

DEVELOPMENT CONTROL COMMITTEE

Thursday, 14th December, 2017
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 14th December, 2017 at 6.30
pm

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of the Chief Executive's Office by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall or the Contact Centre, Parker Lane, Burnley. Forms are also available on the Council's website www.burnley.gov.uk/meetings.

A G E N D A

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 18

To approve as a correct record the Minutes of the previous meeting.

3. Additional Items of Business

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

4. Declaration of Interest

To receive any declarations of interest from Members relating to any item on the agenda in accordance with the provision of the Code of Conduct and/or indicate if S106 of the Local Government Finance Act applies to them.

5. Exclusion of the Public

To determine during which items, if any, the public are to be excluded from the meeting.

6. List of Deposited Plans and Applications

19 - 20

To consider reports on planning applications for development permission:

a) a. APP/2017/0496 - Giant Leap Nursery, Coal Clough House,
Coal Clough Lane, Burnley 21 - 28

b) b APP/2017/0561 -Town Hall, Manchester Road, Burnley 29 - 34

7. Decisions taken under the Scheme of Delegation

35 - 40

To receive for information a list of delegated decisions taken since the last meeting.

MEMBERSHIP OF COMMITTEE

Councillor Frank Cant (Chair)
Councillor Arif Khan (Vice-Chair)
Councillor Gordon Birtwistle
Councillor Margaret Brindle
Councillor Trish Ellis
Councillor Danny Fleming
Councillor Sue Graham
Councillor John Harbour

Councillor Marcus Johnstone
Councillor Lubna Khan
Councillor Neil Mottershead
Councillor Andrew Newhouse
Councillor Tom Porter
Councillor Asif Raja
Councillor Andrew Tatchell
Councillor Cosima Towneley

PUBLISHED

Wednesday, 6 December 2017

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 16th November, 2017 at 6.30 pm

PRESENT

MEMBERS

Councillors F Cant (Chair), A Khan (Vice-Chair), C Briggs, M Brindle, T Ellis, S Graham, J Harbour, M Johnstone, L Khan, N Mottershead, M Payne, T Porter, A Raja, A Tatchell and C Towneley

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Graeme Thorpe	– Planning Team Manager
Aftab Ahmed	– Assistant Planner
Amanda Rumbelow	– Property Solicitor
Alison McEwan	– Democracy Officer

48. Apologies

Apologies for absence were received from Councillor Fleming.

49. Minutes

The Minutes of the last meeting held on 19th October 2017 were approved as a correct record and signed by the Chair.

50. Declarations of Interest

Councillor Trish Ellis declared a pecuniary interest in item APP.2017/0294, 3 Hill Crest Avenue, Burnley. She left the room during consideration of this item and took no part in the debate or vote on the matter.

51. List of Deposited Plans and Applications

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

Mr Andrew Porter	APP/2017/0397 Land at Brownside Road, Padiham
Mr Phill Ashley	APP/2017/0397 Land at Brownside Road, Padiham
Ms Claire Bradley	APP/2017/0397 Land at Brownside Road, Padiham
Cllr Tony Martin	APP/2017/0450 318 Padiham Road, Burnley
Mr Joe Redmond	APP/2017/0478 383 Padiham Road, Burnley

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

52. APP/2017/0397 - Land at Brownside Road, Worsthorne

Outline Planning Application Outline application for residential development for up to 18 dwellings including details of access (all other matters reserved for future approval)

LAND AT BROWNSIDE ROAD BURNLEY

Decision: That planning permission be delegated to the Head of Housing and Development Control to approve subject to a section 106 Agreement to provide for contributions to affordable housing, education, open space improvements, sustainable travel and the following conditions:

Conditions:

1. Details of the layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this Page 33 permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Loc1 and Highwayaccess1, received on 9 August 2017.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
6. The landscaping scheme to be submitted with the Reserved Matters submission shall include a tree retentions and removal plan and provide for new tree planting along the site's frontage with Brownside Road and along the site's western boundary.
7. No development shall be commenced until a scheme for the means of protecting trees and hedges which are to be retained within and immediately adjacent to the site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.
8. No removal of or works to any trees, shrubs or grassland shall take place between 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority prior to any works taking place.
9. Prior to the commencement of development (including groundworks, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese knotweed present on site. The measures shall be carried out strictly in accordance with the approved scheme and shall be completed prior to any dwelling on the site being first occupied.
10. No development shall be commenced or any removal of bat boxes installed on the site take place until the boxes have been inspected by a suitably qualified person for the possible presence of bats. If bats are found to be present a Page 34 method statement giving details of measures to be taken to avoid any possible harm to bats shall be prepared, submitted to and approved in writing by the Local Planning Authority prior to any development being commenced. Once approved this method statement shall be implemented in full. Whether any bats are present or not, bat

boxes shall be re-instated on the site post-construction prior to any dwelling being first occupied.

11. A programme of works shall be submitted to and approved in writing by the Local Planning Authority prior to development being commenced, detailing the following: a) The specific processes/activities which will be carried on during the construction phase(s) b) The proposed timescales for the processes/activities in a) c) The proposed noise mitigation measures for the processes/activities in a). The development shall thereafter only be carried out in accordance with the approved details.
12. No development shall take place, including any works of demolition, 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. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.
13. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
14. No dwelling shall be first occupied until it has been provided with an electric car charging point which uses a three-pin 13-amp electrical socket in a suitable position to enable the recharging of an electric vehicle using a 3m length cable.
15. No development shall be commenced until details of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including details of water quality controls and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the first occupation of any dwelling, and the approved drainage scheme shall thereafter be retained at all times.
16. No dwelling hereby approved shall be occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 15 which shall cover the lifetime of the development, has been submitted to and Page 35 approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved details.
17. No development shall be commenced until a scheme for the disposal of foul water on a separate system to that of surface water has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.

