



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Wednesday, 24th June, 2020 at 6.30 pm

**This meeting was a remote meeting held under the
Coronavirus Act 2020.**

PRESENT

MEMBERS

Councillors F Cant (Chairman), M Payne (Vice-Chair), A Anwar, G Birtwistle, S Chaudhary, I Emo, S Graham, S Hall, J Harbour, A Hosker, M Ishtiaq, A Kelly, N Mottershead and J Sumner

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
Janet Filbin	– Principal Planner
David Talbot	– Senior Solicitor
Imelda Grady	– Democracy Officer
Alison McEwan	– Democracy Officer

1. Apologies

Apologies for absence were received from Councillor Marcus Johnstone and Councillor Lubna Khan.

2. Minutes

The Minutes of the last meeting held on 14th May 2020 were approved as a correct record.

3. List of Deposited Plans and Applications

The following members of the public addressed the Committee under the Right to Speak Policy:

Mr David Waddington – FUL/2020/0028 addressed the Committee and spoke against the application

Mr Nick White – FUL/2020/0028 - the democracy officer read out a letter submitted by Mr White in support of the application

RESOLVED That the list of deposited plans be dealt with in the manner shown in these minutes.

4. FUL/2020/0028 - Land to the North of Higher Saxifield Street, Burnley

**Town and Country Planning Act
Erection of 117no. dwellings with associated access roads, open space and landscaping and vehicular access from Standen Hall Drive following the demolition of No. 64 Standen Hall Drive. Proposal affects Public Footpath Nos. 174 and 224, Briercliffe.**

Land to the North of Higher Saxifield Street Burnley

Before a decision was taken it was moved and seconded that the meeting move into private session and it was RESOLVED

That in accordance with Section100A(4) of the Local Government Act 1972 that the application be transferred into the confidential part of the agenda in order to receive information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Decision

That the Head of Housing and Development Control be delegated to approve the application subject to the applicant entering into a section 106 Agreement relating to education provision, affordable housing and open space improvements and conditions

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. Prior to the commencement of built development, representative samples and details of the external materials of construction 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 materials.

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

4. Details of surfacing materials to be used on the estate roads, driveways and parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of built development. The development shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure a high quality appearance to the development, in accordance and access/parking facilities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

5. Prior to the commencement of development, a Phasing Plan and Strategy, which shall set out the phasing of all works on the site and built development and the timing for the establishment of all the open spaces to be provided and the works to re-open a section of culvert within the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved phasing plan and strategy shall thereafter be adhered to unless any variation is otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a satisfactory manner and that facilities are provided at appropriate stages within the course of the whole development, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

6. No development shall be commenced until a scheme for the means of protecting the trees and hedges to be retained on or adjacent to the site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for 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 or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees/hedges which should be retained 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). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.

7. All planting, seeding or turfing comprised in the approved details of landscaping set out on the approved Landscape Layout (drawing number 3311/101RevD) and planting plans on sheets 1-5 (drawing numbers 3311/201RevC, 3311/202RevC, 3311/203RevB, 3311/204RevB and 3311/205RevC) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings

within any phase of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

8. All the measures indicated on the approved Habitat Compensation Plan (drawing number AK0/010RevA) shall be carried out in accordance with the Phasing Plan and Strategy as approved by Condition 5 and shall be completed prior to all the dwellings on the site are first occupied. The measures provided in accordance with the approved Habitat Compensation Plan shall be retained in perpetuity.

Reason: To ensure adequate mitigation for the loss of grassland habitat in order to maintain and enhance biodiversity on the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

9. 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).

10. The areas of open space within the site shall at all times, in perpetuity, be managed and maintained in accordance with the details of the approved Landscape Management Plan (reference no. 3311 501 Revision C) and shall not be varied unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site and biodiversity, in accordance with Policies HS4 and NE1 of Burnley's Local Plan (July 2018).

11. No vegetation clearance required to facilitate the scheme shall take place or works take place to any drystone wall, during the bird nesting season between March and July inclusive unless evidence from a qualified ecologist is previously submitted to demonstrate that no nesting birds would be affected by the works and the Local Planning Authority has authorised such works in writing.

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).

12. The new estate road and access between the site and Standen Hall Drive 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 and shall thereafter be constructed to at least base course level within

that each successive phase prior to development being commenced in that phase in accordance with the approved Phasing Plan and Strategy required by Condition 5.

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

13. Concurrent with the formation of the vehicular access to the site, 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.

Reason: To minimise the number of access points and to provide a satisfactory new junction, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

14. Prior to the commencement of development, a scheme for the construction of the site access and associated off-site works of highway improvement which shall include for the upgrading of two bus stops at Briercliffe Road, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to and from the site to serve the needs of the development, in the interests of 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. No dwelling shall be first occupied until the approved scheme referred to in condition 12 above has been constructed and completed in accordance with the scheme details.

Reason: To ensure that new occupiers have a safe means of access to and from the site, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

16. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

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

17. Prior to any built development, details of the pedestrian/cycle links to be provided between the application site and Saxifield Street, Camp Street and Cuerdale Street shall be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian and cycle links shall thereafter be constructed in accordance with the approved details and be completed and available for use prior to the completion of the development. The approved pedestrian/cycle links shall be retained and remain open and available for use at all times thereafter.

