



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 24th August, 2017 at 6.30 pm

Present

Members

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

Officers

Paul Gatrell	Head of Housing & Development Control
Graeme Thorpe	Planning Team Manager
David Talbot	Senior Solicitor
Cathy Ryder	Senior Planner
Imelda Grady	Democracy Officer

27. Apologies

Apologies for absence were received from Councillors Neil Mottershead and Mark Payne.

28. Minutes

The Minutes of the last meeting held on 27th July 2017 were approved as a correct record and signed by the Chair.

29. Declaration of Interest

Councillor Arif Khan declare a disclosable pecuniary interest in item APP/2017/0273 – 16 Highfield Avenue, Burnley. He left the room and took no part in the debate or vote on the matter.

Councillor Asif Raja declared a prejudicial (other) interest in item APP/2017/0273 – 16 Highfield Avenue, Burnley. He left the room and took no part in the debate or vote on the matter.

30. 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 Ross Sheckleton – APP/2017/0155 – Land at Widow Hill Court, Widow Hill Road, Burnley

Mr Imran Khan – APP/2017/0164 – 66 Parliament Street, Burnley

Mr Richard Morris – APP/2017/0287 – 69 Red Lees Road, Cliviger

Mr Keith Watmuss – APP/2017/0333 – 488-490 Colne Road, Burnley

RESOLVED That the list of deposited plans be dealt with in the minutes below:

a. APP/2017/0155 Widow Hill Court, Widow Hill Road, Burnley

Full Planning application

Proposed erection of industrial units (B2) (re-submission of planning application APP/2014/0209)

WIDOW HILL COURT WIDOW HILL ROAD BRIERCLIFFE

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

The development would result in significant harm to biodiversity in that it would lead to the destruction of an area of the Michelin Factory and Smallshaw Industrial Estate Grounds Biological Heritage Site and would potentially harm great crested newts and destroy great crested newt sheltering habitat. Insufficient avoidance, mitigation or compensation measures have been included within the application proposals.

The development would represent unsustainable development and would be contrary to Policies EW5; E2, and E5 of the Burnley Local Plan Second Review and contrary to Paragraphs 9, 109 and 118 of the National Planning Policy Framework.

b. APP /2017/0296 - 1 Park Avenue, Burnley

Full Planning Application

Proposed change of use from residential dwelling house (Use Class C3) to supported housing scheme and erection of single storey extension to the rear.

1 PARK AVENUE 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 3549-02, 3549-03 and 3549-SK06 received 13th June 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. There shall be no more than 6 service users/occupants (see paragraph 4.4 of the Planning Statement) residing at the property at any one time. For the avoidance of doubt this does not include staff members.
5. There shall be no arriving or departing of service users/occupants between the hours of 2200hrs and 0800hrs.
6. 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.
7. Prior to the commencement of the use, the first floor, office window in the rear elevation of the property facing the rear of no's 281/283 Manchester Road shall be replaced with opaque glass, or another suitable alternative agreed with the Local Planning Authority. This shall be retained in this window at all times while the property is being used for the use proposed, unless otherwise agreed in writing with 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 prevent an intensification of the use hereby approved without proper due consideration by the Local Planning Authority, and 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, in accordance with policies H3, H12 and H13 of the Burnley Local Plan, Second Review.
6. To protect the amenities of nearby residents, in accordance with policies H3, H12 and H13 of the Burnley Local Plan, Second Review.
7. To protect the privacy of occupiers of the proposed dwellings adjacent, in accordance with policy H13 of the Burnley Local Plan, Second Review.

c. APP/2017/0293 - 1 & 2 Gorple Cottages, Wallhurst Close, Worsthorne

Minor material amendment following a grant of planning permission

Amendments to scheme for 2no. cottages including minor changes to design, boundary treatment, garden levels and retaining wall to front (variation of condition 2 on planning permission APP/2016/0209).

