



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Monday, 2nd 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, K Ingham, M Ishtiaq, N Mottershead, M Payne and A Royle

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Imelda Grady	– Democracy Officer

20. Apologies

Apologies for absence were received from Councillor J Inckle.

21. Minutes

The Minutes of the last meeting held on 15th July 2021 were approved as a correct record.

22. Additional Items of Business

There were no additional items of business.

23. Declaration of Interest

There were no declarations of interest.

24. Exclusion of the Public

There were no items that required the public to be excluded from the meeting.

25. 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:

Ms Sharon Sherett – COU/2021/0175, 65 Church Street, Burnley

Mrs Jo Kemp – FUL/2021/0135, Land at former Bull and Butcher Pub, Manchester Road, Burnley.

RESOLVED That the list of deposited plans be dealt with as follows:

26. COU/2021/0175 - 65 Church Street, Burnley, Lancashire

Town and Country Planning Act 1990

65 Church Street Burnley Lancashire BB11 2RS

Proposed Development: Change of use of public house and hotel (Sui Generis) to form 10 no. apartments.

Applicant: The Talbot Hotel Agent: Mr Michael Sproston – PWA Planning

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. Prior to the commencement of the work hereby approved, material samples and details of all external finishes shall be submitted to the Local Planning Authority for approval. The development shall then be carried out in accordance with the details so approved prior to the extension first being brought into use and retained as such thereafter.

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.

3. The refuse collection and storage for the units hereby approved shall be implemented prior to the occupation of the proposed apartments. Thereafter the approved facilities together with the means of access thereto shall be maintained and carried out as approved and be retained for the benefit of the lifetime of the development hereby permitted.

Reason: In the interests of amenity in accordance with Policies SP5 of the Local Plan.

4. 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:
- 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 for the development.

Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases.

5. Deliveries to the approved development shall only be accepted between the hours of 9:30am and 2:30pm Monday – Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interest of highway safety.

6. No building or use hereby permitted shall be occupied or use commenced until the footway (and/or verge) has been reinstated to full kerb height, where any vehicle crossover(s) are redundant, in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety.

7. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

8. Parking area to be used ancillary to building. The parking/cycle storage areas hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability of their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: To ensure that adequate parking provision is retained on site

9. The development hereby approved shall be carried out in complete accordance with the submitted Flood Risk Assessment carried out by Maplebrook Environmental Consultants, received 22nd March 2021, unless agreed in writing by the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of flooding, pollution to water resources or human health in accordance with Local Plan Policy CC2 and the NPPF.

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

Reason: To clarify the terms of this consent

Approved Plans:

Site Plan and proposed block plan – Drawing number: 2013-SP01 Proposed basement and ground floor plans – Drawing number: 2013-PL10

Proposed outbuilding plans and gable end wall elevation – Drawing number: 2013-PL12

Proposed first and second floor plans – Drawing number 2013-PL11

27. FUL/2021/0135- Land at former Bull & Butcher Pub, Manchester Road, Habergham Eaves

Town and Country Planning Act 1990

Applicant: LNT Care Developments

Erection of two storey care home (66 bedrooms) for older people with associated parking, access and landscaping (Class C2). Land At Former Bull And Butcher Pub Manchester Road Habergham Eaves 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 listed on this notice below.

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

3. Prior to the commencement of development, details of the external materials of construction to be used on the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out 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). The material details are required prior to the commencement of development to ensure that the approved materials are available for use at the appropriate stage of the development.

4. No development shall be commenced until protective fencing to protect the trees to be retained on the site has been erected in accordance with details as indicated within the Arboricultural Impact Assessment (Reference 1177.19, dated April 2019). There shall be no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees. The protection measures shall be implemented and remain in situ during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The protective fencing is required to be erected prior to the commencement of development in order to give adequate protection to the trees from construction vehicles, plant, deliveries and other site activities.

5. Prior to the commencement of development, a scheme of landscaping, to include details of retained trees and new tree and shrub planting, to include native species on or near to site boundaries (noting species, plant sizes/heights on planting and proposed numbers/ densities where appropriate), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory scheme of landscaping that satisfactorily mitigates the loss of some trees on the site, provides a satisfactory setting for the development at a gateway location from the rural area and provides suitable species for biodiversity, in accordance with Policies NE4, SP5 and NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the works are agreed early in the process in order that they can be carried out at the appropriate stage of the development.

6. All planting, seeding or turfing comprised in the approved details of landscaping (as approved by Condition 5) shall be carried out in the first planting and seeding seasons following the first occupation of the approved development 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.

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings and contributes to biodiversity enhancement, in accordance with Policies SP5 and NE1 of Burnley's Local Plan (July 2018).

7. Prior to the commencement of development, a scheme of off-site works of highway improvement to include the new vehicular access, reinstatement of footway and landscaping works on the site's frontage with Manchester Road and Rossendale Avenue, drop kerbs and tactile paving at the crossing point of the site access and at the junction of Rossendale Avenue with Manchester Road, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed prior to the approved development being first occupied.

