



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 9th December, 2021 at 6.30 pm

PRESENT

MEMBERS

Councillors A Kelly (Vice-Chair, in the Chair), G Birtwistle, P Chamberlain, S Cunliffe, S Graham, J Harbour, A Hosker, J Inckle, K Ingham, M Ishtiaq, M Payne and A Royle

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Janet Filbin	– Principal Planner
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Rebecca Bowers	– Planning & Compliance Officer
Alison McEwan	– Democracy Officer

53. Apologies

Apologies for absence were received from Cllrs Cant, Chaudhary & Mottershead.

54. Minutes

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

55. 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:

Phill Ashley – FUL/2021/0393, VAR/2021/0203

Paul Rhodes – FUL/2021/0412

Murray Graham – OUT/2021/0443

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

56. HOU/2021/0465 - 18 Basnett Street, Burnley

This item was withdrawn from consideration.

57. OUT/2021/0234 - 5 - 17 Croft Street, 3 - 9 Yorkshire Street, Burnley

Decision

That the decision be delegated to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement, and the following conditions:

Conditions and Reasons

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

Reason: The permission is an outline planning permission.

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

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

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

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

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

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

5. An application for the approval of Reserved Matters shall apply the general principles of scale and design indicated in the proposed elevation drawings submitted for indicative purposes only (drawing numbers 766-10-216PRevC, 766-10-217PRevC, 766-10-218PRevC and 766-10-230PRevC, received on 3rd November 2021).

Reason: The principles of scale and design that are established in this outline application are fundamental to the proposed vertical extension of the building, having regard to its position at the gateway to the Town Centre and potential impact on the setting of an adjoining Grade II listed building and the Town Centre Conservation Area, in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).

6. Notwithstanding any indication on the indicative proposed elevations and illustrations submitted with this outline application, details and representative samples of the external materials of construction to be used on the walls and roof of the development (including doors and windows frames) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. The development shall thereafter only be carried out in accordance with the approved materials.

Reason: To ensure an appropriate appearance to the development, having regard to its prominent and sensitive location at the gateway to Burnley Town Centre and the setting of an adjoining Grade II listed building and the Town Centre Conservation Area, in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).

7. 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, 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 to any dwelling within each phase of the development being first occupied. The approved drainage scheme shall be retained at all times thereafter.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). 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.

8. Prior to the commencement of any development, details of how surface water and pollution prevention will be managed during the construction process shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented at all times during the construction of the development until its completion.

Reason for condition: To manage any risks from pollution and flooding arising from construction activities on site, in accordance with Policies NE5 and CC4 of Burnley's Local Plan (July 2018). The details are required to be submitted prior to the commencement of development in order that they can be in place prior to any work taking place that could lead to pollution or flooding from the site.

9. The approved development shall not be first occupied until a Verification Report and Operation and Maintenance Plan for the approved surface water drainage system for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, retained, maintained and managed at all times in accordance with the approved plan.

Reason: 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).

10. Foul and surface water shall be drained on separate systems.

Reason: To ensure the site can be adequately drained, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018).

11. An application for the approval of Reserved Matters shall provide details of secure cycle storage to cater for up to 32no. flats. Secure cycle storage shall thereafter be constructed in accordance with the approved details and made available for use by all occupiers of the development prior to any flat being first occupied. The approved cycle storage shall not at any time be obstructed and shall be retained at all times for its original purpose.

Reason: To facilitate and encourage the use of cycles by occupiers of the development, as a sustainable mode of transport, having regard to the location of the site in Burnley town centre and the absence of on-site car parking, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

12. An application for the approval of Reserved Matters shall include details for the provision of internal storage of refuse and recycling waste and its collection and disposal from the site to cater for the needs of the development. Refuse and recycling storage shall thereafter be provided, collected and disposed of in accordance with the approved details and made available for use prior to any flat being first occupied. The approved refuse and recycling storage shall be retained at all times for its original purpose.

Reason: 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).

13. An application for the approval of Reserved Matters shall be accompanied with details of how energy and water efficiency measures are designed into the proposed scheme. The approved measures shall thereafter be implemented in full prior to any flat being first occupied.

