



# DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 23rd March, 2017 at 6.30 pm

## PRESENT

## MEMBERS

Councillors A Khan (Chair), F Cant (Vice-Chair), G Birtwistle, C Briggs, S Graham, J Harbour, T Harrison, M Johnstone, E Monk, T Porter, A Raja and C Towneley

## OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Graeme Thorpe	– Planning Team Manager
Janet Filbin	– Senior Planner
Amanda Rumbelow	– Property Solicitor
Imelda Grady	– Democracy Officer

### 61. Apologies

Apologies for absence were received from Councillors Trish Ellis, Lubna Khan, Neil Mottershead and Mark Payne.

### 62. Minutes

The Minutes of the last meeting held on 16<sup>th</sup> February 2017 were approved as a correct record and signed by the Chair.

### 63. 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 on: APP/2016/0416 – Land South of Brownsie Road Worsthorne

Mark Jkinson  
Roger Wheeldon

Amy James

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

**64. APP/2016/0416 - Land south of Brownside Road Worsthorne Burnley**

**APP/2026/0416 – Outline application for residential development of up to 39 dwellings including details of means of access (all other matters reserved for future approval) Land south of Brownside Road, Worsthorne, Burnley**

**Decision:** That outline planning permission is refused for the following reason.

1. Approval of this application would lead to the inappropriate creation of new dwellings in the rural area of Burnley without sufficient justification, creating visual harm and an unacceptable coalescence between the urban boundary of Burnley and the urban boundary of the village of Worsthorne. The development of the site in principle would therefore not be in accordance with the NPPF presumption in favour of sustainable development. Approval of this development in principle would therefore be in conflict with Burnley Local Plan Policies GP2 and E27, as well as the NPPF which, among other matters, requires the protection and enhancement of the Borough's distinctive countryside, and the protection of the setting of urban and rural settlements.

**65. APP/2016/0510 - Former Albion Mill Albion Street Padiham**

**APP/2016/0510 Full Planning application  
Proposed erection of 56no. dwellings at  
Former Albion Mill, Albion Street, Padiham**

**Decision:** That delegated authority be given to the Head of Housing and Development Control to approve the application following clarification and agreement with the applicant over planning conditions contained in the report together with additional conditions 19 and 20 reported at Committee and to note members wishes to amend condition 9 to remove reference to Shakespeare Street and Russell Terrace;

**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: 1713/001, 1713/104 2B4PGable Entrance-Roof Plan, 1713/106 2B4PGable Entrance-Ground Floor, 1713/107.1Gable entrance-Front Elevation, 1713/107.2 2B4PGable Entrance-Rear Elevation, 1713/107.3 2B4PGable Entrance-Gable Elevation, 1713/103 2B4P-Roof Plan, 1713/106.1 2B4P-Floor Plans, 1713/107.1 2B4P -Front Elevation, 1713/107.2 2B4P - Rear Elevation, 1713/107.3 2B4PGable Elevation, 1713/107.4 2B4P Gable 2 Elevation, 1713/104 3B5PRoof Plan, 1713/1053B5PFloor Plans, 1713/107.1RevA 3B5PFront Elevation, 1713/107.2 3B5PRear Elevation, 1713/107.4 3B5PGable 1 Elevation, 1713/103 1B2PFlats-Roof Plan, 1713/106 1B2PFlats, 1713/107.1 1B2PFlats- Front Elevation, 1713/107.2 1B2PFlats-Rear Elevation, 1713/107.3 1B2PFlats-Gable Elevation, 1713/104 1B2PHouse-Roof Plan, 1713/106 1B2P House-Floor Plans, 1713/107.1 1B2PHouse - Front Elevation, 1713/107.2 1B2PHouse- Rear Elevation, 1713/107.3 1B2PHouse-Gable Elevation, 1713/103 2B3PBungalow - Roof Plan, 1713/106 2B3PBungalow-Floor Plans, 1713/107.1 2B3P Bungalow-Front Elevation, 1713/107.2 2B3P Bungalow-Rear Elevation, 1713/107.3 2B3P Bungalow-Gable Elevation, 1713/104 2B3P Shallow Bungalow-Roof Plan, 1713/106 2B3P Shallow Bungalow-Ground Floor, 1713/107.1 2B3P Shallow Bungalow-Front Elevation, 1713/107.2 2B3P Shallow Bungalow-Rear Elevation, and 1713/107.3 2B3P Shallow Bungalow-Gable Elevation, received on 11th November 2016; and, 1713-010RevF, 1713-010RevFHatch, 1713-012.01RevC, 1713-012.2RevC, 1713-011RevC, 216-224/E01RevP8 and 216-224/D01RevP5, received on 10th March 2017.
3. The materials of construction to be used on the external walls and roofs of the development shall be as described in the Materials Schedule (dated October 2016) submitted with the application unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority. Prior to commencing any construction works, a detailed materials plan to indicate how the buff and weathered stone variations of the approved materials would be distributed across the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.
4. The development shall not be carried out otherwise than in accordance with the Phase I & II Geo-Environmental Assessment (report ref: 11-360-r1, dated October 2016) received on 11th November 2016; the Remediation & Enabling Works Strategy (report ref: 11-360-r2, dated November 2016) and Supplementary Stockpile Investigation (report ref: 11-360-L2, dated 13th December 2016, received on 3rd January 2017; and, the Ground Gas Addendum Report (report ref: 11-360-3L, dated 31st January 2017), received on 31st January

