

DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 28th June, 2018 at 6.00 pm

PRESENT

MEMBERS

Councillors A Khan (Chair), F Cant (Vice-Chair), A Anwar, G Birtwistle, M Brindle, S Chaudhary, S Graham, J Harbour, A Hosker, M Johnstone, A Raja, J Sumner and C Towneley

OFFICERS

Paul Gatrell – Head of Housing & Development Control

Graeme Thorpe – Planning Team Manager

Janet Filbin – Senior Planner David Talbot – Senior Solicitor

Emma Barker – Principal Legal Officer - Litigation & Regulation

Imelda Grady – Democracy Officer

14. Minutes

The Minutes of the last meeting held on 7th June 2018 were approved as a correct record and signed by the Chair.

15. Declaration of Interest

Councillor Cosima Towneley declared an Other (prejudicial) interest in item APP/2018/0214 – Rockwater, Foxstones Lane, Burnley . She spoke on the item but did not take part in the debate or vote on the matter.

16. 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:

Phil Neal	APP/2018/0113 – 3 Printers Fold, Burnley
Steven Thomas	APP/2018/0214 – Rockwater, Foxstones Lane,Burnley

RESOLVED

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

17. APP/2018/0148 - Unit 6, 7 and F Belshaw Court, Billington Road, Burnley

Full Planning Application
Proposed industrial extension (B8 use) to current food storage facility
UNIT 6 AND 7 AND 8 BELSHAW COURT BILLINGTON 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 hereby permitted shall be carried out in accordance with the following approved plans; Drawing nos. ESD0112_2DT, AH113_02 rev A, AH113_03 rev A all received 21st March 2018; additional plan AH113_04 rev A received 19th April 2018, amended plan AH113_01 rev B received 18th June 2018, and additional Vehicle Tracking Plan 001 Rev. A received 26th June 2018.
- 3. Notwithstanding any indication on the submitted application form, the approved extension and approved new industrial building shall be used for Class B8 (storage and distribution use) of the Town and Country Planning (Use Classes) Order 1987 only and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any provisions equivalent to that Class or any statutory instrument revoking and re-enacting that Order with or without modification) shall not be used for any other Class B use.
- 4. Prior to any development being commenced there shall be submitted to and approved in writing by the Local Planning Authority 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, as well as details of new planting along the southern edge of the site, providing details of species, planting numbers, heights on planting, cultivation, staking and maintenance.

- 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 part of the approved development or its completion, 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. 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.
- 7. There shall be no external lighting on any part of the development unless details of a scheme of lighting have been first submitted to and approved in writing by the Local Planning Authority. Only external lighting approved by the scheme shall thereafter be installed at the site.
- 8. The external materials of construction to be used on the walls and roof of the approved extension and new warehouse building shall be as described on the approved plans unless any variation to this is otherwise first approved in writing by the Local Planning Authority.
- 9. The development shall not begin until:
 - a. A strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;
 - b. An investigation has been carried out in accordance with the approved strategy;
 - c. A written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. 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.

- 10. 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.
- 11. A scheme for the layout of the car parking spaces and manoeuvring areas shall be submitted to the local planning authority for approval and the areas marked out in marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.
- 12. 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 the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

- 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 clarity as the application form incorrectly refers to the existing building at Enterprise House as Class B2 (general industrial) use and the proposal provides insufficient car parking for other Class B uses and to safeguard highway safety, in accordance with Policies GP1 and TM15 of the Burnley Local Plan, Second Review (2006).
- 4. To provide some degree of softening to the edge of the site, in accordance with Policy EW5 of the Burnley Local Pan, 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.
- 5. To ensure the satisfactory implementation of the approved landscaping scheme and the achievement of its objective, in accordance with Policy EW5 of the Burnley Local Pan, Second Review (2006).
- 6. To ensure that the safety and amenities of other businesses and employees in the vicinity of the construction works as well as residents in the wider area are satisfactorily protected, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
- 7. To avoid excessive lighting adjoining a rural area, in accordance with Policies GP1 and GP2 of the Burnley Local Plan, Second Review (2006).
- 8. To ensure a satisfactory appearance to the development, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).

- 9. 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 unaccpetable risks to workers, neighbours and other off-site receptors, in accordance with Policy GP7 of the Burnley Local Plan Second Review.
- 10. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
- 11. To allow for the effective use of the parking areas.
- 12. Vehicles reversing to and from the highway are a hazard to other road users.

