



# DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 7th June, 2018 at 6.30 pm

## PRESENT

## MEMBERS

Councillors A Khan (Chair), F Cant (Vice-Chair), A Anwar, M Brindle, J Harbour, A Hosker, M Ishtiaq, M Johnstone, M Payne and A Raja

## OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Graeme Thorpe	– Planning Team Manager
Janet Filbin	– Senior Planner
David Talbot	– Senior Solicitor
Alison McEwan	– Democracy Officer

### 1. Apologies

Apologies for absence were received from Councillors Birtwistle, Graham, Mottershead, Sumner and Towneley.

### 2. Minutes

The Minutes of the last meeting held on 26<sup>th</sup> April 2018 were approved as a correct record and signed by the Chair.

### 3. 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:

Graham Love	APP/2018/003 – Land off Kiddrow Lane
Tom Clarke	APP/2018/0144 APP/2018/0145 – 118 St James St
Sophie Gibson	APP/2018/0144 APP/2018/0145 – 118 St James St
Amjad Ali	APP/2018/0144 & APP/2018/0145 118 St James St
Cllr Shah Hussain	APP/2018/0144 & APP/2018/0145 – 118 St James St
Francesco Musso	APP/2018/0144 & APP/2018/0145 – 118 St James St
Ian Scholes	APP/2018/0020 – former Life Church
Zara Moon	APP/2018/0176 – 25 Carlton Road
Angela Calvert	APP/2018/0191 – 57 Windermere Avenue
Asad Mahmood	APP/2018/0191– 57 Windermere Avenue

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

### 4. APP/2018/003 Land West of Kiddrow Lane, Burnley

#### Full Planning application

**Proposed demolition of existing buildings and erection of 250no. dwellings with associated access, car parking, open space and landscaping  
LAND WEST OF KIDDROW LANE BURNLEY**

**Decision: That the application be delegated to the Head of Housing and Development Control for approval subject to the applicant entering into a Section 106 Agreement relating to education provision, playing pitch improvements and accessibility improvements and the following conditions:**

#### Conditions:

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: v1.14p (1: 2500 location plan), WEL 1.7, WINS 1.7, WIN 1.7, OAK 1.7, Mou 1.7, MAI 1.7, GAR 1.7, CLE1.7, CHU 1.7, CHA 1.7, BRO 1.71, ASH 1.7, ASH 1.71, SD-SW2, F4/01 and SD-F1, received on 2 January 2018; SD/GDS/9, received on 17 January 2018; GAR 1.71, received on 18 January 2018; MCD001/SK02RevE, received on 22 March 2018; 5304.09RevD and 5304.10RevD, received on 9 May 2018; ARNI 1.7, BOU 1.7, BOW 1.7, CAD 1.7, DG/2a, GTC-E-SS-0010\_R1-8\_1of1 and M100-MP-01B, received on 11 May 2018; and, M100-SL-10F, M100-SL-11F, M100-SL-01F, 5304.03RevE, 5304.04RevE, 5304.05RevE, 5304.06RevE, 5304.07RevE, 5304.08RevE, M100-BTP-01d, M100-ML-01c and MCD001/102/P2, received on 4 June 2018.
3. The external materials of construction to be used on the walls and roofs of the development shall be in accordance with the Materials Layout on drawing no. M100-ML-01c unless any variation is otherwise previously agreed in writing by the Local Planning Authority.
4. The development shall be carried out and completed with the surfacing materials on the estate roads, driveways and parking spaces as indicated on the Materials Layout on drawing no. M100-ML-01c unless any variation is otherwise previously agreed in writing by the Local Planning Authority.
5. 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; 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.
6. Prior to the first occupation of any dwelling, a landscape 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 by the Local Planning Authority. The landscape management plan shall be carried out as approved in perpetuity.
7. The new estate road/access between the site and Kiddrow Lane and Scott Street 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 within that phase of the development takes place within the site.
8. The existing redundant access points on the perimeters of the site shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing(s) shall be reinstated prior to any dwelling being first occupied, in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
9. Prior to the commencement of development, a scheme for the construction of the site access and associated off-site works of highway improvement (including the removal of school signing and lining associated with the former use of the site; and,

the construction of dropped crossings on Kiddrow Lane from new cycle links) shall be submitted to and approved in writing by the Local Planning Authority.

