



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 11th August, 2022 at 6.30 pm

PRESENT

MEMBERS

Councillors A Kelly (Chair), G Birtwistle, P Chamberlain, S Cunliffe, J Harbour, A Hosker, J Inckle, Kazmi, A Royle and Steel

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Laura Golledge	– Planning Manager
Sajada Khan	– Locum Regulatory Solicitor
Carol Eddleston	– Democracy Officer

40. Apologies

Apologies for absence were received from Councillors Chaudhary, Graham, Hurt, Mottershead and M Payne.

41. Declaration of Interest

There were no declarations of interest in any of the items on the agenda.

42. List of Deposited Plans and Applications

The following member of the public attend the meeting and addressed the Committee under the Right to Speak Policy:

LESLEY FANSHAWE	FUL/0200/0332 113 Woodgrove Road, Burnley, Lancashire, BB11 3EJ.
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RESOLVED

That the list of deposited plans be dealt with in the manner shown in the appendix to these minutes.

43. FUL/2022/0332 - 113 Woodgrove Road, Burnley

Town and Country Planning Act 1990

Change of Use from C3 Dwelling to C2 Children’s Care Home

113 Woodgrove Road, Burnley, Lancashire, BB11 3EJ

Decision

That the application be refused for the following reason:

1. The proposed use is considered to be an intensification of the site by virtue of increased traffic movements and day to day operational activities associated with the use, which would lead to a detrimental impact on the character and residential amenity of the area, contrary to policy SP5 (g) of Burnley’s adopted Local Plan.

The Locum Regulatory Solicitor issued the following Cost Warning to members:

‘May I remind members that any decision taken in this matter must be based on, and only on, proper planning grounds reflecting your planning judgement on the case. Your officers have advised fully in relation to the relevant material considerations and policy background and you should consider that advice carefully. Whilst you are not bound to follow that advice, in any appeal proceedings arising out of the decision you make, the Council will be expected to produce evidence to substantiate each reason for refusal, by reference to the Development Plan and all other material considerations. If the Council fails to, or cannot do so, then costs may be awarded against it.

To reiterate, you are not bound to adopt the professional or technical advice given by your own officers or received from statutory bodies or consultees. However, you will be expected to show that you had reasonable planning grounds for taking a decision contrary to such advice and are able to produce relevant evidence to support your decision in all respects. If the Council were to fail to do so, it may be liable to have costs awarded against it.

Whether or not a costs order may, or may not, be made and how much that may, or may not, amount to, is, however, not a material consideration and is therefore not something you should be considering in deciding whether planning permission should be granted or not.

As the decision was contrary to officer recommendation a named vote was taken as follows:

To refuse FUL/2022/0332 - 113 Woodgrove Road, Bunley (Resolution)	
Councillor Anne Kelly	Abstain
Councillor Gordon Birtwistle	For
Councillor Phil Chamberlain	For

Councillor Scott Cunliffe	For
Councillor John Harbour	For
Councillor Alan Hosker	For
Councillor Jacqueline Inckle	Abstain
Councillor Syeda Kazmi	For
Councillor Ann Royle	For
Councillor Mike Steel	For
Carried	

44. COU/2022/0207 - 40-42 St James's Street, Burnley

COU/2022/0207

Change of use from bank (Class E) to a betting shop (sui generis)

40 – 42 St James's Street, Burnley, BB11 1NQ

Decision

That the application be approved subject to the following conditions.

Conditions and reasons for conditions

1. The development must be begun within three years of the date of this decision.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the ground floor layout in the following approved plans: Drawing No 2021/130/02 B (Proposed Plans at 1:50 Scale) and 2022/130/09 A (Proposed Floor Plans at 1:100 Scale) received 19 April 2022.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

45. VAR/2022/0337 - 148-150 Colne Road, Burnley

Town and Country Planning Act 1990

Variation of Condition 3 of COU/2021/0536 (Hours of Operation)

148 – 150 Colne Road, Burnley, Lancashire, BB10 1DT

Decision

That planning consent be granted subject to the following conditions.

Conditions and reasons for conditions

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Existing and Proposed Plans: 2077/01 Rev A.

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

2. The use of the premises hereby permitted shall only be operated between the following hour: 11:00 – 00:00 Monday to Sunday including Bank Holidays.

Reason: To define the scope of the consent hereby approved and in order to protect nearby residential amenity.

