

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 23rd January 2024

Present: Councillor Procter (Chair)
Councillors Driver, Eaton, Gill, Hodgkiss, M Smith and Snowden

In Attendance: Mike Atherton, Head of Planning
James Dalgleish, Principal Planning Officer
Claire Bradley, Senior Planning Officer
Caroline Callow, Senior Planning Officer
Chris Dobson, Planning Officer
Sattar Hussain, Legal Officer

Also Present: Councillors D Ashworth and Oakes
2 members of the public

1. APOLOGIES FOR ABSENCE

Apologies were submitted from Councillors Marriott and Morris (Councillors M Smith and Snowden subbing).

2. MINUTES

Resolved:

That the minutes of the meeting held on the 5th December 2023 be signed by the Chair and agreed as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

PLANNING APPLICATIONS

The Chair noted that the Planning Officers would be outlining the main points of the applications and any relevant additional information. The Committee were given copies of all reports and plans in advance of the meeting, which they had adequate time to read.

5. 2022/0603 – HAWTHORN HOUSE, CRAWSHAWBOOTH (ITEM B1)

The Planning Officer outlined the application as detailed in the report, and update report, including the site details, planning history, the proposal, consultation responses, and notification responses received.

There was no one registered to speak on this item.

A proposal was moved and seconded to approve the application as per the officer's recommendation, subject to the conditions set out in the report and update report.

Moved: Councillor Eaton
Seconded: Councillor Driver

Voting took place on the proposal, the result of which was as follows:

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

The application was granted subject to the following conditions in the report and update report:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

Drawing Title	Drwg No	Date Rec'd
Proposed Location plan and curtilage	BS130521.B.2	08.11.23
House details	HA-20-8-22-C	01.11.23
Site Plan	HS-20-08-22-B	08.11.23

Reason: To define the permission and in the interests of the proper development of the site.

3. The development shall be undertaken strictly in accordance with the details contained within the document 'Proposed external materials' received by the Local Planning Authority on 16.11.23.

Reason: To ensure a satisfactory appearance to the development.

4. Prior to first occupation the dwelling shall have a secure, covered cycle store and an electric vehicle charging point.

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.

5. Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- i) A Preliminary Risk Assessment report (phase 1), including a conceptual model and a site walk over survey;
- ii) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and
- iii) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy (including

verification plan) prior to commencement of development. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is suitable for the proposed end use.

6. Pursuant to condition 5; and prior to first use or occupation a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is suitable for the proposed end use.

7. Construction works shall not take place outside the following hours:

- Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00
- Construction shall not take place on Sundays or Bank or Public Holidays.

Access and egress for delivery vehicles shall be restricted to the working hours indicated above.

Reason: to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

8. Prior to any above ground works a scheme for biodiversity enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority. The proposed works shall include at least two crevice-roost sites for roosting bats integrated into the newly constructed building and two swallow cups. All approved works shall be implemented in full and retained for a minimum period of 10 years.

Reason: In the interest of biodiversity enhancement.

9. Notwithstanding the details shown on the submitted plans and prior to any above ground works, full details of the alignment, height and appearance of all fences and walls including the proposed retaining wall (which shall be stone faced) and gates to be erected shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences, walls and other boundary treatments shown in the approved details have been erected in conformity with the approved details.

Reason: To ensure a satisfactory appearance to the development and provide reasonable standards of privacy to residents.

10. No construction shall be started until all the retained trees within the site as shown on the Tree Protection Plan, have been protected. Such protection shall be installed in accordance with the specification described in the updated AIA and AMS TRE/HHC/Rev C, in the positions as shown on the Tree Protection Plan, and shall remain until all development is completed and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such fencing. The development hereby approved shall be carried out in accordance with the updated submitted Arboricultural Impact Assessment and Arboricultural Method Statement TRE/HHC/Rev C received 10th January 2024.

Reason: To ensure the protection of trees on the site.

11. The windows in the south elevation of the dwelling shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least

Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

Reason: In the interests of the privacy of occupiers of neighbouring property.

12. Notwithstanding Schedule 2 Part 1 Class A, B, C, D, E, F, G and H, and Part 2 Class A or B of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof no extensions or alterations to the dwelling, outbuildings (including sheds, garages, and greenhouses), walls and fences, or any other works permitted by the aforementioned classes shall be constructed or erected other than those expressly authorised by this permission..

Reason: In the interests of visual amenity, the protection of trees on the site and the residential amenity of neighbouring properties.

13. The development shall be carried out in full accordance with the Amended Construction Management plan and Amended Construction Management Statement received on 16.11.23, throughout the construction period.

Reason: In the interests of Highway Safety and amenity.

6. 2023/0508 – FUTURES PARK, BACUP (ITEM B2)

The Planning Officer outlined the application as detailed in the report, including the site details, planning history, the proposal, consultation responses, and notification responses received.

In determining the application, members discussed the following:

- Position of the sign
- Brightness of the signage lighting

Clarification was provided on the points raised.

A proposal was moved and seconded to approve the application as per the officer's recommendation, subject to the conditions set out in the report.

Moved: Councillor Driver

Seconded: Councillor Eaton

Voting took place on the proposal, the result of which was as follows:

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

The application was granted subject to the following conditions:

1. The development hereby consented to shall be carried out in accordance with the following documents and drawings, unless otherwise required by the conditions below:
 - Application form received 03.11.2023.
 - Location plan – FP Totempole sign location final received 23.11.2023.
 - Elevations Futures Park Monolith Final received 03.11.2023.