18. Vehicular access to the development shall be from Brownside Road only in accordance with details as indicated on the approved plans and no part of the development hereby approved shall be commenced until a scheme for the construction of the site access and off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The off-site works of highway improvement shall provide for a scheme to facilitate the making of a Traffic Regulation Order to restrict parking for a distance of 25m from the centre line of the new estate on the north west side of Brownside Road and the provision of a 2.0m wide footway to the site's frontage to Brownside Road. The site access and off-site works shall thereafter be constructed, carried out and completed in accordance with the approved scheme prior to any dwelling being first occupied.
19. The Reserved Matters application relating to the layout of the development shall provide for a pedestrian and cycle access from the site to provide convenient access to the nearby recreation ground off Lennox Street. Details of the pedestrian/cycle access shall be submitted to and approved in writing prior to the commencement of development and the development shall thereafter be carried out in accordance with the approved details and be completed and made available for use prior to any dwelling being first occupied. The approved pedestrian/cycle access shall thereafter be retained and available for use at all times.
20. The Reserved Matters application relating to the layout of the development shall provide for the details and design of the new estate road, including traffic calming measures to control traffic speeds to a limit of 20mph. The approved estate road shall thereafter be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
21. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to facilitate the restriction of parking on both sides of the new estate road for a distance of 20m from the centreline of the new estate junction with Brownside Road. The approved scheme shall be carried out and completed prior to any dwelling being first occupied unless a variation to the timescale for its completion is otherwise previously agreed in writing by the Local Planning Authority.
22. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
23. No dwelling shall be first occupied until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
24. The Reserved Matters application relating to the layout of the development shall provide for covered and secure cycle storage within either a garage or shed for each dwelling. The approved cycle storage provision shall thereafter be provided and

available for use prior to each dwelling being first occupied and shall be retained at all times thereafter.

25. Prior to the commencement of development, a ground investigation report shall be submitted to and first approved in writing by the Local Planning Authority in accordance with the recommendations of the Combined Phase 1 Land Quality Assessment & Coal Mining Risk Assessment submitted with this application (prepared by PSA Design Limited, reference G2446-GR-01, dated 14 March 2017). Any recommendations contained within the approved report shall be implemented in full during the course of the development and shall be completed prior to the first occupation of any dwelling. In the event that the approved report makes recommendations for future monitoring then this should also be adhered to in accordance with the details of the recommendations and any results of such monitoring shall be submitted to the Local Planning Authority.
26. The Reserved Matters submission shall include details of all boundary treatment to be carried out on all the perimeter boundaries of the site and details of any boundary enclosures to be erected or grown within the site. The approved details of boundary treatment shall thereafter be carried out and completed prior to any dwelling being first occupied.
27. The Reserved Matters application shall be accompanied by a Design Statement to demonstrate how the layout, appearance, landscaping and scale of the development has taken into account the character and appearance of the village from its approach views and on the setting of the Worsthorne Conservation Area.

Reasons

1. The permission is an outline planning permission.
2. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
4. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
5. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policy GP3 and H3 of the Burnley Local Plan, Second Review (2006).
6. To ensure adequate compensation for the removal of trees required for a footpath construction on the site's frontage and to ensure an appropriate rural edge to mitigate the visual impact of the proposal, having regard to the character of the village and the Worsthorne Conservation Area, in accordance with Policies H3, GP3 and E12 of the Burnley Local Plan, Second Review (2006).

7. To ensure the protection of trees and hedges which contribute to the character of the local area and its surroundings, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
8. All nesting birds, their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).
9. The spread of Japanese knotweed in the wild is prohibited under the terms of the Wildlife and Countryside Act 1981 (as amended).
10. To compensate for possible lost bat roosting potential, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006). All UK bats are specially protected in UK and European legislation. The details are required prior to the commencement of development to ensure that provision can be made for the implementation of measures at the appropriate stage of the development process.
11. To identify and reduce the potential for nuisance to the occupiers of nearby buildings and dwellings during construction, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006).
12. In order to avoid nuisance to the occupiers of adjacent properties, in accordance with Policies GP7 and H3 of the Burnley Local Plan, Second Review (2006).
13. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
14. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013- 2031.
15. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.
16. To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006).
17. To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy GP7 of the Burnley Local Plan, Second Page 38 Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.
18. To ensure adequate access and visibility for drivers, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of the development.

19. To ensure the site is accessible to its surroundings and adequately connected to village amenities, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the works required to implement the approved pedestrian/cycle access can be carried out at the appropriate stage of the development.
20. No such details have been provided with the application and are necessary to ensure an appropriate access and layout of the site and to ensure satisfactory access to the site before the development becomes operative, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
21. To prevent car parking close to the estate junction to avoid congestion and maintain visibility for drivers and pedestrians, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of the development.
22. To prevent stones and mud being carried onto the public highway to the detriment of road safety, in the interests of highway safety, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
23. To ensure adequate parking facilities for each dwelling, in the interests of highway safety and amenity, in accordance with Policies H3 and TM15 of the Burnley Local Plan, Second Review (2006).
24. To encourage sustainable travel modes, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
25. To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health. It is necessary for the ground investigation report to be submitted and approved prior to the commencement of development in order to ensure that any remediation measures that may be necessary can be carried out at the appropriate stage in the development process.
26. To ensure a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
27. To assist in achieving an appropriate and high quality design that respects the distinctive character and appearance of Worsthorne village and the Worsthorne Conservation Area, in accordance with Policies GP3., H3 and E12 of the Burnley Local Plan, Second Review (2006).

53. APP/2017/0450 - 318 Padiham Road, Burnley

Full Planning Application

Variation of condition 6 (relating to operating hours of 9.30am to 7pm on any day) of planning permission APP/2016/0007 to change the operating hours to 11.00am to 9pm Sunday to Thursday and Bank holidays and 11.00am to 9.30pm on Friday and Saturday

318 PADIHAM ROAD, BURNLEY

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

The Councillors who voted for approval were as follows

M Brindle, Ellis, Graham, Harbour, Johnstone, A Khan, L Khan, Payne, Raja, Tatchell, Towneley

Conditions:

The hot food take-away shall not operate outside the hours of 11am to 9pm Sunday to Thursday and Bank Holidays and outside 11am and 9.30pm on Friday and Saturday.

