



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 12th August, 2021 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), G Birtwistle, F Cant, P Chamberlain, S Cunliffe, S Graham, S Hall, J Harbour, A Hosker, J Inckle, K Ingham, M Ishtiaq, N Mottershead, M Payne and A Royle

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
Catherine Waudby	– Head of Legal and Democratic Services
Alison McEwan	– Democracy Officer

28. Minutes

The Minutes of the last meeting were approved as a correct record and signed by the Chair.

29. 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 Nik Putnam COU/2021/0277 – Reel Cinema

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

30. HOU/2021/0313 - 52 Simpson Street Hapton

HOU/2021/0313

Town and Country Planning Act 1990

Two storey extension to side, single storey extension to rear

At 52 Simpson Street Hapton Lancashire BB12 7LJ

Decision: To approve with conditions

Conditions and Reasons

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 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 approved drawings received 19/7/21 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. The proposed development should not be brought into use unless and until the parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.
Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site.

31. FUL/2020/0540 - Lower Ridge (Former Care Home for Elderly) Belvedere Road Burnley
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FUL/2020/0540

Town and Country Planning Act 1990

Change of use from residential care home (Class C2) to 50 no. self-contained studio apartments with supporting living facilities (sui generis) and external alterations

Lower Ridge (Former Care Home for Elderly) Belvedere Road Burnley BB10 4BQ

Conditions and Reasons

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.
3. The premises shall be occupied by up to a maximum of 50 no. studio apartments for individuals in need of accommodation with assisted living (sui generis use) in accordance with the approved plans and the Design and Access Statement submitted with this application. No part of the approved development shall be occupied as a

dwelling under Class C3 of the Town and Country Planning (Use Classes) Order 1987 or as a House in Multiple Occupation (sui generis) without planning permission first being obtained.

Reason: The proposal has been assessed on the basis of the proposed use for assisted living accommodation and not for Class C3 purposes which would require a greater level of car parking provision and consideration of other plan policies, in accordance with Policies HS4 and IC3 of Burnley's Local Plan (July 2018).

4. Prior to the commencement of any building operations, a Noise Assessment shall be submitted to and approved in writing by the Local Planning Authority to assess the impact of environmental noise, including traffic noise, on the future occupiers of the development. Any recommendations in the approved Noise Assessment to mitigate against noise shall thereafter be carried out and completed prior to any part of the premises being first occupied.

Reason: To ensure that any potential noise impact on occupiers of the development is suitably mitigated to ensure a satisfactory level of amenity for occupiers, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

5. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved Plan / Statement shall provide for the following:
- 24 Hour emergency contact number;
 - Details of the parking of vehicles of site operatives and visitors;
 - Details of loading and unloading of plant and materials;
 - Arrangements for turning of vehicles within the site;
 - Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
 - Measures to protect vulnerable road users (pedestrians and cyclists);
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities;
 - Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
 - Measures to control the emission of dust and dirt during construction;
 - Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Construction vehicle routing;
 - Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period until the completion of the development.

Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases, in accordance with Policy IC1 of Burnley`s Local Plan (July 2018).

6. Prior to any occupation of the approved scheme, the car parking spaces and secure cycle parking provision, as indicated on the approved plans, shall be provided and available for use for the purposes of occupiers of the development, staff and visitors. The car parking provision and secure cycle storage shall thereafter be retained for these purposes at all times.

Reason: To ensure adequate parking provision to cater for the needs of the development and to ensure provision for cycle storage to encourage the use of cycling as a sustainable mode of transport, in accordance with Policy IC3 of Burnley`s Local Plan (July 2018).

7. Matching brickwork must be used to make good former window/door openings at the premises.

Reason: To ensure a satisfactory appearance to the premises, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

8. Prior to the premises being first occupied the landscaped courtyard garden and acoustic fence shall be constructed, completed and available for use.

Reason: To ensure adequate outdoor sitting areas for occupants of the building and to ensure adequate protection from potential noise to surrounding neighbouring properties, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

9. Prior to any part of the approved development being first occupied, a scheme for the management of the site (including the comings and goings of occupants and measures to prevent noise and disturbance) as well as site security and safety measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full and strictly adhered to at all times in perpetuity.

