

DEVELOPMENT CONTROL COMMITTEE

Thursday 16th February 2017

Late Correspondence/Verbal Reports

Pages 7 - 38

APP/2016/0528 - Proposed erection of new warehouse distribution centre (use class B8) together with associated ancillary office and amenity accommodation, vehicle manoeuvring and circulation infrastructure – BooHoo.com, Widow Hill Road, Burnley

Updates to report

Page 10 – The applicant has completed the acquisition of the adjoining Dale Contractors site and they have vacated the site.

Page 13 - Ecology mitigation measures were imposed and completed by the applicant for the Phase 1 scheme and therefore they have addressed all their ecology requirements for the original scheme.

Late correspondence

Lancashire Archaeological Advisory Service – Following the submission of a number of reports post-submission, we can confirm the work carried out was done so in accordance with the agreed scheme of work and therefore recommend that the previously requested condition is no longer required.

Final Conditions to read:

1. The development must be begun within three years of the date of this decision.
2. The permission shall relate to the development as shown on plan drawing numbers: A0701-P1, A0702-P1, A0703-P1, B0150, B0230, L0001-P1 and S0001 received 30th November 2016, L0401-T5 received 1st February 2017, B0101 Rev. P1, B0103 Rev. P1, B0110 Rev. P1, B0601 Rev. P1, L0101 Rev. P1, L0201 Rev. P1 received 7th February 2017, and B0501 Rev. P1, B0602 Rev. P1 and B0603 Rev. P1 received 15th February 2017.
3. The materials used in the development shall be in accordance with those specified within the approved scheme, to the satisfaction of the local planning authority, unless otherwise agreed in writing with the Local Planning Authority.
4. Prior to the commencement of demolition works or built development, a construction method statement shall be submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- a) The parking of vehicles of site operatives, visitors and the existing parking that will be displaced by the development,
 - b) Details of the delivery regime for materials and plant to the site
 - c) The loading and unloading of plant and materials,
 - d) The storage of plant and materials used in constructing the development,
 - e) The erection and maintenance of security hoarding,
 - f) Wheel washing facilities,
 - g) Measures to control the emission of dust and dirt during construction,
 - h) Details of working hours, and
 - i) Contact details of the site manager.
5. 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 and when required during the full construction period.
6. No demolition or construction work shall take place outside the hours of 8am to 6pm Monday to Friday, 8am to 4pm on Saturday and not at any time on Sundays or Bank Holidays, including all works and ancillary operations in connection with the construction of the development, and the use of any equipment or deliveries to the site. Where permission is sought for works to be carried on outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority. Where practicable, operations which create the most noise shall only occur between the hours of 08.30 and 17.30 Monday to Friday.
7. In addition, a programme of works shall be submitted to 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)
 - c) The proposed noise mitigation measures for the processes/activities in a)
 - d) Any proposed noise mitigation measures for the operational phase.
8. Within six months from the date of this permission a scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to, for approval by, the Local Planning Authority in consultation with the Highway Authority. For the avoidance of doubt, the offsite works of highway improvement will include,
- a) Formation of the new site access,
 - b) Closure and reconstruction of the existing vehicular access opposite Unit 3 Widow Hill Road,
 - c) Extension of the central reserve in the vicinity of the redundant vehicular access, and
 - d) Formation of a pedestrian crossing facility between the main BooHoo site and Unit 3.

9. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme(s) referred to in Condition 8 has been constructed and completed in accordance with the scheme details.
10. The cycling and motorbike facilities hereby approved shall be provided in accordance with a final scheme to be approved by the Local Planning Authority in consultation with the Local Highways Authority. They shall be provided before the use of the premises hereby permitted becomes operative.
11. The car park areas hereby approved shall be surfaced or paved in accordance with a final scheme to be approved by the Local Planning Authority in consultation with the Local Highways Authority. The car parking spaces and manoeuvring areas shall be marked out in accordance with the approved plan before the use of the premises hereby permitted becomes operative.
12. Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The Business Travel Plan shall include details of an assisted cycle purchase / loan scheme and the provision and running of an employee service bus travelling to and from the site (Exact details and service to be agreed). The bus service will initially be implemented over a minimum period of four years, and will be subject to an annual review to enable an assessment of the viability of the service to be provided. It shall also contain methods for the annual monitoring of this service, to be agreed within the Travel Plan, to enable an assessment of the viability of the service. Should it be agreed by the Local Planning Authority that the service is not being sufficiently utilised to a sustainable level to be viable then an agreement on an alternative solution to address the travel needs of their employees will be required during the initial four year period. This shall be subject to agreement with the planning authority in consultation with the highway authority, and shall be implemented within the timescale set out in the approved Travel Plan. It will be audited and updated at intervals not greater than 12 months to ensure that the approved Plan is carried out.
13. As part of the final car parking plan (condition 11), the developer shall include on-site the installation of a minimum of eight, three-pin 13-amp electrical sockets in suitable positions to enable the recharging of an electric vehicle using a 3m length cable. The charging points shall be installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.
14. The existing access onto Widow Hill Road (as shown on plan reference number L0401 Rev. T5) shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads prior to the first occupation of the development hereby approved.

15. Whether by the making of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 or otherwise, and unless otherwise agreed in writing, a developer contribution or otherwise shall be agreed towards the following,
- I. The upgrade of two cycling routes into the Heasandford Industrial Estate,
 - II. The creation and management of a 2.6 hectare grassland meadow as an extension to the Brun Valley Forest Park (currently a species poor wet meadow). The site is close to the application site and will be accessible to public and people who work on the Heasandford site. This is proposed to overcome the objections based on the loss of the existing site and its habitat, and
 - III. The redressing of the Brun Valley Greenway paths and links around the estate.
 - IV. The provision and running of an employee service bus travelling to and from the site (Exact details and service to be agreed). The bus service will initially be implemented over a minimum period of four years, and will be subject to an annual review to enable an assessment of the viability of the service to be provided. It shall also contain methods for the annual monitoring of this service, to be agreed within the Business Travel Plan (Condition 12), to enable an assessment of the viability of the service. Should it be agreed by the Local Planning Authority that the service is not being sufficiently utilised to a sustainable level to be viable then an agreement on an alternative solution to address the travel needs of their employees will be required during the initial four year period. This shall be subject to agreement with the planning authority in consultation with the highway authority, and shall be implemented within the timescale set out in the approved Business Travel Plan. It will be audited and updated at intervals not greater than 12 months to ensure that the approved Plan is carried out.

The final costs (relating to I, II and III) shall be agreed within 2 months of the date of this permission, with the final S106 document signed within 6 months of the date of this permission.

16. Foul and surface water shall be drained on separate systems.
17. Within three months of the date of this permission, details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
 - b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development Greenfield runoff rate for the

corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The scheme shall be implemented in accordance with the approved details prior to first occupation of the approved building, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

18. Within three months of the date of this permission, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a. The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company,
 - b. Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments,
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - iii. Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of the approved building, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

19. No combustion of any waste materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.

20. Notwithstanding the submitted details, as indicated on plan drawing number L0201 Rev. P1 (Landscaping), within six months of the commencement of any built development above slab level, full and final details of the proposed comprehensive hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.
 - a) Hard landscaping shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
 - b) Soft landscaping shall include full details of the proposed planting scheme which shall include schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - c) The scheme shall also include details of habitat mitigation enhancement measures such as bat and bird boxes which could be installed on retained or new semi-mature trees or elsewhere within the site on existing buildings.
21. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of any part of the development or in accordance with a programme approved in writing by the local planning authority.
22. The mitigation and recommendations detailed in the submitted Ecological Assessment (TEP, August 2016) shall be incorporated within the detailed on-site landscaping proposals (condition 20), and thereafter carried out in full prior to the first occupation of the development or in accordance with an approved timetable. Final details of this shall be submitted to the Local Planning Authority for consideration and approval.
23. Within six months of the commencement of the development, a scheme and programme for any other lighting on the site, outside of the proposed car parking areas, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme and programme shall include details of:
 - a) Location, type and intensity of lights.
 - b) Types of masking or baffle at head.
 - c) Type, height and colour of lighting columns.
 - d) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby properties.The lighting shall only be installed in accordance with the approved scheme and programme.
24. Within four months of the date of this permission, the applicant shall submit to the Council, for approval in writing, an Employment and Skills Plan. The Employment and Skills Plan shall include arrangements setting out how the applicant and/or the developer and their contractors will work directly with local employment/training agencies/the Council as part of an employment and training consortium including but not limited to;

- a. Jobcentre Plus and the Learning & Skills Council; and
- b. Voluntary and private sectors providers; and
- c. Sixth form colleges; colleges of further education; and universities.