Reason: For the avoidance of doubt.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and for the purposes of amenity.
3. No advertisement shall be sited or displayed so as to:
 - (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and for the purposes of public safety.
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and for the purposes of amenity
5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and for the purposes of public safety
6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and for the purposes of amenity and public safety.
7. The limits of the illuminance shall not exceed 600 candela per square metre.
Reason: To avoid glare, dazzle or distraction to passing motorists.
8. Any external source of lighting shall be effectively screened from the view of a driver on the adjoining public highway.
Reason: To avoid glare, dazzle or distraction to passing motorists.
9. The level of illuminance shall not exceed the maximum level found within the Institution of Lighting Engineers (ILE) document PLG 5 Brightness of Illuminated Advertisements or its equivalent in any replacement guide;
Reason: In the interest of highway safety to avoid glare, dazzle or distraction to passing highway users.

7. 2021/0500 – LAND OFF BLACKWOOD ROAD, STACKSTEADS (ITEM B3)

The Planning Officer outlined the proposed variation of the S.106 Agreement as detailed in the report and further comments in the update report, including the site details, planning history, the proposal, and assessment.

Councillor Oakes spoke on the item.

In determining the variation, members discussed the following:

- Number of units
- Possibility of a re-application to include more dwellings
- Build and style of the houses proposed

Clarification was provided on the points raised.

A proposal was moved and seconded to approve the variation as per the officer's recommendation, and to delegate authority to officers to approve all details reserved within the Agreement (such as the Affordable Housing Statement, name of the Registered Provider and the mix of affordable housing tenures on site), and delegate authority to officers to carry out any further amendments to the Agreement in future.

Moved: Councillor Driver

Seconded: Councillor Procter

Voting took place on the proposal, the result of which was as follows:

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

The S.106 Agreement was varied and the following delegations agreed:

- Delegate authority to officers to approve all details reserved within the Agreement (such as the Affordable Housing Statement, name of the Registered Provider and the mix of affordable housing tenures on site).
- Delegate authority to officers to carry out any further amendments to the Agreement in future.

8. 2022/0608 – 801 BURNLEY ROAD, CRAWSHAWBOOTH (ITEM B4)

The Planning Officer outlined the application as detailed in the report, including the site details, planning history, the proposal, consultation responses, and notification responses received.

In determining the application, members discussed the following:

- Highways and parking
- Use of proposal

Clarification was provided on the points raised.

A proposal was moved and seconded to approve the application as per the officer's recommendation, subject to the conditions set out in the report.

Moved: Councillor Driver

Seconded: Councillor Gill

Voting took place on the proposal, the result of which was as follows:

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

The application was granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

Application form signed and dated 02.12.2022

Location Plan received 03.12.2022

Existing and Proposed Plans received 12.06.2023

Noise Assessment received 12.06.2023

Planning and Sequential Test Assessment received 12.06.2023

Reason: To define the permission and in the interests of the proper development of the site.

3. Construction works shall not take place outside the following hours:

Monday to Friday 08:00 to 18:00

Saturday 08:00 to 13:00

Construction works shall not take place on Sundays or Bank or Public Holidays.

Access and egress for delivery vehicles shall be restricted to the working hours indicated above.

Reason: To ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

4. Prior to commencement of development a scheme of noise insulation in accordance with the recommendations of the noise assessment (AB Acoustics report dated Oct 2019) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the property is brought into use as approved.

Reason: In the interests of the amenity of the surrounding occupiers

5. Prior to commencement of development, full details of a scheme for the control of cooking odours and fan noise from the premises shall be submitted to and agreed in writing by the Local Planning Authority. Before the use hereby approved is commenced, the agreed scheme shall be implemented and shall be thereafter retained.

Reason: In the interests of the amenity of the surrounding occupiers

6. The approved use shall only operate between the hours of 07:30 to 21:00 Monday to Sunday and Bank Holidays and at no other times.

Reason: In the interests of the amenity of the surrounding occupiers

7. 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:

- 24 Hour emergency contact number.

- Details of the parking of vehicles of site operatives and visitors.
- Details of loading and unloading of plant and materials.
- 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.
- 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.

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 construction phases.

8. Before any development commences, full details of the replacement shop fronts shall be submitted to and approved in writing by the Local Planning Authority. No materials shall be used on the elevations of the proposed development other than those referred to on the approved plans.

Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application (Ground Floor Class E(b) and First Floor Class E(a)) and for no other purpose (including any other purpose in Class E) on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason: The uses only are permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 2015 are not acceptable to the Local Planning Authority in this location because of the potential impact on residential amenity.

9. 2022/0632 – YEW TREE FARM, HEALD LANE, WEIR, BACUP (ITEM B5)

The Planning Officer outlined the application as detailed in the report, including the site details, planning history, the proposal, consultation responses, and notification responses received.

In determining the application, members discussed the following:

- Improvement of the appearance of the building, and the area in general.

A proposal was moved and seconded to approve the application as per the officer's recommendation, subject to the conditions set out in the report.

Moved: Councillor Eaton

Seconded: Councillor Driver

Voting took place on the proposal, the result of which was as follows:

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

The application was granted subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

- 2) The development shall be carried out in accordance with the planning application form received 17/05/2023 and the following drawings and documentation unless otherwise required by the conditions below:

Title	Drawing No.	Received Date
Location Plan	R-0840-SLP C	27.07.2023
Block Plan	R-0740 SLP	17.05.2023
Plans and Elevations as Proposed	R-0740-04B	08.12.2023

Reason: To define the permission and in the interests of the proper development of the site.

- 3) No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans.

Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.

- 4) Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- i) A Preliminary Risk Assessment report (phase 1), including a conceptual model and a site walk over survey;
- ii) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and
- iii) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy (including verification plan) prior to commencement of development. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

Reason: To ensure the safe development of the site in the interests of future occupiers

- 5) Pursuant to condition 4; and prior to first use or occupation a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe development of the site in the interests of future occupiers

The meeting concluded at 19:16pm

**Signed:
(Chair)**

Date:
