



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 15th February, 2018 at 6.30 pm

PRESENT

MEMBERS

Councillors F Cant (Chair), A Khan (Vice-Chair), M Brindle, T Ellis, D Fleming, S Graham, M Johnstone, L Khan, N Mottershead, A Newhouse, T Porter, A Raja and C Towneley

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Graeme Thorpe	– Planning Team Manager
David Talbot	– Senior Solicitor
Imelda Grady	– Democracy Officer

82. Apologies

Apologies for absence were received from Councillors John Harbour and Andy Tatchell.

83. Minutes

The Minutes of the last meeting held on 25th January 2018 were approved as a correct record and signed by the Chair.

84. 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:

Guiseppe Musso (for) APP/2017/0386 and 0387- 118 St James's Street, Burnley.

RESOLVED

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

85. a. APP/2017/0386 & APP/2017/0387 - 118 St James Street Burnley**Full Planning Application – APP/2017/0386**

Change of use of theatre entrance to café and bar (class A3/A4), rebuild front elevation to form new shop front with iron gates, install extractor flue, partial mezzanine floor to use as office

118 ST JAMESS STREET, BURNLEY

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

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: (STJ) (20)-L-03RevA and STJ 22 P 02RevC, received on 8 January 2018.
2. The proposed works to the premises as shown on drawing numbers: (STJ) (20)-L-03RevA and STJ 22 P 02RevC, received on 8 January 2018, shall be carried out and completed within 12 months of the date of this permission to the satisfaction of the Local Planning Authority.
3. The use of the premises as a bar/cafe (Classes A3/A4) shall cease on or before ten years from the date of the completed external and internal works proposed as part of this permission (Condition 2). The developer shall notify the Local Planning Authority of the completed dates for monitoring purposes.
4. Prior to further works being carried out to the interior of the unit, a building recording consisting of a photographic survey of the interior of the unit shall be carried out and a copy submitted to the Local Planning Authority.
5. No later than the expiry of ten years from the date of the completed internal and external works noted under Condition 2, the following re-instatement works shall be carried and completed: the removal of the partition walls between the rear of the unit and the bridge link area of the adjoining building and the re-opening of the passageway between the unit and the remaining theatre building.
6. The bar/cafe shall not be first brought into use until refuse and recycling storage facilities have been provided in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling facilities shall thereafter be retained for the duration of the use of the premises as a bar/cafe.
7. No speakers, amplifiers or other sound/music equipment shall be fixed to any part of the exterior of the building.

Reasons:

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. In order to visually improve the street scene and safeguard the main public entrance to the former Empire Theatre in a timely manner, which may be necessary for the future viability of this Grade II listed theatre, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2006) and Policies HE1 and HE2 of Burnley's Local Plan, Submission Document (July 2017).
3. A temporary permission of ten years (and no longer) is appropriate and necessary in this instance in order to provide the applicant an appropriate and financially viable opportunity to utilise 118 St James Street whilst at the same time safeguarding the main public entrance to the former Empire Theatre which may be necessary for the future viability of this Grade II listed theatre, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2006) and Policies HE1 and HE2 of Burnley's Local Plan, Submission Document (July 2017).
4. To reveal any internal historic features which should be protected and retained in the development, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2005) and Policy HE2 of Burnley's Local Plan, Submission Document (July 2017).
5. To safeguard the main public entrance to the former Empire theatre which may be necessary for the future viability of this Grade II listed theatre, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2006) and Policies HE1 and HE2 of Burnley's Local Plan, Submission Document (July 2017).
6. To ensure convenient storage for refuse and recycling, in the interests of public amenity and to safeguard the appearance of the Town Centre Conservation Area, in accordance with Policy E12 of the Burnley Local Plan, Second Review (2005) and Policy HE2 of Burnley's Local Plan, Submission Document (July 2017).
7. To prevent excessive noise and disturbance in the town centre, in accordance with Policies GP1 and GP3 of the Burnley Local Plan, Second Review (2006).

