



# DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 1st October, 2020 at 6.30 pm

## PRESENT

## MEMBERS

Councillors F Cant (Chairman), A Anwar, G Birtwistle, S Chaudhary, P Gill, S Graham, S Hall, J Harbour, A Hosker, M Ishtiaq, M Johnstone, A Kelly, L Khan and J Sumner

## OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
David Talbot	– Senior Solicitor
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Alison McEwan	– Democracy Officer
Christine Wood	– Democracy Officer
Mollie Wiggin	– Legal Assistant
Amanda Rumbelow	– Property Solicitor
Chris Gay	– Governance Manager

### 28. Apologies

Apologies for absence were received from Councillor Neil Mottershead.

### 29. Minutes

The Minutes of the previous remote meeting held on Thursday, 6<sup>th</sup> August 2020 were approved as a correct record.

### 30. Additional Items of Business

There were no additional items of business.

### 31. Declaration of Interest

Councillor Afrasiab Anwar declared a prejudicial interest in agenda item 6G – (application FUL/2020/0326 – Land at Rylands Street, Burnley) and left the meeting for this item and did not take part in the discussion or vote on the matter.

### 32. Exclusion of the Public

There were no items of business requiring the public to be excluded from the meeting.

### 33. List of Deposited Plans and Applications

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

Application reference	Location	Speaker
COU/2020/0238	Long Hey House, Halifax Road, Briercliffe.	Claire Bradley <b>(for)</b> (Kirkwells Town Planning Consultants)
FUL/2020/0326	Land at Rylands Street, Burnley.	Mr Hamaad Anwar <b>(for)</b> (SAAC Architecture)

### 34. a) APP/2018/0241 - Technology House, Magnesium Way, Hapton

*Prior to consideration of the application as detailed below, David Talbot outlined to Members grounds for resubmission of the application to the Committee.*

*David reminded of the Public access to meetings act 1960 which had been modified by statutory instrument due to the coronavirus pandemic to permit public meeting to take place via remote access. David further advised that the application had recently been considered and approved at the meeting of the Development Control Committee on 3<sup>rd</sup> September 2020 but due to the failure of You Tube stream of the meeting, the requirements of public attendance as modified in the act had not been met and the decision was therefore not valid and was resubmitted again to the Committee for determination.*

In accordance with Council Procedure Rules 16.4 a recorded vote was requested and taken.

**Proposed 19,741sq m extension to existing B8 distribution unit 18m high to underside of eaves including ancillary hub office, loading canopy and associated**

**service yard, landscaping and civil works – Technology House, Magnesium Way, Hapton, Lancashire.**

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

1.The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2.The development shall be carried out in accordance with the approved plans listed on this notice below.

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

3.All materials to be used in the approved scheme shall be as stated on the application form and amended drawings received 25/5/18 and shall not be varied without the prior written approval of the Local Planning authority

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018

4.No goods/materials shall be stored on the site other than in the building shown on the approved plans.

Reason: To ensure a satisfactory appearance of the site in the interests of local visual amenity and to comply with policy SP5 of Burnley's Local Plan 2018.

Highways

5.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 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public 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.

Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan.

6. 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.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan

7.Details of a scheme of electric vehicle charging to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the extension. The scheme shall be implemented in accordance with the approved details prior to first occupation.

Reason: In accordance with policy IC3 of Burnley's adopted Local Plan.

#### Drainage

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's adopted Local Plan.

9.Appropriate surface water drainage scheme to be submitted. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum: a) Temporary storage facilities – confirmation of attenuation volume details. b) Flood water exceedance routes, both on and off site.

The scheme shall be implemented in accordance with the approved details prior to the completion of the development. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's adopted Local Plan.

#### Environmental Health

10.The use hereby approved shall not begin until an assessment has been submitted for written approval to the Local Planning Authority which details the potential for noise emanating as a result of the use of the development, and any mitigation measures required to protect the amenity of occupiers of nearby noise sensitive properties. Proposed hours of operation shall be included within the assessment. Any approved noise mitigation measures shall be implemented prior to the start of the proposed use and retained thereafter.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy NE5 of Burnley's adopted Local Plan 2018

#### Landscaping

11.All hard and soft landscape works, as indicated on plan 17007 P - 02 , shall be carried out in accordance with the approved details. The planting as shown on plan 17007 P – 02 shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory in accordance with policy SP5 of Burnley's adopted Local Plan.

