

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 14th February, 2019  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## BURNLEY TOWN HALL

**Thursday, 14th February, 2019 at 6.30  
pm**

**Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.**

**Notice in writing of the subject matter must be given to the Monitoring Officer by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at:**

**<http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.**

### **A G E N D A**

**1. Apologies**

To receive any apologies for absence.

**2. Minutes**

5 - 16

To approve as a correct record the Minutes of the previous meeting.

**3. Additional Items of Business**

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

**4. Declaration of Interest**

To receive any declarations of interest from Members relating to any item on the agenda in accordance with the provision of the Code of Conduct and/or indicate if S106 of the Local Government Finance Act applies to them.

**5. Exclusion of the Public**

To determine during which items, if any, the public are to be excluded from the meeting.

**6. List of Deposited Plans and Applications**

17 - 18

To consider reports on planning applications for development permission:

**a) APP/2018/0446 - Land at Grove Lane and High Street, Padiham**

19 - 28

**7. Decisions taken under the Scheme of Delegation**

29 - 36

To receive for information a list of delegated decisions taken since the

last meeting.

## **MEMBERSHIP OF COMMITTEE**

Councillor Arif Khan (Chair)  
Councillor Frank Cant (Vice-Chair)  
Councillor Afrasiab Anwar  
Councillor Gordon Birtwistle  
Councillor Margaret Brindle  
Councillor Saeed Chaudhary  
Councillor Sue Graham  
Councillor John Harbour

Councillor Alan Hosker  
Councillor Mohammed Ishtiaq  
Councillor Marcus Johnstone  
Councillor Neil Mottershead  
Councillor Mark Payne  
Councillor Asif Raja  
Councillor Jeff Sumner  
Councillor Cosima Towneley

## **PUBLISHED**

Wednesday, 6 February 2019

This page is intentionally left blank



## DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 24th January, 2019 at 6.30 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 Ishtiaq, A Raja, J Sumner and C Towneley

### OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Janet Filbin	– Senior Planner
Alan Rogan	– Senior Planner
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Alison McEwan	– Democracy Officer

#### 77. Apologies

Apologies for absence were received from Cllr Johnstone and Mottershead.

#### 78. Minutes

The Minutes of the last meeting held on Thursday 13<sup>th</sup> December were approved as a correct record and signed by the Chair.

#### 79. 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:

Pauline Shalliker	APP/2018/0296 – Land at Balderstone Lane, Burnley
Claire Bradley	APP/2018/0296 – Land at Balderstone Lane, Burnley

**RESOLVED:** That the list of deposited plans be dealt with in the manner shown in these minutes.

#### **80. APP/2018/0296 - Land at Balderstone Lane, Briercliffe, Burnley**

##### **Full Planning application**

**Proposed erection of industrial unit comprising warehouse (B8) and associated offices (B1) and showroom, servicing and car parking facilities including relocation of a section of the Brun Valley Greenway  
LAND AT BALDERSTONE LANE BURNLEY**

**Decision: That planning permission be delegated to the Head of Housing & Development Control for approval subject to the following:**

- a) the making of a section 106 agreement to secure off-site ecology mitigation, off-site planting and the improvement of paths; and,
- b) the imposition of the following conditions and any further conditions or modifications to the conditions as deemed appropriate by the Head of Housing & Development Control.

##### **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: E12014/1z, 2 of 4, 3 of 4 and 4 of 4, received on 22 June 2018; and, J1003pathsfig1, received on 19 October 2018.
3. Prior to the commencement of development, the Brun Valley Greenway shall be diverted and improved to the north of the site and in part to the east of the site and a footpath link improved to the south of the site in accordance with a detailed plan of the proposed diversion and improvement routes and detailed specifications of their construction and surfacing which shall be first submitted to and approved in writing by the Local Planning Authority.
4. Prior to the commencement of development, an intrusive investigation shall be carried out by a suitably competent person(s) in accordance with the submitted Phase I Geo-Environmental Desk Study (prepared by Earth Environmental & Geotechnical, dated June 2018) to further assess the extent of contamination likely to affect all receptors at end-use and 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, shall be submitted to and approved in writing by the Local Planning Authority. Remediation work shall thereafter be carried out and completed in accordance with the approved scheme. In the event that previously unidentified contamination is discovered during any part of the works then further investigation and risk assessment shall be undertaken which shall together with an additional remediation scheme be submitted to and approved in writing by the Local Planning Authority before works continue. A validation report to evidence that all remediation works have been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority before the approved building is first brought into use.

5. Prior to the commencement of development, details of a further site investigation to establish the location and condition of mine shafts 386434-14, 386434-015, 386434-016 and 386434-018 and a scheme for the treatment of shallow mine workings and a remedial strategy to address the risks posed by mine entries, shall be submitted to and approved in writing by the Local Planning Authority. The remedial strategy shall include the following:- details of the proposed method of stabilisation of on-site mine shafts; a plan showing the zones of influence associated with the on and off-site shafts; and, mitigatory measures to address ground movement at any part of the building/site within the defined zones of influence. The approved remedial strategy and mitigation measures shall thereafter be carried out during the development in accordance with the approved details and shall be completed prior to the development being first brought into use.
6. No development shall be commenced until a scheme for the means of protecting the woodland to the north of the site and any other trees and hedges at or 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.
7. Prior to the commencement of development, a Landscape Creation and Management Plan which shall comprise a landscaping scheme to optimise the opportunity for habitat creation and detail how this will be maintained and managed in the future to secure long term benefits for biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping measures that are approved as part of the Landscape Creation and Management Plan shall be carried out within the first planting season following the completion of the development or following the first occupancy of the building, whichever is the sooner. The whole of the site shall be maintained and managed in accordance with the approved Plan at all times in perpetuity.
8. Prior to any site clearance or commencement of development, a pre-commencement survey of the site for the presence of badgers shall be carried out by a suitably qualified person and to appropriate standards and shall be submitted to and approved in writing by the Local Planning Authority. In the event that evidence is

found of badgers on any part of the site then no development shall be commenced on the site until a Method Statement to detail the measures to be carried out to avoid any possible harm to badgers during the course of development have been submitted to and approved in writing by the Local Planning Authority. Once approved, Method Statement shall be implemented in full at all times until the completion of the development.

