

DEVELOPMENT CONTROL COMMITTEE

Wednesday 21st August 2019

Late Correspondence/Verbal Reports

AGENDA ITEM 6a
Pages 17-44

APP/2019/0155 – Land to the west of Red Lees Road

Consultees

Natural England

Natural England notes that GEMU on behalf of your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Officer comment: A suitable condition as referred to above is included in the recommended conditions below.

Recommended Conditions

A list of conditions and reasons is provided below:-

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 listed on this notice below.
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. 18132/1002RevL unless any variation is otherwise previously agreed in writing by the Local Planning Authority.
4. Details of surfacing materials to be used on the estate roads, driveways and parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of built development.

The development shall thereafter only be carried out in accordance with the approved details.

5. All planting, seeding or turfing comprised in the approved details of landscaping set out on the approved Landscape Masterplan (drawing number P.1064.18.13RevA) and planting plans on sheets 1-5 (drawing number P.1064.18.11 RevA) together with any variations to this agreed in association with condition 6 below, 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 commencement of built development, a Biodiversity Mitigation Plan to provide further measures for mitigating against the loss of biodiversity, including details of nesting boxes across the site and in domestic gardens and details of how these will be maintained and managed in the future to secure long term benefits for biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out within the first planting season following the completion of the development or following the first occupancy of any dwelling, whichever is the sooner; or, in respect of bird boxes in domestic curtilages, prior to the first occupation of each dwelling to which that relates. The whole of the site shall be maintained and managed in accordance with the approved Biodiversity Mitigation Plan at all times.
7. Prior to the first occupation of any dwelling, a landscape and open space management plan, including long term design objectives, management responsibilities, maintenance schedules (including replacement of equipment and replacement planting) and a programme of implementation, for all landscape areas, play areas and public open space, other than small, privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape and open space management plan shall be carried out and adhered to as approved in perpetuity.
8. The new estate road and access between the site and Red Lees Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development, other than demolition and site clearance, takes place and shall thereafter be constructed to at least base course level within that each successive phase prior to development being commenced in that phase in accordance with the approved Route of Build Plan (drawing number RLRC/ROB/01RevC) unless any variation to this is first approved in writing by the Local Planning Authority.
9. Prior to the commencement of development, a scheme for the construction of the site access and associated off-site works of highway improvement

broadly in accordance with the General Arrangement Plan (drawing number 2661-F01RevD) prepared on behalf of the applicant by Croft Transport Planning and Design, 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 the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.
12. The pedestrian links between the development and Red Lees Road as indicated on the approved plans, shall be constructed and available for use prior to any dwelling being occupied within the phase to which each pedestrian link relates, in accordance with detailed specifications that shall include sections, gradients, surfacing materials and details of lighting (the latter relates to the pedestrian path at the north end of the site) which shall be previously submitted to and approved in writing by the Local Planning Authority. The pedestrian links shall remain open and available for use at all times thereafter.
13. No built development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.
14. 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.
15. 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) wheel washing facilities;
 - vii) details of working hour;
 - viii) contact details for the site manager; and,
 - ix) routing of delivery vehicles to/from the site.

16. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.
17. 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.
18. Prior to the commencement of the development the archaeological field investigations detailed in the submitted and approved Written Scheme of Investigation (WSI) for an Archaeological Evaluation (prepared by Wardell Armstrong, reference GM10245, RPT-0003 Version (0.1), dated October 2018) shall be carried out in accordance with the methodology set out in the WSI. The aim of the investigation is to establish the presence or absence of archaeological remains and their nature, date, extent and significance. A report on the work undertaken, the results of that work and the conclusions drawn from them shall be prepared and submitted to the Local Planning Authority. If archaeological remains are encountered then a subsequent phase of impact mitigation and a phase of appropriate analysis, reporting and publication shall be developed and a further Written Scheme of Investigation submitted to and agreed with the Local Planning Authority and implemented before development commences. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor bound by the standards and guidance set out by the Chartered Institute for Archaeologists. The development shall be carried out in accordance with the agreed details.
19. Prior to the commencement of built development, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including a restricted rate of discharge of surface water and a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in accordance with the approved scheme prior any dwelling being first occupied. The approved drainage scheme shall be retained at all times thereafter.
20. No dwelling shall be first occupied until details of a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, maintained and managed at all times in accordance with the approved plan.

