



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 9th March, 2023 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), G Birtwistle, S Cunliffe, S Graham, J Harbour, B Horrocks, A Hosker, M Hurt, J Inckle, S Kazmi, N Mottershead and M Steel

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Laura Golledge	– Planning Manager
Elizabeth Hindle	– Principal Planner
Sajada Khan	– Solicitor
Mollie Boothman	– Legal Assistant
Carol Eddleston	– Democracy Officer

119. Apologies

Apologies for absence were received from Councillors L Khan and Royle.

120. Minutes

The Minutes of the last meeting held on 23rd February 2023 were approved as a correct record and signed by the Chair.

121. Declaration of Interest

Councillor Cunliffe declared a other interest (prejudicial) in agenda item 6(d) (minute no 126) as he was a Council nominated trustee of Burnley Leisure and Culture. He would be entitled to speak on the item, if he so wished, but then would be required to leave the meeting and not take part in the debate or vote.

122. 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:

Jonathan Ainley (FOR) - FUL/2022/0149
Christian Jackson (FOR) - FUL/2022/0149
Steve Rigby (FOR) - FUL/2022/0431

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

123. FUL/2022/0149 - Hollins Cross Farm, Woodplumpton Road, Burnley

Hollins Cross Farm, Woodplumpton Road, Burnley

Town and Country Planning Act 1990

Hollins Cross Farm, Woodplumpton Road, Burnley

Prior to the vote on the resolution to refuse the planning application the Committee was advised by the Head of Housing and Development Control that the committee would not have delegated authority to pass such a resolution as this would be a decision that, in his professional opinion, was substantially contrary to the Local Plan and Local Plan Policies.

The committee was further advised by the Senior Solicitor that, under the Council's constitution, the Committee did not have delegated powers to pass a resolution to refuse as this would be a decision that was substantially contrary to the Local Plan. The vote to refuse would be taken but, if carried, it would have no effect. The decision would be referred to the Head of Legal and Democratic services to confirm in writing within 5 working days after the decision of the Committee, in consultation with the Chair, whether she agreed with the view of the officers. If she agreed that the decision was substantially contrary to the local plan it would be referred to the Full Council for determination.

DECISION

The resolution to refuse planning permission was carried and the reasons provided were: the application did not meet the requirements of Burnley's Local Plan 2018 policies CC4 *Development and Flood Risk* and CC5 *Surface Water Management and Sustainable Drainage Systems (SuDS)* due to the flooding risk that this development would create for the local area.

In accordance with the legal advice provided and Part 3 of Burnley Borough Council's Constitution at Section A.1.a.3 - Delegations to the Development Control Committee, the matter stands referred to the Head of Legal and Democratic Services, who (following consultation with the Chairman (or in his or her absence the Vice Chairman) of the Development Control Committee), will confirm in writing that she agrees with the view of the Head of Housing and Development Control no later than 5 working days after the day of the meeting, then the matter will be referred to Full Council for determination.

Motion to refuse planning permission against officer recommendation (Motion)	
That planning permission be refused as the application did not meet the requirements of Burnley's Local Plan 2018 policies CC4 <i>Development and Flood Risk</i> and CC5 <i>Surface Water Management and Sustainable Drainage Systems (SuDS)</i> due to the flooding risk that this development would create for the local area.	
Councillor Saeed Chaudhary	Against
Councillor Anne Kelly	Against
Councillor Gordon Birtwistle	For
Councillor Scott Cunliffe	For
Councillor Sue Graham	Against
Councillor John Harbour	Against
Councillor Bill Horrocks	Against
Councillor Alan Hosker	For
Councillor Martyn Hurt	For
Councillor Jacqueline Inckle	For
Councillor Syeda Kazmi	Against
Councillor Neil Mottershead	For
Councillor Mike Steel	For
Carried	

124. FUL/2022/0431 - Land at Wytham Street, Padiham

Town and Country Planning Act 1990

Proposed 34 bedroom Residential Care Home with associated landscaping and car park

Land at Wytham Street Padiham

DECISION

That the application be approved subject to the following conditions.

