



DEVELOPMENT CONTROL COMMITTEE

**ROOMS 2 & 3, BURNLEY TOWN
HALL**

**Wednesday, 18th January, 2023 at 6.30
pm**

SUPPLEMENTARY AGENDA

9) *Update Report*

3 - 14

PUBLISHED

17th January 2023

This page is intentionally left blank

DEVELOPMENT CONTROL COMMITTEE

Wednesday 18th January 2023

Update Report prior to Committee meeting

AGENDA ITEM 6a

FUL/2022/0149 – Hollins Cross Farm, Woodplumpton Road, Burnley

Pages 11-88

The relevant policies are listed on page 41 and 42 of the report. Please also include the 'Planning for Health: Supplementary Planning Document Oct 2022'. This has been considered and is in line with other policies considered within the report.

Removal of condition 7- duplicate.

AGENDA ITEM 6b

FUL/2022/0259 Land off Rossendale Road, Burnley

Pages 89- 122

The relevant policies are listed on page 96 of the report. Please also include the 'Planning for Health: Supplementary Planning Document Oct 2022', and the 'Air Quality Management: Protecting Health and Addressing Climate Change Supplementary Planning Document Dec 2022'. These have been considered and is in line with other policies considered within the report.

AGENDA ITEM 6d

FUL/2022/0059 - Former Padiham County Primary School Site, Burnley Road, Padiham

Pages 145-162

Page 162 – Recommended Conditions

The recommendation is for Delegation to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Obligation to secure a contribution to public open space improvement and to the following Conditions:-

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 approved bungalows shall be occupied only as a dwelling under Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent equivalent to that provision and any level of assisted support for occupiers of those dwellings shall be wholly incidental to the approved Class C3 use.

Reason: To ensure the satisfactory implementation of the proposal which has been assessed on the details of the proposed use of Class C3 only, a deviation from which would need to be re-assessed, in accordance with Policies HS4, SP5 and IC3 of Burnley's Local Plan (July 2018).

4. The proposed staff unit shall be used solely for the purposes of providing a rest room, office and overnight facilities for a member of staff employed to provide support for the occupiers of the Class C3 dwellings hereby permitted and shall not be used for any other purpose.

Reason: To ensure the satisfactory implementation of the proposal; the size of the unit would make it unsuitable for a dwelling and any other use would need to be re-assessed, in accordance with Policies SP5, HS4 and IC3 of Burnley's Local Plan (July 2018).

5. The approved bungalows shall be constructed as a one bedroom dwelling only as indicated on the approved plans and shall remain as such in perpetuity.

Reason: The development has been assessed on the basis of one bedroom units only and any increase in this number would be need to be re-assessed in respect of car parking provision and its likely impact on on-street parking.

6. Prior to the commencement of development, details and representative samples of the external materials of construction, which shall be natural stone and natural slate, to be used on the walls and roofs 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 details.

Reason: To ensure a satisfactory appearance to the development, having regard to the distinctive character of the local area and the setting of adjacent listed buildings, in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018). The material details are required prior to the commencement of development to ensure that the approved materials are available for use at the appropriate stage of the development.

7. No development shall be commenced unless and until a method statement for the protection of the boundary wall and property at Stockbridge House against potential degradation or damage from any excavation works, construction traffic and use of plant and machinery during the process of the development. The development shall thereafter only be carried out in accordance with the approved method statement for the full duration of the development.

Reason: To ensure adequate and special measures are put in place to protect the fabric of a Grade II* listed building which is a highly important building and due to its age is likely to be susceptible to harm from construction work at such close quarters, in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

8. No removal of vegetation, trees, shrubs, ground clearance or development shall be commenced unless and until an Arboricultural Method Statement and Tree Protection Plan to provide a detailed method, design and measures for excavation works, construction and the protection of the adjacent trees at Stockbridge House and the horse chestnut tree fronting Victoria Road, have been submitted to and approved in writing by the Local Planning Authority. The submitted Arboricultural Method Statement shall include a detailed proposal for any pruning or crown lifting to the trees adjacent to and on the site, including details of the timing for these works to take place. The development shall thereafter only be carried out in full and strict accordance with the approved Arboricultural Method Statement and Tree Protection Plan. 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. Any future pruning or works to overhanging branches of trees at Stockbridge House shall not exceed those previously approved and shall be in accordance with the approved Arboricultural Method Statement.

Reason: To ensure adequate protection for the long term health, vigour and appearance of trees, including some protected trees, which should be retained due to their contribution to the setting of Stockbridge House which is a Grade II* listed building and in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy HE2, NE1 and NE4 of Burnley's Local Plan (July 2018). The Statement and Plan are required prior to the commencement of any development due to the need for the approved measures to be carried out from the start of the development in order to satisfactorily protect trees.

