



DEVELOPMENT CONTROL COMMITTEE

THE MEETING WAS A REMOTE MEETING HELD IN
ACCORDANCE WITH THE REGULATIONS UNDER
SECTION 78 OF THE CORONAVIRUS ACT 2020.

Thursday, 6th August, 2020 at 6.30 pm

PRESENT

MEMBERS

Councillors M Payne (Vice-Chair, in the Chair), A Anwar, G Birtwistle, I Emo, S Graham, S Hall, J Harbour, A Hosker, M Johnstone, A Kelly, N Mottershead and J Sumner

OFFICERS

| | |
|-----------------|---|
| Paul Gatrell | – Head of Housing & Development Control |
| Alec Hickey | – Planning Team Manager |
| David Talbot | – Senior Solicitor |
| Alison McEwan | – Democracy Officer |
| Christine Wood | – Democracy Officer |
| Amanda Rumbelow | – Property Solicitor |

19. Apologies

Apologies had been received from Councillor F Cant (Chair). Councillor Mark Payne took the Chair.

20. Minutes

The Minutes of the previous remote meeting held on Tuesday, 7th July 2020 were approved as a correct record.

21. Additional Items of Business

There were no additional items of business.

22. Declaration of Interest

There were no declarations of interest.

23. Exclusion of the Public

There were no items of business requiring the public to be excluded from the meeting.

24. List of Deposited Plans and Applications

The following members of the public attended the meeting and addressed the Committee under the Right to Speak Policy:

| Application reference | Location | Speaker |
|-----------------------|-------------------------|---------------------------|
| FUL/2020/0171 | 14 Higham Road, Padiham | Trish Halliwell (against) |
| FUL/2020/0171 | 14 Higham Road, Padiham | Brian Sumner (for) |

25. FUL/2020/0085 - 28 Queen Victoria Road Burnley

Town and Country Planning Act 1990 – Conversion of existing terraced house into 2 independent dwellings at 28 Queen Victoria Road, Burnley.

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

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. No development shall take place before details of the provisions for the storage and recycling of refuse have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the flats and shall thereafter be made permanently available for the occupants of the flats.

Reason: In the interest of residential amenity and to comply with policy SP5 of the Burnley's Local Plan 2018.

26. FUL/2020/0171 - 14 Higham Road Padiham

Town and Country Planning Act 1990 – Proposed detached house with new access from Pennine Grove (re-submission FUL/2019/0191)

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

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

Reason: 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. The development hereby permitted shall be carried out in accordance with the approved plans listed on this notice below.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. Prior to construction work commencing on the approved dwellings, details and representative samples of the external materials of construction to be used on the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.

Reason: To ensure satisfactory appearance to the development, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- iii. Storage of plant and materials used in constructing the development;
- iv. The erection and maintenance of security hoarding;
- v. Measures to control the emission of dust and dirt during construction;
- vi. Wheel washing facilities;
- vii. Details of working hour; and
- viii. Contact details for the site manager.

Reason: To ensure that the safety and amenities of other residents on Pennine Grove and Higham Road are satisfactory and disturbance is minimised, 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.

5. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or other than between 08:00 and 18:00 hours Monday to Friday and between 08:00 and 13:00 on Saturdays.

Reason: To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

6. Prior to the commencement of built development, a scheme of landscaping which shall include indications of all existing trees and hedges on the land and details of those to be retained, as well replacement tree planting where applicable, and details of hard and soft landscaping works to include schedules of plants, species, plant sizes and proposed numbers/densities where appropriate, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the site and its surroundings, in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (July 2018).

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any dwelling 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.

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long-term appearance harmonises with its surroundings, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).'

8. **Revised in accordance with the late report published via supplementary agenda on 6th August 2020** – The construction of the approved driveway shall not be commenced until an Arboricultural Method Statement to include appropriate protective measures to safeguard the adjacent protected oak tree during the construction process, details of on-site supervision by an arboricultural consultant and details of appropriate temporary and permanent ground protection measures for before, during and after construction, has been submitted to and approved in writing by the Local Planning Authority. The driveway construction shall thereafter only be carried out in accordance with the approved Arboricultural Method Statement and in accordance with drawing numbers PARKER-C/01ADwg04A and PARKER-C/01ADwg06A, the Geoweb Statement, Geoweb Transition Ramp details and the Geoweb Installation Guide, received on 8th July 2020.

Reason: To ensure the long term health of an oak tree that is protected by a Tree Preservation Order and contributes to the quality of the residential environment at Pennine Grove, in accordance with Policies NE4 and SP5 of Burnley's Local Plan (July 2018).

9. No development shall be commenced until a scheme for the means of protecting the trees indicated to be retained on and adjacent to the site, which shall be in accordance with BS 5837 (2012) and include 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.

Reason: To ensure adequate protection for the long term health of trees on and adjacent to the site which should be retained in the interest of the visual amenities 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 stages of the development process.

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.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety, in the interest of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

11. No development shall be commenced until full engineering, drainage and constructional details of the proposed access have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be constructed and completed in accordance with the approved details prior to the first occupation of the approved dwelling.

Reason: To ensure a satisfactory form of access and to ensure the drainage design prevents run-off over the adjoining highway (Penning Grove), in accordance with Policy IC1 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.

12. Prior to the erection of any boundary treatment or the first occupation of the approved dwelling, boundary treatment shall be constructed in accordance with details which shall be previously submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be retained at all times.

Reason: To ensure a satisfactory appearance to the edges of the development and to safeguard neighbouring residential amenities, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).

13. Prior to the commencement of development, details of gas protection measures to be incorporated into the design of the scheme in accordance with the recommendations of the submitted Coal Mining Risk Assessment (prepared by Worms Eye, dated 17 April 2019) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be carried out and completed during the construction of the approved dwelling and a Validation report shall be submitted to and approved in writing by the Local Planning Authority to verify that the approved measures have been implemented prior to its first occupation.

Reason: To cater for a risk from coal mining gas, as identified in the Coal Mining Risk Assessment submitted with the application, to ensure that the site is suitable for its intended use, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

14. The approved dwelling shall not be first occupied until its associated off-street parking provision has been constructed, surfaced and is available for use as indicated on the approved plans. The approved car parking spaces shall thereafter be retained at all times.

Reason: To ensure adequate off-street parking to meet the needs of the development, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

15. The approved dwelling shall not be first occupied until its associated refuse and recycling storage has been provided and is available for use in accordance with the details as indicated on the approved plans. The refuse and recycling storage facilities shall thereafter be retained as approved at all times.

Reason: To ensure adequate refuse and recycling storage for the approved dwellings in order to cater for the needs of the development and to protect the visual amenities of the area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

16. The development shall be constructed in accordance with the recommendations of the submitted Noise Assessment (Report no. 101971, prepared by Miller Goodall, dated 19 December 2018). The approved dwelling shall not be first occupied until the recommendations have been carried out and completed.

Reason: To mitigate against the potential traffic noise from the A6068 on the residential amenities of future occupiers of the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

Decisions taken under the Scheme of Delegation

The Committee received for information a list of decisions taken under delegation for the period 8th July 2020 to 24th July 2020.