



# DEVELOPMENT CONTROL COMMITTEE

BASEMENT STUDIO, MECHANICS THEATRE

Thursday, 13th April, 2023 at 6.30 pm

## PRESENT

## MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), G Birtwistle, S Cunliffe, S Graham, J Harbour, B Horrocks, A Hosker, M Hurt, J Inckle, S Kazmi, L Khan, A Royle and M Steel

## OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Catherine Waudby	– Head of Legal and Democratic Services
Paula Fitzgerald	– Senior Planner
Alison McEwan	– Democracy Officer
Mollie Boothman	– Legal Assistant

### 130. Minutes

The Minutes of the last meeting were approved as a correct record and signed by the Chair.

### 131. Declaration of Interest

HOU/2023/0031, 30 Deer Park Road – Councillor Gordon Birtwistle explained that although he had expressed an interest in purchasing this property, this had not progressed, therefore he had no interest in this application.

### 132. List of Deposited Plans and Applications

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

### 133. FUL/2023/0070 - Cornfield Farm Fishery, Cornfield Grove, Burnley

Town and Country Planning Act 1990  
Proposed log cabin for educational purposes.  
Cornfield Farm Fishery Cornfield Grove Burnley

#### Decision

That the application be approved subject to the following conditions:

#### Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

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

2. Prior to commencement of development, full details including elevational treatment and proposed materials shall be submitted in writing to and approved by the Local Planning authority. Thereafter the plans shall not be varied without 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 SP7 of Burnley's Local Plan 2018

3. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order to protect the amenity of surrounding uses in accordance with policies SP4 and NE5 of Burnley's adopted Local Plan

4. The cabin hereby permitted shall only be used by Mark Smedley for educational purposes and shall not be used by any other organisations unless written permission is sought by the Local Planning authority.

Reason: In order to protect the amenity of surrounding uses in accordance with policies SP4, SP7 and NE5 of Burnley's adopted Local Plan

5. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous 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) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework and Policy NE5 of Burnley's adopted Local Plan

#### **134. FUL/2023/0034 - Halstead Farm, Lower Rosegrove Lane, Burnley**

Town and Country Planning Act 1990

Erection of 2 no. detached bungalows with access off Lower Rosegrove Lane  
Halstead Farm Lower Rosegrove Lane Burnley Lancashire

#### **Decision**

That the application be approved subject to the following conditions.

#### **Conditions**

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 shall be carried out in accordance with the approved plans listed on this notice below and the structural report dated 2016.

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.

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

5. All visibility splays at the construction site access to the development shall be cleared to ground level prior to the commencement of any works in accordance with plan 22/85/11.

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

6. No dwelling shall be occupied until the car parking area as shown on plan 22/85/4B has been surfaced or paved and 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. 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, in accordance with plan 22/85/11. 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

8. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material in accordance with details on plan 22/85/11

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.

9. The proposed access from the site to shall be constructed to a minimum width of 4.5m and this width shall be maintained for a minimum distance of 10m measured back from the nearside edge of the carriageway in accordance with plan 22/85/11

Reason: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.

10. 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**

11. 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.

12. 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.

## **Archaeology**

13. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological or historical importance associated with the site.

## **Other**

14. The dry stone wall surrounding the site, as shown on plan 22/85/B shall be retained and repaired where necessary and shall remain in perpetuity.

Reason: In the interests of safeguarding the character of the area in accordance with policy SP5 of Burnley's adopted Local Plan.

## **Notes**

### **Coal Authority**

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 0845 762 6848.

Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

### **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](mailto:lhsstreetworks@lancashire.gov.uk)

### **Archaeology**

The programme of archaeological work should comprise a strip, map and record excavation of the area affected by the development. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists

<b>135. HOU/2023/0031 - 30 Deer Park Road, Burnley</b>
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Town and Country Planning Act 1990

Proposed rear extensions and external works to adapt the property for a disabled individual.  
30 Deer Park Road, Burnley, Lancashire BB10 4SD

### **Decision**

That the application be approved subject to the following conditions:

### **Conditions**

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

Reason: Required to be imposed 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 shall be carried out in accordance with the following submitted Drawings:

- Drawing No. 17486A 02 – existing details, received 20.01.2023
- Drawing No. 17486A 03D – proposed details, received 30.03.2023

Reason: To ensure continued compliance with the Development Plan.

3. 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 north-east facing elevation of 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.

4. Construction of the extension shall not commence until trees along the boundary of Nos. 30 and 32 Deer Park Road have been removed in accordance with details shown on Drawing No. 17486A 03D. No plants or other boundary features in excess of 900mm in height shall exist along the boundary between the front gardens of Nos. 30 and 32 Deer Park Road thereafter.

Reason: In the interests of the amenity of occupants of No.32 Deer Park Road, and to accord with Policies SP5 and HS5 of the Local Plan.

5. The extension shall not be occupied until a charging point for electric vehicles is included within the development. This shall be fitted in line with DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings, which states charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles, and shall be retained thereafter.

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions, and to accord with Policy IC3 of the Local Plan.

6. The extension shall be faced and roofed in materials to match those used in the host property, as shown on Drawing No. 17486A 03D.

Reason: In the interests of visual amenity and to accord with Policies SP5 and HS5 of the Local Plan.

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

Members noted the list of delegated decisions.

### **137. Appeals and Other Decisions**

Members noted the information on appeals.