



# 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.

**82. APP/2018/0476 - 16 Ribchester Avenue, Burnley**

**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.

**85. APP/2018/0545 - 31 Kibble Crescent, Burnley**

**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.

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

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.