Reason: To ensure that the scheme achieves a high standard of sustainability, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

14. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number
- Details of the parking of vehicles of site operatives and visitors
- Details of loading and unloading of plant and materials
- Arrangements for turning of vehicles within the site

- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures
- Measures to protect vulnerable road users (pedestrians and cyclists)
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction
- Measures to control the emission of dust and dirt during construction
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works
- Construction vehicle routing
- Delivery and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: 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.

15. No development shall be commenced until a ground investigation and report which demonstrates that the development can be safely undertaken and occupied has been submitted to and approved in writing by the Local Planning Authority. The ground investigation and report shall include the following :

1. the methodology, techniques and equipment and circumstances of the survey, the findings of tests and investigations and final conclusions and recommendations;
2. any remediation measures which demonstrate that the development can be safely undertaken and occupied.

Where remediation works are identified, these shall be carried and completed as part of the construction of the development and a verification report to evidence this shall be submitted to and approved in writing by the Local Planning Authority prior to any flat being first occupied.

Reason: There is the potential for the site to be affected by landfill gas and mine gas, in which case the investigation and any remedial measures that follow from this are necessary to ensure that the site is developed in a safe and secure manner, in the interests of public safety, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

16. No development shall be commenced until a noise assessment of the external and internal noise likely to affect the development has been submitted to and approved in writing by the Local Planning Authority. The assessment shall take into account the noise from surrounding road networks including the nearby bus station and noise from town centre activities, including night time noise and environmental noise from any other noise sources, as well as potential noise generated within the proposed

development. The assessment shall identify all noise attenuation measures that are appropriate to mitigate against external and internal noise that identified in the assessment. No flat shall be first occupied until the approved noise attenuation measures have been carried out and completed and a verification report to evidence this has been first submitted to and approved in writing by the Local Planning Authority. The approved noise attenuation measures shall be retained at all times.

Reason: To ensure a satisfactory amenity for occupiers of the development, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

17. In the event that the development has not commenced by the 30th April 2024, no works or development shall take place after this date until the building has been re-assessed for bats by a suitably qualified bat specialist or ecologist, the findings of which shall be submitted to and approved in writing by the Local Planning Authority. In the event that the survey finds evidence of bats at the site, no development shall take place until appropriate advice has been taken and any necessary licence has been obtained or mitigation measures agreed.

Reason: To take into account the passage of time between the submitted Preliminary Bat Roost Assessment Report and the potential start of works, in order to protect bats which are protected species, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018). The survey is required prior to the commencement of development to ensure that the risk of harm to protected species is low.

18. No part of the service yard shall be used for car parking in association with the proposed flats and shall be kept clear from any obstructions and clear for the purposes of servicing and access at all times.

Reason: To take account of the needs of the ground floor commercial premises and other users of the shared service yard and to avoid congestion, clutter and obstructions that would hinder accessibility and the amenities of all users, in accordance with Policies IC1 and SP5 of Burnley`s Local Plan (July2018).

19. The proposed development of up to 32no. flats shall be afforded a principal access from the front of the premises on Croft Street (in addition to further access points to the rear of the building).

Reason: To ensure the satisfactory implementation of the proposal and provide a safe and convenient means of access to the development.

20. Prior to the commencement of development, a scheme for external lighting that shall minimise light spillage outside of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved scheme and only external lighting that accords with the approved scheme shall be permitted to be installed or operate at the premises at any time.

Reason: To avoid external light spillage, glare or nuisance from sensor lights that would adversely affect residential amenities, in accordance with Policy SP5 of Burnley`s Local Plan (2018).

21. 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, requests in writing must be made with at least seven days' notice to the Local Planning Authority.

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

58. FUL/2021/0393 - The Stables, Plot 4, Lennox St

Decision

That planning permission be granted subject to the following conditions:

Conditions & Reasons

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:
Proposed Location Plan, Elevations and Floor Plans: Dwg no PJA17
Site Plan: Dwg no PJA 7A
Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.
3. Notwithstanding the submitted details, precise specifications or samples of walling, door/window surrounds, rainwater goods, roofing/ridge materials including surfacing materials, their colour and texture shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development and shall be retained as such thereafter.
Reason: To ensure that the materials to be used are appropriate to the locality.
4. No development shall start until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Hard landscaping shall include proposed finished levels or contours; means of enclosure; parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); Soft landscaping shall include schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate, and shall include details of the condition of existing trees and specify which are to be retained.
Reason: 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
5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of

the development or in accordance with a programme approved in writing by the local planning authority.

