



# DEVELOPMENT CONTROL COMMITTEE

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

Thursday, 25th March, 2021 at 6.30 pm

## PRESENT

## MEMBERS

Councillors F Cant (Chairman), A Anwar, G Birtwistle, S Chaudhary, P Gill, S Graham, S Hall, J Harbour, A Hosker, M Ishtiaq, M Johnstone, A Kelly, L Khan, N Mottershead and J Sumner

## OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
Janet Filbin	– Principal Planner
Rebecca Halliwell	– PLanning & Compliance Officer
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Alison McEwan	– Democracy Officer
Mark Hindman	– Graphic Designer

## ALSO IN ATTENDANCE

Councillor Mark Townsend – Leader of the Council

### 110. Apologies

No apologies had been received.

### 111. Minutes of the previous remote meeting held on Thursday, 25th February 2021

The Minutes of the previous remote meeting held on Thursday, 25<sup>th</sup> February 2021 were approved as a correct.

### 112. Additional Items of Business

There were no additional items of business.

### 113. Declaration of Interest

There were no additional items of business.

#### 114. Exclusion of the Public

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

#### 115. 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:

Application reference	Location	Speaker
COU/2021/0010	327 Manchester Road, Burnley, BB11 4HD	Claire Bradley <b>(for)</b>
FUL/2021/0540	Land at Curzon Street & Pioneer Place Car Park, Pioneer Place, Burnley	Deborah Smith <b>(for)</b>

#### 116. COU/2021/0010 - 327 Manchester Road, Burnley

**Town and Country Planning Act 1990 - Full Planning Application. Change of use from shop to hot food takeaway (Sui-Generis). Re-submission of COU/2020/0081 327 Manchester Road, Burnley, Lancashire, BB11 4HD**

**APPLICANT: Mrs Yasemin Yildiz**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

**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 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. The extraction equipment as proposed shown on 'Proposed change of use of No. 327 Manchester Road Burnley – Existing and Proposed Plans – REV A' shall be installed prior to commencement of the hereby approved use, maintained to minimise noise and odour emissions and retained for the duration of the approved use.

**REASON:** To prevent loss of amenity to nearby residential premises arising from cooking odours and / or extraction system noise in accordance with Policy SP5 of the Local Plan.

4 No process shall be carried on nor machinery installed which could not be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

**REASON:** To safeguard the amenities of the nearby residential area, in accordance with policy SP5 Burnley's Local Plan 2018

5. The use hereby approved, including the operation of external plant and machinery, shall not operate outside the hours of 0700 and 2300.

**REASON:** To protect the amenities of nearby residents, in accordance with policies NE5 and SP5 of the Burnley's adopted Local Plan 2018

6. The use hereby approved shall not start until a detailed scheme for the collection and dispersal of cooking odours has been submitted to and approved in writing by the local planning authority. Such scheme as may be approved shall be implemented before the use starts and thereafter maintained in good working order at all times.

**REASON:** To protect the surrounding environment, including occupiers of nearby premises, from nuisance from cooking odours, in accordance with Policy TC7 of the Burnley's adopted Local Plan 2018

7. Before the external ventilation flue is used on the premises, it shall be enclosed with sound insulating material and/or mounted in a way that will minimise transmission of noise (including vibration) in accordance with a scheme to be approved in writing by the Local Planning Authority, and be thereafter maintained.

**REASON:** To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance, in accordance with Policy TC7 of the Burnley's adopted Local Plan 2018

8. The approved use shall be restricted to the following times: • 16:00 to 22:00 Monday to Saturday; and • 16:00 to 21:00 Sundays and Bank Holidays

**REASON:** To safeguard the amenities of the adjoining premises and the area generally; in accordance with Policy SP5 of the Local Plan.

9 Unless otherwise agreed in writing with the Local Planning Authority, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), shall be used as a Hot Food Takeaway (Use Class Sui Generis) and for no other use within these use classes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

**REASON:** To ensure that the property is used solely as its intended use as any other use within use class may not be considered acceptable in the interest of amenity of the area and the area generally in accordance with Policies SP1, SP4, SP5 and TC7 of the Local Plan.

