



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 9th November, 2023 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), G Birtwistle, J Broughton, S Cunliffe, S Graham, J Harbour, M Hurt, J Inckle, S Kazmi and P Reynolds

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Laura Golledge	– Planning Manager
Janet Filbin	– Principal Planner
Paula Fitzgerald	– Senior Planner
Josh Parkinson	– Principal Planner
Sajada Khan	– Litigation and Regulatory Solicitor
Alison McEwan	– Democracy Officer

45. Apologies

Apologies for absence were received from Cllrs Kelly, Sollis and Steel. Cllr Hosker had also submitted apologies but these were not seen until after the meeting.

46. Minutes

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

47. Additional Items of Business

It was moved, seconded and RESOLVED to change the order of items on the agenda, to hear FUL/2023/0332 as the first planning application.

48. List of Deposited Plans and Applications

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

Claire Bradley – FUL/2023/0332 – Crow Wood, Crow Wood Lane

Graham Trehwella- OUT/2023/0294 - Land South of Grove Lane, Padiham

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

49. FUL/2023/0332 - Crow Wood Hotel Crow Wood Holme Road, Burnley

Town and Country Planning Act 1990

Erection of solar farm comprising 1978 panels, transformer housing, CCTV and boundary fencing

Crow Wood Hotel Crow Wood Holme Road Stoneyholme

A motion to refuse the application due to unacceptable impact on the greenbelt was moved and seconded. As refusal was contrary to officer recommendation a recorded vote was taken.

On being put to the vote, the motion was declared to have been LOST.

To refuse the application due to the unacceptable impact on the Greenbelt (Motion)	
Councillor Saeed Chaudhary	Against
Councillor Gordon Birtwistle	Against
Councillor Joanne Broughton	Against
Councillor Scott Cunliffe	Against
Councillor Sue Graham	For
Councillor John Harbour	For
Councillor Martyn Hurt	Against
Councillor Jacqueline Inckle	Against
Councillor Syeda Kazmi	For
Councillor Paul Reynolds	Abstain
Paul Gatrell	No vote recorded
Laura Golledge	No vote recorded
Janet Filbin	No vote recorded
Paula Fitzgerald	No vote recorded
Sajada Khan	No vote recorded
Alison McEwan	No vote recorded
Rejected	

Decision

That planning permission be granted 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 shall be carried out in accordance with the approved plans listed on this notice below.

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

3. The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the National Grid. At the end of this 40-year period, the development shall be removed, and the land restored to its previous agricultural use in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: The proposed development has an operational lifespan of 40 years and following this period (or a shorter period if the use ceases earlier than anticipated) the impact of the development on the green belt is no longer justified and the landscape should be restored in the interests of the green belt, in accordance with Policies SP7, CC1 and NE3 of Burnley's Local Plan (July 2018).

Decommissioning & Highways

4. No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by this solar array, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The scheme of works shall include the following: (a) a programme of works; (b) a method statement for the decommissioning and dismantling of all equipment and surfacing on site; (c) details of any items to be retained on site; (d) a method statement for restoring the land to agriculture; (e) timescale for the decommissioning, removal and reinstatement of the land; (f) a method statement for the disposal/recycling of redundant equipment/structures. The scheme of works shall be undertaken in accordance with the approved details and timescales. The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity generation.

Reason: To protect the ecology of the site during the decommissioning and restoration of the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

5. No construction or decommissioning works shall take place except between the following hours: 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 Saturday. No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday.

Reason: To ensure that suitable controls and measures are in place to accommodate traffic associated with the decommissioning and restoration of the site

and to minimise any potential disruption, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018)

6. 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).

7. No external lighting, including lighting required for construction and decommissioning, shall be installed at the site until such time as a lighting strategy for biodiversity has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the details agreed in the strategy and shall be maintained thereafter in accordance with the agreed details, subject to any such variation that may be agreed with the Local Planning Authority. No additional external lighting shall be installed without prior written consent from the local planning authority.