Reasons:

To protect the amenities of nearby residents, in accordance with policies CF13, GP1 and H12 of the Burnley Local Plan Second Review and policy TC7 of the emerging Local Plan.

54. APP/2017/0478 - 383 Padiham Road, Burnley
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Full Planning Application

Proposed change of use from residential dwelling (Use Class C3) to supported housing scheme (Use Class C2)

383 PADIHAM ROAD 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 shall be carried out in accordance with the application drawings, namely: 1:1250 location plan, plan drawings 3565 sk01 (Existing Floor Plans); 3565 sk02 (Proposed Floor Plans), received 26 September 2017.
3. The premises shall be used for supported housing (as described in Section 4, paragraphs 4.1 to 4.5, of the submitted Planning Statement) and for no other purpose including any purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification, and otherwise the building shall revert to use as a single dwelling house.

4. For service users at the start and end of a period of occupancy at the proposed premises only, there shall be no arriving or departing between the hours of 2200hrs and 0800hrs.

5. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank 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.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. To ensure that the development remains in accordance with the development plan.

3. To enable the local planning authority to consider any future change having regard to policy H12 of the Burnley Local Plan, Second Review and any other material considerations.

4. To protect the amenities of nearby residents in accordance with policies H3, H12 and H13 of the Burnley Local Plan, Second Review.

5. To protect the amenities of nearby residents, during the construction period, in accordance with policies H3, H12 and H13 of the Burnley Local Plan, Second Review

55. APP/2017/0426 - 261 Rossendale Road, Burnley

Full Planning Application

Proposed erection of 1 detached dwelling (resubmission of APP/2016/0436)

261 ROSSENDALE ROAD, HABERGHAM EAVES

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: 005-4, 005-03, 005-02, 005-01 received 30th August 2017.

3. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

4. Prior to work commencing on site a construction management plan is produced for approval. This should highlight how deliveries during construction will be managed and where workers on the site will park during construction.

5. During the construction and prior to the occupation of the new dwelling the site access off Rossendale Road including Olde Back Lane and the unnamed access track shall be maintained to a serviceable standard for vehicle access.

6. Precise details of the forticrete-stone for the dwelling shall be submitted to and approved in writing by the Local Planning Authority before their use in construction work.

7. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank 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.

Plus additional condition re mining

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.

3. Vehicles reversing to and from the highway are a hazard to other road users.

4. To minimise the impact of construction on existing residents in the vicinity of the site.

5. To ensure that any damage caused by the construction work is promptly corrected.

6. To ensure that the materials to be used in the development harmonise with the surrounding area having regard to Policy H3 of the Burnley Local Plan Second Review.

7. To protect the amenities of nearby residents, in accordance with policy GP1 of the Burnley Local Plan, Second Review

56. App/2017/0441 - Rear of 10 Victoria Road, Padiham
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Full Planning Application

Retention of 2 sheds in connection with continued use as storage/builders yard REAR OF 10 VICTORIA ROAD PADIHAM

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

Conditions:

1. The development shall be carried out in accordance with the application drawings, namely: Location Plan; Site Layout Plan; Floor Plans (Squared Paper); 2 Site Dimensions Plans (Squared Paper), received 11 September 2017; 10 images ('photographs') of the site and buildings received 4 September 2017.

2. Permission is granted for retention of the buildings for their use as described in the application, namely in connection with the continued use as a storage/builders yard, and for no other purpose, including any form of residential use.

3. No external lighting shall be installed on the site 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 prior to installation thereof. No external lighting shall be illuminated on site otherwise than in accordance with the details so approved.

Reasons:

1. To ensure that the development remains in accordance with the development plan.

2. In order to properly define the use, for the avoidance of doubt, in the interests of the amenities of neighbouring residents in accordance with Policy EW4 of the Burnley Local Plan, Second Review, currently saved, and under provision of section 75 (2) of the Town and Country Planning Act 1990.

3. To protect the character and appearance of the area and the residential amenities of nearby occupiers.

57. APP/2017/0432 - Fulledge Conservative Club, Plumbe Street, Burnley

Full Planning Application

Change of use of premises from A4 use (Drinking Establishment) to A3 use (Restaurant).

FULLEDGE CONSERVATIVE CLUB, PLUMBE STREET, BURNLEY

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

Conditions:

1. The use hereby approved shall not operate outside the hours of 1700hrs and 2300hrs Monday to Sunday.

2. Within three months of the date of this decision, details of the methods of odour suppression implemented within the kitchen must be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of all proposed cooking processes, a plan of the proposed ventilation system and odour abatement measures including the location and details of the filters and fans and the manufacturer's recommendations concerning frequency and type of maintenance. The approved equipment shall have been installed in accordance with the approved details and shall thereafter be operated at all times when cooking is taking place and maintained in accordance with the manufacturer's instructions.

Reasons:

1. To protect the amenities of nearby residents, in accordance with Policy CF13 of the Burnley Local Plan, Second Review.
2. In order to avoid odour nuisance to the occupiers of adjacent properties.

58. APP/2017/0294 - 3 Hill Crest Avenue, Burnley

Full Planning Application

**Extensions to the rear and gable elevation of bungalow and internal alterations.
3 HILL CREST AVENUE, CLIVIGER**

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 plans: DBA/LE/03, 04, 05 received 13 June 2017 and Amended Plan DBA/LE/02 received 17 October 2017.

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

59. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 25th September to 29th October 2017.

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

14th December 2017

Housing and Development

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Housing & Development
9 Parker Lane

Ref.

