

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 13th SEPTEMBER 2011

Present: Councillor Robertson (in the Chair)
Councillors, L Barnes, Graham, Nuttall, Oakes, Roberts and Stansfield.

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

Also Present: Approximately 30 members of the public
Councillor Cheetham
Councillor Lamb
Councillor Pilling
1 member from the Press

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

No apologies had been submitted.

2. MINUTES

Resolved:

That the minutes of the meeting held on 2nd August 2011 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

There were no declarations of interest.

PLANNING APPLICATIONS

5. Application Number: 2011/ 376

Construction of Managers Dwelling 3-bedroomed Bed and Breakfast, 10 bay stables, Menege and altered access road.

At: Fishermans Retreat, Off Bury Old Road, Shuttleworth.

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 for the following:

- Erection of a 4-bedroomed house to be used as a managers dwelling

- Erection of a 3-bedroomed bed and breakfast building
- Construction of a 10-bay stable block
- Construction of a ménage
- Off-site works to improve traffic movements

Further details of each construction was highlighted in the report.

Access to the site would be via the existing entrance towards the western end of the frontage and a newly created entrance towards the eastern end of the frontage.

In relation to consultation responses, LCC (Highways) had no objection to the proposal, RBC (Environmental Health) recommended that a contaminated land remediation condition be attached to any permission. RBC (Forward Planning) had objected to the application.

One comment had been received from a neighbouring property in relation to whether the development would be screened by trees.

The construction of a new dwelling and new bed and breakfast facility within the Green Belt constitute inappropriate development and therefore the Officers recommendation was for refusal.

Mr Eccles spoke in favour of the application and also Cllr Cheetham spoke on the application.

In determining the application the committee discussed the following:

- Stables in relation to the business
- Shortage of this type of business in the Valley
- Length of time the existing caravan had been lived in
- Green Belt issues in relation to the dwelling
- Tree screening

A proposal was moved and seconded to refuse the application.

The chair asked members to vote on the refusal. Three members indicated that they were in favour of refusing, members then had a further discussion.

As a result of this discussion a proposal was moved and seconded to defer the application to allow the applicant to discuss further with officers in relation to the dwelling and also a second access point.

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

FOR	AGAINST	ABSTENTION
6	0	1

Resolved:

That the application be deferred to allow the applicant to discuss further with officers in relation to the dwelling and also the second access point.

6. Application Number 2010/618

Retention of existing kennel building and construction of new kennel/storage building including parking area.

At: Willows Farm, Gib Hill Lane, Crawshawbooth.

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 was to seek retrospective permission of the existing detached kennel building and the erection of new detached kennel building to be located on the eastern side of the existing building.

Whilst the existing building was used as kennels/office with a total of 28 kennels, the proposed building would be used as kennels including external runs, grooming area and bedding & feed store, totalling 12 kennels.

The total number of dog kennels on the site would be 40 as opposed to the 12 permitted under application 2007/283. The site had been licensed by the Council's Environmental Health Unit for up to 40 dogs.

No objections had been received in relation to consultation responses however seven objections had been submitted regarding the application, details of these had been highlighted in the report.

It was noted that there were numerous footpaths which were very close to the building which would not be disturbed during the development.

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

Mr Turner spoke against the application and Mrs Ainsworth spoke in favour of the application.

In determining the application the Committee discussed the following:

- Double glazing of windows in relation to noise
- Sound proofing
- Timing of Noise Assessment Report
- Environmental Health to monitor noise
- Timings in relation to leaving and collecting animals
- Building materials

The Principal Planning Officer clarified issues raised by the committee.

A proposal was moved and seconded to approve the application, subject to the conditions highlighted in the report, amended in respect of the intended facing materials, red brick was not considered appropriate.

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 highlighted in the report, amended in respect of the intended facing materials.

7. Application Number: 2011/285

Change of use of former scrap yard to campsite for static and touring caravans and area for tents.

At: Former Scrap Yard, Blackwood Road, Stacksteads.

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 was to seek permission for the change of use of land at Blackwood Road from a scrap yard to a campsite with pitches for 5 static and 11 touring caravans, as well as an area for approximately 10 tents. Near to the site access there would be a WC/Shower Block, waste facility and grounds maintenance lock-up.

The site would be entirely surrounded by 2m palisade fencing. The access gate to the site would have a coded security system. There would be a parking space for each caravan pitch, with a further 6 parking spaces for the tents. There would be no system of external lighting or sound amplification.

The application related to a brownfield site, concealed with trees except for the access.

LCC (Highways) had objections, and had shown concern in relation to parking onsite. RBC Officers advised there would be enough space not to encroach onto the highway.

In relation to representations, 26 letters of objection had been received, 5 comments and a petition with 106 signatures on. The main concerns were highlighted in the report. Two further letters of objection had been received which had been highlighted in the update report.

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

Ms Lloyd spoke in favour of the application and Cllr Lamb also spoke on the application.

In determining the application the Committee discussed the following:

- Construction of toilet block
- Use of dwelling on site
- Lack of pavement
- Concerns in relation to site fencing
- Tourism
- Lack of external lighting
- Access times
- Contamination report
- Location of access gate
- Alternative access point
- LCC (Highways) objection

A proposal was moved and seconded to refuse the application subject to highway safety and neighbour amenity.