Reason: To avoid harm to any wildlife, to protect the biodiversity of the site and to protect the character of the green belt and open countryside in accordance with Policy NE1 of Burnley's Local Plan (July 2018)

Ecology & Landscape

8. The development shall be carried out in accordance with the recommendations set out in the Landscape Visual Impact Assessment Rev A dated May 2023.

Reason: To ensure the development enhances the landscape and biodiversity aspects of the scheme and through mitigation reduces any potential visual impacts in accordance with policy NE3 of Burnley's adopted Local Plan.

9. Prior to development on site, a bat mitigation and avoidance strategy for works near to the mature Oak Tree to the southern edge of the site shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the protection of species/habitat protected by the Wildlife and Countryside Act 1981 (as amended) and in the interests of biodiversity in compliance with policy NE1 of Burnley's adopted Local Plan and The NPPF.

10. No works shall commence between the 1st March and 31st August in any year unless a detailed bird nest survey of the adjacent plantation and barn owl box by a suitably experienced ecologist has been carried out immediately prior to development and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Reason: To ensure that there is no harm to nesting birds which are protected by the Wildlife and Countryside Act 1981 and in accordance with Policies NE1 and NE4 of Burnley's Local Plan (July 2018)

11. Detailed specification of the native hedgerow (refer to drawing 1503 – 2B) shall be submitted and approved in writing by the Local Planning Authority. The hedgerow shall be put in place in the first planting season. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased

within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory.

12. The development shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Report and Great Crested Newt Report V1 dated 30/5/23 especially reference to the 'Mitigation and Opportunities' chapter.

Reason: To ensure the development enhances the biodiversity aspects of the scheme and through mitigation reduces any potential impacts in accordance with policy NE1 of Burnley's adopted Local Plan.

Drainage

13. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment and surface water sustainable drainage strategy (17/04/2023 AEG02105_BB12_Burnley_07, Aegaea) The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

14. 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) No surface water shall be permitted to discharge directly or indirectly to the public sewer network;);

(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 adopted Local Plan 2018.

15. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local

planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with policy CC5 of Burnley's adopted Local Plan 2018.

16. No construction shall commence until details of the means of ensuring the 1370mm Combined sewer that is laid within the access road leading to the site boundary, is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the public sewer that crosses the access route and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and safety and to ensure protection of essential services.

Informatives:

The applicant is reminded that under the Protection of Badgers Act 1992 it is an offence to intentionally or recklessly interfere with a badger sett. If a badger sett is found on or near the developments site work should cease immediately and a suitably experienced ecologist employed to advise on how best to proceed. It is also an offence to wilfully kill, injure, ill-treat, take or possess a badger or attempt to do so.

50. OUT/2023/0294 - Land To The South Of Grove Lane Padiham

Town and Country Planning Act 1990

Outline application for erection of up to 40 dwellings including details of access from Grove Lane (all other matters reserved for future approval). Proposal Affects Public Footpath no. 22

Land To The South Of Grove Lane Padiham Lancashire

Decision

That the decision be delegated to the Head of Housing & Development Control subject a S106 contribution relating to affordable housing and education and the following conditions:

Conditions and Reasons

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: The permission is an outline planning permission.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.

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

5. Prior to the commencement of any development, a phasing plan and strategy for the development of the site 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 phasing plan and strategy unless any variation to this is otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of construction that is effective and efficient, in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

6. Application for approval of the reserved matters for the layout of the development shall provide for the inclusion of public open space and an equipped area for play.

Reason: To provide adequate public open space to meets the needs of the development in accordance with the requirements for public open space at Policy HS4 of Burnley's Local Plan (July 2018).

7. Prior to the commencement of any development, a scheme for the provision of an equipped area for childrens play shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a timescale for its implementation and completion. The approved scheme shall thereafter be carried out as approved and retained at all times thereafter.

Reason: To ensure the provision of adequate play facilities for children to cater for the needs of the development, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

8. Prior to the first occupation of any dwelling, a landscape and open space management plan, including long term design objectives, management responsibilities, maintenance schedules (including replacement of equipment and replacement planting) and a programme of implementation, for all landscape areas, play areas and public open space, other than small, privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape and open space management plan shall be carried out and adhered to as approved in perpetuity.