2017 and shall be completed prior to the first occupation of any dwelling. Verification of the works shall be provided to the Local Planning Authority prior to the occupation of the approved dwellings.

5. The development shall not be carried out otherwise than in accordance with the principles, strategies and mitigation measures contained within the Flood Risk Assessment, received on 13<sup>th</sup> March 2017.
6. Prior to any construction works being commenced on the site, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including details of water quality controls and a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and be completed prior to any dwelling being first occupied or the completion of the development, whichever is the sooner. The approved drainage scheme shall thereafter be retained at all times.
7. Prior to any construction works being commenced on the site, details of a management and maintenance plan for the sustainable drainage system required by condition 6, which shall cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in accordance with the approved details prior to any dwelling being first occupied or the completion of the development, whichever is the sooner. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved plan details.
8. Prior to any construction works being commenced on the site, a conditions survey and scheme of works and maintenance strategy for the retaining structures adjacent to the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of works shall thereafter be carried out and completed prior to any dwelling being first occupied and the retaining structures shall thereafter be maintained in accordance with the approved details.
9. Within three months of the date of the commencement of groundworks on the site, a scheme and mechanism to facilitate the provision of traffic regulation orders and/or traffic prohibition orders to manage traffic at Shakespeare Street and Russell Terrace and Brook Street, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.

10. Within three months of the date of the commencement of groundworks on the site, a scheme for the construction of the site access and off-site works of highway improvement 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 any dwelling being first occupied.
11. The new estate road and access for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads and shall be constructed to at least base course level before any superstructure works are commenced on the site.
12. Prior to any construction vehicles entering the site, facilities for the washing and cleaning of wheels of vehicles shall be provided at a convenient location adjacent to the site access and shall be deployed before vehicles leave the site throughout the development process.
13. The development shall not at any time be carried out otherwise than in accordance with the measures contained within the Control of Dust statement (ref: RS(SWP).62.01) and Control of Noise statement (ref: (SWP).40.02), received on 2nd February 2017; and, the Construction Method Statement (dated February 2017) and the Construction Method Statement Plan (ref: 1713-010RevC), received on 7th February 2017.
14. No dwelling shall be first occupied until its associated boundary treatment has been constructed and finished in accordance with the approved plans and in the case of the boundary wall along Dryden Street, in accordance with a detailed design and specification (details of materials, design and copings) to be previously submitted to and approved in writing by the Local Planning Authority.
15. 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.
16. The development shall, only be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Assessment (prepared by TEP,

reference 6038.002, dated February 2017), received on 8<sup>th</sup> March 2017.

17. No dwelling shall be first occupied unless and until its associated car parking space(s) has or have been constructed, drained, surfaced in a bound material and made available for use in accordance with the details indicated on the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
18. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for that dwelling shall be provided within a concealed area of the curtilage. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.
19. A Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority within two weeks of preliminary works being commenced on site to detail protection measures to avoid pollution of Green Brook, to minimise external lighting directed towards the brook and to detail Reasonable Avoidance Measures in respect of bats, reptiles and birds which shall be implemented for the full period of site clearance and construction works until the completion of the development.
20. Immediately prior to the commencement of any clearance of vegetation from the site between March and August inclusive, a suitably qualified ecologist shall undertake a bird nesting check across the application site and the findings from this shall be notified as soon as practicable thereafter to the Local Planning Authority.

