

DEVELOPMENT CONTROL COMMITTEE

Thursday, 7th December, 2023
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

ROOMS 2 & 3, BURNLEY TOWN HALL

Thursday, 7th December, 2023 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 - 26

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

27 - 28

To consider reports on planning applications for development permission:

a) **PIP/2023/0648 - Land Between Hill Farm And Copucobana
Halifax Road Briercliffe**

29 - 40

b) **FUL/2023/0432 - 4 Lindsay Park Worsthorne-with-Hurstwood
Lancashire**

41 - 54

7. Decisions taken under the Scheme of Delegation

55 - 64

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

8. Appeal and Other Decisions

65 - 68

To receive for information details of any new appeals or appeal decisions received since the last meeting.

MEMBERSHIP OF COMMITTEE

Councillor Saeed Chaudhary (Chair)
Councillor Christine Sollis (Vice-Chair)
Councillor Gordon Birtwistle
Councillor Joanne Broughton
Councillor Scott Cunliffe
Councillor Sue Graham
Councillor John Harbour
Councillor Bill Horrocks

Councillor Alan Hosker
Councillor Martyn Hurt
Councillor Shah Hussain
Councillor Jacqueline Inckle
Councillor Syeda Kazmi
Councillor Anne Kelly
Councillor Paul Reynolds
Councillor Mike Steel

PUBLISHED

Wednesday, 29 November 2023

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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.

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

7th December 2023

Housing and Development Control

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Housing & Development Control
Town Hall, Manchester Road

Ref.

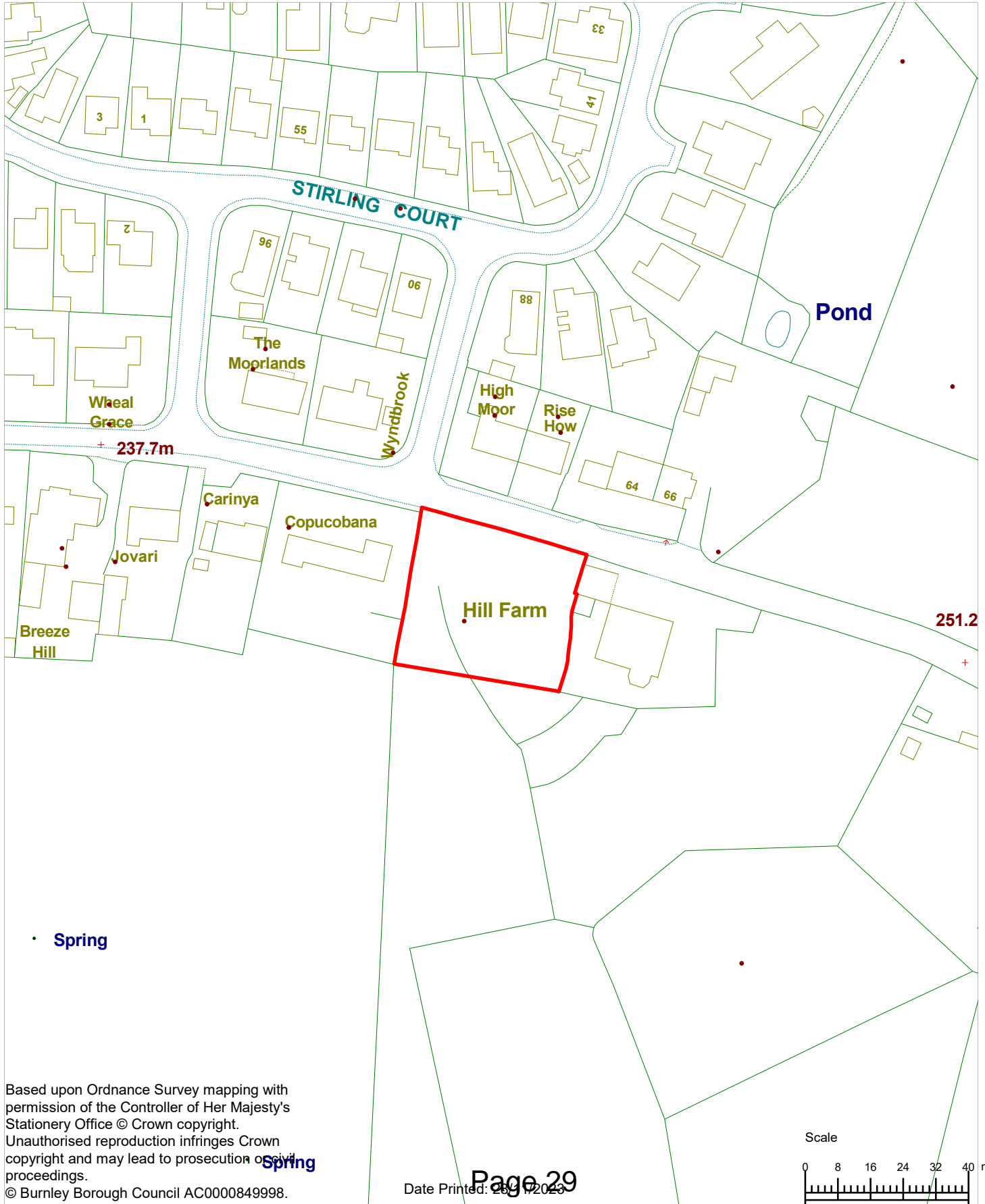
PIP/2023/0648



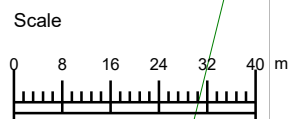
Paul Gatrell Head of Housing and Development Control

Land Between Hill Farm And Copucobana, Halifax Road, Burnley, BB10 3QS

1:1250



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Briercliffe

Town and Country Planning Act 1990 (as amended)

Address: Land Between Hill Farm and Copucobana, Halifax Road, Briercliffe, Burnley, Lancashire, BB10 3QS

Proposal: Application for permission in principle for construction of one dwelling

1. Reason for Committee

1.1. This application is to be determined by the Development Control Committee as three or more material planning objections have been received and the recommendation is of approval.

2. Site Description

2.1. The application site relates to part of an agricultural field located to the south of Halifax Road, Briercliffe, between Hill Farm to the east and the dwelling known as Copucobana to the west. It comprises an area of rough grazing land, which generally falls from east to west, with some trees along the frontage. The trees are protected by a group Tree Preservation Order¹. There is an existing field access with Halifax Road to the north of the site.

Photograph 1. The application site from Google Street View with Copucobana to the right side and Hill Farm to the left side.

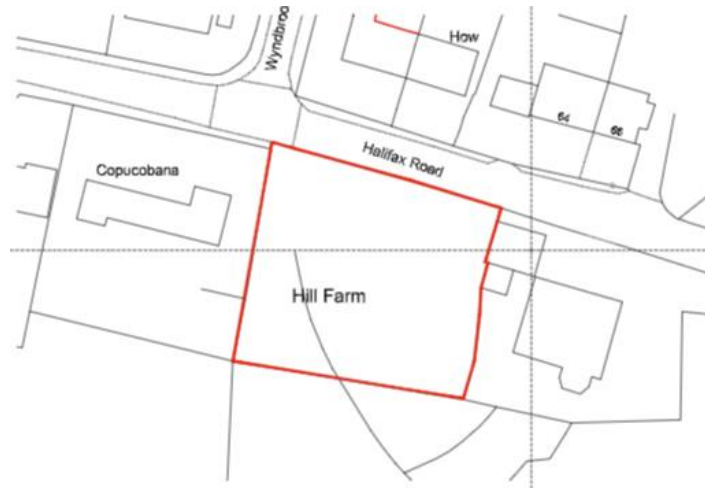


3. Proposal

¹ Tree Preservation Order Y B132(T), Halifax Road, Briercliffe, Burnley, 1984

- 3.1. The application seeks permission in principle for the construction of one dwelling.

