



# DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 19<sup>th</sup> November 2015

## PRESENT

## MEMBERS

Councillor Frank Cant, in the Chair.

Councillors Charlie Briggs, Trish Ellis, Sue Graham, John Harbour, David Heginbotham, Marcus Johnstone, Arif Khan, Tom Porter, Paul Reynolds and Cosima Towneley

## OFFICERS

Paul Gatrell	-	Head of Housing & Development Control
Graeme Thorpe	-	Principal Planner
Cathy Ryder	-	Senior Planner
David Talbot	-	Senior Solicitor
Imelda Grady	-	Democracy Officer

### 31. Apologies

Apologies for absence were received from Councillors Saeed Chaudhary, Sobia Malik, Neil Mottershead and Betsy Stringer.

### 32. Minutes

The Minutes of the last meeting held on the 22<sup>nd</sup> October 2015 were approved as a correct record and signed by the Chair.

### 33. Declarations of Interest/predetermination

Councillor Khan left the room during consideration of APP/2015/0327 as he had shown support for the application which could be perceived as predetermination

### 34. List of Deposited Plans and Applications for Development Permission

The following Members of the Public attended the meeting and addressed the Committee under the Right to Speak Policy.

<u>Name</u>	<u>Planning Application</u>
Councillor Alan Hosker, Councillor	APP/2015/0375 – Land at Church

Joanne Greenwood, Miss Emma Street and Water Street, Hapton  
Pelech and Mr David Rudkin

**RESOLVED** That the list of deposited plans be dealt with in the manner shown in the appendix to these minutes

**35. Decision taken under the scheme of delegation**

Members received for information a list of decisions taken under delegation for the period 13<sup>th</sup> October to 9<sup>th</sup> November 2015.

Appendix – Minute No. 34

**PLANNING APPLICATIONS APPROVED**

- APP/2015/0434** Full Planning Applications for various alleygating schemes  
**APP/2015/0435** Ward(s): Daneshouse, Queensgate and Lanehead  
**APP/2015/0437**  
**APP/2015/0438** APP/2015/0434 – 4no. sets of 2m high gates (3.6m wide)  
**APP/2015/0440** REAR OF 1-79 BROUGHAM STREET, 2-38 MERTON STREET &  
**APP/2015/0441** 2-38a BELFORD STREET
- APP/2015/0435 – 2no. sets of 2m high gates (3.6m wide)  
REAR OF 262-314 COLNE ROAD & 75-113 WATERBARN STREET
- APP/2015/0437 – 5no. sets of 2m high gates (3.6m wide)  
REAR OF 1-37 FERNDALE STREET & 35-77 MELVILLE STREET
- APP/2015/0438 – 5no. sets of 2m high gates (3.56m wide)  
REAR OF 87-123 BARDEN LANE, 20-36 CARDINAL STREET & GODIVA STREET
- APP/2015/0440 – 2no. sets of 2m high gates (3.6m wide & 3.5m wide)  
REAR OF 174-200 BRIERCLIFFE ROAD
- APP/2015/0441 – 3no. sets of 2m high gates (3.6m wide)  
REAR OF 2-32 WILTON STREET, 1-37 HAYDOCK STREET & 201-219 BRIERCLIFFE ROAD

**Decision:** That the applications be approved 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 submitted drawing.

- 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. In order to ensure continued compliance with the Burnley Local Plan.

THURSDAY 19<sup>th</sup> NOVEMBER 2015

**APP/2015/0436 Full Planning Application  
Gannow Ward  
Form a front car park  
395 PADIHAM 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 permission shall relate to the development as shown on plan drawing numbers JSA-15-1140B, JSA-15-1140c, JSA-15-1140D and JSA-15-1240A received on the 30th of September 2015.
  3. The car parking spaces hereby approved shall be carried out in accordance with the approved details. The new parking spaces shall be kept free and available for the parking of vehicles at all times.

- 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. In order to maintain a clear access road in the interests of highway safety in accordance with Policy TM15 of the Burnley Local Plan Second Review.

**APP/2015/0319 Full Planning application  
Trinity Ward  
Erection of 22no. new houses and bungalows on two adjacent derelict sites.  
Land Off Pomfret Street / Blannel Street / Waverley Street,  
Burnley**

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

- Condition:**
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 drawing no's: 02, 04A, 07, 08, 09, 10, 11, 15, 16, 17, 18, 19, 90 and 91

THURSDAY 19<sup>th</sup> NOVEMBER 2015

received 24 July 2015, drawing no. 03D received 15 October 2015, and drawing no: 12 received 19 October 2015.