Reason: To ensure that 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).

9. Application for approval of the reserved matters for the landscaping of the site shall include a tree retentions and removal plan and provide for the retention of the hedge along the site's northern boundary (except where removal is required to form a new vehicular access on Grove Lane) and for the retention of trees, particularly at the site's western boundary and south western corner of the application site.

Reason: To ensure that existing hedgerows and trees are given adequate consideration in the detailed design of the development, in order to retain features that will contribute to the landscaping of the development, in accordance with Policy NE4 of Burnley's Local Plan (July 2018).

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner, within any phase of the development, in accordance with the phasing plan agreed under Condition 5; and, any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).

11. No development shall be commenced until a scheme for the means of protecting trees and hedges which are to be retained within and immediately 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 the protection of trees and hedges which contribute to the character of the local area and its surroundings, in accordance with Policy NE4 of the Burnley's Local Plan (July 2018).

12. Vehicular access to the site shall be from a single point on Grove Lane only, as indicated on drawing number 856-P04-F and there shall be no other vehicular access from any other place and no direct pedestrian access to properties from Grove Lane.

Reason: To ensure the satisfactory implementation of the proposal, in order to provide a safe form of access to serve the development and control future traffic generation onto Grove Lane, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

13. Notwithstanding the provisions at Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no direct access of any kind shall be constructed to any dwelling from Grove Lane without planning permission being first obtained.

Reason: To deter on-street parking close to new homes on Grove Lane and in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

14. No development shall be commenced unless and until a scheme for the construction of the site access and associated off-site works of highway improvement which shall include additional signage; road markings; footway construction (to the north east side of Grove Lane); street lighting assessment/replacement; details of a traffic count to

verify visibility splays; block paved junction table; and the re-location of a bench, has been submitted to and first approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to and from the site to serve the needs of the development, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

15. No dwelling shall be first occupied until the approved scheme referred to in Condition 14 above has been constructed and completed in accordance with the scheme details.

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

16. Application for approval of the reserved matters for the layout of the development shall include details of the layout of the estate access road(s), footways and turning areas to an adoptable standard.

Reason: These details have not been provided or approved as part of this outline application and are required to ensure a satisfactory and safe means of access to serve the proposed development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

17. No built development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

18. The estate road and access between the site and Grove Lane shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development, other than demolition and site clearance, takes place and shall thereafter be constructed to at least base course level within that each successive phase prior to development being commenced in that phase.

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

19. No built development above ground level shall be commenced until details of a highway surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The approved highway surface water drainage scheme shall thereafter be implemented in accordance with the approved details as part of the highway construction and completed prior to the occupation of any dwelling.

Reason: To prevent water from discharging onto the public highway, in the interest of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

20. Application for approval of the reserved matters for the layout of the site shall include the provision of a footpath link and details of its design and construction (minimum 3m wide) between the site and the adjacent public footpath no. 22 at the eastern edge of the application site. The footpath link shall be constructed, drained, surfaced and available for use in accordance with the approved details prior to the completion of the development and shall thereafter remain open and available for use in perpetuity.

Reason: To ensure that there is good connectivity between the development and the adjacent public footpath network, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

21. Any application for the approval of Reserved Matters relating to the details of Layout shall show how a cycle/pedestrian link is accommodated in the design of the scheme to facilitate pedestrian access (and cycle access where possible) between the development and Wyre Street. That part of the approved cycle/pedestrian link within the application site shall be constructed, drained and surfaced in accordance with the approved details prior to the completion of the development or the first occupation of any dwelling (whichever is the sooner) and shall be first open and available for use on completion of a connecting link on its southern side (which is expected to connect to Wyre Street). The approved cycle/ pedestrian link shall thereafter be retained and remain open and available for use in perpetuity.

Reason: To ensure that there is good connectivity between the development and the surrounding area, to promote walking and cycling (where practical) to amenities and town centre shops/facilities, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

22. No dwelling shall be first occupied unless and until its associated car parking spaces have been constructed, drained, surfaced and are available for use in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. All 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 and suitable off-street parking, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

23. No development shall take place until a Construction Management Plan/ Construction Method Statement which shall include the following has been submitted to and approved in writing by the Local Planning Authority:-

- 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;
- 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;
- Construction vehicle routing; and,
- Delivery, demolition, and construction working hours.

