



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 21st March, 2019 at 6.30 pm

PRESENT

MEMBERS

Councillors A Khan (Chair), F Cant (Vice-Chair), A Anwar, G Birtwistle, M Brindle, S Chaudhary, S Graham, J Harbour, A Hosker, M Ishtiaq, M Johnstone, N Mottershead, A Raja and J Sumner

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Janet Filbin	– Senior Planner
Cathy Ryder	– Senior Planner
David Talbot	– Senior Solicitor
Imelda Grady	– Democracy Officer

92. Apologies

Apologies for absence were received from Councillor Mark Payne.

93. Minutes

The Minutes of the last meeting held on 14th February 2019 were approved as a correct record and signed by the Chair.

94. 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:

1.	Emily Robinson (for)	APP/2018/0504 – Land at west side of Station Road and adjacent to Padiham Gateway and Green Lane Padiham
2.	Andrew Booth (for)	APP/2018/0513 – Land off Florence Avenue Burnley
3.	Alan Kinder (for)	APP/2018/ 0537 – Thompson Street Works, Thompson Street Padiham

RESOLVED

That the list of deposited plans be dealt with in the manner shown below.

95. APP/2019/0001 - Sandygate Square, Sandygate, Burnley

Full Planning application

APP/2019/0001 – Demolition of locally listed Neptune Inn; construction of new 4 storey mixed use building to provide student accommodation (136 bedrooms); ancillary communal areas to include laundry room, gym, reception, study/resources room and student hub; part ground floor car parking; provision of 3 commercial units; and associated landscaping, together with provision of new car park off Wiseman Street for 35 vehicles.

SANDYGATE SQUARE SANDYGATE

Note; that paragraph 7 on page 42 of the agenda relates to Sandygate Square and not Land West of Station Road Padiham.

Decision

That planning permission be granted subject to the following amended 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:
 - Location Plan 010 rev B rec'd 19 Mar 19
 - Site Layout Plan 009 rev E rec'd 19 Mar 19
 - LG Floor plan 001 rev N rec'd 20 Feb 19
 - GF Plan 002 rev M rec'd 20 Feb 19
 - 1F & 2F Floor Plans 003 rev N rec'd 20 Feb 19
 - 3F Floor Plan 004 rev O rec'd 19 Mar 19
 - Roof Plans 005 rev E rec'd 19 Mar 19
 - N & E elevations 006 rev I rec'd 19 Mar 19
 - S elevations 007 rev J rec'd 19 Mar 19

- W elevations 008 rev H rec'd 19 Mar 19
- Existing Topo Survey 011 rev A rec'd 9 Jan 19
- Drainage Strategy C-50 rev B rec'd 9 Jan 19
- Existing Site Sections 015 rev A rec'd 9 Jan 19

3. The development shall be carried out in full accordance with a scheme which has first been approved in writing by the Local Planning Authority, to include details of the design, based on sustainable drainage principles and implementation of an appropriate surface water sustainable drainage scheme. The details shall include as a minimum:

- a) Information about the lifetime of the development:
 - Design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change, see EA advice (Flood Risk assessments: climate change allowances) - discharge rates and volumes (both pre and post development)
 - Temporary storage facilities
 - The methods employed to delay and control surface water discharged from the site
 - The measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourse
 - Details of floor level in AOD
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield run-off rate. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed.
- c) Flood water exceedance routes, both on and off the site
- d) A timetable for implementation, including phasing if possible
- e) Evidence of an assessment of the site conditions to include site investigation

The scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the approved dwellings or the completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

4. The development hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
5. The development shall be carried out in full accordance with a scheme which has been approved in writing by the Local Planning Authority, providing details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development, to include:
 - a) the arrangements for adoption by an appropriate public body, statutory undertaker or management company.

