



# DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 21st July, 2022 at 6.30 pm

## PRESENT

## MEMBERS

Councillors S Chaudhary (Chair), G Birtwistle, P Chamberlain, S Cunliffe, S Graham, J Harbour, M Hurt, J Inckle, Kazmi and A Royle

## OFFICERS

|                  |   |
|------------------|---|
| Paul Gatrell     | – Head of Housing & Development Control |
| Catherine Waudby | – Head of Legal and Democratic Services |
| Laura Golledge   | – Planning Manager                      |
| Alison McEwan    | – Democracy Officer                     |

## IN ATTENDANCE

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### 26. Apologies

Apologies for absence were received from Cllrs Hosker, Kelly and Lubna Khan.

### 27. Minutes

The Minutes of the last meeting held on 30<sup>th</sup> June 2022 were approved as a correct record and signed by the Chair.

### 28. Declaration of Interest

Cllr Saeed Chaudhary declared an other prejudicial interest in item 6D. During that item he vacated the Chair, left the meeting and took no part in the debate or decision.

## 29. List of Deposited Plans and Applications

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

|               |  |
|---------------|--|
| Graeme Thorpe | <b>FUL/2022/0023</b><br>Land at Kinross Street & Airdrie Crescent                |
| Leah Taylor   | <b>FUL/2022/0146</b><br>Arncliffe Cottage Halifax Road<br>Briercliffe Lancashire |
| Mary Wallace  | <b>FUL/2022/0146</b><br>Arncliffe Cottage Halifax Road<br>Briercliffe Lancashire |

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

## 30. FUL/2022/0023 - Land at Kinross Street & Airdrie Crescent Burnley

### Town and Country Planning Act 1990

**The erection of 61no. dwellings with associated infrastructure and landscaping works Land At Kinross Street & Airdrie Crescent Burnley BB11 4DP**

### Decision

That the application be delegated to the Head of Housing & Development Control for approval subject to agreement of a S106 agreement and the following conditions.

### Conditions and Reasons

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 external materials of construction to be used on the walls and roofs of the development shall be in accordance with the submitted schedule of materials titled 'Materials Tracker' (Job No. 3588) prepared by BTP Architects unless any variation is otherwise previously agreed in writing by the Local Planning Authority.

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. No development shall take place (including demolition, ground works, vegetation clearance) until a scheme for offsetting biodiversity impacts to achieve net gain shall be submitted to and approved in writing by the Local Planning Authority. The proposed offsetting scheme shall:

- a) be based on prevailing DEFRA guidance;
- b) comply with prevailing regulatory standards and policy requirements which are in force and applicable to this site;
- c) include details of the offset requirements of the development in accordance with the current DEFRA biodiversity metric;
- d) include the identification of a receptor site or sites;
- e) include the evidence of arrangements with the relevant landowner that secures the delivery of the offsetting scheme;
- f) include a management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures);
- g) Timetable for implementation. The biodiversity offsetting measures shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure that there is no net loss to biodiversity resulting from the proposed development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in order to ensure that compensation for the loss of biodiversity resulting from the proposal can be adequately mitigated at an early stage.

5. No development shall be commenced until protective fencing to protect the trees to be retained on the site has been erected in accordance with details as indicated within the Arboricultural Report (prepared by ACS Consulting, dated November 2021). 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 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).

6. All planting, seeding or turfing comprised in the approved details of landscaping set out on the approved Landscape Proposals plan (drawing number 6676.01RevD) 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.

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).

7. Details of any external lighting both temporary and permanent which shall be designed to minimise impact on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. No further external lighting shall thereafter be installed.

Reason: To protect bats and birds, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

8. Prior to the removal of any vegetation on the site or commencement of development, a Control and Eradication Method Statement for the removal of Japanese Knotweed and to prevent its spread from the site 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 method statement.

Reason: To control the spread of an invasive species which has been recorded on the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The method statement is required prior to the commencement of the development so that it can be effectively implemented from the earliest stages of the development.

9. No vegetation clearance required to facilitate the scheme shall take place during the bird nesting season between March and August inclusive unless a qualified ecologist has inspected the area no more than 24 hours prior to its 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.

10. Prior to the commencement of development above ground level, a Biodiversity Enhancement Plan which shall include details of ecologically permeable boundary fencing (to include gaps for small mammals and amphibians) and 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 above ground level to ensure that the agreed measures can be incorporated into the construction of the development at the appropriate stages.

