

DEVELOPMENT CONTROL COMMITTEE

Thursday, 17th November, 2022
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

ROOMS 2 & 3, BURNLEY TOWN HALL

Thursday, 17th November, 2022 at 6.30
pm

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Legal & Democracy by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at: [Request To Speak form](#). You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

There is limited space for members of the public to observe the meeting. Priority will be given to those who have registered to speak on an application. If you wish to attend the meeting we advise that you contact democracy@burnley.gov.uk in advance of the meeting.

AGENDA

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 32

To approve as a correct record the Minutes of the previous meeting.

3. Additional Items of Business

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

4. Declaration of Interest

To receive any declarations of interest from Members relating to any item on the agenda in accordance with the provision of the Code of Conduct and/or indicate if S106 of the Local Government Finance Act applies to them.

5. Exclusion of the Public

To determine during which items, if any, the public are to be excluded from the meeting.

6. List of Deposited Plans and Applications

To consider reports on planning applications for development permission:

- | | |
|--|---------|
| a) COU/2022/0420 - The Rookery, Pasturegate Burnley | 33 - 44 |
| b) LBC/2021/0778 - 18 - 24 Nicholas Street, Burnley | 45 - 52 |
| c) LBC/2022/0532 - The Old Stables Restaurant, Towneley Park, Burnley | 53 - 58 |

7. Decisions taken under the Scheme of Delegation

59 - 66

To receive for information a list of delegated decisions taken since the last meeting.

MEMBERSHIP OF COMMITTEE

Councillor Saeed Chaudhary (Chair)
Councillor Anne Kelly (Vice-Chair)
Councillor Gordon Birtwistle
Councillor Scott Cunliffe
Councillor Andy Fewings
Councillor Sue Graham
Councillor John Harbour
Councillor Alan Hosker

Councillor Martyn Hurt
Councillor Jacqueline Inckle
Councillor Syeda Kazmi
Councillor Lubna Khan
Councillor Neil Mottershead
Councillor Mark Payne
Councillor Ann Royle
Councillor Mike Steel

PUBLISHED

Wednesday, 9 November 2022

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 13th October, 2022 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), S Cunliffe, A Fewings, S Graham, J Harbour, A Hosker, M Hurt, J Inckle, L Khan, N Mottershead, M Payne, A Royle and M Steel

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Laura Golledge	– Planning Manager
Erika Eden-Porter	– Principal Planner
Sajada Khan	– Locum Regulatory Solicitor
Elizabeth Hindle	– Principal Planning Officer
Elizabeth Murphy	– Planning Policy Manager
Carol Eddleston	– Democracy Officer

59. Apologies

Apologies for absence were received from Councillor Birtwistle.

60. Minutes

The Minutes of the last meeting held on 8th September 2022 were approved as a correct record and signed by the Chair.

61. Declaration of Interest

Councillor Anne Kelly declared a prejudicial interest in agenda item 6c. She left the meeting for the duration of that item and took no part in the discussion or vote thereon.

Councillor Sue Graham declared a prejudicial interest in agenda item 6h. At the start of the item she addressed the committee as a member of the public, as permitted under the Code of Conduct for Members, then left the meeting for the remainder of that item.

62. List of Deposited Plans and Applications

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

David Pounder - FUL/2021/0274 - Land West of Smithyfield Avenue, Burnley, Brownside
Mike Hughes - FUL/2021/0274 - Land West of Smithyfield Avenue, Burnley, Brownside
Warren Simpson - COU/2022/0420 – The Rookery, Pasturegate, Burnley
Claire Bradley - COU/2022/0420 – The Rookery, Pasturegate, Burnley
Councillor Cosima Towneley – FUL/2022/0252 - Stiperden House Farm, Kebbs Road, Todmorden
Jacqui Pilka – FUL/2022/0252 - Stiperden House Farm, Kebbs Road, Todmorden
Councillor Sue Graham – FUL/2022/0385 – 92 Marsden Road, Burnley
Ian Wolstencroft – HOU/2022/0474 - 41 Lower Mead Drive, Burnley

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

63. FUL/2021/0274 - Land West of Smithyfield Avenue, Burnley, Brownside

Town and Country Planning Act 1990

Erection of 38 no. age-restricted specialist bungalows for older people with associated landscaping, car parking and access from Riddings Avenue and Townfield Avenue

LAND WEST OF SMITHYFIELD AVENUE BURNLEY

Decision

That authority be delegated to the Head of Housing and Development Control to approve the application subject to the applicant entering into Legal Agreements to restrict the occupancy, secure contributions to public open space and to provide affordable housing.

Conditions and Reasons:

1. The development hereby permitted shall be begun before 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 specification of works noted thereon except where modified by the conditions of this consent. The approved plans are as follows:

- HT-AB-01 (Proposed House Type A Floor Plan and Elevations) received 22.09.22
- HT-AR-01 (Proposed House Type A Floor Plan and Elevations) received 22.09.22
- HT-BB-01 (Proposed House Type B Floor Plan and Elevations) received 22.09.22
- HT-BR-01 (Proposed House Type B Floor Plan and Elevations) received 22.09.22
- HT-CB-01 (Proposed House Type C Floor Plan and Elevations) received 22.09.22
- HT-CR-01 (Proposed House Type C Floor Plan and Elevations) received 22.09.22
- HT-SG-01 (Proposed Single Garage Floor Plan and Elevations) received 22.09.22

- 21-01-SS01 C (Indicative Street Scenes and Sections) received 15.09.22
- 21-01-PO8 G (Proposed Site Layout Affordable Housing) received 16.08.22
- 21-01-PO7 G (Proposed Site Layout Photovoltaic Locations) received 16.08.22
- 21-01-PO6 D (Proposed Site Layout Public Open Space) received 16.08.22
- 21-01-PO5 G (Proposed Streetscenes/Cross Sections) received 16.08.22
- 21-01-PO4 G (Proposed Site Layout Refuse Management) received 16.08.22
- 21-01-PO3 G (Proposed Site Layout Materials at 1:500 Scale) received 16.08.22
- 21-01-PO2 G (Proposed Site Layout Boundary Treatments) received 16.08.22
- 21-01-PO1 G (Proposed Site Layout General Arrangements) received 16.08.22
- 20008/04/1 (Flood Exceedance Plan) received 02.08.22
- 6515.03 E (Landscape Proposal Sheet 3 of 3) received 12.04.22
- 6515.04 E (Landscape Proposal Sheet 2 of 3) received 12.04.22
- 6515.05 E (Landscape Proposal Sheet 1 of 3) received 12.04.22
- 6515.06 (Landscape Proposal Full Site Plan) received 03.10.22
- 6515.01 (Tree Survey and Root Protection Areas) received 10.06.21
- 20008/05/1 (Overland Flow Catchment Plan) received 28.09.22
- 20008/02/1 C (Drainage Feasibility) received 10.05.21

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

3. Prior to the commencement of development, details and representative samples of the external materials (stone, render and grey tiles) 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 details.

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). 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.

4. All planting, seeding or turfing comprised in the approved landscaping scheme (Drawing No. 6515.06) shall be carried out in the first planting and seeding seasons following the first occupation of the approved 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 are carried out at the appropriate stage of the development; and 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).

5. The boundary treatment indicated on the approved plans (drawing number 21-01-P02 REV G) shall be carried out and completed prior to the completion of the development or the occupation of the first dwelling (whichever is the sooner). The approved boundary treatment shall thereafter be retained at all times.

Reason: To ensure adequate and sensitive boundary treatment to provide a satisfactory appearance to the development and provide screening where appropriate, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

6. No demolition, site 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.

7. Prior to the commencement of development, a Construction Environment Management (CEMP) shall be submitted to and approved in writing by the Local Planning Authority which shall include a method statement including working practices to be adopted during clearance and excavation works to ensure no harm comes to species such as hedgehogs and badgers on the site. The CEMP shall also set out, as a minimum, site specific measures to control and monitor impacts on the immediate and wider environment with particular regard to Rowley Lake and Brun Valley Forest Park in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: In the interests of minimising potential adverse impact on the environment and safeguarding wildlife during the construction period in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The Plan is required prior to the commencement of development to ensure that the measures are implemented prior to any works taking place.

8. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted LEMP shall provide details for the following:- a) description and evaluation of the features to be managed; b) ecological features and constraints that may influence management; c) aims and objectives of management; d) appropriate management options and prescriptions for management actions; e) a work schedule (including an annual work plan capable of being rolled forward over a five year period); f) details of the body or organisation responsible for implementation of the plan; and, g) on-going monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management company or body responsible for its delivery. The Plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented. The approved LEMP shall thereafter be carried out and adhered to at all times in perpetuity.

Reason: To ensure that the biodiversity benefits of the landscaping scheme and biodiversity enhancements for the site are appropriately managed to ensure their long term protection and benefits to biodiversity, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

9. 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 are located on or close to boundaries and should be retained in the interests of the visual amenities, 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.

10. Prior to commencement of development, a detailed external lighting plan to minimise the intensity of lighting in wildlife sensitive areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details of external lighting only and shall be retained at all times. No additional external lighting or variance to the approved scheme shall be carried out at any time without the prior written permission of the Local Planning Authority.

Reason: To protect wildlife, including protected species, which is sensitive to lighting, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

11. 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 for controlling the use of site lighting whether required for safe working or for security purposes
 - 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
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison.All residents that could be affected by construction impacts should be consulted prior to submission of the CMP setting out the likely construction impacts and how they will be addressed and mitigated; communication should also continue during the works with neighbours being regularly updated on any major programmed works and changes due to unforeseen circumstances. 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, and to minimise the risks of adverse impacts on factors such as air, land quality and noise and land pollution 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.

12. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including deliveries to and removal of plant, equipment, machinery and waste from the site must only be carried out only between 08:00 hours and 18:00 hours on Mondays to Fridays and between 08:00 hours and 13:00 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 manage traffic and protect the amenities of local residents in accordance with Policy IC1 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 approved new estate road shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any dwelling is occupied on 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).

15. No part of the development hereby approved shall commence until a scheme for all highway works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority as part of a Section 278 Agreement, under the Highways Act 1980. The scheme shall include new vehicle accesses and upgrading of both bus stops located on Brownsie Road to the North East of the junction with Townfield Avenue to full EA compliant status. Thereafter the highway works shall be constructed and completed in accordance with the agreed scheme prior to first occupation of the development hereby permitted.

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).

16. No development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be constructed in accordance with the approved details and maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highway's infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality 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. No dwelling shall be first occupied unless and until all its associated car parking has been constructed, drained, surfaced (in black bitumen macadem or other approved bound material) 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).

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), 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 and avoid reliance on off-street parking, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

19. Electric vehicle charging points which shall be in accordance with the relevant Department for Transport guidance (minimum power rating output of 7kW and fitted with a universal socket) shall be installed externally at each plot prior to its first occupation.

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).

20. 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 the approved plans. 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).

21. Due to the potential for noise being generated during the construction phase of the development, a Noise Assessment shall be submitted for written approval to the Local Planning Authority which details the levels of noise likely to be generated from the proposed development and use of plant on the site. This assessment shall be used to identify and determine appropriate noise mitigation measures (such as soundproofing) required to protect the amenity of adjacent noise sensitive properties and shall include hours of working. The approved noise mitigation measures shall be implemented prior to the start of the proposed use and retained throughout the period of construction.

Reason: To demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts in accordance with Policy NE5 of Burnley's Plan.

22. The development hereby permitted shall be carried out in accordance with the principles set out within the flood risk and drainage impact assessment (Report No: 20129, Date: 25/03/2021) The measures shall be fully implemented prior to first occupation of any dwelling (of each phase) 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 in consultation with the lead local flood authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory drainage facilities in accordance with Policy CC5 of Burnley's Local Plan (July 2018).

23. The development hereby permitted shall not be commenced until a detailed, final surface water sustainable drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based upon the sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The details shall include, as a minimum:

a) An investigation of the hierarchy of drainage options in the NPPG (or any subsequent amendment thereof) including evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

b) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.

c) Final sustainable drainage plans appropriately labelled to include, as a minimum:

i). Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary; ii). Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels; iii). Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate; iv). Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems; v). Finished Floor Levels in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL; vi). Details of proposals to collect and mitigate surface water runoff from the development boundary; and vii). Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components.

The development shall thereafter be carried out in strict accordance with the approved final surface water sustainable drainage strategy and maintained thereafter for the lifetime of the development.

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.

24. The development hereby permitted shall not be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

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).

25. Prior to the commencement of any development, details of how surface water and pollution prevention will be managed during the construction process shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include for each phase, as a minimum: a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA. b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance. The agreed measures shall be implemented at all times during the construction of the development until its completion.

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

26. Foul and surface water shall be drained on separate systems and a scheme for the disposal of foul water shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of built development above ground level. The drainage scheme must include levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; and incorporate mitigation measures to manage the risk of sewer surcharge where applicable. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.

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

27. The development shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes to all 38 dwellings. None of the 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).

28. The development shall be constructed to achieve a betterment on energy efficiency standards (compared to current Building Regulation requirements) as set out in the submitted Energy Efficiency Statement (dated September 2021). A verification report shall be prepared by a suitably qualified person and submitted to the Local Planning Authority to verify compliance prior to any dwelling being first occupied.

Reason: To ensure that the scheme provides high quality energy efficient dwellings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

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

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

The details are required prior to the commencement of the built development above ground level in order that proper arrangements can be secured at the earliest opportunity for the maintenance of the open space which is for the lifetime of the development.

30. No development shall be commenced until a Dust Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control methods to ensure that dust does not travel beyond the site boundary. The identified measures shall be implemented and maintained at all times. Should any equipment used to control dust fail, all handling of materials shall cease immediately until the dust control equipment has been repaired or replaced.

Reason: To minimise the risk of pollution to occupiers of nearby buildings, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

64. COU/2022/0420 - The Rookery, Pasturegate, Burnley

Town and Country Planning Act 1990
Change of use from C3 dwelling house to a residential training centre (Use Class C).

The Rookery, Pasturegate, Burnley.

Decision:

That the application be deferred to allow clarification to be sought from the applicant about where the cooking of hog roasts is intended to take place.

65. FUL/2022/0412 - Land at Walverden Road, Walverden Road, Briercliffe

Full Application
Erection of detached dwelling
LAND AT WALVERDEN ROAD, WALVERDEN ROAD, BRIERCLIFFE

Decision

That the application be approved subject to the following conditions:

Conditions and reasons:

- 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: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the approved plans listed below.

Application form received 4th July 2022
Location Plan STO/01/DWGB
Proposed Plans and Elevations STO/01/DWG 03B

Proposed Site Plan STO/01/DWG04
Existing site plan STO/01/DWG01
Design and Access Statement

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

3. All bin and recycling facilities shall be stored at the rear of the property and shall only be brought to the roadside on bin collection days.

Reason: In the interest of visual amenity of the area in accordance with Policy SP5 of the Burnley Local Plan and the provision of the National Planning Policy Framework.

4. Prior to their use in the development, details for the external materials to be used in the development (walls, roof, windows, doors and water goods), shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed from the approved materials and retained thereafter.

Reason: To ensure that the development will be of a satisfactory appearance and to comply with Policy SP5 of Burnley's Local Plan and the provision of the National Planning Policy Framework.

5. No development shall take place, including any works of demolition, 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. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Routing of delivery vehicles to/from site

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan and the provision of the National Planning Policy Framework.

6. Prior to occupation, full details of the boundary treatment to the development including dimensions and materials shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be carried out prior to the first occupation of the dwelling and retained for the duration of the development.

Reason: In order to ensure that boundary treatment does not have a detrimental impact on the long-term appearance of the site and harmonises with its surroundings in accordance with Policy SP5 of the adopted Local Plan and the provision of the National Planning Policy Framework.

66. FUL/2022/0374 - Marvtech, Alpha House, North Street

Full Application

Proposed single storey building comprising of office and workshop

MARVTECH, ALPHA HOUSE, NORTH STREET, HAPTON

Decision

That the application be approved subject to the following conditions:

Conditions and reasons

- 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: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the approved plans listed below.

Application forms received 21st June 2022
Existing plans and elevations 001
Proposed Plans 002A

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

3. No windows shall be inserted in the southern elevation of the approved building.

Reason: In the interest of residential amenity in accordance with Policy AP5 of Burnley Local Plan and the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority.

- a) A preliminary Risk Assessment which has identified:
 - All previous (historical) uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site including sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination on the site
- b) A Site investigation Scheme, based on (a) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
- c) Based on the Site investigation scheme and the detailed risk assessment (b), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in © are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note any changes to these components, (a) to (d) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority).

A Verification Report demonstrating completion of the works set out in the approved remediation strategy and effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling any monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long- term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance, and arrangements of contingency action, as identified in the Verification Report, and for the reporting of this in writing to the Local Planning Authority.

Reason: In with Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

5. 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:

- 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 because 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.
- Delivery, demolition, 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: In the interests of the safe operation of the adopted highway during the demolition and construction phases in accordance with policies NE5 and IC1 of the Burnley Local Plan and the provisions of the National Planning policy Framework.

6. Deliveries to the approved development shall only be accepted between the hours of 9am and 3pm Monday to Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

7. No building or use hereby permitted shall be occupied or the use commenced until the parking area has been marked out in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The 3 parking area shall thereafter be kept free of obstruction and available for the parking vehicles at all times.

Reason: To allow for the effective use of the parking areas in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

8. The development hereby permitted shall be designed so that the ratings levels for cumulative noise from external plant and from any equipment shall not exceed the existing background noise level (LA90) at the external façade of the nearest noise sensitive premises, as assessed in accordance with British Standard 4142(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 the interest of residential amenity in accordance with Policy NE5 of Burnley Local Plan and the National Planning Policy Framework.

Informative: Developer is directed to consider the advice given from United Utilities in relation to drainage as set out in their consultation response available to view on the Council's website.

67. FUL/2022/0252 - Stiperden House Farm, Kebbs Road, Todmorden

Full Application for provision of four glamping units each for up to six people including hot tub, secure bike storage, electric vehicle charging point, a recycling/waste area, parking bay, associated landscaping and water treatment plant.

Stiperden House Farm, Kebbs Road, Todmorden.

Decision

The application be approved subject to the following conditions.

Conditions and reasons

- 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: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans listed below.

220121-01-00 Rev A Aerial View A2
220121-01-01 Rev B Location Plan A2
220121-01-03 Rev A Site Photographs A2
220121-01-04 Rev A Drainage Plan A1
220121-01-05 Pod Elevations A2
220121-01-06 Rev A Road and Access A1
220121-01-07 Rev A Visibility Plan A1
220121-01-08 Rev A Lighting Plan A1
220121-01-09 Rev A Artist Impressions A1
220121-01-10 Visibility Splay A1
220121 – Rev B Design and Access Statement
220121 – Rev A – Market Research

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

3. The glamping pods hereby approved shall be used for short term holiday let accommodation only. The accommodation shall not be occupied by any one person or group for a period exceeding six weeks in any one calendar year, unless prior approved in writing by the local planning authority. The owner shall maintain a register of occupants for each calendar year which will be made available for inspection on request by the Local Planning Authority.

Reason: To define the planning permission and in order to protect the amenities of local residents in accordance with provision of the Burnley Local Plan.

4. Prior to the commencement of development details of levels shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and retained as such thereafter.

