submits details of levels to the Planning Authority and that the Applicant ensures that the road be made to a reasonable standard if damaged during construction works.

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

FOR	AGAINST	ABSTENTION
6	0	0

Resolved:

A proposal was moved and seconded to approve the application, subject to the conditions set out in the report but with an amendment to Condition 6 of the report so that any construction works associated with the development should not take place except between the hours of 8.00am and 7.00pm Monday to Friday.

That additional conditions be imposed requesting that the Applicant submits details of levels to the Planning Authority and that the Applicant ensures that the road be made to a reasonable standard if damaged during construction works.

**8. Application Number 2008/572
Conversion of taxi office and public toilets to tattoo shop and hot food delivery-only outlet
At: Corner of Market Street/Hall Street, Whitworth**

The Principal Planning Officer introduced the report and informed the Committee that permission was sought to convert the building into two separate units.

The Principal Planning Officer reported that the Highway Authority had no objection to the proposal and was satisfied that adequate off-street parking facilities were to be provided.

The Principal Planning Officer reported that Whitworth Town Council had submitted an objected to the application and one further objection had been received by email.

In accordance with the procedure for public speaking, Mr E Wilkinson spoke in support of the application. Councillor Neal spoke on the application and raised concerns about the dual use of the site.

In determining the application the Committee discussed the following:

- Residential amenity
- External appearance
- Siting of the flue stack
- Parking
- Bin storage
- Signage. The Principal Planning Officer confirmed that signage must relate to the service
- Hours of use and whether to separate each unit

A proposal was moved and seconded to approve the application, subject to the conditions set out in the report but with an amendment to Condition 3 so that the hours of use for the tattoo shop are restricted to the hours between 9.00am and 9.00pm on any day and that the hours of use for the hot food delivery-only outlet be restricted to the hours between 7.00am and 11.00pm and that an additional condition be imposed requesting that the Applicant submits details of external refurbishment works to the Planning Authority to ensure the exterior of the building is suitably repaired/refurbished.

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 but with an amendment to Condition 3 so that the hours of use for the tattoo shop are restricted to the hours between 9.00am and 9.00pm on any day and that the hours of use for the hot food delivery-only outlet be restricted to the hours between 7.00am and 11.00pm and that an additional condition be imposed requesting that the Applicant submits details of external refurbishment works to the Planning Authority to ensure the exterior of the building is suitably repaired/refurbished.

**9. Application Number 2008/0580
Formation of additional doorway, new covered smoking area and 3m high boundary fence
At: Commercial Hotel, 1 Manchester Road, Haslingden**

The Planning Assistant introduced the report and informed that Committee that the proposed works relate to the existing lawful use of the premises and that use was appropriate for a location within the Town Centre of Haslingden.

In accordance with the procedure for public speaking, Mr D Thompson spoke in support of the application.

In determining the application the Committee discussed the following:

- Visual amenity and siting of the new entrance
- Residential amenity
- The need to ensure fire escapes were kept clear

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.

**10. Application Number 2008/0594
Provision of visitor facilities within existing building for incidental use as petting farm
At: Huttock Top Farm, Newchurch Old Road, Bacup**

The Principal Planning Officer introduced the report and informed the Committee that permission was sought for visitor facilities to allow the petting farm to grow as a visitor attraction.

The Principal Planning Officer reported that the site was located in the Countryside just beyond the Urban Boundary.

In accordance with the procedure for public speaking, Mr T McCoy spoke against the application. Mr R Storah spoke in support of the application.

In determining the application the Committee discussed the following:

- Number of visitors to the farm
- Highway issues. Concerns about the condition of the access road to the farm. Problems with parking on Bankside Lane
- Support for new enterprise
- Similar facility in Helmshore that operates a booking system
- Residential amenity

A proposal was moved and seconded to defer consideration of the application in order for the Applicant to consider how to address concerns about the adequacy of access/parking arrangements. In the absence of a scheme to address those concerns the Planning Unit Manager be given delegated authority to refuse the application after consultation with the Chair (Councillor Driver) and the Opposition Group Spokespersons (Councillor Robertson and Councillor Nuttall).

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 in order for the Applicant to consider how to address concerns about the adequacy of access/parking arrangements. In the absence of a scheme to address those concerns the Planning Unit Manager be given delegated authority to refuse the application after consultation with the Chair (Councillor Driver) and the Opposition Group Spokespersons (Councillor Robertson and Councillor Nuttall).

OPERATIONAL ITEMS

11. Local Government Ombudsman – Annual letter for the year ended 31st March 2008 and annual complaints review

The Executive Director – Business informed the Committee that the report had been considered at Full Council on 24th September 2008 and was for information.

Resolved:

That the report be noted.

In accordance with the Committee Procedure Rules, the meeting resolved to continue after 9.30pm

The meeting commenced at 6.30pm and concluded at 9.45pm