



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 26th April, 2018 at 6.30 pm

PRESENT

MEMBERS

Councillors F Cant (Chair), G Birtwistle, C Briggs, M Brindle, T Ellis, D Fleming, S Graham, J Harbour, M Johnstone, L Khan, A Newhouse, T Porter, A Raja, A Tatchell and C Towneley

OFFICERS

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

100. Apologies

None were received.

101. Minutes

The Minutes of the last meeting held on 22nd March 2018 were approved as a correct record and signed by the Chair.

102. 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:

Judith Douglas **APP/2017/0601**
Royal Court, Tennyson Street, Briercliffe, Burnley

Andrew Booth **APP/2017/0601**
Royal Court, Tennyson Street, Briercliffe, Burnley

T Buckel **APP/2017/0610**
111 Thursby Road, Burnley

Umair Khan **APP/2017/0610**
111 Thursby Road, Burnley

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

103. a. APP/2017/0601 - Royal Court, Tennyson Street, Briercliffe, Burnley

**Full Planning Application – Proposed erection of 10 no. bungalows and associated landscaping and parking
ROYAL COURT, TENNYSON STREET, BRIERCLIFFE, BURNLEY**

Decision: The Committee was minded to approve the application but the Head of Housing and Development Control be delegated to determine the application following the completion of further discussions between the Applicant and the Lead Local Flood Authority in respect of drainage conditions, 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: 2491 – 01A, 2491 – 02A, 2491 – 03H, 2491 – 04H, 2491 – 05D, 2491 – 06D, 2491 – 07E, 2491 – 08A, 2491 – 09A, 2491 – 10A, 2491 – 11A, 2491 – 12 and 2491 – 13G.
3. The materials used in the development shall be in accordance with those specified within the approved scheme, to the satisfaction of the local planning authority, unless otherwise agreed in writing with the Local Planning Authority.
4. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.
5. Prior to any earthworks being carried out, a method statement detailing eradication and/or control and/or avoidance measures for wall cotoneaster and monbretia should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.
6. The approved final landscape plan, as outlined on plan drawing number 2491 05D shall be implemented in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme approved in writing by the local planning authority.

7. The approved 5 Year Landscape Maintenance Plan, as outlined on plan drawing number 2491 06D, shall be carried out as approved.
8. The development shall be carried out in accordance with the approved levels details as outlined on plan reference number 2491 04H.
9. The new estate road/access between the site and Tennyson Street / Jubilee Street shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any built development takes place within the site.
10. No part of the development hereby approved shall be occupied or opened for trading until the site access onto Tennyson Street / Jubilee Street has been constructed and completed in accordance with the approved plans (see condition 2).
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.
12. No development shall take place until a construction method statement accompanied by an appropriate scaled 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. It shall provide for:
 - a. The parking of vehicles of site operatives and visitors
 - b. The loading and unloading of plant and materials
 - c. The storage of plant and materials used in constructing the development
 - d. Details of a scheme specifying the provisions to be made to control noise and dust emanating from the site during construction works
 - e. The erection and maintenance of security hoarding
 - f. HGV delivery times and routeing to / from the site
 - g. Contact details for the site manager
13. No deliveries or construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority. 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.
14. No combustion of any materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.
15. Electric vehicle charging points within the development will be encouraged. Within the curtilage of properties with on-site parking areas, there shall be installed a minimum of one, three-pin 13-amp electrical sockets in a suitable position to enable the recharging of an electric vehicle using a 3m length cable.
16. The approved fences and railings hereby approved, as per drawing no. 2491-04H, shall be erected and maintained on site prior to the first occupation of any dwellings, and shall thereafter be retained at the height specified in perpetuity. Any replacement fence shall be at the height and design as specified in the Key on the above drawing number.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2, Part 1, Classes A-F shall take place on the dwelling house(s) hereby approved or within their curtilage.

18. Before the development hereby permitted is first occupied the window(s) in the southern facing elevation(s) of Plots 5 and 6 shall be glazed with obscure glass and fixed with a ventilation stay restricting the opening of the window, the details of which shall be agreed in writing with the LPA prior to their insertion. The windows shall be permanently maintained with obscure glazing at all times thereafter.

19. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters and details of floor levels in AOD;

b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development runoff rate which has been calculated at 7 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Any works required on/off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing drains where relevant);

d) Flood water exceedance routes, both on and off site;

e) A timetable for implementation, including phasing as applicable;

f) Details of water quality controls, where applicable.

g) Evidence of agreement with United Utilities for point of discharge of surface water drainage system.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

20. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

21. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

22. Remediation work shall be carried out in accordance with the approved remediation scheme and programme as submitted with the application, namely E3P Report: 11-272-r3 (issued November 2017). Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the local planning authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the local planning authority before any part of the development is brought into use.

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. In the interests of visual amenity and the character and appearance of the area.
4. In order to satisfy the requirements of the NPPF, the Wildlife and Countryside Act 1981, the Natural Environment and Rural Communities Act 2006, and The Conservation of Habitats and Species Regulations 2010.
5. To ensure proper management of plant species otherwise harmful to the built environment.
6. To ensure that the proposed scheme contributes to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in full and in order to provide suitable mitigation for bird breeding habitats. In accordance with Policies GP3, E3 and E6 of the Burnley Local Plan, Second Review.
7. To ensure the long term landscape management of the site, in accordance with policy GP6 of the Burnley Local Plan, Second Review.
8. In the interests of ensuring the amenity of the occupiers of the adjacent properties is protected and in the interests of visual amenity.
9. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
10. 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.
11. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
12. To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.
13. To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.
14. In order to not significantly pollute the environment.
15. 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.

16. In the interests of visual amenity and the character and appearance of the area, and to ensure that the amenity of existing occupiers and the amenity of the occupiers of adjacent dwellings is protected to the satisfaction of the Local Planning Authority.
17. In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions, enlargements or any other development within the curtilages.
18. In the interests of residential amenity and privacy.
19. To ensure that the proposed development can be adequately drained, and to ensure that there is no flood risk on or off the site resulting from the proposed development.
20. To ensure that the drainage for the proposed development can be adequately maintained. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.
21. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.
22. To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy GP7 of the Burnley Local Plan Second Review.

<p>104. b. APP/2017/0602 - Land off Bancroft Road, Burnley</p>

Full Planning Application – APP/2017/0602 Amended scheme for small scale gas fired energy reserve facility and ancillary infrastructure (vary conditions 2,3,4,5,6,10,11,12,13 & 14 of planning permission APP/2016/0357) (material minor amendment)

LAND OFF BANCROFT ROAD, BURNLEY

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

Conditions

1. The development must be begun by no later than 20 October 2019.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 9655-0003-01 (1:1250 location plan), received on 28 September 2016; 008b_STOR_Bancroft_LAY (1:500 Site Layout), 001c_STOR_Bancroft_ELEV (1:500 Site Elevations - Internal) and 301RevA (Landscape Proposals), received on 20 December 2017; 001b_STOR_Bancroft_ELEV (1:500 Site Elevations - External), received on 2 January 2018; 009b_STOR_Bancroft_LAY (1:200 site layout), 002c_STOR_Bancroft_ELEV (1:200 Site Elevations - Internal), 001_STOR_Bancroft_Rad (1:100 Heat Dump Radiators),

001_STOR142DNO (Substation Plan and Elevations), 001a_STOR150OST/001/Issue no. 001 (Clean Oil Storage Tank), 001b_STOR150OST/001/Issue no. 1) and EGSF120B (Kiosk) received on 23 January 2018.

3. The steel cladding to be used on the walls and roof of the main engine hall shall be Merlin Grey (BS18B25) and Juniper Green (BS12B29) shall be used on the sub-station and ancillary buildings unless any alternative colour treatment is otherwise submitted to and approved in writing by the Local Planning Authority.
4. 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:
 - 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
 - v) measures to control the emission of dust and dirt during construction
 - vi) wheel washing facilities
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) details of working hours.
5. The construction of the site shall be carried out with drilled piles only and not driven or impact piling, in a manner which minimises the risk of vibration.
6. Prior to any development being commenced, including any ground clearance works, protective fencing and precautionary measures to safeguard trees and hedges as set out in the Arboricultural and Impact Assessment and Method Statement (carried out by RPS and dated 27 November 2017) submitted with this application shall be implemented in their entirety and shall be thereafter retained during building operations until the completion of the development.
7. 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.
8. The approved development shall not operate at a rate exceeding 2,500 hours in any 12 month period. For this purpose, an up to date record of operating hours shall at all times be maintained by the operator and shall at any time be available for inspection or submission to the Local Planning Authority.
9. Prior to any development being commenced, details of a scheme of external lighting shall be submitted to and first approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate the avoidance of artificial lighting on wildlife, hedgerows and trees within the adjoining River Don-Brun Valley Biological Heritage Site. The development shall thereafter only be carried out in accordance with the

approved scheme and no additional external lighting shall at any time be installed without the prior written permission of the Local Planning Authority.