APP/2017/0496

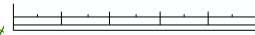
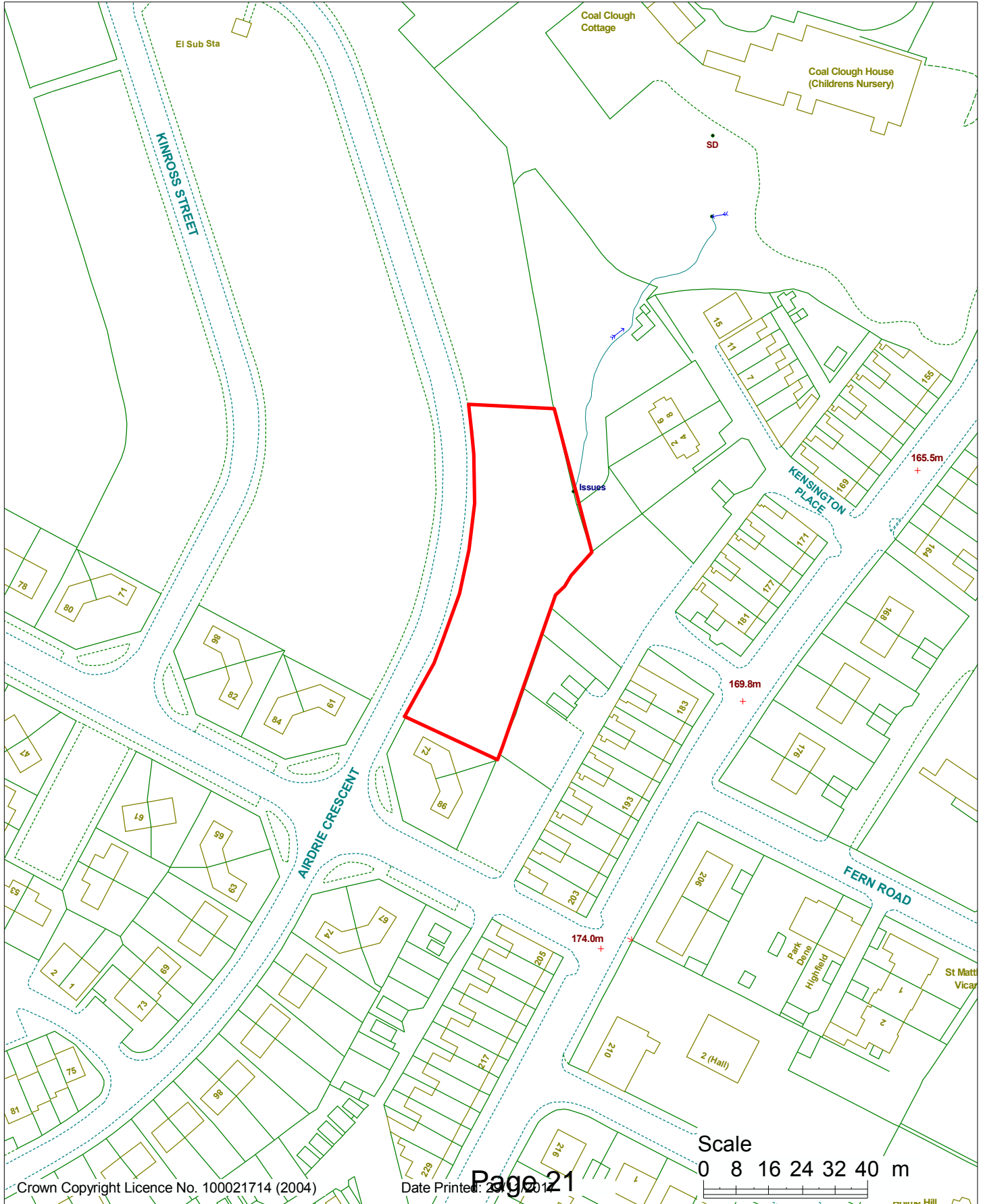
Paul Gatrell Head of Housing and Development

Location:



Giant Leap Nursery, Coal Clough Lane, Burnley

1:1250



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Full Planning Application

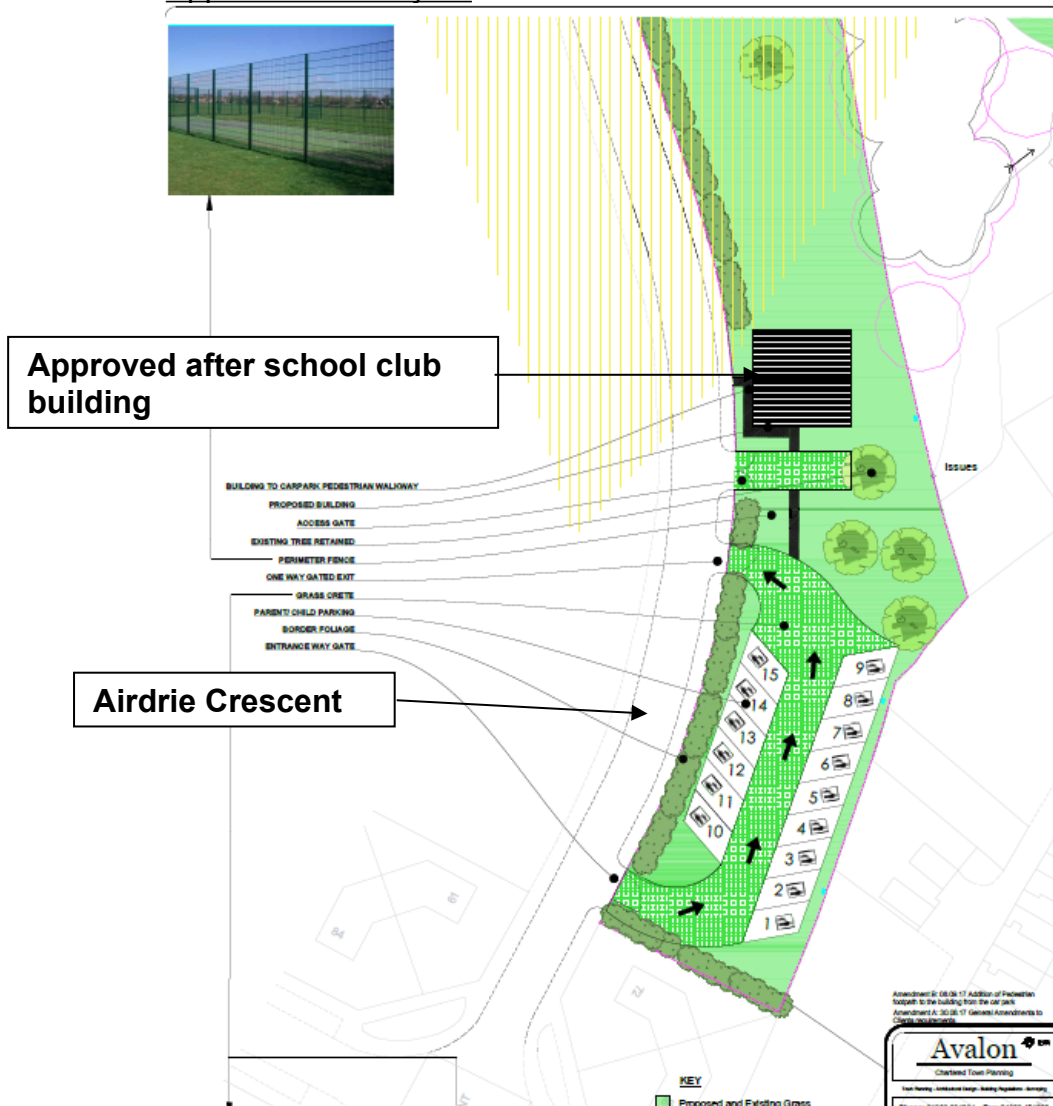
Variation of condition 4 of planning permission APP/2017/0373 to increase opening hours on Sundays/Bank Holidays

