



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 22nd September 2016

PRESENT

MEMBERS

Councillor Arif Khan, in the Chair.

Councillors Charlie Briggs, Frank Cant, Trish Ellis, Sue Graham, John Harbour, Tony Harrison, Marcus Johnstone, Lubna Khan, Liz Monk, Mark Payne, Tom Porter, Asif Raja and Cosima Towneley

OFFICERS

Graeme Thorpe	-	Planning Team Manager
Alan Rogan	-	Senior Planner
Paul Gatrell	-	Head of Housing and Development Control
David Talbot	-	Senior Solicitor
Imelda Grady	-	Democracy Officer

22. Apologies

Apologies for absence were received from Councillors Mottershead and Roper.

23. Minutes

The Minutes of the last meeting held on the 25th August 2016 were approved as a correct record and signed by the Chair.

24. Declaration of Interest

Councillors Tony Harrison and Asif Raja declared prejudicial (other) interests in APP/2016/0342, Prairie Sports Village. They left the room during consideration of this item and took no part in the debate or vote.

25. 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>
Neil Hutchinson	APP/2016/0342, Prairie Sports Village

Danielle Bates

APP/2016/0228 & 0229 – The Mitre,
Mitre Street, Burnley

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

26. Decisions taken under the scheme of delegation

Members received for information a list of decisions taken under delegation for the period 15th August to 11th September 2016.

Appendix – Minute No.25

PLANNING APPLICATIONS APPROVED

APP/2016/0342 **Full Planning Application
Queensgate Ward
Variation of condition 9 of planning permission
APP/2013/0397 to change hours of opening for the pavilion
building to closing at Mon-Thurs 10.30pm, Fri and Saturday 12
midnight, Sundays and Bank Holidays 10pm. No change to
Driving Range opening hours (9pm). Renewal of
APP/2015/0309
PRAIRIE SPORTS VILLAGE, WINDERMERE AVENUE,
BURNLEY**

Decision: That Condition 9 on planning permission APP/2013/0397 be varied to read:

Condition: The pavilion building hereby approved shall not be open for business outside the hours of 0700 to 2230 hours on Monday to Thursday; 0700 to 2400 hours on Friday and Saturday; and 0700 to 2200 hours on Sunday and Bank Holidays.

APP/2016/0289 **Full Planning application
Trinity Ward
Proposed construction of a new four storey apartment
building and associated car parking and landscaping
CLOCK TOWER MILL, SANDYGATE, 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 shall be carried out in accordance with the application drawings, namely: Drawings 16.102 01, 16.102 02, 16.102 03, 16.102 04 and 5511 01 received 08/06/2016; Amended drawings 16.102 02 B, 16.102 03 E and 16.102 01 D received 21/07/16.
 3. Samples of the external cladding material and facing brick shall be submitted to and approved in writing by the Local Planning Authority before their use in the construction of the building.

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4. Investigation and remediation measures (informed by the submitted Geo-Environmental Site Assessment report – REC, September 2010, or otherwise) shall be taken before or during operational development, as the case may be, and full details of such measures shall be submitted to and approved in writing by the Local Planning Authority before the site is occupied for residential purposes.
5. No development shall take place until a site investigation of the nature and extent of any land instability has been carried out in accordance with a methodology which shall have beforehand been submitted to and approved in writing by the Local Planning Authority in consultation with The Coal Authority. The results of the site investigation and a report specifying the measures to be taken to remediate the site (in relation to any land instability) to render it suitable for development shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall thereafter be carried out in accordance with the approved details before building operations are carried out above foundation level.
6. Foul and surface water shall be drained on separate systems.
7. Prior to the commencement of built development, final details of a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, shall be submitted to and approved in writing by the Local Planning Authority.
Unless otherwise agreed in writing with the LPA, 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 no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.
8. 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 +

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- 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 run-off rate for the same 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 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.

- 9. Prior to the commencement of built development, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be 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 ongoing 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, and
 - ii. operation costs for regular maintenance, remedial works

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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 approved details.

Reasons:

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. In the interests of character and appearance of the Canalside Conservation Area and the visual amenity of the area generally, in accordance with Policies E12 and GP3 of the Burnley Local Plan, Second Review.
4. To ensure that the development is not affected by ground conditions arising from former industrial activity on the land.
5. To ensure that the development is not affected by ground conditions arising from historic mining activity.
6. To avoid pollution by foul water during flood events.
7. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.
8. 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 to ensure that water quality is not detrimentally impacted by the development proposal; and because full details of these matters were not included in the application. This condition is imposed in light of policies within the NPPF and NPPG.
9. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the

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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; and because full details of these matters were not included in the application.