Reason: 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

6. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To protect the amenities of nearby residents.

7. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.

Reason: 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.

8. Before the dwelling is occupied, that part of the access extending from the highway boundary into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.

9. The surface water from the approved driveway should be collected within the site and drained to a suitable internal outfall.

Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

10. No part of the development hereby approved shall be occupied until the turning head, as indicated on the approved plans, has been constructed, drained, surfaced in tarmacadam, and is available for use for the turning of vehicles entering or leaving the proposed access from Lennox Street. The turning head shall not at any time be used for any other purpose or be obstructed and shall be retained in perpetuity for the turning of vehicles.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before the occupation of the dwelling.

11. All garage facilities or off-street parking shall include provision of an electrical supply suitable for charging an electric motor vehicle.

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

12. Full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. All boundary treatments thereby approved to bound the site shall be erected in accordance with the approved details before the approved dwelling is occupied.

Reason: To ensure a visually satisfactory form of development.

13. The residential curtilage of the dwelling hereby approved shall be restricted to that shown on approved drawing Site Plan: Dwg no PJA 7A.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality

14. Notwithstanding the provisions of Classes E of Part 1 of the Town and

Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no additional buildings or structures shall be erected within the external area of the dwelling hereby permitted unless planning permission has first been granted by the Local Planning Authority.

Reason: In the interests of the appearance visual appearance

15. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

16. Vehicular access to the proposed development shall be from Lennox Street only and not from any other route or road.

Reason: To ensure a safe and adequate means of access to the site, in accordance with the details that have been assessed as part of the application.

59. VAR/2021/0203 - Plots 1 And 3 Lennox Street Worsthorne-with-hurstwood, Lancashire
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Decision

That approval be delegated to the Head of Housing & Development Control subject to the provision of satisfactory information on the agreement to transfer ownership of the site, and the following conditions:

Conditions & Reasons

1. The development shall be carried out in accordance with the details contained in the outline planning permission APP/2014/0122 together with the additional reserved matters set out in the application hereby approved, in accordance with the following plans: Site layout plan drawing Ref PJA2, received on 24 October 2016; amended drawing- Plan and elevations including the provision of stone quoins and changes to the window details received on 15 December 2016; and, revised plot 1 plan, received on 26 November 2021.

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

2. The tree protection measures for the trees to be retained on the site as set out in the application details shall be in place before any development starts and maintained for the duration of the development works to the satisfaction of the local planning authority.

Reason: In order to protect the existing trees on the site having regard to policy NE5 of Burnley's adopted Local Plan.

3. The recommendations of the Extended Phase 1 Habitat Survey and the Bat Habitat and Roost Assessment dated October 2016 by Quants environmental Limited shall be implemented in full as set out in the report, to the satisfaction of the local planning authority.

Reason: To ensure that species/habitats protected by the Wildlife and the Countryside Act 1981 are protected.

4. The scheme for the eradication of the Japanese knotweed (*Fallopia japonica*) present on the site, dated July 2016 shall be fully implemented as set out in the report, to the satisfaction of the local planning authority.

Reason: The scheme for the eradication of the Japanese knotweed (*Fallopia japonica*) present on the site, dated July 2016 shall be fully implemented as set out in the report, to the satisfaction of the local planning authority.

5. 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.
Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan.
6. The widening of the access drive, provision of a service strip and a turning area as set out in the application shall be completed to the satisfaction of the Local Planning Authority before any of the houses are occupied.
Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan
7. The 'granny annexes' to the dwellings indicated on the approved plans shall remain ancillary to the main dwelling and shall not be used as a separate dwelling for occupation by a separate household.
Reason: For the avoidance of doubt and to prevent the establishment of a separate dwelling having regard to the policies of Burnley's Local Plan in respect of car parking and any other material considerations.
8. Notwithstanding the provisions of Article 3 and Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, E and F shall be carried out without express planning permission first being obtained from the Local Planning Authority. Reason: To enable the local planning authority to consider future development having regard to Policies SP5, HS5 and NE3 of Burnley's Local Plan.
9. The surface water from the approved driveway/hardstanding/car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
Reason: In the interest of highway safety to prevent water from discharging onto the public highway.
10. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.
Reason: To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety.

