



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 19th October, 2017 at 6.30 pm

PRESENT

MEMBERS

Councillors F Cant (Chair), A Khan (Vice-Chair), C Briggs, M Brindle, D Fleming, S Graham, J Harbour, N Mottershead, M Payne, T Porter, A Raja, A Tatchell and C Towneley

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Janet Filbin	– Senior Planner
Amanda Rumbelow	– Property Solicitor
Imelda Grady	– Democracy Officer

42. Apologies

Apologies for absence were received from Councillors Trish Ellis and Lubna Khan.

43. Minutes

The Minutes of the last meeting held on 28th September 2017 were approved as a correct record and signed by the Chair.

44. 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:

Mr Andrew Turner – APP/2017/0412 – Burnley Road Padiham

RESOLVED

That the list of deposited plans be dealt with in the manner shown in the minutes below.

45. APP/2017/0358 - Empire Business Park, Liverpool Road, Burnley**Full Planning application**

**Erection of building to use as builders merchants (sui generis) with associated external storage yard, landscaping, access and associated infrastructure and erection of an industrial building (Use Classes B1, B2 & B8)
EMPIRE BUSINESS PARK LIVERPOOL ROAD BURNLEY**

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

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Loc1 (1:1250 location plan), 2017/27/PD01, 2017/27/PD02RevB, 2017/27/PD03RevA, 2017/27/PD04RevA, 2017/27/PD05 and 2017/27/PD06, received on 25 July 2017; 2017/27/PD07RevA, received on 25 September 2017; and, FIL1143/PT, received on 29 September 2017.
3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.
4. Prior to the commencement of built development, a scheme for the control of noise from the approved units shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out and completed for each unit prior to it being first brought into use and shall be retained at all times thereafter.
5. The premises shall not be open for business and no machinery shall be operated nor any process carried out, no loading or unloading take place and no delivery vehicles be allowed to enter or leave at the approved units or any part of the site except between 07:00 and 18:00 hours Monday to Friday, 07.30 and 16:00 hours on Saturdays, and 10:00 and 16:00 hours on Sundays and Bank Holidays.

6. Unit 8 shall be used for purposes falling within Class B1(b), Class B1(c), Class B2 or Class B8 of the Town and Country Planning (Use Classes Order) 1987 only and shall not be used for Class B1(a) office use apart from where an office use is solely ancillary to main use of the unit for the above named approved uses.
7. Unit 7 shall be used as a builders merchants (sui generis) for trade customers and the display of related goods for sale shall be restricted to the area as marked on drawing number FIL1143/PT and any retail sales to the public shall be ancillary only to the use of the premises for trade sales.
8. Prior to any development being commenced there shall be submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, as well as details of new planting along the southern edge of the site, providing details of species, planting numbers, heights on planting, cultivation, staking and maintenance.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any part of the approved development or its completion, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
10. No development shall be commenced until a scheme for the means of protecting trees and hedges which are to be retained within and immediately 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.
11. There shall be no external lighting on any part of the development unless details of a scheme of lighting have been first submitted to and approved in writing by the Local Planning Authority. Only external lighting approved by the scheme shall thereafter be installed at the site.
12. The external materials of construction to be used on the walls and roof of the approved development shall be as described on the approved plans unless any variation to this is otherwise first approved in writing by the Local Planning Authority.
13. No unit hereby approved shall be first brought into use until the car parking spaces, covered cycle parking and motorcycle parking spaces, have been installed and marked out and are available for use, as indicated on the approved plan. The car parking, covered cycle and motorcycle parking spaces shall thereafter be retained and remain available for use at all times.

14. No unit hereby approved shall be first brought into use until electric vehicle charging points within its associated parking area have been installed with three-pin 13-amp electrical sockets in positions as indicated on the approved plans.
15. There shall be no outside storage of any goods, materials, products or equipment at any part of the application site except in the case of Unit 8 where outside storage is permitted only in the positions as indicated and at a height not exceeding those as stated on the approved plans.
16. No development shall be commenced until details of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including details of water quality controls and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the first occupation of either approved unit, and the approved drainage scheme shall thereafter be retained at all times.
17. No unit hereby approved shall be occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 16 which shall cover the lifetime of the development, has 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.
18. Prior to the commencement of built development, details of the boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.