Listed building consent – APP/2017/0387

Partial demolition of front elevation and form new shop front with iron gates, install extractor flue, partial mezzanine floor and internal alterations

Decision: That Listed Building Consent be granted subject to the following conditions:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: (STJ) (20)-L-03RevA and STJ 22 P 02RevC, received on 8 January 2018.
2. The proposed works to the premises as shown on drawing numbers: (STJ) (20)-L-03RevA and STJ 22 P 02RevC, received on 8 January 2018, shall be carried out

and completed within 12 months of the date of this permission to the satisfaction of the Local Planning Authority.

3. Prior to further works being carried out to the interior of the unit, a building recording consisting of a photographic survey of the interior of the unit shall be carried out and a copy submitted to the Local Planning Authority.
4. No later than the expiry of ten years from the date of the completed internal and external works noted under Condition 2, the following re-instatement works shall be carried and completed: the removal of the partition walls between the rear of the unit and the bridge link area of the adjoining building and the re-opening of the passageway between the unit and the remaining theatre building.

Reasons:

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. In order to visually improve the street scene and safeguard the main public entrance to the former Empire Theatre in a timely manner, which may be necessary for the future viability of this Grade II listed theatre, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2006) and Policies HE1 and HE2 of Burnley's Local Plan, Submission Document (July 2017).
3. To reveal any internal historic features which should be protected and retained in the development, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2005) and Policy HE2 of Burnley's Local Plan, Submission Document (July 2017).
4. To safeguard the main public entrance to the former Empire theatre which may be necessary for the future viability of this Grade II listed theatre, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2006) and Policies HE1 and HE2 of Burnley's Local Plan, Submission Document (July 2017).

86. b. APP/2017/0472 - Land South of Old Hall Farm, Oswald Street, Burnley

Full Planning Application

**Proposed erection of 8no. five bedroomed detached dwellings
LAND SOUTH OF OLD HALL FARM, OSWALD STREET, BURNLEY**

Decision; That delegated authority be given to the Head of Housing and Development Control to approve the application planning permission subject to an additional condition in respect of noise mitigation measures and 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: A301Rev0, A102Rev0, A201Rev0 and 17/2249/06RevA, received on 23 October 2017; A101Rev0, received on 6 November 2017; Loc1 (1:2500 location plan), 17/2249/09RevB, 17/2249/10RevA, A100RevE, received on 19 December 2017; and, 17/2249/08RevE, received on 15 January 2018; and 17/2249/10 Rev A, received on 14 February 2018.
3. No construction work on any dwelling shall take place until the new estate road/access between the site and Oswald Street has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level. No walls, fences, vegetation or any other device shall at any time be erected or allowed to grow more than 1.0m in height above the level of the adjoining carriageway forwards of the visibility splays created by the development.
4. No construction work relating to any dwelling shall take place 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 approved scheme shall thereafter be carried out and completed prior to any dwelling being first occupied.
5. 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.
 - viii) details of construction working hours and delivery hours.
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.
7. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
8. 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.

9. 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.
10. No development approved by this planning permission shall be commenced until:
 - a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site.
 - c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.
 - d) A Method Statement and remediation strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the Local Planning Authority: unless otherwise agreed in writing by the Local Planning Authority.

11. 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.
12. No removal of or works to any trees, shrubs or grassland shall take place between 1st March and 31st August 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 should be submitted to the Local Planning Authority prior to any works taking place.

13. Prior to the commencement of development, a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall :-
 - i) identify areas/features on site that are potentially sensitive to lighting for bats;
 - ii) show how and where the external lighting will be installed (through appropriate lighting contour plans); and,
 - iii) demonstrate clearly that any impacts on bats is negligible.Only external lighting contained within the approved external lighting scheme shall thereafter be installed in accordance with the specifications and locations set out therein.
14. The mitigation zone for loss of grassland as indicated on drawing number 17/2249/10RevA, received on 14 February 2018, shall be formed by planting a thorn hedge and post and rail timber fence on the northern boundary of the application site. Notwithstanding any details indicated on this plan, the mitigation area shall be planted with native wildflowers only and the area shall be cut once a year. The identified mitigation area shall thereafter be protected and retained in accordance with the approved details at all times.
15. The development shall not be carried out otherwise than in accordance with the Reasonable Avoidance Measures contained within the Reptile Method Mitigation Statement prepared by ADK Environmental Management Ltd (reference 18-002_v1.0), dated 24 January 2018.
16. Prior to the commencement of development, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and details of new native tree and shrub species planting within this area shall be submitted to and approved in writing by the Local Planning Authority.
17. 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 5 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.
18. Prior to the commencement of any development, details and representative samples of the external materials of construction to be used on the walls and roof 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 materials.
19. No development shall be commenced until details of the design and implementation 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 or the completion of the development, whichever is the sooner, and the approved drainage scheme shall thereafter be retained at all times.