- b) Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) which will include elements such as
- ongoing inspections relating to performance and asset condition assessments
 - operation costs for regular maintenance , remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage system scheme throughout its lifetime.
 - means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of the approved development or the completion of the development whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

6. The development shall be carried out in full accordance with the approved Construction Management Plan, received 6 March 19 as amended 19 March 19, to the satisfaction of the Local Planning Authority.
7. The development shall be carried out in full accordance with the submitted Site Investigation Report and Risk Assessment (Phase II Geo-Environmental Site Investigation and Risk Assessment reference 180903.R.001, dated December 2018)
8. In consideration of the Phase I/Phase II Report (12-777-R1), details of imported soil shall be submitted before use within the cover system, with information to include source and quantity provided, date of acceptance, and a chemical analysis for a full suite of contaminants. As per report 12-777-R1, ground gas monitoring shall be completed with the findings submitted in writing to the Local Planning Authority.

Any arisings and/or site-won materials shall be chemically analysed prior to re-use on-site with validation provided to the Local Planning Authority for approval if applicable. If removal of any identified local TPH 'hotspots' is decided as a remedial option, sampling and analysis shall be undertaken to confirm the suitability for use of the remaining soil, with validation provided to the Local Planning Authority for approval in writing, if applicable.

Following completion of measures identified in the remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to, and approved in writing by the Local Planning Authority.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation must be undertaken to establish the nature and extent of contamination in consideration of potential receptors. Where sampling is required to establish the extent of unexpected contamination, the results shall be forwarded to the Local Planning Authority. If further remediation is required, the additional information shall also be submitted and approved by the Local Planning Authority.

10. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed in writing by the Local Planning Authority, and the provision of reports on the same must be prepared, both of which must be submitted to and approved by the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. These measures must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

11. A programme of archaeological work including the creation of a record of the former Neptune Inn to level 3 and the remnant of the Sandygate Shed boiler room or engine house wall to level 2 as set out in *Understanding Historic Buildings (Historic England 2016)*, shall be carried out in accordance with an approved written scheme of investigation, before any work on the demolition of Neptune Inn and the remnants of the Sandygate Shed boiler room/engine house takes place. This work shall be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. The record shall be lodged with the Local Planning Authority within 2 months of the date of this decision.
12. A formal watching brief during both groundworks and the demolition of the former Neptune Inn (in particular removal of foundations, floor slab, etc) followed by such subsequent work as required to investigate and record any remains encountered. This work shall be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists.
This work shall be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of the archaeological record and analysis shall be lodged with the Local Planning Authority within two months of its completion.
13. The provision of the car parking area to be given over to student parking shall be surfaced in accordance with the approved site layout plan, drawing no. 009E received 19 March 19 and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.
14. The cycling facilities shall be provided in accordance with drawing no. 001 rev N received 20 February 2019 prior to the occupation of the building hereby approved.
15. 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 construction of the development.
16. No built construction work shall be commenced until a scheme for the construction of off-site highway works relating to the development, including provisions to facilitate the implementation of Traffic Regulations Orders for waiting restrictions, has been

submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

17. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 16 has been constructed and completed in accordance with the scheme details.
18. The proposed new loading bay on Sandygate which provides servicing facilities for the commercial unit at the junction of Sandygate and Neptune Street, shall be completed before the commercial unit is brought into operation.
19. Prior to the first use of the development hereby permitted, a full Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The Travel Plan to include:-
 - Review of existing parking restrictions on Neptune Street and Wiseman Street including identifying funding mechanism for implementation of review recommendations. Review to be undertaken prior to first occupation.
 - Review of student car usage and uptake of parking provision to be provided as part of permission over a period of 18 months following full occupation of the student element of the development. Report to be provided to and reviewed by the Local Planning Authority in consultation with the Highway Authority.
20. The Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.
21. 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.
22. Following completion of the development works, the public square shall be reinstated to the satisfaction of the local planning authority in accordance with the amended site plan Drawing No. 09 rev E received 19 March 19.
23. The car parking area off Wiseman Street for 35 vehicles shall be managed in accordance with the 'Sandygate Student Accommodation Scheme Car Parking' received 19 March 19, to the satisfaction of 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. To ensure that the proposed development is adequately drained and that there is no flood risk on or off site resulting from the proposed development.
4. To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on or off the site resulting from the proposed development or resulting from inadequate maintenance of the sustainable drainage system.
5. To ensure that appropriate and sufficient funding and maintenance mechanisms are in place for the lifetime of the development; to reduce flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/body/ company/undertaker for the sustainable drainage system.
6. In the interests of highway safety, the prevention of pollution to the canal and the surrounding environment.
- 7, 8, 9 &10 To ensure that all risks associated with contamination of the site are adequately dealt with, having regard to Policy EN5 of Burnley's Local Plan 2018.
- 11/12. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, having regard to Policy HE2 of Burnley's Local Plan 2018.
13. To allow for the effective management of development related parking demand and use of the parking areas.
14. To ensure that adequate cycle facilities are available for the users of the building, to promote alternative modes of transport, in the interests of sustainable development.
15. To limit the number of access points to, and to maintain the proper construction of, the highway.
16. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before construction work commences.
17. 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.
18. To ensure that the commercial unit has suitable servicing facilities, in the interests of highway safety.
- 19/20 To promote and provide access to sustainable transport options.
21. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
22. To ensure that the public square is reinstated in a satisfactory manner in keeping with its surroundings
23. To ensure effective operation of the car park.