Reason: In the interest of visual amenity and the landscape character in accordance with the provisions of Policy NE3 of the Burnley Local plan and the National Planning Policy Framework.

5. Prior to the commencement of development scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. The submitted scheme shall include, but is not limited to, the following: -
- Proposed new access
 - Repositioning of street signage
 - Closure of redundant access onto Kebbs Road

Reasons: To ensure traffic and highway safety in accordance with the provisions of Policy IC1 and IC2 of the Burnley Local Plan and the National Planning Policy Framework.

6. Prior to the first use of the development hereby approved, visibility splays 2.4 metres back from the centre line of the new access and extending 203 metres to the West and 114 metres to the North on the nearside carriageway edge have been provided at the junction, as shown on the approved plans within the submitted Technical Note dated 15/09/2022. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reasons: To ensure traffic and highway safety in accordance with the provisions of Policy IC1 and IC2 of the Burnley Local Plan and the National Planning Policy Framework.

7. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 10m into the site shall be appropriately paved in tarmac, concrete, block pavements, or other hard material to be approved by the Local Planning Authority. Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.

Reasons: To ensure traffic and highway safety in accordance with the provisions of Policy IC1 and IC2 of the Burnley Local Plan and the National Planning Policy Framework.

8. Notwithstanding the approved plans, the access road within the site shall be constructed with grass reinforcement mesh and seeded with grass seed prior to the first use of the development hereby approved.

Reason: In the interest of visual amenity and the landscape character in accordance with the provisions of Policy NE3 of the Burnley Local plan and the National Planning Policy Framework.

9. Prior to their use in the development, full details of materials to be used for the following shall be submitted to and approved in writing by the local planning authority. The development shall then be completed in accordance with the agreed details. These details shall include, but not be limited to the following:

- Boundary treatment
- Screening
- Decking and hot tub areas
- Road surfacing (grass reinforcement mesh, or similar)
- Recycling centre
- Cycle storage
- Parking area surfacing.

Reason: In the interest of visual amenity and the impact on landscape character in accordance with the provisions of Policy SP5, EMP5 and NE3 and the provisions of the National Planning Policy Framework.

10. Prior to the commencement of development, a landscaping scheme (including maintenance and management) detailing all planting on the site shall be submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall then be implemented no later than the first planting season following the first use of the development hereby approved. Should any trees, hedgerows and / or associated planting be damaged, die or be removed it shall be replaced in the following planting season in accordance with the approved scheme.

Reason: In the interest of visual amenity and the impact on landscape character in accordance with the provisions of Policy SP5, EMP5 and NE3 and the provisions of the National Planning Policy Framework.

11. Prior to the installation of any external lighting on the development, details shall first be submitted to and approved in writing by the local planning authority (including levels and direction of illumination). The lighting shall then be installed in accordance with be approved scheme and retained as such.

Reason: In the interest of the protection of biodiversity on the site in accordance with the provisions of NE1 of the Burnley Local Plan and the National Planning Policy Framework.

12. Prior to the commencement of development, a Phase 1 Ecology report (completed by a qualified, competent person) shall be submitted to and approved in writing by the local planning authority. This report shall provide details of any mitigation which shall be provided to ensure a net gain in biodiversity is achieved on the site.

Reason: In the interest of improving biodiversity on the site in accordance with Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

13. The Electric vehicle charging points as detailed on the approved plans shall be installed and available for use prior to the first use of the development hereby approved. They shall thereafter be retained as such for the duration of the development

Reason: In the interest of promoting sustainable travel in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Informative Note

- The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.
- Please be aware that the demand to enter into section 278 agreements with

Lancashire County Council as the Highway Authority is extremely high. Enquiries are being dealt with on a first come first served basis. As such all developers are advised to seek to enter into Section 278 agreements at a very early stage.

68. COU/2022/0495 - 268 Todmorden Road, Burnley, Lancashire

Town and Country Planning Act 1990

Application to change the use of a dwelling (C3a) to a children's home for a maximum of four children, with two carers sleeping overnight, working on a rota basis (C2).

268 Todmorden Road Burnley Lancashire BB11 3EB

Decision

That the application be approved subject to the following conditions.

Conditions and reasons

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; location plan, existing floor plans, block plan received 15/8/22 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.

69. FUL/2022/0353 - Land off Claremont Street, Burnley, Lancashire

Town and Country Planning Act 1990

Erection of 7no. new dwellings

Land Off Claremont Street Burnley, Lancashire, BB12 0HG.

Decision

That the application be approved subject to the following conditions.

Conditions and reasons

1. The development hereby permitted shall be begun before 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 be carried out in accordance with the following approved plans: location plan 001, proposed plans and elevations 026 Rev Cn and 027, site section 024 Rev A and proposed block plan 025 C unless otherwise agreed in writing by the local planning authority.

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 approved drawings received 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 and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018.

Highways

4. 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.
- 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.
- Delivery, demolition 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:
- In the interests of the safe operation of the adopted highway during the demolition and construction phases.

Note: Construction Management Plan.

- There must be no storage of materials in the public highway at any time.
- There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.
- A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing lhsstreetworks@lancashire.gov.uk.

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan (July 2018)

5. The surface water from the approved driveway/hardstanding/car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

6. No dwelling shall be occupied until the car parking area has been surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking area shall thereafter be kept free of obstruction and available for the parking cars at all times.

Reason: To allow for the effective use of the parking areas.

7. No dwelling shall be occupied until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility.

8. The development hereby permitted shall not be occupied until an electric vehicle charging point has been installed, 1 per property and shall thereafter be maintained

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

Environmental Health

9. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on

Sundays and Bank 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.

There shall be no burning of construction-derived waste or other materials within the curtilage of the premises.

Reason: to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users in accordance with Policy SP5 of Burnley's Local Plan.

10 Prior to commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with policy NE5 of Burnley's adopted Local Plan.

Drainage

11. Prior to the commencement of development the applicant shall submit a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover

and invert levels). The applicant should note that it may be necessary to raise finished floor and ground levels and / or include mitigation measures to manage the risk of sewer surcharge.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's Local Plan

12. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's Local Plan

Notes

Informative Note:

• *This consent requires the construction of a vehicle access to the public highway. Under the Highways Act 1980 Section 171 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority at highways@lancashire.gov.uk to ascertain the details of such an agreement. More information can be found on Lancashire County Council's website at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>*

Coal Authority standing advice

70. Duration of Meeting

In accordance with Council Procedure Rule 8 members considered a motion for the meeting to continue beyond three hours to allow the remaining items of business to be concluded and it was RESOLVED accordingly.

71. FUL/2022/0385 - 92 Marsden Road, Burnley, Lancashire

Town and Country Planning Act 1990
Erection of garden room with balcony over, construction of steps and hardsurfacing
(Regularisation of work already started)
92 Marsden Road, Burnley, Lancashire BB10 2BL

Decision

That the application be approved subject to 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 approved plans listed below:

Drawing No. LW/001/01 – proposed layout, received 18.07.2022.

Drawing No. LW/002/01 – proposed elevations, received 18.07.2022.

Drawing No. LW/003/01 – pre-commencement works, received 18.07.2022.

Drawing No. LW/005/01 – pre-commencement layout/block plan, received 18.07.2022.

Drawing No. LW/006/01 – proposed site plan, received 18.07.2022.

Location Plan received 25.06.2022.

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

3. Notwithstanding details shown on the approved plans, within 6 months of the date of the decision, details of surface drainage from the building roof and areas of hardstanding shall have been submitted to and approved by the Local Planning Authority and the approved scheme implemented. The scheme so approved shall be retained thereafter for the lifetime of the development.

Reason: To ensure that the development is drained effectively in a manner that will not increase the likelihood of surface water flooding, in accordance with Local Plan Policy CC5.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no door, window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed in the extension without Planning Permission obtained from the Local Planning Authority.

Reason: To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.

5. Notwithstanding details shown on the approved plans, windows in the elevation facing south shall be obscure glazed and so retained, to the satisfaction of the Local Planning Authority.

Reason: To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.

6. Notwithstanding details shown on the approved plans, the roof of the building so approved shall not be used for any purpose other than as a roof. At no time shall it be used as a platform for seating, standing or other form of recreation, nor shall items other than those necessary for it to function as a roof be placed upon it.

Reason: To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.

7. Notwithstanding details shown on the approved plans, the screening feature shown on the top of the proposed building shall be erected within six months of substantial completion, and in any event prior to first use of the building. This feature shall be retained thereafter.

Reason: To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.

72. COU/2022/0497 - 3 Woodplumpton Road, Habergham Eaves, Burnley
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Town and Country Planning Act 1990

Change of use of open land to garden

Land off 3 Woodplumpton Road, Burnley, BB11 2QT

Decision

That the application be approved subject to the following conditions.

Conditions and reasons

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

Location Plan submitted 24.08.2022

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Schedule 2, Part 1, Class E other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
4. Notwithstanding details shown within the approved application, no works shall be undertaken to trees either on the site or adjacent and overhanging it without the prior written consent of the Local Planning Authority (LPA). Likewise no works shall be undertaken that may compromise the health of trees both on the site and adjacent to it without the prior written consent of the LPA. Any trees removed shall be replaced with others of a size, species, planting and aftercare specification to be agreed in writing by the LPA.

Reasons:

1. 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. For the avoidance of doubt and to clarify which plans are relevant to the consent.
3. To enable the Local Planning Authority to control the development and to safeguard the character and visual amenity of the area.
4. For the protection of trees in the interests of the amenity of the local area.

73. FUL/2022/0486 - 328 Rossendale Road, Habergham Eaves, Burnley
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Town and Country Planning Act 1990

Construction of a dropped kerb from the footpath onto Rossendale Road
328 Rossendale Road, Burnley, Lancashire BB11 5JF

Decision

That the application be approved subject to the following conditions.

