



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 29th June, 2017 at 6.30 pm

PRESENT

MEMBERS

Councillors F Cant (Chair), A Khan (Vice-Chair), C Briggs, M Brindle, T Ellis, D Fleming, J Harbour, T Harrison, M Johnstone, L Khan, N Mottershead, M Payne, T Porter and A Raja

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Graeme Thorpe	– Planning Team Manager
Janet Filbin	– Senior Planner
Aftab Ahmed	– Assistant Planner
David Talbot	– Senior Solicitor
Imelda Grady	– Democracy Officer

9. Apologies

Apologies for absence were received from Councillor Sue Graham.

10. Minutes

The Minutes of the last meeting held on 31st May 2017 were approved as a correct record and signed by the Chair.

11. Declaration of Interest

Councillor Tony Harrison and Councillor Asif Raja declared a prejudicial (other) interest in items APP/2017/0219 Thompson Park, Ormerod Road, Burnley and APP/2017/0206 Padiham Leisure Centre, Park Road, Padiham.

They left the room for these items and took no part in the debate or vote on the matters.

12. 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 Mark Horsfall - APP/2016/0341 – Plot 5 Widow Hill Road, Heasandford Industrial Estate

Claire Bradley - APP/2017/0142 – 46 Church Street Padiham

RESOLVED

That the list of deposited plans be dealt with in the manner shown in the Minutes below:

13. APP/2016/0341 - Plot 5 Widow Hill Road, Heasandford Industrial Estate, Burnley

APP/2016/0341 Full Planning application

- a) Proposed car showroom with associated offices; internal/external parking provisions; covered car port area & other works.
- b) Proposed erection of 3no. units (Use Class B1/B2/B8)

Plot 5, Land at Widow Hill Road, Heasandford Industrial Estate, Burnley

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

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: ***Location Plan, received 08 August 2016; Master Plan Rev C, received 25 May 2017; Car Showroom Proposed Plans & Elevations Rev A, received 11 May 2017; Units Proposed Plans & Elevations Rev B, received 14 June 2017.***
3. The use of the site/building hereby approved shall not operate outside the hours of 0600 hours to 2200 hours Monday to Friday, 0600 hours to 1800 hours on Saturday's and 0900 hours to 1700 hours on Sundays or Bank Holidays.
4. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0730 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1700 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays

5. The development shall not begin until:

a. A strategy for investigating the coal mining legacy on the site has been submitted to and approved in writing by the local planning authority;

b. An intrusive site investigation shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Any necessary remedial works identified by the site investigation must be undertaken prior to commencement of the development.

c. A written report, detailing the findings of the investigation, assessing the risk posed and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the local planning authority before any part of the development is brought into use.

6. Foul and surface water shall be drained on separate systems.

7. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

8. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitable experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

9. The development shall be carried out in full accordance with the Landscape and Environment Management Plan prepared by Verity Webster, dated May 2017.

10. Details of species and seed mixes for the hedgerow/grassland shall be submitted to approved in writing by the Local Planning Authority. Suggested species are 70% Crataegus Monogyna and NVC MG5 seed mix to supplement the redistribution of top soil from the species rich area along the northern boundary.

11. The development shall be carried out in accordance with the Construction Method Statement received 08 August 2016.

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. In order to protect the amenities of the residents of adjacent residential properties having regard to Policies GP1 and EW4 of the Burnley Local Plan Second Review.
4. To protect the amenities of nearby residents, in accordance with Policy GP1 of the Burnley Local Plan Second Review.
5. To ensure that risks from coal mining legacy to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy GP7 of the Burnley Local Plan Second Review.
6. To secure proper drainage and to manage the risk of flooding and pollution.
7. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF.
8. To avoid the bird nesting season having regard to Policy EW5 of the Burnley Local Plan Second Review.
9. To ensure a long term satisfactory Landscape and Environment plan of the site, in accordance with Policy GP6 of the Burnley Local Plan Second Review.
10. In order that the landscaping work is completed to a suitable standard.
11. In order to ensure the construction phase has no significant impact upon highway safety at this location.

Note

Whilst there is only a low risk of great crested newts being present, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill great crested newts. If a great crested newt is found during the development all work should cease immediately and a suitably licensed amphibian ecologist employed to assess how best to safeguard the newt(s). Natural England should also be informed.

14. APP/2016/0263 - Land south of New Barn, Billington Road, Hapton

APP/2016/0263 Full Planning Application

Proposed erection and operation of 3 wind turbines measuring up to 100m in height, access tracks and associated infrastructure on land to the south and south east of the existing Hameldon Wind Farm

LAND SOUTH OF NEW BARN BILLINGTON ROAD HAPTON BURNLEY

Deferred Application

This application was deferred until the next meeting in order to more fully assess and report on the implications of the 18 June 2015 Written Ministerial Statement insofar as it affects this application.

15. APP/2017/0195 - The Conifers, Gorple Road, Worsthorne
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APP/2017/0195 Full Planning Application
Retrospective application for the retention of utility room extension to side of dwelling.
THE CONIFERS, GORPLE ROAD, WORSTHORNE, BURNLEY

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

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos: TC/1A, TC/2 (location plan), TC/3 & TC/4 received 18 April 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.

16. APP/2017/0142 - 46 Church Street Padiham

APP/2017/0142 Full Planning Application
Proposed change of use to mixed use of A1 shop and hot food take-away (A5)
46 CHURCH STREET, PADIHAM

An amended plan was received on 20 June 2017.

