

# DEVELOPMENT CONTROL COMMITTEE LATE CORRESPONDENCE

Thursday, 21st March, 2019  
6.30 pm





# **DEVELOPMENT CONTROL COMMITTEE**

## **BURNLEY TOWN HALL**

**Thursday, 21st March, 2019 at 6.30 pm**

### **A G E N D A**

**c) Late correspondence**

**3 - 14**

**PUBLISHED 21/03/19**

## DEVELOPMENT CONTROL COMMITTEE

Thursday 21<sup>st</sup> March 2019

### Late Correspondence/Verbal Reports

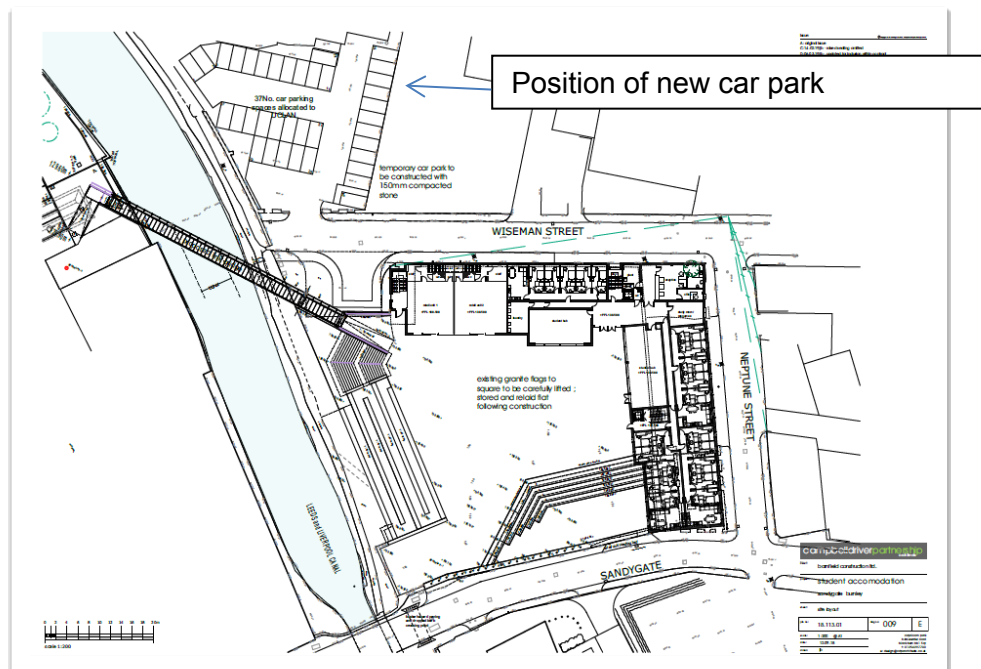
#### AGENDA ITEM 6a Pages 9-34

**APP/2019/0001 – Demolition of locally listed Neptune Inn; construction of new 4 storey mixed use building to provide student accommodation (136 bedrooms); ancillary communal areas to include laundry room, gym, reception, study/resources room and student hub; part ground floor car parking; provision of 3 commercial units; and associated landscaping, together with provision of new car park off Wiseman Street for 35 vehicles.**

#### Land at Sandygate Square Burnley

#### Pages 11-34

1. Please note amended description of development (to include new car park off Wiseman Street)
2. An amended Site Plan has been received to include a new car park for 35 vehicles off Wiseman Street.



3. The response of Lancashire County Council (Highway Authority) has been received making the following comments:

#### Summary

Lancashire County Council (LCC) supports the principle of the development proposal. Providing suitable planning conditions are imposed to address highway concerns, the highway authority offer no objection to the proposal.

### Parking

The County Council's view is that the development is likely to generate a degree of parking. Without catering for this demand it is expected that the existing on street parking need will increase to the detriment of neighbouring residents and businesses and the development should support an appropriate level of off street parking.

It is suggested that a temporary car park should accompany the development in close proximity to the site and measures undertaken to determine the level of demand, encourage sustainable travel alternatives and ultimately inform car parking provision level.

The proposal to use land at the westerly terminus of Wiseman Street, adjacent to the Leeds to Liverpool canal, would be consider a suitable location due to its close proximity to the development site. The need for student parking could be examined by monitoring the take-up and usage of parking at this location as part of a robust travel plan. Should the monitoring exercise reveal that the provision, either wholly or in part, is unnecessary then the car park could be reduced in size / removed (as appropriate). If demand is significant the parking should be retained to fulfil the parking demand.