96. APP/2018/0504 - Land at West side of Station Road and adjacent to Padiham Gateway and Green Lane, Padiham

Full Planning application

Proposed residential development of 45no. dwellings and associated works

LAND AT WEST SIDE OF STATION ROAD & ADJACENT TO PADIHAM GATEWAY AND GREEN LANE PADIHAM

Note; that paragraph 7 on page 42 of the agenda relates to Sandygate Square and not Land West of Station Road Padiham.

Decision

That the application be delegated to the Head of Housing and Development Control to approve the application subject to the conditions set out in the report, with Condition 2 as amended, upon receipt of a satisfactory Unilateral Undertaking in respect of a contribution to be paid towards Education Provision.

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: Location Plan, drawing no.100 Rev 1; Existing Site Plan, drawing no. 101; Masterplan Overlay, drawing no. 103; Boundary Plan, drawing no. 109; Finished Levels and Retaining Walls, drawing no. SPB-AJB-XX-00-DR-C-1405 Rev 2; Drainage Layout, drawing no. SPB-AJP-XX-00-DR-C-1000 REV p1; Vehicle tracking, drawing no. SPB-AJP-XX-00-DR-C-1570; Tree Survey and Root Protection Areas drawing no.5877.01; Tree Protection Plan, drawing no.5877.02; House Type 2B4P plans, drawing no. 115; House Type 2B4P elevations, drawing no. 116; House Type 3B5P plans, drawing no 120; House Type 3B5P elevations, drawing no.121; House Type 1B2P Flat plans, drawing number 150A; House Type 1B2P Flat elevations, drawing no. 151A; Fence details, drawing no. FD03; Fencing details, drawing no. FD04; Gate details, drawing no. FD13 all received 31 Oct 18

Amended Plan, Indicative Planting, drawing no. 108A received 29 Nov 18;

Site Plan drawing no. 105B; Street Elevations drawing no. 110A received 30 November 2018.

3. No dwellings shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details, until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

4. For the full period of construction, facilities shall be provided within the site by which means the wheels of the vehicles may be cleaned before leaving the site. There should also be provision to sweep the surrounding highway network by mechanical means if necessary.
5. No dwellings shall be occupied, until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption 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, unless otherwise approved in writing with the local planning authority.
6. The development shall be carried out in full accordance with the approved construction method statement throughout the construction period, which provides for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Measures to control the emission of dust and dirt during construction
 - vi) A scheme for recycling/disposal of waste water from construction works
 - vii) Details of working hours
 - viii) Routing of delivery vehicles to/from the site.
7. In the event that previously unidentified, or unexpected contamination is found at any time during the development, it must be reported in writing immediately to the local planning authority. A full risk assessment (including investigations if necessary) must be undertaken and a remediation scheme must be prepared if appropriate. The assessment must be submitted and approved in writing by the Local Planning Authority before any works continue.
8. Where any remedial works are necessary, a verification report must be submitted to and approved in writing by the local planning authority. The report shall also provide details of the long term effectiveness and monitoring of the proposed remediation in accordance with DEFRA and the Environment Agency's 'Model Procedure for the Management of Land Contamination, CR11'
9. No works to trees or shrubs shall occur between 1 March and 31 August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided to the local planning authority to confirm that no active birds' nests are present.
10. Before any of the properties are occupied, a landscape and biodiversity enhancement plan for the trees and scrub alongside Green Lane, including measures to provide for bird nesting opportunities, shall be submitted to and approved in writing by the local planning authority.
11. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays, unless approved in writing by the local planning authority.
12. Notwithstanding any description of materials in the application, precise details of facing and roofing materials shall be submitted to and approved in writing by the local

planning authority before their use in the construction work. The materials used in the development shall be in accordance with the approved scheme, to the satisfaction of the local planning authority.