<p>60. FUL/2021/0412 - Wellfield Methodist and Anglican Primary School, Wellfield Drive, Burnley</p>

Decision

That planning permission be granted subject to the following conditions:

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission. Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans listed on this notice below.
Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

61. HOU/2021/0437 - 72 Rosehill Road, Burnley

Decision

That planning consent be REFUSED for the following reason:

Reason

1. The proposed extensions by virtue of their scale, size and design would result in the overdevelopment of the site that is considered to detrimental to the character of the area. Furthermore, the proposed extensions and roof lift would appear disproportionate to the original dwelling and result in the introduction of a dominant unsympathetic development. The creation of an elongated gable façade which fronts the highway is not considered compatible with the streetscene. As such the proposal is considered to be in direct conflict with the aims and objectives of policies HS5 and SP5 of Burnley's Local Plan along with the emphasis on securing high quality design set out within the National Planning Policy Framework.

62. FUL/2021/0281 - Brownside Shed Mill, Brun Terrace, Worsthorne-with-Hurstwood

Decision

That planning permission be granted subject to the following conditions:

Conditions & Reasons

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

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

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

3. The materials of construction to be used on the external walls and roof of the development shall be in accordance with the approved plans and the specifications on the application forms unless any variation to this is otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

4. No unit shall be first occupied until the means of access from the junction of Brownside Road and Brun Terrace to the proposed building has been improved in accordance with a detailed scheme that shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To cater for additional traffic on a private road that is also used by residential properties and is unsuitable for further traffic movements without improvements to its condition, in accordance with Policy IC1 of Burnley`s Local Plan (July 2018).

5. The development shall not be carried out otherwise than in full accordance with the submitted Flood Risk Assessment (report reference 2021-041-A) and the mitigation measures contained within it.

Reason: To ensure the satisfactory implementation of the proposal, in order to appropriately manage the risk of flooding, in accordance with Policy CC4 of Burnley`s Local Plan (July 2018).

6. 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, 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 unit being first brought into use. The approved drainage scheme shall be retained at all times thereafter.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). 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.

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies CC4 and NE5 of Burnley`s Local Plan (July 2018).

8. No development shall be commenced until protective fencing to protect the trees to be retained on and adjacent to the site has been erected in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. There shall be no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees. The protection measures shall be implemented and remain in situ during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees at and adjacent to the site boundary, in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). Details of the protective fencing is required prior to the commencement of development in order to ensure that adequate protection can be

put in place prior to any potential adverse impacts on trees from construction vehicles, plant, deliveries and other site activities.

9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders, the approved units open shall be used for either Class B1(c) light industrial uses only and shall not be used for any other purposes.

Reason: To protect the amenities of occupiers of neighbouring properties from potential noise, dust and fumes that may result from other Class B uses as well as managing the type and amount of traffic to minimise potential adverse effects from the use of Brun Terrace by industrial traffic, in the interests of safeguarding residential amenity and highway safety, in accordance with Policies SP5, EMP3 and IC1 of Burnley's Local Plan (July 2018).

10. No development shall be commenced until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall conform to current guidance and best practice as set out in BS10175:2011 Investigation of potentially contaminated sites - code of practice; CLR 11 - Model procedures for the management of land contaminations or other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the Local Planning Authority:

a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and

b) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

No dwelling shall be first occupied until a Verification report (produced by the suitably qualified person) to evidence that all remediation works, as applicable, have been carried out in accordance with the approved remedial strategy, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to deal appropriately and safely with the risks posed to the public and future occupiers by the historic use of the site and land uses in the surrounding area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The site investigation and remediation scheme are required prior to the commencement of development in order to ensure that any mitigation measures that are found to be necessary through the investigation can be carried out at the appropriate stage in the development process.

11. Prior to the commencement of built development, a scheme for external lighting that shall minimise light spillage outside of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved scheme and only external lighting that

accords with the approved scheme shall be permitted to be installed or operate at the premises at any time.

Reason: To avoid external light spillage, glare or nuisance from sensor lights that would adversely affect residential amenities and wildlife, in accordance with Policies SP5 and NE1 of Burnley`s Local Plan (2018).