10. The development shall not be carried out otherwise than in full accordance with the protective and mitigation measures contained with the 'Ecological Protection Method Statement' (prepared by RPS, dated December 2017) and this shall be adhered to at all times during the construction of the development.
11. The mitigation measures contained within the Noise Assessment (prepared by RPS, reference no. JAT9549-150-REPT-01-R0, dated 20 December 2017) shall be carried out, completed and confirmed in a report to be submitted to the Local Planning Authority, prior to the development being first brought into use. The approved mitigation measures shall thereafter be retained and adhered to at all times.
12. The approved development shall not be operated otherwise than in compliance with the maximum emission levels contained with the Air Quality Assessment (prepared by RPS, reference JAP10099Rev2, dated 19 December 2017). A copy of the operational limits and maintenance schedule of the approved gas fired energy reserve facility shall be submitted to the Local Planning Authority within 28 days of its complete installation.
13. In accordance with the 'Ground Investigation Factual and Interpretative Report' (prepared by RPS, reference JER6979, dated November 2017) submitted with this application, a further capping layer shall be laid in areas without hardstanding and gas protection measures shall be installed using suitable membranes or other barriers to achieve the targets set out in this statement. Following the completion of the aforementioned measures and prior to the approved development being first brought into use, a verification report of all the remediation measures that have been carried out shall be submitted to and approved in writing by the Local Planning Authority.
14. The development shall be carried out in accordance with the boundary treatment details as indicated on the approved plans and on the details of Euroguard Regular fencing on JSW 91 Issue 01 submitted with this application. The approved fencing shall be pre-coated in a dark green colour prior to its installation and shall be retained thereafter and maintained in the same or similar colour at all times.
15. Prior to any part of the development becoming operational, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the handling, assessment, mitigation and monitoring of any complaints that are made in relation to noise from the approved development to Burnley Borough Council during the operational life of the approved development. The approved scheme shall be implemented in full and shall be complied with at all times.

Reasons:

1. To comply with the date imposed on the original permission as 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 a satisfactory appearance to the development, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
4. To ensure that the safety and amenities of other businesses and employees in the vicinity of the construction works are satisfactorily protected, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
5. To minimise the risk of vibration to the adjoining occupiers where there may be a risk to precision machinery, in order to protect existing businesses at an employment site, in accordance with Policy EW5 of the Burnley Local Plan, Second Review (2006) and Policy EMP2 of Burnley's Local Plan, Submission Document (July 2017).
6. To ensure adequate protection for the long term health of woodland trees/hedges which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policies E2, E3 and E6 of the Burnley Local Plan, Second Review (2006).
7. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings and enhances biodiversity, in accordance with Policies GP3, E2 and EW5 of the Burnley Local Plan, Second Review (2006).
8. To limit the emissions of nitrogen dioxide to acceptable levels, in order to maintain adequate air quality to protect the local area, in accordance with the National Planning Policy Framework.
9. To safeguard birds, bats and other wildlife that would be adversely affected by excessive lighting, in accordance with Policies E2, E3 and E5 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that the measures identified in the scheme can be properly carried out at the appropriate stage of construction.
10. To provide adequate protection measures for wildlife that is known to be present within the adjoining River Don-Brun Valley Biological Heritage Site or close to the site, in accordance with Policies E2, E3 and E5 of the Burnley Local Plan, Second Review (2006).
11. To safeguard the residential and local amenities of the area, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
12. To ensure the emission of pollutants does not exceed acceptable levels and to enable the Local Planning Authority to check the operating and maintenance schedules if it becomes necessary to do so, in order to safeguard against pollution in the local area, in accordance with the National Planning Policy Framework.
13. To ensure the site is made suitable for the construction of the development, in accordance with GP7 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
14. To ensure a satisfactory appearance to the development, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).

15. To provide a mechanism for dealing with any complaints relating to noise that may arise as a result of the development, in order to adequately protect the amenities of occupiers within the local area, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).