18. APP/2018/0105 - Land East of Woodplumpton Road, Burnley

Full Planning Application

Proposed construction of a stable barn and 40m x 20m all-weather outdoor arena. LAND EAST OF WOODPLUMPTON ROAD

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: 2092_01RevA and 2092_04RevC, received on 21 May 2018; and, 2092_03RevC and 2092_05RevC, received on 24 May 2018.
- 3. The stables and outdoor horse arena hereby approved shall be used for private purposes only and shall not at any time be used for livery, riding school purposes, events, gymkhanas or any commercial purpose.
- 4. There shall not at any time be any floodlighting or illumination of the outdoor arena or any part of the application site.
- 5. The external materials of construction to be used on the walls and roof of the development shall be as described on the approved plans only and shall not be varied unless otherwise approved in writing by the Local Planning Authority.
- 6. The development shall be constructed to comply with the levels and finished floor levels as indicated on the approved plans only and shall not be varied unless otherwise previously submitted to and agreed in writing by the Local Planning Authority.
- 7. 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 tree/shrub planting (as illustrated on the approved plans) shall be submitted to and approved in writing by the Local Planning Authority.
- 8. All planting or seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of any part of the approved development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
- 9. Prior to the approved stable barn being first brought into use, wheel washing facilities to be used for the cleaning of the wheels of vehicles before departing the site shall be placed in situ and made available for use in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The approved wheel washing facilities shall thereafter be retained in perpetuity.
- 10. Prior to any part of the approved development being first brought into use, that part of the vehicular access between the highway boundary and the gated access shall be hard surfaced in tarmacadam, concrete or similar hard surfacing material.
- 11. Run-off from the approved development shall be directed to soakaways, in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the development or any part of it being first brought into use, whichever is the sooner, unless an alternative scheme is otherwise previously agreed in writing by the Local Planning Authority.

- 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 the satisfactory implementation of the proposal which is only suitable for private purposes, in accordance with Policies GP2 and CF7 of the Burnley Local Plan, Second Review (2006) and Policy EMP7 of Burnley's Local Plan, Submission Document (July 2017).
- 4. To avoid any adverse effects from illumination in the countryside in order to protect the rural and tranquil character of the site, in accordance with Policies GP2 and CF7 of the Burnley Local Plan, Second Review (2006) and Policies EMP7 and NE5 of Burnley's Local Plan, Submission Document (July 2017).
- 5. To ensure a satisfactory appearance to the development, in accordance with Policies GP2 and CF7 of the Burnley Local Plan, Second Review (2006) and Policy EMP7 of Burnley's Local Plan, Submission Document (July 2017).
- 6. To ensure the satisfactory implementation of the proposal, having regard to the visual impacts of the development, in accordance with Policies CF7 and E27 of the Burnley

Local Plan, Second Review (2006) and Policies EMP7 and NE3 of Burnley's Local Plan, Submission Document (July 2017).

- 7. In order to assist the development in integrating into an area of open and prominent countryside, in accordance with Policies CF7 and E27 of the Burnley Local Plan, Second Review (2006) and Policies EM7 and NE3 of Burnley's Local Plan, Submission Document (July 2017). The scheme is required prior to the commencement of development in order to ensure that any site preparation or protection measures can be undertaken at the appropriate stages.
- 8. In order to ensure that the required planting scheme achieves its objective in respect of assisting the development in integrating into an area of open and prominent countryside, in accordance with Policies CF7 and E27 of the Burnley Local Plan, Second Review (2006) and Policies EM7 and NE3 of Burnley's Local Plan, Submission Document (July 2017).
- To prevent loose material being dragged onto the public highway, in the interests of highway safety, in accordance with Policy CF7 of the Burnley Local Plan, Second Review (2006) and Policy EMP7 of Burnley's Local Plan, Submission Document (July 2017).
- To prevent loose material being dragged onto the public highway, in the interests of highway safety, in accordance with Policy CF7 of the Burnley Local Plan, Second Review (2006) and Policy EMP7 of Burnley's Local Plan, Submission Document (July 2017).
- 11. To minimise surface water run-off onto the adjoining highway, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006) and Policy CC4 of Burnley's Local Plan, Submission Document (July 2017).