Conditions and reasons

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the following submitted Drawings:

Drawing No. A22/10/01A – location plan, received 12.08.2022
Drawing No. A22/10/02A – location plan II, received 12.08.2022
Drawing No. A22/10/03 – existing and proposed details, received 12.08.2022

3. Before the parking area is used for vehicular purposes, it shall be surfaced in a solid yet porous material and so retained.
4. All gates and associated mechanisms to be located outside the adopted highway and the gates to have physical restraints to prevent the gates from opening onto the adopted highway.

Reasons:

1. 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. To ensure continued compliance with the Development Plan.
3. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.
4. To ensure the adopted highway is not obstructed or becomes hazardous to other road users, in the interests of highway safety.

74. HOU/2022/0474 - 41 Lower Mead Drive, Burnley

Town and Country Planning Act 1990

Proposed single storey side extension and new conservatory to the rear.

41 Lower Mead Drive, Burnley, Lancashire, BB12 0ED.

Decision

That the application be approved subject to the following conditions.

Conditions and reasons

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the following submitted Drawing:

Drawing No. SK 01 – location, existing and proposed plan, received 08.08.2022.
3. Notwithstanding details shown within the submitted planning application, the extension shall be faced and roofed with materials to match those of the host dwelling, and so retained.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no door, window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed in the extension without Planning Permission obtained from the Local Planning Authority.
5. Notwithstanding any details shown on the approved plans. There shall be no windows inserted in the front or side elevations of the extension hereby approved without Planning Permission having first been granted by the Local Planning Authority.

Reasons:

1. 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. To ensure continued compliance with the Development Plan.
3. In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy SP5 of the Local Plan, and the NPPF.
4. To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.
5. For the avoidance of doubt and to clarify the scope of the consent.

Notes:

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

75. TPO/2022/0492 - St Peter's Church, Church Street, Burnley

Town and Country Planning Act 1990

Work to the following trees covered by TPO B135(J) St. Peters, Church Street 1991:
T1 Horse Chestnut, T2 Horse Chestnut, T3 Lime, T4 Horse Chestnut, T5 Horse Chestnut, T6 Horse Chestnut, T10 Horse Chestnut, T11 Sycamore, and T8 and T9 Ash (remove & replace). St Peters Church, Church Street, Burnley

Decision

That the application be approved subject to the following conditions.

Conditions and reasons

1. The tree work must be completed within 2 years from the date of this permission.

Reason: Pursuant to Regulation 17 (4) of the Town and County Planning (Tree Preservation) (England) Regulations 2012.

2. The tree work is restricted to the felling of two trees T8 and T9 (Ash trees), and the pruning of eight trees T1, T2, T3, T4, T5, T6, T10, T11 (six Horse Chestnut trees, one Lime tree and one Sycamore tree) as detailed within the submitted application.

Reason: In order to keep control of tree work in the interests of the amenity of the area.

3. Details of the proposed position, size, and species of two replacement trees shall be submitted to the Local Planning Authority within 28 days from the date of this decision for prior written approval. The planting of the replacement trees shall be carried out within the next planting season following the felling of the trees and shall thereafter be maintained in accordance with good horticultural practice and be replaced within 3 months if they die. The replacement trees will be protected by the existing Tree Preservation Order. Confirmation of the date the replacement trees are planted shall be sent to the Local Planning Authority.

Reason: In order to maintain a continuation of tree cover in the area.

4. The tree work must be carried out to British Standards.

Reason: In order that the work is completed to a suitable standard.

76. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 26th August 2022 to 28th September 2022.

77. Planning Performance - Quality of Decision making on Major Applications

Members noted for information a report on the current performance on the quality of major planning decision making as recorded and published by the Department for Levelling Up, Housing and Communities. A training session for members of the committee had been held earlier in the month and a further session would be arranged shortly for the benefit of those who had been unable to attend the first.

78. Appeal Decisions

Members received for information two Appeal Decisions made by The Planning Inspectorate.

Housing & Development
Town Hall, Manchester Road

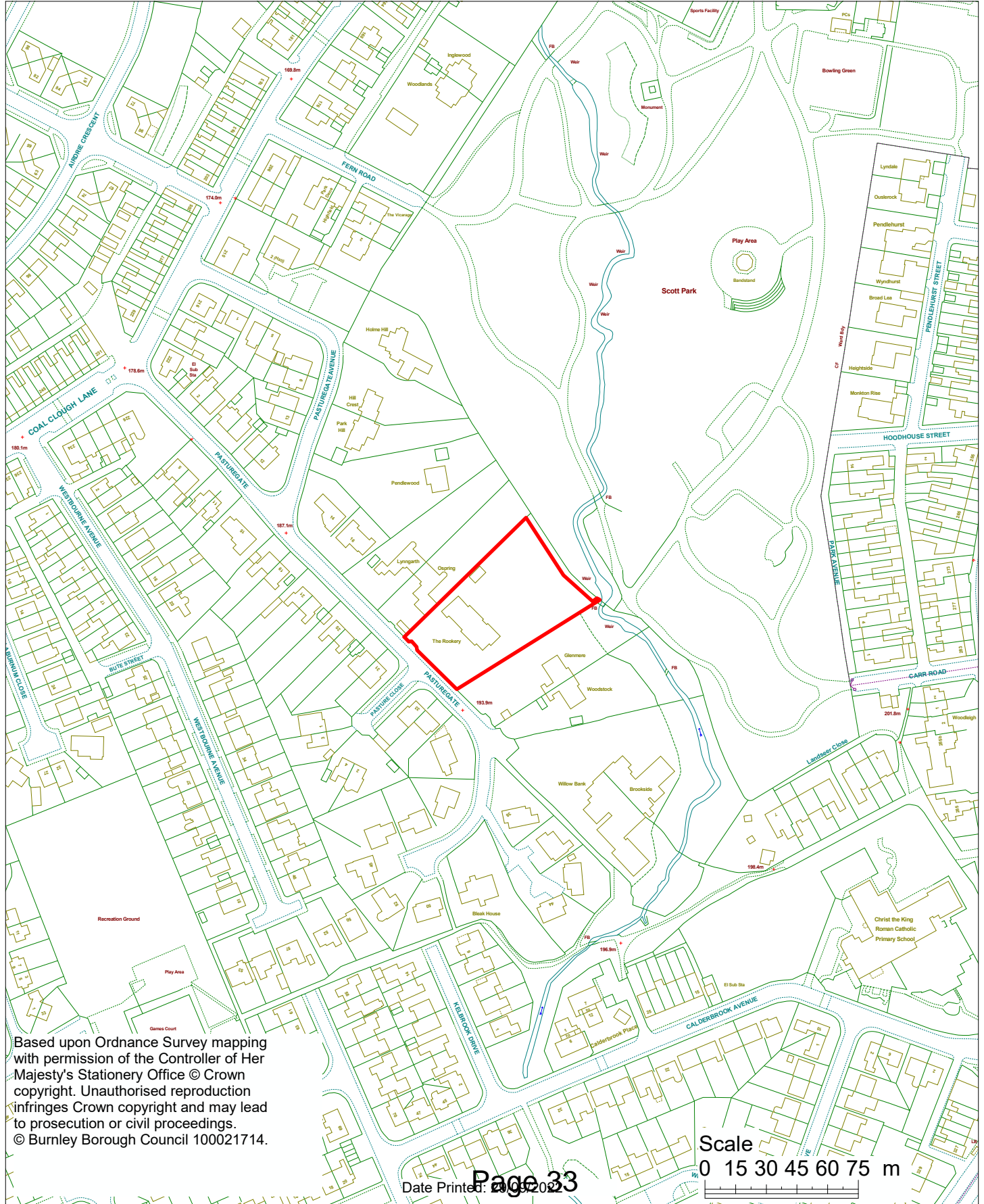
Paul Gatrell Head of Housing and Development Control

Location:



The Rookery, Pasturegate, Burnley

1:2500



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**Application Recommended for Approval with
Conditions
Coal Clough with Deerplay**

FUL/2022/0420

Town and Country Planning Act 1990
Change of use from C3 dwelling house to a residential training centre (Use Class C2)

The Rookery Pasturegate Burnley

The application was deferred from Planning Committee on 13th October 2022, to enable more information to be provided in relation to the proposed use.

Background

The application site is currently in a C3 (dwelling house) use. It is a large, detached property located on Pasturegate, in Burnley. There is a private driveway and parking at the front of the property.



Fig1: Site Location Plan



Fig 2: The Rookery front elevation



Fig 3: Parking area within the site



Fig 4: Site Access

Proposal

The planning application relates to a change of use of the dwelling house to a residential training centre for 'Spitting Pig Co Ltd, who have their head offices in Burnley. The company runs a franchising company for the Hog Roast catering company. The company currently has 34 franchises throughout the UK and provide training and mentorship to the franchises providing back-office support.

Following the purchase of the franchise the franchisee is given residential training to ensure they are able to use the equipment and learn to provide a high-quality service. The agent has confirmed this training is not restricted to the cooking of the hog roasts but covers many other aspects of the business. Training is repeated at 12 monthly intervals. The change of use of this building is being applied for to allow the company to provide the mentorship and residential training in an appropriate building.

There are no proposed changes to the building externally, and parking is to be formalised in the area to the front of the house.

There would be a maximum of 6 franchisees on the site at any one time, along with the businesses staff.



Fig 4: Proposed Site Layout showing parking provision

Site history

None relevant

Relevant policies

Burnley's Local Plan (July 2018)

SP1 – Achieving Sustainable Development

SP4 – Development strategy

SP5 – Development quality and sustainability

EMP3- Supporting Employment Development

NE5 – Environmental protection

IC1 – Sustainable Travel
IC3 – Car parking standards

The National Planning Policy Framework

Consultation Responses

Highways: No objections to the application. However, it was noted by the Highways Authority that there is a concern regarding the access and the visibility when exiting on to Pasturegate. Further submission showing the visibility splay at the access is required. It should be measured from a point 5m back from the kerb edge to points 5m in each direction along the nearside kerb. Anything that falls within this splay shall be reduced in height to less than 0.9m, similarly any hedge overhanging the footway will need to be cut back to ensure adequate visibility from the driveway.