9. No vegetation clearance required by the proposed development shall take place within the bird nesting season between March and July inclusive.
10. A Noise Management Plan shall be submitted to and approved in writing prior to the first occupation of the approved development. The Plan shall identify potential sources of noise generated internally and externally to the building and set out measures for avoiding and managing such noises. The approved measures contained within the Noise Management Plan shall be implemented and adhered to at all times in perpetuity.
11. Fork lift trucks shall operate within the confines of the approved building only and not at any time within any external area.
12. The approved premises shall not operate and no deliveries shall be received or despatched outside the hours of 06:00 hours and 22:00 hours on Monday to Friday and between 08:00 hours and 14:00 hours on Saturdays and shall not operate at all or have any deliveries received or despatched on Sundays or Bank/Public Holidays.
13. Notwithstanding the details submitted with the application, no external lighting shall be installed at any part of the site until a lighting scheme which provides a low impact lighting solution to protect wildlife and minimise light pollution, has been submitted to and approved in writing by the Local Planning Authority. External lighting shall thereafter only be installed in accordance with the approved details of external lighting.
14. Prior to the commencement of development, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in accordance with the approved scheme prior to the approved building being first brought into use. The approved drainage scheme shall be retained at all times thereafter.
15. The approved building shall not be first brought into use until details of a management and maintenance plan for the sustainable drainage system required by condition 14, 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.
16. Notwithstanding any details submitted with the application, no perimeter fencing shall be erected on the site until alternative details of the type and height of fencing have been submitted to and agreed in writing by the Local Planning Authority. Perimeter fencing shall thereafter only be carried out in accordance with the approved plans and shall be retained as approved at all times.



17. Prior to construction work commencing on the approved building or retaining walls, details and representative samples of the external materials of construction to be used on the walls and roof of the approved building and retaining wall 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.
18. Prior to construction work commencing on the approved building, an energy efficiency assessment of the design of the proposed building to provide for a BREEAM rating of 'very good' or an equivalent to that standard shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved energy efficiency assessment. Once completed, a verification report shall be submitted to the Local Planning Authority to evidence the implementation of the approved energy efficiency standards.
19. Prior to any excavation or construction works adjacent to the highway being commenced, details of works affecting any retaining wall supporting land or property alongside the highway, which shall include land arrangements, design, assessment, construction and maintenance of all existing or new highway structures, shall be submitted to and approved in writing by the Local Planning Authority. The development may only proceed thereafter in accordance with the approved details.
20. No development shall be commenced until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out and completed prior to the approved building being first brought into use.
21. 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;
  - v) measures to control the emission of dust and dirt during construction;
  - vi) wheel washing facilities;
  - vii) details of working hour;
  - viii) contact details for the site manager; and,
  - ix) routing of delivery vehicles to/from the site.
22. Prior to the approved building being first brought into use, electric car charging points shall be installed at the site and shall be available for use in accordance with a scheme for their provision which shall be first submitted to and approved in writing by the Local Planning Authority. The approved car charging points shall thereafter be retained at all times.
23. The approved use shall not be first commenced until the car park and parking spaces and manoeuvring areas have been hard surfaced in a bound material, laid

out with marked spaces, and are available for use. The approved parking facilities and manoeuvring areas shall thereafter be retained at all times.

24. The showroom shall be confined to the footprint as indicated on the approved plans and shall be for trade customers only ancillary only to the main use of the building and not for public use.
25. Prior to the commencement of any excavation or building operations, a programme of works shall be submitted to and approved in writing by the Local Planning Authority 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) above; and,
  - c) The proposed noise mitigation measures for the above processes/activities.The approved noise mitigation measures shall thereafter be carried out and adhered to at all times during the construction of the development.
26. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, 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, 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. The diversion of part of the Brun Valley Greenway is necessary to ensure adequate spacing from the development site and the improvements to its surfacing and to a footpath link to the south side of the site are necessary to ensure its effective and continued use, in accordance with Policies IC1 and SP6 of Burnley's Local Plan, July 2018. The details and works are required prior to the commencement of development to ensure that the Greenway route is available for use at all times, in the interests of accessibility and amenity.
4. In order to deal appropriately and safely with the risks posed to the site and for future users from past industrial uses that may affect the site, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The site investigation, report and remediation scheme are required prior to the commencement of development to ensure that any mitigation measures that are found to be necessary through the investigation can be carried out at the appropriate stage in the development process.
5. 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 Policy NE5 and the National Planning Policy Framework. The intrusive investigations and

scheme details are required prior to the commencement of development to ensure that the appropriate precautions, including any mitigation measures can be carried out at the appropriate stage in the development of the site, in the interests of public safety.

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 Policy NE4 of Burnley's Local Plan (July 2018). 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.
7. To ensure an appropriate landscaping scheme that contributes in part to mitigation from the loss of habitat from the development of this site, in accordance with Policies SP5 and NE1 of Burnley's Local Plan (July 2018). The Landscape Creation and Management Plan is required prior to the commencement of development to ensure that the agreed scheme can be implemented at the appropriate stage in the development.
8. To ensure adequate protection for badgers which are protected under the Protection of Badgers Act 1992, in accordance with Policy NE1 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework. The pre-commencement survey is required prior to the commencement of development to ensure the objective of the condition in protecting badgers can be realised.
9. To protect nesting birds and their eggs during the optimum time of year for bird nesting, in accordance with Policy NE1 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework.
10. To minimise noise from the operations at the site in order to safeguard the amenities of neighbouring properties, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
11. Fork lift trucks operate with beepers for safety reasons which are likely to create undue noise and disturbance to nearby occupiers. The condition is therefore required to safeguard residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
12. To ensure that the development can be satisfactorily carried out within reasonable working hours whilst respecting and safeguarding the residential amenities of nearby occupiers, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
13. The submitted details of lighting are not designed to be sensitive to wildlife and alternative details are sought in order to protect the local area from excessive and insensitive lighting, in accordance with Policies NE1 and NE5 of Burnley's Local Plan (July 2018).
14. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).
15. To ensure adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the

appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

16. Alternative details of fencing are sought to ensure a sensitive edge to the development, having regard to its open space environs and the proximity of paths, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
17. To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
18. To ensure the building is energy efficient to reduce carbon emissions, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
19. To safeguard the integrity and safety of the public highway, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
20. To ensure an adequate access and necessary improvements to the highway are secured and implemented, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.
21. To ensure that the safety and amenities of neighbours, businesses and members of the public are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.
22. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 and the National Planning Policy Framework.
23. To ensure adequate car parking and manoeuvring for deliveries and services and to encourage the use of cycles to promote sustainable travel, in accordance with Policies IC1 and IC3 of Burnley's Local Plan, July 2018 and the National Planning Policy Framework.
24. To ensure the satisfactory implementation of the proposal at a site which would be unsuitable for a retail showroom, in accordance with Policies EMP1 and TC1 of Burnley's Local Plan (July 2018).
25. To identify and reduce the potential for nuisance to the occupiers of nearby properties, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
26. To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

**81. APP/2018/0188 - Land rear 312 Red Lees Road, Cliviger, Burnley****Full Planning Application  
Erection of agricultural storage building  
LAND REAR 312 RED LEES ROAD BURNLEY**

It was moved and seconded to refuse the application against Officer advice. A recorded vote was taken.

<b>To refuse APP/2018/0188 against officer recommendation (Motion)</b>	
Councillor Arif Khan	Against
Councillor Frank Cant	Against
Councillor Afrasiab Anwar	Abstain
Councillor Gordon Birtwistle	For
Councillor Margaret Brindle	For
Councillor Saeed Chaudhary	Against
Councillor Sue Graham	Against
Councillor John Harbour	Against
Councillor Alan Hosker	For
Councillor Mohammed Ishtiaq	Against
Councillor Asif Raja	Against
Councillor Jeff Sumner	For
Councillor Cosima Towneley	Abstain
<b>Rejected</b>	

**RESOLVED** The motion was LOST.

A motion was moved and seconded that 'provided satisfactory amended details are received showing changes are made to the design of the building to provide ventilation suited to its hay storage purpose the Head of Housing is delegated to grant planning permission subject to the following condition(s) arising from, or amended in, negotiations with the applicant.'

**Decision: That provided satisfactory amended details are received showing changes are made to the design of the building to provide ventilation suited to its hay storage purpose the Head of Housing is delegated to grant planning permission subject to the following condition(s) arising from, or amended in, negotiations with the applicant.**

**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: drawing numbers: 472/03 (Location Plan); 472/01 (New Agricultural Building – showing plan and elevations of the building); 472/02 (New Agricultural Building – showing site layout); 472/04 (Block Plan); received 13 November 2018.

3. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance.
4. The building shall be removed within six months of the cessation of its use for the storage of agricultural equipment or other agricultural purposes.

**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 secure sustainable drainage and to manage the risk of flooding and pollution, in accordance with Policy CC5 of the Burnley's Local Plan.
4. The building is located outside the development boundary and permission is only granted because it is needed in this location, and that need arises from its connection with agriculture. This is in accordance with Policy SP4 of the Burnley's Local Plan.

<b>82. APP/2018/0476 - 16 Ribchester Avenue, Burnley</b>
----------------------------------------------------------

**Full Planning Application**

**Proposed loft conversion and two storey rear extension  
16 RIBCHESTER AVENUE 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 following approved drawing:
  - Drawing No. Hourihan/02, received 08 Oct 2018
  - Block Plan, received 08 Oct 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.

**83. APP/2018/0514 - 42 Hill Crest Avenue, Cliviger, Burnley**

**Full Planning Application**

**Proposed two storey side extension (re-submission of APP/2018/0336)**

**42 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: Drawing no's: 01 (location plan), 02, and 03 received 17 October 2018 and 04A and 05A received 12 December 2018.
3. Before the extension is brought into use, the off-street parking area (for two cars) shown on the submitted plan shall be surfaced in a porous material (or provision made to direct run-off water from the hard surface to a permeable or porous area surface within the curtilage) and shall be made available for use.
4. Any window(s) to the first floor of the building inserted in the north-westerly wall of the extension shall at all times be non-opening and glazed in obscure material.

**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 highway safety and a sustainable form of drainage in accordance with policies IC3 and CC5 of the Burnley's Local Plan 2018.
4. To safeguard the privacy of the adjacent dwelling house, in accordance with policy HS5 of the Burnley's Local Plan 2018.

**84. APP/2018/0548 - 60 Broad Ing Close, Cliviger, Burnley**

**Full Planning Application**

**Proposed Dormer Extension to the side**

**60 BROAD ING CLOSE 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: Site Plan Number 2518/03 and Location Plan Number 2518/02 received 20th November, 2018; Proposed Plans 2518/03 and Proposed Sections 2518/04 received 11th January, 2019 and Amended Planning General Arrangement Plan 2518/01 received 14th January, 2019.

**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.

<b>85. APP/2018/0545 - 31 Kibble Crescent, Burnley</b>
--------------------------------------------------------

**Full Planning Application**

**Proposed erection of conservatory to rear of property**

**31 KIBBLE CRESCENT 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: Site Location Plan; Drawings number: 003 (Proposed Site Plan); 001 (Existing Details); 002 Revision A (Proposed Details), received 30 October 2018.

**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.

<b>86. Decisions taken under the Scheme of Delegation</b>
-----------------------------------------------------------

Members received for information a list of decision taken under delegation for the period 26<sup>th</sup> November 2018 to 6<sup>th</sup> January 2019.



BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for  
Committee consideration

14<sup>th</sup> February 2019

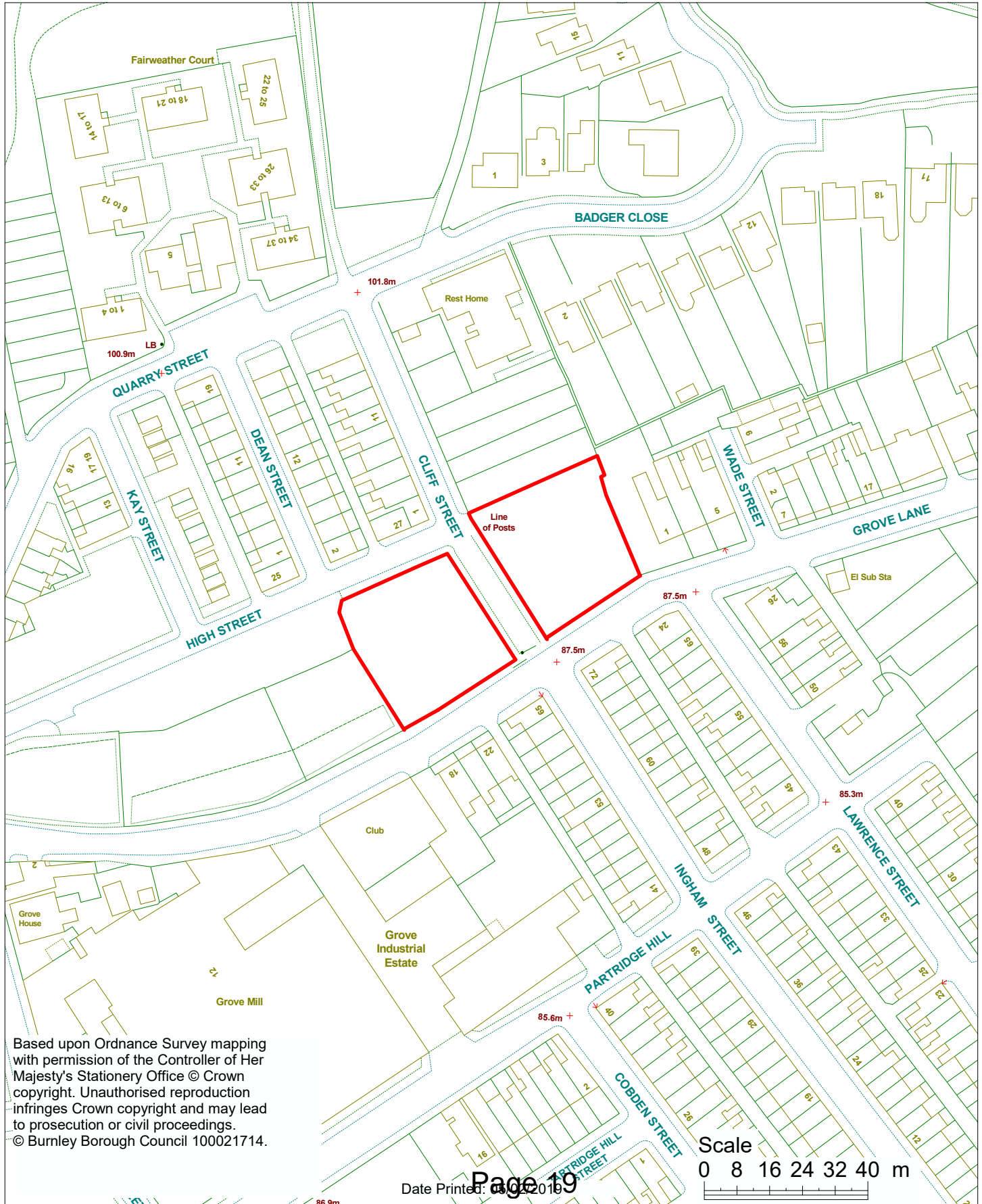
Housing and Development

This page is intentionally left blank



## Land at Grove Lane & High Street, Padiham

1:1250



This page is intentionally left blank

Full Planning application

Proposed construction of 10no. two storey terraced dwellings in two terraces (5no. dwellings with parking and access from Grove Lane and 5no. dwellings with parking and access from High Street)

**LAND AT GROVE LANE & HIGH STREET PADIHAM**

**Background:**

The proposal is to erect two terraces of five houses either side of Cliff Street, between Grove Lane and High Street.

*Land at Grove Lane*



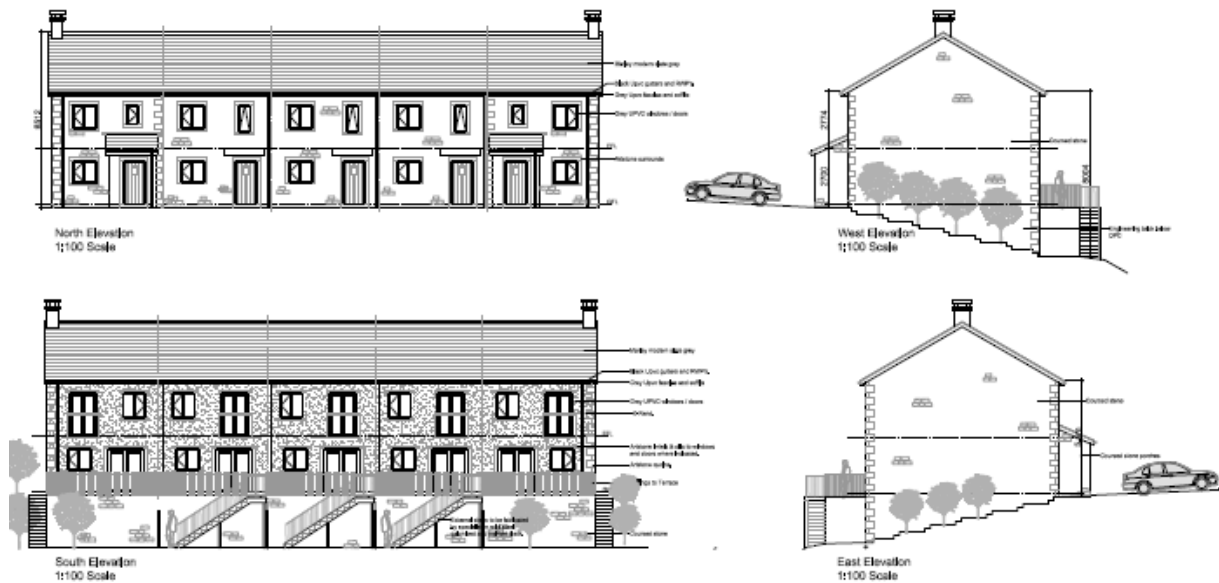
*Land at High Street*



Both pieces of land (total of 0.23ha) are similar in size and comprise and are a regular shape and become overgrown with vegetation and unused. The site is situated on a steep slope between Grove Lane on its south side and High Street to the north side. The land was historically occupied by housing but has been open land for a significant time and has naturalised. The land has also in the past been used as allotments but this use was abandoned due to the difficulties of working with the gradient of the land. The proposed scheme involves two terraced blocks to be built on the less steep parts of the hillside with plots and frontage parking onto High Street and Grove Lane:

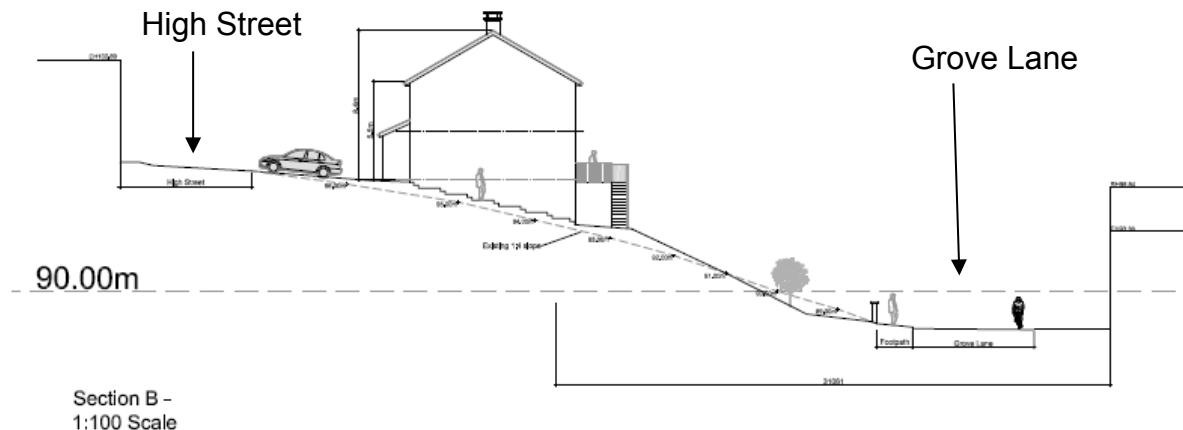


### Proposed dwellings on High Street



The proposed dwellings would be constructed in natural coursed stone to the front and sides and render to the rear elevation with slate grey coloured flat concrete tiles. Window and door surrounds and chimneys are used to reflect the character of surrounding terraces. The cross section below shows how the terrace would sit on the slope of the land with staircases to the rear to access rear gardens

### Proposed cross section



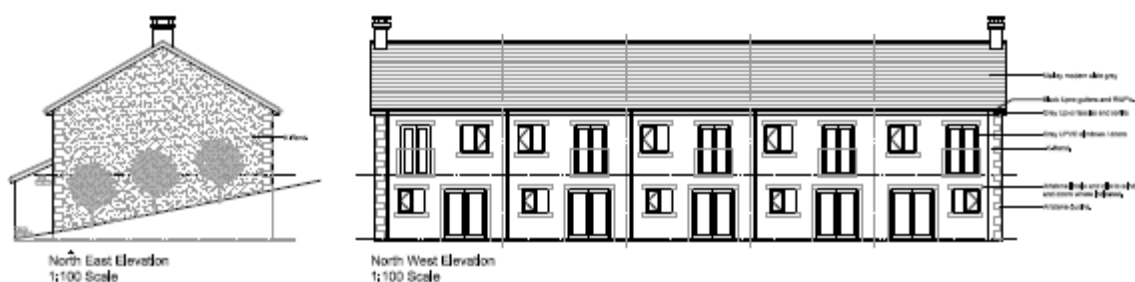
A personal gate entrance would also give access to the rear gardens fronting Grove Lane and to a small shed/bike store. The boundary would be defined by 1.4m high powder coated steel bow topped railings.

## Proposed terrace to Grove Lane

Front:

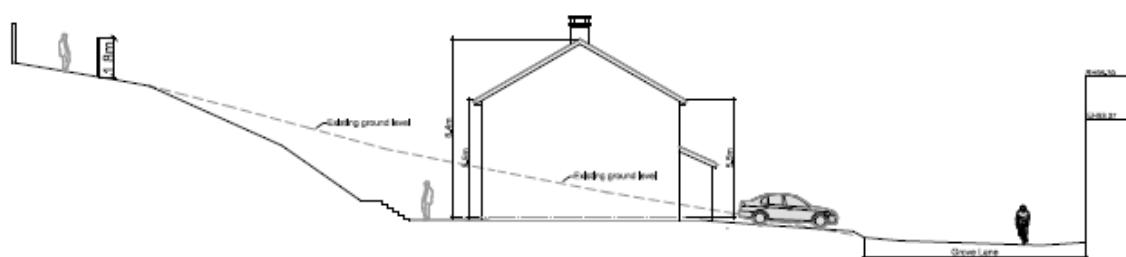


Rear:



The front and gable side facing Cliff Street would be constructed in coursed stone whilst the gable adjacent to the neighbouring property at no. 1 Grove Lane would be rendered.

### Cross section – proposed houses fronting Grove Lane



The dotted line on the cross section above indicates the existing ground level which would be excavated to provide level ground for the proposed terrace.

All dwellings would be three bedroom and have two in-curtilage parking spaces to the front.

### **Relevant Policies:**

Burnley's Local Plan (July 2018)

SP1 – Achieving sustainable transport



SP2 – Housing requirement 2012-2032  
SP4 – Development strategy  
SP5 – Development quality and sustainability  
HS4 – Housing developments  
NE1 – Biodiversity and ecological networks  
NE5 – Environmental protection  
CC4 – Development and flood risk  
IC1 – Sustainable travel  
IC3 – Car parking standards  
IC4 – Infrastructure and Planning Contributions

The National Planning Policy Framework<sup>2</sup>

**Site History:**

APP/2005/0819 - Proposed erection of three 3-storey and three 2-storey houses.  
Withdrawn.