GIANT LEAP NURSERY COAL CLOUGH HOUSE COAL CLOUGH LANE BURNLEY

Background:

The proposal relates to a recent planning permission (APP/2017/0373) for an after school club building, car park and new access on land at Airdrie Crescent which is to be operated in association with the Giant Leap Nursery which adjoins it on its eastern side. An earlier planning permission (APP/2017/0237) permits the use of this site as part of a longer stretch of open grassed space to be used as an extended curtilage to the main nursery. The latter of these permissions for an after school club building and new car park is subject to a restriction on opening hours which reflect the hours that were put forward by the applicant at the time. Condition 4 allows the after school club building to open 7am to 7pm Monday to Saturday and not at all on Sundays/Bank Holidays.

Approved Site Layout



The applicant states that their intention was to be able to use the after school club building at the same time when the main nursery buildings are in use, which includes weekends when the nursery is used for children's parties (the permitted hours for the main nursery are 7am to 7pm on any day).

The current proposal was initially to vary the opening hours on Sundays and Bank Holidays to 7am to 7pm but the applicant affirms that they would be satisfied with hours between 9am and 6pm on these days.

The approved after school club building is single storey and would measure approximately 12.0m x 12.0m with a pitched roof to a height of approximately 3.4m. The building would be clad in timber and have a grey insulated panel roof. The west elevation indicated below would face Airdrie Crescent.

Approved building



New vehicular access with an in and out arrangement would be formed on Airdrie Crescent and a grasscrete surfaced car park with 15 no. parent and child parking spaces.

The site is bound on its eastern side by woodland trees. The nearest properties to the site are at 61 and 72 Airdrie Crescent which are immediately to the south side of the site.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the urban boundary

GP3 – Design and quality

H12 – Non-residential uses in residential areas

TM15 – Car parking standards

Burnley's Local Plan – Submission Document, July 2017

SP5 – Development quality and sustainability

NE2 – Protected open space

The National Planning Policy Framework

Site History:

APP/2017/0237 - Change of use of land to form extended nursery curtilage and erection of security fencing, erection of unit for toilets, kitchen and garden machinery storage. Approved June 2017.

APP/2017/0373 - Proposed erection of after school club building, car parking and access. Approved September 2017.

Consultation Responses:

Environmental Health

No objections based on opening times of 9am to 6pm on Sundays/Bank Holidays.

Publicity

One letter received from neighbour on Coal Clough Lane which states that they had no objection to the previous application but object to the current application for the proposed increase of opening hours for the following reasons:-

- The nursery is within a highly residential area
- It would create noise and nuisance at weekends
- It would create additional traffic when people should be able to relax at weekends

Planning and Environmental Considerations:

Impact on residential amenities

Policy GP1 requires proposals to have regard to impacts on residential amenity. There are houses close to the site at its south end. The scale of the use of the land for car parking would have minimal impact on neighbours and any activity associated with the use of the after school club building will be a minimum of 65m from the nearest dwelling. The applicant has agreed that hours of use between 9am and 6pm would be sufficient for the requirements of the nursery. These hours would also avoid higher levels of activity and potential noise in the early morning or evening periods when residents can expect the area to be quieter. Impacts are likely to be confined to the nearest properties and would be satisfactorily safeguarded by a variation to the condition as agreed with the applicant.

Summary

The applicant agrees to a variation to the hours of use of the approved nursery building on Sundays and Bank Holidays between 9am and 6pm which is considered to be reasonable and would safeguard neighbouring properties from any increased levels of activity and noise at the most sensitive parts of these days.