Following some further details from the applicant it has been confirmed to the Highway Authority that there will be no more than 6 trainees staying at the site at any one time with no residential element outside of the training period.

Should the Local Planning Authority wish to support the application the Highway Authority requests the following condition to be added to the decision notice.

a) 45° visibility splays (commercial access).

Before the access is used for vehicular purposes, 45° visibility splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay.

Ward Councillors: No comments received

Publicity: 14 number of objections have been received following publicity of the application. The objections received are summarised below:

- Sets a precedent for business to change the outlook of the street resulting in a retail/business area
- Impact on traffic and parking on the street
- Safety of the access onto the street parking within the curtilage would not be adequate to negate the need to park on the street
- Increase in deliveries to the site as a worry
- Trees and landscaping have been heavily cut back on the site prior to the submission of the planning application
- Cooking odours and fumes
- Impact on wildlife
- There is no detail in the planning statement in relation to the possibility of 'day case' trainees along with residential.
- Parking on the street would result in blocking access to ambulances to the 3 care homes already on Pasturegate
- Loss of value of properties
- Increase in noise and disturbance
- Consultation process has not been wide enough

Environmental Health: No objection in principle to the proposed development of the site, regarding noise, light, dust or odour nuisance, but would recommend the inclusion of a condition relating to the collection and dispersal of cooking odours.

Further clarification has been sought from the Council's Environmental Health Officer following the October 2022 Planning Committee in relation to the activity of cooking hog roasts and the impact this could have on neighbour amenity. The following comments were received:

'The odours from the hog roast barbecuing would have to be investigated under the provisions of the Environmental Protection Act 1990, so that officers could make a subjective decision as to whether the hog roasting forms either a statutory nuisance or prejudicial to health.

There are no studies that would provide firm evidence that hog roasting is prejudicial to health, so officers would have to investigate any odour issue to assess whether it could be classed as a statutory nuisance. This means that each case would be investigated on an individual basis.

Having looked at previous cases that could relate to hog roasting, it would be unusual for officers to decide that barbecuing in general would constitute a statutory nuisance- although in theory it is possible if the barbecuing is excessive. The factors that would be considered as part of any investigation would include:

- The type of odour
- The severity of odour
- Wind strength and direction
- Duration of the odour
- Time of day the issues occur
- How often the issue occurs

Complainants would need to complete diary sheets to provide evidence relating to the above factors as part of any investigation by Environmental Health.

It is therefore difficult to provide for specific conditions for the planning application in relation to commercial hog roasting. Could the applicant provide an odour assessment to support their planning application?

Alternatively, as a guideline, I would definitely not expect the hog roasting to be classed as a statutory nuisance if it only occurred once a week for around 3 hours and it provided that the site of the hog roasting was away from the boundary of the development. Would it be possible for the applicant to provide information relating to the siting of the hog roasting, and the number of times per week for the hog roasting, and the length of time this would last for?'

Principle of proposal

The site is an existing dwelling located within the development boundary of Burnley in which Policy SP4 applies. The National Planning Policy Framework (NPPF) states that plans and decisions should apply a presumption in favour of sustainable development. The change of use of the property would be acceptable in principle, providing the proposal meets all relevant local and national planning policies.

The main issues in the consideration of this application are:

- Impact on residential amenity

- Traffic and highway safety
- Other matters

Impact on residential amenity

Amongst other things, Policy SP5 requires proposals to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users and occupiers. This is supported by the provisions of the National Planning Policy Framework. Objections have been received to the application in relation to cooking odours and fumes and an increase in noise and disturbance and a result of the change of use of the building.

Cooking odours and fumes: Following referral from the October Planning Committee the agent has clarified the position in relation to the hog roasts. The applicant has confirmed that the cooking of hog roasts will take place, one a month, with a likely duration of 8 hours, in the back garden. They will learn how to cook the hog roast as part of the programme of training and support.

There will be 2 x 13 kilo canisters of propane which will be stored appropriately in the garage. They have also confirmed that there is very little smell associated with the hog roasting machines, and if you are stood a few feet away you will not smell anything.

As noted in the consultation section of this report, the Council's Environmental Health Officer has provided further information in relation to how they would deal with any complaints in relation to odours generated from the process of the hog roasting. There is therefore existing legislation in place to deal with any matters in this regard, should they arise within the Environmental Protection Act 1990.

Officers are satisfied that the roasting of the hogs taking place in the back garden once a month would not cause a significant detrimental impact on the amenity of the neighbours to warrant a refusal of the planning application. To mitigate any concerns a condition is proposed to ensure that hog roasting is restricted to being in the back garden (with details of location to ensure it is away from the boundary), and how many roasts will take place per month. This has to be a reasonably worded condition and it is suggested that 4 x hog roasts a month could be the limit which would meet the tests of planning conditions set out in the National Planning Policy Framework.

These tests are explained in paragraph 55 of the NPPF which makes it clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. Necessary
2. Relevant to planning
3. Relevant to the development to be permitted
4. Enforceable
5. Precise, and
6. Reasonable in all other respects.

Each of these 6 tests need to be satisfied before a condition is used.



Fig 5: Hog Roaster

Noise and disturbance: The applicant has confirmed that the maximum people staying over in the centre would be 6 trainees at any one time. The house is currently a 6 bedroomed property which is very large in scale. It is not considered that 6 guests staying at the property in a training capacity would have a significantly detrimental impact on neighbours due to increased noise and disturbance from the existing use. Although there will be an additional 2-3 deliveries to the site per week when training is on twice a month, officers do not consider that this would be significant or detrimental in terms of noise and disturbance. There have been no objections to the proposed change of use from the Council's Environmental Health Officers. As such officers do not consider there is a significant detrimental impact on the amenity of neighbouring properties in this regard.

The proposal is considered to be acceptable in this regard and in accordance with the relevant local and national planning policy.

Traffic and highways safety

Policy IC1 of the Burnley Local Plan aims to ensure that proposals provide for safe pedestrian, cycle and vehicular access to, from and within the site. Policy IC3 is relevant as it aims to ensure adequate parking is provided. These policies are supported by the provisions of the National Planning Policy Framework, in which para 11 states 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Objections have been received in relation to access, parking and highway safety and the potential for emergency vehicles to be blocked from access along the street,

The applicant has submitted a site layout which indicated parking within the site for 8no cars at the front of the house. There is also a large garage at the rear with additional parking for at least 3no vehicles, this complies with the requirements of the Burnley Local Plan. Deliveries would come into the yard to drop off. The Highways Authority have not objected to this number of parking spaces and officers therefore consider it is adequate.

The Highway Authority have considered the proposal and have made no objection to the application. They have stated that there is some concern with regards to the access and visibility when existing onto Pasturegate. As such, to alleviate this concern they have

requested visibility splays to be submitted which will ensure that anything within the splay will be reduced to 0.9m and retained as such. Similarly, the hedge overhanging the highway will need to be cut back. The Highways Authority is satisfied this can be achieved. A suitably worded condition is included. They have confirmed that the use is not likely to have a high number of trips, and the wider 5m splay is sufficient for what is an access to a residential road. If it was just to be a household, they would not be able to reasonably ask for anything to improve the access. They consider that a 3 generational household could quite easily generate more daily trips than the proposed use. They confirm 'There is certainly not sufficient concern to warrant any objections from a highways perspective'. It is also noted that a maximum of 6no trainees will be on site at any one time, which correlates with the number of bedrooms in the house as detailed in the report above.

In relation to parking on the street resulting in a health and safety risk in terms of access to emergency vehicles, adequate parking is provided for the proposed use within the site and as such this is not raised as a concern by the Highways Authority.

In conclusion therefore, the objections raised to the application in this regard have been considered and officers consider that with the inclusion of the required condition from the Highways Authority, and in the absence of an objection from them, the proposal is acceptable in this regard and in line with the relevant local and national planning policy.

Other issues raised

- Sets a precedent for business to change the outlook of the street resulting in a retail/business area. This is not a planning consideration; each application is required to be considered on its own merits.
- Trees and landscaping have been heavily cut back on the site prior to the submission of the planning application – none of the trees within the site are subject to a Tree Preservation Order and as such any works to trees cannot be controlled by the Council.
- Impact on wildlife- any trimming and maintenance of trees and hedgerows is controlled by other legislation in terms of nesting birds and protected species. As such this is not considered a suitable reason to refuse the planning application.
- There is no detail in the Planning Statement in relation to the possibility of 'day case' trainees along with residential- there are no proposed day trainees and the company provide residential courses.
- Loss of value of properties – this is not a planning consideration
- Consultation process has not been wide enough – the council have consulted as required by legislation. 14 letters of objection were received, which implies people in the area were aware of the proposal as it has generated a high level of responses. Officers are satisfied their statutory duty has been met in this regard.

Conclusions

The impact of the change of use has been considered in relation to the matters discussed in this report and officers are satisfied that with the conditions listed in the report, the proposal is acceptable and in accordance with the relevant local and national planning policies.

Recommendation:

APPROVE 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

Application forms

Existing Site Layout received 6th July 2022

Proposed Site Layout received 6th July 2022

Location Plan received 6th July 2022

Planning statement received 6th July 2022

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

3. Before the access is used for vehicular purposes for the use hereby approved, 45° visibility splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay.

Reason: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility, in the interests of highway safety.