The new retail units to the area could result in further intensified on street parking demand, with associated increased vehicle circulation and potential for inappropriate parking.

In order to mitigate against this LCC advise a review of the existing parking restrictions along Wiseman Street and Neptune Street to inform on the appropriateness of the current Traffic Regulation Orders (TRO's) and potential to free up additional on street parking. It is envisaged that this review will take place through the Travel Plan process.

### Servicing

There are 2 retail units proposed off Wiseman Street and a third proposed at the junction of Sandygate and Neptune Street. In respect of the former, these units will be serviced from Wiseman Street with customer access from Sandygate Square. Whilst on street servicing for these two units would be acceptable (Wiseman Street is a cul-de-sac). Having regard to the difference in levels between the loading area and the retail units, a service lift could be considered to benefit deliveries.

A site for the provision of a loading bay for the unit at the junction of Neptune and Sandygate, utilising an area of the Square between the carriageway and the steps which would provide an easily accessible loading area both for the unit and also as a student drop off / pick up point. In addition the area could also potentially service the two retail units located on Wiseman Street. Pedestrian access along Sandygate would not be affected. The loading bay would then be dedicated as highway.

It is advised that the following additional works would be necessary:

#### 1. Footway works:-

- Reconstruction along Wiseman Street, both sides between Neptune Street and the canal towpath following construction works.
- Introduction of new along Neptune Street west side, full length.
- Reconstruction along Sandygate between Canal Bridge and Neptune Street.

2. Enhanced crossing facilities across Sandygate will be required (tactile pedestrian access crossing points).
3. Review of the street lighting levels on Wiseman Street, Sandygate and Neptune Street to ensure that lighting levels are adequate for increased pedestrian activity in the area and routes to the town centre.
4. Implementation of Traffic Regulation Order (TRO) review.
5. A Travel Plan which will encompass all sustainable travel options such as walking, rail, bus and cycling modes of transport. It will also be required to facilitate and monitor the provision of a student parking area over a minimum period of 18 months following the full occupation of the proposed development.
6. The Construction Management Plan will need to be adhered to for the construction period.

The Highway Authority advises that conditions are imposed on any planning permission granted to cover the following:

- The provision of the car parking area of Wiseman Street to be available before occupation of the building.
- The cycle facilities to be available before occupation
- The existing access to be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated.
- A scheme of off-site highway works to be completed before occupation
- A Travel Plan to be submitted before occupation to include a review of parking restrictions on Neptune Street and Wiseman Street and a review of student usage of the Wiseman Street parking area.
- Wheel washing facilities to be made available on site
- A Construction Management Plan to be adhered to during construction.

The applicant has worked with the Highway Authority to satisfy their concerns, including the provision of a new 35 space car park off Wiseman Street, and confirm their agreement to the conditions requested.

4. An amended Construction Management Plan (CMP) has been submitted by the applicant which addresses the requirements of the Highway Authority, in respect of materials storage, loading and unloading, staff car parking during construction. A condition requiring the CMP to be adhered to is recommended to be imposed.
5. Amended plans have been received which indicate the position of the proposed condenser units and PV panels; show the enclosure of the condenser units on the second floor roof; and indicates an access door to the second floor roof for maintenance.

The revisions do not raise new issues and are acceptable.

It is recommended that Planning Permission be granted subject to the following amended and updated 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:
  - Location Plan 010 rev B rec'd 19 Mar 19
  - Site Layout Plan 009 rev E rec'd 19 Mar 19
  - LG Floor plan 001 rev N rec'd 20 Feb 19
  - GF Plan 002 rev M rec'd 20 Feb 19
  - 1F & 2F Floor Plans 003 rev N rec'd 20 Feb 19
  - 3F Floor Plan 004 rev O rec'd 19 Mar 19
  - Roof Plans 005 rev E rec'd 19 Mar 19
  - N & E elevations 006 rev I rec'd 19 Mar 19
  - S elevations 007 rev J rec'd 19 Mar 19
  - W elevations 008 rev H rec'd 19 Mar 19
  - Existing Topo Survey 011 rev A rec'd 9 Jan 19
  - Drainage Strategy C-50 rev B rec'd 9 Jan 19
  - Existing Site Sections 015 rev A rec'd 9 Jan 19
3. The development shall be carried out in full accordance with a scheme which has first been approved in writing by the Local Planning Authority, to include details of the design, based on sustainable drainage principles and implementation of an appropriate surface water sustainable drainage scheme. The 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 + 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
    - The measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourse
    - Details of floor level in AOD
  - b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield run-off rate. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed.
  - c) Flood water exceedance routes, both on and off the site
  - d) A timetable for implementation, including phasing if possible
  - e) Evidence of an assessment of the site conditions to include site investigation

The scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the approved dwellings or the completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

4. The development hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
5. The development shall be carried out in full accordance with a scheme which has been approved in writing by the Local Planning Authority, providing details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development, to include:
  - a) the arrangements for adoption by an appropriate public body, statutory undertaker or management company.
  - b) Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) which will include elements such as
    - ongoing inspections relating to performance and asset condition assessments
    - operation costs for regular maintenance , remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage system scheme throughout its lifetime.
    - 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 the approved development or the completion of the development whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

6. The development shall be carried out in full accordance with the approved Construction Management Plan, received 6 March 19 as amended 19 March 19, to the satisfaction of the Local Planning Authority.
7. The development shall be carried out in full accordance with the submitted Site Investigation Report and Risk Assessment (Phase II Geo-Environmental Site Investigation and Risk Assessment reference 180903.R.001, dated December 2018)
8. In consideration of the Phase I/Phase II Report (12-777-R1), details of imported soil shall be submitted before use within the cover system, with information to include source and quantity provided, date of acceptance, and a chemical analysis for a full suite of contaminants. As per report 12-777-R1, ground gas monitoring shall be completed with the findings submitted in writing to the Local Planning Authority.

Any arisings and/or site-won materials shall be chemically analysed prior to re-use on-site with validation provided to the Local Planning Authority for approval if applicable. If removal of any identified local TPH 'hotspots' is decided as a remedial option, sampling and analysis shall be undertaken to confirm the suitability for use of the remaining soil, with validation provided to the Local Planning Authority for approval in writing, if applicable.

Following completion of measures identified in the remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to, and approved in writing by the Local Planning Authority.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation must be undertaken to establish the nature and extent of contamination in consideration of potential receptors. Where sampling is required to establish the extent of unexpected contamination, the results shall

be forwarded to the Local Planning Authority. If further remediation is required, the additional information shall also be submitted and approved by the Local Planning Authority.

10. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed in writing by the Local Planning Authority, and the provision of reports on the same must be prepared, both of which must be submitted to and approved by the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. These measures must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

11. A programme of archaeological work including the creation of a record of the former Neptune Inn to level 3 and the remnant of the Sandygate Shed boiler room or engine house wall to level 2 as set out in *Understanding Historic Buildings (Historic England 2016)*, shall be carried out in accordance with an approved written scheme of investigation, before any work on the demolition of Neptune Inn and the remnants of the Sandygate Shed boiler room/engine house takes place. This work shall be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. The record shall be lodged with the Local Planning Authority within 2 months of the date of this decision.
12. A formal watching brief during both groundworks and the demolition of the former Neptune Inn (in particular removal of foundations, floor slab, etc) followed by such subsequent work as required to investigate and record any remains encountered. This work shall be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists.  
This work shall be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of the archaeological record and analysis shall be lodged with the Local Planning Authority within two months of its completion.
13. The provision of the car parking area to be given over to student parking shall be surfaced in accordance with the approved site layout plan, drawing no. 009E received 19 March 19 and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.
14. The cycling facilities shall be provided in accordance with drawing no. 001 rev N received 20 February 2019 prior to the occupation of the building hereby approved.
15. The existing 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 construction of the development.
16. No built construction work shall be commenced until a scheme for the construction of off-site highway works relating to the development, including provisions to facilitate the implementation of Traffic Regulations Orders for waiting restrictions, has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.



17. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 16 has been constructed and completed in accordance with the scheme details.
18. The proposed new loading bay on Sandygate which provides servicing facilities for the commercial unit at the junction of Sandygate and Neptune Street, shall be completed before the commercial unit is brought into operation.
19. Prior to the first use of the development hereby permitted, a full Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The Travel Plan to include:-
  - Review of existing parking restrictions on Neptune Street and Wiseman Street including identifying funding mechanism for implementation of review recommendations. Review to be undertaken prior to first occupation.
  - Review of student car usage and uptake of parking provision to be provided as part of permission over a period of 18 months following full occupation of the student element of the development. Report to be provided to and reviewed by the Local Planning Authority in consultation with the Highway Authority.
20. The Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.
21. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
22. Following completion of the development works, the public square shall be re-instated to the satisfaction of the local planning authority in accordance with the amended site plan Drawing No. 09 rev E received 19 March 19.
23. The car parking area off Wiseman Street for 35 vehicles shall be managed in accordance with the 'Sandygate Student Accommodation Scheme Car Parking' received 19 March 19, to the satisfaction of the Local Planning Authority

**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 that the proposed development is adequately drained and that there is no flood risk on or off site resulting from the proposed development.
4. To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on or off the site resulting from the proposed development or resulting from inadequate maintenance of the sustainable drainage system.
5. To ensure that appropriate and sufficient funding and maintenance mechanisms are in place for the lifetime of the development; to reduce flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/body/ company/undertaker for the sustainable drainage system.

6. In the interests of highway safety, the prevention of pollution to the canal and the surrounding environment.
- 7, 8, 9 & 10 To ensure that all risks associated with contamination of the site are adequately dealt with, having regard to Policy EN5 of Burnley's Local Plan 2018.
- 11/12. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, having regard to Policy HE2 of Burnley's Local Plan 2018.
13. To allow for the effective management of development related parking demand and use of the parking areas.
14. To ensure that adequate cycle facilities are available for the users of the building, to promote alternative modes of transport, in the interests of sustainable development.
15. To limit the number of access points to, and to maintain the proper construction of, the highway.
16. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before construction work commences.
17. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
18. To ensure that the commercial unit has suitable servicing facilities, in the interests of highway safety.
- 19/20 To promote and provide access to sustainable transport options.
21. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
22. To ensure that the public square is reinstated in a satisfactory manner in keeping with its surroundings
23. To ensure effective operation of the car park.

#### **Agenda Item 6b**

#### **Pages 35-50**

#### **APP/2018/0504 - Proposed residential development of 45 dwellings and associated works**

#### **Land at West Side of Station Road and Adjacent to Padiham Gateway and Green Lane Padiham**

#### **1. Amend Condition 2.**

The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, drawing no.100 Rev 1; Existing Site Plan, drawing no. 101; Masterplan Overlay, drawing no. 103; Boundary Plan, drawing no. 109; Finished Levels and Retaining Walls, drawing no. SPB-AJB-XX-00-DR-C-1405 Rev 2; Drainage Layout, drawing no. SPB-AJP-XX-00-DR-C-1000 REV p1; Vehicle tracking, drawing no. SPB-AJP-XX-00-DR-C-1570; Tree Survey and Root Protection

Areas drawing no.5877.01; Tree Protection Plan, drawing no.5877.02; House Type 2B4P plans, drawing no. 115; House Type 2B4P elevations, drawing no. 116; House Type 3B5P plans, drawing no 120; House Type 3B5P elevations, drawing no.121; House Type 1B2P Flat plans, drawing number 150A; House Type 1B2P Flat elevations, drawing no. 151A; Fence details, drawing no. FD03; Fencing details, drawing no. FD04; Gate details, drawing no. FD13 all received 31 Oct 18

Amended Plan, Indicative Planting, drawing no. 108A received 29 Nov 18;

Site Plan drawing no. 105B; Street Elevations drawing no. 110A received 30 November 2018.

## 2. Change in recommendation

A draft Unilateral Undertaking has been submitted in which the developer undertakes to pay the education contribution requested by Lancashire County Council. The application may be approved when the completed document is received.

That the application be delegated to the Head of Housing and Development Control to approve the application subject to the conditions set out in the report, with Condition 2 as amended, upon receipt of a satisfactory Unilateral Undertaking in respect of a contribution to be paid towards Education Provision.

### **Agenda Item 6c**

#### **Pages 51-62**

#### **APP/2018/0513 – Erection of 24 dwellings and associated works**

#### **Land off Florence Avenue Burnley**

Updated List of conditions recommended to be imposed on any planning permission granted:

#### **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 : Location Plan 100A; Site Clearance Plan 103; Existing Site Plan – 101A Boundary Plan 108A; Landscape Proposals 5857.01 A; Finished Levels and retaining walls FAB-AJP-XX-00-DR-C-1400 P2; Drainage Layout FAB-AJP-XX-00-DR-C-1000 P2; Cut and Fill Total areas FAB-AJP-XX-00-DR-C-1415 P2, received 31 October 18.  
  