10. No dwelling shall be first occupied until the approved scheme referred to in condition 9 above has been constructed and completed in accordance with the scheme details.
11. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
12. Prior to any dwelling being first occupied, cycle and pedestrian links within that phase of the development as indicated on the approved plans, shall be constructed and available for use in accordance with detailed specifications which shall be previously submitted to and approved in writing by the Local Planning Authority. The pedestrian and cycle links shall remain open and available for use at all times thereafter.
13. Prior to the construction of any dwellings, the following shall be carried out, submitted and approved in writing by the Local Planning Authority:-
  1. A further ground investigation report shall be submitted to and first approved in writing by the Local Planning Authority in accordance with the recommendations of the Phase II Geo-Environmental Site Investigation (prepared by CBRE, reference, E3P Report: 10-292-r2, dated February 2015) to further investigate contaminants in the area of Hameldon College and to identify any shallow mine workings; and,
  2. a Remediation and Enabling Works Strategy, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the Local Planning Authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme as a whole or within the approved phases of the development shall be submitted to and approved in writing by the Local Planning Authority before any dwelling within that phase of the development is first occupied.

14. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.
15. The development shall be carried out in accordance with the surface water strategy detailed on drawing number MCD001/SK02RevE to achieve a maximum total surface water from the proposed points of discharge of 65.8 litres/second.

16. No development shall be commenced until details of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including details of water quality controls and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the first occupation of any dwelling, and the approved drainage scheme shall thereafter be retained in perpetuity.
17. No dwelling hereby approved shall be occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 16 which shall cover the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained in accordance with the approved details in perpetuity.
18. 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 within any agreed phase prior to any dwelling within that phase is first occupied. The foul water drainage scheme shall thereafter be retained at all times.
19. No dwelling shall be first occupied until it has been provided with an electric car charging point which uses a three-pin 13-amp electrical socket in a suitable position to enable the recharging of an electric vehicle using a 3m length cable.
20. No development shall take place (including any demolition, ground works, site clearance) until further bat surveys have been carried out in accordance with the details set out at Table 4.1 of the Updated Licensed Bat Survey and Assessment Draft (March 2018), carried out by ERAP (Consultant Ecologists) Ltd. The findings and assessment of these bat surveys shall be used to inform the applicant's licence application to Natural England as well as the method statement and bat mitigation measures required by conditions 21 and 22 respectively.
21. No development shall take place (including any demolition, ground works, site clearance) until a method statement for bats has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
  - a) Purpose and objectives for the proposed works;
  - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) Extent and location of proposed works shown on appropriate scale maps and plans;
  - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) Persons responsible for implementing the works;
  - f) Initial aftercare and long-term maintenance (where relevant);

The approved method statement shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

22. No development shall take place (including any demolition, ground works, site clearance) until a bat mitigation strategy for the compensation and mitigation of loss of bat roosts within the development site, which shall include timescales for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved bat mitigation strategy shall thereafter be implemented and completed in accordance with the approved details and approved timescales. The implemented measures shall thereafter be retained in perpetuity.
23. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 07:30 and 18:00 hours Monday to Friday and 08:00 and 14:00 hours on Saturdays.
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 and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
25. The development, including the demolition of buildings and groundworks, shall at all times be carried out in accordance with the Environmental Management Plan, received on 9 May 2018 and the Management Plan (M100-MO-01B), received on 11 May 2018.
26. The development shall not be carried out otherwise than in accordance with the Written Scheme of Archaeological Investigation, prepared by Wardell Armstrong (Reference LE14368, report no. 0001 Version (0.1), received on 10 May 2018. The final reports of the archaeological investigation shall be submitted to and approved in writing by the Local Planning Authority within two months following the completion of the investigation unless an alternative timescale is otherwise agreed in writing by the Local Planning Authority.
27. The development hereby approved shall be carried out in accordance with the phasing strategy indicated on drawing number M100-MP-01B, received on 11 May 2018, unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority.
28. The tree protection measures as indicated on drawing numbers 5304.09RevD and 5304.10RevD and contained within the Arboricultural Impact Assessment and method Statement (Revision D) prepared by tba landscape architects (Reference 5304/AIA&AMS/D/MAY18, received on 9 May 2018, shall be carried out prior to any demolition, ground works or site clearance taking place and shall remain in situ and be adhered to at all times until the completion of the development.
29. The proposed boundary treatments as indicated on drawing number M100-BTP-01d shall be carried out and completed within each phase of the development and shall be wholly completed prior to the occupation of any dwelling within the final phase of the development.
30. Prior to the construction of the pond/swale, details of its depth, profile, shelving banks, inlet and outlet invert levels shall be submitted to and approved in writing by

the Local Planning Authority. The pond/swale shall thereafter only be constructed and maintained in accordance with the approved details.