13. All tree works shall be in complete accordance with the submitted Arboricultural Impact Assessment and Method Statement (tba landscape architects, Ref: MG/5877/AIA &AMS/OCT18) and Drawing No. 5877.02 (Tree Protection Plan) to the satisfaction of the local planning authority.
14. The landscaping works, detailed on Drawing No. 108 rev A (Indicative Planting), received 29 November 2018 shall be carried out in the first planting season following the substantial completion of the dwellings and thereafter maintained in accordance with good horticultural practice to the satisfaction of 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. To ensure the proper management and maintenance of the proposed streets within the development, in the interests of highway safety.
4. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.
5. To ensure that the streets are constructed in an appropriate manner, in the interests of highway safety and residential amenity.
6. To ensure that the development progresses in an orderly and controlled manner in the interests of highway and pedestrian safety.
- 7/8. Having regard to Policy NE5 of Burnley's Local Plan, to ensure that all environmental risks have been evaluated and appropriate measures have been taken to minimise risks of adverse impacts.
9. Having regard to Policy NE1 in order to protect nesting birds and their habitat.
10. In order to provide an enhancement to the landscaped area to encourage biodiversity and bird nesting opportunities, in line with Policy NE1.
11. To protect the amenities of nearby residents, in accordance with Policy NE5 of Burnley's Local Plan (July 18).
12. To secure a satisfactory development in materials which are appropriate to the locality, in the interests of visual amenity and in accordance with Policy HS4 of Burnley's Local Plan (July 18).
13. To ensure that the tree works are carried out in an appropriate manner and the trees are adequately protected during the construction period.

- 14. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in accordance with Policy NE4 of Burnley's Local Plan.**

97. APP/2018/0513 - Land off Florence Avenue, Burnley

**Full Planning application
Erection of 24 dwellings and associated works
LAND OFF FLORENCE AVENUE BURNLEY**

Note: referring to 'Affordable Housing' on page 59 of the agenda, paragraph 2 should be deleted as the nature of the application has changed.

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 : Location Plan 100A; Site Clearance Plan 103; Existing Site Plan – 101A Boundary Plan 108A; Landscape Proposals 5857.01 A; Finished Levels and retaining walls FAB-AJP-XX-00-DR-C-1400 P2; Drainage Layout FAB-AJP-XX-00-DR-C-1000 P2; Cut and Fill Total areas FAB-AJP-XX-00-DR-C-1415 P2, received 31 October 18.

Proposed site plan 105D received 29 Nov 19; Bungalow type 130A received 16 Jan 19; Landscape Masterplan 5857.04 rev B; Tree Protection Plan 5857.03A; Tree Survey and Root Protection Areas 5857.03A; s78 Construction Plan FAB-AJP-XX-00-DR-C-1650 P2 received 29 Jan 19; Site Cross Section FAB-AJP-XX-00-DR-C-1440 P1 received 7 March 19; Proposed Street Elevations 107C received 13 March 19.
3. No dwelling shall be occupied until full engineering, drainage, street lighting and constructional details of the footway to be reconstructed has been submitted to, approved in writing by the local planning authority and constructed in accordance with the approved details.
4. No dwelling shall be occupied until the approved scheme referred to in Condition 1 has been constructed and completed in accordance with the scheme details.
5. 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.