3. Unless otherwise agreed in writing with the Local Planning Authority, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification) shall be used as a café (Use Class E) at ground floor with ancillary storage and office at first floor (Use Class E) and for no other use within these use classes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that the property is used solely as its intended use as any other use within use class may not be considered acceptable in the interest of amenity of the area and the area generally in accordance with Policies SP1, SP4, SP5, TC2 and EMP3 of the Local Plan.

4. The proposed refuse provision hereby approved shall be implemented prior to the commencement of the use hereby approved. Thereafter the approved facilities together with the means of access thereto shall be maintained and carried out as approved and be retained for the benefit of the lifetime of the development hereby permitted.

Reason: In the interests of amenity in accordance with Policies SP5 of the Local Plan.

5. Prior to the extraction flue being first brought into use all external parts of the flue and cowl and associated fitments shall be coloured black/a dark matt finish and retained as such at all times in the future.

Reason: In the interests of amenity in accordance with Policies SP5 of the Local Plan.

6. Notwithstanding the submitted details, prior to implementation of the extended opening hours hereby approved a Noise Management Plan shall have been submitted to, and agreed in writing by, the Local Planning Authority. For the avoidance of doubt the submitted document shall provide details for the control of patrons when leaving, especially late at night, use of any outside space, the noise monitoring procedure, procedure for addressing any complaints received, and details of mitigation methods (if required). The approved plan shall thereafter be adhered to

during the use of the facility hereby approved and any mitigation measures undertaken prior to the first use of the development thereby approved.

Reason: To ensure the satisfactory management of the site in the interests of general amenity of the area and to safeguard where appropriate neighbouring residential amenity.

46. HOU/2022/0095 - 7 Fairfield Drive, Burnley

Town and Country Planning Act 1990

Single storey side extension with alterations to front lawn area.

7 Fairfield Drive, Burnley, Lancashire, BB10 2PU.

Decision

That planning consent be granted subject to the following conditions.

Conditions and reasons for conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Existing Plans and Location Plan: Dwg no 2110 - 01

Proposed Plans: Dwg no 2110-02-REV D amended plan received 18th July 2022.

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

Reason: To ensure that the materials to be used are appropriate to the locality.

4. The parking (and manoeuvring) area(s) shall thereafter always remain available for parking of vehicles associated with the dwelling. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced in bound porous materials, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking is achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety.

5. The off-street parking shall include provision of an electrical supply suitable for charging an electric motor vehicle.

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.

6. 45° visibility splays shall be provided between the highway boundary and points on either side of the drive measured 3m back from the nearside edge of the footway. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: To protect pedestrians passing the drive and ensure adequate intervisibility between drivers and pedestrian traffic, in the interests of highway safety.

47. HOU/2022/0021 - 242 Manchester Road, Burnley

Town and Country Planning Act 1990

Proposed part two storey and part single storey rear extension to existing dwelling 242 Manchester Road, Burnley, Lancashire, BB11 4HF

Decision

That planning permission be refused.

Reason

1. The proposed development would constitute an overbearing and over-dominant addition to the building which will lead to an unacceptable level of amenity and outlook for occupants of the host dwelling and for occupants of No. 244 Manchester Road. The proposal does not meet the required separation distance standards set out in Local Plan Policies HS4.3.c and referred to in HS5.1.c and as such it is contrary to the provisions of the Adopted Local Plan and the NPPF.

48. ADV/2022/0257 - Management Office, Evolve at Vision Park, Edison Way

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Totem Sign with static illumination at entrance to adjacent business park Management Office Evolve At Vision Park, Edison Way, Burnley.

Decision

That advertisement consent be granted subject to conditions.

Conditions and reasons for conditions

1. This proposed advertisement hereby permitted shall be carried out in accordance with the following approved plans listed on the notice below.

Reason: To clarify the terms of this consent.

2. This consent is valid for a period of 5 years from the date upon which this consent is granted.

Reason: To comply with the requirement of the Town and Country Planning (Control Advertisements) (England) Regulations 2007

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

5. Any advertisements displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

8. Any illuminated advertisement shall be designed so that:

- No part of the source of the illumination shall at any time be directly visible to users of adjacent adopted highway.
- Static illumination is provided, and the sign shall not feature intermittent or flashing lights.
- The level of illuminance shall not exceed the maximum level found within the Institution of Lighting Engineers (ILE) document PLG 5 Brightness of illuminated advertisements or its equivalent in any replacement guide.
- Moving features are not provided.

Reason: In the interest of highway safety to avoid glare, dazzle, or distraction to passing highway users in accordance with Policy IC2 of the Burnley Local plan and the provisions of the National Planning Policy Framework.

49. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 8th July 2022 to 29th July 2022.