Lancashire County Council Highways (As per the update report/supplementary report)

#### Wheel washing/mechanical road sweeping

12. 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, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

#### Travel Plan

13. In line with the provisions of the Master Plan (2020) for the wider Burnley Bridge site, an Individual Company Travel Plan shall be prepared by the Travel Plan Representative within the company, in co-operation with the site Wide Travel Plan Co-ordinator, to identify methods to reduce single occupancy trips by the private car to and from the site and, to encourage and increase the use of other modes of transport, including low emissions vehicles, walking, cycling and public transport. The Individual Company Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 6 months of occupation or use commenced. The approved Individual Company Travel Plans shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan through the Site Wide Transportation Steering Group and to the satisfaction of the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling and to ensure the appropriate management and monitoring of the Travel Plan and traffic monitoring process in accordance with policies IC1 and IC2 of Burnley's adopted Local Plan.

<b>Motion to approve the application in line with Officer Recommendation (Resolution)</b>	
Councillor Frank Cant	For
Councillor Afrasiab Anwar	For
Councillor Gordon Birtwistle	For
Councillor Saeed Chaudhary	For
Councillor Peter Gill	No vote recorded
Councillor Sue Graham	For
Councillor Sarah Hall	For
Councillor John Harbour	For
Councillor Alan Hosker	Against
Councillor Mohammed Ishtiaq	For
Councillor Marcus Johnstone	For
Councillor Anne Kelly	For
Councillor Lubna Khan	For
Councillor Jeff Sumner	For
Paul Gatrell	No vote recorded
Alec Hickey	No vote recorded
David Talbot	No vote recorded
Emma Barker	No vote recorded
Alison McEwan	No vote recorded
Christine Wood	No vote recorded
Mollie Wiggin	No vote recorded
Amanda Rumbelow	No vote recorded
<b>Carried</b>	

**35. b) FUL/2020/0290 - 122 Burnley Road, Briercliffe, Lancashire**

**Town and Country Planning Act 1990 – Conversion Of existing 2 storey house in to 2 apartments, 1 on each floor 122 Burnley Road, Briercliffe, Burnley**

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

The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

**36. c) COU/2020/0238 - Long Hey House, Halifax Road, Briercliffe**

**Town and Country Planning Act 1990 – Proposed change of use from change of use of a garage and stable block to a Wellness Centre at Long Hey House, Halifax Road, Briercliffe.**

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

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. The use hereby permitted shall only take place between the hours of 09.00 and 17.00 on Mondays to Saturdays.

Reason: To satisfactorily protect the residential amenities of nearby occupiers and in accordance with policy EMP5 of Burnley's Local Plan July 2018.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or reenacting that Order) the premises shall only be used for the purposes specified in the application and for no other purpose (including any other purpose in Class D1 on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or reenacting that Order). Reason: This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 2015 are not acceptable to the Local Planning Authority in this location without an assessment as to the sustainability credentials of a different use and to enable the local planning authority to consider any future change having regard to policies EMP5 and EMP6 of Burnley's Local Plan July 2018 and the NPPF.

**37. d) LBC/2020/0011 - Towneley Hall, Towneley Park, Burnley**

**Application for Listed Building Consent – Replacement of existing lath and plaster ceiling to the Jacobean stairwell – Towneley Hall, Towneley Park, 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.

Reason: 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. The development hereby permitted shall be carried out strictly in accordance with the detailed method of repair as set out in the approved Heritage Assessment prepared by Knox-McConnell Architects Ltd received on the 11.09.20 unless approved otherwise in writing by the Local Planning Authority.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity; and to preserve the character and special interest of the building in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

**38. e) COU/2020/0298 - 32 Manchester Road, Burnley**

**Full Planning Application – Change of use of Ground Floor from hairdressers (Class A1) to coffee shop and bar (Class A4) and offices (Class A2) – 32 Manchester 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

Reason: 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. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. MJ02 (Floor Plans at 1:30 dated 30.07.20) received on the 20th August 2020.

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

3. Prior to the commencement of the development hereby approved, an assessment of the noise from the Class A4 use on the neighbouring occupiers, shall be submitted to and approved in writing by the Local Planning Authority. The submitted noise assessment shall include recommendations for addressing and mitigating against any identified potential noise including the impact of amplified/live music on the occupiers of the upper floors of the building. The approved noise assessment and recommendations shall thereafter be carried out during the conversion of the premises and shall be completed prior to any part of the development being first brought into use or occupied. The approved noise mitigation measures shall thereafter be retained at all times.