Reason: To ensure the site is accessible within its surroundings, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

18. No built development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads 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 IC3 of Burnley's Local Plan (July 2018).

19. 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).

20. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) wheel washing facilities;
 - vii) details of working hour;
 - viii) contact details for the site manager; and,
 - ix) routing of delivery vehicles to/from the site.

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.

21. Prior to any dwelling being first occupied, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented in accordance with the timescales within the approved Travel Plan and shall be audited and updated at intervals of not greater than 18 months. The measures contained with the Travel Plan shall be adhered to at all times.

Reason: To promote and provide access to sustainable travel options, in accordance with Policy IC2 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, applications 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. Electric car charging points using (as a minimum) a three-pin 13-amp electrical socket in a suitable position to enable the recharging of an electric vehicle using a 3m length cable shall be installed in accordance with the approved drawing number AJ14/001RevB prior to each respective dwelling being first occupied.

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).

24. Prior to the commencement of the development, a scheme of archaeological trial trenching to investigate the possible early site of Lower Saxifield and the anomalous features identified in the Lidar Survey accompanying the Heritage Impact Assessment, shall be carried out and the results of the work and conclusions drawn from those results shall be submitted to and approved in writing by the Local Planning Authority. In the event that archaeological remains are encountered then a subsequent phase of impact mitigation and a phase of appropriate analysis, reporting and publication shall be developed and a further Written Scheme of Investigation submitted to and agreed with the Local Planning Authority and implemented before development commences. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor bound by the standards and guidance set out by the Chartered Institute for Archaeologists. The development shall be carried out in accordance with the agreed details.

Reason: To ensure and safeguard the investigation and recording of matters of potential archaeological/historical importance associated with the development, in accordance with Policy HE4 of Burnley's Local Plan (July 2018). The investigation is required prior to the commencement of development to ensure that any archaeological interest can be identified and recorded prior to any work which may remove, harm or destroy any such finds.

25. 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 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.

26. 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).

27. 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, CC5 and NE5 of Burnley's Local Plan (July 2018).

28. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details on the Bin Collection & Unadopted Road Plan (drawing number AJ14/006RevA). The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.

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).

29. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended), the garages hereby approved (including integral/attached/detached garages) shall remain available at all times for the parking of a motor vehicle and shall not be altered to provide habitable space.

Reason: To ensure that car parking levels for each property are preserved to ensure the continued compliance with the Council's parking standards, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

30. The proposed boundary treatments as indicated on drawing number AJ14/003RevA shall be carried out and completed within each phase of the development and shall be wholly completed prior to the occupation of any dwelling within the final phase of the development.

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

31. The development shall be constructed in accordance with the provisions for adaptable homes as set out on the approved Layout Plan, drawing number AJ14/001RevB).
32. In the event that any previously unidentified or unexpected contamination is found at any time during the development process, development shall cease and this shall be reported in writing immediately to the Local Planning Authority. A full risk assessment, including investigations as necessary, shall be carried out and submitted with a Remediation Scheme and be approved in writing by the Local Planning Authority before development re-commences. The development shall thereafter be carried out in accordance with an approved Remediation Scheme and once completed, a Validation Report shall be submitted to the Local Planning Authority and approved in writing prior to the occupation of any dwellings.

Reason: To ensure that any unexpected contaminants are adequately dealt with, in the interests of public health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

33. The drystone wall on the northern boundary of the site shall be retained and where necessary, shall be repaired at its current height and appearance prior to the completion of the development.

Reason: To ensure the retention of an historic boundary feature that provides an appropriate edge between the development and the adjoining fields, in accordance with Policies HE3 and SP5 of Burnley's Local Plan (July 2018).

34. The development shall not be carried out otherwise than in accordance with the measures for water and energy efficiency and renewable energy provision contained within the Sustainability Report (document reference AJ14 – Rev A), and shall be completed in their entirety prior to the completion of the development.

Reason: To ensure the development delivers the expected water and energy efficiencies and renewable energy measures and targets to ensure a high standard of sustainability in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

35. Prior to the commencement of development, the applicant shall use best endeavours to carry out and submit to the Local Planning Authority a Conditions Survey of the culverted watercourse in the vicinity of the development site. The scope and methodology of the Conditions Survey shall be previously agreed in writing with the Local Planning Authority.

Reason: To assist in the understanding of the condition and issues that may affect water flow and flooding at the head of the culvert at the rear of Rockwood Close, in the vicinity of the development site, in the interests of reducing the incidence of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018). The condition is required prior to the commencement of development in order that any potential actions arising from the survey can be carried out at the earliest possible stage in the development of the site.

36. Prior to the commencement of any development or site clearance works, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall detail protection measures to avoid pollution of watercourses during site clearance and the construction of the development. The measures contained within the approved Plan shall be implemented in their entirety for the full period of site clearance and construction works until the completion of the development.

Reason: To ensure adequate precautionary and protective measures against the potential for siltation to cause pollution and affect wildlife in downstream watercourses, in accordance with Policy NE1 of Burnley's Local Plan. The Construction Environment Management Plan is required prior to the commencement of development in order to ensure that the measures approved by the Plan can be in place at the appropriate stage of the development to ensure their effectiveness.