Plan 1. An extract from the submitted location plan



4. Procedural Matter

- 4.1. The Planning Practice Guidance (PPG)² advises that the permission in principle consent route is an alternative way of obtaining planning permission for housing-led development. The route has two-stages: the first (or permission in principle) stage establishes whether a site is suitable in-principle and the second (or technical details consent) stage is when the detailed development proposals are assessed. This application relates to the first of these two stages.
- 4.2. The PPG³ confirms that the scope of matters for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent technical details consent stage. This application should be determined on this basis.

5. Relevant Planning History

- 5.1. The Local Planning Authority (LPA) refused permission in principle for three dwellings on the application site by decision notice dated 26 February 2020 due

² Paragraph: 001 Reference ID: 58-001-20180615 Revision date: 15 06 2018 of the PPG: Permission in principle

³ Paragraph: 012 Reference ID: 58-012-20180615 Revision date: 15 06 2018 of the PPG: Permission in principle

to the proposal being of an inappropriate scale in a small village location⁴. The decision was appealed but dismissed⁵. However, the LPA subsequently granted permission in principle for one dwelling by decision notice dated 20 January 2021⁶. Whilst a technical details consent application has not been approved or submitted, the permission in principle remains extant until 20 January 2024.

- 5.2. Consistency in decision making is a well-established principle in planning law and a previous decision is capable of being a material consideration, in part to ensure that like cases are decided in a like manner⁷. Indeed, the PPG⁸ states that local planning authorities are at a risk of an award of costs at appeal if they fail to grant a further planning permission for a scheme that is the subject of an extant permission where there has been no material change in circumstances. The weight that should be afforded to the extant permission shall be considered within the conclusion and planning balance section at the end of this report.

6. Consultation

- 6.1. Briercliffe Parish Council – No response received.
- 6.2. Burnley Borough Council (BBC) Local Plans & Policy – No response received.
- 6.3. BBC Trees – No response received.
- 6.4. Greater Manchester Ecology Unit (GMEU) – 28 November 2023: “*GMEU previously commented on application PIP/2020/0032 at the same location, which was for up to 3 dwellings. Out comments remain unchanged for this application which is for 1 dwelling.*”
- 6.5. Lancashire County Council (LCC) Highways – 15 November 2023: “... *no objections to the principle of the planning application for a single dwelling at this location* [subject to various requirements as part of any future detailed planning application relating to parking and turning provision, electric vehicle charging

⁴ PIP/2020/0032

⁵ APP/Z2315/W/20/3248937

⁶ PIP/2020/0581

⁷ *North Wiltshire DC v SSE & Clover* [1992] JPL, 955, (1993) 65 P&CR 137

⁸ Paragraph: 049 Reference ID: 16-049-20140306 Revision date: 06 03 2014 of the PPG: Appeals

points, cycle storage, construction management, speed survey and visibility splays, footway and street lighting].”

- 6.6. United Utilities – 9 November 2023: Recommend the drainage plans are considered in accordance with the drainage hierarchy and provide advice on their assets, infrastructure and property.

7. Publicity

- 7.1. There have been six representations of objection received between the 4 November 2023 and 14 November 2023, including one from Ward Councillor (Cllr) Gordon Lishman. Cllr Lishman stated on the 10 November 2023:

“I wish to formally object to this application on the grounds that the land in question is not suitable for housing development because of the water on and under the land in question and because of the traffic problems in that area of Halifax Road.”

- 7.2. The public representations raise the following issues:

- The proposal does not represent a sustainable pattern of development;
- The proposal should be directed towards brownfield land;
- The application site is not an infill site and would lead to coalescence;
- Whether the application site is a sustainable location with regard to the accessibility of facilities and services;
- Impact on flood risk and drainage;
- Impact on highway safety and transport;
- Impact on biodiversity and ecology, including trees and protected species;
- Impact on the character and appearance of the area;
- The proposal would not support the transition to a low carbon future; and
- The application site was historically a lime quarry.

8. Planning Law and Policy Background

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) (PCPA 2004) requires that where regard is to be had to the development plan for the purpose of any determination to be made under the

planning acts the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

8.2. The development plan for the Burnley Borough comprises 'Burnley's Local Plan: July 2018' (adopted 31 July 2018) ('the Local Plan'). In this case, the most relevant policies of the Local Plan are:

- Policy SP1: Achieving Sustainable Development
- Policy SP3: Employment Land Requirement 2012-2032
- Policy SP4: Development Strategy
- Policy SP5: Development Quality and Sustainability
- Policy SP6: Green Infrastructure
- Policy HS3: Housing Density and Mix
- Policy HS4: Housing Development
- Policy NE1: Biodiversity and Ecological Networks
- Policy NE3: Landscape Character
- Policy NE4: Trees, Hedgerows and Woodland
- Policy IC1: Sustainable Travel
- Policy IC4: Infrastructure and Planning Contributions

8.3. The National Planning Policy Framework (NPPF) (updated 5 September 2023) sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. In this case, the most relevant sections of the NPPF are:

- Section 2. Achieving sustainable development
- Section 3. Decision-making
- Section 5. Delivering a sufficient supply of homes
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- Section 11. Making effective use of land
- Section 12. Achieving well-designed places
- Section 14. Meeting the challenge of climate change, flooding and coastal change
- Section 15. Conserving and enhancing the natural environment

9. Assessment

Whether the application site is suitable for residential development with regard to its location, the proposed land use and the amount of development

- 9.1. Policy CC4 of the Local Plan states that proposals on unallocated sites, or which do not comprise minor development or changes of use, should be located within flood zone 1 (relating to rivers and sea) unless the sequential test as set out in the NPPF and PPG⁹ has been satisfied.
- 9.2. However, the NPPF has since been revised to clarify that the sequential test should be applied to all sources of flooding (including surface water). Paragraph 162 of the NPPF states the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source.
- 9.3. There is some conflict between the NPPF and the PPG as the former refers to directing development to areas with the lowest risk of flooding and the latter alludes to low risk. Nonetheless, there is case law¹⁰ unrelated to flood risk that states that the PPG should be treated with caution as it is not consulted on, changes without forewarning and has no system for checking inconsistencies or tensions. As such, it is to be read as guidance and not policy. Moreover, the Environment Agency have informally advised that they consider that the sequential test applies but that it is for the LPA to decide whether to do so.
- 9.4. Paragraph 219 of the NPPF sets out the weight that should be afforded to development plan policies. In essence, due weight should be given to policies, according to their degree of consistency with the NPPF; the closer the policies in the plan to the NPPF, the greater the weight that may be given (notably, it does not state that policies must be consistent with the PPG). Consequently, officers consider that reduced weight should be afforded to Policy CC4 of the Local Plan insofar as it relates to the applicability of the sequential test to sites at risk of flooding from sources other than rivers and sea.
- 9.5. The application site relates to unallocated land located within flood zone 1 on the Environment Agency Flood Map for Planning, which means that it is at low risk of flooding from rivers and sea. However, it is subject to extents of low risk of surface water flooding whereas other areas are identified as being at very low risk. This is corroborated by the Strategic Flood Risk Assessment¹¹, which found that a small part of the potential land south of and adjacent to Halifax

⁹ PPG: Flood risk and coastal change

¹⁰ *Solo Retail Limited v Torridge DC* [2019] EWHC 489 (Admin)

¹¹ Burnley Borough Council – Burnley Strategic Flood Risk Assessment Level 1: March 2017

Road housing allocation was subject to low risk of surface water flooding. Therefore, the application site is not an area with the lowest risk of surface water flooding and the sequential test is applicable.