APP/2010228

**Full Planning application
Trinity Ward
Demolition of derelict buildings
THE MITRE, MITRE STREET, BURNLEY**

Decision: That planning permission for both applications is approved.

- 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: 1563 001 Rev A, 1563 002, 1563 003 and 1563 004, and in accordance with the Section NR – Scope of Works Report dated July 2016.
 3. In accordance with the Section NR – Scope of Works Report dated July 2016; further information shall be provided in regards to the Cramer Street highways retaining structure once it has been exposed partway through the demotion process and inspected by a structural engineer. A report shall be submitted to the Local Planning Authority for consideration to ensure that the stability of Cranmer Street is not compromised by any works.
 4. No development shall take place, including any works of demolition, until a demolition 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,
 - e. Wheel washing facilities and road sweeping proposals (where necessary),
 - f. Details of working hours, and
 - g. Contact details for the site manager.

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5. No demolition work shall take place on the development hereby approved outside the hours of 0730 to 1800 Monday to Friday, 0800 to 1600 on Saturday and not at any time on Sundays and Bank Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority. There shall be no noisy operations on site before 0800.
6. Any redundant vehicle/pedestrian footway crossovers access 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 concurrent with the formation of the new access/within.
7. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological 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. Once completed, the archaeological recording and analysis report shall be submitted to the Local Planning Authority.
8. Prior to the commencement of any development a pre-commencement habitat survey shall be carried out and the details of the survey provided to the LPA. If birds/bats or roosts are present on site, a full mitigation method scheme and statement will then need to be designed and reasonable avoidance implemented prior to any development. These details will also need to be submitted to and agreed in writing with the Local Planning Authority prior to works commencing.
9. Work shall not start on the demolition of any part of the building until a true copy of a contract, signed and exchanged, has been submitted to, and approved in writing by, the local planning authority for the construction of the development hereby approved under planning permission APP/2016/0229 or any subsequently approved development.

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

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approved plans and to avoid ambiguity.

3. To ensure that the stability of the retaining structure adjacent to Cranmer Street is not compromised by any works in the interests of highway safety.
4. To ensure that the proposed development will have an acceptable impact on the amenity of nearby residents during the construction period.
5. To protect the amenities of nearby residents.
6. To limit the number of access points to, and to maintain the proper construction of the highway.
7. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings.
8. To ensure no habitats are disturbed or damaged in accordance with the requirements of the NPPF, the Wildlife and Countryside Act 1981, DEFRA Circular 01/2005, Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, and The Conservation of Habitats and Species Regulations 2010.
9. In order that the site is not left undeveloped for an unreasonable length of time to the detriment of the character and appearance of the conservation area in which the site is located, in accordance with policy E13 of the Burnley Local Plan, Second Review.

APP/2016/0229

Full Planning application

Trinity Ward

**Demolition of The Mitre public house and the erection of purpose built support accommodation for homeless and vulnerable people comprising 30 self contained bedroom units, with supporting facilities; communal spaces, training/enterprise rooms, staff/administration offices and facilities, parking and private external recreation spaces
THE MITRE, MITRE STREET, BURNLEY**

Decision: That planning permission for both applications is approved.

Condition: 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: 1563 001 Rev A, 1563 002, 1563 003, 1563 004, 1563 005, 1563 010 Rev. B, 1563 011, 1563 012, 1563 111 Rev. B, 1563 112 Rev. A, 1563 113 Rev. A, 1563 114 Rev. A, 1563 115 Rev. A, 1563 116 Rev. A, 1563 200 Rev. B, 1563 201 Rev. B, 1563 900 Rev. A and 1563 901, and in accordance with the Section NR – Scope of Works Report dated July 2016.
3. No development shall take place, including any works of demolition, until a demolition/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,
 - e. Wheel washing facilities and road sweeping proposals (where necessary),
 - f. Details of working hours, and
 - g. Contact details for the site manager.
4. No demolition or construction work shall take place on the development hereby approved outside the hours of 0730 to 1800 Monday to Friday, 0800 to 1600 on Saturday and not at any time on Sundays and Bank Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority. There shall be no noisy operations on site before 0800.
5. Any redundant vehicle/pedestrian footway crossovers access 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 concurrent with the formation of the new access/within.
6. Prior to the commencement of built development, details of the proposed temporary site compound and car parking area on the land off Accrington Road (outlined in red on plan drawing 1563 001

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Rev. A) to be created during the construction phase, shall be submitted to the Local Planning Authority for approval in writing. The submitted details shall provide information on,

- a. The number, type and location of any temporary office/amenity buildings on the site,
- b. The location of parking for vehicles of site operatives and visitors,
- c. Materials to be used to create the compound and parking area,
- d. The erection and maintenance of security hoarding,
- e. Details of working hours, and
- f. Contact details for the site manager.