9. Prior to the commencement of development, a detailed scheme of landscaping which shall be in accordance with the indicative outline scheme at Appendix 1 of the submitted Tree Bat Roost Assessment, Bird Issues & Ecological Enhancement report (prepared by Pennine Ecological, dated August 2022) to include native species (noting species, plant sizes/heights on planting and proposed numbers/densities where appropriate), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory scheme of landscaping that provides a verdant appearance to the development using suitable species for enhancing biodiversity, in accordance with Policies NE4, SP5 and NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the details are agreed early in the process in order that they can be carried out at the appropriate stage of the development.

10. All planting, seeding or turfing comprised in the approved details of landscaping (as approved by Condition 9) shall be carried out in the first planting and seeding seasons following the first occupation of any dwelling or the completion of the development, whichever is the sooner. The landscaping scheme shall thereafter be maintained and retained and any 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. In addition, all trees that form part of the approved landscaping scheme shall be retained in perpetuity and if any trees are at any time removed, die or

become seriously damaged or diseased then they shall be replaced in the next planting season with species and specifications (including height on planting and precise positioning) to be agreed in writing by the Local Planning Authority.

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings and contributes to biodiversity enhancement, in accordance with Policies SP5 and NE1 of Burnley's Local Plan (July 2018).

11. Prior to the first occupation of any dwelling, a landscape and open space management plan, including long term design objectives, details of the management, responsibilities and maintenance schedules for all landscaped areas and areas of open space (excluding any private gardens) to cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. The landscape and open space management plan shall be carried out and adhered to as approved in perpetuity.

Reason: To ensure that open spaces and incidental landscaped areas outside of private gardens 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).

12. No works or removals of trees or shrubs on the site shall take place during the bird nesting season between the 1st March and 31st August inclusive in any year unless a qualified ecologist has inspected the area no more than 24 hours prior to the works/removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

Reason: To ensure that nesting birds which are protected by the Wildlife and Countryside Act 1981 are not harmed by the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). This must be carried out prior to the commencement of development in order to prevent any potential harm to breeding birds.

13. Prior to the commencement of development, a Biodiversity Enhancement Plan which shall include details of bird and bat boxes (including the location, quantum and specification) on the site, together with details of the timescales for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The measures contained within the approved Biodiversity Enhancement Plan shall thereafter be carried out as approved and retained at all times thereafter.

Reason: To ensure that the development provides opportunities for on-site biodiversity enhancement, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The Biodiversity Enhancement Plan is required prior to the commencement of development to ensure that the agreed measures can be incorporated into the construction of the development at the appropriate stages.

14. Prior to the commencement of development, a scheme for the detailed design of the proposed site access and off-site works of highway improvement to include the use of lowered kerbs and tactile paving, the re-positioning of the existing traffic calming features on Victoria Road, and removal of school keep clear markings on Burnley Road, shall be submitted to and approved in writing by the Local Planning

Authority. The approved scheme shall thereafter be implemented in its entirety and completed prior to any bungalow being first occupied.

Reason: To ensure that satisfactory access is provided to the site and is made safe for all highway users and satisfactory provision is made to encourage use of public transport, having regard to sustainable travel and highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development 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.

15. The proposed access junction and estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

16. No development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the maintenance and management of all streets, access roads and parking bays/spaces have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed, maintained and managed at all times in accordance with the approved details.

Reason: To ensure these details are adequate to provide satisfactory access, amenity and future management/maintenance to cater for the needs of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development 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.

17. Each in-curtilage parking space shall be for the sole use of the associated dwelling and a dedicated parking space shall be identified and provided for all other dwellings and staff unit in accordance with details to be submitted to and approved by the Local Planning Authority prior to any dwelling being first occupied. All car parking spaces shall be constructed, drained, surfaced (in black bitumen macadem or other approved bound material), marked out and be available for use in accordance with the approved plans prior to the first occupation of that dwelling or staff unit. The car parking spaces associated with each bungalow and the staff unit shall thereafter be retained as approved for the purposes of car parking at all times.

Reason: To ensure adequate off-street parking for each property, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

18. Pedestrian paths and openings as indicated on the approved plans to permit members of the public to cross the site between Victoria Road and Burnley Road shall be constructed, surfaced and be available for use prior to any bungalow being first occupied. The pedestrian routes through the site shall thereafter be retained and remain open at all times for use by members of the public in perpetuity.

Reason: To ensure the site is well connected and integrated into its surroundings, to enhance accessibility for pedestrians, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

19. 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.

20. At weekdays, Monday to Friday inclusive, the applicant or developer shall only permit delivery vehicles to arrive at or enter or exit the site between the hours of 9.30am and 2.30pm.

Reason: To avoid peak traffic on the surrounding highway network, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

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.

Reason: To avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

22. 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).

23. A scheme for the provision of electric vehicle charging points within the development shall be submitted to and approved in writing prior to the commencement of development. The approved scheme shall thereafter be carried out and available for use prior to any dwelling being first occupied. The approved scheme shall be retained at all times.

Reason: To encourage 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) and the National Planning Policy Framework.