12. No unit hereby approved shall operate or work carried on and no deliveries shall be received or despatched other than between 07:30 hours and 19:00 Monday to Friday and between 08:00 and 17:00 on Saturdays; and there shall be no work or operations take place at all or deliveries received or despatched on Sundays or Bank/Public Holidays.

Reason: To ensure that the development can be satisfactorily carried out whilst respecting and safeguarding the residential amenities of nearby occupiers, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

13. Prior to the commencement of built development, details of refuse storage for the approved units shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage and any enclosure, where applicable, shall be constructed, completed and made available for use prior to any of the approved units being first occupied and shall thereafter be retained at all times.

Reason: To ensure a suitable area for refuse, in the interests of maintaining a tidy site, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

14. No unit shall be first occupied until the associated parking spaces for the development and turning areas, as indicated on the approved plans, have been constructed, surfaced, drained and are available for use. The parking spaces and turning areas shall thereafter be retained as approved at all times.

Reason: To ensure adequate parking arrangements and turning within the site to cater for the needs of the proposed development, in accordance with Policy IC3 of Burnley`s Local Plan (July 2018).

15. No unit shall be first occupied until it has been fitted with an Electric Vehicle Charging (EVC) point in accordance with details of its location and specifications which shall be first submitted to and approved in writing by the Local Planning Authority. The approved EVC points for each unit shall thereafter be retained at all times.

Reason: To facilitate 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).

16. Surface water from the areas of forecourt, hardstanding and parking areas shall be collected and drained to an appropriate internal outfall, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved drainage of the forecourt, hardstanding and parking areas shall thereafter be retained at all times.

Reason: To ensure adequate drainage to prevent surface flooding on these areas and elsewhere, in accordance with Policies IC3 and CC4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the agreed works can be satisfactorily carried out at an appropriate stage in the development.

17. 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, 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. Deliveries to the site shall only be accepted between the hours of 09:30 and 14:30 hours Monday to Friday and at no other time. Where permission is sought for works to be carried out outside the hours stated, requests in writing must be made with at least seven days' notice to the Local Planning Authority.

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

18. No demolition, including any clearance, preparation works or development shall take place until the applicant or their agent or successors in title has secured the implementation of a photographic record of the remaining Brownside Shed building/structure. The record shall comprise the creation of a photographic record of the building as set out in '*Understanding Historic Buildings*' (Historic England 2016) and shall include a description of the building and a full photographic coverage. This work shall be undertaken to the standards and guidance of the Chartered Institute for Archaeologists (CIfA) and a digital copy of the photographs and accompanying description shall be placed in the Lancashire Historic Environment Record prior to any of the approved units being first occupied.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site, in accordance with Policy HE2 of Burnley's Local Plan (July 2018). The record is required prior to the commencement of development to ensure the effective recording of the site.

63. COU/2021/0536 - 148-150 Colne Road, Burnley
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Decision

That planning permission be granted subject to the following conditions:

Conditions & Reasons

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Existing and Proposed Plans: 2077/01 Rev A
Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.
3. The use of the premises hereby permitted, shall only be operated between the following hours: 09:00 - 22:00: Monday to Sunday including Bank Holidays.
Reason: To define the scope of the consent hereby approved and in order to protect nearby residential amenity.
4. Unless otherwise agreed in writing with the Local Planning Authority, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), shall be used as a cafe (Use Class E) at ground floor with ancillary storage and office at first floor (Use Class E) and for no other use within these use classes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Reason: To ensure that the property is used solely as its intended use as any other use within use class may not be considered acceptable in the interest of amenity of the area and the area generally in accordance with Policies SP1, SP4, SP5, TC2 and EMP3 of the Local Plan.
5. The proposed refuse provision hereby approved shall be implemented prior to the commencement of the use hereby approved. Thereafter the approved facilities together with the means of access thereto shall be maintained and carried out as approved and be retained for the benefit of the lifetime of the development hereby permitted.
Reason: In the interests of amenity in accordance with Polices SP5 of the Local Plan
6. Prior to the extraction flue being first brought into use all external parts of the flue and cowl and associated fitments shall be coloured black/a dark matt finish and retained as such at all times in the future.
Reason: In the interests of amenity in accordance with Polices SP5 of the Local Plan

