



DEVELOPMENT CONTROL COMMITTEE

**THE MEETING WAS A REMOTE MEETING HELD IN
ACCORDANCE WITH THE REGULATIONS UNDER
SECTION 78 OF THE CORONAVIRUS ACT 2020**

Thursday, 25th February, 2021 at 6.30 pm

PRESENT

MEMBERS

Councillors F Cant (Chairman), M Payne (Vice-Chair), A Anwar, G Birtwistle, S Chaudhary, P Gill, S Graham, S Hall, J Harbour, A Hosker, M Ishtiaq, M Johnstone, A Kelly, L Khan, N Mottershead and J Sumner

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
Erika Eden-Porter	– Principal Planner
Amanda Rumbelow	– Property Solicitor
Alison McEwan	– Democracy Officer
Chris Gay	– Governance Manager

91. Apologies

No apologies had been received.

92. Minutes of the previous remote meeting held on 21st January 2021

The Minutes of the previous remote meeting held on Thursday, 21st January 2021 were approved as a correct record.

93. Additional Items of Business

There were no additional Items of Business.

94. Declaration of Interest

Councillor Anne Kelly declared a prejudicial interest in agenda item 6k (planning application OUT/2020/0255 – Walshaw Mill, Talbot Street, Briercliffe) and left the meeting prior to discussion and determination of the application.

95. List of Deposited Plans and Applications

The following members of the public attended the meeting and addressed the Committee under the Right to Speak Policy:

Application reference	Location	Speaker
FUL/2020/0337	The New Black Bull, 4-6 Mill Street, Padiham	Mr Brian Sumner (for)
COU/2020/0508	88 Burnley Road, Padiham, Lancashire	Mr Steve Hartley (for)

96. FUL/2020/0492 - 40 Springwood Road, Burnley Lancashire

Town and Country Planning Act 1990 – Extension to existing multi-span poly tunnel – 40 Springwood Road, Burnley, BB10 4HR (Springwood Nursery & Garden Centre)

APPLICANT: Mr Steve Starkie

AGENT: Mr Adrian Hughes

Decision: That planning permission be granted subject to the following 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 shall be carried out in accordance with the approved plans listed on this notice below.

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

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development will be of a satisfactory appearance and to comply with Policy SP5 of Burnley's Local Plan (July 2018).

4. The poly-tunnels hereby permitted shall be used for the growing of plants, and no retail sales shall take place there from unless a further permission has been sought and granted.

Reason: To allow the Local Planning Authority to control any further expansion in the retails

sales area, in the interests of the amenity of the surrounding residential area, in accordance with Policy EMP3 of the Burnley Local Plan (July 2018).

97. FUL/2020/0337 - The New Black Bull, 4-6 Mill Street, Padiham

Cllr Alan Hosker arrived in the meeting during the debate on this item and did not take part in the vote.

Full Planning Application – Change of use of former public house to residential flats, extension and alterations – The New Black Bull, 4-6 Mill Street, Padiham

**Applicant: Hodgson Property Group
Agent: Avalon Town Planning**

Decision: That planning permission be granted subject to the following 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 following approved plans: Drawing No THOM/01 Dwg 02c (Proposed Plans and Elevations at 1:100 Scale) received 22.01.21; and Drawing No THOM/01 Dwg 04b (Proposed Site Plan at 1:200 Scale) received 20.01.21.

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

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development will be of a satisfactory appearance in accordance with Policies SP5, HE2 and HE3 of Burnley's Local Plan (July 2018).

4. All existing sash windows (13 no in total) to the Mill Street (east) elevation of the building as shown on the approved plans, shall be retained and repaired except where otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure an appropriate development that safeguards the special character of the Non Designated Heritage Asset and Conservation Area, in accordance with Policies SP5, HE2 and HE3 of Burnley's Local Plan Submission Document (July 2018).

5. The existing door to the Mill Street (east) elevation of the building as shown on the approved plans, shall be retained design except where otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure an appropriate development that safeguards the special character of the Non Designated Heritage Asset and Conservation Area, in accordance with Policies SP5, HE2 and HE3 of Burnley's Local Plan Submission Document (July 2018).

6. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained and remain available for the storage of refuse and recycling waste by all occupants of the development in perpetuity.

Reason: To ensure the provision of adequate facilities for the storage of refuse and recycling and to comply with Policy SP5 of Burnley's Local Plan (July 2018).

7. The development hereby approved shall not be occupied until the cycle storage facilities shown on the approved plans have been fully implemented and made available for use. The storage facilities shall thereafter be retained and remain available for the storage of cycles by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy IC1 and IC3 of Burnley's Local Plan (July 2018)

8. Prior to the commencement of development, an assessment of the noise likely to affect the development from external sources and internally generated noise shall be submitted to and approved in writing by the Local Planning Authority. The submitted noise assessment shall identify all noise attenuation measures which may be determined appropriate to reduce the impact of noise on adjoining properties, and internal transmission of noise between properties. The approved noise assessment and recommendations shall thereafter be carried out during the conversion of the premises and shall be completed prior to any part of the development being first brought into use or occupied. The approved noise mitigation measures shall thereafter be retained at all times.

Reason: To ensure adequate mitigation against potential noise to occupiers of the approved flats and adjoining neighbours, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The noise assessment is required to be submitted prior to the commencement of development in order to ensure that any insulation or other mitigation can be carried out at the appropriate stage in the course of the development.

9. Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed prior to the first occupation of the development and shall thereafter be retained in perpetuity and remain available at all times. Reason: To safeguard the residential amenities in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

10. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) measures to control the emission of dust and dirt during construction;
- v) details of working hours; and vii) contact details for the site manager.

Reason: To safeguard the local amenity of the site within the town centre in accordance with Policies SP5 and TC5 of Burnley's Local Plan (July 2018).

11. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between of 07:00hrs to 19:00hrs hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority. Reason: To safeguard the local amenity of the site within the town centre in accordance with Policies SP5 and TC5 of Burnley's Local Plan (July 2018)

98. FUL/2020/0411 - 7 Stockbridge Road, Padiham, Lancashire

Town and Country Planning Act 1990 – Convert the existing large 5 bedroom dwelling into 1 x 1 bedroom flat and 1 x 3 bedroom maisonette – 7 Stockbridge Road, Padiham, Lancashire, BB12 7HA

Applicant: Dr Colin Harper-Penman

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

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

4. All refuse bins shall be kept within the curtilage of the property, except on the appropriate collection day.

Reason: To minimise the impact on pedestrian movements on the adopted highway.

99. FUL/2020/0421 - Hare and Hounds Public House, Halifax Road, Briercliffe

Full Planning Application – Raising the level of the beer garden to the rear and changes to the rear elevation – Hare and Hounds Public House, 1 Halifax Road, Briercliffe

**Applicant: E M Inns (Mr Matthew Evans)
Agent: HAD & Co Property Consultants Ltd**

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 not be carried out other than to the approved drawings and the specifications as indicated thereon except where modified by the conditions of this consent. The approved drawings are Drawing No HAD3189-02 (Site Plans Scale 1:500); Drawing No HAD3189-03 (Existing and Proposed Site Plans at Scale 1:100); Drawing No. HAD3189-04 (Front and Rear Elevations at Scale 1:100); Drawing No HAD3189-05 (Todmorden Road Side Elevations at Scale 1:100); Drawing No HAD3189-06 (Car Park Side Elevations at Scale 1:100); Drawing No HAD3189-07 (Details at Scales 1:50 and 1:20) received on the 18 September 2020.

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

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development will be of a satisfactory appearance and to comply with Policies SP5, HS5 and HE2 of Burnley's Local Plan (July 2018).

4. No external lighting shall be installed unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority. Any external lighting that is installed shall accord with the details so approved.

Reason: To safeguard visual amenity and the amenities of nearby residents in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

5. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 08.00 hours and 17.00 hours on Mondays to Fridays and between 08.00 hours and 13.00 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission

is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

At this point, with the consent of the Committee, the Chair adjourned the meeting for a short break for a period of 5 minutes.