CONDITIONS AND REASONS

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans listed below:

Application form
 PL 011 Existing Site Plan
 Site Location Plan
 Proposed Site Plan PL 021 P8
 Proposed Roof Plan PL103 P1
 Proposed Site Sections PL 203 P2
 Proposed landscaping Plan ATC 22 1228 103 RV 4
 Proposed Lower Ground Floor Plan PL 102 P2

Proposed Ground Floor Plan PL 100 P6
Proposed First Floor Plan PL101 P6
Proposed Bin Store details PL 210
Proposed Elevations PL 202 P5
External Site Levels D C 155 (C01)
Additional External site Levels Layout D C 155 (C01)
Cycle store PL 211
Proposed Elevations 202 P4 – PREVIOUS REVISION (P5) NOW CURRENT AS ABOVE
Proposed Site Sections 203 P1 PREVIOUS REVISION (P2) NOW CURRENT AS ABOVE
Amended Drainage Layout DC 100 Co2
Proposed Drainage layout DC 100 C03
Proposed Drainage Layout DC 100 C05
External Layout Levels DC 155 C03
Foul and Surface Water Drainage Design 2120 100 Rev P3
21420 DCE XXXXDS231 P02
WBA SI 00 DR A PL 021 Rev P7
Flood Compensation Analysis Ref REP 02 (P1)
Planning Statement received 18th July 2022
Preliminary Ecological Appraisal received 13th July 2022
Tree Survey and Constraints Report received 13th July 2022
Energy Statement Rev 1.0
Design and Access Statement Rev C
Transport Statement TS01A
Arbicultural Impact Statement received 18th July 2022
Assessment of Biodiversity received 18th July 2022
Biodiversity Enhancement Measures received 18th July 2022
Drainage Calculations received 18th July 2022
Refuse and Recycling Statement received 4th August 2022

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

Materials

3. Prior to their use in the development hereby approved, details of the materials to be used for the external walls, roofs and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and maintained as such for the duration of the development.

Reason: In the interest of visual amenity and the securing a high quality development, in accordance with the provisions of Policy SP5 of the Burnley Local plan and the provisions of the National Planning Policy Framework.

Landscaping/levels

4. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include, but not be limited to, proposed levels or contours (internal and external throughout the site); means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials, minor artefacts and structures (eg garden furniture), soft landscape works shall include planting plans, written specifications, schedules of plants/trees/shrubs noting species, sizes and proposed numbers/densities where appropriate. The landscaping scheme shall be carried out in full within the first planting season following the first occupation of the development hereby approved. Any plant/tree/shrub which is removed, dies or is diseased shall be replaced within the first following planting season.

Reason: In the interest of visual amenity and the securing a high-quality development, in accordance with the provisions of Policy SP5 of the Burnley Local plan and the provisions of the National Planning Policy Framework.

5. Prior to the occupation of the development hereby approved a detailed landscape management and maintenance plan shall be submitted to and approved in writing by the local planning authority. The landscaping shall be managed and maintained in accordance with the approved details for the duration of the development.

Reason: In the interest of visual amenity and the securing a high-quality development, in accordance with the provisions of Policy SP5 of the Burnley Local plan and the provisions of the National Planning Policy Framework.

Highways

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

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases in accordance with the provisions of Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

7. Deliveries to the approved development shall only be accepted between the hours of 9:30am and 2:30pm Monday – Friday, to avoid peak traffic on the surrounding highway network, unless otherwise prior agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with the provisions of Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

8. Prior to the first occupation of the development hereby approved covered cycle parking and an electric vehicle charging point/s shall be provided prior in accordance with the approved details. They shall be retained and available for use for the duration of the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition

and construction phases in accordance with the provisions of Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Noise

9. Windows in the elevation facing the adjacent public house on Wytham Street shall be fitted with double glazing to achieve a minimum of 15dB reduction to any bedrooms/living rooms, together with trickle vents to regulate noise levels for the duration of the development. The windows shall be retained as such for the duration of the development.

Reason: In the interest of the amenity of the occupiers and future occupiers of the development in accordance with Policy SP5 of Burnley's Local Plan and the provisions of the National Planning Policy Framework.

10. Prior to their installation of any external plant or flues details shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details and retained thereafter.

Reason: In the interest of the amenity of the occupiers and future occupiers of the development in accordance with Policy SP5 of Burnley's Local Plan and the provisions of the National Planning Policy Framework.