20. No dwelling shall be occupied until details of a management and maintenance plan for the sustainable drainage system for that phase required by condition 19, which shall cover the lifetime of the development, have been submitted to and 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.
21. Surface water and foul water from the site shall be drained on separate systems.
22. No development shall take place until a scheme of intrusive site investigations to identify the risks to the development from past coal mining activity on the site has been carried out and completed in accordance with scheme details which shall be first submitted to and approved in writing by the Local Planning Authority. A report identifying any remedial measures that may be necessary shall thereafter be submitted to and approved by the Local Planning Authority prior to any construction work commencing on the approved dwellings and any such remedial works that are approved shall be carried out and completed prior to the occupation of any of the approved dwellings.
23. No construction work on any dwelling shall take place until details of the existing and proposed site levels and finished floor levels for that phase have been 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.
24. The boundary treatment as approved by this permission shall be carried out and completed prior to any dwelling being first occupied.

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. To ensure that satisfactory access and visibility for drivers is provided to the site before construction work on the housing is commenced, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
4. To ensure that these details are acceptable and make appropriate adjustments to accommodate the development, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
5. 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).
6. 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).

7. 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).
8. To ensure the protection of trees and hedges which contribute to the character of the local area and its surroundings, in accordance with Policies GP3 and E6 of the Burnley Local Plan, Second Review (2006). 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.
9. 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.
10. To ensure the site is suitable or can be made suitable for the approved development and protects groundwater's from potential pollution, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006). 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 protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
12. All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).
13. To protect bats and other wildlife that may be harmed by external lighting, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
14. To provide adequate compensation for the loss of grassland as a result of the development, in the interests of the biodiversity of the site and the adjoining Biological Heritage Site, in accordance with Policies E2, E3 and E5 of the Burnley Local Plan, Second Review (2006).
15. To provide sufficient avoidance of risk to reptiles, in accordance with Policies E2, E3 and E5 of the Burnley Local Plan, Second Review (2006).
16. In the interests of the visual amenities of the site and to ensure the use of species that will enhance the biodiversity of the site, in accordance with Policies H3, E2, E3 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.
17. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policies H3, E2, E3 of the Burnley Local Plan, Second Review (2006).
18. To ensure a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006). The details of

materials are required prior to the commencement of development to ensure that only approved materials are used throughout the development process.

19. 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 details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.
20. 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).
21. To reduce the risk of flooding and pollution of groundwaters, in accordance with Policy E8 and GP7 of the Burnley Local Plan, Second Review (2006).
22. To ensure adequate precautions are carried out to take account of the ground conditions and past mining operations on the site, in accordance with the National Planning Policy Framework. The details are required prior to the commencement of development to ensure that the appropriate precautions, including any adjustments, can be made in the interests of public safety.
23. To ensure the satisfactory implementation of the proposal, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
24. To ensure the completion of the development and a satisfactory appearance, in accordance with Policies H3 and GP3 of the Burnley Local Plan, Second Review (2006).

87. c. APP/2017/0536 - 16 Prairie Crescent, Burnley
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**Full Planning Application – APP/2017/0536
Proposed double storey extension to side and rear
16 PRAIRIE CRESCENT, BURNLEY**

Decision: That full 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: Drawing No: (PC) (20) BUR 01 (includes location plan) received 2/11/17, (PC) (20) BUR 03 received 15/12/2017 (parking layout superseded) and (PC) (22) BUR 04 received 16.01.2018 (revised parking layout).

3. The two windows (bathroom and en-suite) at first floor level in the side elevation of the extension facing no.18 Prairie Crescent shall be glazed in obscure glass prior to the first occupation of the extension and be thereafter retained.

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. To prevent overlooking or loss of privacy to adjacent occupiers and in accordance with policy H13 of the Burnley Local Plan Second Review and policy HS5 of the emerging Local Plan.

88. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 1st January to 6th February 2018.