19. APP/2018/0224 - Land rear of Southern Avenue, Burnley

Outline Planning Application

Erection of 5 detached dwellings including details of access (all other matters reserved) (renewal of APP/2015/0233)

LAND REAR SOUTHERN AVENUE BURNLEY

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

Conditions

- Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (the reserved matters) shall be obtained from the local planning authority in writing before any development starts.
- 2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected and the

- landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
- 3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 5. Construction works shall not take place in connection with the development, outside the hours of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and no works shall take place on Sundays or Bank Holidays.
- 6. No development hereby approved shall start until a scheme for the disposal of surface waters, based on sustainable principles, has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
- 7. No development shall start until a scheme detailing the improvements to the junction of Southern Court with Ightenhill Park Lane and the resurfacing of Southern Court has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not start until the scheme has been implemented in accordance with the approved details.

- 1-4 Imposed pursuant to Section 92 of the Town and Country Planning Act 1990. The application is in outline only and does not contain complete details of the proposed development.
- 5. To protect the amenities of nearby residents, in accordance with Policy GP7 of the Burnley Local Plan, Second Review.
- 6. To prevent the increased risk of flooding and to prevent pollution of controlled waters in accordance with policies E8 and E9 of the Burnley Local Plan, Second Review.
- 7. In the interests of highway safety having regard to Policy GP1 and H3 of the Burnley Local Plan Second Review.

20. APP/2018/0013 - 3 Printers Fold, Burnley

Full Planning Application

Proposed two storey extension to side and rear, and single storey to rear of dwelling 3 PRINTERS FOLD, LOWERHOUSE, 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 hereby permitted shall be carried out in accordance with the following approved drawings:

Drawing Number PF 01, received 17 May 2018 Drawing Number PF 02, received 17 May 2018

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.

21. APP/2018/0171 - 98 Casterton Avenue, Burnley

Full Planning Application
Proposed single storey extension
98 CASTERTON AVENUE, BURNLEY

Decision: That the Head of Housing and Development Control be delegated to grant planning permission subject to the receipt of a satisfactory amended plan to address privacy issues.

22. APP/2018/0214 - Rockwater, Foxstones Lane, Burnley

Reserved Matters Application

Details of layout, scale, appearance and landscaping following outline planning permission APP/2014/0434

ROCKWATER FOXSTONES LANE BURNLEY

Decision: The Committee was minded to approve the application subject to the comments of the Council's Ecology Adviser but the Head of Housing and Development Control be delegated to grant planning permission subject to the following conditions and any additional conditions recommended by the Ecology Adviser.

Conditions:

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

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 5587-E00A (Location Plan); 5587-E01A (Site Plan); and 5587-P01A (Site Plan, floor plans and elevations).
- 3. The development shall be carried out in full accordance with the recommendations of the submitted Ecological Appraisal (Envirotech report reference 4591, version 2, dated April 18).
- 4. No development shall start until any trees and shrubs within the site edged red are adequately protected from injury or damage prior to or during the development works to the satisfaction of the local planning authority. Such protection measures shall be implemented before any works are carried out and retained during building operations and no excavations, site works, trenches or channels should be cut or services laid or soil, waste or other materials deposited so as to cause damage or injury to the root structure of the trees or shrubs.

- 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 any ecological impacts of the development are adequately mitigated in line with Policy E5 of the Burnley Local Plan Second Review.
- 4. To ensure trees and shrubs are not damaged during construction works having regard to Policy E6 of the Burnley Local Plan Second Review.

23. APP/2018/0255 - Former Open Market and Cinema, Curzon Street, Burnley

Full Planning Application

Reinstatement works including new cladding, new roof system, new staircase and landscaping

FORMER OPEN MARKET & CINEMA CURZON STREET BURNLEY

Decision: The Committee was minded to approve the development but the Head of Housing and Development Control be authorised to grant planning permission at the end of the consultation period (3 July 18), 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: Location Plan, Scale 1:1000; Site Plan, Scale 1:1000; Drawing No. E12150/1 and E12150/2 received 30 May 2018.
- 3. Precise details of the external cladding and all external materials to be used in the development shall be submitted to and approved in writing by the local planning authority before they are used in the development.

- 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 having regard to Policy GP3 of the Burnley Local Plan Second Review.

24. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 14th May 2018 to 10th June 2018.