6. The development shall be carried out in full accordance with the approved construction method statement as approved in writing by the local planning authority. The approved statement shall thereafter be adhered to throughout the construction period. It shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Measures to control the emission of dust and dirt during construction
 - vi) A scheme for recycling/disposal of waste water from construction works
 - vii) Details of working hours
 - viii) Routing of delivery vehicles to/from the site.
7. In the event that previously unidentified, or unexpected contamination is found at any time during the development, it must be reported in writing immediately to the local planning authority. A full risk assessment (including investigations if necessary) must be undertaken and a remediation scheme must be prepared if necessary. The assessment must be submitted and approved in writing by the Local Planning Authority before any works continue.
8. Where any remedial works are necessary, a verification report must be submitted to and approved in writing by the local planning authority. The report shall also provide details of the long term effectiveness and monitoring of the proposed remediation in accordance with DEFRA and the Environment Agency's 'Model Procedure for the Management of Land Contamination, CR11'
9. Prior to the commencement of development, including groundworks and vegetation clearance, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on the site. The measure shall be carried out strictly in accordance with the approved scheme.
10. 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, unless approved in writing by the local planning authority.
11. Notwithstanding any description of materials in the application, precise details of facing and roofing materials shall be submitted to and approved in writing by the local planning authority before their use in the construction work. The materials used in the development shall be in accordance with the approved scheme, to the satisfaction of the local planning authority.
12. All tree works on the site shall be in accordance with the recommendations of the submitted Arboricultural Impact Assessment & Method Statement (Revision A) (TBA – ref MG 5857) received 29 January 19.

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.
- 3/4. In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway
4. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.
5. To ensure that the development progresses in an orderly and controlled manner in the interests of highway and pedestrian safety.
- 7/8. Having regard to Policy NE5 of Burnley's Local Plan, to ensure that all environmental risks have been evaluated and appropriate measures have been taken to minimise risks of adverse impacts.
9. To ensure effective control over the invasive species.
10. To protect the amenities of nearby residents, in accordance with Policy NE5 of Burnley's Local Plan (July 18).
11. To secure a satisfactory development in materials which are appropriate to the locality, in the interests of visual amenity and in accordance with Policy HS4 of Burnley's Local Plan (July 18).
12. To ensure that the tree work is carried out in an appropriate manner having regard to Policy NE4 of the Burnley Local Plan (July 2018).

98. APP/2018/0446 - Land at Grove Lane, Padiham
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Full Planning application

**Proposed construction of terrace of 5no. two storey dwellings with forecourt parking
LAND AT GROVE LANE & HIGH STREET PADIHAM**

Decision

That planning permission be granted subject to the following 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: 5668-003, received on 14 September 2018; 5668-004B, received on 19 November 2018; 5668-002E, received on 5 December 2018; and, Loc1 (1:1250 location plan) and 5668-007E, received on 7 March 2019.

3. Prior to construction work commencing on the approved dwellings, details and representative samples of the external materials of construction to be used on the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.
4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) measures to control noise during construction;
 - vii) wheel washing facilities;
 - viii) details of working hours;
 - ix) details of phasing of the development and timescales for completion of stages of the development;
 - x) routing of delivery vehicles to/from the site; and,
 - xi) contact details for the site manager.
5. No construction of the approved dwellings shall be commenced until a scheme of off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide for any necessary alterations to the highway resulting from the proposal including changes to street lighting. No dwelling shall be first occupied until the approved scheme has been carried out and completed in accordance with the approved details.
6. Prior to the commencement of development, the following shall be submitted to and approved in writing by the Local Planning Authority:-
 - a) A desktop study to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced.
 - b) If necessary following the recommendations of a) above, a site investigation designed for the site using the information obtained from (a) above; and,
 - c) a site investigation and associated risk assessment; and,
 - d) a Method Statement and remediation strategy, based on the Information obtained from c) above.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale which shall be agreed in writing by the Local Planning Authority.

7. Prior to the commencement of development, a scheme of intrusive site investigations to assess the ground conditions and the potential risks posed to the development by past coal mining activity together with report findings and

recommendations for remedial works shall be submitted to and approved in writing by the Local Planning Authority. The remedial works contained within the approved scheme shall thereafter be implemented in their entirety and completed prior to any dwelling being first occupied.

