

DEVELOPMENT CONTROL COMMITTEE

Thursday, 7th June, 2018
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 7th June, 2018 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 <http://bit.ly/planningrts>

A G E N D A

9. Late Correspondence (Green Sheet)

3 - 16

MEMBERSHIP OF COMMITTEE

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Councillor Frank Cant (Vice-Chair)
Councillor Afrasiab Anwar
Councillor Gordon Birtwistle
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Councillor Saeed Chaudhary
Councillor Sue Graham
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Councillor Mohammed Ishtiaq
Councillor Marcus Johnstone
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Councillor Cosima Towneley

PUBLISHED

Wednesday, 30 May 2018

DEVELOPMENT CONTROL COMMITTEE

Thursday 7th June 2018

Late Correspondence/Verbal Reports

AGENDA ITEM 6a

Pages 21-38

APP/2018/0003 Full Planning Application

**Proposed demolition of existing buildings and erection of 250no. dwellings with associated access, car parking, open space and landscaping
At Land west of Kiddrow Lane**

Amended Plans

Amended plans have been received which make minor changes to footpaths, cycle links and the landscaping scheme which respond to the outstanding recommendations of the Councils head of Green Spaces and Amenities.

Page 31 - Publicity

Correction: Twelve letters of objection have been received. This includes an objection from Councillor C. Briggs who objects to the construction of houses on a green open area.

Change to Recommendation

The current recommendation of Minded to Approve is changed to Delegation to read as follows:-

Delegate to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement relating to education provision, playing pitch improvements and accessibility improvements and 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: v1.14p (1: 2500 location plan), WEL 1.7, WINS 1.7, WIN 1.7, OAK 1.7, Mou 1.7, MAI 1.7, GAR 1.7, CLE1.7, CHU 1.7, CHA 1.7, BRO 1.71, ASH 1.7, ASH 1.71, SD-SW2, F4/01 and SD-F1, received on 2 January 2018; SD/GDS/9, received on 17 January 2018; GAR 1.71, received on 18 January 2018; MCD001/SK02RevE, received on 22 March 2018; 5304.09RevD and 5304.10RevD, received on 9 May 2018; ARNI 1.7, BOU 1.7, BOW 1.7, CAD 1.7, DG/2a, GTC-E-SS-0010_R1-8_1of1 and M100-MP-01B, received on 11 May 2018; and, M100-SL-10F, M100-SL-11F, M100-SL-01F, 5304.03RevE, 5304.04RevE, 5304.05RevE, 5304.06RevE, 5304.07RevE, 5304.08RevE, M100-BTP-01d, M100-ML-01c and MCD001/102/P2, received on 4 June 2018.

3. The external materials of construction to be used on the walls and roofs of the development shall be in accordance with the Materials Layout on drawing no. M100-ML-01c unless any variation is otherwise previously agreed in writing by the Local Planning Authority.
4. The development shall be carried out and completed with the surfacing materials on the estate roads, driveways and parking spaces as indicated on the Materials Layout on drawing no. M100-ML-01c unless any variation is otherwise previously agreed in writing by the Local Planning Authority.
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. Prior to the first occupation of any dwelling, a landscape management plan, including long term design objectives, management responsibilities, maintenance schedules (including replacement of equipment and replacement planting) and a programme of implementation, for all landscape areas, play areas and public open space, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved in perpetuity.
7. The new estate road/access between the site and Kiddrow Lane and Scott Street shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development within that phase of the development takes place within the site.
8. The existing redundant access points on the perimeters of the site shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing(s) shall be reinstated prior to any dwelling being first occupied, in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
9. Prior to the commencement of development, a scheme for the construction of the site access and associated off-site works of highway improvement (including the removal of school signing and lining associated with the former use of the site; and, the construction of dropped crossings on Kiddrow Lane from new cycle links) shall be submitted to and approved in writing by the Local Planning Authority.

10. No dwelling shall be first occupied until the approved scheme referred to in condition 9 above has been constructed and completed in accordance with the scheme details.
11. No dwelling shall be first occupied unless and 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.
12. Prior to any dwelling being first occupied, cycle and pedestrian links within that phase of the development as indicated on the approved plans, shall be constructed and available for use in accordance with detailed specifications which shall be previously submitted to and approved in writing by the Local Planning Authority. The pedestrian and cycle links shall remain open and available for use at all times thereafter.
13. Prior to the construction of any dwellings, the following shall be carried out, submitted and approved in writing by the Local Planning Authority:-
 1. A further ground investigation report shall be submitted to and first approved in writing by the Local Planning Authority in accordance with the recommendations of the Phase II Geo-Environmental Site Investigation (prepared by CBRE, reference, E3P Report: 10-292-r2, dated February 2015) to further investigate contaminants in the area of Hameldon College and to identify any shallow mine workings; and,
 2. a Remediation and Enabling Works Strategy, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the Local Planning Authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme as a whole or within the approved phases of the development shall be submitted to and approved in writing by the Local Planning Authority before any dwelling within that phase of the development is first occupied.

14. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.

15. The development shall be carried out in accordance with the surface water strategy detailed on drawing number MCD001/SK02RevE to achieve a maximum total surface water from the proposed points of discharge of 65.8 litres/second.
16. 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 in perpetuity.
17. No dwelling hereby approved shall be occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 16 which shall cover the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained in accordance with the approved details in perpetuity.
18. No development shall be commenced unless and until a scheme for the disposal of foul water has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full and completed within any agreed phase prior to any dwelling within that phase is first occupied. The foul water drainage scheme shall thereafter be retained at all times.
19. 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.
20. No development shall take place (including any demolition, ground works, site clearance) until further bat surveys have been carried out in accordance with the details set out at Table 4.1 of the Updated Licensed Bat Survey and Assessment Draft (March 2018), carried out by ERAP (Consultant Ecologists) Ltd. The findings and assessment of these bat surveys shall be used to inform the applicant's licence application to Natural England as well as the method statement and bat mitigation measures required by conditions 21 and 22 respectively.
21. No development shall take place (including any demolition, ground works, site clearance) until a method statement for bats has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
 - a) Purpose and objectives for the proposed works;
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);

- c) Extent and location of proposed works shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works;
- f) Initial aftercare and long-term maintenance (where relevant);

The approved method statement shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

- 22. No development shall take place (including any demolition, ground works, site clearance) until a bat mitigation strategy for the compensation and mitigation of loss of bat roosts within the development site, which shall include timescales for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved bat mitigation strategy shall thereafter be implemented and completed in accordance with the approved details and approved timescales. The implemented measures shall thereafter be retained in perpetuity.
- 23. 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 07:30 and 18:00 hours Monday to Friday and 08:00 and 14:00 hours on Saturdays.
- 24. 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.
- 25. The development, including the demolition of buildings and groundworks, shall at all times be carried out in accordance with the Environmental Management Plan, received on 9 May 2018 and the Management Plan (M100-MO-01B), received on 11 May 2018.
- 26. The development shall not be carried out otherwise than in accordance with the Written Scheme of Archaeological Investigation, prepared by Wardell Armstrong (Reference LE14368, report no. 0001 Version (0.1), received on 10 May 2018. The final reports of the archaeological investigation shall be submitted to and approved in writing by the Local Planning Authority within two months following the completion of the investigation unless an alternative timescale is otherwise agreed in writing by the Local Planning Authority.
- 27. The development hereby approved shall be carried out in accordance with the phasing strategy indicated on drawing number M100-MP-01B, received on 11 May 2018, unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority.

28. The tree protection measures as indicated on drawing numbers 5304.09RevD and 5304.10RevD and contained within the Arboricultural Impact Assessment and method Statement (Revision D) prepared by tba landscape architects (Reference 5304/AIA&AMS/D/MAY18, received on 9 May 2018, shall be carried out prior to any demolition, ground works or site clearance taking place and shall remain in situ and be adhered to at all times until the completion of the development.
29. The proposed boundary treatments as indicated on drawing number M100-BTP-01d shall be carried out and completed within each phase of the development and shall be wholly completed prior to the occupation of any dwelling within the final phase of the development.
30. Prior to the construction of the pond/swale, details of its depth, profile, shelving banks, inlet and outlet invert levels shall be submitted to and approved in writing by the Local Planning Authority. The pond/swale shall thereafter only be constructed and maintained in accordance with the approved details.
31. The proposed play area shall be constructed and completed prior to the completion of Phase 2 of the development in accordance with details of the play equipment and its layout to include its surfacing, seating, a bin and boundary treatment which shall be previously submitted to and approved in writing by the Local Planning Authority. The approved play area shall thereafter be available for use prior to the occupation of any dwelling within Phase 3 of the development.

Reasons for the Conditions

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, having regard to the character of the local area, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
4. To ensure a high quality appearance to the development and access/parking facilities, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan , Submission Document (July 2017).
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) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).