64. OUT/2021/0443 - Land at Barden Lane, Burnley

Decision

To delegate to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement relating to open space improvement, affordable housing, off-site woodland mitigation, off-site woodland management and enhancement, provision of new pedestrian link and improvements to public bridleway, and the following conditions:

Conditions & Reasons

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
Reason: The permission is an outline planning permission.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

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

3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved. Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.
Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
5. An application for the approval of Reserved Matters shall provide for a minimum 6m wide green buffer along the bank of the Leeds and Liverpool Canal and a 15m green buffer (with a short localised 10m exception) on the southern elevation of the site.
Reason: To protect the wildlife of the canal corridor which is a designated Biological Heritage Site and to maintain a woodland buffer to the south side of the site to protect the Lancashire Woodland Ecological Network, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).
6. An application for the approval of Reserved Matters shall be accompanied by details of how a minimum of 20% of the proposed dwellings would comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to be provide adaptable homes. None of the identified dwellings to be constructed with the approved details shall be first occupied until a verification report prepared by a suitably competent surveyor or professional to demonstrate that the standard has been achieved for each dwelling , has been submitted to and approved in writing by the Local Planning Authority.
Reason: 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).
7. An application for the approval of Reserved Matters shall be accompanied with details of how energy and water efficiency measures have been designed into the proposed scheme. The approved measures shall thereafter be implemented in full prior to each dwelling being first occupied.
Reason: To ensure that the scheme achieves a high standard of sustainability, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). 8. A scheme for the provision of electric vehicle charging points for the proposed development shall be submitted with an application for the approval of Reserved Matters. The approved scheme shall thereafter be carried out and completed in accordance with the approved scheme prior to each dwelling being first occupied. Reason: To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
8. No development shall be commenced until an updated badger survey by a qualified ecologist has been undertaken within a period not exceeding six months prior to the start of construction and has been submitted to and agreed in writing by the Local Planning Authority. In the event that the survey finds evidence of badger activity on the site, no development shall take place until appropriate advice has been taken and any necessary licence has been obtained or mitigation measures agreed.
Reason: To take into account the passage of time between current ecological reports and the potential start of construction in order to protect badgers which are protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The survey is required prior to the commencement of development to ensure that the risk of harm to protected species is low.

9. No development shall be commenced until an updated inspection for bats by a suitably qualified bat specialist or ecologist of the trees to be removed or affected by the development (which may include the use of aerial activity inspection) has been carried out and submitted to and approved in writing by the Local Planning Authority within a period not exceeding six months prior to the tree works taking place. In the event that the survey finds evidence of bats at the site, no development shall take place until appropriate advice has been taken and any necessary licence has been obtained or mitigation measures agreed.

Reason: To take into account the passage of time between current ecological reports and the potential start of works to trees, in order to protect bats which are protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The survey is required prior to the commencement of development to ensure that the risk of harm to protected species is low.

10. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority which shall provide details for the following measures: i) temporary fencing of the retained woodland and scrub on the site; ii) temporary fencing at a minimum stand-off distance of 6m from the edge of the adjacent canal protection of retained trees; and, iii) details of the construction lighting to be designed to avoid light spillage onto the canal and woodland edge. The agreed measures shall be implemented prior to any site clearance or development being commenced and retained in their entirety for the duration of the development until its completion.

Reason: To protect the wildlife along the canal bank and woodland during the construction period, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

11. No development shall be commenced until a scheme for the means of protecting the trees and hedges to be retained on or adjacent to the site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees/hedges which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.