4. Prior to the first use of the residential training centre (Use Class C2) hereby approved, a scheme for the collection and dispersal of cooking odours shall be submitted to and approved in writing by the local planning authority. The scheme shall include the technical specification and siting of any external ventilation ducting and/or plant. The kitchen extraction and ventilation system shall be designed to a standard such as the EMAQ guidance on the "Control of Odour and Noise from Commercial Kitchen Exhaust Systems", or equivalent, for the type of food outlet proposed. The approved scheme shall be implemented in full prior to first use and thereafter maintained in good working order at all times.

Reason: To minimise the risk of adverse impact on surrounding properties in accordance with Policies NE5 and SP5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

5. Prior to the first occupation of the use hereby approved a scheme and programme shall be submitted which details the location of the roaster in the rear garden. The scheme and programme shall be strictly adhered to for the duration of the development. Hog roasting shall be restricted to the rear garden and a maximum of 4no roasts a month.

Reason: In the interests of residential amenity to prevent potential nuisance arising from the activities at the premises and to accord with policy SP5 (2g) of Burnley`s Local Plan.

Part One Plan

Agenda Item 6b

Ref.

LBC/2021/0778

Housing & Development
Town Hall, Manchester Road

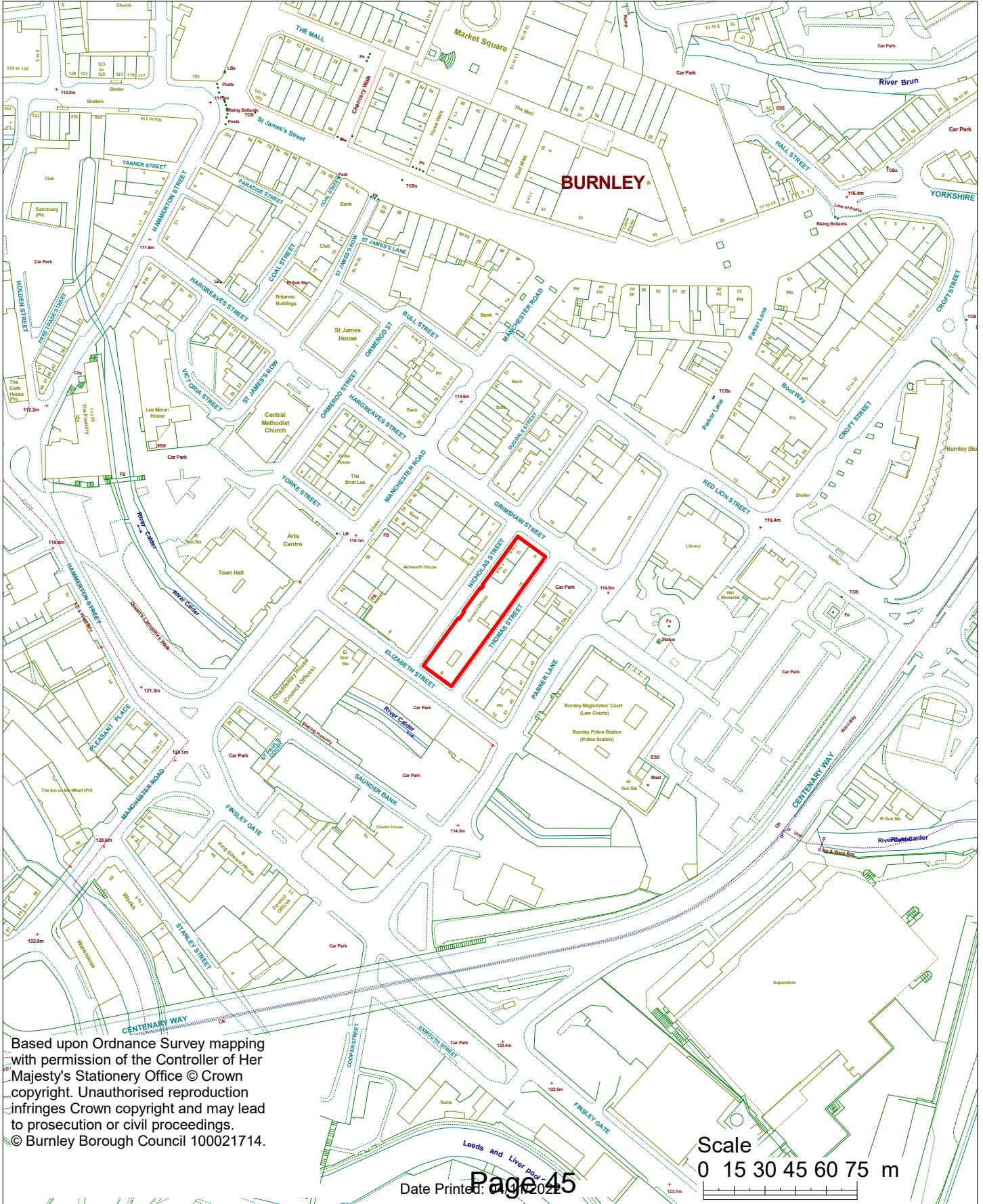
Paul Gatrell Head of Housing and Development Control

Location:



18 - 24 Nicholas Street, Burnley

1:2500



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Application Recommended for APPROVAL

LBC/2021/0778

Daneshouse with Stoneyholme Ward

Application for Listed Building Consent

Urgent Remedial works to expose and address dry rot outbreaks and associated structural weakening (retrospective application)

18-24 NICHOLAS STREET BURNLEY

Applicant: Burnley Borough Council

The Application Property:

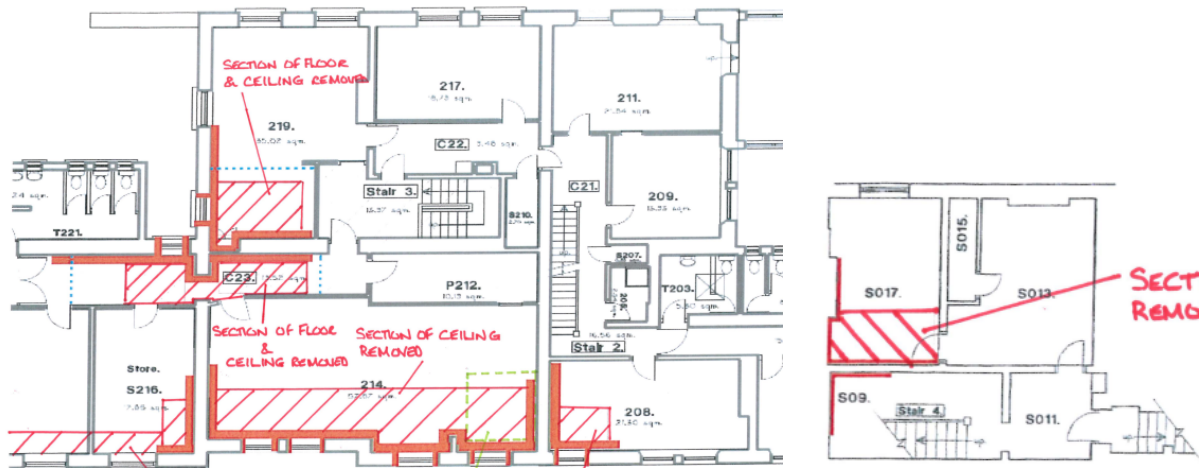
This application relates to the vacant former Council Offices at Nos 18-24 Nicholas Street which forms part of a terrace of historic buildings on the eastern side of the street and contributes to a group of late Victorian and Edwardian commercial and public buildings within the Burnley Town Centre Conservation Area. The property was originally two separate buildings dating from c.1866-69 including the Poor Law Union (No 18-20) and Oddfellows Club (No 22-24). It is constructed from sandstone embellished with stone dressed details under a hipped slate roof and its accommodation is arranged over three floors (plus basement). It is noted for its Florentine revival style, a bold design characteristic of higher status town centre buildings of its time which emphasises the importance of the buildings and wider terrace in the otherwise architecturally modest street.



(Image c. Google Maps)

Summary of Heritage Significance:

The application property is a heritage asset of high significance, reflected in its Grade II listing. The nature of this significance is derived primarily from its architectural and historic interest. On the first count it holds value for its proportions, rich sculptural embellishment and fine craftsmanship, being heavily influenced by the Italianate style of architecture, which combine to form a distinguished example of mid-Victorian civic architecture and show the buildings to be of some status. The property also holds local historic and evidential interest for its role in the civic governance of the town and connections to the friendly societies movement which has a long history within Burnley. It has group value with the wider terrace as a cohesive architectural composition built to the designs of notable local architect William Waddington.



Removal of floors, ceilings and plasterwork to second floor (left) and basement (right)

Relevant Policies:

Burnley’s Local Plan (July 2018): Policy HE2 (Designated Heritage Assets) outlines the key requirement for proposals to have regard to the desirability of sustaining and enhancing the significance of listed buildings and, where appropriate, securing a viable use most consistent with their conservation. All levels of harm should be avoided. The policy adopts the NPPF’s categories of ‘substantial’ and ‘less than substantial’ harm and the corresponding policy tests (as set out in NPPF 201 and 202).

The National Planning Policy Framework (2021): It is the conservation of heritage assets in a manner appropriate to their ‘significance’ which is the focus of the NPPF. Paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm. Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Planning (Listed Buildings and Conservation Areas) Act 1990: Sections 16 and 66 as below.

Relevant Recent Site History:

APP/2018/0061 and APP/2018/0062 (LBC): Change of use to 31no. apartments with external alterations – Planning Permission and Listed Building Consent Refused

APP/2017/0217 and APP/2017/0218 (LBC): Change of use to 31no. apartments with external alterations – Planning Permission and Listed Building Consent Refused

Consultation and Publicity: No responses received.

Assessment:

The main issue for consideration is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) and 66 confer upon local planning authorities a duty to have special regard to the desirability of preserving the special interest of a listed building, its setting or any features of special architectural or historic interest that it possesses. With regard to the NPPF and Local Plan Policy HE2 this can be defined as the impact of the proposal on the significance (special interest) of the Listed Building affected

with 'preservation' in this context meaning doing no harm to the significance as opposed to keeping it utterly unchanged.