31. The proposed play area shall be constructed and completed prior to the completion of Phase 2 of the development in accordance with details of the play equipment and its layout to include its surfacing, seating, a bin and boundary treatment which shall be previously submitted to and approved in writing by the Local Planning Authority. The approved play area shall thereafter be available for use prior to the occupation of any dwelling within Phase 3 of the development.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
4. To ensure a high quality appearance to the development and access/parking facilities, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan , Submission Document (July 2017).
5. 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 GP3 and H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
6. To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy HS4 of Burnley's Local Plan, Submission Document (July 2017).
7. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy HS1 of Burnley's Local Plan, Submission Document (July 2017).
8. To limit the number of access points to, and to maintain the proper construction of the highway, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
9. 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 H3 of

the Burnley Local Plan, Second Review (2006) and Policy IC1 of Burnley's Local Plan, Submission Document (July 2017).

10. To ensure that the traffic generated by the development is satisfactorily managed, in the interests of highway safety, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy IC1 of Burnley's Local Plan, Submission Document (July 2017).
11. To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policies H3 and TM15 of the Burnley Local Plan (2006) and Policies IC1 and IC3 of Burnley's Local Plan, Submission Document (July 2017).
12. To ensure the site is accessible within its surroundings, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policies Policy IC1 of Burnley's Local Plan, Submission Document (July 2017).
13. To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006) and Policy NE5 of Burnley's Local Plan, Submission Document (July 2017).
14. To ensure adequate means of storing waste, in the interests of visual and local amenities, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
15. To suitably restrict surface water flows which will contribute to a reduction in flood risk to downstream properties in Padiham, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006) and Policy CC4 of Burnley's Local Plan, Submission Document (July 2017).
16. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006) and Policy CC4 of Burnley's Local Plan, Submission Document (July 2017). 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.
17. To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006) and Policy CC4 of Burnley's Local Plan, Submission Document (July 2017).
18. To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006) and Policy NE5 of Burnley's Local Plan, Submission Document (July 2017).
19. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.



20. To ensure adequate protection to bats which are protected species, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006), Policy NE1 of Burnley's Local Plan, Submission Document (July 2017) and the National Planning Policy Framework. The surveys are necessary prior to the commencement of development in order to inform a licence application to Natural England and to ensure adequate protection can be made to any bats that are found to be present on the site.
21. To ensure adequate protection to bats which are protected species, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006), Policy NE1 of Burnley's Local Plan, Submission Document (July 2017) and the National Planning Policy Framework. The method statement is required prior to the commencement of development in order to ensure adequate precautions can be carried out to protect any bats that are found to be present on the site.
22. To ensure adequate protection to bats which are protected species, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006), Policy NE1 of Burnley's Local Plan, Submission Document (July 2017) and the National Planning Policy Framework. The bat mitigation strategy is required prior to the commencement of development in order to ensure adequate compensation and mitigation is carried out at the appropriate time to minimise any potential harm from the removal of existing bat roost on the site.
23. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
24. To prevent stones and mud being carried onto the public highway to the detriment of road safety, in the interests of highway safety, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006) and Policy IC1 of Burnley's Local Plan, Submission Document (July 2017).
25. In order to avoid nuisance to the occupiers of adjacent properties, in accordance with Policies GP7 and H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
26. To ensure adequate investigation and recording of any archaeological/historical importance associated with the site, in accordance with Policy E19 of the Burnley Local Plan, Second Review (2006), Policy HE4 of Burnley's Local Plan, Submission Document (July 2017) and the National Planning Policy Framework.
27. To ensure a suitable phased approach to the development to enable the satisfactory implementation of the proposal, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy HS1 of Burnley's Local Plan, Submission Document (July 2017).
28. To ensure adequate protection for the long term health of trees/hedges which should be retained in the interests of the visual amenities and the biodiversity of the site and its surroundings, in accordance with Policies E4, E6 and H3 of the Burnley Local Plan, Second Review (2006) and Policies NE1 and NE4 of Burnley's Local Plan, Submission Document (July 2017).

29. To ensure a satisfactory appearance to the development from within the site and its environs, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
30. To ensure the details are satisfactory and appropriate to an area of public open space in respect of visual amenity, function and safety, in accordance with Policies E8, H3, H8 and E4 of the Burnley Local Plan, Second Review (2006) and Policies CC4, HS4 and NE1 of Burnley's Local Plan, Submission Document (July 2017).
31. To ensure the details are satisfactory and appropriate to an area of public open space in respect of visual amenity, function and safety, in accordance with Policies E8, H3, H8 and E4 of the Burnley Local Plan, Second Review (2006) and Policies CC4, HS4 and NE1 of Burnley's Local Plan, Submission Document (July 2017).

