



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 13th December, 2018 at 6.30 pm

PRESENT

MEMBERS

Councillors A Khan (Chair), F Cant (Vice-Chair), A Anwar, M Brindle, S Chaudhary, S Graham, J Harbour, A Hosker, M Johnstone, A Raja and J Sumner

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
David Talbot	– Senior Solicitor
Imelda Grady	– Democracy Officer
Aftab Ahmed	– Assistant Planning Officer

68. Apologies

Apologies for absence were received from Councillors Mohammed Ishtiaq and Cosima Towneley.

69. Minutes

The Minutes of the last meeting held on 15th November 2018 were approved as a correct record and signed by the Chair.

70. List of Deposited Plans and Applications

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

71. a. APP/2018/0424 - 26 Montgomery Grove, Burnley

Full Planning Application

**Proposed rear single storey extension
26 MONTGOMERY GROVE BURNLEY**

Decision: That planning permission be granted subject to the following conditions.

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - *Drawing 0818/110 Rev A, received 04 Sept 2018*
 - *Drawing 0818/200 Rev A, received 04 Sept 2018*
 - *Drawing 0818/210 Rev A, received 04 Sept 2018*
 - *Drawing 0818/220 Rev B, received 26 Nov 2018*

Reasons

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

72. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 29th October to 25th November 2018.

73. Appeals and other decisions

Members received for information the outcome of the following appeals:

74. APP/2018/0025 - 1 The Paddock, Highfield Avenue, Burnley,

APP/2018/0025 Appeal against grant of planning permission subject to conditions for use of the site as a residential care home/nursing home (Class C2), together with retention of extension to hardstanding and landscape treatment

1 The Paddock, Highfield Avenue, Burnley

The appellant sought removal of Condition 5

The Inspector identified the following as the main issue:

the effect that removing the condition would have on the living conditions of nearby occupants, with regard to noise and disturbance.

Considerations

1. The appeal building is a former large detached dwelling house, which has been extended and used as a care home for the elderly in recent years. Planning permission granted in 1987 restricted the use to 10 residents. Then a further permission, granted on appeal, allowed a further 6 bed spaces, so that, in total, the use operated on the basis of 16 bed spaces for residents.
2. The Council had reasonable expectation that care staff would be resident or stay overnight while caring for residents. Despite the appellants view, this was not prevented by the condition.
3. The disputed condition is necessary to ensure provision of staff facilities; and, the condition is enforceable because it is clear when the plan has to be deposited.
4. A higher amount of people receiving care would be likely to translate into a higher number of staff, medical visits and ambulance movements. As neighbouring occupants live near to the site and the access, they would suffer harmful effects generated by noise and disturbance from comings and goings and general activity associated with a higher number of residents, care staff and medical related visits. The effect would be particularly acute due to the single point of access.
5. The condition satisfies the six tests set in paragraph 55 of the NPPF; and, removing the condition would result in significant harm to the living conditions of neighbouring occupants with regard to noise and disturbance, which would conflict with policy IC5. The policy requires high quality and inclusive design of social or community infrastructure.
6. The appeal was **DISMISSED** on that basis.

75. APP/2018/0127 - 1 The Paddock, Highfield Avenue, Burnley

APP/2018/0127 Appeal against refusal of planning permission for the use of the site as student accommodation.

1 The Paddock, Highfield Avenue, Burnley

The Inspector identified the following as the main issue:

the effect of the proposal on

- i. Highway Safety on Highfield Avenue, with regards to the proposed parking arrangement; and

- ii. The living conditions of neighbouring residential occupants, with regard to noise and disturbance

Inspectors decision

The Inspectors decision was that no harm was found with living conditions, the need for student accommodation was recognised, but these matters were outweighed by the harm in terms of the scheme's impact on highway safety. The appeal was dismissed on that basis.

APPEAL DECISION

The Inspector **DISMISSED** the appeal.

76. APP/2018/0263 30 Dovedale Drive, Burnley

APP/2018/0263 Appeal against refusal of planning permission for a proposed garage extension.

30 Dovedale Drive, Burnley

The Inspector identified the following as the main issue:

The effect of the proposed garage extension on the users of the adjacent footpath.

APPEAL DECISION

The proposed extension would have a harmful effect on users of the footpath, and the appeal was **DISMISSED** on that basis.