



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 16th November, 2017 at 6.30 pm

PRESENT

MEMBERS

Councillors F Cant (Chair), A Khan (Vice-Chair), C Briggs, M Brindle, T Ellis, S Graham, J Harbour, M Johnstone, L Khan, N Mottershead, M Payne, T Porter, A Raja, A Tatchell and C Towneley

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Graeme Thorpe	– Planning Team Manager
Aftab Ahmed	– Assistant Planner
Amanda Rumbelow	– Property Solicitor
Alison McEwan	– Democracy Officer

48. Apologies

Apologies for absence were received from Councillor Fleming.

49. Minutes

The Minutes of the last meeting held on 19th October 2017 were approved as a correct record and signed by the Chair.

50. Declarations of Interest

Councillor Trish Ellis declared a pecuniary interest in item APP.2017/0294, 3 Hill Crest Avenue, Burnley. She left the room during consideration of this item and took no part in the debate or vote on the matter.

51. 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 Andrew Porter **APP/2017/0397**
Land at Brownside Road, Padiham

Mr Phill Ashley **APP/2017/0397**
Land at Brownside Road, Padiham

Ms Claire Bradley **APP/2017/0397**
Land at Brownside Road, Padiham

Cllr Tony Martin **APP/2017/0450**
318 Padiham Road, Burnley

Mr Joe Redmond **APP/2017/0478**
383 Padiham Road, Burnley

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

52. APP/2017/0397 - Land at Brownside Road, Worsthorne

Outline Planning Application Outline application for residential development for up to 18 dwellings including details of access (all other matters reserved for future approval)

LAND AT BROWNSIDE ROAD BURNLEY

Decision: That planning permission be delegated to the Head of Housing and Development Control to approve subject to a section 106 Agreement to provide for contributions to affordable housing, education, open space improvements, sustainable travel and the following conditions:

Conditions:

1. Details of the layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this Page 33 permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Loc1 and Highwayaccess1, received on 9 August 2017.
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. The landscaping scheme to be submitted with the Reserved Matters submission shall include a tree retentions and removal plan and provide for new tree planting along the site's frontage with Brownside Road and along the site's western boundary.
7. No development shall be commenced until a scheme for the means of protecting trees and hedges which are to be retained within and immediately adjacent to the site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for 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 or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.
8. No removal of or works to any trees, shrubs or grassland shall take place between 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority prior to any works taking place.
9. Prior to the commencement of development (including groundworks, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese knotweed present on site. The measures shall be carried out strictly in accordance with the approved scheme and shall be completed prior to any dwelling on the site being first occupied.
10. No development shall be commenced or any removal of bat boxes installed on the site take place until the boxes have been inspected by a suitably qualified person for the possible presence of bats. If bats are found to be present a Page 34 method statement giving details of measures to be taken to avoid any possible harm to bats shall be prepared, submitted to and approved in writing by the Local Planning Authority prior to any development being commenced. Once approved this method statement shall be implemented in full. Whether any bats are present or not, bat

boxes shall be re-instated on the site post-construction prior to any dwelling being first occupied.

11. A programme of works shall be submitted to and approved in writing by the Local Planning Authority prior to development being commenced, detailing the following: a) The specific processes/activities which will be carried on during the construction phase(s) b) The proposed timescales for the processes/activities in a) c) The proposed noise mitigation measures for the processes/activities in a). The development shall thereafter only be carried out in accordance with the approved details.
12. No development shall take place, including any works of demolition, 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: i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.
13. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
14. 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.
15. 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 at all times.
16. No dwelling hereby approved shall be occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 15 which shall cover the lifetime of the development, has been submitted to and Page 35 approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved details.
17. No development shall be commenced until a scheme for the disposal of foul water on a separate system to that of surface water has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.

18. Vehicular access to the development shall be from Brownside Road only in accordance with details as indicated on the approved plans and no part of the development hereby approved shall be commenced until a scheme for the construction of the site access and off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The off-site works of highway improvement shall provide for a scheme to facilitate the making of a Traffic Regulation Order to restrict parking for a distance of 25m from the centre line of the new estate on the north west side of Brownside Road and the provision of a 2.0m wide footway to the site's frontage to Brownside Road. The site access and off-site works shall thereafter be constructed, carried out and completed in accordance with the approved scheme prior to any dwelling being first occupied.
19. The Reserved Matters application relating to the layout of the development shall provide for a pedestrian and cycle access from the site to provide convenient access to the nearby recreation ground off Lennox Street. Details of the pedestrian/cycle access shall be submitted to and approved in writing prior to the commencement of development and the development shall thereafter be carried out in accordance with the approved details and be completed and made available for use prior to any dwelling being first occupied. The approved pedestrian/cycle access shall thereafter be retained and available for use at all times.
20. The Reserved Matters application relating to the layout of the development shall provide for the details and design of the new estate road, including traffic calming measures to control traffic speeds to a limit of 20mph. The approved estate road shall thereafter be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
21. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to facilitate the restriction of parking on both sides of the new estate road for a distance of 20m from the centreline of the new estate junction with Brownside Road. The approved scheme shall be carried out and completed prior to any dwelling being first occupied unless a variation to the timescale for its completion is otherwise previously agreed in writing by the Local Planning Authority.
22. 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.
23. No dwelling shall be first occupied 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.
24. The Reserved Matters application relating to the layout of the development shall provide for covered and secure cycle storage within either a garage or shed for each dwelling. The approved cycle storage provision shall thereafter be provided and

available for use prior to each dwelling being first occupied and shall be retained at all times thereafter.