Proposed site plan 105D received 29 Nov 19; Bungalow type 130A received 16 Jan 19; Landscape Masterplan 5857.04 rev B; Tree Protection Plan 5857.03A; Tree Survey and Root Protection Areas 5857.03A; s78 Construction Plan FAB-AJP-XX-00-DR-C-1650 P2 received 29 Jan 19; Site Cross Section FAB-AJP-XX-00-DR-C-1440 P1 received 7 March 19; Proposed Street Elevations 107C received 13 March 19.
3. No dwelling shall be occupied until full engineering, drainage, street lighting and constructional details of the footway to be reconstructed has been submitted to, approved in writing by the local planning authority and constructed in accordance with the approved details.
4. No dwelling shall be occupied until the approved scheme referred to in Condition 1 has been constructed and completed in accordance with the scheme details.

5. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
6. The development shall be carried out in full accordance with the approved construction method statement as approved in writing by the local planning authority. The approved statement shall thereafter be adhered to throughout the construction period. It shall provide for:
  - i) The parking of vehicles of site operatives and visitors
  - ii) The loading and unloading of plant and materials
  - iii) The 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) A scheme for recycling/disposal of waste water from construction works
  - vii) Details of working hours
  - viii) Routing of delivery vehicles to/from the site.
7. In the event that previously unidentified, or unexpected contamination is found at any time during the development, it must be reported in writing immediately to the local planning authority. A full risk assessment (including investigations if necessary) must be undertaken and a remediation scheme must be prepared if necessary. The assessment must be submitted and approved in writing by the Local Planning Authority before any works continue.
8. Where any remedial works are necessary, a verification report must be submitted to and approved in writing by the local planning authority. The report shall also provide details of the long term effectiveness and monitoring of the proposed remediation in accordance with DEFRA and the Environment Agency's 'Model Procedure for the Management of Land Contamination, CR11'
9. Prior to the commencement of development, including groundworks and vegetation clearance, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on the site. The measure shall be carried out strictly in accordance with the approved scheme.
10. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays, unless approved in writing by the local planning authority.
11. Notwithstanding any description of materials in the application, precise details of facing and roofing materials shall be submitted to and approved in writing by the local planning authority before their use in the construction work. The materials used in the development shall be in accordance with the approved scheme, to the satisfaction of the local planning authority.
12. All tree works on the site shall be in accordance with the recommendations of the submitted Arboricultural Impact Assessment & Method Statement (Revision A) (TBA – ref MG 5857) received 29 January 19.

## **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.
- 3/4. In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway
4. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.
5. To ensure that the development progresses in an orderly and controlled manner in the interests of highway and pedestrian safety.
- 7/8. Having regard to Policy NE5 of Burnley's Local Plan, to ensure that all environmental risks have been evaluated and appropriate measures have been taken to minimise risks of adverse impacts.
9. To ensure effective control over the invasive species.
10. To protect the amenities of nearby residents, in accordance with Policy NE5 of Burnley's Local Plan (July 18).
11. To secure a satisfactory development in materials which are appropriate to the locality, in the interests of visual amenity and in accordance with Policy HS4 of Burnley's Local Plan (July 18).
12. To ensure that the tree work is carried out in an appropriate manner having regard to Policy NE4 of the Burnley Local Plan (July 2018).

#### **AGENDA ITEM 6e**

**Pages 77-84**

**APP/2018/0537 – Thompson Street Works, Thompson Street, Padiham**

#### **Amend Condition 6**

The applicant has submitted the following details for the external construction of the walls and roof of the proposed extension:-

Wall Plinth: Marshall Cromwell pitched face (buff)

Upper walls: Cladding in Gull grey (RAL 240 80 05)

Roof cladding: Merlin grey (RAL 189 40 05)

These details would be satisfactory; as such, the agenda condition 6 should be amended to the following:-

#### Condition 6

The external walls and roof of the approved development shall be constructed in accordance with details submitted on 14 March 2019 unless any changes to these details are previously submitted to and approved in writing by the Local Planning Authority.

#### Reason 6

To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

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