100. FUL/2020/0568 - Bay Horse Hotel, 17 Church Square, Worsthorne-with-Hurstwood
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At this point, the meeting was reconvened.

Town and Country Planning Act 1990 – Full Planning Application – Proposed new lighting and timber window box planters to the façade facing Church Square. Installation of bi-fold doors to rear, installation of stretch awning to rear, creation of new cold rooms and covered walk-way access to cold rooms and installation of replacement kitchen extraction – Bay Horse Hotel, 17 Church Square, Worsthorne-with-Hurstwood, Lancashire, BB10 3NH

Applicant: Mr Chris Allen – Star Pubs & Bars

Agent: Mr Chris Kennerk – Inventive Design Associates Ltd

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

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 shall be carried out in accordance with the approved plans listed on this notice below.

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

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.

REASON: To ensure that the development will be of a satisfactory appearance and to comply with Policy SP5 of Local Plan.

4. **(Additional condition as detailed in the update report) – Lighting general.** Any external source of lighting shall be effectively screened from the view of a driver on the adjoining public highway.

REASON: To avoid glare, dazzle or distraction to passing motorists.

5. **(Additional condition as detailed in the update report)** – Construction deliveries outside peak traffic. Deliveries to the approved development shall only be accepted between the hours of (9.30am) and (2.30pm) Monday-Friday, to avoid peak traffic on the surrounding highway network.

REASON: In the interest of highway safety.

101. COU/2020/0508 - 88 Burnley Road, Padiham, Lancashire
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Town and County Planning Act 1990 – Full Planning Application – Change of use of ground floor commercial unit (Use Class E) to Hot Food Takeaway (Use Class Sui Generis) – 88 Burnley Road, Padiham, Lancashire, BB12 8QN

Applicant: Mr Norman Nazir

Agent: Mr Shams-Ul Alam

In accordance with council procedure rule 16.4, Councillor Alan Hosker requested a named vote in relation to this application. The request was rejected as less than one quarter of Members of the Committee voted in support of the request.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

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 shall be carried out in accordance with the approved plans listed on this notice below.

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

3. The extraction equipment as proposed shown on 'Drawing Number – Job Number: (88BURN) – Classification (20) – Area: PL – Number 03' shall be installed prior to commencement of the hereby approved use, maintained to minimise noise and odour emissions and retained for the duration of the approved use.

REASON: To prevent loss of amenity to nearby residential premises arising from cooking odours and / or extraction system noise in accordance with Policy SP5 of the Local Plan.

4. The proposed widening of the doorway to the lower ground level of the rear existing outrigger and the provision of the proposed refuse and recycling storage hereby approved shall be implemented prior to the commencement of the use as shown on: • Drawing Number – Job Number: (88BURN) – Classification (20) – Area: PL – Number 03

REASON: To ensure an acceptable standard of residential amenity in accordance with Policies TC7 and SP5 of the Local Plan.

5. The approved use shall be restricted to the following times: • 11am to 11pm Monday to Thursday and Sundays; and • 11am to 12am (Midnight) Friday to Saturday and Bank Holidays

REASON: To safeguard the amenities of the adjoining premises and the area generally; in accordance with Policy SP5 of the Local Plan.

6. 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 Hot Food Takeaway (Use Class Sui Generis) 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 and TC7 of the Local Plan.

At this point, Councillor Anne Kelly left the meeting.

102. OUT/2020/0255 - Walshaw Mill, Talbot Street, Briercliffe
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Town and Country Planning Act 1990 – Demolition of existing mill and redevelopment for residential purposes including details of access (all other matters reserved) – Walshaw Mill Talbot Street, Briercliffe, Lancashire, BB10 2HW

Applicant: Mr M Payne, Walshaw Mill Ltd
Agent: Steven Hartley, HPDA

The Committee was advised that the application had been brought before the Development Control Committee as a member referral under the scheme of delegation.