8. Prior to the construction of any dwellings, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, and details of new planting to include native tree, shrub and hedge planting and provision of nest boxes adequate to provide mitigation for loss of the existing semi-natural habitats on the site, shall be submitted to and approved in writing by the Local Planning Authority.
9. 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 5 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.
10. No works to trees or shrubs shall be carried out between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
11. Prior to any earthworks taking place, a method statement detailing eradication and/or control and/or avoidance measures for japanese knotweed should be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall thereafter be implemented and adhered to in full throughout the course of the development.
12. Prior to the commencement of development, details of a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to any part of the development being first brought into use. The approved drainage scheme shall thereafter be retained in perpetuity.
13. No dwelling shall be first occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 13 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.
14. 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 the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.

15. 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.
16. During the site works and 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 other than between 08:00 and 18:00 hours Monday to Friday and between 08:00 and 13:00 hours on Saturdays.
17. No dwelling hereby approved shall be first occupied until their associated screened refuse and recycling storage facilities have been constructed, completed and are available for use in accordance with the approved plans. The approved refuse and recycling storage facility shall thereafter be retained and remain available at all times for use by the approved dwellings.
18. Prior to the commencement of the construction of any dwelling, a scheme of boundary treatment which shall include design and material specifications, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be carried out and completed prior to the first occupation of any dwelling to which that part of the approved boundary treatment relates and shall be retained at all times thereafter.
19. No dwelling shall be first occupied until its associated stepped access to the rear elevations has been constructed, completed and is available for use.

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, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).
4. To ensure that the safety and amenities of residents in the surrounding area are satisfactorily protected and disturbance is minimised, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.
5. To ensure the minor changes to the highway that are necessitated by the development are agreed and carried out in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
6. To ensure the site is made suitable for residential use, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018). The investigation and report is required prior to the commencement of development to ensure that measures that

are necessary to make the development acceptable can be carried out at an appropriate stage in the development.

7. To ensure adequate precautions are carried out to take account of the ground conditions and past mining operations on the site, in accordance with the Policy NE5 and the National Planning Policy Framework. The intrusive investigations and remedial work details are required prior to the commencement of development to ensure that the appropriate precautions, including any mitigation measures, can be carried out at the appropriate stage in the development of the site, in the interests of public safety.
8. In the interests of the visual amenities and the ecology of the site, to ensure adequate mitigation for the loss of semi-natural habitat, in accordance with Policies HS4, SP5 and NE1 of Burnley's Local Plan (July 2018).
9. To ensure the satisfactory implementation of the approved landscaping scheme, to ensure a satisfactory appearance to the development and the effective mitigation against the loss of habitat for birds and wildlife, in accordance with Policies HS4, SP5 and NE1 of Burnley's Local Plan (July 2018).
10. To ensure adequate safeguards and protection for bird nests which are protected under the Wildlife and Countryside Act 1981 and in accordance with Policy NE1 of Burnley's Local Plan (July 2018).
11. In order to prevent the spread of an invasive species, in accordance with the Wildlife and Countryside Act 1981 and Policy NE1 of Burnley's Local Plan (July 2018).
12. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of 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.
13. 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 CC4 of Burnley's Local Plan (July 2018).
14. To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
15. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 of Burnley's Local Plan (July 2018), the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.
16. To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
17. To ensure adequate refuse and recycling storage for the approved dwellings in order to cater for the needs of the development and to protect the visual amenities of the area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

18. To ensure a satisfactory edge to the development and a satisfactory appearance within the street scene, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).
19. To ensure adequate access from the rear gardens of the approved dwellings, to ensure adequate accessibility, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

99. APP/2018/0537 - Thompson Street Works, Thompson Street, Padiham
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Full Planning Application

**Proposed extension to workshop (partial demolition of existing building)
THOMPSON STREET WORKS THOMPSON STREET PADIHAM**

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: Harper/06Dwg02; and, Harper/06-Dwg09A, Harper/06Dwg05A, Harper/06Dwg07B and Harper/06Dwg06A, received on 31 January 2019.
3. The development shall be carried out and completed in full accordance with all the recommendations contained within the Flood Risk Assessment submitted with the application, prepared by UK Flood Risk Consultants, referenced QFRA 1164 v1.0, dated 2 November 2018.
4. The approved extension shall not be first brought into use until the car park has been laid out with car parking spaces and manoeuvring areas in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The approved car parking spaces and manoeuvring areas shall thereafter be retained at all times.
5. 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 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
6. The external walls and roof of the approved development shall be constructed in accordance with details submitted on 14 March 2019 unless any changes to these details are previously 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. To ensure that the development does not pose an unacceptable risk to flooding for occupiers of the development or elsewhere, in accordance with Policy CC4 of Burnley's Local Plan (July 2018).
4. To ensure adequate operational space and parking spaces to serve the needs of the business, in the interests of safety, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
5. To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
6. To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

