



# DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Wednesday, 9th February, 2022 at 6.30 pm

## PRESENT

## MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), G Birtwistle, F Cant, P Chamberlain, S Cunliffe, S Graham, J Harbour, A Hosker, K Ingham, M Ishtiaq and A Royle

## OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
Janet Filbin	– Principal Planner
Catherine Waudby	– Head of Legal and Democratic Services
Alison McEwan	– Democracy Officer

### 76. Apologies

Apologies for absence were received from Cllr Jackie Inckle

### 77. Minutes

The Minutes of the meetings held on 13<sup>th</sup> and 24<sup>th</sup> January 2022 were approved as a correct record and signed by the Chair.

### 78. 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:

Deborah Smith	FUL/2021/0659 – Land at west of Briercliffe Road, Burnley General Hospital (For)
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Alan Kinder	FUL/2021/0719– Land at Vicarage Avenue, Padiham (for)
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**RESOLVED** That the list of deposited plans be dealt with in the manner shown in these minutes.

**79. HOU/2021/0607 - Southside, The Grange, Marsden Road**

**Decision**

That the application be approved 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 Plans Dwg no 2082/102 Rev D received 25.01.2021 Site Location Plan: Dwg no 2028/10

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

Reason: To ensure that the materials to be used are appropriate to the locality.

4. The landscaping proposals hereby approved indicated on Dwg no 2082/102 Rev D shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

Reason: To ensure the adequate visual amenity value on and adjacent to the site or those likely to be affected by the proposed development.

5. The proposed roof terrace hereby permitted shall be fitted with the privacy screen as detailed on the amended plan Dwg no 2082/102 Rev D received 25.01.2021. For the avoidance of doubt the screen shall be 1.8m tall. The screen shall be implemented in accordance with the approved details prior to the first occupation of the development and retained thereafter.

Reason: To ensure the protection of privacy for neighbouring occupiers, and in the interests of residential amenity.

<b>80. ADV/2021/0679 - 150-152 St James St, Burnley</b>
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## **Decision**

That the application be approved subject to the following conditions.

## **Conditions & Reasons**

1. The signs hereby approved shall be removed from the site by 09/02/2022.

Reason: In the interests of visual amenity

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: Location Plan:Dwg no 1 RLB Proposed Hoarding: Dwg no 2 RLB

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public

Reason: Required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Imposed by Regulation 14 (7) (a).

**81. FUL/2021/0659 - Land to the West of Briercliffe Road, Burnley General Hospital, Burnley**

**Decision**

That approval be delegated to the Head of Housing & Development Control subject to the agreement of a S106 agreement and 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. Prior to the commencement of built development above ground level, details of the external materials of construction to be used on the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.

Reason: 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). The material details are required prior to the commencement of development to ensure that the approved materials are available for use at the appropriate stage of the development.

4. No development shall be commenced until protective fencing to protect the trees to be retained on the site has been erected in accordance with details as indicated within the Arboricultural Report (dated October 2021). All measures contained within the report shall be adhered to at all times and 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 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 protective fencing is required to be erected prior to the commencement of development in order to give adequate protection to the trees from construction vehicles, plant, deliveries and other site activities.

5. Prior to the commencement of built development above ground level, a scheme of landscaping, to include details of retained trees and new tree and shrub planting, to

include native species (noting species, plant sizes/heights on planting and proposed numbers/ densities where appropriate), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory scheme of landscaping, in the interests of visual amenities and biodiversity, in accordance with Policies SP5 and NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the works are agreed early in the process in order that they can be carried out at the appropriate stage of the development.

6. All planting, seeding or turfing comprised in the approved details of landscaping (as approved by Condition 5) shall be carried out in the first planting and seeding seasons following the first occupation of any apartment 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).

7. Prior to the commencement of development except for demolition, a scheme of off-site works of highway improvement to include improvements to two bus stops adjacent to the site on Briercliffe Road and the promotion of a Residents Only Parking Scheme on Boundary Street, shall be submitted to and approved in writing by the Local Planning Authority. With the exception of the latter (the Residents Only Parking Scheme), the approved scheme of off-site works of highway improvement shall thereafter be implemented in its entirety and completed prior to any apartment being first occupied.

Reason: To ensure that satisfactory access is provided to the site and to mitigate against potential impacts on on-street parking, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the works can be agreed and carried out at the appropriate stage of the development.