6. To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy HS4 of Burnley's Local Plan, Submission Document (July 2017).
7. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy HS1 of Burnley's Local Plan, Submission Document (July 2017).
8. To limit the number of access points to, and to maintain the proper construction of the highway, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
9. To ensure a satisfactory means of access to and from the site to serve the needs of the development, in the interests of highway safety, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy IC1 of Burnley's Local Plan, Submission Document (July 2017).
10. To ensure that the traffic generated by the development is satisfactorily managed, in the interests of highway safety, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy IC1 of Burnley's Local Plan, Submission Document (July 2017).
11. To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policies H3 and TM15 of the Burnley Local Plan (2006) and Policies IC1 and IC3 of Burnley's Local Plan, Submission Document (July 2017).
12. To ensure the site is accessible within its surroundings, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policies Policy IC1 of Burnley's Local Plan, Submission Document (July 2017).
13. To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006) and Policy NE5 of Burnley's Local Plan, Submission Document (July 2017).
14. 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) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).

15. To suitably restrict surface water flows which will contribute to a reduction in flood risk to downstream properties in Padiham, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006) and Policy CC4 of Burnley's Local Plan, Submission Document (July 2017).
16. 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) and Policy CC4 of Burnley's Local Plan, Submission Document (July 2017). 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.
17. 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) and Policy CC4 of Burnley's Local Plan, Submission Document (July 2017).
18. 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 Review (2006) and Policy NE5 of Burnley's Local Plan, Submission Document (July 2017).
19. 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.
20. To ensure adequate protection to bats which are protected species, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006), Policy NE1 of Burnley's Local Plan, Submission Document (July 2017) and the National Planning Policy Framework. The surveys are necessary prior to the commencement of development in order to inform a licence application to Natural England and to ensure adequate protection can be made to any bats that are found to be present on the site.
21. To ensure adequate protection to bats which are protected species, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006), Policy NE1 of Burnley's Local Plan, Submission Document (July 2017) and the National Planning Policy Framework. The method statement is required prior to the commencement of development in order to ensure adequate precautions can be carried out to protect any bats that are found to be present on the site.
22. To ensure adequate protection to bats which are protected species, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006), Policy NE1 of Burnley's Local Plan, Submission Document (July 2017) and the National Planning Policy Framework. The bat mitigation strategy is required prior to the commencement of development in order to

ensure adequate compensation and mitigation is carried out at the appropriate time to minimise any potential harm from the removal of existing bat roost on the site.

23. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
24. 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) and Policy IC1 of Burnley's Local Plan, Submission Document (July 2017).
25. 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) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
26. To ensure adequate investigation and recording of any archaeological/historical importance associated with the site, in accordance with Policy E19 of the Burnley Local Plan, Second Review (2006), Policy HE4 of Burnley's Local Plan, Submission Document (July 2017) and the National Planning Policy Framework.
27. To ensure a suitable phased approach to the development to enable the satisfactory implementation of the proposal, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy HS1 of Burnley's Local Plan, Submission Document (July 2017).
28. To ensure adequate protection for the long term health of trees/hedges which should be retained in the interests of the visual amenities and the biodiversity of the site and its surroundings, in accordance with Policies E4, E6 and H3 of the Burnley Local Plan, Second Review (2006) and Policies NE1 and NE4 of Burnley's Local Plan, Submission Document (July 2017).
29. To ensure a satisfactory appearance to the development from within the site and its environs, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
30. To ensure the details are satisfactory and appropriate to an area of public open space in respect of visual amenity, function and safety, in accordance with Policies E8, H3, H8 and E4 of the Burnley Local Plan, Second Review (2006) and Policies CC4, HS4 and NE1 of Burnley's Local Plan, Submission Document (July 2017).

Pages 39-48

APP/2018/0144 Full Planning Application

Change of use of theatre entrance to cafe and bar (class A3/A4), rebuild front elevation to form new shop front with iron gates, form balcony to rear, install extractor flue and partial mezzanine floor to use as office (re-submission of APP/2017/0386 & APP/2017/0387)

APP/2018/0145 Listed Building Application

Partial demolition of front elevation and from new shop front with iron gates, form balcony to rear, install extractor flue, partial mezzanine floor and internal alterations (re-submission of APP/2017/0386 & APP/2017/0387)

At 118 St James Street, Burnley

Report Correction

A Supplement report which with a corrected report for the above applications has been published separately.