APP/2008/0400 - Proposed erection of 8no. three storey dwellings and extension to public open space. Refused August 2008. [The reasons refusal stated that the site was a greenfield site and was contrary to housing related policies and that the development and would be out of keeping with its surroundings].

**Consultation Responses:**

LCC Highways

Following the submission of amended plans to improve the car park layout, LCC Highways have no objections subject to conditions relating to a Construction Management Plan and off-site works to alter the existing street lighting.

Coal Authority

Following an initial objection and the submission of further information, the Coal Authority has no objection subject to the imposition of a suitable condition to require intrusive site investigations prior to the commencement of development.

Land Contaminated Officer

Recommend a condition to require a contaminated land assessment is carried out.

Environmental Health Officer

No objections subject to conditions relating to construction work, noise and the provision of electric charging points.

Greater Manchester ecology Unit (GMEU)

No significant ecological constraints were identified by the developer's ecological consultant. Issues relating to nesting birds and Japanese Knotweed can be resolved by condition. Mitigation should be provided for the loss of semi-natural habitats. Conditions are recommended to restrict work within the bird nesting season, to control Japanese Knotweed and to require a landscape plan to include native tree, shrub and hedge planting and the provision of nest boxes.

Schools Planning Team

The proposal generates a pupil yield of 1.6 primary school places and no secondary school places. Given that there is a projected shortfall of spaces within a period of five



years, Lancashire County Council request a contribution of two primary school places (total is £31,506.62).

#### Publicity

Three letters of objection have been received from neighbouring properties. A summary of their comments is provided below:-

- Impact on highway safety from extra traffic, parking and construction vehicles
- High Street is very narrow and has a 90 degree turn onto Cliff Street
- Narrow streets are already full to capacity
- Insufficient space for parked cars on High Street
- Rear access to the Grove Lane properties would be a problem
- Inadequate access for fire engines, emergency vehicles and bin wagons
- Impact of vibrations on underground mine workings and potential subsidence
- Negative impact on local environment from loss of two green areas
- Many trees and bushes have already been removed
- Will greatly reduce the natural habitat of various wildlife
- The ecology survey has insufficient regard to the fact that there are bats which live within the area
- Planning permission has been previously refused
- Impact of noise
- Will overshadow the houses on High Street, reduce sunlight to south facing properties
- Too close to existing properties and packed in
- The new houses will appear alien and out of place adjacent to houses built in 1873
- Conflict with new family housing and the lower levels of activity/noise associated with the older people who live in this area

#### **Planning and Environmental Considerations:**

##### Principle of proposal

Policy SP4 identifies Padiham as a Key Service Centre at the second tier in the settlement hierarchy where it is expected that large scale, major and a variety of smaller sites will deliver a comprehensive range of choice of types and tenures. In addition to allocated sites, Policy SP4 states that new development will be supported within Development Boundaries where it is an appropriate type and scale and where, amongst other things, it makes efficient use of land and buildings. Other factors to take into account include the site's accessibility (by walking, cycle and public transport), its impact on residential amenity and any benefits from the appropriate re-use of existing buildings and infrastructure. The accessibility of the site within the existing urban area of Padiham and its close relationship with the existing residential area would indicate that the proposal would, in principle, comply with Policy SP4. Consideration should also be given to the impacts of the development, particularly in respect of parking and highway safety, residential amenities and the effect on the character and appearance of the local area.

##### Impact on parking and highway safety

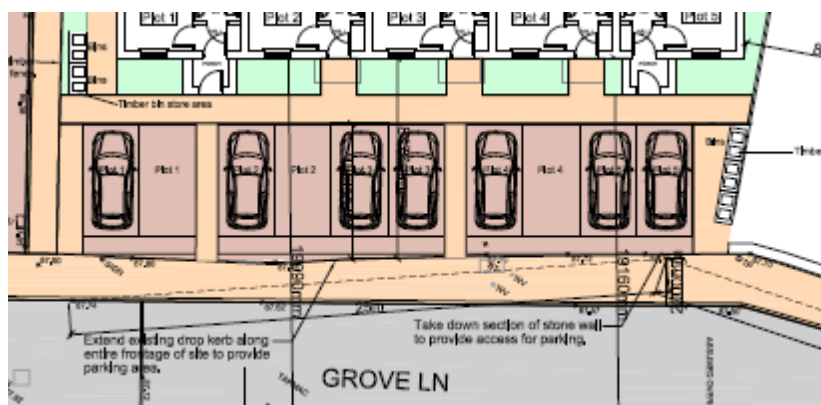
Policy IC1 seeks to promote sustainable travel by locating development where it is or can be well served by walking, cycling and public transport and ensure that development is provided with safe and convenient access. Policy IC3 sets out the car parking standards for development, requiring two car parking spaces for each 3no. bedroom dwelling.

The concerns expressed by residents relate to the increased use of the narrow streets and potential affect on parking. The original submission indicated parking spaces overlapping the adjoining footway; this has been corrected and the amended layout provides all car parking (two spaces per dwelling) within the site curtilage.

#### Proposed parking layout – High Street



#### Proposed parking layout – Grove Lane



Given that sufficient car parking has been provided to comply with Policy IC3, the proposal is unlikely to significantly affect on-street parking. A condition is necessary to ensure that this is carried out appropriately using porous and bound materials.

The proposed scheme has therefore made sufficient allowance for parking to meet the needs of the development and can be accommodated on the existing highway network. In respect of the impacts from the construction phase, it is acknowledged that this is likely to cause some short term disruption but this can be adequately mitigated by a condition to require a Construction Management Plan. No objections have been received from LCC Highways.

#### Impact on residential amenities

Policies HS4 and SP5 seek to protect the amenities of existing occupants and future occupiers of development. Policy SP4 also states that new development will be supported within Development Boundaries where, amongst other things, it would not have an unacceptably detrimental impact on residential amenity or other existing land users.