Reason: To ensure adequate mitigation against potential noise to neighbouring occupiers and to ensure that the use hereby permitted does not lead to any significant increase in town centre noise and disturbance, in order to satisfactorily safeguard the amenities of residents in the town centre neighbouring occupiers, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The noise assessment is required to be submitted prior to the commencement of development in order to ensure that any insulation or other mitigation can be carried out at the appropriate stage in the course of the development.

4. Notwithstanding the plans hereby approved, prior to the development being brought into use a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse store and area/facilities allocated for storing of recyclable materials shall be completed in accordance with the approved plans and thereafter be retained for use at all times. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

Reason: To ensure the provision of adequate facilities for the storage of refuse and recycling; safeguard the amenity of the occupiers of adjoining premises; prevent any obstruction on the highway and to comply with Policy SP5 of Burnley's Local Plan (July 2018).

5. Prior to the preparation and cooking of any hot food on the premises in association with the use hereby permitted, equipment for the collection and dispersal of cooking fumes shall



be installed and available for use in accordance with a scheme which shall be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be maintained in good working order in accordance with the manufacturer's instructions and available for use at all times

Reason: As insufficient information has been submitted and to protect the surrounding environment, including occupiers of nearby premises from nuisance from cooking odours in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

6. 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 of 07:00hrs to 19:00hrs hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public 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.

Reason: To safeguard the local amenity of the site within the town centre in accordance with Policies SP5 and TC5 of Burnley's Local Plan (July 2018).

Informative This permission does not give consent to any advertisement intended to be displayed on the site for which separate express consent may be necessary under the Town and Country Planning (Control of Advertisements) Regulations 2007.

<b>39. f) COU/2020/0316 - 47 Todmorden Road, Burnley, Lancashire</b>
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**Town and Country Planning Act 1990 – Change of use from public house to house in multiple occupation with 14 no. bedrooms – 47 and 49 Todmorden Road, Burnley, Lancashire, BB10 4AB.**

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

1.The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority. Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings; 03 Rev A, 02 Rev E, 08

3.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 0800 hours

and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public 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.

Reason: To safeguard the amenities of nearby residents in accordance with policy NE5 of the adopted Local Plan.

4.No combustion of any materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.

Reason: In order to not significantly pollute the environment in accordance with policy NE5 of the adopted Local Plan.

5.No part of the approved scheme shall be first occupied until refuse and recycling storage provision has been provided as indicated on the approved plans 02 Rev E. The approved refuse and recycling storage provision shall thereafter be retained in perpetuity.

Reason: To ensure adequate provision for bin storage in the interests of the visual amenities of the area, in accordance with the Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

6.No part of the approved scheme shall be first occupied until secure cycle storage provision is indicated on plan number has been provided on site. The approved secure cycle provision shall thereafter be retained in perpetuity.

Reason: In order to encourage alternative methods of travel and a wider choice of transport modes, in accordance with policy IC1 of the adopted Local Plan.

#### **40. g) FUL/2020/0326 - Land at Rylands Street, Burnley**

**Town and Country Planning Act 1990 – Proposed mobile catering unit in the shape of a bus with takeaway and eat-in facility – Land at Rylands Street, Burnley.**

**Decision: That the planning application be refused due to the following:**

1.The introduction of a stationary bus with its associated fittings; extraction flue, takeaway covered canopy area (3.5m in length), bins will have a negative impact on the existing character of the area contrary to policy SP5 of Burnley's adopted Local Plan.

2.The proposed use and opening hours would lead to conditions detrimental to residential amenity due to noise disturbance and cooking odours. This would be contrary to Policies TC7, SP5 and NE5 of Burnley's adopted Local Plan.

3.The proposal, by virtue of its potential detriment to highway safety arising from the lack of parking and conflict of existing users to the site and nearby residential is contrary to Policies TC7 and SP5 of the Burnley's adopted Local Plan 2018.

**41. h) FUL/2020/0193 - Land Opposite 23 March Street, Burnley**

**Town and Country Planning Act 1990 – Retrospective application for shed, greenhouse and timber fencing (re-submission of FUL/2019/0328) – Land Opposite 23 March Street, Burnley, Lancashire.**

**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.

Reason: 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. The development hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.

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

**At this point, Councillor Lubna Khan left the meeting**

**42. Decisions taken under the Scheme of Delegation**

The Committee received for information a list of decisions taken under delegation for the period 25<sup>th</sup> August 2020 to 18<sup>th</sup> September 2020.