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

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application be refused owing to issues of highway safety and a need to avoid detriment to neighbour amenity by resolution of issues surrounding the house on the site / site management.

**8. Application Number: 2011/289
Erection of split level dwelling
At: Oakenclough Farm, Oakenclough 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 which was to seek permission to erect a split-level dwelling to the side of their own house, to occupy that half of the parking area within the Urban Boundary and require demolition of the outbuilding previously used as stables. The half of the parking area situated within the Countryside would be modified and extended over the area presently occupied by the midden to provide 5 parking spaces and bin-storage for use by the applicant and occupiers of the new dwelling.

No objections had been received from LCC (Highways). A petition bearing signatures of residents from 4 nearby properties raised concerns about the quality and width of the access to the development and with site construction traffic which could block the track and cause inconvenience to neighbours.

In determining the application the Committee discussed the following:

- Location of bin store
- Parking in relation to the countryside

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

9. Application Number: 2011/299

Erection of 1-storey outbuilding

At: Millbrook House, Mill Lane, 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 which was to seek permission for the erection of an L-shaped building in the front garden, to be used as a shed and sun lounge.

The building would be 7.5m in length and 7.5m in width with a depth of 4m and height of 4.2m to the ridge. It would be constructed with a stone front and rendered sides and rear, under a slated roof; it was to have clear-glazed windows which overlook the applicant's own garden and an obscure-glazed window in the east elevation.

The ridge of the property would be at the same height of the fence, therefore there would be no impact to visual/neighbour amenity. Two conifer trees located close to the site would be retained but were not protected in any event if they were affected by the construction works.

Following the original 3 objections that had been submitted, one of the objections had been withdrawn; this was highlighted in the update report.

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

Mr Niven spoke against the application and Mr White spoke in favour of the application.

In determining the application the Committee discussed the following:

- Location of retaining wall in relation to neighbouring property
- Location of sun lounge to front

A proposal was moved and seconded to approve the application with conditions highlighted in the report.

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 subject to conditions highlighted in the report.

10. Application Number: 2011/316

Erection of first floor extension above garage and other alterations.

At: Ash Cottage, Residential Home, 26/28 Crow Wood Road, Edenfield.

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 was to seek permission for the following:

- Re-locate the existing kitchen into the garage;
- Construct a first-floor extension above the garage to provide 2 additional bedrooms;
- Convert the space within the former house occupied by the existing kitchen and adjacent lounge to 4 additional bedrooms;
- Re-configure the existing first-floor accommodation in a manner that increases the number of rooms here from 11 to 12.

This application varies the one originally applied for (but not implemented) in 2010 which was to convert the garage into 2 additional bedrooms.

LCC (Highways) had no objection but required 5 off street parking spaces to meet the needs of the staff; the property did meet those requirements. A Travel Plan was also required and on street parking would be monitored. Signage to the car parking area would be implemented.

Officers recommendation was for approval along with conditions highlighted in the report.

Mr Morris spoke in favour of the application.

In determining the application the Committee discussed the following:

- Access for ambulances and large vehicles
- Signage

A proposal was moved and seconded to approve the application with conditions highlighted 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 conditions highlighted in the report.

11. Application Number: 2011/366
Retention of caravan for residential use (C3)
At: Far Fold Farm, Cowpe Road, Cowpe.

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 was to seek permission for the retention of the caravan (as recently-extended) for use for residential purposes.

The applicant contends that the caravan on site was established by long usage. It was also argued that the recent extension (dating from 2009 at its earliest) should not be considered a material change of use.

The applicant argued that if the certificate of lawfulness had been pursued in 2003 it would have been granted. In addition the applicant presented personal circumstances as a reason for the residential use to be granted; in short, that since the Appeal decision in May 2009 he had separated from his wife and it became necessary for him to find alternative accommodation for himself and 2 children. Within the design and access statement the applicant states that the residential use should be considered as an agricultural workers dwelling as well as supported housing.

It was noted that 28 letters support the application due to the personal circumstances of the applicant.

An appeal was considered on the basis that it was proposing erection of new residential property in the Countryside and the Inspector concluded that the appellant's reasons for wishing to live at the appeal site did not override the strong policy presumption in the development plan and national planning policy to strictly control such development in the countryside.

LCC (Highways) had no objection, 2 objections had been submitted, details of which were highlighted in the report.

Officers recommendation was for refusal.

Mr Hartley spoke in favour of the application and Cllr Pilling also spoke on the application.

In determining the application the Committee discussed the following:

- Council tax
- Re- homing of tenants
- Disruption of water supply
- Suitability of site for residential use

The Principal Planning Officer clarified issues raised by the committee.

A proposal was moved and seconded to refuse the application.

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

FOR	AGAINST	ABSTENTION
6	0	1

Resolved:

That the application be refused as per the officers recommendation.

12. Enforcement Report, Quarter 1 2011/2012.

The Planning Manager outlined 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 first quarter of this year.

Following this information, members discussed the following:

- Number of ongoing investigations
- Further breakdown of details

Resolved:

That the report be noted with a request for a breakdown to be provided in future reports of where case investigations were at.

The meeting commenced at 6.30pm and concluded at 9.45pm

Signed:

(Chair)