21. Prior to the commencement of development, a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:-
 - a. The location of the point of connection for foul water to the existing public sewer;
 - b. The details for foul water pumping;
 - c. Separate systems for foul and surface water; and,
 - d. Design of foul drainage to provide odour mitigation measures on Richmond Avenue that include sealed lids on the rising main demarcation chamber and the receiving manhole.There shall be no connection to the foul sewer other than in accordance with the approved details and the approved scheme shall be carried out and completed in accordance with the approved details prior to the first occupation of any dwelling.
22. The development hereby approved shall not be carried out otherwise than in accordance with the noise mitigation measures contained within sections 5 and 6 of the Noise Impact Assessment submitted with this application (reference REC: AC106059-1R1, dated 18 March 2019).
23. Prior to the commencement of built development a lighting plan for the street and any other non-domestic external lighting shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) Identify areas/features on site that are potentially sensitive to lighting for bats; and,
 - b) show how and where street lighting and other lighting will be installed and through appropriate lighting contour plans demonstrate clearly that any impacts on bats is negligible.All external lighting shall be installed in accordance with the approved lighting plan.
24. No works to trees or shrubs shall occur or any part removal of drystone walls commence 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 first been submitted to and agreed in writing by the Local Planning Authority.
25. A visitor pack for new homeowners detailing the location of the European designated South Pennines Special Protection Area and including the reason for the designation, the importance of functionally linked land and the sensitivity of both to recreational impacts and the risk of fire, shall be provided to the first occupiers of each property within the approved development.
26. The drystone wall to the site's frontage shall be retained at its current height and appearance in accordance with the details indicated on the approved plans. Prior to any dwelling being first occupied the wall shall be repaired as necessary in accordance with details of a conditions survey that shall be first submitted to and approved in writing by the Local Planning Authority.

27. 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 on the waste Management Layout (drawing number 18132/1004RevG). The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.
28. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended), the garages hereby approved (including integral/attached/detached garages) shall remain available at all times for the parking of a motor vehicle and shall not be altered to provide habitable space.
29. Notwithstanding the provisions of Article 3 and Part 1 of the second schedule of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development as specified in Class B of Part 1 of Schedule 2 of that Order shall be carried out at plots 59-71 inclusive without express planning permission first being obtained from the Local Planning Authority.
30. The proposed boundary treatments as indicated on drawing number 18121/1002RevL 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.
31. Prior to the commencement of development, a phasing plan and strategy, which shall include the timing for the provision of open space and an equipped childrens play area, shall be submitted to and approved in writing by the Local Planning Authority. The approved phasing plan and strategy shall thereafter be adhered to unless any variation is otherwise approved in writing by the Local Planning Authority.
32. Prior to the commencement of built development, details of a locally equipped area for play to be sited within the open space as indicated on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specifications of equipment, layout, surfacing materials, seating and perimeter fencing. The play area shall be constructed, completed and made available for use in accordance with the approved details at a timescale to be agreed as part of the phasing plan and strategy required by condition 31.
33. The development shall be constructed in accordance with the provisions for adaptable homes as set out on the submitted M4(2) Compliant Site Layout (drawing number 18132/2000), received on 7 August 2019.
34. No development shall take place that obstructs or removes any part of the Public Footpath Nos 89 and 90 on the site unless a public footpath diversion order has first been obtained to do this.

Reasons for the Conditions:

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 Policy SP5 of Burnley's Local Plan (July 2018).
4. To ensure a high quality appearance to the development, in accordance and access/parking facilities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
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 Policy SP5 of Burnley's Local Plan (July 2018).
6. To ensure that the overall scheme provides adequate mitigation to off set the loss of habitat for wildlife, in the interests of the biodiversity of the site and of the wider area, in accordance with Policy NE1 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework.
7. To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).
8. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in the interest of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
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 IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.
10. To ensure that new occupiers have a safe means of access to and from the site, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
11. 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).
12. To ensure the site is accessible within its surroundings, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

13. To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

14. To avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

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

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

17. 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).

18. To ensure and safeguard the investigation and recording of matters of potential archaeological/historical importance associated with the development, in accordance with Policy HE4 of Burnley's Local Plan (July 2018). The investigation is required prior to the commencement of development to ensure that any archaeological interest can be identified and recorded prior to any work which may remove, harm or destroy any such finds.

19. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

20. To ensure 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 Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

21. To ensure that the foul drainage from the site is adequate and in order to manage the risk of flooding and pollution from the public sewerage system and to ensure that there are no odours resulting from a connection to the foul sewer that would have an adverse impact on the amenity of neighbouring properties, in accordance with Policies NE5 and SP5 of Burnley's Local Plan (July 2018).

22. To ensure a satisfactory level of amenity for future occupiers of the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

23. To ensure that the external lighting that will result from the development has no negative impacts on any features of value to bats and other wildlife, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

24. To protect any potential nesting birds, in accordance with Section 1 of the Wildlife and Countryside Act 1981 (as amended) and Policy NE1 of Burnley's Local Plan (July 2018).
25. To mitigate against harm from increased visitor numbers to the designated site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework.
26. The drystone wall is an historic boundary feature that should be retained and preserved in the interests of the character and appearance of the rural area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
27. To ensure adequate storage for refuse and recycling waste is provided away from public views, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
28. To ensure that car parking levels for each property are preserved to ensure the continued compliance with the Council's parking standards, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
29. To allow the Local Planning Authority to assess the impact of any future changes relating to the enlargement within the roof at plots 59-71 inclusive having regard to their relationship with bungalows on Richmond Avenue, in accordance with Policies SP5 and HS4 of Burnley's Local Plan.
30. To ensure a satisfactory appearance to the development from within the site and its environs, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
31. To ensure the satisfactory implementation of the proposal and the provision of amenities within the development at appropriate stages in the development, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).
32. To ensure that the details of the play area to be provided to cater for the needs of the development are satisfactory, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).
33. To ensure that the development provides benefits to new occupiers by the provision of adaptable homes to meet lifetime needs, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).
34. To ensure that the existing public rights of way are not affected prior to the applicant gaining authority to do so through the requisite process for doing so, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

Call-in request

A call-in request has been made to the Secretary of State and as such any decision that the Council make to approve the application must be first notified to the Secretary of State (through the National Casework Unit) before the request will be considered. This does not affect the considerations of the application and the application should be determined in the normal way.

Recommendation

The recommendation has been changed to take account of the need to request delegation to the Head of Housing and Development Control following the completion and signing of a section 106 Agreement and to await a decision by the Secretary of State.

New recommendation:

Delegate authority to the Head of Housing and Development Control to approve the development subject to notification from the Secretary of State that they will not intervene in the decision and the completion of a s106 Agreement to secure contributions to education provision and affordable housing and to conditions.

AGENDA ITEM 6b

Pages 45-52

FUL/2019//0098 – Thorney Bank

Neighbour Comments

Page 48 – the following text should be inserted into the report:-

Publicity

A letter of objection has been received from the occupier of 30 Lane Ends, making the following points:-

- Non-compliance with previous permission on the site
- Additional 10 storage containers have been put on site
- The siting of long vehicle container haulage wagons
- Industrial estate is shared by six companies; this hugely increases the number of LGV's and HGV's entering and exiting from the busy A679
- Fire hazard posed by unsecured pallet yard
- Health hazard and serious littering
- Fly-tipping
- Inadequate security

[Officer comment: These matters do not relate entirely to the application site. Traffic is considered in the agenda report and the remaining issues identified relate to general concerns that are not directly relevant to the planning considerations of the application].

AGENDA ITEM 8

FDO/2019/0275 – Proposed Public Footpath Diversion Order – Red Lees Road

Correction - Change in recommendation

The recommendation should read as follows:-

To authorise the Head of Legal and Democratic Services to make an Order under s257 of the Town and Country Planning Act 1990 to divert public footpaths 89 and 90 (Cliviger) as amended and in the event that there are outstanding objections following a period of consultation and negotiation, to refer the Order to the Secretary of State for determination.