3. Notwithstanding any description of materials in the application, prior to the commencement of built development a scheme showing precise details of all materials, including facing and roofing materials, shall be submitted to and approved in writing by the Local Planning Authority. The materials used in the development shall be in accordance with the approved scheme, to the satisfaction of the local planning authority.
4. No development shall commence until 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 +30% allowance for climate change), 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 as set out in Standard 2 and Standard 3 of the Non-Statutory Technical Standards for Sustainable Drainage Systems. 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;
  - f) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, 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.

5. No development shall commence until 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;
  - c) 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 any of the approved dwellings, 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.

6. 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. It shall provide for:
  - a) The parking of vehicles of site operatives and visitors,
  - b) The loading and unloading of plant and materials,
  - c) The storage of plant and materials used in constructing the development,
  - d) The erection and maintenance of security hoarding, and
  - e) Wheel washing facilities.
7. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays.

THURSDAY 19<sup>th</sup> NOVEMBER 2015

8. The development shall not be commenced until a scheme specifying the provisions to be made to control noise and dust emanating from the site during construction works has been submitted to, and approved in writing by, the Local Planning Authority. This scheme should include details of the construction methods to be employed and the equipment to be used.
9. There shall be no burning of waste or other materials within the curtilage of the premises.
10. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
11. Prior to the commencement of development on site, intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site, and a report of these findings shall be submitted for agreement in writing by the Local Planning Authority.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, any remedial works identified by the site investigation shall also be undertaken prior to commencement of the development. Written agreement of the above will be required by the Local Planning Authority before work commences on site, as well as confirmation that the remedial works have been implemented.

12. Within three months of the commencement of development, a contribution to the improvement of the existing open space provision within the vicinity of the development, whether by the making of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 or otherwise, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within two years of the start of the development or as otherwise agreed in writing by the Local Planning Authority.
13. No development shall start until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. 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, play equipment, refuse or other storage units, signs, lighting etc.); Soft landscaping shall include schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, and shall include details of the condition of existing trees and specify which are to be retained.

14. 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 occupation of any part of the development or in accordance with a programme approved in writing by the local planning authority.
15. Within three months of the commencement of development a noise assessment of the noise likely to affect the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall take into account the noise from the surrounding commercial uses nearby and any other noise sources which are deemed significant on the site. The assessment shall identify all noise attenuation measures which may be determined appropriate to reduce the impact of noise on the residential properties. Once approved in writing, all noise control measures shall be implemented and thereafter retained.

**Reason:**

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 be satisfied that the materials to be used are appropriate to the locality, in the interests of visual amenity and in accordance with policy GP3 of the Burnley Local Plan, Second Review.
4. To ensure that there is no flood risk on or off the site resulting from the proposed development and that the proposed development can be adequately drained and to.
5. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development prior to work commencing, 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.

6. In order to fully assess the impacts upon the amenity of residents in the area before work commences and provide a measurable assessment of the works proposed.
7. To protect the amenities of nearby residents, in accordance with the Burnley Local Plan, Second Review.
8. To ensure that the LPA are satisfied that the proposed construction work does not cause nuisance and disturbance to neighbouring occupiers.
9. In the interest of residential amenity and to prevent air pollution.
10. To ensure that before works commence, the drainage for the proposed development can be adequately maintained, and that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.
11. The coal mining legacy of the area potentially poses a risk to the proposed development and as such intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.
12. To ensure that adequate provision is made for usable and suitable public open space in the area.
13. In order to ensure that the LPA are satisfied that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in accordance with policy GP6 of the Burnley Local Plan, Second Review.
14. 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 in accordance with policy GP6 of the Burnley Local Plan, Second Review.
15. In the interests of the amenity of the future occupants of the development, in accordance with policy GP1 of the Burnley Local Plan, Second Review.

THURSDAY 19<sup>th</sup> NOVEMBER 2015

**Brunshaw Ward**  
**Proposed erection of a two bedroom bungalow.**  
**119 CARHOLME AVENUE, BURNLEY**

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

- Condition:**
1. The development must be begun within three years of this permission.
  2. The development shall be carried out in accordance with the approved plans and details.
  3. The boundary treatment of the site at the junction of Carholme Avenue and Longworth Avenue shall provide for the width of the pavement to be maintained to a minimum of 1.9 metres, to align with the pavement along Longworth Avenue. The remaining pavement shall be made good to the satisfaction of the Local Planning Authority in accordance with the specification of the Highway Authority.
  4. The car parking space indicated on the approved plan shall be provided before the dwelling is occupied and thereafter retained for the use of the occupants and visitors to the dwelling, to the satisfaction of the local planning authority.