105. c. APP/2018/0060 - Boohoo.Com Widow Hill Road, Burnley

**Full Planning Application - APP/2018/0060 Variation of condition 2 of planning permission APP/2016/0528 to enable insertion of internal floors within the approved building
BOOHOO.COM, WIDOW HILL ROAD, BURNLEY**

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

Conditions:

1. The permission shall relate to the development as shown on plan drawing numbers: A0701-P1, A0702-P1, A0703-P1, B0101, B0103, B0110, B0150, B0230, B0501 (x2), B0601-P1, B0602, B0603, L0001-P1, L0101-P1, L0601 and S0001 received 30th November 2016, L0401-T5 received 1st February 2017, proposed automation layout plan drawing numbers 586930/601 – 06, 586930/602 – 06, 586930/603 - 03, 586930/604 - 02, 586930/605 - 03 and 586930/606 – 03 received 7th February 2018, and 070817/001/SJT Rev.A received 25th April 2018.
2. The materials used in the development shall be in accordance with those specified within the approved scheme, to the satisfaction of the local planning authority, unless otherwise agreed in writing with the Local Planning Authority.
3. The approved Construction Method Statement received on the 4th of April 2017 shall be adhered to throughout the construction period.
4. 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.
5. No demolition or construction work shall take place outside the hours of 8am to 6pm Monday to Friday, 8am to 4pm on Saturday and not at any time on Sundays and Bank Holidays, including all works and ancillary operations in connection with the construction of the development, and the use of any equipment or deliveries to the site. Where permission is sought for works to be carried on outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority. Where practicable, operations which create the most noise shall only occur between the hours of 08.30 and 17.30 Monday to Friday.
6. The cycling and motorbike facilities as set out on plan drawing 17.113-025 Rev. A received on the 25th September 2017 shall be provided before the use of the premises hereby permitted becomes operative.

7. The car park and manoeuvring areas as set out on plan drawing numbers 17.113-025 Rev. A received on the 25th September 2017 and 17.113-026 received on the 31st August 2017 shall be marked out and made available in accordance with the approved plans before the use of the premises hereby permitted becomes operative.
8. The approved Business Travel Plan V2 (dated 28/03/2018 – VN70952) produced by BooHoo.com and Vectos, has been subject to agreement with the planning authority in consultation with the highway authority, and shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 12 months to ensure that the approved Plan is carried out.
9. A minimum of eight, three-pin 13-amp electrical sockets in suitable positions to enable the recharging of an electric vehicle using a 3m length cable, as set out on plan drawing 17.113-025 Rev. A received on the 25th September 2017, shall be installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.
10. Foul and surface water shall be drained on separate systems.
11. All hard and soft landscape works shall be carried out in accordance with the approved details set out on plan reference numbers AFE-10747-01-01, AFE-10747-01-01-A, AFE-10747-01-01, 17.113-027 Rev. A and 070817/001/SJT, the additional information contained within a letter from Nuture Landscapes Ltd and document Q372BAR-BOOHOO PH”, received 31st August 2017, and plan reference number 070817/001/SJT Rev.A. The works shall be carried out prior to the first use of any part of the development or in accordance with a programme approved in writing by the local planning authority.
12. The mitigation and recommendations detailed in the submitted Ecological Assessment (TEP, August 2016) and plan reference number 070817/001/SJT Rev. A (from Nurture Landscapes Design and Build) shall be incorporated within the detailed on-site landscaping proposals (as agreed under condition 11), and thereafter carried out in full prior to the first occupation of the development or in accordance with an approved timetable.
13. The external lighting for this site shall be installed in accordance with the approved scheme and programme outlined on plan drawing entitled “BooHoo Phase 2 for WHG Rev. 3, and brochures from Holophane,” received on the 31st of August 2017.
14. The development hereby permitted shall not, at any time, be subdivided into a larger number of units.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions, alterations and/or extensions (internal or external and including further installations of mezzanine floors) to any building forming part of the development hereby permitted without express planning permission first being obtained.
16. The development hereby approved shall only be used for a use that falls within a mixed Class B1 (a, b or c) / B8 Use Class 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 for no other purpose.
17. Within 12 months of the date of this decision a scheme for the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. [This refers to the introduction of bus boxes on Widow Hill Road].

18. The approved scheme referred to in Condition 17 shall be implemented and completed in accordance those approved details within 12 months of the scheme being agreed with the LPA.
19. Prior to their erection on site, full details of the proposed solar panel array to the roof of the building hereby approved shall be submitted to the Local Planning Authority for approval in writing.