Recommendation: Approve with conditions

Conditions

1. The development must be begun by no later than 25 September 2020.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: SCH/09-Dwg 03, received on 1 August 2017; SCH/09 Dwg 01Rev A, received on 31 August 2017; and, SCH/09 Dwg 02BRevB and SCH/09 Dwg 04, received on 8 September 2017 for APP/2017/0373.
3. The approved building and use of the site shall be used as an after school club facility and play area in association with and ancillary to the use of the adjacent children's day nursery known as Giant Leap Nursery only, and shall not at any time be used as an independent play area or for any other use.
4. The approved building and site shall not be open for use apart from between 07:00 and 19:00 hours Monday to Saturday inclusive and between 09:00 and 18:00 hours on Sundays and Bank Holidays.
5. The external materials of construction to be used on the walls and roof of the development shall be as described on the approved plans unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority. Representative samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to construction work on the approved building being commenced.
6. The approved development shall not be first open for business until two electric charging points with a three-pin 13-amp electrical socket have been installed and are available for use at the site. The electric charging points shall thereafter be retained and remain available for use at all times whilst the premises are open for business.
7. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
8. The approved car park shall be constructed, surfaced and marked out, as indicated on the approved plans only, unless any variation to this is otherwise previously approved in writing by the Local Planning Authority; and, shall be available for use prior to the approved after school club building being first brought into use. The approved car park shall thereafter be retained at all times.
9. The approved car park shall not be constructed other than with a dedicated entrance and exit and a one-way system for the movement of vehicles with associated signage in accordance with the details as indicated on the approved plans. These approved arrangements and signage shall thereafter be retained at all times.
10. Prior to the commencement of development, a scheme of off-site works for the provision and installation of up to six lighting columns on Airdrie Crescent close to the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out and completed prior to either the approved car park or the approved after school club building being first brought into use.

11. No external lighting shall be erected or installed on the site other than that where the details of the type, style, height and intensity of lighting have been previously submitted to and approved in writing by the Local Planning Authority. Any lighting approved by this condition shall be angled to direct light onto the play areas/after school club building or car park only and not towards the adjacent woodland trees or neighbouring properties.
12. All hard and soft landscape works indicated on the approved plans shall be carried out in accordance with the approved details within the first planting season of the approved use being first begun. Any planting that becomes diseased, dies, severely damaged or is removed within five years of planting shall be replanted with similar species.

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 and to comply with the commencement period of the original permission APP/2017/0373.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure the satisfactory implementation of the proposal. An independent use is likely to lead to further impacts in respect of parking and amenity which would require further consideration, in accordance with Policies GP1 and TM15 of the Burnley Local Plan, Second Review (2006) and Policy NE2 of Burnley's Local Plan - Submission Document, July 2017.
4. To protect local amenity within a residential area, in accordance with Policies GP1 and H12 of the Burnley Local Plan, Second Review (2006).
5. To ensure a satisfactory appearance to the development, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
6. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.
7. To protect the amenities of nearby residents, in accordance with Policies GP1 and H12 of the Burnley Local Plan, Second Review (2006).
8. To allow for the effective use of the car park and to ensure adequate off-street parking to cater for the needs of the development, in accordance with Policies GP1 and H12 of the Burnley Local Plan, Second Review (2006).
9. In the interests of highway safety and to ensure the effective use of the car park, in accordance with Policies GP1 and H12 of the Burnley Local Plan, Second Review (2006).

10. To ensure adequate lighting for parents/carers and children arriving or leaving this site, in the interests of public and highway safety, in accordance with Policies GP1 and H12 of the Burnley Local Plan, Second Review (2006).
11. To protect local amenity within a residential area and to avoid lighting towards trees that may affect wildlife, in accordance with Policies GP1 and H12 of the Burnley Local Plan, Second Review (2006).
12. In the interests of the visual amenities of the site, in accordance with Policies GP1 and H12 of the Burnley Local Plan, Second Review (2006).

JF
30/11/2017

Part One Plan

Agenda Item 6b

Housing & Development
9 Parker Lane

Ref.

APP/2017/0561

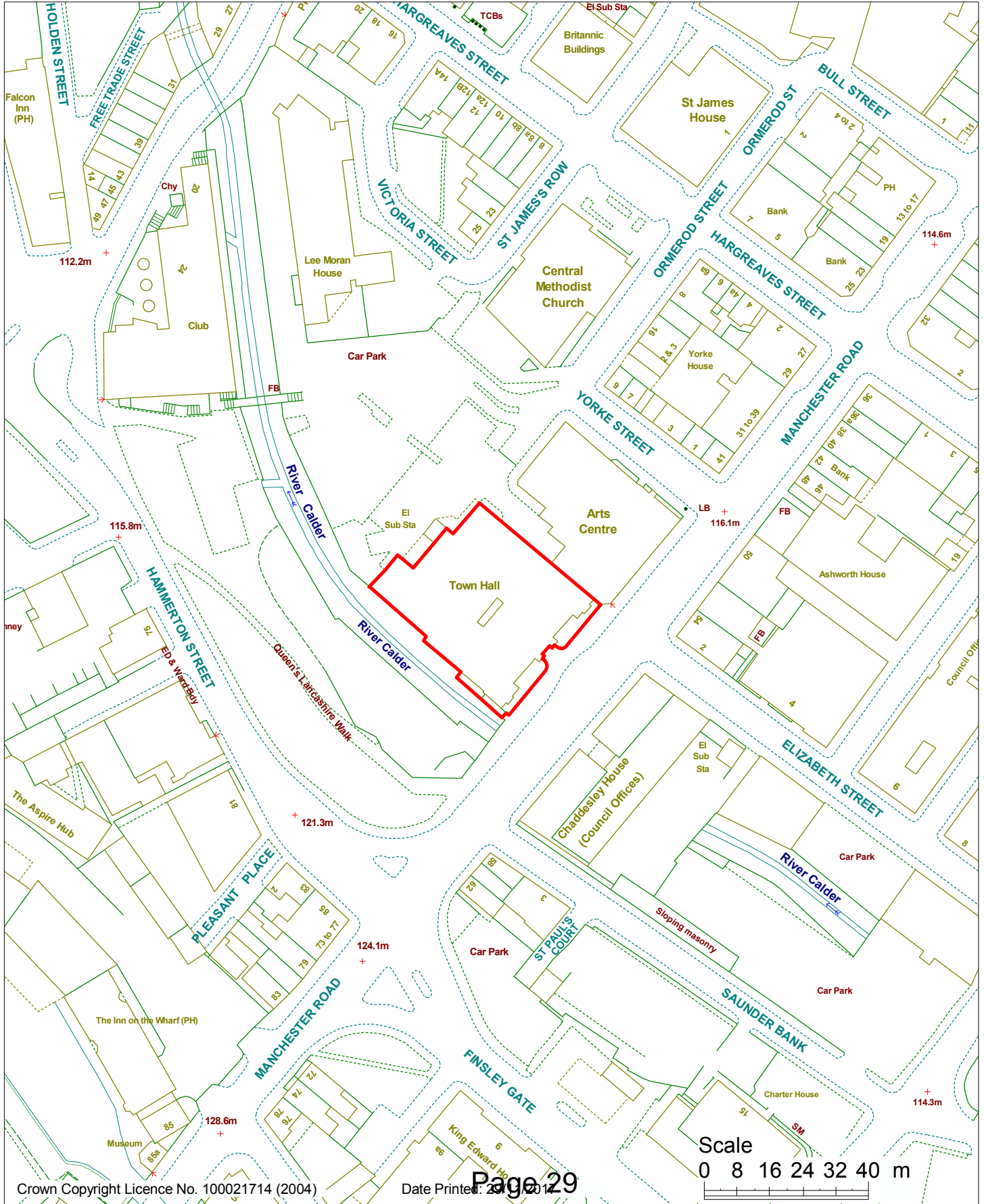
Paul Gatrell Head of Housing and Development

