

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 5th October 2009

Present: Councillor Driver (in the Chair)
Councillors L.Barnes, Cheetham, Lamb, Nuttall, Robertson,
and Thorne

In Attendance: Stephen Stray, Planning Unit Manager
Neil Birtles, Principal Planning Officer
Noel Scanlon, Principal Legal Officer
Carolyn Sharples, Committee and Member Services Manager

Also Present: Councillors Sandiford and Morris
Approximately 23 members of the public
1 representative of the press

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were submitted on behalf of Councillor May (Councillor Thorne substituting) and Councillor Stansfield (Councillor Cheetham substituting).

2. MINUTES

Resolved:

That the minutes of the meeting held on 7th September 2009 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

Councillor Barnes declared that as Councillors they all had an interest in item 9 application 2009/406.

Planning Applications

**5. Application Number 2009/338
Erection of two detached dwellings and a bungalow, accessed from
Rawsthorne Avenue
At: Land to rear of 27 Helmshore Road**

The Planning Unit Manager introduced the application and outlined details of the site, the relevant planning history, and the nature of the current proposal for the erection of two detached houses and a detached bungalow, with access from Rawsthorne Avenue.

The Planning Unit Manager informed the Committee of the consultation responses received from Lancashire County Council (LCC) Highways and of the representations from residents objecting to the proposal. He also detailed the additional representation and response from the Agent and Applicant in the Update Report.

In accordance with the procedure for public speaking, Mr McNamara spoke against the application and Mr Kinder spoke in favour of the application. Councillor Sandiford and Councillor Morris also spoke on the application.

In relation to the application the Committee discussed the following:

- Previous applications on the land
- Extant permissions
- Permission for access and 3 dwellings
- Distances from boundaries and other properties
- Location of a window and loss of privacy
- Permeable path and driveway
- Back garden development
- Highways and increased traffic

In response to questions from members the Planning Unit Manager confirmed details of distances from other properties and boundaries.

A proposal was moved and seconded to refuse the application owing to the topography and loss of privacy (height of the elevations) and loss of visual amenity and neighbour amenity.

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

FOR	AGAINST	ABSTENTION
4	3	0

Resolved:

That contrary to the recommendation the application be refused owing to the topography, loss of privacy (height of the elevations), loss of visual amenity and neighbour amenity.

**6. Application Number 2009/409
Erection of two storey detached dwelling
At: 5 Park Crescent, Haslingden**

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history, and the nature of the current application which sought to address the reasons for refusal of the previous application.

The Principal Planning Officer informed the Committee that no objections had been received from LCC Highways, however representations from residents had been received objecting to the proposal. He also detailed the reasons for

refusal previously and informed how the current application sought to address the previous reasons for refusal and the objections from residents.

In accordance with the procedure for public speaking, Mrs Schultz spoke against the application and Mr Slack spoke in favour of the application. Councillor Sandiford and Councillor Morris also spoke on the application.

In relation to the application the Committee discussed the following:

- Flooding
- Tight access
- Steepness of drive
- Building materials
- Road surfaces
- Emergency access
- Utilities and drainage
- Parking improvements at the rear
- Design

A proposal was moved and seconded to approve the application for the reasons detailed in the report.

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

FOR	AGAINST	ABSTENTION
3	4	0

Resolved:

That contrary to the recommendation the application be refused owing to highway safety, tight access of the site, loss of privacy and loss of amenity to residents.

**7. Application Number 2009/243
Change of use from Agricultural Land to Camp Site (max five tents)
At: Scar End Farm, Weir**

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history, and the nature of the current proposal for the change of use of a small area of agricultural land to a camp site for up to 5 tents as tourist accommodation.

The Principal Planning Officer informed members that there had been no objections from Environmental Health, however 5 letters of objection had been received and he summarised the objections as detailed in the report.

In relation to the application the Committee discussed the following:

- Promoting tourism
- New road access
- Bridleway
- Lighting – timer/sensor

- Permanence
- Septic tank location
- Business Plan
- Noise management
- Occupancy throughout the year
- Toilet/shower facilities
- Emergency vehicle access
- Adrenalin gateway and facilities for walkers
- Additional screening

A proposal was moved and seconded to approve the application subject to the conditions listed in the report and additional screening and limiting the terms of operation to the end of October to the beginning of March (unless otherwise agreed).

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 additional screening and limiting the terms of operation to the end of October to the beginning of March (unless otherwise agreed). Details of the additional conditions to be delegated to the Planning Unit Manager in consultation with the Chair.

**8. Application Number 2009/344
Erection of Boundary Fence (Retrospective)
At: Unit 11, Cuba Industrial Estate, Bolton Road North, Stubbins**

The Principal Planning Officer introduced the application and explained that it was a retrospective application and he detailed the 11 letters of objection received.

The recommendation was to grant the application as it was not considered to be visible from the public highway or impact unduly on the street-scene.

In determining the application the Committee discussed the following:

- No detrimental effects

A proposal was moved and seconded to approve the application as detailed 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 as detailed in the report.