## **5. APP/2018/0144 and APP/2018/0145 118 St James Street, Burnley**

Full Planning Application APP/2018/0144

Change of use of theatre entrance to cafe and bar (class A3/A4), rebuild front elevation to form new shop front with iron gates, form balcony to rear, install extractor flue and partial mezzanine floor to use as office (re-submission of APP/2017/0386)

118 ST JAMES STREET BURNLEY

Listed Building Application APP/2018/0145

Partial demolition of front elevation and form new shop front with iron gates, form balcony to rear, install extractor flue, partial mezzanine floor and internal alterations (re-submission of APP/2017/0387)

118 ST JAMES STREET BURNLEY

**Decision: That against officer recommendation, the application be delegated to the Head of Housing and Development Control for approval subject to the development of appropriate conditions.**

### **Reasons:**

1. The theatre building has been disused for over 20 years, is in a very poor condition and has no guaranteed future use as a Theatre.
2. To allow the applicant to invest and continue the development which would assist in regenerating Lower St James Street.

<b>APP/2018/0144 &amp; APP/2018/0145 (Resolution)</b>	
Councillor Arif Khan	For
Councillor Frank Cant	Against
Councillor Afrasiab Anwar	For
Councillor Margaret Brindle	Against
Councillor John Harbour	Against
Councillor Alan Hosker	Against
Councillor Mohammed Ishtiaq	For
Councillor Marcus Johnstone	For
Councillor Mark Payne	Against
Councillor Asif Raja	For
Councillor Arif Khan	For (Casting Vote)
<b>Carried</b>	

## 6. APP/2018/0020 Former Life Church, Sycamore Avenue, Burnley

### Full Planning application

Proposed demolition of existing building and erection of 5no 2 storey dwellings fronting onto Sycamore Avenue together with 3 storey 12no residential apartments with ground floor parking to the rear of site; complete new site access road, parking and landscape area.

### FORMER LIFE CHURCH SYCAMORE AVENUE BURNLEY

**Decision:** That the Head of Housing and Development Control be delegated to grant planning permission for the development subject to there being no adverse comments on ecology or from the Lead Local Flood Authority, and subject to the applicant agreeing to provide an Education Contribution (or demonstrating conclusively that provision of such contribution would make the proposed development financially unviable), and the following conditions and any further conditions arising from the negotiations.

### Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Drawings No:016, 021,015, 025, 026, A6121-LIB-B3-A1 20-Z3-02-P2-001 rev P1, A1621-LIB-B3-A1 20-Z3-00-P2-001 reP1, A1621-LIB-B3A1 20-Z3-ZZE2-001 rev P1, A1621-LIB-B3-A1 20-Z3-01P2-001 rev P1, A1621-LIB-S1-A1 00-ZS-ZZ-E2-001 rev P1, A1621-LIB-S1-A1 00-ZZ-ZZ-P2-001 rev P1, A1621-LIBS1-A1 01-Zs-00-P2-001 Rev P2, A1621-LIB-S1-A1 01-ZS-ZZ-E2-001 rev P1, A1621-LIB-S1-A1 01-Zs-ZZ-S1-001 rev P1, A1621-Lib-B1-A1 20-Z1-02-P2-001 rev P1, A1621-LIB-B1-A1 20-Z1-01-P2-001 rev P1, A1612-LIB-B1-A1 20-Z1-03-P2-001 rev P1, A1621-LIB-B1-A1 20-Z1-ZZ-E2-001 rev P1, A1621-LIB-B1-A1 20-Z1-00-P2 001 revP1, A1621-LIB-B1-A1 20-Z1-ZZ-E2-002 rev P1, A1621-LIB-B2-A1 20 Z2-00-P2-001 rev P1, A1621-LibB2-A1 20-Z2-01-P2-001 rev P1, A1621-LIB-B2-A1 20-Z2-02-P2-001 rev P1, A621-LIB-B2-A1 20-Z2-ZZ-E2-001 rev P1, and location plan, received 30 April 18

3. The existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access.
4. No part of the development hereby approved shall commence until a scheme for the construction of the site access has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.
5. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 4 has been constructed and completed in accordance with the scheme details.
6. Prior to work commencing on site a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how deliveries during construction will be managed and where workers on the site will park during construction; normal hours of site working; how dust and pollutants will be minimised; and facilities available on site for the cleaning of the wheels of vehicles leaving the site and equipment to 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.
7. The new estate access between the site and Sycamore Avenue 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 takes place within the site.
8. Facilities to encourage the use of cycles as a means of alternative transport shall be provided in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority and the facilities shall be provided as approved before the residential use commences.
9. The development shall not begin until the investigation
  - a. A strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;
  - b. An investigation has been carried out in accordance with the approved strategy;
  - c. A written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the local planning authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and

approved in writing by the local planning authority before any part of the development is brought into use.