The approved Construction Management Plan/Construction Method Statement shall be adhered to throughout the construction period until the completion of the development.

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018).

24. 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, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means shall be available and 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).

25. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

26. There shall be no deliveries of materials and equipment associated with the construction of the development accepted or permitted to enter or leave the site on Mondays to Fridays except between 09:30 hours and 14:30 hours unless any exceptional cases are agreed in writing in advance with the Local Planning Authority.

Reason: To manage traffic during peak traffic periods and to protect the amenities of local residents, in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).

27. A scheme of intrusive site investigations to be carried out in accordance with authoritative UK guidance to identify potential mine entries and shallow mine workings including works to establish whether recorded mine shaft 379434-007 is present within the site shall be carried out to inform the design of the proposed development prior to the submission of a reserved matters application for the layout of the development and the following shall be submitted as part of a reserved matters application:

- i) a report of findings arising from the intrusive site investigations; and,
- ii) a layout plan that identifies the position of the recorded mine entry 379434- 007 if located, the extent of its potential zone of influence, and a suitable 'no build' zone around this feature and any other off-site recorded mine entries present within influencing distance of the site.

No development shall be commenced until any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented in full in order to ensure that the site is made safe and stable for the proposed development. These works shall be carried out in accordance with authoritative UK guidance. No dwelling shall be first occupied until a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development has been submitted to and approved in writing by the Local Planning Authority. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To adequately deal with coal mining legacies that potentially pose a risk to the development, in order to ensure the safety and stability of the development, in the interests of public safety, in accordance with Policy NE5 of Burnley`s Local Plan (July 2018).

28. Prior to the commencement of development, a scheme that includes all of the following components to deal with the risks associated with contamination of the site, shall be submitted to and approved, in writing, by the Local Planning Authority:
- (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 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 express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been 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.

Reason: The site is affected by past land uses that pose a risk of contamination to groundwaters and to public safety which must be adequately dealt with to achieve a safe development, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

29. Prior to the commencement of development, a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved monitoring and maintenance plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the monitoring and maintenance plan, a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied and the long-term monitoring and maintenance plan shall continue thereafter to be implemented as approved.

Reason: To ensure the provision of effective long term measures for safeguarding against the pollution of groundwaters and protecting human health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

30. Prior to the commencement of built development, a Lighting Design Strategy to minimise the impact of external lighting on biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance around breeding sites, resting places or along important routes, such as for foraging; and,
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications).

Only external lighting as detailed within the approved Lighting Design Strategy shall be installed at the site and shall thereafter be maintained as approved. No additional external lighting shall at any time be installed within the areas identified under a) above without the prior written permission of the Local Planning Authority.

Reason: To minimise the impact of external lighting on foraging and commuting bats, in order to give adequate protection to protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

31. A Reserved Matters application for the landscaping of the site shall include details of a new species-rich native hedgerow to the south eastern boundary of the application site, as recommended at section 5.9 of the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (prepared by Bowland Ecology, dated May 2023).

Reason: To mitigate against the loss of foraging habitat for bats, in interests of the biodiversity of the site, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

32. No removal of or works to any trees, hedgerows, shrubs or grassland shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority prior to any works taking place.

Reason: All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended), in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

33. A scheme for the Biodiversity Enhancement Measures, as set out in section 5 of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment by Bowland Ecology dated 16/05/2023 (ref: BOW17_1434), shall be submitted to and approved in writing by the Local Planning Authority as part of any reserved matters application. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Reason: To provide adequate and suitable mitigation for the loss of habitat on the site, in particular, bird nesting and hedgehog habitat and to promote biodiversity enhancement, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

34. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones";
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard wildlife and the ecology of the site, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

35. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment

(report reference GCU0124040, Rev 1, dated April 2023, prepared by Geosyntec Consultants Ltd). The measures shall be fully implemented prior to occupation of the development and in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority. The approved drainage scheme shall be retained at all times thereafter.