100. APP/2018/0554 - 6 Shorey Bank, Burnley

**Full Planning Application
Proposed kitchen extension
6 SHOREY BANK, 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 Nos: S.B 6/1, S.B 6/2, and S.B 6/3 (location plan), S.B 6/4, S.B 6/5 received 6 December 2018

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.

101. APP/2018/0573 - 5 Ightenhill Park Mews, Avondale Avenue, Burnley

Full Planning Application

Single storey pitched roof rear/side extension

5 IGHTEHILL PARK MEWS AVONDALE 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: Drawing Nos: 1830 - LP01 (location plan), 1830 - PL11, 1830 - LP10, 1830 - PL01, 1830 - PL01, 1830 - PL10 and 1830 - PL02, received on 23 November 2018.

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.

102. APP/2019/0021,0022,0023,0024,0025,0026,0027,0028,0029,0032 - Various sites

Full Planning Applications for various alleygating schemes.

APP/2019/0022 – 4no. sets of 2 metre high Alleygates

R/O 1-24 RIBBLESDALE ST, 3-19 SHACKLETON ST, 1-23 HEATH ST, 38-46 CLEAVER ST

APP/2019/0023 – 2no. sets of 2 metre high Alleygates

R/O 1-27 IVAN ST, 424-448 COLNE ROAD

**APP/2019/0024 – 2no. sets of 2 metre high Alleygates
R/O 62-98 ELM STREET**

**APP/2019/0025 – 4no. sets of 2 metre high Alleygates
R/O 60-75 VICTORIA RD, 18-42 SPENSER ST, 1-21 VILLERS ST,
25 CARDWELL ST**

**APP/2019/0026 – 2no sets of 2 metre high Alleygates
R/O 3-17 CLARENCE ST & 10-32 SMALLEY ST**

**APP/2019/0027 – 2no. sets of 2 metre high Alleygates
R/O 2-20 RANDALL ST, 1-27 RAWSON ST**

**APP/2019/0028 – 2no. sets of 2 metre high Alleygates
R/O 1-39 DALL ST, 2-32 HOLLINGREAVE RD**

**APP/2019/0029 – 2no. sets of 2 metre high Alleygates
R/O 1-13 CARTER ST, 292-304 PADIHAM RD**

**APP/2019/0032 – 3no. sets of 2 metre high Alleygates
R/O 1-5 MORLEY ST, 79-87 BURNLEY RD, 10-18 SOWERBY ST**

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 submitted drawing.

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. In order to ensure continued compliance with the Burnley Local Plan

103. APP/2019/0018 - Market Hall, Curzon Street, Burnley

**Regulation 3 Application
Proposed extract flues to market hall roof (3no.)
MARKET HALL CURZON STREET**

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 Number BMH 01/04, received 10 January 2019***
3. The approved extract ventilation system and odour control equipment indicated on the above drawings shall be maintained in good working order at all times. The extract ducting shall be removed as soon as possible when no longer required.

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 protect the surrounding environment, including occupiers of nearby premises, from nuisance from cooking odours.

104. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 04/02/19 to 03/03/19.

105. Appeal and other decisions

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

APP/2018/0177 Appeal against refusal to remove conditions 3 and 14 of planning permission APP/2017/0123 for conversion of barn to dwelling at Clow Barn, Manchester Road, Dunnockshaw, Burnley

The appeal was dealt with by way of written representations and was ALLOWED on the 19th February 2019.

Estimate of Officer time: Janet Filbin

Officer Recommendation – Refused under the Council’s Scheme of Delegation.

