

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 20th September, 2018  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## BURNLEY TOWN HALL

Thursday, 20th September, 2018 at 6.30  
pm

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Monitoring Officer by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at:

<http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

### A G E N D A

#### 9. Late Correspondence 20.09.18 (Green Sheet)

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#### MEMBERSHIP OF COMMITTEE

Councillor Arif Khan (Chair)  
Councillor Frank Cant (Vice-Chair)  
Councillor Afrasiab Anwar  
Councillor Gordon Birtwistle  
Councillor Margaret Brindle  
Councillor Saeed Chaudhary  
Councillor Sue Graham  
Councillor John Harbour

Councillor Alan Hosker  
Councillor Mohammed Ishtiaq  
Councillor Marcus Johnstone  
Councillor Neil Mottershead  
Councillor Mark Payne  
Councillor Asif Raja  
Councillor Jeff Sumner  
Councillor Cosima Towneley

**PUBLISHED**

Wednesday, 12 September 2018

## DEVELOPMENT CONTROL COMMITTEE

Thursday 20 September 2018

### Late Correspondence/Verbal Reports

#### AGENDA ITEM 6b

**APP/2018/0080 – Land at Barracks Road**  
**Pages 13-32**

#### **Amended Plans**

Amended plans have been received to update the site layout with internal changes and to provide a revised landscaping scheme which provides for the retention of those trees that can be retained on the site. Due to a minor discrepancy in the submitted amended Site Elevations Plan and to ensure a consistent set of plans, a further amended plan will be submitted following the committee meeting.

#### **Conditions**

Condition 2 has been changed to reflect new drawing numbers; Condition 3 has been altered to refer instead to a restriction of traffic movements on Lower Accrington Road; minor corrections have been made and an additional condition (no.22) has been added to require an external lighting scheme. Condition 6 has been removed as is no longer required following the submission of a satisfactory landscaping scheme.

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: 171161-PL-01(A), 171161-PL-07, 171161-PL-08, 171161-PL-09 and 171211TPP (Tree Protection Plan), received on 13 February 2018; and, CS095757-CAP-TPL-MAN-DR-TP-011RevP01, 171161-PL-03(E) and 171161-PL-04(D), received on 4 September 2018; 171161-PL-02(H) and 171161-PL-06(A), received on 18 September 2018; 3876/01RevE, received on 20 September 2018; and 171161-PL-05(D), received on 21 September 2018.
3. Notwithstanding any indication on the approved plans, no development shall be commenced unless and until a scheme for the construction of the site access, internal layout of the site and off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include all the recommendations contained within the Stage 1 Road Safety Audit Report (carried out by Capita, dated 28th August 2018) and provide for the means to facilitate a Traffic Regulation Order to restrict traffic movements on Lower Accrington Road.
4. Neither the approved Petrol Filling Station/Shop or the approved Coffee Shop shall be first open for use until the approved scheme under condition 3 above has been constructed and completed in accordance with the scheme details.
5. The retail shop hereby approved shall operate as a shop in association with and ancillary to the approved Petrol Filling Station only and shall not at any time function as an independent unit.
6. The tree protection measures as indicated on drawing number 171211TPP (Tree Protection Plan) and contained within the Arboricultural Survey (carried out by Georgina Tearne, dated 11th December 2017) shall be carried out prior to any demolition, ground works or site

clearance taking place and shall remain in situ and be adhered to at all times until the completion of the development.

7. All planting, seeding or turfing comprised in the approved details of landscaping as indicated on drawing number 3876/01RevE shall be carried out in the first planting and seeding seasons following the first use of any of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
8. The approved Petrol Filling Station shall not be first open for use until a minimum of two electric car charging points have been provided and are available for use. The electric charging points shall thereafter be retained and remain available for use at all times during the Petrol Filling Station opening hours.
9. Prior to the commencement of development, details of a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to any part of the development being first brought into use. The approved drainage scheme shall thereafter be retained in perpetuity.
10. No part of the development hereby approved shall be first open for business until details of a management and maintenance plan for the sustainable drainage system required by condition 10 which shall cover the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained in accordance with the approved details in perpetuity.
11. The development shall be drained on separate surface water and foul water systems.
12. The approved Petrol Filling Station and ancillary retail shop shall not be open for business apart from between 06:00 and 23:00 hours on any day.
13. The approved coffee shop shall not be open for business apart from between 06:00 and 22:00 hours on any day.
14. No development shall be commenced, including site clearance or demolition works between the period of 1st March and the following 31st July inclusive unless a detailed bird nest survey by a suitably qualified ecologist has been carried out immediately prior to clearance and written confirmation has been submitted to the Local Planning Authority to demonstrate that there are no active bird nests that are present and this has been agreed in writing by the Local Planning Authority.
15. Prior to the commencement of development, details of boundary treatment and works to ensure the safety of the railway embankment shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment and safety measures shall be carried out and completed during the course of the development. The approved boundary treatment shall be retained at all times.
16. Prior to the commencement of the construction of the approved buildings, representative samples and details of external materials of construction to be used on the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.