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 order to avoid nuisance to the occupiers of adjacent properties, in accordance with Policies GP1 and EW1 of the Burnley Local Plan, Second Review (2006).
4. To safeguard the amenities of nearby occupiers, in accordance with Policies GP1 and EW1 of the Burnley Local Plan, Second Review (2006).
5. To protect the residential amenities of neighbouring properties, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
6. A Class B1(a) office use would be unsuitable at this location due to its location away from a town centre and would be contrary to the National Planning Policy Framework and to Policy EMP2 of Burnley's Local Plan - Submission Document, July 2017.
7. To ensure the satisfactory implementation of the proposal. The site is away from the town centre and is inappropriate for Class A1 retail use, in accordance with the

National Planning Policy Framework and Classes GP1 and EW1 of the Burnley Local Plan, Second Review (2006).

8. To ensure the integration of the development with its surroundings and a satisfactory appearance, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that provision can be made for the implementation of measures at the appropriate stage of the development process.
9. To ensure the satisfactory implementation of the approved landscaping scheme and the achievement of its objective, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
10. To ensure the protection of trees and hedges which contribute to the character of the local area and its surroundings, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
11. To avoid excessive lighting adjoining a residential area and cricket pitch, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
12. To ensure a satisfactory appearance to the development, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
13. To ensure adequate parking to cater for the needs of the development and to allow for travel to the site by means other than the car, in the interests of highway safety and sustainability, in accordance with Policies GP1 and TM15 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
14. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.
15. To safeguard the visual amenities of the site and its surroundings, in accordance with Policies GP1 and GP3 of the Burnley Local Plan (Second Review) 2006.
16. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.
17. To ensure that 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 Policy E8 of the Burnley Local Plan, Second Review (2006).
18. To ensure a satisfactory appearance to the development, in the interests of the visual amenities of the area, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).

46. APP/2017/0412 - 9 Burnley Road, Padiham

**Full Planning Application
Change of use from shop (A1) to Micropub (A4)
9 BURNLEY ROAD, PADIHAM**

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

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos: 01, 02, 03, and 04 received 22 Aug 17
3. For the avoidance of doubt, no brewing or other manufacture of drinks shall be carried out on the premises.
4. No music, singing or other forms of live entertainment shall be permitted outside the host premises nor shall any equipment for the reproduction of music and/or other sound be installed on the outside of the premises.
5. Prior to the commencement of the use hereby approved, a scheme for the storage and regular disposal of waste matter from the site shall be approved in writing with the Local Planning Authority and thereafter the approved scheme shall be implemented at all times.
6. The use hereby approved shall not begin until an assessment has been submitted for written approval to the Local Planning Authority which details the potential for noise emanating as a result of the use of the development, and mitigation measures (if required) to protect the amenity of occupiers of nearby noise sensitive properties. Proposed hours of operation shall be included within the assessment. Any approved noise mitigation measures shall be implemented prior to the start of the proposed use and retained thereafter.
7. There shall be no smoking allowed outside the rear of the premises.
8. The use hereby approved shall not operate outside the hours of 09.00 and 23.00hrs Monday to Thursday, 09.00 and 00.30hrs Fridays and Saturdays and between 11.00 and 23.00hrs on Sundays.

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. To avoid adverse impact of smell and odours on the adjacent occupiers in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.
4. To ensure that no disturbance is caused to the neighbouring occupiers of residential property in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.
5. In the interests of residential amenity in accordance with policy CF13 of the Burnley Local Plan Second Review.
6. To protect the amenities of the occupiers of nearby/ attached properties in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.
7. In the interests of residential amenity in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.
8. To protect the amenities of nearby/attached residential properties in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.

47. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 28th August to 24th September 2017.