12. No demolition, site works or removals of trees or shrubs on the site shall take place during the bird nesting season between the 1st March and 31st August inclusive in any year unless a qualified ecologist has inspected the area no more than 24 hours prior to the works/removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

Reason: To ensure that nesting birds which are protected by the Wildlife and Countryside Act 1981 are not harmed by the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

13. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local

Planning Authority. The submitted LEMP shall provide details for the following:- a) description and evaluation of the features to be managed; b) ecological features and constraints that may influence management; c) aims and objectives of management; d) appropriate management options and prescriptions for management actions; e) a work schedule (including an annual work plan capable of being rolled forward over a five year period); f) details of the body or organisation responsible for implementation of the plan; and, g) on-going monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management company or body responsible for its delivery. The Plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented. The approved LEMP shall thereafter be carried out and adhered to at all times in perpetuity. Reason: To ensure that the ecologically sensitive areas of the site, including the canal bank and retained woodland are appropriately managed to ensure their long term protection and benefits to biodiversity, having regard to the designated Biological Heritage Site and Lancashire Woodland Ecological Network, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

14. An application for the approval of Reserved Matters for the landscaping of the site shall provide for locally native tree and shrub species to be used and details of enhancement of the retained areas of woodland to the southside of the site.

Reason: To ensure adequate regard for the ecological benefits of a landscaping scheme and to ensure details are included for improvements to existing woodland, in accordance with Policies SP5 and NE4 of Burnley`s Local Plan (July 2018).

15. An application for the approval of Reserved Matters shall provide a detailed external lighting plan for all roads, access paths, communal areas and domestic external or security lighting. This shall include specifications of luminaires and light contour plans and be designed in accordance with the guidance notes of the Institute of Lighting (01/2021 obtrusive lighting and 08/2018 wildlife sensitive lighting). The development shall thereafter be carried out in accordance with the approved details of external lighting only and shall be retained at all times. No additional external lighting or variance to the approved scheme shall be carried out at any time without the prior written permission of the Local Planning Authority.

Reason: To protect wildlife, including protected species, which is sensitive to lighting, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

16. Prior to any dwelling being first occupied, the biodiversity enhancement measures identified at Table 4 in the submitted Ecological Impact Assessment shall be carried out and completed in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To contribute to the biodiversity enhancement measures of the completed development, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

17. All planting, seeding or turfing comprised in the approved details of landscaping to be approved as a Reserved Matter shall be carried out in the first planting and seeding seasons following the first occupation of the approved development 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. Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings and contributes to biodiversity enhancement, in accordance with Policies SP5 and NE1 of Burnley`s Local Plan (July 2018).

18. Prior to the commencement of development, a scheme for the detailed design of the proposed site access and off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed prior to any dwelling being first occupied. Reason: To ensure that satisfactory access is provided to the site and is made safe for all highway users and satisfactory provision is made to encourage use of public transport, having regard to sustainable travel and 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.
19. The approved access junction and estate 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 takes place within the site. Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
20. No development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the maintenance of all streets, access roads and drives have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details. Reason: To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). 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.
21. No dwelling shall be first occupied unless and until all its associated car parking has been constructed, drained, surfaced (in black bitumen macadem or other approved bound material) 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. Reason: 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).
22. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period. Reason: To avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
23. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:
 - 24 Hour emergency contact number
 - Details of the parking of vehicles of site operatives and visitors
 - Details of loading and unloading of plant and materials
 - Arrangements for turning of vehicles within the site
 - Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures
 - Measures to protect vulnerable road users (pedestrians and cyclists)
 - The erection and maintenance of security hoarding including decorative displays and facilities for

public viewing, where appropriate • Wheel washing facilities • Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction • Measures to control the emission of dust and dirt during construction • Details of a scheme for recycling/disposing of waste resulting from demolition and construction works • Construction vehicle routing • Delivery and construction working hours. The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development. Reason: 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.

24. 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, requests in writing must be made with at least seven days' notice to the Local Planning Authority. Reason: To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
25. 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, 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 to any dwelling within each phase of the development being first occupied. The approved drainage scheme shall be retained at all times thereafter. Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). 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.
26. The approved development shall not be first occupied until a Verification Report and Operation and Maintenance Plan for the approved surface water drainage system for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, retained, maintained and managed at all times in accordance with the approved plan. Reason: 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).
27. Prior to the commencement of any development, details of how surface water and pollution prevention will be managed during the construction process shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented at all times during the construction of the development until its completion. Reason: To manage any risks from pollution and flooding arising from construction activities on site, in accordance with Policies NE5 and CC4 of Burnley's Local Plan (July 2018). The details are required to be submitted prior to the commencement of development in order that they can be in