17. 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. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding;
  - v) measures to control the emission of dust and dirt during construction;
  - vi) wheel washing facilities;
  - vii) details of working hour; and,
  - viii) contact details for the site manager.
18. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
19. No later than three months prior to any part of the development being first open for business, details of the frequency and hours of deliveries and servicing, including details of how these will be managed, shall be submitted to and approved in writing by the Local Planning Authority. Deliveries and servicing to the site shall thereafter only take place in accordance with the approved hours and details of management.
20. No part of the development shall be first open for business until cycle parking has been constructed and is available for use in accordance with details indicated on the approved plans. The cycle parking shall thereafter be retained and remain available for use in perpetuity.
21. The existing redundant vehicle access points into the site 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.
22. Prior to the installation of any external lighting, a scheme for the provision of external lighting which shall include details of lighting levels outside of opening times, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, completed and operated at all times in accordance with the approved scheme.

## **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 approved plans and to avoid ambiguity.
3. To ensure an adequate access and safety within the site and manage the traffic and highway safety impacts of the development, also having regard to the impact on air quality from increased traffic on Lower Accrington Road, in accordance with Policies IC1, IC2 and NE5 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the required works can be carried out at the appropriate stage of the development.
4. To ensure an adequate access and safety within the site and manage the traffic and highway safety impacts of the development, also having regard to the impact on air quality from increased traffic on Lower Accrington Road, in accordance with Policies IC1, IC2 and NE5 of Burnley's Local Plan (July 2018).

5. To ensure the satisfactory implementation of the proposal, having regard to the sequential test for locating retail development outside of town centres and the limitations of the site in respect of car parking, in accordance with Policies TC1, IC2 and IC3 of Burnley's Local Plan and the National Planning Policy Framework.
6. To ensure adequate protection for the long term health of trees which should be retained in the interests of the visual amenities and the biodiversity of the site and its surroundings, in accordance with Policies NE1, NE4 and SP5 of Burnley's Local Plan (July 2018).
7. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
8. To allow for the charging of electric cars, in the interests of sustainable travel, in accordance with the National Planning Policy Framework.
9. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.
10. To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018).
11. To ensure adequate drainage and reduce the risk of flooding and contamination of groundwaters, in accordance with Policy CC4 of Burnley's Local Plan (July 2018).
12. To safeguard the occupiers of neighbouring properties from late night and early morning noise and disturbance, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
13. To safeguard the occupiers of neighbouring properties from late night and early morning noise and disturbance, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
14. To ensure adequate safeguards and protection for bird nests which are protected under the Wildlife and Countryside Act 1981 and in accordance with Policy NE1 of Burnley's Local Plan (July 2018).
15. To ensure an appropriate edge to the boundaries of the site and to take into account the risks associated with the railway embankment, in accordance with SP5 of Burnley's Local Plan (July 2018).
16. To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
17. To ensure that the safety and amenities of pedestrians, drivers and residents in the vicinity of the development are satisfactorily protected, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.
18. To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
19. To ensure that deliveries and servicing has adequate regard to traffic, site safety and residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

20. To encourage the use of cycles as a sustainable means of travel, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
21. To limit the number of access points to, and to maintain the proper construction of the highway, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
22. To ensure appropriate and not excessive lighting, having regard to the amenity of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

### **Change to Recommendation**

### **Delegate approval to the Head of Housing and Development Control following the receipt of an amended Site Elevations Plan**

#### **AGENDA ITEM 6b**

**Pages 33-44**

**APP/2018/0376**

#### **DESCRIPTION CHANGE**

**Erection of 22 dwellings**

**(Minor Material Amendment to Planning permission APP/2014/0151 as amended by APP/2018/0273 in respect of variation of layout and house types (Condition 14 - approved plans); and Variation of Condition 6 (materials); 7 (landscaping); tree protection); 10 (surface water drainage); 11 (contamination); 12 affordable housing); 13 (public open space)).**

#### **Phase 4 Station Road development Padiham Burnley**

#### **Late Correspondence - Applicant**

Further information in respect of the outstanding conditions has been received as follows:

#### **Condition 10 (Drainage) – (Condition 6 below)**

Further details have been received to supplement the drainage layout already submitted and the drainage proposals for the development have now been satisfactorily addressed. The infrastructure drainage was installed as part of the earlier phase of works and has been sized appropriately to provide attenuation for the current and future phases of the development.

Condition 10 of planning permission APP/2014/0151 can be amended to provide that the drainage scheme as shown on amended plan no.SPB-AJP-XX-00-DR-C-1000 rev P1 received 11 September 18 shall be implemented as approved and requiring the submission of an appropriate drainage scheme for the future phases of the development.

#### **Condition 11 (Contamination) – (Condition 8 below)**

Further information has been received from the applicant in respect of the contamination undertaken on the site and Environmental Protection Officer has been reconsulted and his input into the requirements of the verification plan will be forwarded to the applicant. However, the verification plan will not be received until the remediation works are completed. The condition is therefore still relevant and cannot be discharged at the present time.