Having regard to the relevant policy and legislation, as set out above, the main issue is whether the works have preserved (not cause harm to) the special interest (significance) of the Listed Building.

Impact on the significance (special interest) of the Listed Building:

The application is supported by a Heritage Statement which clearly explains the background, requirements, justification and benefits of the works. Having regard to the statement, it is clear that the works were urgently necessary for the preservation of the listed building; were limited to the minimum necessary; and followed best practice methods.

The works were limited to the interior of the property which does not make any meaningful contribution to overall significance (special interest) of the listed building for the reasons set out above. Nonetheless the works have resulted in the loss of historic fabric and accordingly have caused a degree of harm that is assessed as falling within the lower end of the broad category of "less than substantial harm" in that it would not result in any real change in the ability to understand and appreciate the overall significance of the building.

In this case the applicant has provided compelling evidence that the works were urgent and unavoidable and could not have been reasonably achieved by alternative less harmful means. The harm to significance arising is considered to be both justified, and outweighed, by the benefits of ensuring the proper preservation of the designated heritage asset in accordance with the requirements of Policy HE2, the NPPF and the duty assigned by the LBCA Act.

Conclusion:

The works were informed by a sound understanding of the significance of the heritage asset and limited to what was reasonably necessary to arrest the dry rot outbreak, secure structural stability and improve resilience to water ingress. The works are robustly justified against the considerable public benefits associated with arresting decay in the interests of preservation.

Recommendation: Approve

In giving considerable importance and weight to the duties at Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in consideration to NPPF Section 16 and Policy HE2 of Burnley's Local Plan I recommend that listed building consent is granted subject to conditions.

Conditions and Reasons:

1. The development hereby permitted shall not be carried out other than to the specifications as indicated on the approved drawings and specification of works noted thereon except where modified by the conditions of this consent. The approved drawings are Drawing Nos DRW.1/L1/NS (Dry Rot Stripping Out Work and Holding Treatments); and DRW.2/L2/NS (Dry Rot Stripping Out Work and Holding Treatments) received 23 December 2001.

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).

2. The works hereby approved are limited to those specifically indicated on the approved drawings referred to above. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

Reason: To ensure that the special architectural or historic interest of the listed building is preserved in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

3. Any reinstatement works and finishes of making good shall match the existing original work adjacent in respect of material uses, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any conditions attached to this consent.

Reason: To ensure that the special architectural or historic interest of the listed building is preserved in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

EEP (Principal Planner)

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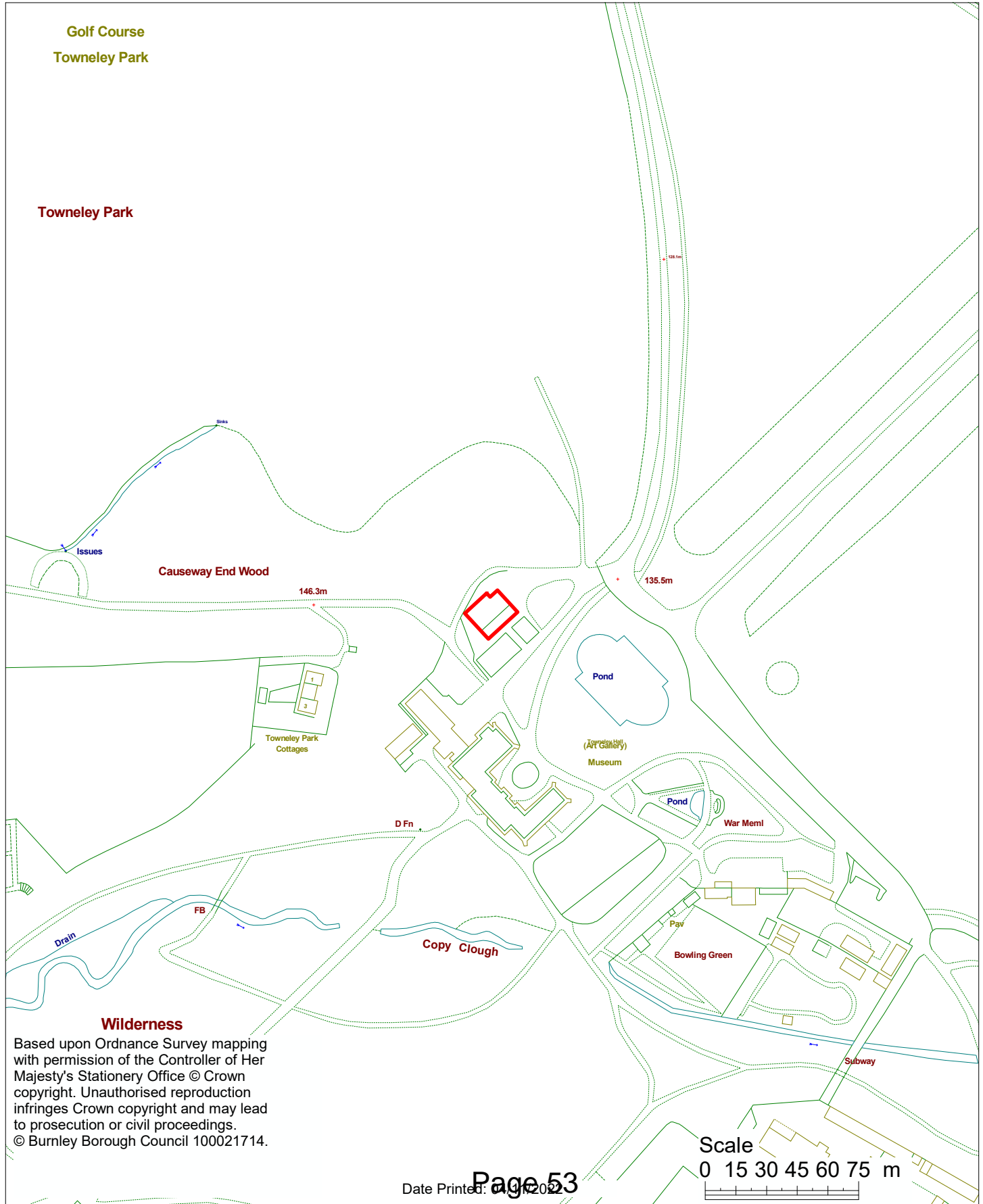
Paul Gatrell Head of Housing and Development Control

Location:



The Old Stables Restaurant, Towneley Park, Burnley

1:2500



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Rosehill with Burnley Wood Ward

Application for Listed Building Consent

Re-roof main double pitched roof

THE OLD STABLES RESTAURANT TOWNLEY PARK BURNLEY BB11 3RQ

Applicant: Burnley Borough Council

The application property and summary of heritage significance:

This application relates to the former stables and coach house to Towneley Hall, dating from c.1790 and converted into a café in the early 1950s. The building, constructed from sandstone under a hipped slate roof, has been substantially altered at various phases during its occupation the most recent addition being the mono-pitch extension to the front.

The building is a heritage asset of high significance, reflected in its Grade II listing. The nature of this significance is derived primarily from its historic and evidential interest resulting from its ancillary relationship to Towneley Hall and its integral part of the designed parkland. Similarly, it holds group value with other surviving ancillary and service buildings on the estate which allow an understanding of the various ancillary operations, functions and relationships between the Hall, its associated buildings and wider estate. The special architectural interest is derived from its historic fabric, materials and architectural features that are representative of local building traditions at the time of construction.

In relation to building condition, the submitted Heritage Statement explains that the roof which was re-slatted in the 1980s is beyond practical and feasible repair. The underfelt has failed, allowing water ingress affecting the structure and internal finishes, and there are a significant number of slipped and damaged slates. The lead roll ridge and hip detail have been damaged with sections being stolen largely due to the ease of access.



Proposal:

This application seeks Listed Building Consent for the re-roofing of the building. Existing slates will be re-used where practical and like-for-like replacements where necessary. The roofing battens will be renewed and a breathable membrane incorporated to protect the building and improve thermal efficiency. It is also proposed to replace the ridge and hip leadwork with a synthetic alternative to the same design and detail.

The works have been discussed and agreed with the Council's Heritage Planner who confirms that whilst like-for-like lead replacement (with appropriate security measures) following lead theft is highly desirable it is clear that the risk of further lead theft is high and

as such an alternative material that matches the appearance (colour) and traditional method of application would be acceptable.

This application is presented to Committee as the applicant is Burnley Borough Council

Relevant Policies:

Burnley's Local Plan (July 2018): Policy HE2 (Designated Heritage Assets) outlines the key requirement for proposals to have regard to the desirability of sustaining and enhancing the significance of listed buildings and, where appropriate, securing a viable use most consistent with their conservation. All levels of harm should be avoided. The policy adopts the NPPF's categories of 'substantial' and 'less than substantial' harm and the corresponding policy tests (as set out in NPPF 201 and 202).

The National Planning Policy Framework (2021): It is the conservation of heritage assets in a manner appropriate to their 'significance' which is the focus of the NPPF. Paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm. Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Planning (Listed Buildings and Conservation Areas) Act 1990: Sections 16 and 66 as below.

Relevant Recent Site History:

APP/2005/0732 and APP/2005/0733: Erection of extension to 'Stables Cafe' and associated external works – Planning and Listed Building Consent Granted

Consultation and Publicity: No responses received.

Assessment:

The main issue for consideration is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) and 66 confer upon local planning authorities a duty to have special regard to the desirability of preserving the special interest of a listed building, its setting or any features of special architectural or historic interest that it possesses. With regard to the NPPF and Local Plan Policy HE2 this can be defined as the impact of the proposal on the significance (special interest) of the Listed Building affected with 'preservation' in this context meaning doing no harm to the significance as opposed to keeping it utterly unchanged.