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11. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted (approved under condition 2) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the

development boundary;

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

c) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: In the interest of suitable drainage on the site in accordance with the provisions of Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

12. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: In the interest of suitable drainage on the site in accordance with the provisions of Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

13. Prior to the occupation of the development hereby approved, a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

a) A timetable for its implementation;

b) Details of SuDS components and connecting drainage structures, including the penstock and non-return valves, and maintenance, operational and access requirement for each component;

c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;

f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and

g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: In the interest of suitable drainage on the site in accordance with the provisions of Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

14. Prior to the occupation of the development hereby approved, a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained as such for the duration of the development.

Reason: In the interest of suitable drainage on the site in accordance with the provisions of Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

United Utilities

15. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 21420 100, Rev P3- Dated 14.07.22 which was prepared by Dideus . For the avoidance of doubt surface water must drain at the restricted rate of 4.1 l/s. The layout shall be carried out in accordance with 21420-DCE-XX-XX-D-S-231 P02, and WBA-SI-00-DR-A-PL-021, Rev P7, dated 14.02.23.
16. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with the provisions of Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

17. Prior to the first occupation of the development hereby approved, a scheme and programme shall be submitted to and approved in writing by the Local Planning Authority to ensure adequate management and maintenance of the voids in the building in relation to flood risk. The development shall be built and maintained in strict accordance with the approved details.

Reason: In the interest of suitable drainage on the site in accordance with the provisions of Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

18. Prior to the first occupation of the development hereby permitted, written confirmation shall be submitted to, and approved in writing by the Local Planning Authority that confirms the agreed energy and efficiency measures detailed in the Energy Statement approved under condition 2 of this permission have been integrated into the development. Relevant certificates to demonstrate this shall be provided at this time.

Reason: To ensure that energy efficiency measures have been incorporated into the development in accordance with the provisions of Policy SP5 of the Burnley Local Plan.

Informative: the developer is directed to consider the comments on the Council's website from the Lead Local Flood Authority, Environment Agency and Lancashire Fire and Rescue Service.

125. COU/2022/0732 - Vincent Farrell Community Centre, Temple Street, Burnley

Town and Country Planning Act 1990

Change of Use of former Community Centre from (Class F2) to Charity Retail with Ancillary Advice Services (Class E)

Vincent Farrel Community Centre, Temple Street, Burnley, Lancashire BB11 3BD

DECISION

That the application be approved subject to the following conditions.

CONDITIONS AND REASONS

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following approved plans and Statement:

Drawing No. PL01 A – Site and floor plan, received 19.12.2022

Drawing No. PL02 – Existing/proposed front and rear elevations, received 19.12.2022

Drawing No. PL03 – Existing/proposed side elevations, received 19.12.2022

Location plan, received 19.12.2022

Block plan, received 19.12.2022

Planning Statement with Appendixes, received 03.01.2023

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

3. The use of the building and associated land as 'Charity Retail with Ancillary Advice Services (Class E)' shall only be undertaken by Registered Charity No. 1142294, being Age UK Lancashire, Wellbeing Centre, Moorgate, Ormskirk L39 4RY.

Reason: For the avoidance of doubt as this planning permission is personal to Age UK Lancashire (Charity No.1142294) only and does not enure with the land.

4. Notwithstanding details shown on the submitted plans, the use shall not commence

until 45° visibility splays have been provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splays, and the visibility splays shall be retained and maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility, in the interests of highway safety.

5. Notwithstanding details submitted within the planning application, opening hours shall be 09.00 – 17.00 Monday to Sunday inclusive.

Reason: For the avoidance of doubt and to safeguard the amenity of nearby residents.

126. FUL/2023/0004 - Padiham Leisure Centre, Park Road, Padiham

Town and Country Planning Act 1990

Single storey extension for 'Changing Places' facility

Padiham Leisure Centre, Park Road, Padiham, Lancashire

Councillor Cunliffe left the meeting at this point and took no part in the debate or vote on this item.

DECISION

That the application be approved subject to the following conditions.

CONDITIONS AND REASONS

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans listed on this notice below.

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

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning authority

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018.

127. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 30th January 2023 to 23rd February 2023.

128. Appeals and Other Decisions

Members received for information details of planning appeals decided between 1st November 2022 and 24th February 2023.