#### **Condition 12 (Affordable Housing Scheme) – (Condition 7 below)**

The applicant has confirmed that the units will be offered as open market housing at an affordable price in the first instance followed by shared ownership and then affordable rent, if necessary.

However, if the houses are successful sold on the open market there would be no mechanism for ensuring that appropriate affordable housing provision is made on the site. An amended condition is recommended to ensure that affordable housing provision is either made on site or delivered off site unless an appropriate justification that it is not a viable option to deliver affordable housing is provided.

### **Condition 13 (Public Open Space) – (Condition 9 below)**

The condition requires a scheme to ensure that Public Open Space provision is made for the wider site. The applicant proposes to provide a financial contribution in lieu of on-site provision of Public Open space in accordance with the terms of a previously approved Unilateral Undertaking on the site, requiring payment to be made following the completion of 50% of the open market dwellings on the wider site. The condition may be varied accordingly.

### **Change in Recommendation**

**Recommendation: That planning permission be granted subject to the following conditions (The outline application in respect of APP/2014/0151 has now expired and the conditions in respect of the remaining phases are no longer applicable and are no brought forward onto the varied permission):**

### **Revised List of conditions to replace those draft conditions set out in the Agenda Report**

1. The development hereby permitted shall be carried out in accordance with the following approved plans Planning site boundaries, drg.no. 1771-02 rev3; Phasing plan, drg.no. 1771-101 rev3; and Illustrative Masterplan, drg.no. 1771-103 rev 3; Materials Schedule; Tree Retention, Protection and Removals Plan received 25 Jul 18.

Street Elevations drg.no. 1771-104 rev3; Site Plan drg.no. 1771-105 rev5; Ground floor Site Layout, drg.no. 1771-106 rev 5; First floor site layout, drg.no.1771-107 rev5; Roof site plan drg.no. 1771-108 rev5; Landscape Plan, drg. no. 1771- 109 rev 5; House types drg nos 115, 116, 120, 121, 125 and 126 received 29 Aug 18.

Drainage Layout Plan SPB-AJP-XX-00-DR-C-1000 revP1 received 11 Sep18.

2. Unless otherwise approved in writing by the local planning authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays; between 0800 hours and 1300 hours on Saturdays; and at no time on Sundays, Bank Holidays or Public Holidays.
3. The materials to be used in the development of Phase 4 shall be in strict accordance with the approved Materials Schedule (Ainsley Gommon Architects June 18) received 25 July 2018 unless otherwise approved in writing by the Local Planning Authority.
4. The landscaping details shall be carried out in full accordance with Drg.No. 1771-109 rev 5 received 29 August 2018, prior to the occupation of the development, to the satisfaction of the local planning authority.
5. The approved tree protection measures as set out on the Tree Retention, Protection and Removals Plan (drg.3116 101 received 25 Jul 18) shall be adhered to during the construction of the development.
6. The approved Drainage Plan (drawing no. SPX-AJP-XX-00-DR-C-100 P1) received 11 September 18 shall be implemented prior to the first occupation of the dwellings on Phase 4 of the development.



7. Provision shall be made for affordable housing in accordance with Policy HS2 of Burnley's Local Plan (adopted July 18). This shall be provided on site as part of Phase 4 of the development or delivered off-site in accordance with a scheme to be submitted to and approved in writing by the local planning authority, unless a sufficiently robust justification is submitted to demonstrate that such delivery is not a viable option.
8. Prior to first occupation of the development hereby approved a verification plan in respect of the contamination remediation measures on the site, providing details of the data that will be collected in order to demonstrate that the works identified are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted to and approved in writing by the local planning authority before any of the houses are first occupied. Any changes to these components require the express written consent of the local planning authority.
9. Public Open Space requirement in respect of the development hereby approved shall be delivered by the developer, in accordance with the terms of the previous approved Unilateral Undertaking, pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) under planning application APP/2010/0713, given by Renaissance (Padiham) Limited and dated 7 March 2011.
10. Insofar as in relates to Phase 4, the development permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (reference 1801/DRS001/Rev4 dated 4/4/14) for the site and the following mitigation measures:

The mitigation measures outlined in the report shall be fully implemented prior to occupation of any of the dwellings and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved in writing by the local planning authority.

## **Reasons**

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. To safeguard the amenities of the neighbouring residents having regard to Policy NE5 of Burnley's Local Plan adopted July 18.
3. To ensure a satisfactory development which harmonises with its surroundings, in the interests of visual amenity.
4. To ensure that the landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings.
5. In order to protect ensure that the vegetation on the site is adequately protected in the interests of visual amenity
6. To ensure that appropriate drainage is provided to the development.
7. Having regard to Policy HS2 of Burnley's Local Plan (adopted July 18) to ensure appropriate provision of affordable housing in the Borough.
8. To ensure that all risks posed the contamination of the site have been adequately assessed and dealt with.

- 9 To ensure that appropriate provision is made for public open space relating to the site having regard to Policy HS4 of Burnley's Local Plan adopted July 2018.
10. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site having regard to Burnley's Local Plan adopted August 2018).