The Employment and Skills Plan shall specify the provision for training opportunities and other initiatives in respect of the vocational and employability skills required by the owner/developer, their contractors and future occupiers, for any new jobs and business opportunities created by the Development.

Following approval of the Employment and Skills Plan by the Council, the applicant will implement and where necessary procure implementation and promote the objectives of the approved plan and ensure that so far as is reasonably practicable the objectives are met.

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. For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.
3. To secure a satisfactory development in materials which are appropriate to the locality, and to enable any necessary flexibility in the choice of materials, in the interests of visual amenity and in accordance with Policy GP1, GP3, EW4 and EW5 of the Burnley Local Plan Second Review.
4. In the interests of protecting the amenity of neighbouring businesses from noise and disturbance, and in order to ensure the construction phase has no significant impact upon highway safety at this location, in accordance with Policy GP1, EW4 and EW5 of the Burnley Local Plan Second Review.
5. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
- 6/7 In the interests of protecting the amenity of neighbouring businesses from noise and disturbance, and in order to ensure the construction phase has no significant impact upon highway safety at this location, in accordance with Policy GP1, GP3, EW4 and EW5 of the Burnley Local Plan Second Review.
8. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before construction work commences on site.
 9. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
10. To ensure the final scheme is suitable and to allow for the effective use of the parking areas.

11. To ensure the final scheme is suitable and to allow for the effective use of the parking areas.
12. To promote and provide access to sustainable transport options.
13. 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.

NOTE: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. The socket should be suitable for outdoor use and have an internal switch within an adjacent building to enable the socket to be turned off.

14. To limit the number of access points to, and to maintain the proper construction of the highway.
15. To ensure that adequate provision is made for improvements to sustainability on the site, the improvement of surrounding accessible public open space in connection with the development, and to ensure there is appropriate mitigation against the loss of existing biodiversity and nature habitats and in order to provide a net gain in biodiversity in accordance with the NPPF; and to ensure the agreed management plan proposal is suitably managed.
16. To secure proper drainage and to manage the risk of flooding and pollution.
17. In order to ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development and in order to ensure that water quality is not detrimentally impacted by the development proposal. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.
18. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.
19. To reduce the potential for pollution and nuisance to the occupiers of nearby buildings and dwellings.
20. On the basis that full and final details of the proposed scheme have not been provided, and to ensure that the proposed scheme contributes to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in full, and in order to ensure a net gain for nature. In accordance with the NPPF and Policies E4, E5 and GP3 of the Burnley Local Plan.

21. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings, and in order to ensure that the landscaping works proposed are carried out in full. In accordance with Policies E4, E5 and GP3 of the Burnley Local Plan.
22. To ensure there is appropriate mitigation against the loss of existing biodiversity and nature habitats and in order to provide a net gain in biodiversity in accordance with the NPPF.
23. To ensure that the visual impact and impact on the amenity of the wider area is acceptable and that the scheme is appropriate in terms of its close proximity to other nearby wildlife habits and buildings. Also in the interests of highway safety, and to safeguard the amenity of adjacent buildings. To conform to Policy GP7 of the Burnley Local Plan, Second Review.
24. In order to secure, where reasonably possible, jobs and/or employment for people from the Burnley/East Lancashire area, particularly unemployed client groups, and in order to ensure that a number of the wider economic benefits put forward by the development are held accountable for by the applicant. In accordance with Local Plan Policy EW10 and paragraph 18 of the NPPF.

Proposed additional condition to read –

25. Prior to their erection on site, full details of the proposed solar panel array to the roof of the building hereby approved shall be submitted to the Local Planning Authority for approval in writing.