Reason: To ensure the safety and amenity of occupants and neighbouring properties, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

32. COU/2021/0277 - Reel Cinema, Manchester Road, Burnley
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COU/2021/0277
Rosehill with Burnley Wood Ward
Full Planning Application
The Town and Country Planning Act 1990
Reel Cinema, Manchester Road, Burnley, Lancashire, BB11 2EG

Conditions & Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.
REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to the construction of the building above slab level hereby approved, samples of all external materials, and their colour, to be used in the construction of the development

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

3. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the Flood Risk Assessment and Drainage Strategy (K38388.FRA/001) and Drainage Layout Plan (K38388 001).
The measures shall be fully implemented prior to the commencement of the use hereby approved and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.
REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.
4. Prior to the commencement of the use hereby approved a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.
The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

REASON: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

5. 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 Policies CC4, CC5 and NE5 of Burnley's Local Plan (July 2018).
6. 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 permeable paving, other than those shown on the approved plans, shall be erected or placed anywhere within the site to which this consent relates without written consent from the Local planning Authority.

REASON: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework and Local Plan Policy CC4.

7. No development shall start until an investigation and report which demonstrates that the development can be safely undertaken and occupied has been submitted to the Local Planning Authority. The report shall be prepared by a competent consultant, experienced and specialising in the assessment and evaluation of Landfill Gas migration.

The investigation report shall:

- describe the methodology, techniques and equipment and circumstances of the survey and set out final conclusions and recommendations to the results and findings of tests and investigations
- advise on any remedial measures which demonstrate that the development can be safely undertaken and occupied.

Reason: To ensure that the developer has demonstrated that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas, in accordance with policy E35 of the Burnley Local Plan, Second Review.

8. If remediation measures are recommended as a result of the investigations required by Condition 7 above, these measures shall be incorporated into the development, before any buildings are occupied.

Reason: To ensure that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas, in accordance with policy E35 of the Burnley Local Plan, Second Review.

9. All specified plant and machinery shall be enclosed with sound insulating materials in accordance with a scheme to be agreed in writing by the Local Planning Authority, implemented prior to the commencement of the use hereby approved and permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with policy SP4 of the Burnley Local Plan.

10. Prior to the commencement of the use hereby approved a scheme and programme for the lighting of the food store has been submitted to, and approved in writing by, the Local Planning Authority. The scheme and programme shall include details of:

- a) Location, type and intensity of lights.
- b) Types of masking or baffle at head.
- c) Type, height and colour of lighting columns.
- d) Number and size of lighting units per column.
- e) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby properties.
- f) Details of how the external source of lighting shall be effectively screened from view of a driver on the public highway.

The lighting shall only be provided in accordance with the approved scheme and programme.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and to conform with policy NE5 of the Burnley Local Plan

11. The plant area and enclosure details shown on the proposed site plan shall be provided before the start of the use and thereafter permanently retained.
Reason: To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality and to ensure compliance with policy SP5 of the Burnley Local Plan.

12. Construction of the development hereby permitted shall not take place outside the hours of 07:00 and 19:00 Monday to Saturday and not at all on Sundays or Bank Holidays.
Reason: To safeguard the amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes of a food store (Class E) specified in the application and for no other purpose (including any other purpose in Class E 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 re-enacting that Order).
Reason: To safeguard amenities of the adjoining premises and the area generally in accordance with Policies SP1, SP4, SP5 and TC2 of the Local Plan.
14. Before the car park spaces hereby approved are brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing provision of the electric vehicle charging points, including their location and specification. The approved scheme shall be installed and operational prior to the commencement of the use hereby approved.
Reason: In the interests of air quality management and protection of health, in accordance with Policies IC1, IC3 and NE3 of the Local Plan.
15. The development hereby approved shall be carried out in complete accordance with conclusions and recommendations of the submitted Tree Survey and Constraints Report carried out by Amenity Tree Care, received on the 13th May 2021, unless agreed in writing by the Local Planning Authority.
REASON: To ensure the adequate protection of trees OF landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development in accordance with Policy NE5 of the Local Plan.
16. The development hereby approved shall be carried out in complete accordance with the submitted Ecological Survey and Assessment carried out by ERAP Ltd Consultant Ecologists, received on the 13th May 2021, unless agreed in writing by the Local Planning Authority.
REASON: In the interests of biodiversity and to enhance opportunities for species of conservation concern and to reduce the impact of development in accordance with Local Plan Policy NE5.
17. The development hereby approved shall be carried out in complete accordance with the monitoring and reviewing section of the submitted Travel Plan, ref. SCP/200788/TP/1, carried out by SCP, unless agreed in writing by the Local Planning Authority.
REASON: In the interests of Highway Safety in accordance with IC1 and IC2 of the Local Plan.
18. Prior to the commencement of the use hereby approved the cycle parking provision and car parking spaces shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking at all times.
REASON: To ensure the provision and availability of adequate cycle and car parking and the promotion of sustainable forms of transport.
19. The proposed use hereby approved shall not operate outside of the hours of opening hereby agreed:
- 07:00 to 23:00 Monday to Saturday (Inclusive of Bank Holidays); and
 - either 10:00 to 16:00 or 11:00 to 17:00 on Sundays.

