



**DEVELOPMENT CONTROL  
COMMITTEE**

**REMOTE MEETING - LIVESTREAM  
ON YOUTUBE**

**[HTTPS://YOUTU.BE/GOWUFJTKEB4](https://youtu.be/gowufjtkeb4)**

**Thursday, 21st January, 2021 at 6.30 pm**

**SUPPLEMENTARY AGENDA**

**11) *Late Correspondence 21st JANuary 2021***

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## DEVELOPMENT CONTROL COMMITTEE

Thursday 21st January 2021

### Late Correspondence/Verbal Reports

#### AGENDA ITEM 6

##### Agenda Item 6a

COU/2020/0208 – The Stackhouses, Bank Parade, Burnley

Pages 23-32

Following publication of the report, the applicant has provided 9 letters of support from neighbouring residents and businesses; and a letter of support from an existing employee. The letters, copies of which will be available for inspection by councillors at the meeting, are summarised below:

##### Neighbouring Residents

- I live next door and it doesn't cause me any concern (Flat 2 Stackhouses)
- The bar is a great meeting place for local residents (Flat 2a Stackhouses)
- Has not experienced any issues with noise (Flat 3a Stackhouses)
- This is a good pub for local people (Flat 3b Stackhouses)
- Has not experienced any problems from the bar (Flat 6 Stackhouses)

##### Neighbouring Businesses

- Customers often pop in for coffee whilst waiting for their tyres (Kingsway Tyres)
- Not aware of any problems or nuisance and believe that the bar will provide increased customers to my business (Aldo Due Restaurant 58 Bank Parade)
- The increase in footfall since opening the bar has improved my overall business and improved activity in the area during evening hours. Not aware of any issues or problems since the bar has opened (The Loom Makers Bistro)
- Has not been affected by any issues from the bar as a business or resident of the next door flat. It closes at 10pm so there is no late night noise (Harrisons Textiles 61 Bank Parade)

##### Existing Employee

- This is a good pub for all ages. No issues or complaints have been made to bar staff. We display signs asking customers to respect neighbours.

The applicant has also submitted a supporting statement, as follows:

To : Development Control Committee to be held on 21 January 2021.

Application Ref : COU/2020/0208.

**Change of use from workshop to bar**

**The Stackhouses, Bank Parade, Burnley.**

Dear Members of Burnley Development Control Committee;

I write to inform members about my application for the above following the comments made when the application was previously considered at the last Development Control Committee meeting in December 2020.

I made this planning application as soon as I was made aware that planning permission was needed. I submitted the application to the Council back in May 2020. I have complied with the requests of the Planning Department to provide information and reports, all of which have found the application to be acceptable.

This is a small bar providing for locals in a quiet drinking environment. It is not a 'disco' bar or lively bar like other town centre public houses, as the space limits the number of customers and it is not conducive to attract large gangs of revellers. I am aware of the planning conditions proposed by the Officers in their report and can say that these restrictions are within the way the bar is operated and conducive to the type of customer base the bar will attract.

I have not purposefully attempted to circumvent the planning system and have tried to comply with the limitations that have come forward. The bar is well supported by locals and there has been submitted several letters of support from occupiers of the flats at The Stackhouses and local business.

The 'lockdown' because of Covid is meant that the bar has not operated properly for this period and whilst bars have been allowed during this period to use pavements etc to achieve social distancing, this is not what would happen in 'normal' operation.

It is in my interest to run the bar properly and as such if planning permission is granted, this will allow me to understand the conditions the Council wishes me to adhere to and permit me to make sure that these are complied with.

I hope that this Committee will see the positive benefits the bar has brought to this area and that it does have local support and is of benefit to the area.

Ray Harrison – applicant.

## **Agenda Item 6c**

**FUL/2020/0504 – Land at Sycamore Avenue, Burnley**

**Pages 43-68**

### **Correction to Recommendation**

The Recommendation on page 60 of the agenda report reads as follows:

Recommendation: Approve subject to a s106 Agreement to require a contribution towards public open space improvements

The correct recommendation (which accords with the summary recommendation at the head of page 45) is as follows:

**That delegation be given to the Head of Housing and Development Control to approve the application subject to a section 106 Agreement to require a contribution towards public open space improvements**

### **Consultations**

#### **Greater Manchester Ecology Unit (GMEU)**

Comments have been received in respect of the submitted Biodiversity Enhancement Statement: The scheme now shows an increased area of species rich grassland and increased tree planting, along with provision for bird boxes and hedgehog boxes and connectivity between gardens detailed in the biodiversity enhancements statement. Given the low value of the existing habitats on site for biodiversity, I will accept these enhancements, although not delivering net gain in line with the upcoming environment bill, are acceptable, and in line with the current NPPF policy to deliver enhancements for biodiversity. The detail of the locations of the measures, and longer term management/monitoring of the features can be dealt with via a condition.

Officer comment: Condition 13 on the agenda report has been changed to incorporate the location and management/maintenance details for the ecological enhancements (please see Conditions below).

#### **Local Lead Flood Authority (LCC)**

Comments have been received, stating no objection subject to conditions to require a detailed final surface water sustainable drainage strategy; details of how surface water and pollution prevention will be managed during each construction phase; and, an Operation and Maintenance Plan and Verification Report for the lifetime of the development.

Officer comment: Condition 21 on the agenda report provides for the first of the recommended conditions. A further condition would be necessary to deal with surface water and pollution measures during the construction. Condition 22 can be altered to include an additional requirement for a Verification Report.

### **Conditions**

A number of conditions have been altered and added to accommodate the recommendations of the consultees above and to make some corrections. Where conditions relate to `prior to built development` this is changed, for the purposes of clarity, to `prior to built development above ground level`.