Policy HS4 requires appropriate outlook and privacy distances between habitable rooms; in this case, this requires a minimum distance of 20m. The interface distance between the front windows of the proposed dwellings and the front windows of existing houses on High Street is 16.2m which is less than this standard although this is greater than the general interface distances that are apparent in the surrounding area. It would still provide an adequate level of privacy due to the modest size of new window openings and would not lead to a dominating or oppressive outlook or significantly affect sunlight. Any increase in levels of general noise and activity would be modest and consistent with a primarily residential area.

The impact of the proposal on the residential amenities of residents is therefore acceptable and would not conflict with Policies HS4 or SP5.

#### Impact on visual amenities

Policy HS4 states that new housing should be high quality in its construction and design in accordance with Policy SP5 which requires development to respect locally characteristic street layouts, scale and massing, as well as have regard to landscaping and high quality materials appropriate to the site's context.

The dwellings would be prominent on a hillside position but have been designed in a form that reflects the terraced traditions of the local area. Attention has been given to the use of coursed stone to the principal elevations, chimneys, window and door surrounds. Conditions are necessary to require samples of materials and detailed design of all boundary treatment. A landscaping scheme should be required by condition.

The visual impact would be appropriate within its context and respect the local area.

#### Impact on ecology

Policy NE4 states that development should provide for the protection and integration of existing trees and hedgerows for their wildlife, landscape and/or amenity value. Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. Some small trees and overgrown bushes that had no protection have already been cleared from the site. The site has no ecological designation but it is acknowledged that the site provides conditions that allow wildlife to thrive. GMEU recommend conditions to ensure that adequate protection is given to birds and to require the control of an invasive plant and a scheme for appropriate landscaping that will provide for mitigation. Subject to these conditions, the proposal would not significantly affect local biodiversity or protected species.

#### Impact on ground conditions

Policy CC5 requires appropriate assessment to identify the risks posed by unstable land. Following the submission of a further coal mining risk assessment, the Coal Authority accept that the site can be safely developed subject to conditions which require further intrusive site investigations and details to be agreed with the local planning authority. A pre-commencement condition is necessary to ensure that this is carried out.

Policy IC4 states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. Education provision is an appropriate matter to contribute to. In this case, the applicant has provided viability information which has been reviewed by the Council's Head of Property who concludes that the scheme is unlikely to be viable with the additional cost of the requested contribution. This is partly due to the abnormal costs of developing a site with mining legacies. In this situation, Lancashire County Council object to the application due to its impact on provision for primary school places in the next five years. The proposal would generate a need for up to 1.6 school places, based on the County Council's methodology which takes into account the capacity of primary schools within a three mile radius. Given however the scale of development, its sustainable location and the benefits from providing new homes close to the town centre and amenities, it is considered that these benefits would outweigh the identified harm from failure to contribute to primary school provision. It is accepted therefore that in this case there is adequate justification for not securing an education contribution.

#### Other issues

Policy NE5 states that on sites that are known to be contaminated, applicants will be expected to carry out an appropriate survey. The site has the potential to be affected by past farm uses and by local landfill sites. A condition is necessary therefore to require a desk top study and where necessary, a remediation strategy prior to the commencement of the development.

Policy CC4 seeks to ensure that development does not result in increased flooding either on the development site or elsewhere. In this case, the site falls within Flood Zone 1 where there is the least risk to flooding. Due to the minor scale of the development, no further assessment on drainage is required and no comments have been received from United Utilities. On this basis, the proposal would not significantly affect flooding.

#### Conclusion

The proposal would contribute to the supply of new housing within existing Development Boundaries at a sustainable location in the urban area of Padiham. The development is of an appropriate scale, massing and design to respect the existing distinctive street character and is adequately spaced to safeguard residential amenities. An education contribution is not being sought in this instance on viability grounds. The proposal would comply with the development plan and there are no material considerations which outweigh this finding.

**Recommendation: Approve with conditions (conditions to follow in late correspondence)**

JF

BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part II: Decisions taken under the scheme of delegation.  
**For Information**

14<sup>th</sup> February 2019

Housing and Development

This page is intentionally left blank

## **Delegated Decisions from 01/01/19 to 03/02/19**

APPLICATION\_NO

LOCATION

PROPOSAL

## **Delegated Decisions from 01/01/19 to 03/02/19**

APPLICATION\_NO

LOCATION

PROPOSAL



## **Delegated Decisions from 01/01/19 to 03/02/19**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
-----------------------	-----------------	-----------------

### **Lawful Development Certificate (S192)**

#### **Lawful Development Certificate Granted**

APP/2018/0578	304 MANCHESTER ROAD BURNLEY BB11 5NJ	Proposed use of dwellinghouse for three residents (aged 16-18 years) and with up to three staff members on a 24 hour rota basis.
---------------	-----------------------------------------	----------------------------------------------------------------------------------------------------------------------------------

### **Express Consent to Display an Advertisement**

#### **Advert Consent Granted**

APP/2018/0516	SANDYGATE CAR SALES CALDER VALE ROAD BURNLEY BB11 1BS	Consent to display an advertisement 2no single sided non-illuminated post signs
---------------	-------------------------------------------------------------	---------------------------------------------------------------------------------

### **Compliance with conditions**

#### **Conditions discharged**

APP/2018/0531	UNIT L BRIERCLIFFE SHOPPING CENTRE BRIERCLIFFE ROAD BURNLEY BB10 1WB	Discharge of condition 3 relating to (Scheme of odour suppression) of planning application APP/2018/0004 relating to proposed change of use from class A1 (retail) to class A3/A5 restaurant/hot food take-away, resubmission of APP/2017/0560
APP/2018/0538	LAND AT WEST SIDE OF STATION ROAD AND ADJACENT TO PADIHAM GREENWAY	Application for approval of details reserved by Condition 7 (affordable housing) on planning permission APP/2018/0376