25. Prior to the commencement of development, a ground investigation report shall be submitted to and first approved in writing by the Local Planning Authority in accordance with the recommendations of the Combined Phase 1 Land Quality Assessment & Coal Mining Risk Assessment submitted with this application (prepared by PSA Design Limited, reference G2446-GR-01, dated 14 March 2017). Any recommendations contained within the approved report shall be implemented in full during the course of the development and shall be completed prior to the first occupation of any dwelling. In the event that the approved report makes recommendations for future monitoring then this should also be adhered to in accordance with the details of the recommendations and any results of such monitoring shall be submitted to the Local Planning Authority.
26. The Reserved Matters submission shall include details of all boundary treatment to be carried out on all the perimeter boundaries of the site and details of any boundary enclosures to be erected or grown within the site. The approved details of boundary treatment shall thereafter be carried out and completed prior to any dwelling being first occupied.
27. The Reserved Matters application shall be accompanied by a Design Statement to demonstrate how the layout, appearance, landscaping and scale of the development has taken into account the character and appearance of the village from its approach views and on the setting of the Worsthorne Conservation Area.

Reasons

1. The permission is an outline planning permission.
2. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
4. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
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 Policy GP3 and H3 of the Burnley Local Plan, Second Review (2006).
6. To ensure adequate compensation for the removal of trees required for a footpath construction on the site's frontage and to ensure an appropriate rural edge to mitigate the visual impact of the proposal, having regard to the character of the village and the Worsthorne Conservation Area, in accordance with Policies H3, GP3 and E12 of the Burnley Local Plan, Second Review (2006).

7. To ensure the protection of trees and hedges which contribute to the character of the local area and its surroundings, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
8. All nesting birds, their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).
9. The spread of Japanese knotweed in the wild is prohibited under the terms of the Wildlife and Countryside Act 1981 (as amended).
10. To compensate for possible lost bat roosting potential, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006). All UK bats are specially protected in UK and European legislation. The details are required prior to the commencement of development to ensure that provision can be made for the implementation of measures at the appropriate stage of the development process.
11. To identify and reduce the potential for nuisance to the occupiers of nearby buildings and dwellings during construction, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006).
12. 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).
13. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
14. 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.
15. 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). 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.
16. 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).
17. 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 Page 38 Review (2006). 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.
18. To ensure adequate access and visibility for drivers, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006). 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 the development.

19. To ensure the site is accessible to its surroundings and adequately connected to village amenities, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the works required to implement the approved pedestrian/cycle access can be carried out at the appropriate stage of the development.
20. No such details have been provided with the application and are necessary to ensure an appropriate access and layout of the site and to ensure satisfactory access to the site before the development becomes operative, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
21. To prevent car parking close to the estate junction to avoid congestion and maintain visibility for drivers and pedestrians, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006). 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 the development.
22. 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).
23. To ensure adequate parking facilities for each dwelling, in the interests of highway safety and amenity, in accordance with Policies H3 and TM15 of the Burnley Local Plan, Second Review (2006).
24. To encourage sustainable travel modes, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
25. To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health. It is necessary for the ground investigation report to be submitted and approved prior to the commencement of development in order to ensure that any remediation measures that may be necessary can be carried out at the appropriate stage in the development process.
26. To ensure a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
27. To assist in achieving an appropriate and high quality design that respects the distinctive character and appearance of Worsthorne village and the Worsthorne Conservation Area, in accordance with Policies GP3., H3 and E12 of the Burnley Local Plan, Second Review (2006).

53. APP/2017/0450 - 318 Padiham Road, Burnley

Full Planning Application

Variation of condition 6 (relating to operating hours of 9.30am to 7pm on any day) of planning permission APP/2016/0007 to change the operating hours to 11.00am to 9pm Sunday to Thursday and Bank holidays and 11.00am to 9.30pm on Friday and Saturday

318 PADIHAM ROAD, BURNLEY

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

The Councillors who voted for approval were as follows

M Brindle, Ellis, Graham, Harbour, Johnstone, A Khan, L Khan, Payne, Raja, Tatchell, Towneley

Conditions:

The hot food take-away shall not operate outside the hours of 11am to 9pm Sunday to Thursday and Bank Holidays and outside 11am and 9.30pm on Friday and Saturday.

Reasons:

To protect the amenities of nearby residents, in accordance with policies CF13, GP1 and H12 of the Burnley Local Plan Second Review and policy TC7 of the emerging Local Plan.