Decision: That planning permission be refused for the following reasons:

1. The proposal would result in a degree of harm to the significance of the Harle Syke Conservation Area that is considered to be at the higher end of the spectrum of 'less than substantial'. In such circumstances the relevant statutory duty requires that considerable importance and weight must be given to the harm arising. It has not been demonstrated that the level of harm arising is necessary to achieve the asserted public benefits and neither are the benefits considered to be collectively sufficient to outweigh the less than substantial harm that would be caused to the conservation area, when having regard to the statutory (and therefore strong) presumption against the grant of planning permission. Approval of the application would therefore be contrary Local Plan Policies HE1 and HE2, the NPPF and the relevant statutory duty.

2. The loss of the site for employment use would be unwarranted due to a lack of appropriate marketing assessment, or other substantive evidence, which demonstrates that there is no reasonable prospect of the continued use of the site for employment use. Accordingly, the proposal conflicts with Policy EMP3.

103. FULR3/2020/0588 - Back Street Rear Of 53-65 Coal Clough Lane, Burnley

At this point, Councillor Anne Kelly returned to the meeting.

Regulation 3 Application – Installation of alley gates – 2 sets of alley gates at each of above street – Back Street Rear Of 53-65 Coal Clough Lane, Burnley

Applicant: Burnley Borough Council

Decision: That planning permission be granted subject to the following 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 shall be carried out in accordance with the submitted drawing.

REASON: In order to ensure continued compliance with the Burnley Local Plan.

104. FULR3/2020/0591 - Back Street Rear of 19-45 Ford Street, 20-40 Heap Street, Burnley

Regulation 3 Application – Installation of alley gates – Erection of 2 sets of alley gates to restrict access to members of the public – Back Street Rear Of 19-45 Ford Street, 20-40 Heap Street, Burnley

Applicant: Burnley Borough Council

Decision: That planning permission be granted subject to the following 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 shall be carried out in accordance with the submitted drawing.

REASON: In order to ensure continued compliance with the Burnley Local Plan.

105. FULR3/2020/0592 - Back Street Rear of 2-36 Wynotham Street 1-31 Towneley Street, Burnley

Regulation 3 Application – Installation of alley gates – Erection of 2 sets of alley gates to restrict access to members of the public – Back Street Rear of 2-36 Wynotham Street, 1-31 Towneley Street, Burnley

Applicant: Burnley Borough Council

Decision: That planning permission be granted subject to the following 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 shall be carried out in accordance with the submitted drawing.

REASON: In order to ensure continued compliance with the Burnley Local Plan.

106. FULR3/2020/0589 - Back Street Rear Of 79-91 Rosegrove Lane, Burnley

Regulation 3 Application – Installation of alley gates – Erection of 2 sets of alley gates to restrict access to members of the public – Rear of 79-91 Rosegrove Lane, Burnley

Applicant: Burnley Borough Council

Decision: That planning permission be granted subject to the following 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 shall be carried out in accordance with the submitted drawing.

REASON: In order to ensure continued compliance with the Burnley Local Plan.

107. FULR3/2020/0593 - Back Street Rear of 154-196 Russell Terrace, 39-51 Shakespeare Street, Burnley

Regulation 3 Application – Installation of alley gates – Erection of 4 set of alley gates to reduce crime – Back Street Rear of 154-196 Russell Terrace, 39-51 Shakespeare Street, Padiham

Applicant: Burnley Borough Council

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

1. The development must begin 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 shall be carried out in accordance with the submitted drawing.

REASON: In order to ensure continued compliance with the Burnley Local Plan.

108. FULR3/2020/0590 - Back Street Rear of 2-24 Norman Street, 1-25 Dane Street, Burnley

Regulation 3 Application – Installation of alley gates – Erection of 2 sets of alley gates to restrict access to members of the public – Back Street Rear of 2-24 Norman Street, 1-25 Dane Street, Burnley

Applicant: Burnley Borough Council

Decision: The planning permission be granted subject to the following 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 shall be carried out in accordance with the submitted drawing.

REASON: In order to ensure continued compliance with the Burley Local Plan.

109. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 12th January 2021 to 12th February 2021.