#### **Conditions partially discharged**

APP/2018/0509	LAND EAST OF WOODPLUMPTON ROAD BURNLEY	Application for approval of details reserved by conditions 7 and 11 of planning permission APP/2018/0105
---------------	----------------------------------------------	----------------------------------------------------------------------------------------------------------

### **Full Planning Application**

#### **Full Planning Permission Granted**

APP/2018/0346	TRAFALGAR MILL TRAFALGAR STREET BURNLEY BB11 1TQ	Installation of a car spray booth within the existing building with flues projecting from roof
APP/2018/0408	6 HEBREW ROAD BURNLEY BB10 1NW	Enlargement and rebuilding of existing kitchen with new dormer to rear
APP/2018/0465	27 HARGREAVES STREET BURNLEY BB11 1DU	Change of use of ground floor from former Post Office to Wine Bar / Restaurant

## **Delegated Decisions from 01/01/19 to 03/02/19**

<u>APPLICATION_NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2018/0480	FAROOQ E AZAM MOSQUE NORTH STREET BURNLEY BB10 1QJ	Minor internal alterations and insertion of conservation skylights to the roof
APP/2018/0494	19 APEX CLOSE BURNLEY BB11 5NG	Proposed first floor balcony at the rear
APP/2018/0506	320 RED LEES ROAD CLIVIGER BB10 4RQ	Remove existing roof and single storey extension, construct new first floor and new single storey extension
APP/2018/0508	8 ALNWICK CLOSE BURNLEY BB12 0TW	Proposed single storey rear extension
APP/2018/0510	42 STANDISH STREET BURNLEY BB11 1AP	Change of use from Eye Laser Clinic to Hot Food Takeaway (A5), including external flue and new shop front
APP/2018/0511	3 HILL CREST AVENUE CLIVIGER BURNLEY BB10 4JA	Proposed single storey extension to the rear and gable elevations (re-submission of planning permission APP/2017/0294)
APP/2018/0520	147 ACORN HEIGHTS MANCHESTER ROAD BURNLEY BB11 4HT	Provide new ramp access to front entrance porch and raised deck area
APP/2018/0522	65 MARY TOWNELEY FOLD BURNLEY BB10 4LU	Proposed single storey extension to front elevation, conversion of garage and extend driveway
APP/2018/0532	1 DOUBLE ROW PADIHAM BB12 8FA	Minor material amendment. Changes to house design - variation of condition 2 on planning permission APP/2016/0503
APP/2018/0541	7 HERKOMER AVENUE BURNLEY BB11 3QD	Proposed rear single storey extension
APP/2018/0542	8 HIGHFIELD AVENUE BURNLEY BB10 1YB	Retention of a rear facade alteration to the conservatory and kitchen, with a new sloped roof
APP/2018/0544	226 ROSSENDALE ROAD BURNLEY BB11 5DE	Proposed first floor extension over existing ground floor extension and the creation of access and formation of 3no. vehicular parking spaces
APP/2018/0550	ST MARYS RC SCHOOL AND NURSERY UNIT HOLCOMBE DRIVE BURNLEY BB10 4BH	Proposed classroom extension
APP/2018/0556	LAND AT COPY FARM GLEN VIEW ROAD BURNLEY BB11 3QS	Proposed construction of a mono pitch livestock agricultural building
APP/2018/0557	25 BEECHWOOD AVENUE BURNLEY BB11 2PL	Proposal to demolish existing porch and replace with new porch

## **Delegated Decisions from 01/01/19 to 03/02/19**

<u>APPLICATION_NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2018/0560	158 ST JAMESS STREET BURNLEY BB11 1NR	Variation of conditions 2 and 4 of planning permission APP/2007/0568 to allow new parking area: a) 15 parking spaces at Calder Vale House Car Park b) 5 parking spaces at Orchard Bridge Car Park c) 3 parking spaces at Calder Street

### **Full Planning Permission Refused**

APP/2018/0406	35 ORMEROD ROAD BB11 2RU	BURNLEY	First floor extension over rear kitchen to provide dressing room/en suite facilities for existing bedroom
---------------	-----------------------------	---------	-----------------------------------------------------------------------------------------------------------

### **Withdrawn**

APP/2018/0496	60 CONSTABLE AVENUE BURNLEY BB11 2NU	Proposed two storey side extension
---------------	-----------------------------------------	------------------------------------

### **Full Planning application**

### **Full Planning Permission Granted**

APP/2018/0512	FORMER BURNLEY LEAGUE CLUB RICHARD STREET BURNLEY BB11 3AJ	Construction of new building to provide Class B1 business use with warehouse and showroom (in association with the assembly of kitchens and furniture), car parking and associated works
---------------	------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### **Listed Building Application**

### **Listed Building Consent Granted**

APP/2018/0347	TRAFALGAR MILL TRAFALGAR STREET BURNLEY BB11 1TQ	Installation of a car spray booth within the existing building with flues projecting from roof
APP/2018/0467	27 HARGREAVES STREET BURNLEY BB11 1DU	Internal works associated with proposed change of use of premises from former Post Office to Wine Bar / Restaurant
APP/2018/0481	FAROOQ E AZAM MOSQUE NORTH STREET BURNLEY BB10 1QJ	Minor internal alterations and insertion of conservation skylights to the roof
APP/2018/0521	147 ACORN HEIGHTS MANCHESTER ROAD BURNLEY BB11 4HT	Removal of existing timber structure and construct new ramp in stone. Replace first floor windows with double glazed timber windows to match existing - 3no. to front (SE) & 3no. to

## **Delegated Decisions from 01/01/19 to 03/02/19**

<u>APPLICATION_NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
		gable (NE) elevations

### **Work to trees covered by Tree Preservation Order**

#### **Work to TPO trees granted**

APP/2018/0396	23 ROCHESTER DRIVE BURNLEY BB10 2BH	Application to crown lift and thin out 2 sycamore trees covered by the Burnley Marsden Hospital TPO 1994
APP/2018/0414	22 EPWORTH HOUSE WHALLEY ROAD PADIHAM BB12 8JP	Application to fell a Lime tree covered by the Burnley (22 Whalley Road, Padiham) Tree Preservation Order 2001