Background

The appeal concerned Condition 3 which required the replacement of uPVC windows and doors (which had been installed prior to the planning permission being granted for a change of use) with windows and doors of timber construction within six months of the approval (approval dated 11 July 2018) and Condition 14 that prohibited external lighting other than low level lighting.

Relevant Policy

Burnley’s Local Plan (July 2018)

SP5 – Development quality and sustainability

EMP6 – Conversion of rural buildings

Inspector’s Considerations

The Inspector identified the main issue as whether the disputed conditions are reasonable and necessary to preserve the character and appearance of the area.

The Inspector considered that the permitted scheme incorporates new openings and expanses of glazing which, regardless of the material, give the building a more domestic character. He considered that the window details and use of decorative horns are identifiable only at close range and are not readily discernible from distance. He stated that given the changes established by the planning permission that the use of uPVC would now have only a limited effect on the building’s character and that the principal views of the building are from the road (Manchester Road) from where the building is seen in the context of the very close neighbouring properties which also have uPVC windows. At this distance, he judged that the window details are difficult to detect. He concluded that the visual effect of the uPVC windows and doors on this building would be very limited and would not harm the character or appearance of the area.

In respect of Condition 14 (external lighting), he stated that whilst the absence of light at night is a particular characteristic of rural areas, he considered the site to be reasonably near to built-up areas of Manchester Road which has street lighting. He also considered that the site’s low level position between the road and the hillside beyond the site would mean that the light from security lights [up to first floor level on the barn] would not come from a high level or conspicuous position. He also remarked that there would be light from first floor windows of the barn conversion and from the existing cottages. He stated that it is not uncommon for security lights to be installed on rural properties. He concluded that the high level security lights on the barn conversion do not harm the character or appearance of the area

Inspector’s Conclusion

That the windows and doors as installed and external lighting, do not harm the character or appearance of the area. **The appeal was allowed** on this basis and a new permission issued without conditions 3 and 14.

a. Part III Report - Rowley Farm, Rowley Lane, Burnley

Request to vary Committee resolution in respect of APP/2017/0454 and APP/2017/0455 for development at Rowley Farm, Rowley Lane

1. Background

Application APP/2017/0454 to convert barn to two dwellings and shippon to one dwelling and APP/2017/0455 for Listed Building Consent to carry out internal and external alterations for conversion of barn to two dwellings and shippon to one dwelling at Rowley Farm, Rowley Lane, were considered by the Development Control Committee on the 25th January 2018 and then subsequently on the 26th April 2018 where the resolution to grant planning permission and listed building consent subject to a Section 106 Agreement or Unilateral Undertaking were modified to the following:-

“That authority be delegated to the Head of Housing and Development Control to approve applications APP/2017/0454 and APP/2017/0455 subject to a Section 25 Dedication Agreement under the Highways Act 1980 to give consent to dedicate the part of FP2 Worsthorne with Hurstwood at Rowley Farm to a Public Bridleway and to the agenda conditions and further/modified conditions as set out below:”

The purpose of the Dedication Agreement which Lancashire County Council offered to prepare is to attain the consent from the applicant and owner(s) at land at Rowley Farm to re-dedicate the part of FP2 that crosses Rowley Farm from a Public Footpath to a Public Bridleway. This has now been completed and signed by the applicant and owner of Rowley Farm.

2. Purpose of report

To seek a variation to the above stated resolution of the Committee to take account of the fact that the signed document referred to above does not constitute an ‘Agreement’ as it has not yet been signed by Lancashire County Council.

3. Main issues

The purpose of making the agreement is to secure the consent of the applicant and landowner to the re-dedication of the footpath. Lancashire County Council has indicated that it will hold the Agreement on file until such time as the bridleway links either end have been agreed with other relevant landowners. At that time, the authorised signatory from the County Council will complete the agreement and only after that date will the improvement works will be carried out as described in the Agreement. The applicant has therefore carried out their obligations under the terms of the resolution of the Committee on the 21st April 2018. This secures their agreement indefinitely and therefore satisfies the objectives of requiring the Agreement to be made. In view of this, planning permission and listed building consent can be approved without a requirement for a Section 25 Dedication Agreement.

Decision

That the recommendation set out in Paragraph 1 above be varied to the following:-

“That planning permission and listed building consent be approved subject to conditions.”