Reasons:

1. For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.
 2. To secure a satisfactory development in materials which are appropriate to the locality, and to enable any necessary flexibility in the choice of materials, in the interests of visual amenity and in accordance with Policy GP1, GP3, EW4 and EW5 of the Burnley Local Plan Second Review.
 3. In the interests of protecting the amenity of neighbouring businesses from noise and disturbance, and in order to ensure the construction phase has no significant impact upon highway safety at this location, in accordance with Policy GP1, EW4 and EW5 of the Burnley Local Plan Second Review, and that this Statement was previously agreed under APP/2017/0171.
 4. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
 5. In the interests of protecting the amenity of neighbouring businesses from noise and disturbance, and in order to ensure the construction phase has no significant impact upon highway safety at this location, in accordance with Policy GP1, GP3, EW4 and EW5 of the Burnley Local Plan Second Review.
 6. To allow for the effective use of the parking areas and that this scheme was previously agreed under APP/2017/0430.
 7. To allow for the effective use of the parking areas and that this scheme was previously agreed under APP/2017/0430.
 8. To promote and provide access to sustainable transport options as it includes details of an assisted cycle purchase / loan scheme and the provision and running of an employee service bus travelling to and from the site (Exact details and service provided).
 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 and that this scheme was previously agreed under APP/2017/0430.
- NOTE: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. The socket should be suitable for outdoor use and have an internal switch within an adjacent building to enable the socket to be turned off.
10. To secure proper drainage and to manage the risk of flooding and pollution.
 11. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings, and in order to ensure that the landscaping works proposed are carried out in full. In accordance

with Policies E4, E5 and GP3 of the Burnley Local Plan, and that this scheme was previously agreed under APP/2017/0430.

12. To ensure there is appropriate mitigation against the loss of existing biodiversity and nature habitats and in order to provide a net gain in biodiversity in accordance with the NPPF.
13. To ensure that the visual impact and impact on the amenity of the wider area is acceptable and that the scheme is appropriate in terms of its close proximity to other nearby wildlife habits and buildings. Also in the interests of highway safety, and to safeguard the amenity of adjacent buildings. To conform to Policy GP7 of the Burnley Local Plan, Second Review.
14. In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additional units on the site.
15. In the interests of the amenity of the area and highway safety, and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or internal/external alterations.
16. To enable the local planning authority to consider any future change having regard to policy EW4 and GP3 of the Burnley Local Plan, Second Review and any other material considerations.
17. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
18. 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.
19. In accordance with Local Plan policy GP8 and to secure a satisfactory development which is appropriate to the locality in the interests of visual amenity.

106. d. APP/2017/0610 - 111 Thursby Road, Burnley

**Full Planning Application – APP/2017/0610 Proposed 2 storey extension to side and rear (re-submission of APP/2017/0198)
111 THURSBY ROAD, BURNLEY**

Decision: That planning permission be refused for the following reasons:

The proposed development by virtue of its size, scale, design and massing would appear out of keeping with the existing dwelling and would unacceptably detract from the distinctive character of the street scene and would have an overbearing and unacceptable impact on the outlook, daylight and sunlight of the neighbouring properties at nos. 113 and 109 Thursby Road, contrary to Policy H13 of the Burnley Local Plan, Second Review (2006) and Policy HS5 of Burnley's Local Plan, Submission Document (July 2017)

As this was against officer recommendation a named vote was taken.

APP/2017/0610 - 111 Thursby Road Burnley - refusal against officer recommendation (Motion)

Councillor Frank Cant	For
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Councillor Gordon Birtwistle	No vote recorded
Councillor Charlie Briggs	For
Councillor Margaret Brindle	For
Councillor Trish Ellis	For
Councillor Danny Fleming	Abstain
Councillor Sue Graham	Against
Councillor John Harbour	Against
Councillor Marcus Johnstone	Against
Councillor Lubna Khan	Abstain
Councillor Andrew Newhouse	For
Councillor Tom Porter	For
Councillor Asif Raja	Against
Councillor Andrew Tatchell	For
Councillor Cosima Towneley	For
Carried	

107. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 5th to 31st March 2018.

108. Appeals and Other Decisions

Request to vary Committee resolution in respect of APP/2017/0454 and APP/2017/0455 for development at Rowley Farm, Rowley Lane, Cliviger

Decision: That the resolution made by the Committee on 25th January 2018 be varied to the following:-

“That authority be delegated to the Head of Housing and Development Control to approve applications APP/2017/0454 and APP/2017/0455 subject to a Section 25 Dedication Agreement under the Highways Act 1980 to give consent to dedicate part of FP2 Worsthorne with Hurstwood at Rowley Farm to a Public Bridleway and to the agenda conditions and further/modified conditions as set out below:”