



DEVELOPMENT CONTROL COMMITTEE

COUNCIL CHAMBER, BURNLEY TOWN HALL

**Thursday, 9th December, 2021 at 6.30
pm**

SUPPLEMENTARY AGENDA

8) *Update Report*

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DEVELOPMENT CONTROL COMMITTEE

Thursday 9th December 2021

Late Correspondence/Verbal Reports

AGENDA ITEM 6

Agenda Item 6a

HOU/2021/0465 - 18 Basnett Street, Burnley

Pages 11-22

Corrected reasons for refusal:

1. The proposed development, by virtue of its size and scale, represents an overdevelopment of the site; it would fail to appear subservient to the host dwelling and would create a discordant and inappropriate extension that would be out of keeping with the dwelling and disrupt the visual harmony of the pair of semi-detached houses, thereby adversely affecting the character and visual amenities of the site and the street scene, contrary to Policies HS5 and SP5 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework.
2. The proposed development would, due to the close proximity of the proposed two storey extension, have an unacceptable impact on the residential amenities of the occupiers of nos. 99 and 101 Thursby Road, leading to a loss of daylight and a dominating and overbearing outlook, contrary to Policies HS4, HS5 and SP5 of Burnley's Local Plan and the National Planning Policy Framework.

Agenda Item 6b

OUT/2021/0234 – 5-17 Croft Street & 3-9 Yorkshire Street, Burnley

Pages 23-38

Consultation Responses

United Utilities: No objections. Conditions are recommended to require a surface water drainage scheme and to ensure that foul and surface water are drained on separate systems.

Conditions

The following conditions are recommended:

1. Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: The permission is an outline planning permission.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.

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

5. An application for the approval of Reserved Matters shall apply the general principles of scale and design indicated in the proposed elevation drawings submitted for indicative purposes only (drawing numbers 766-10-216PRevC, 766-10-217PRevC, 766-10-218PRevC and 766-10-230PRevC, received on 3rd November 2021).

Reason: The principles of scale and design that are established in this outline application are fundamental to the proposed vertical extension of the building, having regard to its position at the gateway to the Town Centre and potential impact on the setting of an adjoining Grade II listed building and the Town Centre Conservation Area, in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).

6. Notwithstanding any indication on the indicative proposed elevations and illustrations submitted with this outline application, details and representative samples of the external materials of construction to be used on the walls and roof of the development (including doors and windows frames) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. The development shall thereafter only be carried out in accordance with the approved materials.

Reason: To ensure an appropriate appearance to the development, having regard to its prominent and sensitive location at the gateway to Burnley Town Centre and the setting of an adjoining Grade II listed building and the Town Centre Conservation Area, in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).

7. Prior to the commencement of built development, 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 development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

8. 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 for condition: 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.

9. The approved development shall not be first occupied until a Verification Report and Operation and Maintenance Plan for the approved surface water drainage system 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).

10. Foul and surface water shall be drained on separate systems.

Reason: To ensure the site can be adequately drained, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018).

11. An application for the approval of Reserved Matters shall provide details of secure cycle storage to cater for up to 32no. flats. Secure cycle storage shall thereafter be constructed in accordance with the approved details and made available for use by all occupiers of the development prior to any flat being first occupied. The approved cycle storage shall not at any time be obstructed and shall be retained at all times for its original purpose.

Reason: To facilitate and encourage the use of cycles by occupiers of the development, as a sustainable mode of transport, having regard to the location of the site in Burnley town centre and the absence of on-site car parking, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

12. An application for the approval of Reserved Matters shall include details for the provision of internal storage of refuse and recycling waste and its collection and disposal from the site to cater for the needs of the development. Refuse and recycling storage shall thereafter be provided, collected and disposed of in accordance with the approved details and made available for use prior to any flat

being first occupied. The approved refuse and recycling storage shall be retained at all times for its original purpose.

Reason: To ensure adequate storage for refuse and recycling waste is provided away from public views, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

13. An application for the approval of Reserved Matters shall be accompanied with details of how energy and water efficiency measures are designed into the proposed scheme. The approved measures shall thereafter be implemented in full prior to any flat being first occupied.

Reason: To ensure that the scheme achieves a high standard of sustainability, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

14. 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
- Arrangements for turning of vehicles within the site
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures
- Measures to protect vulnerable road users (pedestrians and cyclists)
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction
- Measures to control the emission of dust and dirt during construction
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works
- Construction vehicle routing
- Delivery and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 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.

15. No development shall be commenced until a ground investigation and report which demonstrates that the development can be safely undertaken and occupied has

been submitted to and approved in writing by the Local Planning Authority. The ground investigation and report shall include the following :

1. the methodology, techniques and equipment and circumstances of the survey, the findings of tests and investigations and final conclusions and recommendations;
2. any remediation measures which demonstrate that the development can be safely undertaken and occupied.