1 & 2 GORPLE COTTAGES WALLHURST CLOSE WORSTHORNE BURNLEY

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

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 16/51/3A, 16/51/6 and 16/51/7, received on 4 July 2016; and, drawing number 16/51/8, received on 21 July 2016, as amended by drawing numbers 17/46/1, received on 1 June 2017 and, 16/51/12, received on 22 June 2017.
2. The windows and doors used in the development shall be of timber construction only and any replacement windows/doors in the future shall also be timber only.
3. The rainwater goods and downpipes to be used in the development shall be aluminium or timber and painted black and soil pipes shall be constructed internally only as indicated on the approved plans unless any variation to this is otherwise previously agreed 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, D 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. The approved development shall be built in accordance with the details of levels as indicated on the approved plans and shall not be varied unless otherwise previously agreed in writing by the Local Planning Authority.
6. Neither dwelling shall be first occupied until its associated off-road car parking space has been constructed, hard surfaced and made available for use as indicated on the approved plans. The parking spaces shall thereafter be retained for the purposes of car parking at all times.
7. The approved scheme shall be carried out and completed in accordance with the details of foul and surface water drainage as indicated on drawing number 16/51/11, approved by the Local Planning Authority on 11 January 2017. The completed scheme shall thereafter be retained at all times.

8. Neither of the approved dwellings shall be first occupied until facilities for the storage of refuse and recycling waste have been installed at that dwelling in accordance with details as indicated on the approved plans. The approved facilities shall thereafter be retained at all times.
9. Neither of the approved dwellings shall be first occupied until the stone boundary wall to the front of the site has been constructed and completed using natural stone to match the approved dwellings.
10. 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.
11. Neither dwelling shall be first occupied until its associated boundary treatment as indicated on the approved plans, has been constructed and completed in accordance with the approved plans, unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority.
12. The obscure glazing to the first floor front bathroom windows to each approved dwelling shall be retained at all times and any replacement glazing to these windows shall be with glazing of an equivalent level of obscurity to that which has been first approved.
13. No dwelling shall be first occupied until the existing access points to the garages have, as appropriate, been physically and permanently closed and the existing verge/footway and kerbing reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
14. The retaining structure to be built along the boundary with the adjoining highway shall be constructed and maintained in perpetuity in accordance with the 'Retaining Wall Design' details (prepared by D.J. Lingard & Associates Ltd Consulting Civil & Structural Engineers, dated June 2017).
15. The chimney stacks shall be constructed and completed in accordance with the approved plans prior to each dwelling being first occupied. The approved chimney stacks shall thereafter be retained at all times.

Reasons:

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. To ensure the use of appropriate traditional materials that reflects the character and appearance of the Worsthorne Conservation Area, in accordance with Policy E12 of the Burnley Local Plan, Second Review (2006).
3. To ensure the use of appropriate traditional materials that reflects the character and appearance of the Worsthorne Conservation Area, in accordance with Policy E12 of the Burnley Local Plan, Second Review (2006).

4. In order that the Local Planning Authority can assess any future changes to the approved dwellings, having regard to the potential impacts on the residential amenities of neighbouring properties and the character of the area, in accordance with Policies H3 and E12 of the Burnley Local Plan, Second Review (2006).
5. To ensure the satisfactory implementation of the proposal in order to control the scale of the development and its impact on the outlook and amenities of neighbouring properties, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
6. To ensure adequate off-road parking for each of the approved dwellings, in the interests of highway safety and amenity, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
7. To ensure the satisfactory drainage of the site to prevent an increase in the risk of localised flooding, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
8. To ensure adequate provision for the appropriate storage of refuse and recycling storage facilities away from public views of the site, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy for Waste.
9. To ensure a satisfactory appearance to the development and the character and appearance of the Worsthorne Conservation Area, in accordance with Policies GP3, H3 and E12 of the Burnley Local Plan, Second Review (2006).
10. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
11. To provide adequate screening between gardens to protect the privacy of adjoining neighbours, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
12. To safeguard the privacy of facing properties, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
13. To ensure the satisfactory implementation of the proposal and to maintain the proper construction of the highway, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
14. To ensure and maintain the integrity of the adjoining highway, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
15. To ensure the satisfactory implementation of the development, having regard to the Worsthorne Conservation Area, in accordance with Policy E12 of the Burnley Local Plan, Second Review (2006).