AGENDA ITEM 6c

Pages 49-64

APP/2018/0020 - Full Planning Application

Proposed demolition of existing building and erection of 5no 2 storey dwellings fronting onto Sycamore Avenue together with 3 storey 12no residential apartments with ground floor parking to the rear of site; complete new site access road, parking and landscape area.

Former Life Church, Sycamore Avenue, Burnley

Consultation Update

No formal comments received from the Lead Local Flood Authority or the Council's Ecological Consultant to date.

Small change to the recommendation:

That the Head of Housing and Development Control be delegated to grant planning permission for the development subject to there being no adverse comments on ecology or from the Lead Local Flood Authority, and subject to the applicant agreeing to provide an Education Contribution (or demonstrating conclusively that provision of such contribution would make the proposed development financially unviable), and the following conditions and any further conditions arising from the negotiations.

AGENDA ITEM 6d

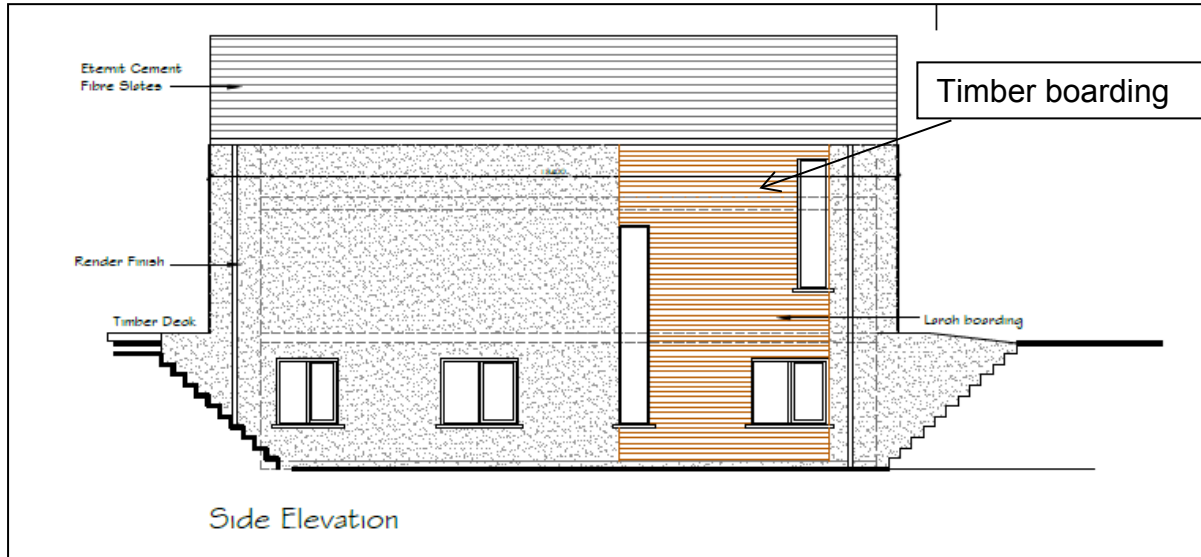
Pages 65-80

APP/2018/0191 - Full Planning Application

Erection of 4 bedroom dwelling in rear garden (resubmission of APP/2017/0593)

At 32 Ighten Road Burnley

An amended elevation plan has been received which introduces timber boarding on the side elevation of the proposed dwelling.



The alteration is acceptable and the introduction of the boarding improves the appearance of the dwelling by breaking up the expanse of render on the side elevation facing the dwelling at No. 34 Ighten Road.

Change to Recommendation -

That planning permission be granted subject to the conditions set out in the report with Condition 2 to be replaced with that below:

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 01A (location and site plan); 02A (site plan); 03A (ground floor layout); 04A (first floor layout); 05A (basement layout); 07A (general section); and 08A (site section) received 11 April 2018. Drawing No. 06B (proposed elevations) received 4 June 2018.

AGENDA ITEM 6g Pages 97-106

Full Planning Application – APP/2018/0191

Demolish existing garage, erect two storey extension to side and rear and single-storey extension to rear.

At 57 Windermere Avenue, Burnley

Point of clarity

A further site visit was conducted this morning with a view to clarify the exact use of the room at ground floor in no. 59 Windermere Avenue that is affected (due to the window in the side elevation facing no. 57). Photos will be presented in the

Powerpoint for clarity but are also shown below. Due to the layout of the room, the proposed two storey side extension will have an impact on light entering the window that supplies light directly to the kitchen area, but will only have a minimal impact on the dining area which is provided light via the double doors to the rear. The scheme is considered to have an acceptable impact on this property.



Window to kitchen area



Dining area



Doors to conservatory