54. APP/2017/0478 - 383 Padiham Road, Burnley
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Full Planning Application

Proposed change of use from residential dwelling (Use Class C3) to supported housing scheme (Use Class C2)

383 PADIHAM ROAD BURNLEY

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

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: 1:1250 location plan, plan drawings 3565 sk01 (Existing Floor Plans); 3565 sk02 (Proposed Floor Plans), received 26 September 2017.
3. The premises shall be used for supported housing (as described in Section 4, paragraphs 4.1 to 4.5, of the submitted Planning Statement) and for no other purpose including any purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification, and otherwise the building shall revert to use as a single dwelling house.

4. For service users at the start and end of a period of occupancy at the proposed premises only, there shall be no arriving or departing between the hours of 2200hrs and 0800hrs.

5. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. To ensure that the development remains in accordance with the development plan.

3. To enable the local planning authority to consider any future change having regard to policy H12 of the Burnley Local Plan, Second Review and any other material considerations.

4. To protect the amenities of nearby residents in accordance with policies H3, H12 and H13 of the Burnley Local Plan, Second Review.

5. To protect the amenities of nearby residents, during the construction period, in accordance with policies H3, H12 and H13 of the Burnley Local Plan, Second Review

55. APP/2017/0426 - 261 Rossendale Road, Burnley

Full Planning Application

Proposed erection of 1 detached dwelling (resubmission of APP/2016/0436)

261 ROSSENDALE ROAD, HABERGHAM EAVES

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

Conditions:

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

2. The development hereby permitted shall be carried out in accordance with the following approved drawings: 005-4, 005-03, 005-02, 005-01 received 30th August 2017.

3. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

4. Prior to work commencing on site a construction management plan is produced for approval. This should highlight how deliveries during construction will be managed and where workers on the site will park during construction.

5. During the construction and prior to the occupation of the new dwelling the site access off Rossendale Road including Olde Back Lane and the unnamed access track shall be maintained to a serviceable standard for vehicle access.

6. Precise details of the forticrete-stone for the dwelling shall be submitted to and approved in writing by the Local Planning Authority before their use in construction work.

7. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Plus additional condition re mining

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

3. Vehicles reversing to and from the highway are a hazard to other road users.

4. To minimise the impact of construction on existing residents in the vicinity of the site.

5. To ensure that any damage caused by the construction work is promptly corrected.

6. To ensure that the materials to be used in the development harmonise with the surrounding area having regard to Policy H3 of the Burnley Local Plan Second Review.

7. To protect the amenities of nearby residents, in accordance with policy GP1 of the Burnley Local Plan, Second Review

56. App/2017/0441 - Rear of 10 Victoria Road, Padiham
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Full Planning Application

Retention of 2 sheds in connection with continued use as storage/builders yard REAR OF 10 VICTORIA ROAD PADIHAM

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

Conditions:

1. The development shall be carried out in accordance with the application drawings, namely: Location Plan; Site Layout Plan; Floor Plans (Squared Paper); 2 Site Dimensions Plans (Squared Paper), received 11 September 2017; 10 images ('photographs') of the site and buildings received 4 September 2017.

2. Permission is granted for retention of the buildings for their use as described in the application, namely in connection with the continued use as a storage/builders yard, and for no other purpose, including any form of residential use.

3. No external lighting shall be installed on the site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to installation thereof. No external lighting shall be illuminated on site otherwise than in accordance with the details so approved.

Reasons:

1. To ensure that the development remains in accordance with the development plan.

2. In order to properly define the use, for the avoidance of doubt, in the interests of the amenities of neighbouring residents in accordance with Policy EW4 of the Burnley Local Plan, Second Review, currently saved, and under provision of section 75 (2) of the Town and Country Planning Act 1990.

3. To protect the character and appearance of the area and the residential amenities of nearby occupiers.

57. APP/2017/0432 - Fledge Conservative Club, Plumbe Street, Burnley

Full Planning Application

Change of use of premises from A4 use (Drinking Establishment) to A3 use (Restaurant).

FLEDGE CONSERVATIVE CLUB, PLUMBE STREET, BURNLEY

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

Conditions:

1. The use hereby approved shall not operate outside the hours of 1700hrs and 2300hrs Monday to Sunday.

2. Within three months of the date of this decision, details of the methods of odour suppression implemented within the kitchen must be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of all proposed cooking processes, a plan of the proposed ventilation system and odour abatement measures including the location and details of the filters and fans and the manufacturer's recommendations concerning frequency and type of maintenance. The approved equipment shall have been installed in accordance with the approved details and shall thereafter be operated at all times when cooking is taking place and maintained in accordance with the manufacturer's instructions.

Reasons:

1. To protect the amenities of nearby residents, in accordance with Policy CF13 of the Burnley Local Plan, Second Review.
2. In order to avoid odour nuisance to the occupiers of adjacent properties.

58. APP/2017/0294 - 3 Hill Crest Avenue, Burnley

Full Planning Application

**Extensions to the rear and gable elevation of bungalow and internal alterations.
3 HILL CREST AVENUE, CLIVIGER**

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

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: DBA/LE/03, 04, 05 received 13 June 2017 and Amended Plan DBA/LE/02 received 17 October 2017.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity

59. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 25th September to 29th October 2017.