**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. To ensure a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
4. To ensure that the site is appropriately remediated and made suitable for residential occupation, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006).
5. To ensure the satisfactory implementation of

measures to reduce the risk of flooding on the site in the locality, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006).

6. 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).
7. 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). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.
8. In order to ensure the safety of the retaining structures, to safeguard the safety of the adjoining public highway, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
9. To allow the local highway authority to pursue the making of traffic regulation orders to restrict traffic movements in the immediate surroundings of the site in order to manage the risks associated with restricted visibility at the junction of Dryden Street and Russell Terrace and to manage car parking on Brook Street, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
10. To ensure a satisfactory means of access to cater for the approved development, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
11. To ensure a satisfactory standard of access to the site and to ensure construction vehicles can access the site prior to the main construction phase, in the interests of highway safety and public amenity, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
12. To prevent mud and loose debris from being dragged onto the neighbouring streets, in the interests of highway safety and public amenity, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
13. To safeguard residential amenities and highway safety, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).

14. To ensure a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
15. 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 Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
16. To ensure adequate protection and enhancement of the biodiversity of the site, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
17. To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy H3 of the Burnley Local Plan (2006).
18. To ensure adequate means of storing waste, in the interests of visual and local amenities, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
19. To ensure adequate precautions and protection measures to minimise any potential impacts from the carrying out of the development on protected species and wildlife, in accordance with Policies E4 and E5 of the Burnley Local Plan, Second Review (2006).
20. To ensure adequate precautions are taken to minimise any potential risks to nesting birds, in accordance with Policies E4 and E5 of the Burnley Local Plan, Second Review (2006).

<b>66. APP/2017/0036 - 215 Manchester Road, Hapton</b>
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**APP/2017/0036**      **Outline Planning Application for construction of a new 3 bedroom dwelling (with all matters reserved for future approval at 215 Manchester Road, Hapton, Burnley**

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

**Conditions:**                      1.      Details of the access, appearance, landscaping, layout 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 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: BUT03/OUTLINE003, received on 16th January 2017. The following plans which have been submitted are for indicative purposes only: BUT03/OUTLINE002Rev1 and BUT03/OUTLINE001Rev1, received on 9th March 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 the dwelling 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 Reserved Matters submission shall include details of all boundary treatment to be carried out on the perimeter boundaries of the site. The approved details of perimeter boundary treatment shall thereafter be carried out and completed prior to the approved dwelling is first occupied.
7. Prior to the commencement of any development, a scheme for the disposal of surface water and foul water for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall thereafter be implemented in full and completed prior to the approved dwelling being first occupied. The completed approved surface water and foul water drainage scheme shall thereafter be retained at all times in the future.
8. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.

**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 Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
6. To ensure a satisfactory appearance to the edges of the development, having regard to the site's surroundings, in accordance with Policies GP3 and H3 of the Burnley Local Plan (2006).
7. To ensure adequate drainage for the site, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006). The drainage scheme is required to be submitted prior to the commencement of development to ensure that the first elements of any approved scheme can be implemented at the appropriate stage during the course of the development of the site.
8. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).

**67. APP/2017/0025/0026/0034/0038 - Alleygates various sites**

**APP/2017/0025**      **Full Planning Application for various alleygating**  
**APP/2017/0026**      **schemes**  
**APP/2017/0034**      APP/2017/0025  
**APP/2017/0038**      2no. sets of 2m high gates  
REAR OF 33-61 PEEL STREET & 36-58 VICTORIA  
ROAD, PADIHAM

APP/2017/0026  
2no. sets of 2m high gates  
REAR OF 2-32 BARBON STREET, BURNLEY

APP/2017/0034  
3no. sets of 2m high gates  
REAR OF 40-78 MILTON STREET, 1-35 HERBERT STREET, 92-102  
VICTORIA ROAD, PADIHAM

APP/2017/0038  
3no. sets of 2m high gates  
REAR OF 306-316 PADIHAM ROAD, 15-27 CARTER STREET,  
BURNLEY

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

- Conditions:**
1. The development must be begun within three years of the date of this decision.
  2. The development hereby permitted shall be carried out in accordance with the submitted approved plan.

- 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.

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

Members received for information a list of decision taken under delegation for the period 06/02/17 to 05/03/17.

## **69. Part 3 - Appeals and other decisions**

Members received for information the outcome of an appeal in relation to:

Tree application APP/2016/0318 – Coal Clough House, Coal Clough Lane, Burnley (adjacent to 2 Netherby Street, Burnley) – APPEAL DISMISSED.