11. Prior to the commencement of development above ground level, a scheme for the re-construction of the highway and off-site works of highway improvement to include lowered kerbs and tactile paving (at the junctions of Kinross Street and Harold Avenue; Kinross Street and Melrose Avenue; Airdrie Crescent and Melrose Avenue; and, Kinross Street and Melrose Avenue) site 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 dwelling or flat being first occupied.

Reason: To ensure that satisfactory access is provided to the site and safe conditions for pedestrians in the immediate surroundings, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the

commencement of 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.

12. 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).

13. 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).

14. The development shall at all times be constructed in accordance with the measures and details contained within the Construction Method Statement, prepared by Ringstones Maintenance and Construction LLP and headed, Kinross Street, dated January 2021, and in accordance with an Estate Street Phasing Plan that shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of 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 Estate Street Phasing Plan is required prior to the commencement of development in order that the stages of the development can be controlled in order to maintain access to residential properties in the immediate area.

15. 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).

16. 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.

17. No built development above ground level shall be commenced until details of a highway surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The approved highway surface water

drainage scheme shall thereafter be implemented in accordance with the approved details as part of the highway construction and completed prior to the occupation of any dwelling.

Reason: To prevent water from discharging onto the public highway, in the interest of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of above ground development to ensure that the approved scheme can be implemented at the appropriate stages of the construction of the development.

18. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment and surface water sustainable drainage strategy (March 2022, AMO/210609/FRA rev C, SCP) and drawings: • Drainage Layout - SCP-210609A-0500-001 Rev B • Surface Water Catchment SCP-210609A-0500-003 Rev B • Flood Routing Plan - SCP-210609A-0500-004 Rev A • Finished Levels - SCP-210609A-0600-001 Rev A • Construction Phase Surface Water Management Plan (Ring Stones, 7/6/22) and associated drawings. The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. 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).

19. The approved development shall not be first occupied until a Verification Report and Operation and Management/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).

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

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

21. 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 approved Site Plan. 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).

22. The development shall not be carried out other than in accordance with the remediation works contained within the submitted Remediation Specification (prepared by Groundtech Consulting, report reference GRO-21190-3528, dated May 2022) and no dwelling shall be first occupied until a Verification Report has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed remediation works have been completed and any further necessary steps, including an future monitoring have been identified. 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).

23. A scheme for the provision and continued use of the development for Affordable Housing shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied. The approved scheme of Affordable Housing shall thereafter be implemented in full and shall continue to do so at all times.

Reason: To ensure that the scheme delivers the intended benefits from the provision of Affordable Housing, in accordance with Policy HS2 of Burnley's Local Plan (July 2018).

24. Electric vehicle charging points shall be installed externally in accordance with the approved plans (drawing number 3900 - 112Rev1) prior to the completion of the development.

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).

25. The plots identified on approved drawing number 3900-S3-106 shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes and none of these dwellings shall 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 dwelling, 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).

### **31. HOU/2021/0694 - 429 Cog Lane, Burnley**

#### **Town and Country Planning Act 1990**

#### **Demolition of existing single storey rear conservatory and erection of single storey rear extension (Resubmission of HOU/2020/0455)**

#### **Decision**

That planning permission be granted subject to the following conditions.

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan and Block Plan: Dwg no 1 RLBRear Elevations, Section and Floor Plan: Dwg no A102 Rev 08 amended plan received 12.04.2022 Proposed Side Elevations: Dwg no A1205 Rev 05 amended plan received 12.04.2022

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. All new external work, materials and finishes shall match those of the existing dwelling/building in their detailed execution, colour, texture, form, scale and finished appearance except where indicated otherwise on the approved drawings.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality and respond positively to the inherent character of the parent dwelling/building.

### **32. FUL/2022/0146 - Arncliffe Cottage, Halifax Road, Briercliffe**

#### **Town and Country Planning Act 1990**

#### **Change of use from C3 Dwellinghouse to C2 small children's residential care home.**

#### **Decision**

That planning permission be granted subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to 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 permitted shall be constructed in complete accordance with the specifications in the application and approved plans; SLP – 001 Rev B, EX-001 Rev A, PR-001, PR-002 Rev A unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the approved use shall operate for up to four children only and not for any other use falling within Class C2.

Reason: To ensure the satisfactory implementation of the proposal and in order that any changes within the same use class can be reviewed in terms of the need for car parking and potential impacts on neighbouring properties, in accordance with Policies IC3 and SP5 of Burnley's Local Plan (July 2018).

4. The development hereby permitted shall not be occupied until an electric vehicle charging point has been installed to serve the development and shall thereafter be maintained.

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.

### **33. Vacation of Chair and Election of Chair**

Due to the interest declared in Minute 34, Cllr Chaudhary vacated the Chair and left the meeting.



Cllr Sue Graham was nominated as Chair for that item. On being put to the vote the motion was carried, and Cllr Sue Graham stepped into the Chair.

**34. COU/2022/0348 - 55 Daneshouse Road, Burnley**

**Town and Country Planning Act 1990**

**Change of use from an existing commercial office premises (Class E) to a 5 bedroom HMO (House of Multiple Occupation)(Class C4).**

**55 Daneshouse Road Burnley Lancashire BB10 1AF**

A motion to refuse the application was moved and seconded for the following reasons: *The proposed development would not be an appropriate reuse of the building as it would be an over intensive use of the site that would result in unacceptable living conditions for future occupants due to the lack of provision of adequate outdoor space within the curtilage for amenity, bin storage and cycle storage. As such the proposal conflicts with policies SP4 (3a) and SP5 (2h&i) of the adopted Local Plan for Burnley.*

As this was against officer recommendation, a recorded vote was undertaken. On being put to the vote, the motion was carried.

| <b>Motion to refuse COU/2022/0348 against Officer recommendation (Motion)</b> |                       |
|---|-----------------------|
| Councillor Saeed Chaudhary  | Conflict Of Interests |
| Councillor Gordon Birtwistle  | For                   |
| Councillor Phil Chamberlain   | For                   |
| Councillor Scott Cunliffe   | For                   |
| Councillor Sue Graham   | For                   |
| Councillor John Harbour   | For                   |
| Councillor Martyn Hurt  | For                   |
| Councillor Jacqueline Inckle  | For                   |
| Councillor Syeda Kazmi  | For                   |
| Councillor Ann Royle  | For                   |
| <b>Carried</b>  |                       |

**Decision**

That planning permission be refused for the following reasons:

The proposed development would not be an appropriate reuse of the building as it would be an over intensive use of the site that would result in unacceptable living conditions for future occupants due to the lack of provision of adequate outdoor space within the curtilage for amenity, bin storage and cycle storage. As such the proposal conflicts with policies SP4 (3a) and SP5 (2h&i) of the adopted Local Plan for Burnley.

*Cllr Chaudhary re-joined the meeting at the conclusion of this item and took the Chair for the remainder of the meeting.*

**35. LBC/2022/0103 - 1, 2 & 3 Towneley Park Cottages, Towneley Park, Burnley**

**Application for Listed Building Consent**

**Replacement of existing aluminium window frames and external timber doors.**

**1, 2 AND 3 TOWNELEY PARK COTTAGES TOWNELEY PARK BURNLEY BB11 3RQ  
Decision**

That planning permission be granted subject to the following conditions.

**Conditions:**

1. The development must be begun within three years of the date of this decision.  
Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out other than to the approved window specification: Optio 58BW Flush System submitted 18 February 2022.  
Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity; and to preserve the character and special interest of the building in accordance with Policy HE2 of Burnley's Local Plan (July 2018).
3. All materials to be used in the approved scheme shall be as stated on the application form and submitted specifications and shall not be varied without the prior written approval of the Local Planning Authority.  
Reason: To ensure that the development will be of a satisfactory appearance, having regard to the special historic interest and character of the listed building, in accordance with Policy HE2 and SP5 of Burnley's Local Plan (July 2018).
4. Prior to the removal of the external doors to the front (east) elevation, full and precise joinery details shall be submitted to and approved in writing by the Local Planning Authority. Once approved by the Local Planning Authority the works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.  
Reason: In order to ensure the replacement doors are an accurate reproduction and to comply with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).