REASON: In the interest of Residential Amenity

20. No part of the development hereby approved shall commence until a scheme for the construction of all highway works applied for including permanent, temporary and any remediation including access closures works post-delivery have been submitted to, and approved by the Local Planning Authority in consultation with the appropriate Highway Authority.
Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
21. No site preparation (which includes demolition) or construction to commence until all temporary access works shown on dwgs SCP/200788/D13 (site access) and SCP/200788/D16 (off site works) are provided and agreed in writing by the Local Planning Authority in consultation with the appropriate highway authority.
Reason: In order that the traffic generated by site preparation/demolition or construction does not exacerbate unsatisfactory highway conditions.
22. Prior to any commencement of the development, the developer shall submit a construction phasing plan including off-site highways works for approval by the Local Planning Authority and the appropriate Highway Authority. Development should not commence until this is approved in writing.
Reason: In order to maintain flow of traffic on local roads during site preparation and construction.
23. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in condition 20 has been constructed and completed in accordance with the scheme details.
Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
24. Prior to first occupation of the development hereby approved a Car Park Management Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The Strategy to include all areas of development related parking, drop off/pick up and locations of site servicing (from within the site), set out the layout, means of access and egress to areas vehicle parking, maximum duration of stay, where appropriate, a mechanism that satisfies vehicle demand if capacity is exceeded and onsite parking enforcement.
Reason: To allow for the effective and efficient use of the parking areas and maintain flow of traffic on local roads when the development is operational.
25. No development shall take place until a Traffic Management Plan has been submitted to, and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and be kept live taking into account influences beyond the control of this application. The Statement shall provide further information on routes and routeing. Also, to include use/limitations on each route for deliveries, plant, abnormal loads or employees/workers; profile for typical, the recording of daily deliveries; maximum number of deliveries per day; safe waiting areas on local road network. Deliveries to the approved development shall only be accepted between the hours of 9.30am and 4.00pm Monday – Friday, to avoid peak traffic on the surrounding highway network.
Reason: To maintain the operation and safety of local streets and the routes in the area during site preparation and construction.

26. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a. 24 Hour emergency contact number.
 - b. the parking of vehicles of site operatives and visitors,
 - c. iii. loading and unloading of plant and materials,
 - d. storage of plant and materials used in constructing the development,
 - e. the erection and maintenance of security hoarding/access points including decorative displays and facilities for public viewing, where appropriate, vi. wheel washing facilities,
 - f. a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures,
 - g. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site),
 - h. a scheme to control noise during the construction phase,
 - i. hours of construction/ hours of deliveries; and
 - j. temporary lighting within compounds and on site.
- Reason: To maintain the operation and safety of local streets and the through routes in the area during site preparation and construction.
27. Prior to first use of the development a Delivery, Servicing and Waste Management Plan including hours of servicing and deliveries, the use of a banksman where any reversing is required, shall be submitted to, and approved in writing by, the Local Planning Authority, strategy to link into car park management strategy.
Reason: In order to maintain flow of traffic on local roads when the development is operational.
28. The development hereby permitted shall be carried out in accordance with submitted technical reports, supporting information and 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.

33. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation since the last meeting.