

**MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE**

**Date of Meeting:** 18<sup>th</sup> September 2012

**Present:** Councillor Robertson (in the Chair)  
Councillors, Eaton, Hughes, Morris, Oakes, Procter and Roberts.

**In Attendance:** Neil Birtles, Principal Planning Officer  
Rebecca Taylor, Planning Officer  
Sarah Doherty, Solicitor  
Michelle Hargreaves, Committee and Member Services Officer

**Also Present:** 18 members of the public  
1 member of the press  
Councillors De Souza, Lamb, MacNae and Neal.

**1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were submitted on behalf of Councillor Ashworth (Councillor Hughes subbed).

**2. MINUTES**

**Resolved:**

That the minutes of the meeting held on 28<sup>th</sup> August 2012 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.

**PLANNING APPLICATIONS**

**5. Application Number 2012/0275**

**Variation of Condition 2 of Planning Permission 2011/046 to provide amended house types on 20 plots including reorientation of houses on plots 61 and 64 and erection of conservatory on the house on plot 67.**

**At: Holmefield House, Holcombe Road, Helmshore**

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 sought permission for a variation to Condition 2 of Planning Permission 2011/046 to amend the approved scheme in the following ways:

- Amended house types to 20 plots throughout the site (all however, to remain with the same number of bedrooms and the same number of storeys);
- Re-orientation of the houses on plots 61 to 64, which would allow for the retention of the Horse Chestnut tree near the site entrance/river initially to be removed.
- Addition of a conservatory to the rear of the house on plot 67, which was to be used as a show home for the new development.

One objection had been received from a resident on Holcombe Road in relation to impact on privacy as a result of new windows on each floor of the 3-storey gable of the house proposed on Plot 52, previously this was to have no gable windows.

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

In determining the application the committee discussed the following:

- Horse Chestnut tree to be retained.
- Whether the conservatory was to demonstrate what the other properties could have or if it was solely for that property.
- Clarification was also sought if planning permission would be required if conservatories were to be added to other properties.

The Principal Planning Officer 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:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
7	0	0

**Resolved:**

That the application be approved, subject to the conditions set out the report.

**6. Application Number 2012/0410  
Erection of Bungalow  
At: Land at John Henry Street, Shawforth**

The Planning Officer introduced the application, outlined details of the site and planning history and the current application which was to seek outline permission to erect a single storey dwelling. This was a re-submission of Application 2011/0432 which attempted to address the reasons for its refusal.

Although an outline application, details of access, layout, appearance and scale had been submitted at this stage for approval. It was proposed that the property be constructed in stone with a slate roof and have a floor area of 135 sq m and be 3.34m high to the ridge. The main amendments were that the driveway would be increased from 4.5m x 10.5m to 8m x 10.5m, and there would also be a sunken patio with a canopy on the top of the wall near to the boundary of properties on Market Street. These amendments had been made to alleviate previous reasons for refusal.

No objections had been received from LCC (Highways) and RBC (Environmental Health) however, if the application was to be approved, the latter recommended construction times be controlled due to proximity to neighbouring properties. Three objections had been received, details of these were outlined in the report.

The Planning Officer stated that due to the sunken patio, the proposed scheme adequately addresses the issues relating to impact on privacy and outlook of neighbours properties.

It was noted that amended plans had been circulated to the committee prior to commencement of the meeting. These included updated elevations.

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

The Planning Officer noted that a further objection had been received from Whitworth Town Council expressing concerns in relation to privacy and the relationship to surrounding properties; this was outlined in the update report.

Mr John Taylor spoke in favour of the application and responded to questions asked by committee members.

In determining the application the committee discussed the following:

- The sunken patio and ensuring it would not be possible to overlook neighbouring properties from it.
- Height and stabilization of the retaining wall
- Concerns if stood on the landing by the door used to enter the sunken patio and the potential opportunity to view into the bedrooms on Market Street.
- Concerns of spaces left between terraces, felt like shoe-horn design

- Flood issues

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:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
2	4	1

**Resolved:**

That the application be refused due to harm to neighbour amenity and design/over development of the site.

**N.B. The Chair moved item B3 as the last item on the agenda.**

**7. Application Number 2012/0372**

**Erection of pair of semi detached bungalows with rooms in the roof space and erection of No.5 garage.**

**At: Garage Site, Weir Lane, Weir.**

The Planning Officer introduced the application and outlined details of the site and the nature of the application which was to seek permission for the erection of a pair of semi detached bungalows with rooms in the roof space, with a block of 5 garages to their rear. The pair of semi-detached properties would be situated approximately 10m back from Weir Lane, 9m from the rear of properties on Melrose Terrace and 9m from the rear of properties on Burnley Road. It was noted that the site was located within the urban boundary.

The scheme was considered acceptable by Officers in terms of separation distances even though the front windows of the property would only be 17.2m from the habitable windows of properties on the opposite side of Weir Lane. It was noted to committee that separation distances were only a guide.

The Planning Officer detailed the consultation responses within the report and objections received from residents.

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

In determining the application the committee discussed the following:

- Spaces left between properties, the proposal felt too 'shoe-horned' in.
- Separation distances.
- Whether the application was actually for a bungalow with there being dormers in the roof space.
- Over development of the site

The Planning Officer clarified issues raised by the committee.

A proposal was moved and seconded to refuse the application, contrary to the officers recommendation, due to over development of the site and the dwellings not being in- keeping or accordance with spacing standards.

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, due to over development, design not in-keeping or accordance with spacing standards.