**117. FUL/2020/0540 Lower Ridge (Former Care Home for the Elderly) Belvedere Road, Burnley**

**Town and Country Planning Act 1990 - Change of use from residential care home (Class C2) to 50 no. self-contained studio apartments with supporting living facilities (sui generis) and external alterations - Lower Ridge (Former Care Home for Elderly), Belvedere Road, Burnley, BB10 4BQ**

**APPLICANT: Mr Majid Hussain**

Councillor Graham moved a motion to refuse the application. Councillor Anwar seconded a motion to refuse the application. Following the debate, this motion was withdrawn by both Members.

Following the above, a motion to defer the application was moved by Councillor Graham and seconded by Councillor Anwar.

**Decision:** That the application be deferred.

**REASON:** For further information to be retrieved for the Committee from the applicant (M H Associates) with regard to the running of the proposed establishment.

**At this point, with the consent of the Committee, the Chair adjourned the meeting for a short break for a period of 5 minutes.**

**118. FUL/2021/0029 Land at Curzon Street & Pioneer Place Car Park, Pioneer Place, Burnley**

**At this point, the meeting was reconvened.**

**Town and Country Planning Act 1990 - Full Planning Application Applicant Proposed Development: Erection of mixed use development comprising cinema, 5no. food and beverage units (Class E(a)) / retail units (Class E b)), with associated service area on Bankhouse Street serving units 1-6, two separate customer car parks with access from Royle Road, customer car park with access from Curzon Street together with associated public realm and landscaping - Land At Curzon Street and Pioneer Place Car Park, Curzon Street, Burnley**

**APPLICANT: Mr N Putnam**

**AGENT: Mrs Deborah Smith, Smith & Love Planning Consultants**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with submitted technical reports, supporting information and the following 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 the construction of the building above slab level hereby approved, samples of all external materials, and their colour, to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

4. Any external source of lighting shall be effectively screened from the view of a driver on the adjoining public highway.

Reason: To avoid glare, dazzle or distraction to passing motorists

5. No building or use hereby permitted shall be occupied or use commenced until a delivery and servicing plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development. The delivery and servicing plan shall include: • The contact details of a suitably qualified co-ordinator; • How vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimise any impact on the adopted highway; • Details of any freight consolidation operation, centre and the delivery and servicing booking and management systems.

Reason: In the interests of highway safety and to minimise the impact of vehicles servicing the development upon congestion.

6. No building or use hereby permitted shall be occupied or use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Local Planning Authority. Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

7. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed public area within the development, including written confirmation that it will not be offered to the highway authority for adoption, have been submitted to and approved by the local planning authority. The streets shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: - In the interest of highway safety; to ensure a satisfactory appearance to the street infrastructure serving the approved development; and to safeguard the users of the street and visual amenities of the locality.

8. No building or use hereby permitted shall be occupied or use commenced until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development. Reason: In the interests of pedestrian safety and accessibility.

9. Reinstatement of redundant access. No building or use hereby permitted shall be occupied or use commenced until the footway (and/or verge) has been reinstated to full kerb height, where any vehicle crossover(s) are redundant, in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development. Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety.

10. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide: • 24 Hour emergency contact number; • Details of the parking of vehicles of site operatives and visitors; • Details of loading and unloading of plant and materials; • Arrangements for turning of vehicles within the site; • Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures; • Measures to protect vulnerable road users (pedestrians and cyclists); • The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; • Wheel washing facilities; • Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction; • Measures to control the emission of dust and dirt during construction; • Details of a scheme for recycling/disposing of waste resulting from demolition and construction works; • Construction vehicle routing; • Delivery, demolition and construction working hours. The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development. Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases.

11. Construction of the development hereby permitted shall not take place outside the hours of 07:00 and 19:00 Monday to Saturday and not at all on Sundays or Bank Holidays.

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

12. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof).

(ii) A restricted rate of discharge of surface water agreed with the local planning authority and

(iii) A timetable for its implementation. The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

13. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies CC4, CC5 and NE5 of Burnley's Local Plan (July 2018).

14. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, as well as the proper reporting of that work and archiving of the project.

15. (a) Prior to the commencement of development a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(b) Implementation of Approved Remediation Scheme:

i. The approved remediation scheme must be carried out in accordance with its terms prior to the start of development (other than that required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

ii. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority.

(c) Reporting of Unexpected Contamination

i. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b), which should be submitted to and approved in writing by the Local Planning Authority.

ii. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which must be submitted to, and approved in writing by the Local Planning Authority, in accordance with condition c) (ii).

d) Long Term Monitoring and Maintenance

i. monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed in writing by the Local Planning Authority, and the provision of reports on the same must be prepared, both of which must be submitted to and approved in writing by the Local Planning Authority.

ii. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

The measures in condition e) must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy GP7 of the Burnley Local Plan, Second Review.

16. Submission of general arrangement drawings and a scheme for the phasing of the S278 works to be submitted prior to commencement of the development hereby approved. These proposals should include the provision of taxi parking proposals on Bankhouse Street, the identification of highway boundaries and land to be offered up for adoption and identification of any existing structures that may require adoption.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before the development is brought into use.

17. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.



Reason: To ensure that any risks in relation to historic coal mining/works are adequately dealt with, in the interests of public health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

18. Where the findings of the intrusive site investigations (required by condition 17 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: To ensure that any risks in relation to historic coal mining/works are adequately dealt with, in the interests of public health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

19. Following implementation and completion of the approved remediation scheme (required by condition 18 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details. Reason: To ensure that any risks in relation to historic coal mining/works are adequately dealt with, in the interests of public health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes of retail (Class E(a)) or a food and drink (Class E(b)) premises specified in the application and for no other purpose (including any other purpose in Class E on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason: To safeguard amenities of the adjoining premises and the area generally in accordance with Policies SP1, SP4, SP5 and TC4 of the Local Plan.

21. A hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority and implemented before the development hereby approved is brought into use. The scheme shall include details of materials to be used for hard surfaces, boundary treatments, trees and shrubs to be planted (with their siting and planting distances), and planting shall be implemented during the first available planting season. Trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

Reason: To ensure that there is a well laid hard and soft landscaping scheme in the interests of amenity and highway safety.

22. Before the car park spaces hereby approved are brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing provision of the electric vehicle charging points, including their location and specification. The approved scheme shall be implemented before the car park hereby approved is brought into use.

Reason: In the interests of air quality management and protection of health, in accordance with Policies IC1, IC3 and NE3 of the Local Plan.

23. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (HYD393\_CURZON.STREET\_FRA Rev 2.1 – 12/01/21) and drainage strategy (13065 Rev P3 – 22/01/21). The measures shall be fully implemented prior to first occupation of any unit and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

24. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment (HYD393\_CURZON.STREET\_FRA Rev 2.1 – 12/01/21) and drainage strategy (13065 Rev P3 – 22/01/21) submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;

ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;

iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems; v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum mm+ difference for FFL, as per FRA;

vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;

vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance. The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

25. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA. b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reasons:

1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere;

2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

26. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body

or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

27. Notwithstanding condition 2 (Plans Compliance) no development shall take place until the submission of the following details to the local planning authority:

- A scheme to screen the river wall will be submitted to, and approved in writing by the Local Planning Authority.
- A Plan to demonstrate that a permanent, unobstructed vehicular access to the River Brun via the existing ramp to the south of the downstream end of the culvert will be retained for the lifetime of the development.

The submitted details should be approved in writing by the local planning authority and the development shall subsequently be carried out in accordance with the approved plans.

REASON The structural integrity of the wall is unknown and to avoid any increase in flood risk associated with works adjacent to, or reduced access to, the River Brun

#### **119. Decisions taken under the Scheme of Delegation**

The Committee received for information, a list of decisions taken under delegation for the period 18<sup>th</sup> February 2021 to 15<sup>th</sup> March 2021.

#### **120. Information on Appeals**

The Committee received, for information, a list of planning appeal decisions made by the Planning Inspectorate against Burnley Borough Council.