Plan 2. An extract from the Environment Agency Flood Map for Planning



- 9.6. The submitted application was not accompanied by a site-specific flood risk assessment containing evidence to demonstrate how the requirements of the sequential test have been met. Consequently, whilst the proposal technically accords with Policy CC4 of the Local Plan, it conflicts with Paragraph 162 of the NPPF, which seeks to steer new development to areas with the lowest risk of flooding from any source. This matter shall be returned to within the conclusion and planning balance section at the end of this report.
- 9.7. The application site is located within the development boundary of Lane Bottom, which is identified as a small village within the settlement hierarchy of Policy SP4 of the Local Plan and where development of an appropriate scale will be supported where it satisfies the overarching criteria within the policy and other relevant development plan policies.
- 9.8. Paragraph 4.4.14 of the Local Plan confirms that the development boundaries are not intended to be settlement boundaries but are a planning tool to indicate where infill development of an appropriate type and scale may be acceptable.
- 9.9. The proposal would involve the provision of one dwelling within a predominantly residential area where detached dwellings prevail immediately west of the application site. There would be a notable visual impact, including the loss of grazing land. However, given the site is bound by built form on both sides and is within the development boundary, it is considered that there would not be a

significant adverse impact on the character and appearance of the area, including landscape character. Therefore, the proposal accords with Policy SP4 of the Local Plan, which sets out the development strategy.

- 9.10. Despite concerns from the representations of objection regarding highway safety, LCC Highways raise no objections in principle. The protected trees along the frontage could be retained through the technical details process and a dwelling set back sufficient distance to prevent any harm to future occupants.
- 9.11. The representations of objection raise concerns regarding the sustainability of the application site with regard to the accessibility of facilities and services. However, Lane Bottom is identified as a small village by Policy SP4 of the Local Plan, which are said to provide a basic range of services and have reasonable public and private transport links to larger settlements. Indeed, the settlement contains Hill Lane Baptist Church and associated Community Rooms, and Lane Bottom Playground. Moreover, there is a footway directly opposite the application site and if deemed necessary a footway to the front of site could be required at technical details stage. Therefore, the application site is a sustainable location with regard to the accessibility of facilities and services.
- 9.12. The representations of objection state that the proposal should be directed towards brownfield land. However, Paragraph 4.4.16 of the Local Plan states that Policy SP4 does not seek to prevent the development of greenfield land.
- 9.13. There has been a suggestion that the proposal would lead to coalescence, but the next nearest settlement is not within proximity of the application site.
- 9.14. The representations of objection also raise concerns about the impact on protected species. However, the GMEU did not raise any objection in principle last time around nor did they suggest any unacceptable impacts.
- 9.15. In conclusion, notwithstanding the conflict with Paragraph 162 of the NPPF, the application site is considered suitable for residential development with regard to the relevant considerations when reading the development plan.

Other matters

- 9.16. Notwithstanding the sequential test, there does not appear to be any evidence to suggest that a satisfactory drainage scheme could not be achieved, which may reduce flood risk on the application site and elsewhere. There is not any evidence to suggest that there are natural springs or an underground reservoir on the site. Likewise, there is not any evidence of former excavations or quarrying. The issue of sustainable design could be dealt with at technical details stage. Therefore, these other matters do not weigh against the proposal.

10. Conditions

10.1. The PPG¹² states that it is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. However, local planning authorities can inform applicants about what they expect to see at the technical details consent stage. Therefore, various informatives are recommended.

11. Conclusion and Planning Balance

11.1. Section 38(6) of the PCPA 2004 requires applications under the planning acts to be determined in accordance with the development plan unless material considerations indicate otherwise.

11.2. In conclusion, the application site is considered suitable for residential development with regard to its location, the proposed land use and the amount of development when reading the development plan. Therefore, unless material considerations indicate otherwise then the application should be approved.

11.3. On the one hand, Policy CC4 of the Local Plan is not wholly consistent with Paragraph 162 of the NPPF, which seeks to steer new development to areas with the lowest risk of flooding from any source. The proposal conflicts with the NPPF in this regard and this represents a material consideration that should attract significant weight against granting permission.

11.4. However, on the other hand, the application site benefits from an extant permission in principle for the same type and amount of development as proposed. Consistency in decision making is a well-established principle in planning law and the LPA would be at risk of costs should the application be refused. The extant permission represents a material consideration that should attract considerable weight in favour of granting permission.

11.5. Taking all the above matters together, the proposal technically accords with the development plan and, whilst it conflicts with Paragraph 162 of the NPPF, the application site benefits from an extant permission in principle, which attracts considerable weight in favour of granting permission. On balance, officers consider that there are not any material considerations of sufficient weight in this case to justify refusing the application. Therefore, it is recommended that permission in principle be approved subject to informatives.

¹² Paragraph: 020 Reference ID: 58-020-20180615 Revision date: 15 06 2018 of the PPG: Permission in principle

Informative(s):

1. Article 35 – Positive and Proactive Planning

The Local Planning Authority have worked positively and proactively with the applicant's agent by raising areas of concern relating to the flood risk sequential test with them and the Environment Agency. This has led to a recommendation of approval.

2. Technical Details Consent

Please note, an application for approval of technical details consent must be made not later than three years from the date of this permission.

Beyond the national information requirements, it is recommended that the following local information requirements will likely be applicable:

- i. Biodiversity Survey and Report;
- ii. Flood Risk Assessment;
- iii. Landscaping Scheme;
- iv. Parking and Access Arrangements;
- v. Refuse and Recycling Statement;
- vi. Tree Survey/Arboricultural Implications Assessment; and
- vii. Utilities Statement and Foul Sewage Assessment (including Surface Water).

It is also recommended that you respond to the consultation responses received on the application and previous approval reference PIP/2020/0581.

J Parkinson

Joshua Parkinson MRTPI

Principal Planner

28 November 2023

Housing & Development Control
Town Hall, Manchester Road

Ref.