- place prior to any work taking place that could lead to pollution or flooding from the site.
28. Foul and surface water shall be drained on separate systems and a scheme for the disposal of foul water shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of built development above ground level. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future. Reason: To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of built development above ground level to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.
 29. No development shall take place unless otherwise agreed in writing until a scheme to deal with contamination shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall conform to current guidance and best practice as set out in BS10175:2011 Investigation of potentially contaminated sites - code of practice; CLR 11 - Model procedures for the management of land contaminations; or other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the Local Planning Authority: a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and b) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works. No dwelling shall be first occupied until a Verification report (produced by the suitably qualified person) to evidence that all remediation works, as applicable, have been carried out in accordance with the approved remedial strategy, has been submitted to and approved in writing by the Local Planning Authority. Reason: In order to deal appropriately and safely with the risks posed to the public and future occupiers by the historic use of the site and land uses in the surrounding area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The site investigation and remediation scheme are required prior to the commencement of development in order to ensure that any mitigation measures that are found to be necessary through the investigation can be carried out at the appropriate stage in the development process.
 30. 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 that shall be submitted with an application for the approval of Reserved Matters. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times. Reason: 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).
 31. Prior to the commencement of built development above ground level, details of the management, responsibilities and maintenance schedules for all areas of open space within the site excluding private gardens, to cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent changes to the management details shall be submitted to the Local Planning Authority prior to the change taking place. Reason: To ensure that these areas are appropriately managed and maintained, in the interests of the

amenities of the site, in accordance with Policy HS4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of the built development above ground level in order that proper arrangements can be secured at the earliest opportunity for the maintenance of the open space which is for the lifetime of the development.

32. No development shall be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in full accordance with the methods and measures in the approved Method Statement. Reason: To ensure that vulnerable trees which are to be retained and have an amenity value are not harmed by the development, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The method statement is required prior to the commencement of the development so that it can be effectively implemented to prevent any harm to retained trees from the on-set of the development.
33. No development shall commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity and the extent of zones of influence/instability of off-site mine shafts; and b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance and a verification report to demonstrate that any identified remediation and/or mitigation measures have been implemented in full shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling. Reason: To ensure that the issues arising from historic shallow coal mine workings close to the site are adequately dealt with in order to ensure the safety of the construction, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
34. An application for the approval of Reserved Matters shall be accompanied by a further noise assessment that shall detail remedial measures for mitigating against identified external noise sources. The approved measures shall thereafter be carried out and completed prior to each dwelling being first occupied and the completion of the development. The approved measures shall be retained at all times thereafter. Reason: To ensure a satisfactory level of amenity for occupiers of the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
35. Prior to the commencement of any development, the following shall be submitted to and approved in writing by the Local Planning Authority in respect of works in proximity to the railway line to the east side of the application site: i) A Method Statement and Risk Assessment for the construction and subsequent maintenance of the development in proximity to a railway line shall be submitted to and approved in writing by the Local Planning Authority. ii) a Method Statement and Risk Assessment for vibro-impact works on site; iii) details of the disposal of both surface water and foul water drainage directed away from the railway; iv) full details of ground levels, earthworks and excavations to be carried out near to the railway boundary; v) details of a minimum 3m easement between structures on site and the railway boundary; and, vi) details of appropriate vehicle safety protection measures along the boundary with the railway. The development shall thereafter only be carried out and maintained in accordance with the approved Method Statements, Risk Assessments and approved details. Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

36. No development shall take place unless a Risk Assessment and Method Statement outlining the construction of foundations and landscaping works in proximity to the Leeds and Liverpool Canal have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- the design, depth and means of construction of the foundations of new buildings and any proposed retaining walls (including cross sections in relation to the canal bank), together with any other proposed earth moving and excavation works required in connection with the development;
- details of the location of stockpiles and construction equipment on site;
- details of any protective fencing to be erected to safeguard the waterway infrastructure during construction; and
- details of the culvert that passes from the development site under the canal structure and any impact on water flows and on the canal structure that may arise from the development, together with any remedial measures to address any identified impact.

The development shall thereafter only be carried out and completed in strict accordance with the agreed Risk Assessment and Method Statement.

Reason: In the interests of safeguarding the stability and integrity of the structure of the Leeds and Liverpool Canal, in accordance with Policy NE5 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework.

65. Decisions taken under the Scheme of Delegation

Members noted the list of decisions.