Having regard to the relevant policy and legislation, as set out above, the main issue is whether the proposal would preserve (not cause harm to) the special interest (significance) of the Listed Building.

Impact on the significance (special interest) of the Listed Building:

The application is supported by a Heritage Statement which clearly explains the background, requirements, justification and benefits of the works. Having regard to the statement, it is clear that proposed works are necessary to maintain the upkeep and safeguard the viability of the building. It is considered that renewal of the slates, battens and under-felt are sensitively specified such that they would not result in any harm to the significance of the building. With regards to the use of a lead alternative to the ridge and hips, this element of

the proposal would result in the loss of a traditional material and accordingly would cause a level of harm that is assessed as falling within the lower end of the broad category of “less than substantial harm” in that it would not result in any real change in the ability to understand and appreciate the overall significance of the building.

On this occasion the work is considered to be clearly necessary, due to the high risk of further lead theft and associated damage and the impact limited by the use of a material that matches the appearance (colour) and traditional method of application. The harm arising is considered to be both justified, and outweighed, by the heritage benefits of preventing water ingress thus securing the long term preservation of the building in accordance with the requirements of Policy HE2, the NPPF and the duty assigned by the LBCA Act.

Conclusion:

The proposed works are informed by a sound understanding of the significance of the heritage asset and the proposed interventions limited to what is reasonably necessary to enhance the overall condition of the roof structure and improve its resilience to architectural theft and damage. The works have been designed to minimise harm to historic fabric and visual impact; and are robustly justified against the considerable public benefits associated with enabling the continued use of the building in support of its long-term conservation.

Recommendation:

In giving considerable importance and weight to the duties at Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in consideration to NPPF Section 16 and Policy HE2 of Burnley’s Local Plan I would recommend that listed building consent be granted subject to conditions.

Conditions and Reasons:

1. The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason: As required by 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. 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).

EEP (Principal Planner)

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part II: Decisions taken under the scheme of delegation.
For Information

17th November 2022

Housing and Development

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2020/0427	Mr Dennis Berry	Former Garage Colony Duncan Street Burnley Lancashire BB12 6HB	Erection of 2 pairs of semi-detached three bedroom houses	Application Withdrawn	17th October 2022
VAR/2021/0361	Canal & River Trust	Finsley Gate Wharf Finsley Gate Burnley Lancashire BB11 2FG	Variation of Condition 6 (Site access and off-site works of highway improvement completion timetable) pursuant to planning application APP/2018/0103 to amend the wording of the condition to state that the works should be completed within 6 months of occupation of the buildings, rather than as pre occupation requirement.	Application Withdrawn	5th October 2022
FUL/2022/0157	Mr R Strange	Clearview Cattery Lower Childers Green Farm Mill Hill Lane Hapton Lancashire BB11 5QX	Proposed redevelopment of existing cattery to provide a new boarding cattery building, demolition of 2no. stable blocks and original cattery building	Approve with Conditions	2nd November 2022
VAR/2022/0367	Mr Clive Durkin	1 Royal Court Briercliffe Burnley Lancashire BB10 2SB	Variation of Condition 2 on planning permission APP/2017/0601 relating to removal of parking plot numbers on approved drawing 04H	Refuse	21st October 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2022/0413	Mrs Sakiba Bibi	41 Brooklands Road Burnley Lancashire BB11 3PR	Single storey rear extension and two skylight windows to the front roof slope.	Approve with Conditions	3rd October 2022
LBC/2022/0463	Mr B Filmore	Imperial Chambers 32 Manchester Road Burnley Lancashire BB11 1HH	Listed building consent to carry out alterations to convert first, second and third floors to 6 No. apartments	Approve with Conditions	21st October 2022
FUL/2022/0388	Mr B Jones	4 Parker Lane Burnley Lancashire BB11 2BY	Change of use and conversion of part 1st floor and 2nd floor of 4 Parker Lane from a beauty Salon to a 2 bedroom apartment.	Approve with Conditions	3rd October 2022
VAR/2022/0479	Mr Phill Ashley	The Stables Plot 4 Lennox Street Worsthorne-with-hurstwood Lancashire BB10 3LY	Variation of conditions 3 (materials), 4 (landscape works), 12 (fencing and walling) and removal of conditions 14 (permitted development) and 16 (vehicular access) of planning permission FUL/2021/0393.	Approve with Conditions	3rd October 2022
CEA/2022/0488	Mr Paul Fuller	62 Cumbrian Way Burnley Ightenhill Lancashire BB12 8UN	Replace garage doors/brick-up & external works to garage walls	Lawful Dev Cert issued	3rd October 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2022/0487	Mr Mohammed Qasim	2 Fairfield Drive Burnley Lancashire BB10 2PU	Proposed part single storey rear extension and double storey extension, single storey side extension and double storey front extension.	Approve with Conditions	18th October 2022
HOU/2022/0493	Mr Mathew O'kane	52 Westbourne Avenue Burnley Lancashire BB11 4DG	First floor side extension above the garage and single storey rear extension to the rear of the existing garage.	Approve with Conditions	27th October 2022
FUL/2022/0506	Canal & River Trust	Finsley Gate Wharf Finsley Gate Burnley Lancashire BB11 2FG	Installation of a 'Horse & Cart' sculpture	Approve with Conditions	31st October 2022
FUL/2022/0469	Miss Elaine Sullivan	90 Healey Wood Road Burnley Lancashire BB11 2LP	Retrospective application for garden building in rear garden area.	Approve with Conditions	5th October 2022
HOU/2022/0511	Mr Anthony Gardiner	5 Drammen Avenue Burnley Lancashire BB11 5EA	Proposed single storey extension.	Approve with Conditions	12th October 2022
ADV/2022/0516	Next Retail Ltd	4 Curzon Street Burnley Lancashire BB11 1BB	Proposal to erect five internally illuminated lettered signs within store.	Approve with Conditions	3rd November 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2022/0527	D Hussain	Unit R Briercliffe Shopping Centre Briercliffe Road Burnley Lancashire BB10 1WB	Change of use of shop (Class E) to hot food takeaway (sui generis) including installation of extractor flue.	Approve with Conditions	6th October 2022
HOU/2022/0537	Joanne Haselden	11 Hill Crest Avenue Cliviger Lancashire BB10 4JA	Demolition of conservatory and garage outhouse. Erection of a single-storey wrap-around extension to the side and rear.	Approve with Conditions	21st October 2022
HOU/2022/0550	Angela Pickard	15 Mark Street Burnley Lancashire BB10 1SY	Wet room extension to rear.	Approve with Conditions	21st October 2022
ADV/2022/0543	Mr N Gerken	Old Red Lion Hotel 2 - 4 Manchester Road Burnley Lancashire BB11 1HH	Temporary advertisement shroud around conversion works for up to 9 months (already displayed).	Approve with Conditions	21st October 2022
PAH/2022/0542	Mrs M Nawaz	7 Fairfield Drive Burnley Lancashire BB10 2PU	Single storey rear extension with flat roof over and glazed roof lantern, measuring 8 metres beyond rear wall, 7.1 metres in depth, 2.8 metres maximum height and 2.8 metres to eaves.	Prior Approval Granted	20th October 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2022/0545	Mr Tasadaq Hussain	10 Hillingdon Road Burnley Lancashire BB10 2EG	Proposed two storey side and rear extension and single storey extension to the rear	Approve with Conditions	3rd November 2022
HOU/2022/0551	Mr Biladar Khan	12 - 14 Cromwell Street Burnley Lancashire BB12 0DB	Proposed wet room extension	Approve with Conditions	3rd November 2022
PAH/2022/0544	Mrs Nicola Rides	Park Hill Pasturegate Avenue Burnley Lancashire BB11 4DD	Proposed single storey rear extension to extend by 6 metres externally beyond rear wall, 3.9 metres maximum height and 2.5 metres height to the eaves.	Prior Approval not required accept	21st October 2022
HOU/2022/0547	Mrs Marilynne Ashmore	6 Ash Close Padiham Lancashire BB12 8FF	Proposed rear extension	Approve with Conditions	3rd November 2022
ADV/2022/0549	Westgate Motor Company	104 Westgate Burnley Lancashire BB11 1SD	Application to replace the existing overhead lit wall mounted signage with a smaller digital sign.	Approve with Conditions	21st October 2022
NMA/2022/0570	Jack Donaldson	Land At Curzon Street And Pioneer Place Car Park Burnley BB11 1DF	Non-material amendments to planning permission VAR/2022/0046 (Condition 2) relating to changes to plans and elevations.	Non-Material Minor Amendment Granted	21st October 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2022/0573	Mr Alex Kenwright	Accrington Road, Burnley, BB11 5QJ	Proposed Discharge of Condition 11 (Land Contamination) of Outline Planning Permission OUT/2020/0366	Conditions discharged	19th October 2022
PTEL/2022/0588	Miss Dianne Perry	Land At Padiham Road Padiham Road Burnley BB12 6TA	The proposal relates to the installation of a 20m monopole, supporting 6 no antennas, 1 no wraparound equipment cabinet at the base of the monopole, 2 no equipment cabinets, 1 no meter cabinet and ancillary development thereto.	Prior Approval Granted	21st October 2022
TNOT/2022/0625	Jodie Kane MRTPI	Lower House Lane Padham Lancashire BB12 6PQ	Proposed Telecommunication Base Station Development Removal of 15m street furniture style mast with 3No. antennas within GRP shroud, 2No. cabinets and all ancillary development. Installation of 20m street furniture style mast with 6No. antennas, 1No. 300mm dish, 3No. cabinets and all ancillary development.	Observations	20th October 2022
CND/2022/0616	Curtis Cooper-Mcgrail	Development Land At Abel Street, Burnley	Discharge of Condition 3 of planning permission APP/2011/0497 (relating to the materials)	Conditions discharged	3rd November 2022