An amendment was made to condition 3 in respect of a noise assessment.

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: Location plan received 20 June 17.
3. No development shall take place until a scheme of odour suppression has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a plan of the proposed ventilation system detailing odour abatement measures, the location and details of the filters and fans and the manufacturer's recommendations concerning frequency and type of maintenance, and a noise assessment to assess the noise that would be generated by the operation of all the equipment associated with the fume extraction and ventilation system. The approved scheme shall be implemented prior to the approved take-away element of this permission being first brought into use and shall thereafter be retained at all times and operated and maintained in accordance with the manufacturer's instructions.
4. The main use of the premises shall remain as a daytime delicatessen /sale of hot food operating on any day. Any late evening opening of the premises after 1800 hrs shall remain ancillary to the main daytime use as a delicatessen / sale of hot food and not operate independently.
5. No delivery service shall operate from the premises.
6. The application premises shall not operate between 10.30pm and 8.00am on any day.

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. In order to avoid an odour or noise nuisance to the occupiers of adjacent properties and in accordance with policies CF13 and GP7 of the Burnley Local Plan Second Review.
4. To retain the daytime use of the premises in the interests of the vitality and viability of Padiham town centre.
5. In the interests of highway safety and residential amenity and in accordance with policy CF13 of the Burnley Local Plan Second Review.
6. In the interests of residential amenity and in accordance with policy CF13 of the Burnley Local Plan Second Review.

17. APP/2017/0250 - Land off Cairo Street, Burnley

APP/2017/0250 Full Planning Application Proposed erection of 2 bedroom bungalow LAND OFF CAIRO STREET BURNLEY

An amended drawing was received showing the incorporation of gables to the front and rear elevations. This would make the building more imposing in the street scene.

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: drawing numbers 03 received 11th May 2017 and 02B Revision B received 20th June 2017.
3. The external materials of construction to be used on the walls and roof of the development shall be as described on the application forms and approved plans only unless any variation to this is otherwise first submitted to and approved in writing by the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no development shall be carried out on any part of the development within the terms of Classes A, B, C and E of Part 1 and Class A of Part 2 of Schedule 2 of the Order without the prior written permission of the Local Planning Authority.
5. Before the dwelling is first occupied, the garden boundaries facing Cairo Street and the back street shall be enclosed in stone walls matching the stone used in construction of the dwelling hereby permitted, unless other materials are submitted to and approved in writing by the Local Planning Authority.
6. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays or Bank Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.

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 Policy H3 of the Burnley Local Plan, Second Review (2006), currently saved.
4. In order that the Local Planning Authority can assess any future changes to the approved dwelling, having regard to the potential impacts on the residential amenities of neighbouring properties and the character of the area, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006), currently saved, and any relevant planning policies.
5. In the interests of the visual amenities of the street scene and the amenities of future residents of the dwelling, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006), currently saved.
6. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006), currently saved.

18. APP/2017/0219 - Thompson Park, Ormerod Road, Burnley

APP/2017/0219 Full Planning Application

Change of use of pavilion to provide a cafe / community room / office; conversion of boat house to cafe; and provision of new 6 metres high 'space net' equipment in play area.

THOMPSON PARK ORMEROD 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 hereby permitted shall be carried out in accordance with the following approved plans: Drawing No:16-004-02, 16-004-03, 16-004-10, 16-004-11A, 16-004-04A, 16-004-05, 16-004-12B, 16-004-13A, Location plan, Fig3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8 Fig 5.1, 5.2, 5.3, 5.4, 5.9,5.10, 5.11, 5.12, Fig 9.1, 9.2,9.9,9.10Fig 0.1 received 24 April 17.
3. The use of the café areas hereby permitted shall not commence until details of a suitable ventilation and odour control system are submitted to and approved in writing

by the local planning authority, if kitchen appliances which require ventilation and odour control are to be installed.

The approved systems shall be installed in accordance with manufacturer's recommendations and thereafter maintained as necessary to the satisfaction of the local planning authority.

4. No construction work shall take place on the site outside the hours of 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and not at any time on Sundays and Bank Holidays.

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 safeguard the appearance of the building and minimise the impact of cooking smells and odour.
4. In order to protect the amenities of nearby residents.

19. APP/2017/0252 - Land at Towneley Park, Burnley

APP/2017/0252 Full Planning Application Provision of over-spill car park for use in association with events in/at Towneley Hall/Park LAND AT TOWNELEY PARK BURNLEY

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

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
3. The proposed overspill car park to be used in connection with events in/at Towneley Hall, hereby approved, shall only be used for this purpose. It shall not be available for general use at any other time.

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. In the interests of highway safety, and to ensure that any limited impacts on the setting of Towneley Hall are themselves limited throughout the year.

20. APP/2017/0206 - Padiham Leisure Centre, Park Road, Padiham

APP/2017/0206 Full Planning Application

Proposed removal of existing antennae and installation of a replacement to extend 7 metres above the roofline.

PADIHAM LEISURE CENTRE PARK ROAD PADIHAM 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: Location Plan ('Lease Plan'); Figure 1.6; Ariel mast dimensions; Radio antenna dimensions; and Figure 1.8, in 'rapier systems' document.

Reason

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.

21. Decisions taken under the Scheme of Delegation

Members received for information a list of decisions taken under delegation for the period 15/06/17 to 04/06/17.