Condition 11 as agenda report:

Prior to the commencement of built development, details of the management company, its responsibilities and its funding mechanisms for the management and maintenance of all areas of open space within the site excluding private gardens, to cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent changes to the management details shall be submitted to the Local Planning Authority prior to the change taking place.

Reason: To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

Amended Condition 11:

Prior to the commencement of built development above ground level, details of the management, responsibilities and maintenance schedules for all areas of open space within the site excluding private gardens, to cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent changes to the management details shall be submitted to the Local Planning Authority prior to the change taking place.

Reason: To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy HS4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of the built development above ground level in order that proper arrangements can be secured at the earliest opportunity for the maintenance of the open space which is for the lifetime of the development.

Condition 13 as agenda report:

The development shall be constructed with the inclusion of the biodiversity enhancement measures contained with the Biodiversity Enhancements Statement prepared by E3P (reference 80-372-L1-1). All of the enhancement measures shall be installed prior to the completion of the development.

Reason: To ensure that the scheme provides adequate benefits for wildlife to enhance the biodiversity of the site and the local area, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

Condition 13 as amended:

The development shall be constructed with the inclusion of the biodiversity enhancement measures contained with the Biodiversity Enhancements Statement prepared by E3P (reference 80-372-L1-1) and in accordance with details for their location which shall be previously submitted to and agreed in writing by the Local Planning Authority. All of the enhancement measures shall be installed prior to the completion of the development. Once installed, the biodiversity enhancement measures shall be managed and maintained for the lifetime of the development in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to any built development above ground level taking place.

Reason: To ensure that the scheme provides adequate benefits for wildlife to enhance the biodiversity of the site and the local area, and that it is sustained in the future, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

Amended Condition 21

(Amended by the addition of the words `above ground level` in first line (no other changes).

Prior to the commencement of built development above ground level, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in accordance with the approved scheme prior any dwelling to any dwelling within each phase of the development being first occupied. The approved drainage scheme shall be retained at all times thereafter.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of built development above ground level to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

Condition 22 as agenda report:

No dwelling shall be first occupied until details of a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, retained, maintained and managed at all times in accordance with the approved plan.

Reason: To ensure 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 Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

Condition 22 as amended:

No dwelling shall be first occupied until a Verification Report to demonstrate that the approved surface water drainage scheme has been completed as approved by Condition 21 above and details of a sustainable drainage management and maintenance plan for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, retained, maintained and managed at all times in accordance with the approved management and maintenance plan.

Reason: To ensure that the implemented drainage scheme fully accords with what has been approved and 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 Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

Condition 23 as amended:

Altered by the addition of the words `built` and `above ground level` on line 3 (no other changes)

Foul and surface water shall be drained on separate systems and a scheme for the disposal of foul water shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of built development above ground level. The approved scheme shall be implemented in full and completed prior to any dwelling being

first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.

Reason: To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of built development above ground level to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

Condition 25 as agenda report:

The proposed boundary treatments as indicated on drawing number SA-BTP-00-SP-DR-A-3588\_106 RevB shall be carried out and completed prior to the completion of the development or occupation of the final dwelling or flat, whichever is the sooner and shall be retained at all times thereafter.

Reason: To ensure a satisfactory appearance and amenity to the development from within the site and its environs, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

Condition 25, as amended:

Notwithstanding further details of the boundary treatment to the eastern boundary (facing Woodbine Road) which shall be first submitted to and approved in writing by the Local Planning Authority, the approved boundary treatment shall be carried out and completed prior to the completion of the development or the first occupation of any dwelling, whichever is the sooner. The approved boundary treatment shall thereafter be retained at all times.

Reason: To ensure a satisfactory appearance to the development. Further details are required for the eastern boundary where the height of the boundary feature should be appropriate for a formal frontage of house plots 28-31 inclusive, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

Condition 26 as amended:

Altered by the addition of the words `built` and `above ground level` on first line (no other changes)

Prior to the commencement of built development above ground level, an intrusive investigation shall be carried out by a suitably competent person(s) in accordance with the submitted Phase I Geoenvironmental Site Assessment Report (prepared by E3P reference 14-281-R1, dated October 2020) to assess the extent and nature of contamination likely to affect all receptors at end-use and a written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, and shall be submitted to and approved in writing by the Local Planning Authority. Remediation work shall thereafter be carried out and completed in accordance with the approved scheme. In the event that previously unidentified contamination is discovered during any part of the works then further investigation and risk assessment shall be undertaken which shall together with an additional remediation scheme be submitted to and approved in writing by the Local Planning Authority before works continue. A Validation and Verification report to evidence that all remediation works have been carried out in

accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority before any of the approved dwellings or flats are first occupied.

Reason: In order to deal appropriately and safely with the risks posed to the public and future occupiers by the historic industrial use of the site, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The site investigation, report and remediation scheme are required prior to the commencement of built development above ground level to ensure that any mitigation measures that are found to be necessary through the investigation can be carried out at the appropriate stage in the development process.

Condition 28, as amended

Altered by the addition of the words `above ground level` on first line (no other changes)

No built development above ground level shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the maintenance of all streets, access roads and drives have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of built development above ground level to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

Additional Condition 32

Prior to the commencement of any development, details of how surface water and pollution prevention will be managed during the construction process shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented at all times during the construction of the development until its completion.

Reason: To manage any risks from pollution and flooding arising from construction activities on site, in accordance with Policies NE5 and CC4 of Burnley's Local Plan (July 2018). The details are required to be submitted prior to the commencement of development in order that they can be in place prior to any work taking place that could lead to pollution or flooding from the site.

**Condition number correction: Condition 29 on page 67 relating to Electric vehicle charging should be Condition 31 in order to avoid duplication.**

**No further changes.**

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