Where remediation works are identified, these shall be carried and completed as part of the construction of the development and a verification report to evidence this shall be submitted to and approved in writing by the Local Planning Authority prior to any flat being first occupied.

Reason: There is the potential for the site to be affected by landfill gas and mine gas, in which case the investigation and any remedial measures that follow from this are necessary to ensure that the site is developed in a safe and secure manner, in the interests of public safety, in accordance with Policy NE5 of Burnley`s Local Plan (July 2018).

16. No development shall be commenced until a noise assessment of the external and internal noise likely to affect the development has been submitted to and approved in writing by the Local Planning Authority. The assessment shall take into account the noise from surrounding road networks including the nearby bus station and noise from town centre activities, including night time noise and environmental noise from any other noise sources, as well as potential noise generated within the proposed development. The assessment shall identify all noise attenuation measures that are appropriate to mitigate against external and internal noise that identified in the assessment. No flat shall be first occupied until the approved noise attenuation measures have been carried out and completed and a verification report to evidence this has been first submitted to and approved in writing by the Local Planning Authority. The approved noise attenuation measures shall be retained at all times.

Reason: To ensure a satisfactory amenity for occupiers of the development, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

17. In the event that the development has not commenced by the 30th April 2024, no works or development shall take place after this date until the building has been re-assessed for bats by a suitably qualified bat specialist or ecologist, the findings of which shall be submitted to and approved in writing by the Local Planning Authority. In the event that the survey finds evidence of bats at the site, no development shall take place until appropriate advice has been taken and any necessary licence has been obtained or mitigation measures agreed.

Reason: To take into account the passage of time between the submitted Preliminary Bat Roost Assessment Report and the potential start of works, in order to protect bats which are protected species, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018). The survey is required prior to the commencement of development to ensure that the risk of harm to protected species is low.

18. No part of the service yard shall be used for car parking in association with the proposed flats and shall be kept clear from any obstructions and clear for the purposes of servicing and access at all times.

Reason: To take account of the needs of the ground floor commercial premises and other users of the shared service yard and to avoid congestion, clutter and obstructions that would hinder accessibility and the amenities of all users, in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).

19. The proposed development of up to 32no. flats shall be afforded a principal access from the front of the premises on Croft Street (in addition to further access points to the rear of the building).

Reason: To ensure the satisfactory implementation of the proposal and provide a safe and convenient means of access to the development.

20. Prior to the commencement of development, a scheme for external lighting that shall minimise light spillage outside of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved scheme and only external lighting that accords with the approved scheme shall be permitted to be installed or operate at the premises at any time.

Reason: To avoid external light spillage, glare or nuisance from sensor lights that would adversely affect residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (2018).

21. 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 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, requests in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

Agenda Item 6f

**HOU/2021/0437 - 72 Rosehill Road, Burnley
Pages 71-80**

The two reasons for refusal set out in the agenda have been revised into one reason.

Reason for Refusal:

1. The proposed extensions by virtue of their scale, size and design would result in the overdevelopment of the site that is considered to detrimental to the character of the area. Furthermore, the proposed extensions and roof lift would appear

disproportionate to the original dwelling and result in the introduction of a dominant unsympathetic development. The creation of an elongated gable façade which fronts the highway is not considered compatible with the streetscene. As such the proposal is considered to be in direct conflict with the aims and objectives of policies HS5 and SP5 of Burnley's Local Plan along with the emphasis on securing high quality design set out within the National Planning Policy Framework.

Agenda Item 6g

FUL/2021/0281 – Brownside Shed Mill, Brun Terrace, Worsthorne-with-Hurstwood Pages 81-88

Demolition

The agent has informed the department that the remaining parts of the building from the former fire damage have had to be demolished for safety reasons. As such, a photographic record of what remained of the structure is no longer applicable.

Conditions

The following conditions are recommended:

1. The development must be begun within three years of the date of this decision.

Reason: 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. The development hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.

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

3. The materials of construction to be used on the external walls and roof of the development shall be in accordance with the approved plans and the specifications on the application forms unless any variation to this is otherwise approved in writing by the Local Planning Authority.

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

4. No unit shall be first occupied until the means of access from the junction of Brownside Road and Brun Terrace to the proposed building has been improved in accordance with a detailed scheme that shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To cater for additional traffic on a private road that is also used by residential properties and is unsuitable for further traffic movements without improvements to its condition, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

5. The development shall not be carried out otherwise than in full accordance with the submitted Flood Risk Assessment (report reference 2021-041-A) and the mitigation measures contained within it.

Reason: To ensure the satisfactory implementation of the proposal, in order to appropriately manage the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018).

6. Prior to the commencement of built development, 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 unit being first brought into use. 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 development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies CC4 and NE5 of Burnley's Local Plan (July 2018).