8. The approved access and egress and access 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, except for demolition works, takes place.

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).

9. Prior to the commencement of built development above ground level, a scheme of biodiversity enhancement measures, which shall include measures for the planting of locally native/wildlife friendly species and details of the amount, type and positions of bat boxes and nesting boxes (suitable for swifts and starlings)

shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancement measures shall thereafter be carried out and completed prior to any apartment being first occupied or in the case of planting proposals, shall be carried out as part of the approved landscaping scheme.

Reason: To ensure that the scheme provides adequate benefits for wildlife to enhance the biodiversity of the site and to compensate for lost habitat for bats and birds, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the approved measures can be incorporated into the building design.

10. Prior to the removal of any vegetation on the site or commencement of development except for demolition, a method statement for the removal of Wall cotoneaster and to prevent its spread from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved method statement.

Reason: To control the spread of an invasive species which has been recorded on the site, in accordance with Policy NE1 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 from the earliest stages of the development.

11. 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 of reasonable avoidance measures for species such as hedgehogs and toads. 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 wildlife that may be present on the site during the construction period, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). This must be carried out prior to the commencement of development in order to prevent any potential harm to wildlife.

12. No works or removals of trees or shrubs on the site shall take place during the bird nesting season between the 1<sup>st</sup> March and 31<sup>st</sup> 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). This must be carried out prior to the commencement of development in order to prevent any potential harm to breeding birds.

13. No trees on the site shall be felled unless a method statement for their removal, in accordance with the recommendation of the Preliminary Ecological Appraisal (reference 80-250-R1-1, dated February 2021) 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 approved method statement.

Reason: To protect protected species (birds and bats), in accordance with Policy NE1 of Burnley's Local Plan (July 2018). This is required prior to the commencement of development in order to prevent any potential harm to birds or bats.

14. Prior to the commencement of built development above ground level, a scheme for external lighting to be sensitive to wildlife, 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 ensure sensitive external lighting to avoid harm to birds, bats and other wildlife, in accordance with Policy SP5 of Burnley's Local Plan (2018). A scheme is required prior to the commencement of development in order it can be satisfactorily integrated into the design of the development.

15. No apartment shall be first occupied until the car park and manoeuvring areas as indicated on the approved plans have been constructed, drained, surfaced in tarmac or an alternative bound treatment to be previously agreed in writing with the Local Planning Authority, marked out and made available for use. The car parking area shall thereafter be kept free of obstruction and available for the parking of cars at all times.

Reason: To ensure adequate off-street parking and to allow for the effective use of the parking areas, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

16. 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).

17. 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.

18. 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).

19. Prior to the commencement of built development above ground level, 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 apartment 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.

20. 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).

21. 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.

22. 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).

23. Prior to any apartment being first occupied, the enclosed refuse store shall be constructed and available for use in accordance with the approved plans. The refuse store 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).

24. The development shall be constructed and completed in accordance with the recommendations contained within the submitted Phase I and Phase II Geo-environmental Site Assessment (report references 12-779-R1-RevA and 12-779-R2-RevB, both dated October 2021) and the Ground Gas Addendum report (reference 12-779-R3-RevA, dated October 2021). In the event that previously unidentified contamination is discovered during any part of the works then further investigation and risk assessment shall be undertaken which shall together with an additional remediation scheme be submitted to and approved in writing by the Local Planning Authority before works continue. A Validation and Verification report to evidence that all remediation works have been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority before the approved residential care home is first occupied.

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 surrounding area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

25. The development shall not be carried out otherwise than in accordance with the measures for energy efficiency contained within the submitted Sustainability Part L Assessment Summary Report Revision 04, dated 07.01.2022 and shall be completed in their entirety prior to the completion of the development.

Reason: To ensure the development delivers the expected energy efficiencies, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

26. A minimum of two Electric Vehicle Charging points shall be installed externally within the car park as indicated on the approved plans prior to the completion of the development.

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).

27. Prior to any apartment being first occupied, a full and up to date Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented in accordance with the timescales within the approved Travel Plan and shall be audited and updated at intervals of not greater than 18 months. The measures contained with the Travel Plan shall be adhered to at all times.

Reason: To promote and provide access to sustainable travel options, in accordance with Policy IC2 of Burnley's Local Plan (July 2018).