**9. Application Number 2009/406
Change of use from Offices to mixed use of Council Chamber/
Committee Meeting Room and Offices
At: Kingfisher Business Centre, Futures Park, Newchurch Road, Bacup**

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history, and the nature of the current application for change of use from Offices to mixed use of Council Chamber/ Committee Meeting Room and Offices.

There had been no objections from LCC Highways and no other objections had been received.

In determining the application the Committee discussed the following:

- Easily accessible
- Quality bus route for majority

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

**10. Application Number 2009/189
Retention and use of building as a dwelling by a Gypsy/Traveller family
(Retrospective)
At: Cobland View, Rooley Moor Road, Stacksteads**

The Planning Unit Manager introduced the application and explained that the application was before the Committee because it had been deferred at a previous Committee to allow further clarification to be sought on the details of the application. He described the site details, relevant planning history and retrospective proposal to retain the use of a building as a dwelling by a Gypsy/Traveller family. The dwelling would be used by the applicant and his family in connection with the keeping of animals on part of the site.

Since clarification of the details the recommendation was to refuse the application. However, the Planning Unit Manager noted that a smaller area of the site could be looked on more favourably as a dwelling for a gypsy/ traveller.

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

In determining the application the Committee discussed the following:

- Personal permission
- Existing enforcement
- Land erosion and “digging out” of the land
- Site visible from the opposite side of the valley
- Accommodation needs
- Status of other buildings on site
- Use of the site
- Tidying up the land and grassing of the land

NB. A short break was taken to allow clarification on the legal position of the proposal.

The Committee resumed and discussed the following:

- The red edge of the site and dwellings, stables and other buildings within it
- Small site suitable?
- The number of buildings required and the nature of the buildings?

Clarification was sought from the Agent, Mr Hartley, regarding the buildings included in the application. The Agent confirmed that “the dwelling” consisted of 3 parts (caravan and 2 static caravans). The Agent also confirmed that “the dwelling”, stables, chicken huts, dog kennels and haystore was all that was required on the site and that nothing else was needed and would be removed.

N.B. At this point of the meeting the Committee voted on whether to continue the meeting and hear all the remaining applications on the agenda and it was agreed that the meeting would continue.

The Planning Unit Manager informed the Committee that if they were minded to approve the application they would need authority to amend the enforcement notice to run concurrently with the new planning permission.

A proposal was moved and seconded to approve the application subject to the following conditions details of which would be delegated to the Planning Unit Manager and Chair:

- That permission be granted for the enforcement notice to be amended to run concurrently with the new planning permission
- The site be tidied up and all other vehicles/buildings be removed from the site, except from “the dwelling”, stables, chicken huts, dog kennels and haystore
- Personal vehicles to be kept on the hard standing
- Landscaping/boundary treatment to be completed

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

FOR	AGAINST	ABSTENTION
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5	1	1
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Resolved:

That contrary to the recommendation the application be approved as a two year personal permission as one dwelling unit subject to the following conditions details of which would be delegated to the Planning Unit Manager and Chair:

- The site be tidied up and all other vehicles/buildings be removed from the site, except from “the dwelling”, stables, chicken huts, dog kennels and haystore
- Personal vehicles to be kept on the hard standing
- Landscaping/boundary treatment to be completed

Furthermore, that the enforcement notice be amended to run concurrently with the new planning permission.

**11. Application Number 2009/360
Erection of 45 residential units pursuant to Outline Planning Permission 2002/261, entailing diversion of Public Footpath No 70 Whitworth
At: Land off Eastgate, Whitworth**

The Principal Planning Officer introduced the application and outlined details of the site, the relevant planning history, and the nature of the current application which provided details for the erection of 45 dwellings. The consultation responses were detailed and it was noted that no objections had been received from local residents.

In accordance with the procedure for public speaking, Mr Dust was given the opportunity to speak in favour of the application, however he informed the Committee that the information he was going to give to the Committee had now been included in the Update Report.

In determining the application the Committee discussed the following:

- Ownership of the land
- Benefits for the area
- Footpath bridleway standard

A proposal was moved and seconded to approve the application subject to the conditions detailed in the Update Report and also ensure the re-routed footpath was bridleway standard.

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 detailed in the Update Report and also ensure the re-routed footpath was bridleway standard.

**12. Application Number 2009/420
Erection of a two storey side extension
At: 4 Rosemount, Bacup**

The Principal Planning Officer introduced the application and explained that the application was before the Committee because it had been called in by a Councillor.

In accordance with the procedure for public speaking, Mr Howarth spoke in favour of the application.

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

Business Matters

13. Local Government Ombudsman Annual Letter for the year ended 31st March 2009 and Annual Complaints Review (including complaints made against the Planning Unit)

The Planning Unit Manager introduced the report and explained that it had already been considered by Performance Overview and Scrutiny and the Standards Committee. The Planning Unit Manager confirmed that measures had been put in place to improve response times on planning complaints and Ombudsman enquiries.

In considering the report the Committee discussed the following:

- The number of similar complaints
- The nature of the similar complaints

The Committee and Member Services Manager confirmed that the Ombudsman now records similar complaints from multiple individuals separately. This had resulted in an increased number of complaints.

Resolved:

That the report be noted.

The meeting commenced at 6.30pm and concluded at 10.45pm

Signed: _____
(Chair)