

**MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT COMMITTEE
HELD AT ROLLS ROYCE SOCIAL CLUB, BARNOLDSWICK
ON 29TH FEBRUARY 2024**

*PRESENT –
Councillor M. Adnan (Chair)*

Councillors

*S. Ahmed
D. Albin
S. Cockburn-Price
D. Lord
K. McGladdery
M. Stone
Y. Tennant
D. Whipp
T. Whipp*

Officers

<i>E. Barker</i>	<i>Legal Services Manager</i>
<i>L. Barnes</i>	<i>Senior Planning Officer</i>
<i>J. Eccles</i>	<i>Committee Administrator</i>

(Apologies for absence were received from Councillors M. Ammer and M. Aslam.)



The following people attended the meeting and spoke on the items indicated –

<i>Mike O'Brien</i>	<i>22/0722/FUL - Full: Erection of 128</i>	<i>Minute No. 25</i>
<i>Emma Physouri</i>	<i>dwelling, creation of new vehicular access from Long Ing Lane and all associated works at Site of former Barnsay Shed, Long Ing Lane, Barnoldswick</i>	
<i>Deborah Dawson</i>	<i>PLE/23/0058 - Enforcement Notice: Unlawful Erection of a Fence at 59 Marsden Hall Road, Nelson</i>	<i>Minute No. 26</i>

23. DECLARATION OF INTERESTS

Members were reminded of the legal requirements concerning the declaration of interests.

24. MINUTES

RESOLVED

That the Minutes of the meeting held on 30th January 2024 be approved as a correct record and signed by the Chair.

25. PLANNING APPLICATIONS

The Assistant Director Planning, Building Control and Regulatory Services submitted a report on the following planning application for determination -

22/0722/FUL **Full: Erection of 128 dwellings, creation of new vehicular access from Long Ing Lane and all associated works at Site of former Barnsay Shed, Long Ing Lane, Barnoldswick for Seddon Homes Limited**

(A site visit had been undertaken prior to the meeting.)

(Councillor D. Whipp declared a non-pecuniary interest in this item as a member of the Earby and Salterforth Internal Drainage Board, one of the statutory consultees, which was not a disclosable pecuniary interest as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.)

An update had been circulated prior to the meeting reporting receipt of a briefing document and an overview of the scheme with a particular focus on drainage matters from the applicant. The legal opinion of a barrister instructed by the applicant had also been submitted. This concluded that the Planning Inspector's concerns that led to dismissal of the previous appeal had been overcome. The update also pointed out an error in the reason for condition 31, which referred incorrectly to secondary school provision being required, which needed to be corrected.

RESOLVED

That the Assistant Director Planning, Building Control and Regulatory Services be asked to review the information provided in the technical reports on drainage for the development and, if in his opinion these were satisfactory, that he be delegated authority to grant planning permission.

26. ENFORCEMENT ACTION

The Assistant Director Planning, Building Control and Regulatory Services submitted a report on the following enforcement case for determination –

PLE/23/0058 **Enforcement Notice: Unlawful Erection of a Fence at 59 Marsden Hall Road, Nelson**

At a meeting of Nelson, Brierfield and Reedley Committee on 5th February the Committee made a resolution for enforcement action not to be taken in the case of 59 Marsden Hall Road requiring the owner of land to remove the side facing fence. The decision was referred to this Committee as the Head of Legal and Democratic Services advised it would represent a significant departure from Council policy ENV2 not to prosecute or otherwise enforce breach of an enforcement notice in these circumstances and contrary to the decision the Council had previously taken to issue an enforcement notice which was then upheld at appeal.

The Assistant Director Planning, Building Control and Regulatory Services submitted a report which explained the background to the case. An enforcement notice served on 24th May 2023 had been appealed by the developer but the appeal was dismissed with the Inspector saying that the development was causing "significant harm to the character and appearance of the area". The developer had been given time to comply with the notice but the fence remained in situ.

Development Management Committee (29.02.2024)

The report stated that not to take action would bring the Council into disrepute. It would also lead to a situation where the Council, if challenged, would be maladministering the application of its planning powers.

RESOLVED

That the developer be given 7 days to fully comply with the requirements of the enforcement notice. Should the notice not be complied with in full, the developer should be prosecuted without further reference to them.

CHAIR _____