Location:



Town Hall, Manchester Road, Burnley

1:1250



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Listed Building Application

Proposed roof repairs to rear of building including replacement flue, repairs and reduction in height of two chimney stacks, repair to roof lights/cladding of clock tower mechanism and lift shaft and motor room/guttering/lead weatherings and redecoration of windows in light well

TOWN HALL MANCHESTER ROAD BURNLEY



Background:

Burnley Town Hall is a Grade II Listed Building. Following the completion of the building in 1888 the building has accommodated a police station including cells and a court facility in addition to being the main council offices for Burnley Council. Although the police station and court do not now operate from the premises, the building is fully utilised as council accommodation. The building has benefitted from a number of alterations including being adapted to meet DDA compliance.

It has recently been identified that essential works are required to the flue system which serves the 4th and 5th floor heating and hot water gas boilers. Access has been provided by a fixed tubular scaffold system constructed within the inner light well of the building (currently in situ). This area is located within the central core of the building.

It is proposed to utilise the same scaffold to undertake a number of repairs to other building elements, which have been previously been identified as being defective and requiring attention but access has not been possible.

The utilisation of the scaffold will save considerable council financial resources in relation to the repairs that are required to prevent further deterioration of the building.

The works that are to be considered in addition to the renewal of the flue system are as follows:

- Repairs to the slated roof where safe access is possible – Matching blue slate to be used to complement existing roof finish;
- Repairs to the two chimney stacks located on the rear roof slope. Such works will include taking down the deflected chimneys and rebuilding in the existing stonework to a height of approximately 1000mm from roof level at the rear of the stack. Any remaining stone not used will be stored on site;
- Replacement of the boxing to the clock weight cables – Consideration to be given to the use of low maintenance materials subject to approval;
- Renewal of lead weatherings where required – Replacement lead to be used to match existing;
- Refurbishment of clock tower including, copper cladding, timberwork, pointing etc;
- Undertake structural repairs to the disused lift motor room situated at the top of the lift shaft – Full extent of work to be determined once Structural Engineer has provided his assessment;
- Stone repairs to remove loose flaking stone work – defrag;
- Gutter repairs including cleaning – reseal joints to cast iron gutters and paint internally;
- Replacement of windows to match existing style and material;
- Redecoration of windows;
- Roof lights to main roof – Repair, replace of slate over (subject to approval);
- Remove and slate over any redundant overflows and vents to roof slope; and
- Fix any loose lightening conductors

Once the urgent works have been completed and the flue made safe, a full assessment of the actual works to be undertaken will be made and submitted for consideration. These works will include sample material information.

The application for Listed Building Consent has been presented to Committee at this early stage in order to expedite an early decision once the consultation period has finished and all the actual works have been agreed. The application has been submitted following pre-application discussions.

Relevant Policies:

Burnley Local Plan Second Review

E10 – Alterations, extensions, change of use and development affecting Listed Buildings.

Other material considerations

The National Planning Policy Framework
Planning (Listed Buildings and Conservation Areas) Act 1990

Site History:

APP/1994/0009 - Proposed access for disabled people – Withdrawn.

APP/1992/0583 - Proposed doorway into new office, alterations for disabled access – LBC Granted.

APP/1992/0538 - Proposal to improve existing reception facilities in entrance hall – LBC Granted.

Consultation Responses:

None received at the time of the report submission.

Planning and Environmental Considerations:

Policy E10 of the current Local Plan seeks to protect the character and historic interest of listed buildings.

The National Planning Policy Framework (the Framework) states that local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 134 of the NPPF considers that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

Policy HE2 of the Emerging Local Plan considers proposals affecting Heritage Assets with the same considerations as the NPPF requires.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers upon local planning authorities a duty to have special regard to the desirability of preserving the interest of a listed building or its setting.

The works will be undertaken on locations on the building that are not visible from public view, however the works are intended to be carried out by reusing any existing fixtures and building fabric where possible, and if this is not possible, by removing defective material and replacing like for like, or as near to possible.

The proposed repairs and refurbishment work will prevent further deterioration of the building from water ingress which would result in expensive future repairs. The undertaking of the necessary repairs by taking advantage of the expensive scaffold will prevent the need to re-scaffold the area to undertake essential repairs in the future. The essential structural works will remove the danger of collapse of the lift motor room, failure of the leaning chimneys and the potential falling of stonework which is a health and safety concern.