- Reason:**
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 2006.
  2. To ensure continued compliance with the Development Plan.
  3. In the interests of pedestrian safety having regard to Policy GP1 of the Burnley Local Plan Second Review.
  4. Having regard to Policy TM15 of the Burnley local Plan second Review, to ensure adequate provision of off-site parking facilities.

**APP/2015/0327**      **Full Planning Application**  
**Queensgate Ward**  
**New extension to a M O T Garage (re-submission of planning application APP/2015/0150)**  
**SOMEK WORKS, PRATT STREET, BURNLEY**

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

conditions:

- Condition:**
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 details and the drawings listed.
  3. The 6 car parking spaces shown on the proposed site plan drawing number SA67 – P01D shall be permanently marked out before the development is brought into use and the car parking and vehicle standing arrangement shall be implemented as shown on that drawing at all times the premises are in operation.
  4. Before the building, hereby permitted, is brought into use, a soundproofing and noise control scheme shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented as approved at all times. The scheme shall include provision for soundproofing and limitation of operating hours of noise generating activity.
  5. No construction work shall take place on the development hereby approved outside the hours of 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and not at any time on Sundays and Bank Holidays.
  6. The demolition, site clearance and construction operations shall be carried out in accordance with a demolition scheme that shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for control of noise and dust, and details of the construction methods to be employed and the equipment to be used.
  7. No development shall start until an investigation and report which demonstrates that the development can be safely undertaken and occupied has been submitted to the Local Planning Authority. The report shall be prepared by a competent consultant, experienced and specialising in the assessment and evaluation of Landfill Gas migration.  
The investigation report shall:
    - i. describe the methodology, techniques and equipment and circumstances of the survey and set out final conclusions and recommendations to the results and findings of tests and investigations

THURSDAY 19<sup>th</sup> NOVEMBER 2015

ii. advise on any remedial measures which demonstrate that the development can be safely undertaken and occupied

8. If remediation measures are recommended as a result of the investigations required by Condition 7 above, these measures shall be taken during operations and incorporated into the development, before any buildings are occupied

**Reason:**

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 ensure adequate car parking provision in the interests of highway safety and the amenity of nearby residents in accordance with Policy TM15 of the Burnley Local Plan, Second Review, currently saved.
4. To safeguard neighbouring residents against noise disturbance from the development in use, in accordance with Policy EW4 of the Burnley Local Plan, Second Review, currently saved.
5. In the interests of the amenities of neighbouring residents during the construction period.
6. In the interests of the amenities of neighbouring residents during the construction period and because no details of those operations are included in the application.
7. To ensure that it can be determined that all demolition and building operations can be undertaken, and the completed development occupied, in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas, in accordance with policy E35 of the Burnley Local Plan, Second Review.
8. To ensure that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas, in accordance with policy E35 of the Burnley Local Plan, Second Review.

**APP/2015/0380**

**Full Planning Application**

**Queensgate Ward**

**Proposed extension to side elevation of existing garage**

THURSDAY 19<sup>th</sup> NOVEMBER 2015

**building and use of former double glazing depot as storage in connection with the garage .  
SOMEK WORKS, PRATT STREET, BURNLEY**

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

- Condition:**
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 approved plans and details.
  3. The development shall not begin until:
    - a) A strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;
    - b) An investigation has been carried out in accordance with the approved strategy;
    - c) 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, has been submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the local planning authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the local planning authority before any part of the development is brought into use.

4. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays.
5. The car parking provision shall be laid out in accordance with the site layout plan detailed on amended drawing number SA91 – PO1C

THURSDAY 19<sup>th</sup> NOVEMBER 2015

received 22 October 2015 before the new extension is brought into use and shall be made available at all times the premises are in use for the parking of staff and customers vehicles.

- Reason:**
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 continued compliance with the Development Plan.
  3. To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy GP7 of the Burnley Local Plan Second Review.
  4. To protect the amenities of nearby residents, in accordance with policy H12 of the Burnley Local Plan, Second Review.
  5. To ensure adequate parking provision, in the interests of highway safety having regard to Policy TM15 of the Burnley Local Plan Second Review.

### **PLANNING APPLICATIONS REFUSED**

**APP/2015/0375      Full Planning Application  
Hapton with Park Ward  
Proposed erection of 8no. houses and 1no. bungalow  
LAND AT CHURCH STREET AND WATER STREET, HAPTON,  
BURNLEY**

**Decision:**                      That the application be refused for the following reason:

The proposed development would result in loss of an area of green space containing mature trees, which makes a significant contribution to public amenity by virtue of its character, appearance and function. This would be contrary to Policy GP1 of the Burnley Local Plan Second Review.