Within three months of the completion of the building hereby approved, the site shall be returned back to its former condition to the satisfaction of the Local Planning Authority.

7. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage scheme (Ref: LRD28246 Rev 04, Dated: April 2016, By: Sutcliffe). The surface water drainage scheme shall be fully implemented prior to occupation 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. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5 l/s. The development shall be completed in accordance with the approved details.
8. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
 - b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition

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assessments, operation costs, 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.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

9. In order to establish the exact situation regarding coal mining legacy issues on the site, prior to the commencement of built development a scheme of intrusive site investigations shall be submitted for approval in writing by the Local Planning Authority and The Coal Authority. The submission shall also include,
 - a. The undertaking of that scheme of intrusive site investigations;
 - b. The submission of a report of findings arising from the intrusive site investigations; and
 - c. The submission of a scheme of remedial works for approval.

Any remedial works identified by the site investigation shall be undertaken prior to commencement of the built development, and following completion a verification report shall be submitted for approval that highlights that the works have been carried out.

10. The car park shall be surfaced or paved in substantial accordance with the drawing. The car parking spaces and manoeuvring areas, and cycling facilities, shall be marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.
11. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological 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.
12. Full details of the method of illumination of the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before development is occupied and the lighting shall only be implemented wholly in accordance with the approved details.

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13. Prior to the commencement of any development a pre-commencement habitat survey shall be carried out on site and the details of the survey provided to the LPA. If birds/bats or roosts are present on site, a full mitigation method scheme and statement will then need to be designed and reasonable avoidance implemented prior to any development. These details will also need to be submitted to and agreed in writing with the Local Planning Authority prior to works commencing.
14. The external terrace area accessed from the lower 1st floor (as shown on plan drawing 1563 113 Rev. A) shall only be accessible by staff for formal workshops, training and general maintenance, and shall not be used as an informal garden/amenity area at any time.
15. Notwithstanding any description of materials in the application, no construction works on the approved development shall start until precise details of all materials to be used in the construction of the approved development have been 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.
16. No built development shall start until an assessment of the noise likely to affect the development has been submitted to, and approved in writing by the Local Planning Authority. The assessment shall take into account the noise from surrounding road networks 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.
17. Prior to the development progressing above slab level, plan and elevational details of the verbally agreed increase in height of the parapet surrounding the lower 1st floor roof terrace area shall be submitted to the Local Planning Authority for agreement in writing. Once approved in writing, the development shall be implemented and thereafter retained in accordance with the approved plans.

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 the development is implemented in accordance with the

- approved plans and to avoid ambiguity.
3. To ensure that the proposed development will have an acceptable impact on the amenity of nearby residents during the construction period.
 4. To protect the amenities of nearby residents.
 5. To limit the number of access points to, and to maintain the proper construction of the highway.
 6. To ensure that the proposed development will have an acceptable impact on the amenity of nearby residents during the construction period, and to ensure that there are no long term impacts of the development.
 7. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to prevent an undue increase in surface water run-off.
 8. To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.
 9. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report that coal mining legacy potentially poses a risk to the proposed development and that 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.
 10. To allow for the effective use of the parking areas.
 11. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings.
 12. To protect the amenities of nearby residents.
 13. To ensure no habitats are disturbed or damaged in accordance with the requirements of the NPPF, the Wildlife and Countryside Act 1981, DEFRA Circular 01/2005, Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, and The Conservation of Habitats and Species Regulations 2010.

14. To protect the amenities of nearby residents.
15. To secure a satisfactory development in materials which are appropriate to the locality, in the interests of visual amenity and in accordance with policies GP3, E12 and E16 of the Burnley Local Plan, Second Review.
16. 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.
17. To ensure that the proposed development will have an acceptable impact on the amenity of nearby residents and the surrounding area.

The following Planning Application was withdrawn from the agenda

**APP/2016/0359 Full Planning Application
Gawthorpe Ward
Proposed extension and alterations
13 DRYDEN STREET, PADIHAM, BURNLEY**