28. 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 development shall operate as an extra care apartment scheme (Class C3) for residents generally aged over 55 where care supports independent living only and shall not be used for any other purpose within Class C3 or for any other purpose.

Reason: To ensure the satisfactory implementation of the proposal which has been assessed on the details of the proposed use only, a deviation from which would need to be re-assessed in respect of potential needs for open space, education and car parking amongst other material considerations, in accordance with Policies HS4, IC4 and IC3 of Burnley's Local Plan (July 2018).

29. 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 commercial facilities (indicated as bistro and salon on the approved plans) shall not exceed a combined floor area of 131sqm and shall be used as a café/restaurant/coffee shop and retail shop or hair salon use only and not for any other use falling within Class E and shall not be used for any other purposes.

Reason: To ensure the satisfactory implementation of the proposal which has been assessed on the proposed use only, to ensure that these facilities are relevant to the principal development of the site for extra care apartments, in accordance with Policies HS1/10 and TC1 of Burnley's Local Plan (July 2018).

30. The development shall be constructed to incorporate the recommendations contained within the submitted Noise Impact Assessment (reference 50-093-R1-2, dated October 2021), details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development above ground level.

Reason: To ensure satisfactory mitigation against traffic noise, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are 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.

31. A scheme for the provision and continued use of the development for Affordable Housing shall be submitted to and approved in writing by the Local Planning Authority prior to any apartment being first occupied. The approved scheme of Affordable Housing shall thereafter be implemented in full and shall continue to do so at all times.

Reason: To ensure that the scheme delivers the intended benefits from the provision of Affordable Housing, in accordance with Policy HS2 of Burnley's Local Plan (July 2018).

32. The approved boundary treatment as indicated on drawing number CAL02-TEP-EC-XX-DR-L-90003-S2-P02 shall be carried out and completed prior to the completion of the development or the first occupation of any apartment, whichever is the sooner. The approved boundary treatment shall thereafter be retained at all times.

Reason: To ensure a suitable edge to the development and neighbouring occupiers, in the interests of visual amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

33. All external glazing to be used in the development shall be non-coloured glass only and windows/doors shall be installed in accordance with the approved window dimensions plan (drawing number CAL02-BCA-EC-ZZ-DR-A-32002-S2-P2) and in accordance with details of the materials and colour of the window and door frames and Juliette railings which shall be previously submitted to and approved in writing by the Local Planning Authority, unless any variation to this is previously agreed 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).

## **82. FUL/2021/0719 - Land at Vicarage Avenue, Padiham**

### **Decision**

That the application be approved 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: REE/07 DWG 02 Proposed Site Plan REE/07 DWG 01

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The new access and access way in the site the site and 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.

4. The access road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

5. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviments, or other approved materials.

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

6. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the back edge of the footway. The gates shall open away from the highway.

Reasons: To permit vehicles to pull clear of the footway when entering and exiting the site and to ensure the swing of the gates do not affect the availability for a car to wait off road.

7. All gates and associated mechanisms to be located outside the adopted highway and the gates to have physical restraints to prevent the gates from opening towards the adopted highway.

Reasons to ensure the adopted highway is not obstructed by the gates or are a hazard to other road users.

8. 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 prevent stones and mud being carried onto the public highway to the detriment of road safety.

9. The development shall not be occupied until the car parking areas to serve the development have been laid out and hard surfaced in accordance with approved drawings and made available for use and retained as such thereafter.

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan

10. An electric vehicle charging to serve the dwelling shall be installed prior to first Occupation and shall be retained as such at all times thereafter.

Reason: In accordance with policy IC3 of Burnley's adopted Local Plan.

11. 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 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan.

12. In the event that any evidence of potential contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to mitigate any adverse impact on the environment.