10. No development shall start until an investigation and report which demonstrates that the development can be safely undertaken and occupied has been submitted to the Local Planning Authority. The report shall be prepared by a competent consultant, experienced and specialising in the assessment and evaluation of Landfill Gas migration.  
The investigation report shall:
  - a. describe the methodology, techniques and equipment and circumstances of the survey and set out final conclusions and recommendations to the results and findings of tests and investigations
  - b. advise on any remedial measures which demonstrate that the development can be safely undertaken and occupied.
11. If remediation measures are recommended as a result of the investigations required by Condition \* above, these measures shall be incorporated into the development, before any buildings are occupied.
12. Full details of the method of illumination of the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before development is occupied and the lighting shall only be implemented wholly in accordance with the approved details.
13. Samples of the external materials of construction shall be submitted to and approved in writing by the Local Planning Authority before their use in construction of the development.
14. Full details of the means of enclosure of the dwellings shall be submitted to and approved in writing by the Local Planning Authority and the means of enclosure shall be provided, as approved, in relation to each dwelling before it is first occupied. The means of enclosure may include the retention of part of the side wall of the existing building to be demolished as indicated on drawing number A1621-LIB-S1-A1-01-ZZ-LL-P2-003, or otherwise.
15. The proposed dwellings on plots 1 to 5 shall be sound insulated in accordance with the details identified in the submitted email dated 25 May 2018 before the dwellings are first occupied.
16. A minimum of two dwellings shall (unless otherwise approved in writing by the Local Planning Authority) be provided as Affordable Housing in connection with the development, in accordance with Policy H5 of the Burnley Local Plan Second Review, before any of the houses are occupied.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. To limit the number of access points to, and to maintain the proper construction of the highway.

4. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
5. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
6. To prevent stones and mud being carried onto the public highway to the detriment of road safety; and, to minimise the impact of construction on existing residents in the vicinity of the site, and in the interests of the amenities of the area generally.
7. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative
8. To allow for the effective use of the parking areas
9. To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy GP7 of the Burnley Local Plan Second Review.
10. To ensure that the developer has demonstrated that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas, in accordance with policy E35 of the Burnley Local Plan, Second Review.
11. To ensure that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas, in accordance with policy E35 of the Burnley Local Plan, Second Review.
12. In the interests of the amenities of the neighbouring residents in accordance with policy DC1 and DC2 of the Unitary Development Plan.
13. To secure a satisfactory development in materials which are appropriate to the locality, in the interests of visual amenity and in accordance with policy GP3 of the Burnley Local Plan, Second Review.
14. In the interests of residential amenity and the visual amenities of the area generally, in accordance with Policy H3 of the Burnley Local Plan Second Review, currently saved.
15. In the interests of the amenities of the residents of those dwellings, in accordance with Policy H3 of the Burnley Local Plan Second Review, currently saved.
16. To ensure provision of Affordable Housing in accordance with Policy H5 of the Burnley Local Plan Second Review, currently saved.

**7. APP/2018/0126 32 Ighten Road, Burnley**

**Full Planning Application**

**Erection of 4 bedroom dwelling in rear garden (re-submission of APP/2017/0593)  
32 IGTEN ROAD BURNLEY**

**Decision: That planning permission be granted subject to the following conditions.**

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 01A (location and site plan); 02A (site plan); 03A (ground floor layout); 04A (first floor layout); 05A (basement layout); 07A (general section); and 08A (site section) received 11 April 2018. Drawing No. 06B (proposed elevations) received 4 June 2018.
3. The windows on the ground and first floor level of side gable elevation of proposed dwelling shall be obscurely glazed. The windows shall thereafter remain obscurely glazed to the satisfaction of the local planning authority.
4. A scheme for the hard and soft landscaping of the site shall be submitted to the local planning authority before the dwelling hereby approved is first occupied. The scheme as may be approved shall be implemented no later than within the first planting season following the occupation of the dwelling.
5. Foul and surface water shall be drained on separate systems. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be approved by the statutory undertaker prior to connection to the public sewer.
6. Prior to development commencing on site the applicant shall carry out a visual and photographic inspection of the access road between Ightenhill Park Lane and Ighten Road to determine the current condition of the road surface. The carriageway surface shall be maintained to this level of repair or better throughout the period of construction and made good on completion of the development.
7. The garage accommodation hereby approved shall remain available for the parking of vehicles at all times.
8. Unless otherwise agreed in writing by the local planning authority, no works of construction, including the use of equipment or deliveries to the site shall be carried out outside the hours of 0800 hours and 1700 hours on Mondays to Fridays or 0800 hours to 1300 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.
9. No development, except the exterior painting of the building, whether permitted by the Town and Country Planning (General Permitted Development Order) or not shall