Reason

25. In accordance with Local Plan policy GP8 and to secure a satisfactory development which is appropriate to the locality in the interests of visual amenity.

Pages 39 - 54

APP/2016/0510 - Proposed erection of 56no. dwellings at Former Albion Mill, Albion Street, Padiham

The application is deferred to the next meeting on the 23rd March 2017

The applicant requested that the above application be deferred from this meeting in order to allow further negotiations to take place in respect of the Environment's Agency's objection to development within the easement of the culvert that crosses the site.

Pages 55 - 65

APP/2016/0531 - Proposed change of use from B2 General Industrial to Sui Generis use (Events company) and part D2 use (Gym) and erection of 2m high security fence at Oak Mill, Manchester Road, Dunnockshaw, Burnley

Late correspondence

Rossendale BC – It is not considered that the scheme will result in any unduly detrimental impacts to neighbour amenity for residents of this borough. The advice of the local highways authority should also be followed to ensure that there will be no increased risk to highway safety for users of the A682 Burnley Rd.

Additional correspondence – The objector has provided an amendment to their earlier comments on the proposal. The following comments are in addition to those already raised within the Committee report.

- Pleased to hear that the applicant and the Director of Calder Print are working together in relation to car parking and traffic management. However why can they not extend the agenda of these meetings to discuss the major safety issue of the safe delivery of the HGV goods to Calderprint as this a priority for me/my family/Calder Print employees/contractors/delivery drivers/general public/road users and commuters at the bus stop. While these matters are unresolved and ongoing, in relation to deliveries/traffic management/car parking/land swaps etc. these legal agreements require consultation/agreements and drawing up and signed before any further planning should be granted.

[This is a private and legal matter between the new owner of Oak Mill and Calder Print. The applicant and the Director of Calder Print are working together in relation to car parking and traffic management; however the delivery entrance between no. 5 and Oak Mill has been in situ for a large number of years. There are issue with HGV's delivering to Calder Print using this entrance however they are not material planning matters that relate to this application and are being investigated separately by Lancashire County Council Traffic Team].

- The walls to the mill are the same thickness as my property, my house has been rendered and I also have double glazed windows, however when traffic is at a standstill outside my property I can still hear the car radios, therefore music will be heard from the building. This will become very annoying not only to me but to all other residents. Myself and other local residents do not wish to be sat in our gardens listening to the annoying noise coming from the gym.

[The Mills former use was for B2 General Industrial with no time limits on hours of use or operation. A tightly controlled use (as proposed) is not considered to be inappropriate at this location and there are no objections from the Environmental Protection Officer].

Pages 67 - 72

APP/2016/0575 – Retrospective application for installation of 2 no. roller shutters at 318 Padiham Road, Burnley

Recommendation change:

That planning permission be granted subject to the following conditions.

Conditions amended to read:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Detailed drawing, block plan and location plan received 13 December 2016, and the detailed amended drawing received 16th February 2017.
2. Within three months of the date of this approval,
 - the approved fascia boards must be erected around the shutter housing as per the approved plans, and
 - the proposed new shutters hereby approved shall be installed.

Reasons:

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. In the interests of visual amenity and in accordance with policy E25 of the Burnley Local Plan Second Review.

Pages 73 - 78

APP/2016/0577 - Single storey extension to the existing medical centre to create 5 more GP/treatment rooms at 50 Parliament Street, Burnley

Amended Site Layout

The applicant has now submitted a revised site layout to demonstrate that the retained car park would maintain the existing level of car parking provision on the site (19no car parking spaces) as well as provide spaces for motorcycles and cycles. [To be shown on the PP Presentation]

Survey Information

The applicant has submitted a survey of car park usage over a period of a week which shows that for only a limited period of just over an hour on a Monday morning was the car park full. For the remainder of the week, was either 75% occupied, 50% occupied or less than 50% occupied in generally equal proportions. Whilst the evidence is only taken over a period of a single week, it demonstrates that there is existing capacity within the existing car park.

Proposed variation to condition 2 to read –

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1619-LP01, 1619-PL10, 1619-PL13, 1619-PL12 and 1619-PL-11, received on 14th December 2016, and 1619-SP02 Rev.A received 6th February 2017.

Reason

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

No change to recommendation.