Reason: To ensure that satisfactory access is provided to the site, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the works can be agreed and carried out at the appropriate stage of the development.

8. Prior to the commencement of built development above ground level, a scheme of biodiversity enhancement measures, in accordance with the recommendations of the submitted Preliminary Ecological Appraisal (Report ref BEK-19549-3, dated February 2021), shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancement measures shall thereafter be carried out and completed prior to the approved development being first occupied.

Reason: To ensure that the scheme provides adequate benefits for wildlife to enhance the biodiversity of the site and the local area, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

9. No works or removals of trees or shrubs on the site shall take place during the bird nesting season between the 1st March and 31st August inclusive in any year unless a qualified ecologist has inspected the area no more than 24 hours prior to the works/removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

Reason: To ensure that nesting birds which are protected by the Wildlife and Countryside Act 1981 are not harmed by the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). This must be carried out prior to the commencement of development in order to prevent any potential harm to breeding birds.

10. The approved development shall not be first occupied until the car park and manoeuvring areas as indicated on the approved plans have been constructed, drained, surfaced in tarmac or an alternative bound treatment to be previously agreed in writing with the Local Planning Authority, marked out and made available for use. The car parking area shall thereafter be kept free of obstruction and available for the parking of cars at all times.

Reason: To ensure adequate off-street parking and to allow for the effective use of the parking areas, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

11. 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 avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

12. 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:

- 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 and construction working hours.

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

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.

13. 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 1800 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, requests in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

14. Prior to the commencement of built development, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in accordance with the approved scheme prior any dwelling to any dwelling within each phase of the development being first occupied. The approved drainage scheme shall be retained at all times thereafter.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

15. The approved development shall not be first occupied until a Verification Report and Operation and Maintenance Plan for the approved surface water drainage system for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, retained, maintained and managed at all times in accordance with the approved plan.

Reason: To ensure 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 Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

16. Prior to the commencement of any development, details of how surface water and pollution prevention will be managed during the construction process shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented at all times during the construction of the development until its completion.

Reason for condition: To manage any risks from pollution and flooding arising from construction activities on site, in accordance with Policies NE5 and CC4 of Burnley's Local Plan (July 2018). The details are required to be submitted prior to the commencement of development in order that they can be in place prior to any work taking place that could lead to pollution or flooding from the site.

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

Reason: To ensure the site can be adequately drained, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018).

18. Prior to the approved development being first occupied, the enclosed refuse store shall be constructed and available for use in accordance with the approved plans. The refuse store shall thereafter be retained at all times.

Reason: To ensure adequate storage for refuse and recycling waste is provided away from public views, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

19. The details of materials, height and specification of all boundary treatment shall be submitted to and approved in writing by the Local Planning Authority prior to any built development above ground level. The approved boundary treatments shall thereafter be constructed and completed prior to the approved development being first occupied and shall be retained at all times thereafter.

Reason: To ensure a satisfactory appearance and amenity to the development from within the site and its environs, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required prior to any built development above ground level to ensure that they can be implemented at the appropriate stage of the development.

20. The development shall be constructed and completed in accordance with the recommendations contained within the Geoenvironmental Appraisal (report 7099/1, dated January 2020) and Remediation Strategy (report 7099/2, dated January 2021). In the event that previously unidentified contamination is discovered during any part of the works then further investigation and risk assessment shall be undertaken which shall together with an additional remediation scheme be submitted to and approved in writing by the Local Planning Authority before works continue. A Validation and Verification report to evidence that all remediation works have been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority before the approved residential care home is first occupied.

Reason: In order to deal appropriately and safely with the risks posed to the public and future occupiers by the historic use of the site, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

21. The development shall not be carried out otherwise than in accordance with the measures for energy and water efficiency contained within the submitted Sustainability & Energy Statement (dated March 2021) and shall be completed in their entirety prior to the completion of the development.

Reason: To ensure the development delivers the expected water and energy efficiencies, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

22. A minimum of two Electric Vehicle Charging points shall be installed externally within the car park as indicated on the approved plans prior to the completion of the development.

Reason: To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

23. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders, the approved

development shall operate as a residential care home for the elderly (Class C2) only and shall not be used for any other purpose within Class C2 or for any other purpose.

Reason: To ensure the satisfactory implementation of the proposal which has been assessed on the details of the proposed use only, a deviation from which would need to be re-assessed in the interests of safeguarding residential amenity and highway safety amongst other material considerations, in accordance with Policies SP5, IC1 and IC3 of Burnley`s Local Plan (July 2018).

24. The approved development shall not be first occupied unless a pedestrian path to link to the adjoining site to the west has been constructed, surfaced and made available for use as indicated on the approved plans and in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The path shall thereafter be retained and remain available for use in perpetuity.

Reason: To provide for accessibility and connectivity to the remaining part of the housing allocation at Policy HS1/23 of Burnley`s Local Plan (July 2018).