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

36. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed surface water sustainable drainage strategy shall be based upon the submitted site-specific flood risk assessment and indicative surface water sustainable drainage strategy (reference GCU0124040, Rev 1, dated April 2023, prepared by Geosyntec Consultants Ltd) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The details of the drainage strategy to be submitted for approval shall include, as a minimum:
- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep;
 - b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

- c) Evidence of an assessment of the existing watercourse to be used, to confirm that this system is in sufficient condition and has sufficient capacity to accept surface water runoff generated from the development.
- d) Evidence of groundwater monitoring to determine maximum likely groundwater levels across the site.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The approved sustainable drainage strategy shall thereafter be implemented wholly in accordance with the approved details.

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).

37. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent runoff rate from the site prior to redevelopment; and,
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved Construction Surface Water Management Plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) in order to avoid an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework and Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

38. No dwelling shall be first occupied unless and until a site-specific Operation and Maintenance Manual 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 in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;

- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

The drainage system shall thereafter be retained, managed and maintained in accordance with the approved Operation and Maintenance Manual in perpetuity.

Reason: To ensure that risks from surface water flooding from the development site in the future are satisfactorily managed and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

39. No dwelling shall be first occupied until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework and in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

40. No development shall be commenced unless and until a scheme for the disposal of foul water has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.

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

41. Any application for the approval of Reserved Matters shall include a plan showing the location and details of electric car charging points to be provided within the development for the approval of the Local Planning Authority. Electric car charging points shall thereafter be installed in accordance with the approved details prior to each relevant dwelling being first occupied.

Reason: To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policies IC3 and NE5 of Burnley's Local Plan (July 2018).

42. Any application for the approval of Reserved Matters shall include details of all boundary treatment to be carried out on all the perimeter boundaries of the site and details of any boundary enclosures to be erected or grown within the site. The approved details of boundary treatment shall thereafter be carried out and completed prior to the completion of the development.

Reason: To ensure a satisfactory edge and appearance to the completed development and in the interests of the amenities of future occupiers, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

43. Any application for the approval of Reserved Matters shall include details how a minimum 20% of dwellings would comply with the technical standards of Part M4(2) of the Building Regulations 2010 in order in respect of adaptable homes. The approved adaptable homes shall be implemented in accordance with the approved detail.

Reason: To ensure the provision of a proportion of homes to support the changing needs of occupiers over their lifetime, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

44. No development shall take place unless and 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. A copy of the archaeological recording shall be deposited in an appropriate historic local archive within two months of its completion and appropriate evidence of this shall be submitted in writing to the Local Planning Authority prior to the commencement of development.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in accordance with Policy HE4 of Burnley's Local Plan (July 2018).

51. TPO/2023/0580 - 22 High Close Burnley Lancashire

Town and Country Planning Act 1990

Application to crown thin (20%) one Oak tree located within W1 of the Burnley (Land at Lowerhouse between Bear Street, Knotts Lane and East of the railway, Burnley) Tree Preservation Order 1975.

22 High Close, Burnley

Decision

That planning permission be granted subject to the following reasons and conditions:

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 crown thinning (20%) of one Oak tree located within W1, 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. The tree work must be carried out to British Standards.

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

52. TPO/2023/0582 - Footpath To Rear 120 And Along 120 To 126 Hargrove Avenue Burnley

Town and Country Planning Act 1990

Application to prune three trees located within G1 of the Burnley (Clifton House & Clifton Farm, Ightenhill) Tree Preservation Order 1976

Footpath to rear of 120 and along 120 to 126 Hargrove Avenue, Burnley.

Decision

That planning permission be granted 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 crown lifting (to a maximum of 5m) of two Horse Chestnut trees and the removal of epicormic growth from one Horse Chestnut tree (all within G1) 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. The tree work must be carried out to British Standards.

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

53. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation. Members commented that it was encouraging to see major employers in the borough moving towards renewable energy sources for their businesses.