8. No development shall be commenced until protective fencing to protect the trees to be retained on and adjacent to the site has been erected in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. There shall be no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees. The protection measures shall be implemented and remain in situ during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees at and adjacent to the site boundary, in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). Details of the protective fencing is required prior to the commencement of development in order to ensure that adequate protection can be put in place prior to any potential adverse impacts on trees from construction vehicles, plant, deliveries and other site activities.

9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders, the approved units open shall be used for either Class B1(c) light industrial uses only and shall not be used for any other purposes.

Reason: To protect the amenities of occupiers of neighbouring properties from potential noise, dust and fumes that may result from other Class B uses as well as managing the type and amount of traffic to minimise potential adverse effects from the use of Brun Terrace by industrial traffic, in the interests of safeguarding residential amenity and highway safety, in accordance with Policies SP5, EMP3 and IC1 of Burnley's Local Plan (July 2018).

10. No development shall be commenced until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall conform to current guidance and best practice as set out in BS10175:2011 Investigation of potentially contaminated sites - code of practice; CLR 11 - Model procedures for the management of land contaminations or other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the Local Planning Authority:

a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and

b) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

No dwelling shall be first occupied until a Verification report (produced by the suitably qualified person) to evidence that all remediation works, as applicable, have been carried out in accordance with the approved remedial strategy, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to deal appropriately and safely with the risks posed to the public and future occupiers by the historic use of the site and land uses in the surrounding area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The site investigation and remediation scheme are required prior to the commencement of development in order 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.

11. Prior to the commencement of built development, a scheme for external lighting that shall minimise light spillage outside of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved scheme and only external lighting that accords with the approved scheme shall be permitted to be installed or operate at the premises at any time.

Reason: To avoid external light spillage, glare or nuisance from sensor lights that would adversely affect residential amenities and wildlife, in accordance with Policies SP5 and NE1 of Burnley's Local Plan (2018).

12. No unit hereby approved shall operate or work carried on and no deliveries shall be received or despatched other than between 07:30 hours and 19:00 Monday to Friday and between 08:00 and 17:00 on Saturdays; and there shall be no work or

operations take place at all or deliveries received or despatched on Sundays or Bank/Public Holidays.

Reason: To ensure that the development can be satisfactorily carried out whilst respecting and safeguarding the residential amenities of nearby occupiers, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

13. Prior to the commencement of built development, details of refuse storage for the approved units shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage and any enclosure, where applicable, shall be constructed, completed and made available for use prior to any of the approved units being first occupied and shall thereafter be retained at all times.

Reason: To ensure a suitable area for refuse, in the interests of maintaining a tidy site, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

14. No unit shall be first occupied until the associated parking spaces for the development and turning areas, as indicated on the approved plans, have been constructed, surfaced, drained and are available for use. The parking spaces and turning areas shall thereafter be retained as approved at all times.

Reason: To ensure adequate parking arrangements and turning within the site to cater for the needs of the proposed development, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

15. No unit shall be first occupied until it has been fitted with an Electric Vehicle Charging (EVC) point in accordance with details of its location and specifications which shall be first submitted to and approved in writing by the Local Planning Authority. The approved EVC points for each unit shall thereafter be retained at all times.

Reason: To facilitate the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

16. Surface water from the areas of forecourt, hardstanding and parking areas shall be collected and drained to an appropriate internal outfall, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved drainage of the forecourt, hardstanding and parking areas shall thereafter be retained at all times.

Reason: To ensure adequate drainage to prevent surface flooding on these areas and elsewhere, in accordance with Policies IC3 and CC4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the agreed works can be satisfactorily carried out at an appropriate stage in the development.

17. 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, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Deliveries to the site

shall only be accepted between the hours of 09:30 and 14:30 hours Monday to Friday and at no other time. Where permission is sought for works to be carried out outside the hours stated, requests in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

Agenda Item 6i

OUT/2021/0443 – Land at Barden Lane, Burnley

Pages 97-126

Conditions

The following additional conditions are recommended:

36. No development shall take place unless a Risk Assessment and Method Statement outlining the construction of foundations and landscaping works in proximity to the Leeds and Liverpool Canal have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
- the design, depth and means of construction of the foundations of new buildings and any proposed retaining walls (including cross sections in relation to the canal bank), together with any other proposed earth moving and excavation works required in connection with the development;
 - details of the location of stockpiles and construction equipment on site;
 - details of any protective fencing to be erected to safeguard the waterway infrastructure during construction; and
 - details of the culvert that passes from the development site under the canal structure and any impact on water flows and on the canal structure that may arise from the development, together with any remedial measures to address any identified impact.

The development shall thereafter only be carried out and completed in strict accordance with the agreed Risk Assessment and Method Statement.

Reason: In the interests of safeguarding the stability and integrity of the structure of the Leeds and Liverpool Canal, in accordance with Policy NE5 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework.

End of Late Correspondence.
8th December 2021.

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