be carried out on the site, unless a further permission has been submitted to and approved in writing by the local planning authority.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In order to protect the residential amenities of the occupiers of the neighbouring property, in particular No. 34 Ighten Road, Burnley.
4. In order to ensure that the landscaping of the site enhances to site and the surrounding area in the interests of visual amenity.
5. To secure proper drainage and to manage the risk of flooding and pollution.
6. To ensure that the proposed development and construction does not cause a further deterioration of the road surface in the interests of highway and pedestrian safety.
7. To ensure adequate parking provision is available at the property, in the interests of highway safety.
8. In order to protect the amenities of the neighbouring residents at unsocial hours.
9. To enable the local planning authority to reconsider any further development having regard to the restricted site and the amenities of the neighbouring residents.

<b>8. APP/2018/0176 25 Carlton Road, Burnley</b>
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**Full Planning Application  
Conversion of dwelling to 2no. apartments  
25 CARLTON ROAD BURNLEY**

**Decision: That planning permission be granted subject to the following conditions.**

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 06, 07 and 08, received on 4 April 2018; and, 05B, received on 14 May 2018.
3. Neither apartment shall be first occupied until its associated off-street parking provision of a minimum of two parking spaces per apartment have been constructed and are available for use in accordance with the approved plans. The approved car parking spaces shall be retained at all times for purposes of car parking.



4. Neither apartment shall be first occupied until its associated refuse and recycling storage has been provided and is available for use, as indicated on the approved plans. The approved bin and refuse storage provision shall be retained for the purposes of each apartment at all times.
5. Neither apartment shall be first occupied until a scheme of soundproofing to protect against internally generated noise has been carried out and completed in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority.
6. The existing and any future replacement gates shall open inwards only and at no time shall be permitted to open over the adjoining footway.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure adequate off-street parking, in the interests of highway safety and street amenity, in accordance with Policies H15 and TM15 of the Burnley Local Plan, Second Review (2006).
4. To ensure adequate refuse and recycling storage away from public views, in the interests of visual amenity, in accordance with Policy H15 of the Burnley Local Plan, Second Review (2006).
5. To provide adequate levels of amenity for the adjoining property and future occupiers, in accordance with Policy H15 of the Burnley Local Plan, Second Review (2006).
6. To prevent an obstruction on the adjoining footway, in the interests of highway safety, in accordance with Policy H15 of the Burnley Local Plan, Second Review (2006).

<b>9. APP/2017/0502 176 Colne Road, Burnley</b>
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**Full Planning Application**

**Proposed change of use of disused part (first, second, third floors, basement and rear internal stairway of 176 Colne Road (St Andrews Conservative Club) into 3no. self contained flats (one on each floor) (existing street-level uses unaffected).  
176 COLNE ROAD BURNLEY**

**Decision: That planning permission be granted subject to the following conditions:**

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Location Plan/Block Plan; four drawings showing existing floor layout of the Basement, First Floor, Second Floor and Third Floor; four drawings showing the proposed layout of the Basement, First Floor, Second Floor and Third Floor, received 13 Oct 17.
3. Before the building is brought into use, its exterior shall be treated in accordance with a scheme of external treatment that shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of (a) works to enhance the appearance of the rear of the building; (b) any replacement window frames.
4. Before the development commences a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall give details of construction working hours, parking of construction vehicles, and the means of suppression of dust and fumes during construction. The construction method, as approved, shall be implemented at all times during construction.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. In the interests of visual amenity in accordance with Policy H13 of the Burnley Local Plan, Second Review, currently saved.
4. In the interests of the amenities an operating conditions of the neighbouring occupiers, in particular because of the main road location and mix of neighbouring uses.