d. APP/2017/0164 - 66 Parliament Street, Burnley

Full Planning Application

Proposed change of use of ground floor to A1 (off license)

66 PARLIAMENT STREET BURNLEY

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

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plan: *Proposed Plan Rev A, received 13th June 2017.*
3. The proposed operating hours of the use hereby permitted shall be between the hours of 0700 and 2300 only.
4. The existing roller shutters shall all be removed within 3 months of the date of this decision.

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 protect the amenities of occupiers of nearby properties, in accordance with Policy GP1 of the Burnley Local Plan Second Review.
4. In order to protect the appearance of the building and visual amenity, in accordance with Policy GP1 of the Burnley Local Plan Second Review

e. APP/2017/0273 - 16 Highfield Avenue, Burnley

Full Planning Application

Proposed extension to side of property to create a ground floor WC and shower area, existing utility area to be demolished and rebuilt.

16 HIGHFIELD AVENUE BURNLEY

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

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings: 8005/30, 8005/10A, received 01 June 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.

f. APP/2017/0287 - 69 Red Lees Road, Cliviger

Full Planning Application

Variation of condition 2 of planning permission APP/2016/0014. Proposed extension to the side and roof. Amendments to the external finishes - variation to facade materials

69 RED LEES ROAD, CLIVIGER

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

The development shall be carried out in accordance with the following drawings: 1520-PL12 C, 1520-PL13 D, received 08 June 2017. 1515-SP02, 1520-PL12 C & 1520-PI13 C received 30 May 2017.

Reason:

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

g. APP/2017/0323 - 1 Pennine Grove, Padiham

Full Planning Application

Pitch roof and small side extension to double garage.

1 PENNINE GROVE, PADIHAM

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

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan and block plan received 23rd June 2017. Amended proposed and existing plan / elevations received 9th August 2017 (drawing number 1/OH/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.

h. APP/2017/0333 - 488-490 Colne Road, Burnley

Full Planning Application

Proposed alterations and 2 storey rear extension, re-submission of planning application APP/20170162

488-490 COLNE ROAD BURNLEY

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

The proposed extension would have a dominating impact on the existing building and would not respect the architectural characteristics, scale and detailing of the building. This would be unsympathetic and incongruous with the design of the existing dwelling and the surrounding area and would be contrary to Policy H13 of the Burnley Local Plan Second Review and emerging policy HS5 of the Burnley Local Plan - Proposed Submission Document, July 2017.

i. APP/2017/0286 - 382 Padiham Road, Burnley

Full Planning Application

Proposed erection of extension to front of property.

382 PADIHAM ROAD BURNLEY

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

1. The development must be begun within three years of the date of this decision.

2. The development shall be carried out in accordance with the application drawings, namely: Location Plan and Drawings number 249/04 (Existing Plans and Elevations); 249/05 (Roof-Site Plans); 249/06 (Proposed Plans and Elevations) received 1 June 2017.

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.

Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 3rd July to 30th July 2017

Part III - Appeals and other decisions

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

APP/2017/0001 Appeal against the refusal of planning permission for the erection of an agricultural building at Deerplay Inn, Burnley Road, Clough Bottom, Cliviger

The Inspector identified the following as the main issues:-

1. whether the proposal is consistent with the objectives of local and national planning policies relating to development in rural areas, and;
2. the effect on the character and appearance of the area.

Appeal Decision – The Inspector **DISMISSED** the appeal.