**36. FUL/2022/0024 - 160 St James Street, Burnley**

**Town and Country Planning Act 1990**

**Proposed conversion of ground floor from cafe to retail and offices; conversion of first and second floor to offices/studios; installation of new shop front and**

**replacement windows to front and rear elevations; removal of a rear fire escape and erection of a single storey rear extension.**

**160 ST JAMES'S STREET BURNLEY BB11 1NR**

## **Decision**

That planning permission be granted subject to the following conditions:

### **Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.  
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 not be carried out other than to the approved drawings and the specifications as indicated thereon except where modified by the conditions of this consent. The approved drawings are: Drawing Nos1457-7 (Site Plans at 1:500 scale) received 18 January 2022; 1457-3C (Scheme Drawing Floor Plans at 1:50 Scale) received 22 February 2022; and 1457-4E (Scheme Drawing Elevations at 1:50 scale) and 1457-6D (Proposed Section and Details at 1:50, 1:10 and 1:5 scale) received 02 July 2022.  
Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.  
Reason: To ensure that the development will be of a satisfactory appearance, having regard to the character and appearance of the building and the visual amenities of the area in accordance with Policy SP5 and HE2 of Burnley's Local Plan (July 2018).
4. Notwithstanding the approved drawings, prior to the removal of the shopfront full and precise joinery details for the shopfront console/corbel; fascia and pilaster (at a scale of no more than 1:20 as appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Once approved by the Local Planning Authority the shopfront shall be constructed in accordance with the approved details and shall be retained as such thereafter.  
Reason: As insufficient information has been submitted and in order to ensure a satisfactory appearance and to protect the character and appearance of Burnley Town Centre Conservation Area in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).
5. Notwithstanding the approved drawings, prior to the removal of the window frames to the front (north) elevation full and precise details of the oriel bay windows including the dimensions of all component parts including any glazing bars, opening mechanisms, decorative mouldings and proposed glazing to be used shall be submitted to and be approved in writing by the Local Planning Authority. The submitted details shall include appropriately scaled cross sectional drawings. Once approved by the Local Planning Authority, the oriel bay windows shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: As insufficient information has been submitted and in order to ensure a satisfactory appearance and to protect the character and appearance of Burnley Town Centre Conservation Area in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).

6. The development shall be carried out in full accordance with the approved Flood Risk Assessment (prepared by Aegaea ref AEG0359\_BB11\_Burnley dated 13/04/2022) and the mitigation measures it details. The mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the scheme's timing/phasing arrangements and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CC4 of Burnley's Local Plan (July 2018).

7. The rating levels for any cumulative noise generated by external plant and equipment as part of the development shall not exceed the pre-existing background noise level (LA90) at the external façade of any noise sensitive premises, as determined by BS4142(2014) or any subsequent replacement national standards. Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority.

Reason: In order to safeguard the amenities of neighbouring properties from unacceptable levels of noise and disturbance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

8. No equipment for the reproduction of music or other sound, or any equipment creating internally generated noise, shall be installed or operated on the premises until a scheme to insulate the development in order to secure the reduction in the level of noise emanating from the building has been submitted to and approved in writing by the Local Planning Authority. The equipment shall not be installed or operated until the approved insulation measures have been implemented and thereafter permanently retained.

Reason: In order to safeguard the amenities of neighbouring properties from unacceptable levels of noise and disturbance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

9. 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 1700 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 amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan.

### **37. HOU/2022/0187 - 40 Pasturegate, Burnley**

## **Town and Country Planning Act 1990**

**Proposed single storey ground floor rear extension.  
40 Pasturegate Burnley Lancashire BB11 4DE**

**Decision**

That planning permission be granted subject to the following conditions.

**Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Site Location Plan Dwg no 21164.01 Proposed Site Layout/Roof Plan Dwg no 21164.06 Proposed Ground Floor Plan: 21164.07 Proposed Elevations: Dwg 21164.08  
Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.
3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.  
Reason: To ensure that the materials to be used are appropriate to the locality.

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| <b>38. HOU/2022/0123 - 54 Morse Street, Burnley</b> |
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**Town and Country Planning Act 1990  
Erection of single storey rear extension, rendering and new doors and windows  
54 Morse Street Burnley Lancashire BB10 4LS**

**Decision**

That planning permission be granted subject to the following conditions.

**Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan: Dwg no 1 RLB Proposed Plans: Dwg no 599/03

Proposed Elevations: Dwg no 599/04A amended plan received 23.06.2022 Site Layout: Dwg no 599/05

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

Reason: To ensure that the materials to be used are appropriate to the locality.

### **39. Decisions taken under the Scheme of Delegation**

Members noted the report on items considered under the scheme of delegation. Officers reported that there is no provision to bring items to committee unless objections are received.