FUL/2023/0432

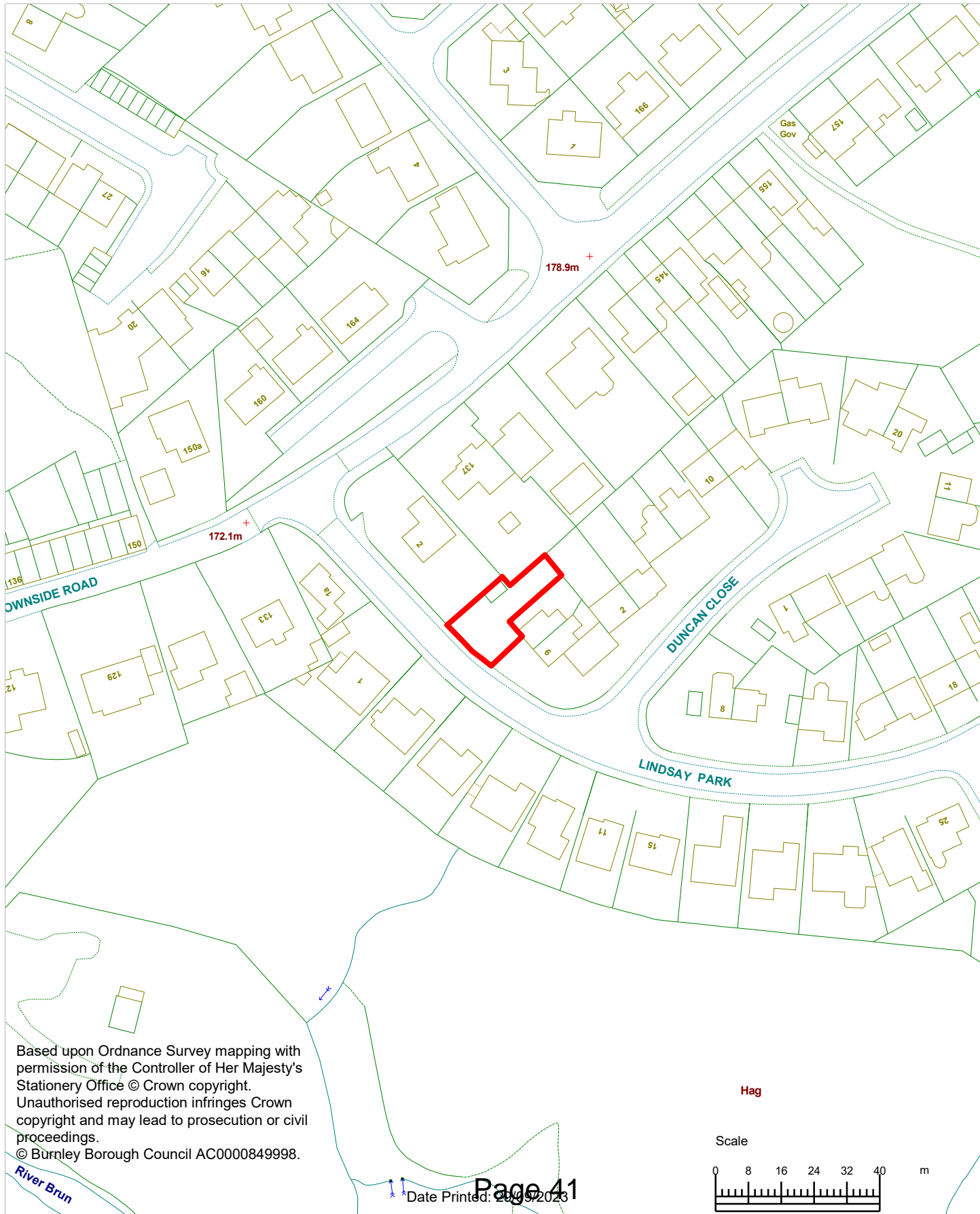
Paul Gatrell Head of Housing and Development Control

Location:

4 Lindsay Park, Worsthorne-with-Hurstwood



1:1250



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Scale



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**Application Recommended for Approval
Cliviger With Worsthorne**

FUL/2023/0432

Town and Country Planning Act 1990

New build detached house to be built on land at number 4 Lindsay Park
4 Lindsay Park, Worsthorne-with-Hurstwood, Burnley BB10 3RR

The application has been brought to Development Control committee as objections have been received.

Background:

The application site forms the residential curtilage of No. 4 Lindsay Park which is a semi detached bungalow property. The site measures approximately 318sqm and is situated to the east of No.4. The site is located within the settlement boundary of Burnley in which policy SP4 applies.

The surrounding area is residential with a mixture of house type and design. There is a clearly defined building line to the properties to the south which are predominantly detached, and No . 4 and No. 6 share a clear building line along the northern side of Lindsay Park.

The application has been with the Council since July and has undergone design changes during its assessment. Original plans were for a 4 bedroom, 2 storey dwelling. Following a review of the application and the previous refusal at the site FUL/2023/0036, it was considered that the redesign had not gone far enough in addressing concerns and reasons for refusal on the previous application.

Revised proposals received by the Council in November were for a 3 bedroom, dormer bungalow with in curtilage parking, as extracted below.



Photo 1 Nos – 4-6 Lindsay Park



Photo 2: application site

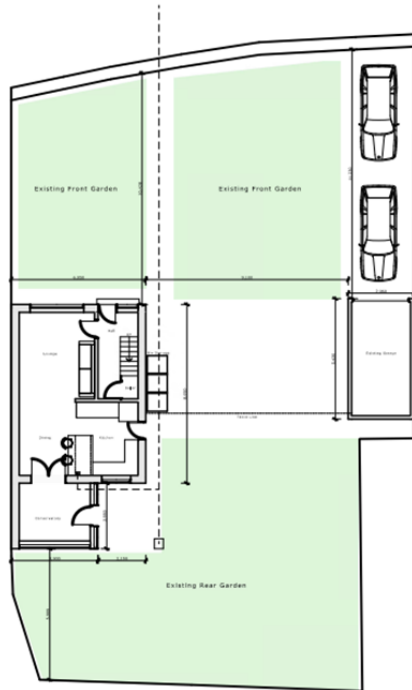
Proposed Development

The application seeks consent for the erection of a detached, 3 bedroom dormer bungalow property.

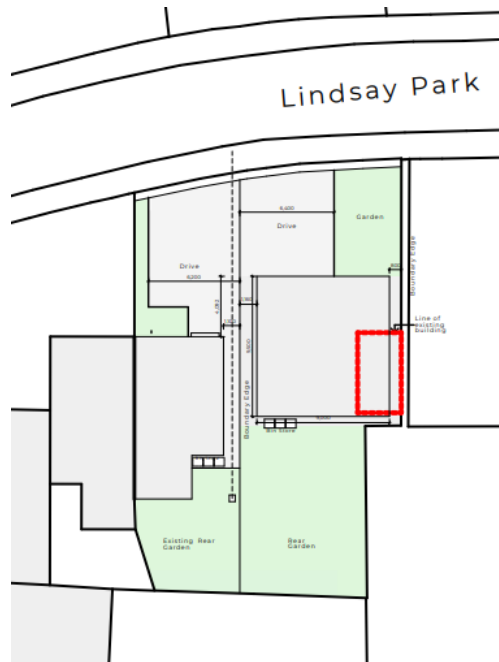
The proposed footprint of the dwelling will be 9m in width and 9.5m in length. The height to the ridge will be 6.3m and eaves height will be 2.3m. The overall height will be in line with the existing ridge of No. 4 which the proposal will be viewed next to. To the front roof slope are two piked dormers, which are considered to be a more aesthetic design on the front of the dwelling and is an improvement to the large box dormers which are common within the area. The rear roof slope will have a larger dormer across the full length of the roof and will sit lower than the

ridge line of dwelling. Proposed materials will be tile roof, upvc window treatment and render to all elevations (details of the colour to be conditioned).