As the proposed works relate to areas where access is only achievable by the use of complex and expensive scaffolding, more durable and longer lasting materials may have to be considered in order to ensure the safe, secure and viable, long term maintenance of the building.

We will ensure that any proposed works will be sensitively designed and appropriate, in order to ensure that works do not significantly affect the special interest of the listed building.

Historic England has in this case been consulted due to the procedure for dealing with applications made by or on behalf of the determining Authority.

Recommendation:

That, subject to the conditions below and any other conditions which may be required following the receipt of further details relating to the proposals and any comments received from the consultation process, the decision to grant Listed Building Consent shall be delegated to the Head of Housing and Development Control.

Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved details and/or plans: TO BE AGREED

Reasons

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

GDT

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part II: Decisions taken under the scheme of delegation.
For Information

14th December 2017

Housing and Development

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Delegated Decisions from 30/10/17 to 26/11/17

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
Express Consent to Display an Advertisement		
Advert Consent Granted		
APP/2017/0456	QUEST DENTAL CARE RED LION STREET BURNLEY BB11 2AE	Display of 2 non-illuminated fascia signs
Compliance with conditions		
Conditions not discharged		
APP/2016/0550	HAPTON BOATYARD SIMPSON STREET HAPTON BB12 7LJ	Approval of details reserved by condition. Conditions 1, 3, and 5 to 17 of planning application APP/2014/0139 relating to the proposed erection of seven split level dwellings, new access road, landscaping and new boundary treatment
Conditions partially discharged		
APP/2017/0516	28 THE RIDINGS BURNLEY BB12 OLD	Application for discharge of condition 3 of planning application APP/2016/0500 relating to proposed 2 storey extension to side and re-roofing conservatory to form garden room
Full Planning Application		
Full Planning Permission Granted		
APP/2017/0429	LAND ADJ. 50 ARDWICK STREET BURNLEY BB10 1BJ	Erection of detached dwelling and double garage with roof terrace
APP/2017/0437	23 STANTON DRIVE BURNLEY BB12 0TS	Proposed conversion of garage to create additional habitable room
APP/2017/0443	7 YORKSHIRE STREET BURNLEY BB11 2DB	Change of use from cafe/take-away to cafe/play centre
APP/2017/0463	237 COAL CLOUGH LANE BURNLEY BB11 4DH	Proposed rear kitchen extension
APP/2017/0467	249 - 251 BRIERCLIFFE ROAD BURNLEY BB10 1UR	Proposed change of use from dwelling (Use Class C3) to shop (Use Class A1) of no. 249 Briercliffe Road to extend existing shop at no. 251 Briercliffe Road
APP/2017/0469	FORMER BARBON STREET LIBRARY BRIERCLIFFE ROAD BURNLEY BB10 1TS	Proposed erection of single detached dwelling with parking provision for 3 vehicles (re-submission of APP/2017/0355)

Delegated Decisions from 30/10/17 to 26/11/17

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2017/0473	488-490 COLNE ROAD BURNLEY BB10 1TW	Proposed alterations and 2 storey extension to rear
APP/2017/0479	67 RED LEES ROAD CLIVIGER BB10 4HZ	Erection of a conservatory to the rear of dwelling
APP/2017/0480	LOWER BOTTIN LAITHE EXTWISTLE ROAD WORSTHORNE BURNLEY BB10	Reposition garden wall and installation of new french windows
APP/2017/0493	HILL FARM HALIFAX ROAD BRIERCLIFFE BURNLEY BB10 3QS	Alterations to install 2no first floor windows in West elevation gable end of existing converted barn
APP/2017/0495	6 CURZON STREET BURNLEY BB11 1BB	Proposed extension of plant screening to roof and new shop materials to previously approved shop front

Withdrawn

APP/2017/0435	37 HIGH CLOSE BURNLEY BB12 6PS	Proposed two storey extension to side elevation.
APP/2017/0442	LOWER TIMBER HILL LOWER TIMBER HILL LANE BURNLEY BB11 2RH	Proposed erection of a single detached dwelling
APP/2017/0449	46 OAKENEAVES AVENUE BURNLEY BB11 5HH	Proposed extensions to rear elevation to provide kitchen / dining area and study.

Listed Building Application

Listed Building Consent Granted

APP/2017/0457	QUEST DENTAL CARE RED LION STREET BURNLEY BB11 2AE	Display of 2 non-illuminated fascia signs
APP/2017/0476	395 BURNLEY ROAD CLIVIGER BB10 4SU	Replacement windows and re-pointing
APP/2017/0481	LOWER BOTTIN LAITHE EXTWISTLE ROAD WORSTHORNE BURNLEY BB10	Reposition garden wall and installation of new french windows

Withdrawn

APP/2017/0555	HABERGHAM LODGE PADIHAM ROAD BURNLEY BB12 6TG	Proposed double garage with studio/workshop at 1st floor
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Delegated Decisions from 30/10/17 to 26/11/17

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
Work to trees covered by Tree Preservation Order		
Tree Application Part Approved / Part Refused		
APP/2017/0343	112 MANCHESTER ROAD BURNLEY BB11 4HS	Application to remove, crown raise and crown reduce various trees covered by the Burnley (Manchester Road, Burnley No.1) TPO 1988

Work to TPO trees granted

APP/2017/0446	1 HILLCOT IGHTEHILL PARK LANE BURNLEY BB12 0LP	Application to crown reduce 2 sycamore trees by 30% covered by the Burnley (1 Hillcot, Ightenhill Park Lane) TPO 1975
APP/2017/0466	9 ST MARKS VICARAGE ROSSENDALE ROAD BURNLEY BB11 5DQ	Application to crown raise one Maple Tree covered by the Burnley (St. Mark's Vicarage, Rossendale Road) Tree Preservation Order 1994.
APP/2017/0468	FLAT 12 ST JOHNS COURT WORDSWORTH STREET BURNLEY BB12 6QE	Application to crown lift two trees covered by the Burnley (St. John the Baptist, Gannow Lane) Tree Preservation Order 1981