



# DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 7th April, 2022 at 6.30 pm

## PRESENT

## MEMBERS

Councillors S Chaudhary (Chair), G Birtwistle, F Cant, P Chamberlain, S Cunliffe, S Graham, S Hall, J Harbour, J Inckle, K Ingham and A Royle

## OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
Janet Filbin	– Principal Planner
Catherine Waudby	– Head of Legal and Democratic Services
Alison McEwan	– Democracy Officer
Carol Eddleston	– Democracy Officer

### 85. Apologies

Apologies for absence were received from Cllrs Kelly, Ishtiaq & Hosker.

### 86. Minutes

The Minutes of the last meeting were approved as a correct record and signed by the Chair.

### 87. 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:

SIMON GOFF	FUL/2021/0676  St Andrews Recreation Ground (Rakehead Rec) Land Adjacent to Burnley General Hospital
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STUART HOYLE	FUL/2021/0273  Land South Of Rossendale Road Burnley
MARTYN BELL	FUL/2021/0273  Land South Of Rossendale Road Burnley
RICHARD PURSER	FUL/2021/0273  Land South Of Rossendale Road Burnley

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

#### **88. HOU/2022/0012 - 11 Mansergh Street, Burnley**

Town and Country Planning Act 1990  
Proposed single storey extensions to the side and rear 11 Mansergh Street Burnley  
Lancashire BB10 1TR

#### **Decision**

That the application be approved 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: Proposed Floor Plans and Elevations: Dwg no 21/103/8A amended plan received 07 March 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.

<b>89. FUL/2021/0676 - St Andrews Recreation Ground (Rakehead Rec) Land Adjacent To Burnley General Hospital</b>
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Town and Country Planning Act 1990

Temporary use of recreation land for car park St Andrews Recreation Ground (Rakehead Rec) Land Adjacent To Burnley General Hospital Casterton Avenue

### **Decision**

To approve the application subject to the following conditions.

### **Conditions and Reasons for Conditions**

1. The use of the car park shall cease no later than the 1st July 2024.

Reason: This is a temporary consent only. A longer term or permanent use of the land as car park would be harmful to the availability of open space in the local area and would be contrary to Policy NE2 of Burnley's Local Plan (July 2018).

2. Within six months from the date of this permission, a scheme for the restoration (to also include what will be removed from the) and improvement of the site and the open space shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the details are satisfactory to ensure that the standard of the open space is maintained and improved to provide longer term benefits to users of the open space, in accordance with Policy NE2 of Burnley's Local Plan (July 2018).

3. By no later than 1 st September 2024, the approved scheme of restoration and improvement works (required by Condition 2) shall be carried out, completed and the site made available for use as public open space.

Reason: To ensure that the necessary works take place and the protected open space is restored for public use, in accordance with Policy NE2 of Burnley's Local Plan (July 2018).

4. Prior to the temporary use of the land being commenced, details of how onstreet parking within the hospital grounds will be controlled to permit traffic to flow in and out of the car park, shall be implemented in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that access is not impeded, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

5. The Green Travel Plan 2021-24 submitted with this application shall be adhered to throughout the temporary period of this consent.

Reason: To encourage sustainable travel patterns, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

6. Prior to any site clearance or development taking place, measures to protect the perimeter trees and hedges as identified on the submitted Arboricultural Layout and Protection Plan (drawing number ARB/4549/Y/100) shall be carried and retained for the full duration of the construction works.

Reason: To protect trees and hedges whilst construction takes place, in the interests of the visual amenities and biodiversity of the site and surroundings, in accordance with Policies NE1 and NE4 of Burnley's Local Plan (July 2018).

## **90. FUL/2021/0273 - Land South Of Rossendale Road Burnley**

Town and Country Planning Act 1990

Proposed residential development of 87 houses with new access from Rossendale Road and associated estate roads, open space and infrastructure. Proposal affects Public Footpath No. 8 (Habergham Eaves). Land South of Rossendale Road Burnley

A motion to delegate approval to the Head of Housing & Development Control subject to agreement of a S106 agreement and conditions was moved and seconded. On being put to the vote the motion was declared to be lost.

It was moved, seconded and duly **RESOLVED** to adjourn the meeting for 10 minutes to allow some Members to consider whether there were material planning reasons to refuse the application.

The Head of Legal & Democratic Services 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 judgment of 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 fail to, or cannot do so, then costs may be awarded against it.

To re-iterate, 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.'

A motion to refuse the application for the following reasons was moved and seconded.

**Local Plan Policy SP5 – Development Quality and Sustainability.** Although the properties were of a higher standard than required with regard to energy efficiency there was no evidence of consideration of alternative methods of fuelling the properties.

**Local Plan Policy IC1 – Sustainable Travel.**

Safety of access and egress from the site is a concern especially relating to those higher in the hierarchy of users – pedestrians and cyclists. Distance residents would need to travel to access public transport was also concern. The relocation of the current bus stop was irrelevant due to lack of public transport on the road. Methods of mitigation suggested by Lancashire County Council were not felt to be sufficient.

**Local Plan Policy NE1 – Biodiversity**

Although the mitigation proposes no net loss of biodiversity there will be a loss onsite.

**Local Plan Policy IC5 – Protection & Provision of Social & Community Infrastructure**

Inadequate provision of school places and difficulty accessing GP services.

The Planning Officer provided detailed advice to Members about the need to evidence each of the reasons for refusal they had provided.

As the motion was contrary to Officer recommendation and advice a named vote was taken as follows:

<b>Motion to refuse the application contrary to recommendation (Motion)</b>	
Councillor Saeed Chaudhary	Against
Councillor Gordon Birtwistle	For
Councillor Frank Cant	Against
Councillor Phil Chamberlain	For
Councillor Scott Cunliffe	For
Councillor Sue Graham	Against
Councillor Sarah Hall	Abstain
Councillor John Harbour	Against
Councillor Jacqueline Inckle	For
Councillor Karen Ingham	Abstain
Councillor Ann Royle	Abstain
Paul Gatrell	No vote recorded
Alec Hickey	No vote recorded
Janet Filbin	No vote recorded
Catherine Waudby	No vote recorded
Alison McEwan	No vote recorded
Carol Eddleston	No vote recorded
Councillor Saeed Chaudhary	Against (Casting Vote)
<b>Rejected</b>	

A motion to defer the application in order to seek further clarification from the highways authority regarding highways issues was moved and seconded.

On being put to the vote it was duly **RESOLVED**.

### **Decision**

To defer the application and seek further clarification from the highways authority regarding highways issues.

## **91. FUL/2021/0755 - Land On Corner Of Harold Avenue And Valley Street Harold Avenue Burnley**

Town and Country Planning Act 1990

Change of use from amenity grass to a formal children's play area. The proposal affects and involves the diversion of Public Footpath No. 81

Land On Corner Of Harold Avenue And Valley Street Harold Avenue Burnley Lancashire

### **Decision**

That the application be approved with 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. 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.

## **92. Decisions taken under the Scheme of Delegation**

Members received for information a list of decision taken under delegation.

## **93. Appeal Decisions**

Members received for information details of a recent appeal decision.