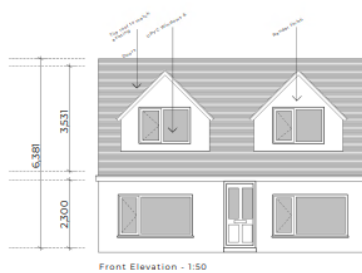
To the front of the property there will be a small garden area onto the eastern boundary with No. 2 Lindsay Park and parking area for 2 cars. A new driveway area will also be created for No. 4 Lindsay Park, details and implementation of the car spaces for both properties will be conditioned.



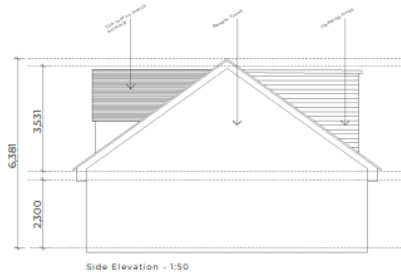
Extract Plan 1: existing site plan



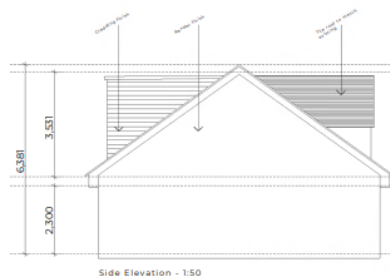
Extract plan 2: proposed site plan, note a 800mm gap between the eastern boundary with No.2 and a 1.1m easement between the boundary with No. 4



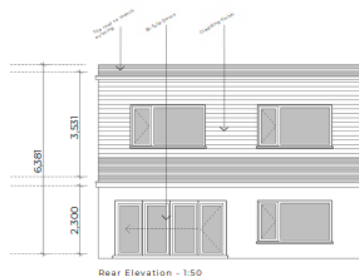
Front Elevation - 1:50



Side Elevation - 1:50



Side Elevation - 1:50



Rear Elevation - 1:50

Plan extract 3: proposed elevations of the amended scheme

Additional photos of the site

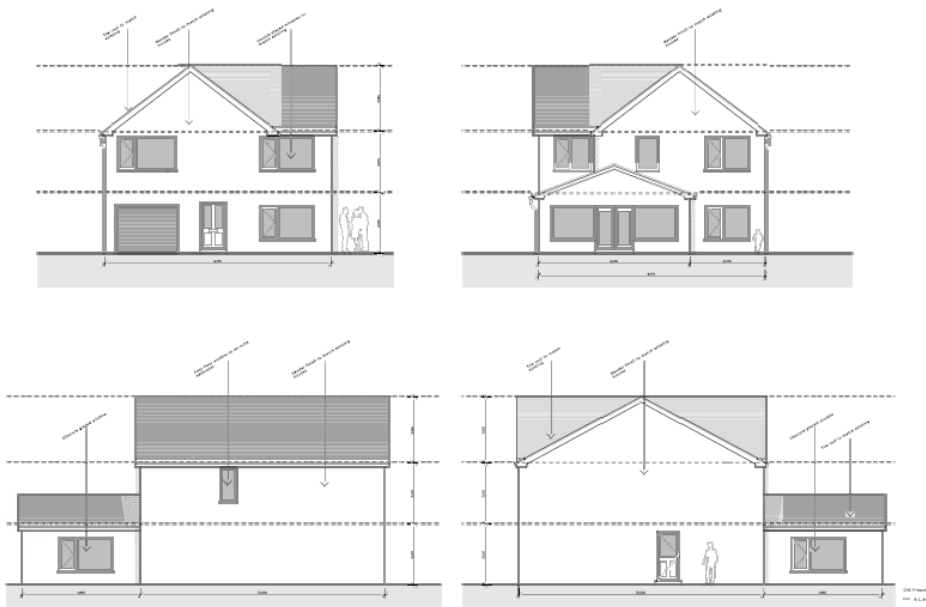
No.2 Lindsay Park

No.4



Proposed Elevations of Refused (FUL/2023/0036) Application

As a comparison to the previous refused scheme which was 7.6m to the ridge, 5m to the eaves, 9.2m in width and 14.8m in length (including a single storey element to the rear). It is considered that the current scheme has made key changes in overall design, scale and mass which meets the relevant policies of the Burnley Local Plan.



Relevant Policies:

Burnley's Local Plan 2018

- SP1 – Achieving Sustainable Development
- SP2 – Housing Land Supply
- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability

IC3 – Car Parking Standards

NPPF 2023

Site History:

FUL/2023/0036 - New build detached house to be built on land at number 4 Lindsay Park Refused 14th July 2023 for the following reason:

The proposal, due to its scale and massing would be an incongruous form of development and disproportionate to the size of the plot. As such it is considered to be overdevelopment of the site which would be at odds with the prevailing character of the area and have a detrimental visual impact, contrary to Local Plan Policy SP5 (2a)

PRE/2022/0362 - pre application enquiry

'The principle of development on the site is acceptable. However, I am concerned about the size and bulk of the proposed house in relation to the amount of land available and juxtaposition of adjacent dwellings and their gardens.'

Consultation Responses:

Highways

Previous concerns regarding the sight lines and the off-street parking arrangements have been addressed. As part of the requirements for the new vehicle crossing requirements it is expected that the existing and now redundant dropped crossing should be reinstated as footway.

The following conditions should be applied:

a) Garage to be used ancillary to household.

The parking areas hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability of their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

b) Completion of vehicular access.

No building or use hereby permitted shall be occupied or use commenced until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) 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.

c) Reinstatement of redundant access.

No building or use hereby permitted shall be occupied or use commenced until the footway (and/or verge) has been reinstated to full kerb height, where any vehicle crossover(s) are redundant, 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: To maintain the proper construction of the highway and in the interest of pedestrian safety.

Environmental Health – no objection subject to the following Conditions:

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.

United Utilities – standard 'drainage hierarchy' comment.

Objections:

The application has undergone two separate rounds of statutory consultation due to amendments in the plans. During the first round of consultation a total of 10 objections were received along with some letters of support. For clarity a summary of the 10 objections has been provided as part of this report, see below.

To note, the following is a summary of the 10 objections which were received on the first round of consultation. These points will be addressed in the following section of the report.

- Already issues with on street parking and congestion on Lindsay Park
- Proposed would be closer than 15m from a rear habitable window at 2 Lindsay Park
- Proposal is too big for the plot
- Loss of privacy due to overlooking of gardens and habitable room windows at 2 Lindsay Park and 2 & 4 Duncan Close
- Loss of daylight and sunlight due to overshadowing
- Noise and other disturbance during construction works
- House sits forward of others on the street so will be incongruous
- House sits within 45 degree line when taken from front window of No. 4 Lindsay Park
- Too close to No.4 and to the rear garden of No.2 Lindsay Park
- Window will overlook the rear garden of No.2 Lindsay Park directly
- Inaccuracies in measurements on submitted plans
- Detracts from character of the area
- Potential impact upon drainage services in area
- Village infrastructure overstretched already. Local primary school oversubscribed presently

For the second round of consultation, which has taken place November into early December, at the time of writing 1 letter of objection have been received, summarised as follows:

- development is too close to the existing property
- design not in keeping with the area

Planning and Environmental Considerations:

Principle of Development

Policy SP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF. The site is located within a sustainable location with clear access to public and walking distance to surrounding shops and services.