<b>10. APP/2018/0191 57 Windermere Avenue, Burnley</b>
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**Full Planning Application**

**Demolish existing garage, erect two storey extension to side & rear, and single storey extension to rear. (re-submission of APP/2017/0503)  
57 WINDERMERE AVENUE, BURNLEY**

**Decision: That planning permission be granted subject to the following conditions.**

**Conditions:**

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: One drawing REV C received 19 April 18.
3. Before any part of the extension is occupied the driveway shall be re-laid to a suitably graded slope at the entrance to the property to allow for effective use. Any resurfacing will need to be carried out using a bound and porous material. A scheme for the re-laying of the driveway shall be submitted for approval prior to the start of the development; the scheme shall be carried out as approved.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In order to prevent the possible grounding of vehicles on the existing footway in the interests of highway safety and in accordance with policies H13 and TM15 of the Burnley Local Plan Second Review and policies HS5 and IC3 of the emerging Local Plan.

**11. APP/2017/0523 11 Matlock Grove, Burnley**

**Full Planning Application**

**Retrospective application for a single storey rear extension to dwelling & installation of a 2.4m fence along the boundary.**

**11 MATLOCK GROVE BURNLEY**

**Decision: That planning permission be granted subject to the following condition.**

**Condition:**

1. The development hereby permitted shall be carried out in accordance with the following drawings:  
Drawing Number: BR/MAT 001C, received 21 March 2018  
Drawing Number: BR/MAT 002C, received 21 March 2018

**Reason:**

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

**12. Decisions taken under the Scheme of Delegation**

Members received for information a list of decisions taken under delegation for the period 01/04/2018 to 13/05/2018

### 13. Appeal and other decisions

Members received for information the outcome of an appeal in relation to:

**APP/2016/0434** Appeal against the refusal of planning permission for the erection of a gas fuelled electricity generating plant (20mw) to provide standby power.  
Land south of Blackburn Road Padiham

The Inspector considered the main issues to be:

1. whether the proposal would be inappropriate development in the Green Belt as set out in the National Planning Policy Framework and the development plan;

In considering whether the proposal would be inappropriate development the Inspector had regard to The National Planning Policy Framework ('the Framework') which establishes that certain types of development are not inappropriate in the Green Belt provided that they preserve openness and do not conflict with the purposes of including land within it. The appeal proposal does not accord with any of the exceptions set out in paragraph 89 of the Framework nor does it comprise one of the 'other forms of development' cited in paragraph 90. Similarly, Policy E26 of the Burnley Local Plan Second Review (2006) states that development in the Green Belt is inappropriate unless it is for one of a limited number of purposes, none of which are applicable in this case.

Accordingly, the proposal comprises inappropriate development which is, by definition, harmful to the Green Belt, with the Framework indicating that such harm carries substantial weight.

2. the effect of the development on the openness and purposes of the Green Belt;

The appeal site extends to about 1.2ha and lies close to the busy junction of Blackburn Road and the A6068. The sloping land is down to rough grass and is largely enclosed on three sides by trees, hedges and scrub with the River Calder corridor on the southern boundary. The surrounding area is characterised by a mix of built development, including housing and industrial, office, storage and commercial buildings, and extensive tracts of open countryside.

The proposed 20MW gas-fired embedded electricity generating plant would include two ranks of generators (20 in total), a switch room, a gas reception kiosk, a steel oil storage tank, a control & welfare room and a HV/LV switchroom in steel containers and 10 step-up transformers. Associated parking and access/circulation tracks are also proposed together with CCTV cameras and 2.4m high steel palisade security fencing to the site boundaries. Four portable office/security buildings, a storage compound and 10 parking spaces are also proposed during the construction period.

The plant would be connected below ground to the local distribution network via an electricity sub-station located in the Shuttleworth Mead Business Park to the east of the site. The appellant advises that the lifespan of the development would be about 20 years after which the site would be cleared.

Openness is one of the essential characteristics of the Green Belt. It is the absence of buildings or development. Openness is thus characterised by a lack of buildings, structures or other above-ground items rather than those that are unobtrusive or screened in some manner. There is therefore a clear distinction between openness and visual impact, and the containment of the appeal site by hedges and trees has no bearing on this assessment. It is clear that the proposed structures, buildings and containers together with parked vehicles would diminish the openness of the Green Belt.

Furthermore, the proposal would conflict with two of the five purposes of the Green Belt set out in paragraph 80 of the Framework, namely checking the unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment.

The Inspector gave significant weight to the reduction in openness, encroachment of the development into the countryside and contribution to unrestricted sprawl in the planning balance.

3. the effect on the character and appearance of the area;

The Inspector considered that this would be a substantial development which would be locally prominent from hedgerow gaps and the new and existing (and significantly widened) accesses on Blackburn Road, and also from the elevated road bridge over the River Calder adjacent to the site. In addition it would be clearly visible from the public right of way on the south side of the river opposite the site and, at a greater distance, from a higher level footpath on the east side of the A6068 near Shuttleworth Hall.