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**NB. There was a short comfort break of 3 minutes after which the business of the meeting was resumed.**

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**8. Application Number 2012/0363**

**Erection of 7 town houses.**

**At: Plots 21-28, Kandel Place, Whitworth.**

It was noted that this application was brought to committee as a councillor call in. The Planning Officer introduced the application and outlined details of the site and the nature of the current application which was to seek permission to erect seven 3-bedroomed dwellings in 2 terraces. The applicant considered that the approved two storey block of 9 apartments was no longer financially viable. Each of the dwellings would have a garden to the rear and access to the properties would be via a road bridging over the river.

It was noted that a dozen of the permitted houses had been completed and were currently occupied.

The consultation responses were outlined in the report as well as representations and objections following the circulation of consultation letters and site notices.

RBC (Environmental Health) had not requested conditions in relation to the piling issues. In response to previous objections/concerns the applicant had submitted a piling method statement.

Officers recommendation was for approval subject to conditions set out in report.

Mr Hartley spoke against the application and Mr Armitage spoke in favour of the application. Councillor Neal also spoke on the application.

Following publication of the report, a further objection had been received from Whitworth Town Council in relation to the piling issue on site; this was included within the update report. The Planning Officer had clarified that this issue had already been addressed.

In determining the application the committee discussed the following:

- Right of access to current business 'Twin Automated Group'.
- Reason no section 106 Obligation.
- Option to defer in relation to the right of access.
- Number of parking spaces per dwelling required.
- Time restriction on the application.

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

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

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
5	2	0

**Resolved:**

That the application be approved subject to the conditions detailed in the committee report.

**9. Application Number 2012/0381  
Erection of outbuilding in rear garden  
At: 35 Doals Gate, Weir.**

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 to erect a single-storey outbuilding on the recently-constructed concrete hardstanding at the end of the rear garden. It was the applicant's intention to use it as a garden shed and DIY workshop.

The building would be 4.8m in width, 3.5m in depth and 3.5m in height, constructed with brick and concrete roof tiles to match the dwelling. It would have two windows and an entrance door facing the applicant's own house, and no other openings.

The building required permission due to its height adjacent to the boundary. The applicant had indicated that the existing timber shed would be removed.

Four objections had been received prior to the report being published. Since publication an additional 13 objections had been received and these were outlined in the update report. It was

noted that a further 3 objections had been received since the update report was issued. The Principal Planner stated that not all of the objections were from neighbouring properties.

RBC (Environmental Health) had no objection to the scheme however it requested a condition in relation to noise levels as the outbuilding would be being used for DIY. A condition was also recommended for drainage to ensure water would not run on to neighbouring properties.

Officers recommendation was for approval subject to conditions set out in the report, with Condition 2 modified to make it clear that the outbuilding is to be constructed with brick and concrete roof tiles to match the house.

Ms Marsden spoke against the application and Councillor MacNae also spoke on the application.

In determining the application the committee discussed the following:

- Access to the land drain.
- Concerns of view from number 39 Doals Gate.
- Height of new build in relation to neighbouring garage.
- Drainage issues.
- How much floor space would be taken by the new build on the concrete that was already in place.

In response to a question by a committee member, the Principal Planning Officer stated that if permission was not granted for the application submitted the applicant could exercise permitted development rights which could result in a building not to dissimilar to the one proposed.

A proposal was moved and seconded to refuse the application contrary to the officers recommendation due to neighbour amenity and loss of light.

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

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
3	4	0

**Resolved:**

That the application be approved subject to the conditions detailed in the committee report, with Condition 2 modified to make it clear that the outbuilding is to be constructed with brick and concrete roof tiles to match the house.

**10. Application Number 2012/0395**  
**Conversion of Public House to two dwellings.**  
**At: The Buck, Cowpe Road, Cowpe.**

The Planning Officer introduced the application and outlined details of the site and the nature of the current application which was to seek permission to convert the pub into 2 residential units, one to have 2 bedrooms and the other 3 bed.

There would be minor alterations to the property, which would include:

- Installation of a new door and timber sliding sash window at first floor in the front elevation
- Three new windows to the rear and replacement of the existing door
- 4 parking spaces within the pub car park designated for use by occupiers of the proposed dwellings

It was clear that the applicant had made effort to try and keep the pub maintained and had tried to attract business; details of these methods were outlined in the report.

LCC (Highways) had no objection to the proposal and both letters of support and objection had been received.

Considering the evidence submitted, it was clear that the applicant had tried to make the pub viable.

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

In determining the application the committee discussed the following:

- Car parking arrangements

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:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
7	0	0

**Resolved:**

That the application be approved subject to conditions .



## **11. Q1 Planning and Enforcement Report**

The Principal Planning Officer 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 third quarter of this year.

A small error was noted to the committee in relation to Appendix A, both 024/2010 and 037/2010 should state 'Market Street' and not 'Manchester Road' as written in the report.

Following this information, members discussed the following:

- Prosecution in relation to Rose Bank Cottage.
- Longest dated item on the report.

### **Resolved**

That the report be noted.

## **12. Planning Appeals Update Report**

The Principal Planning Officer introduced the report which updated Members on planning appeal decisions since the last report presented to the Committee in March 2012.

It was noted that 10 appeals had been received since the last report. Since the last report, 12 had been determined and 1 had been withdrawn. Of those determined, 8 had been dismissed and 3 had been allowed. In terms of those allowed, two were recommended for approval by Officers, and one was an appeal against an hours of construction condition.

The Principal Planning Officer asked the committee to note the details of some individual appeals, these were outlined in the report. It was noted that further information could be obtained from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or directly from the Planning Manager.

### **Resolved:**

That the report be noted.

**The meeting commenced at 6.30pm and concluded at 8.45pm**

**Signed:**

**(Chair)**