The site is part previously developed (the garage and hard standing driveway), and part not previously developed, the wider garden area. As per the definition in the NPPF under Previously Developed Land (PDL) 'this excludes:*land in built up areas such as residential gardens.*' The NPPF states at para 124 d) in relation to making efficient use of land '*the desirability of maintaining areas' prevailing character and setting (including residential gardens).* The properties within the area all have garden areas to the front and back, and No. 4 is slightly unique in that the space to the east of the house with the existing garage is generous in size. Whilst the proposals will mean that there will be a loss of some of the garden space for No. 4, the plans still show private garden space and in curtilage parking area for No. 4. It is not considered in this case that the creation of a dwelling on this will have a detrimental impact on the character of the area.

The Council's current 5 year housing land supply, currently stands at 9.2 years which means that the borough has enough housing land to be built upon until 2034. There are allowances for 'windfall' sites which this would be classed as, and whilst there would only be a gain of 1 dwelling, this is still a small contribution to the overall housing land supply.

As such the principle of development is considered to be acceptable subject to consideration of the following:

- Impact on character and appearance
- Impact on residential amenity
- Highway and access

Design, Character and Appearance

Paragraph 126 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Local Plan Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. In respect of design and layout, this requires new housing to respect townscape setting and locally characteristic street layouts, scale, massing and materials; and to contribute positively to the public realm.

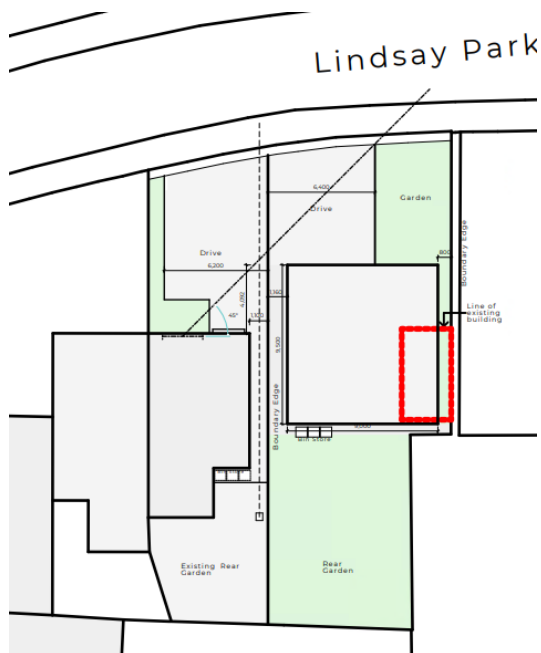
Following on from the previous refusal, the design has changed considerably. Issues of scale and massing resulting in a disproportionate development on the plot were key reasons in the refusal. The scale has reduced from a two storey dwelling with a ridge height of 7.6m to a dormer bungalow with a reduced ridge height of 6.3. The change in house type to bungalow is considered to be much more appropriate for this plot and is more reflective of the scale and massing on the northern side of Lindsay Park.

The submitted plans identify facing materials as 'render finish to match existing houses' and 'tile roof to match existing'. The proposed materials are also found in the immediate locality and are considered to be acceptable. A condition is recommended for the colour of the render to be provided.

Impact on Neighbour Amenity

Local Plan Policy SP5 requires development to safeguard the residential amenities of neighbouring occupants. Policy HS4 sets out the minimum interface distances between new dwellings and existing properties.

Concern was raised with the close proximity of the proposed dwelling and No.4 especially as the proposed dwelling will be projecting just over 4m from the front of No. 4. For this reason, the Council requested a plan showing the 45 degree angle to make sure there was no risk of loss of light as extracted below. The plan shows that there will be no light from the rooms to the front of the property. Furthermore, there is a distance of just over 2m between the existing gable of No.4 and the proposed dwelling. On the existing gable elevation of No. 4 is a door (to the kitchen area) and a single window at 1st floor which serves a landing area.



Extract plan showing the 45 degree angle

A further issue that has been raised has been the distance of the proposed gable of the dwelling to the rear of No.2 which sits approximately 15m to the east. No. 2 has recently built a single storey summer house (HOU/2023/0448) which projects 4m from the rear elevation, meaning that the distance between the proposed dwelling and No. 2 is approximately 12.5m.

Policy HS4 of the Local Plan requires a distance of at least 15m between habitable windows and blank elevations. The proposal falls slightly short of this, however there are no windows in the gable elevation of the proposed dwelling and with a lowering of the overall height and mass of the dwelling, it is considered that the proposals would not result in any detrimental impact on overshadowing and loss of privacy.



Photo 4: View of the existing gable of No.4 (wall of the garage forming part of the boundary) taken from the rear of No. 2 Lindsay Park

The proposed dwelling also shares a common boundary with No. 2 Duncan Close, whose garden areas sit approximately 11m to the rear of the proposed dwelling. The properties along Duncan Close sit closer to the roads edge with gardens to the rear, and the proposed dwelling would not be directly overlooking the dwellings (in particular No. 2) but will be looking across the garden areas. There is already a 1.8m high fence which is in place between the properties and this could increase to 2m without the need of planning permission. It is not considered that there will be any overlooking or impact in residential amenity to No. 2 Duncan Close.

Access and Parking

Over the course of the applications assessment, LCC highways have made comments as detailed above. The latest plans have reviewed and subject to appropriate conditions, LCC did not object the application. The Council is satisfied that the proposals which cover parking and access for numbers 4 and the new dwelling are in accordance with policy IC1.

Conclusion: Following the most recent amendments to the scheme, the proposed design, scale and massing of the dwellings is considered to overcome the previous reasons for refusal. The site is within the development boundary and considered to be in a sustainable location. The proposals are considered to be in accordance with the relevant local plan policies SP4, SP5 and HS4.

Recommendation:

Grant planning permission subject to the following 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. The development shall be carried out in accordance with the approved plans and supporting documents listed on this notice below.

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

3. Notwithstanding details shown on submitted plans, the dwelling shall not be rendered until the colour of said render has been agreed in writing by the Local Planning Authority.

Reason: To ensure that the dwelling is rendered in a colour that is sympathetic to its surroundings, in the interests of visual amenity.

Highways

4. Construction of the approved dwelling shall not commence until two car parking spaces in the front garden of No.4 Lindsay Park have been completed and are available for use of occupants of and visitors to No.4 Lindsay Park. The parking spaces shall be surfaced in a solid, permeable material and so retained. The two parking spaces shall thereafter remain available for parking of vehicles associated with No.4 Lindsay Park.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety, and in accordance with policy IC3 of Burnley's Local Plan July 2018.

5. The dwelling hereby approved shall not be occupied until two car parking spaces have been completed and are available for use by its occupants and visitors. The parking spaces shall be surfaced in a solid, permeable material and so retained. The two parking spaces shall thereafter remain available for parking of vehicles associated with the dwelling hereby approved.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety, and in accordance with policy IC3 of Burnley's Local Plan July 2018.

6. The parking areas hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability of their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety, and in accordance with policy IC3 of Burnley's Local Plan July 2018.