From these vantage points the proposal would be seen to consolidate and extend development beyond the urban fringe into the countryside to the detriment of the character and appearance of the area. The prominence of the development would be increased during the autumn and winter months when the boundary foliage thins out. The proposed bund and planting adjacent to the river would not provide effective screening of the site from the south.

It was considered therefore that the proposed development would cause harm to the character and appearance of the area in conflict with Local Plan Policy E27 which, amongst other things, seeks to protect the Borough's distinctive landscape character. This additional harm carries moderate weight in the planning balance.

4. the implications of the proposal for ecology; and

The appellant's Ecology Constraints Appraisal submitted with the planning application concludes that the improved grassland site does not contain Schedule 1 species and the proposed development would not constitute a risk to any protected species or habitats. However, the Inspector shared the Council's view that this 'desk-based' appraisal lacks sufficient detail and rigour. For example, it does not include

mitigation measures or demonstrate how the scheme would achieve a net gain in biodiversity, and the implications for trees along the site boundaries are unclear.

In response, the appellant has submitted an Extended Phase 1 Habitat Survey with the appeal papers. Amongst other things, it concludes that the site is of low ecological value, and whilst the loss of an area of grassland to the development would have a temporary negative impact on biodiversity it would not be significant in the long term as wildflower areas would be created within the site. It also advises the site is not considered to have the potential to support badgers, reptiles, notable terrestrial invertebrates or notable flora.

The Framework makes it clear that the planning system should contribute to and enhance the natural and local environment by minimising the impacts on biodiversity and providing net gains in biodiversity where possible. Policy E5 of the Local Plan broadly reflects these objectives.

On the basis of the evidence before the Inspector, he was not satisfied that the ecological impacts of the appeal proposal would be adequately mitigated; specifically, it has not been demonstrated that the provision of wildflower areas on the site would be sufficient to offset the negative impacts of the development identified in the appellant's habitat survey and this would be in conflict with Policy E5.

5. if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify the development.

There is no dispute that continuity of electricity supply, including from renewable sources, is essential both nationally and locally, especially during periods of peak demand. The appeal proposal would provide a flexible supply of back-up electricity for the local (DNO) network and thus contribute to meeting this objective in an efficient and effective manner with minimal transmission loss. In this respect the proposal would accord with the recognition in the Overarching National Policy Statement for Energy EN-11 that back-up electricity capacity is necessary to ensure security of supply until other storage technologies reach maturity. These factors attract significant weight in favour of the proposed development.

In terms of the three dimensions to sustainable development set out in the Framework, the proposal would perform an economic role through the provision of infrastructure and a social role in supporting strong, vibrant and healthy communities. These factors are accorded moderate weight in favour of the proposal.

The appellant submits that there are no sequentially preferable sites for the development in the area, arguing that those identified at Simonstone Road, Whalley Road and Whalley Road/Blackburn Road have land-use planning, physical and environmental constraints that render them unsuitable. However, from the information before me I consider that the assessment of these sites lacks sufficient detail and rigour. Furthermore, whilst there are operational and practical benefits in having a site local to the sub-station at Shuttleworth Mead Business Park, including avoidance of traffic disruption, there is no evidence to show that other sites in the wider area could not fulfil the criteria without encroaching upon the Green Belt. I therefore attach limited weight to this argument.

Whilst the development would be removed after some 20 years this is a significant period for the Green Belt and landscape to be affected by the scheme, and I am not persuaded that it can reasonably be regarded as a short-term installation. Furthermore, the fact that the site comprises low grade agricultural land and may be prone to fly-tipping is of little merit in favour of the proposal. Limited weight is therefore afforded to these submissions.

### **The Planning Balance and Overall Conclusion**

In this case, in addition to harm by reason of inappropriateness, substantial weight must be attributed to the harm to the openness of the Green Belt and the harmful effects in relation to encroachment and unrestricted sprawl. The Inspector also identified a moderate degree of harm to the character and appearance of the area and to ecology.

It was concluded that although the energy benefits of the proposal carry significant weight and the economic and social benefits attract moderate weight, they do not clearly outweigh the harm by reason of inappropriateness and the other harm identified. The very special circumstances necessary to justify inappropriate development in the Green Belt do not therefore exist. As such, the proposal would be contrary to paragraph 87 of the Framework and Policies E26 and E27 of the Local Plan.

Appeal Decision – The Inspector **DISMISSED** the appeal.