24. The boundary stone walls and railings to each boundary of the site shall be retained and repaired and refurbished and gaps infilled as necessary, prior to any dwelling being first occupied, in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The repaired/refurbished stone walls and railings shall be retained in perpetuity.

Reason: The perimeter stone walls and stone walls with railings contribute to the distinctive character and historic interest of the site and its surroundings and the setting of adjacent heritage assets and as such should be improved and retained, in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018). A detailed scheme is required prior to the commencement of development to ensure that the details are satisfactory and can be carried out at the appropriate stages of the development.

25. Prior to the commencement of development, details of any boundary treatment to be used at Block C, walling at each end of Blocks A.1 and A.2 and any other means of enclosure to be erected within the development site, shall be submitted to and approved in writing prior to the commencement of development. The development shall thereafter be carried out and completed in accordance with the approved details before any dwelling is first occupied.

Reason: To ensure that the details of boundary treatment and means of enclosure are appropriate and in keeping with the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that they are satisfactory and can be carried out at the appropriate stages of the development.

26. Block A.1 and A.2 shall be completed with the chimneys indicated on the approved plans prior to any dwelling being first occupied in each block.

Reason: To ensure the satisfactory implementation of the proposal which includes the use of chimneys that contribute to the character of the development and its integration into the historic street scene on Burnley Road, in accordance with Policies SP5 and HE2 of Burnley`s Local Plan (July 2018).

27. Prior to the commencement of development, the following details for the construction of the development shall be submitted to and approved in writing by the Local Planning Authority:-

i) treatment to the eaves (such as soffits/boards), to include dry verges to Blocks A.1 and A.2;

ii) the materials and design of external doors; and,

iii) the recessing of window frames in reveal.

The development shall thereafter be constructed and completed in accordance with the approved details.

Reason: To ensure that these details contribute to a distinctive character that is sensitive to the historic character of the site`s surroundings, in accordance with Policies SP5 and HE2 of Burnley`s Local Plan (July 2018).

28. The development hereby permitted shall be carried out in accordance with the principles set out within the submitted site-specific flood risk assessment, reference PEL-PN0021-FRARev1.1 (prepared by Pluviam Environmental, dated 20.10.2022).

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site, in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework, Defra Technical Standards for Sustainable Drainage Systems and Policies CC4 and CC5 of Burnley`s Local Plan (July 2018).

29. No development shall be commenced until a detailed final surface water sustainable drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment reference PEL-PN0021-FRARev1.1 (prepared by Pluviam Environmental, dated 20.10.2022) and indicative surface water sustainable drainage strategy (drawing number PN0021-PEL-XX-XX-DR-Y-0001-P03, prepared by Pluviam Environmental, dated 19.12.2022), and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s) directly or indirectly. The approved scheme shall thereafter be implemented and completed in full in accordance with the approved details prior to any dwelling 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 Paragraphs 167 and 169 of the National Planning Policy Framework, Defra Technical Standards for Sustainable Drainage Systems and Policies CC4 and CC5 of 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 the appropriate stage in the development.

30. Prior to the commencement of any development, a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on site during construction (including site clearance operations) shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall thereafter be implemented, managed and maintained 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.

31. No dwelling shall be first occupied unless and until a site-specific Operation and Maintenance Manual 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 drainage system shall thereafter be retained, managed and maintained at all times in accordance with the approved Operation and Maintenance Manual.

Reason: To ensure that the approved sustainable drainage system is appropriately maintained in order to minimise the risk of surface water flooding in the future, in accordance with Paragraph 169 of the National Planning Policy Framework and Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

32. No dwelling shall be first occupied until a site-specific Verification Report pertaining to the implementation of the approved surface water sustainable drainage system has been submitted to and approved in writing by the Local Planning Authority. The submitted Verification Report shall contain sufficient information to demonstrate that the surface water sustainable drainage system has been constructed and completed in accordance with the approved drainage scheme (or detail any minor variations) and is fit for purpose.

Reason: To evidence the completion of the approved sustainable drainage scheme in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework and Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

33. Foul and surface water shall be drained on separate systems and a scheme for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. 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 development to

ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

34. Prior to the commencement of development, details of finished floor levels for all 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 details.

Reason: To ensure the satisfactory implementation of the proposal, having regard to the appearance of the development and its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the dwellings are constructed in accordance with the approved levels.

35. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided for that dwelling within a stone walled enclosure as indicated on the approved plans, and in accordance with detailed specifications of the construction, materials and height of the enclosure which shall be previously submitted to and approved in writing by the Local Planning Authority. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained as approved at all times.

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

36. 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.

37. A minimum of four dwellings within Block C shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes and shall not be first occupied until a Verification Report prepared by a suitably competent surveyor or professional to demonstrate that the standard has been achieved for each of these four dwellings, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development provides benefits to new occupiers by the provision of adaptable homes to meet lifetime needs, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

End of Update Report
17th January 2023

This page is intentionally left blank