7. The development hereby permitted shall not be occupied until an electric vehicle charging point has been installed; and shall thereafter be maintained. This shall be fitted in line with the 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.

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

8. Notwithstanding details shown on the submitted plans, the visibility splays identified on Drawing No. 15 shall be maintained such that no obstruction in excess of 900mm in height shall exist at any time bar cars parked on the approved driveways. The visibility splays shall be retained for the lifetime of the development.

Reason: In the interests of highway safety.

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.

Reason: to protect the amenities of nearby residents in accordance with policy NE5 and SP5 of the adopted Local Plan.

10. 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 where necessary.

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, where necessary.

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.

Construction vehicle routing.

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.

11. No building or use hereby permitted shall be occupied or use commenced until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) 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

12.No building or use hereby permitted shall be occupied or use commenced until the footway (and/or verge) has been reinstated to full kerb height, where any vehicle crossover(s) are redundant, 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: To maintain the proper construction of the highway and in the interest of pedestrian safety.

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

Reason: to protect the amenities of nearby residents in accordance with policy NE5 and SP5 of the adopted Local Plan.

14. 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 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.

15. Notwithstanding details shown within the application, the dwelling shall not be occupied until details of both foul and surface water drainage have been submitted to the Local Planning Authority, approved in writing by the LPA and have been implemented in full. The elements of drainage so implemented shall be retained thereafter to the satisfaction of the Local Planning Authority. For the avoidance of doubt the site shall be drained utilising a separate system for foul and surface water, and surface water shall be discharged in a sustainable manner in accordance with the Hierarchy of Drainage Options stated below:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

Reason: For the avoidance of doubt and to ensure satisfactory drainage in accordance with Policies CC4 and CC5 of the adopted Burnley Local Plan, National Planning Practice Guidance and the NPPF.

Notes

This consent requires the construction, improvement or alteration of an 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 on 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>

