

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 11th OCTOBER 2011

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

In Attendance: Rebecca Taylor, Planning Officer
Stephen Stray, Planning Manager
Clare Birtwistle, Principal Legal Officer
Michelle Hargreaves, Committee and Member Services Officer

Also Present: 4 members of the public

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies had been submitted on behalf of Councillor L Barnes (Cllr Eaton sub).

2. MINUTES

Resolved:

That the minutes of the meeting held on 13th September 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/ 0396
Construction of second floor balcony to rear.
At: 227 Market Street, Whitworth, OL12 8TF.

The 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 balcony at first floor to the rear of the property. The balcony would be approximately 3.3m above ground level supported on steel supports with a black paint finish.

In relation to visual amenity, it was stated that there were numerous balconies along the terrace in various sizes and dimensions. However, only one had the benefit of planning permission which was 201 Market Street that was granted permission for the erection of a similar balcony to the one proposed.

The balcony would extend from the rear of the property by 1.8m and be 2.7m wide. The balcony would be set in from the two neighbouring properties by 0.2m. The balcony would also have a 1.1m balustrade.

In relation to visual amenity, the proposed balcony was acceptable in terms of privacy. The agent had submitted additional plans showing the site plan using the 45 degree rule. It clarified that there would be no view into neighbouring properties.

It was noted that condition 2 in the report would be amended to refer to the additional plans received as highlighted in the update report.

Officers recommendation was for approval subject to the conditions outlined in the report, with the amended condition 2 as highlighted in the update report.

In determining the application the committee discussed the following:

- Right of way

A proposal was moved and seconded to approve the application subject to the conditions outlined in the report, with the amended condition 2 as highlighted in 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 subject to the conditions outlined in the report, with the amended condition 2 as highlighted in the update report.

6. Application Number 2010/0431

Erection of 2 storey side extension and erection of detached double garage.

At: 10 Doals Gate, Weir.

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 a 2-storey side extension, which required demolition of the existing garage, and for erection of a detached double-garage.

The 2-storey extension would project from the eastern gable by 3m and be equal in ridge and eave height to the existing property. The extension would have no windows in the elevation facing towards Heald Lane and would be separated from the rear elevations of the houses by approximately 15m.

There would be two windows in the front elevation and patio doors and a first floor window to the rear.

The double-garage would be sited near the northern boundary of the property, with a gable facing the public footpath. It would be 6m square, with an eaves-height of 2.3m.

It was noted that condition 2 in the report would be amended as the agent had submitted some altered plans which had reduced the height of the garage from 4m to 3.6m, the drawings also highlighted the levels of the extension and how it related to neighboring properties, this was highlighted in the update report

In relation to visual amenity, the proposal would not cause a terracing effect as it would be on the gable of the last property in the row. It was felt that the design of the property would compliment existing properties.

With regards to neighbour amenity there was a concern in relation to the distance of the proposed extension to neighbouring properties, however 15m was considered acceptable.

LCC (Highways) had no objection to the proposal.

Officers recommendation was for approval, subject to the conditions outlined in the report, with the amended condition 2 as highlighted in the update report.

Mr Harris spoke in favour of the application.

In determining the application the Committee discussed the following:

- Height reduction of garage

The Planning Officer clarified an issue raised by the Committee.

A proposal was moved and seconded to approve the application, subject to the conditions highlighted in the report, with the amended condition 2 as highlighted in 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 subject to the conditions outlined in the report, with the amended condition 2 as highlighted in the update report.

7. Appeals Update Report

The Planning Manager outlined the report to the Committee which was to provide elected members with an update on the appeals received since the last report in November 2010.

There had been 18 appeals received since the last report. Six appeals had been determined by the Planning Inspectorate, out of these, 2 were allowed and four were dismissed; 90% of the appeals determined had gone with the Officers recommendation.

The Planning Manager then went in to further detail in relation to an appeal received regarding the refusal of 74 residential units on the Holmefield House site. The Planning Manager stated the following:

- Members would have re-called having considered the Officer Report in respect of the application at the meeting in June 2011. Contrary to the Officer recommendation, Committee decided that permission should be refused, principally due to overdevelopment and lack of school places

Copies of the decision notice setting out the wording for the 2 reasons for refusal were handed to the Committee.

- Taylor Wimpey had lodged an Appeal against the refusal which they wished to be dealt with by way of a Public Inquiry. The Planning Inspectorate had arranged the Inquiry for 10th -13th January 2012. By 18th October the Council must provide the Planning Inspectorate and Appellant with its Rule 6 Statement, which elaborated upon each of the reasons for refusal.
- Confirmation was sought from Committee that in respect of Reason for Refusal 1 on the notice of decision, Members were concerned that the sustainable development of the appeal site should be achieved by a mixed use development for employment and residential uses, which would be better attuned to approved and draft development plan policies and proposals, and to the desirability of securing a more balanced pattern of development in Helmshore. The intensive development of the site solely for residential purposes would result in the loss of an employment site which was capable of, and should be used for, mixed development in the interests of the proper planning of the area.

Officers requested that the Committee agreed for Officers to proceed with the preparation of the Council's pre-inquiry statement and proofs of evidence on this basis, and to notify the Planning Inspectorate and the Appellant accordingly.

In determining the report the Committee discussed the following:

- Recollection of the meeting in June
- Public inquiry
- The Planning Manager clarified he would be acting as a witness in the appeal

The Planning Manager and the Principal Legal Officer clarified points raised by the Committee.

Resolved:

That the report be noted and the comments in relation to Holmefield House appeal were agreed.

The meeting commenced at 6.30pm and concluded at 7.00pm

Signed:

(Chair)