13. The garage shall not be used for any purposes other than for domestic storage and for the garaging of private motor vehicles in association with Plot 1 and no trade or business shall be carried out therefrom. Reason: To control the use of the development in the interests of the character of the are and the amenity of the neighbouring property and to comply with Policy SP5 of Burnley's Local Plan (July 2018)

## 83. LBC/2021/0651 - Towneley Hall, Towneley Park, Burnley

### Decision

That the application be approved 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 not be carried out other than to the approved drawings and specification of works noted thereon except where modified by the conditions of this consent. The approved drawings are: BTH07/P010 (Basement Floor Plan Proposed Repairs at 1:100 Scale) BTH07/P011 (Ground Floor Plan Proposed Repairs at 1:100 Scale) BTH07/P012 (First Floor Plan Proposed Repairs at 1:100 Scale) BTH07/P013 (Second Floor Plan Proposed Repairs at 1:100 Scale) BTH07/P014 (Third Floor Plan Proposed Repairs at 1:100 Scale) BTH07/P020 (South Wing Elevations Proposed Repairs at 1:100 Scale) BTH07/P021 (West Wing Elevations Proposed Repairs at 1:100 Scale) BTH07/P022 (North Wing Elevations Proposed Repairs at 1:100 Scale) BTH07/P100 (North Wing Plan Proposed at 1:50 Scale) BTH07/P101 (North Wing South Gutter Sections Proposed at 1:50 Scale) BTH07/P102 (North Wing Central Gutter Sections Proposed at 1:50 Scale) BTH07/P103 (North Wing North Gutter Sections Proposed at 1:50 Scale) BTH07/P104 (North Wing, East and West Gutter Sections Proposed at 1:50 Scale) BTH07/P105 (West Wing Plan Proposed at 1:50 Scale) BTH07/P108 (South Wing Plan Proposed at 1:50 Scale) BTH07/P200 (Proposed North Wing Valley Gutter at 1:10 Scale) W89/104 (Great Hall Ceiling at 1:100 Scale) W89/200 (Great Hall: Ceiling Joist Repairs at 1:200 and 1:10 Scale) W89/201 (Great Hall: External Wall Repairs at 1:00 Scale) W89/202 (Great Hall: Cornice Strapping Detail at 1:200 and 1:10 Scale) W89/210 (South Wing - First Floor Plan First Floor Strengthening at 1:100 Scale) W89/211 (South Wing - Roof Plan First Floor Strengthening at 1:100 Scale) W89/212 (South Wing Sections First Floor Strengthening at 1:50 Scale) W89/213 (South Wing Details First Floor Strengthening at 1:10 Scale) W89/214 33 (South Wing - Section C-C First Floor Strengthening at 1:100 Scale)

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity; and to preserve the character and special interest of the building in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

3. The development hereby permitted shall be carried out strictly in accordance with the Specification of Materials and Workmanship (V3 20201) prepared by Knox-McConnell Architects Ltd received on the 21.10.21 unless approved otherwise in writing by the Local Planning Authority.

Reason: To avoid ambiguity; and to preserve the character and special interest of the building in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

4. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with Policy HE2 of Burnley's Local Plan (July 2018).

5. Before the repointing hereby granted consent is carried out, details of the mortar(s) to be used for re-pointing (including mortar mix, colour, texture and pointing finish) shall be submitted to and agreed in writing by the Local Planning Authority. The specification shall be informed by an analysis of existing historic mortar mixes the results of which shall be submitted with the details of the mortar. The works shall be carried out only in accordance with the agreed details.

Reason: In order to safeguard the special architectural and historic interest of the listed building and to comply with Policy HE2 of Burnley's Local Plan (July 2018).

6. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

Reason: In order to safeguard the special architectural and historic interest of the listed building and to comply with Policy HE2 of Burnley's Local Plan (July 2018).

7. Any works of making good to the retained fabric, shall be finished to match the adjacent work with regard to the methods used and to colour, material, texture, and profile, except where indicated otherwise on the drawings hereby approved

Reason: In order to safeguard the special architectural and historic interest of the listed building and to comply with Policy HE2 of Burnley's Local Plan (July 2018).

8. No development shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis, and the preparation of an archive detailing the work carried out. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of an appropriate record of those areas of the building affected by the works, with photogrammetric or similar recording of the areas of stonework to be removed and a survey of the leadwork to record any historical features or graffiti. It should include a full description of the areas affected, drawn plans, elevations and sections which may be derived from the documentation already prepared for the works, and a full photographic coverage, inside and out. The record should also include a rapid desk-based assessment, putting the building and its features into context. This work should be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists ([www.archaeologists.net](http://www.archaeologists.net)). A digital copy of the report and the photographs shall be placed in the Lancashire Historic Environment Record and other appropriate archives.

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).

#### **84. Decisions taken under the Scheme of Delegation**

Members noted the decisions taken under the scheme of delegation.