BURNLEY BOROUGH COUNCIL DEVELOPMENT CONTROL COMMITTEE

REPORTS ON PLANNING APPLICATIONS



Photograph McCoy Wynne

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

7th December 2023

Housing and Development

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2023/0012	Mr David Devine	Land West Of Smithyfield Avenue Worsthorne Burnley BB10 3JG	Discharge of Condition 16 - SW Drainage from FUL/2021/0274.	Conditions part discharged	23rd November 2023
FUL/2022/0720	North West Portfolio Limited	Land Adjacent To Hart Street, Hawk Street And Chapel Street Burnley Retail Park Burnley	Erection of 10no. portal framed units (total 1,394sqm GIA) for light industrial and/or research and development and/or warehousing use (inclusive of trade counter use) (Classes E(g)(ii)and(iii) and Class B8) and 1no. drive through unit for use as retail shop and/or restaurant and/or hot food take-away (Classes E(a)and(b)and sui generis) and associated car parking, landscaping and electricity sub-station	Approve with Conditions	15th November 2023
COU/2023/0154	Mr Kaiser Aziz	The Brickmakers Arms 60 Yorkshire Street Burnley Lancashire BB11 3BT	Retrospective change of use from public house (sui generis) into 7no. self-contained flats (Class C3).	Approve with Conditions	2nd November 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
VAR/2023/0259	Mr S Arnfield	Land At Stoneyholme Recreation Ground And Burnley College Grosvenor Street Burnley Lancashire BB12 0AN	Hybrid planning application for development of a North Campus comprising: a) Full application for Phase 1 industry hub, open space, 5-a-side pitch with access road from Burnley College car park and provision of community use MUGA pitch, outdoor gym and 7v7 grass pitch and b) Outline application for Phase 2 comprising 2 no. education buildings, car park and associated works and landscaping with Proposed Minor Amendments to vary Conditions 2, 10, 11, 12, 14, 15, 16, 21, 22, 23, 27, 29, 31, 35, 36, 38, 39 and 43 to allow a phased submission of Reserved Matters and phased delivery of development comprising Phase 2 (Outline) of the hybrid planning permission FUL/2021/0270 (s73 application)	Approve with Conditions	27th October 2023
CEU/2023/0358	Mr K Bansal	Manley House 136 Burnley Road Hapton Lancashire BB11 5QT	Application for a Certificate of Lawfulness (section 191) for operational development for construction of Site Access and Driveway to Manley House	Lawful Dev Cert issued	23rd November 2023
FUL/2023/0364	Mr K Aziz	158 St James`s Street Burnley Lancashire BB11 1NR	Change of use of ground floor from taxi office (sui generis) to Class E Use. Change of use of second and third floors from ancillary storage to 2no. self-contained studio flats.	Approve with Conditions	21st November 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CEA/2023/0379	Environment Agency	123 Burnley Road Padiham Lancashire BB12 8BA	Revised proposal for the installation of fire escape access steps within the rear yard, associated with the construction of a new flood defence wall across the yard which forms part of the Padiham Flood Risk Management Scheme	Lawful Dev Cert issued	9th November 2023
REM/2023/0465	Mr Alex Kenwright	Land at Accrington Road, Burnley	Application for Approval of Reserved Matters for the Layout, Appearance, Scale and Landscaping of proposed Unit 3, Unit 4 and Unit 5 for Storage and Distribution use (Class B8) (pursuant to outline planning permission VAR/2023/0150).	Approve with Conditions	24th November 2023
CND/2023/0446	Mr N Puttnam	Former Reel Cinema Manchester Road Burnley Lancashire BB11 2EG	Discharge conditions 7 (Investigation Report) and 22 (Construction Phasing Plan) from application COU/2021/0277.	Conditions part discharged	6th November 2023
CND/2023/0484	Mr Ibrahim Altaf	Land Former Wm Blythe Chemicals Manchester Road Hapton Lancashire BB12 7LF	Proposed Discharge of Condition 29 (Archaeological Recording) relating to planning permission APP/2016/0021 for residential development	Conditions discharged	27th October 2023
FUL/2023/0419	Mr P Towneley C/o Ingham And York	Ridings Cottage Bacup Road Cliviger Lancashire BB11 3QZ	Demolition of existing dwelling and associated outbuildings and replacement of one new dwelling.	Application Withdrawn	14th November 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2023/0472	Mr Ian Hartley	Merrills Head Barn The Long Causeway Cliviger Lancashire BB10 4RR	Conversion of an existing outbuilding into a 3-bedroom dwelling.	Approve with Conditions	8th November 2023
FUL/2023/0538	Mr Khalid	Off Licence 210 - 212 Todmorden Road Burnley Lancashire BB11 3EU	Proposed conversion of existing 3 bedroom living accommodation to 2no. one-bedroom self-contained flats.	Approve with Conditions	31st October 2023
FUL/2023/0536	MR MALBAND MOHAMMAD NURI	Premier Hot Wash Valeting Park Hill Padiham Road Burnley Lancashire BB12 6ST	Proposed change of use from car wash facility (Class E) to mixed use car wash facility (Class E) and tyre changing bay (Class B2) and increase the existing garage height by 1500mm and existing opening by 800mm; to accommodate a tyre changing bay with associated storage and equipment and car wash facilities.	Application Withdrawn	2nd November 2023
NMA/2023/0553	Mr N Puttnam	Former Reel Cinema Manchester Road Burnley BB11 2EG	Non-material amendment to planning permission COU/2021/0277 :Remove the reference to drawings (SCP/200788/D13 and SCP/200788/D16) in condition 21 so it reads: No site preparation (which includes demolition) or construction to commence until all temporary access works are provided and agreed in writing by the Local Planning Authority in consultation with the appropriate highway authority.	Non-Material Minor Amendment Granted	6th November 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2023/0588	Mr Belal Khan	65 Burns Street Burnley Lancashire BB12 0AJ	Single storey rear extension.	Approve with Conditions	16th November 2023
FUL/2023/0346	Mr Babar Ali	57 - 59 Ennismore Street Burnley Lancashire BB10 3DL	Change of use of the premises from a dwelling to a family residential assessment home (as defined by Class C2 of the Use Classes Order).	Refuse	10th November 2023
HOU/2023/0509	Mr Andrew Hill	6 Jobling Close Burnley Lancashire BB12 6EQ	Alterations to garage and driveway.	Approve with Conditions	16th November 2023
HOU/2023/0557	RYAN MAHER	28 Stone Moor Bottom St Johns Road Padiham Lancashire BB12 7BW	Single Storey Rear Extension	Approve with Conditions	14th November 2023
FUL/2023/0539	Miss Gwynneth Clark	Adjacent To Holt Hill Farm, Halifax Road, Briercliffe, Lancashire, BB10 3QS	Retention of building for private storage.	Approve with Conditions	16th November 2023
FUL/2023/0551	Mr Darren Lord	21 Burnley Road Cliviger Lancashire BB10 4SN	Change of use from shop/dwelling to dwelling.	Approve with Conditions	20th November 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2023/0583	Mr Adam O'Brien	4 Thane Row Bacup Road Cliviger Lancashire BB11 3QY	Proposed single storey rear extension.	Approve with Conditions	14th November 2023
CND/2023/0598	Mr Janayd Naim	Pike Hill Post Office 2 Brownside Road Worsthorne-with-hurstwood Lancashire BB10 3JU	Proposed Discharge of Condition 3 noise insulation, Condition 5 refuse and recycling store and Condition 6 bicycle storage facility. (FUL/2023/0345)	Conditions discharged	14th November 2023
TPO/2023/0606	Mr Eric And Mrs Margaret Bushby	1 Hillcot Ightenhill Park Lane Burnley Lancashire BB12 0LP	Application to crown reduce 2 Sycamore trees by 30% which are located within G4 of the Burnley (1 Hillcot, Ightenhill Park Lane, Burnley) Tree Preservation Order 1975.	Approve with Conditions	14th November 2023
FUL/2023/0595	Mr Jonathon Bullas	Bulls Moor View The Long Causeway Cliviger Lancashire BB10 4RP	Change of use of an existing agricultural building to stables. Construction of 40m x 20m menage with rail fence.	Approve with Conditions	24th November 2023
FUL/2023/0608	Mr James Cropper	Irwell House Farm Burnley Road Clough Bottom Cliviger Lancashire OL13 8RD	Demolition of existing attached outbuildings and conversion of attached agricultural barn to form part of existing single dwelling.	Approve with Conditions	20th November 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
PAH/2023/0612	Mr John Bradley	11 Ronald Street Burnley Lancashire BB12 6EX	Proposed bedroom and wet room extension to rear which will extend: 5.1 metres beyond rear wall; 3.2 metres maximum height; 2.4 metres height to the eaves.	Prior Approval refused	14th November 2023
VAR/2023/0620	Environment Agency	Land At The Former Crystal Plastics Site Off Wyre Street Padiham BB12 8DN	Variation of Condition 2 (development to be carried out in accordance with the approved plans) of previously approved permission FUL/2022/0071.	Approve with Conditions	10th November 2023
HOU/2023/0619	Mr John Bradley	11 Ronald Street Burnley Lancashire BB12 6EX	Proposed level access ramp to front.	Approve with Conditions	20th November 2023
HOU/2023/0530	Miss Saima Khalique	40 Belford Street Burnley Lancashire BB12 0DF	Proposed rear extension to create wet room with internal alterations	Approve with Conditions	22nd November 2023
TPO/2023/0629	Mr William Bennett	20 Constable Avenue Burnley Lancashire BB11 2PA	Application to crown lift (to 6m) and the pruning back of overhanging branches from one Oak tree (T1), protected by the Burnley (20 Constable Avenue) Tree Preservation Order 1997.	Approve with Conditions	14th November 2023
HOU/2023/0581	Mr Abdul Jalil	7 Queens Road Burnley Lancashire BB10 1XX	Erection of detached car port to the front driveway to provide parking area for 4 vehicles.	Approve with Conditions	23rd November 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
PAH/2023/0626	Mrs Gillian Wilkinson	53 Caernarvon Avenue Burnley Lancashire BB12 6BE	Proposed single storey rear extension which will extend: 6 metres beyond rear wall of dwelling; 3.56 metres maximum height; 2.53 metres height at the eaves.	Prior Approval not required accept	23rd November 2023
FUL/2023/0636	MR JAMIE SMITH	243 Burnley Road Cliviger Lancashire BB10 4SP	Demolish existing semi-detached house and replace with enlarged semi-detached house (re-submission of application FUL/2023/0406)	Approve with Conditions	23rd November 2023
HOU/2023/0632	Stuart Catlow	13 Crow Wood Avenue Burnley Lancashire BB12 0JG	Proposed erection of a single storey rear extension.	Approve with Conditions	24th November 2023
NMA/2023/0673	Zubeda Khatun	Land At Kinross Street And Airdrie Crescent Burnley Lancashire BB11 4DP	Proposed Minor Amendment to vary Condition 11 of planning permission FUL/2022/0023 to allow phased approach to completion of highway works for approved scheme of 61no. dwellings (Non-material Minor Amendment)	Non-Material Minor Amendment Granted	10th November 2023

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part III: Appeal and other decisions
For Information

7th December 2023

Housing and Development

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

7th December 2023

PART III

Update regarding the request to the Secretary of State (Department for Levelling Up, Housing and Communities) for the Crow Wood solar farm

Application Reference: FUL/2023/0332

Date of Application: 16th June 2023

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

At: Crow Wood Hotel, Holme Road

1. Purpose of report

To inform members of the outcome of the formal request sent from the Council on the 14th November 2023 to the Department for Levelling Up, Housing and Communities for the approved decision on the Crow Wood solar farm.

2. Background

Following the decision of DC committee on the 9th November to approve application FUL/2023/0332, a formal request under The Town and Country Planning (Consultation England) Direction 2021 was sent to the Department for Levelling Up, Housing & Communities. The reason for the request was that the proposed development is a major application within designated Green Belt which is contrary to Local and National Planning Policy and triggered the need to consult with the Secretary of State.

On the 29th November the Council received a formal response from the Department for Levelling Up, Housing & Communities stating that ‘*The Secretary of State has decided not to call in this application. He is content that it should be determined by the local planning authority.*’

3. Assessment

The full assessment of the application has already been considered as part of the FUL/2023/0332.

4. Recommendation

Committee have already approved the application at DC committee on the 9th November 2023. With the formal response now received from the Secretary of State stating the application is not being 'called in', the decision can now be issued.

5. Financial implications – Not applicable

6. Background Papers

FUL/2023/0332 – officer report and draft decision

Report Author: Paula Fitzgerald, Senior Planner 29th November 2023