



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 9th June, 2022 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), P Chamberlain, S Cunliffe, S Graham, J Harbour, A Hosker, M Hurt, J Inckle, Kazmi, L Khan, A Royle and Steel

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Janet Filbin	– Principal Planner
Erika Eden-Porter	– Principal Planner
Elizabeth Murphy	– Planning Policy Manager
Sajada Khan	– Locum Regulatory Solicitor
Alison McEwan	– Democracy Officer
Carol Eddleston	– Democracy Officer

1. Welcome and Introductions

Councillor Chaudhary, Chairman of the Committee, welcomed all those present to the first Development Control meeting of the new municipal year. He welcomed particularly those who had been newly elected and/or newly appointed to the Committee. He took the opportunity to remind everybody present of the need to treat all members of the public, elected members and Council officers with respect throughout the meeting, as set out in the Code of Conduct for Members.

2. Apologies

Apologies for absence were received from Councillor Birtwistle.

3. Minutes

The Minutes of the last meeting held on 7th April 2022 were approved as a correct record and signed by the Chair.

4. Declaration of Interest

There were no declarations of interest in any of the items on the agenda.

5. 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:

CLARE HALES	REM/2021/0735 1 Magnesium Way Hapton Lancs
IAN CHAPMAN	REM/2021/0735 1 Magnesium Way Hapton Lancs
MARK BASSETT	REM/2021/0735 1 Magnesium Way Hapton Lancs
MATTHEW SHEPPARD	OUT/2020/0366 Accrington Road Burnley BB11 5QJ
SIMON ARTISS	FUL/2021/0273 Land South of Rossendale Road Burnley
ANN REDMOND	HOU/2022/0065 3 Coverdale Way Burnley Lancashire

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

6. REM/2021/0735 - 1 Magnesium Way, Hapton, Lancashire

Town and Country Planning Act 1990

Approval of all reserved matters under outline planning permission VAR/2020/0159 for three industrial/warehouse units (B2/B8)

1 Magnesium Way Hapton Lancashire BB12 7BF

A motion to delegate authority to the Head of Housing and Development Control to approve the application subject to the recommended conditions and subject to the receipt of an amended layout confirming that the approval does not grant or imply any consent for any development to land west of the extension of Magnesium Way was moved and seconded.

On being put to the vote the motion was declared to be lost.

The Locum Regulatory Solicitor issued the following Cost Warning to members:

'May I remind members that any decision taken in this matter must be based on, and only on, proper planning grounds reflecting your planning judgement on the case. Your officers have advised fully in relation to the relevant material considerations and policy background and you should consider that advice carefully. Whilst you are not bound to follow that advice, in any appeal proceedings arising out of the decision you make, the Council will be expected to produce evidence to substantiate each reason for refusal, by reference to the Development Plan and all other material considerations. If the Council fails to, or cannot do so, then costs may be awarded against it.

To reiterate, you are not bound to adopt the professional or technical advice given by your own officers or received from statutory bodies or consultees. However, you will be expected to show that you had reasonable planning grounds for taking a decision contrary to such advice and are able to produce relevant evidence to support your decision in all respects. If the Council were to fail to do so, it may be liable to have costs awarded against it.

Whether or not a costs order may, or may not, be made and how much that may, or may not, amount to, is, however, not a material consideration and is therefore not something you should be considering in deciding whether planning permission should be granted or not.

A motion to refuse the application was moved and seconded.

As the motion was contrary to Officer recommendation Officers recorded the voting as follows:

Motion to refuse the application contrary to recommendation	
Councillor Chaudhary	Against
Councillor Kelly	Against
Councillor Chamberlain	For
Councillor Cunliffe	For
Councillor Graham	Against
Councillor Harbour	For
Councillor Hosker	For

Councillor Hurt	For
Councillor Inckle	For
Councillor Kazmi	Against
Councillor L Khan	Against
Councillor Royle	Against
Councillor Steel	For
Carried	

Decision

That the application be refused for the following reason:

Reason

The proposed development, by reason of the height (exceeding 7.0m) and siting of Units A and B would result in a visually dominant and overbearing form of development such that it would cause an unacceptable adverse impact on the living conditions of the occupiers of neighbouring properties adjacent to the site's northern boundary, contrary to both Policy SP5 of Burnley's Local Plan (July 2018) and the Site Specific Policy Requirements and Design Principles in Policy EMP1/2 of Burnley's Local Plan (July 2018).

7. OUT/2020/0366 - Accrington Road, Burnley, BB11 5QJ

Town and Country Planning Act 1990

Outline Application up to 50,000m² B1 b&c, B2 and B8 industrial units (with associated offices/mezzanines) and earthworks/infrastructure with all matters reserved (13 hectares). Proposal affects Public Footpath No. 12 (Hapton)

Accrington Road Burnley BB11 5QJ

Decision

That approval be delegated to the Head of Housing and Development Control subject to the applicant entering into a section 106 Agreement to secure contributions to public transport improvements and provide for public footpath links/improvements and the following conditions:

Conditions and reasons for conditions

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 within any phase in accordance with an approved Phasing Plan and Strategy, and the development shall be carried out as approved.

Reason: The permission is an outline planning permission.

2. Application for approval of any reserved matters shall be made to the Local Planning Authority no later than five 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 of the first or any phase hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of five 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. No development of any kind, including vegetation clearance, shall be commenced until a Phasing Plan and Strategy to identify the sequence and the spatial phasing of development to include earthworks, ground works, access, infrastructure, landscaping and built development, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved Phasing Plan & Strategy unless any variation to it is otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To assist the phasing of the construction of a major development on a large site and to ensure its effective delivery, in accordance with Policies EMP1/5, SP5 and NE5 of Burnley`s Local Plan (July 2018).

5. 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.

6. An application for the approval of Reserved Matters shall, in accordance with the approved Phasing Plan and Strategy, be accompanied with details of existing and proposed land levels and cut/fill operations which shall not lead to a bulk import or export of soil/material to or from the site. The development shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure that these details are satisfactory in respect of the visual impact on the landscape and to ensure that all existing soil and material is dealt with effectively on site to avoid unnecessary transportation, in accordance with Policies NE3 and NE5 of Burnley`s Local Plan (July 2018).

7. 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 development hereby permitted shall be for employment uses falling within Class E (g)(ii) and/or E (g)(iii) (former Class B1 b&c), and/or Class B2 and/or Class B8 only and shall not be used

for any other purposes without the prior written permission of the Local Planning Authority.

Reason: To ensure the satisfactory implementation of the proposal and safeguard employment development and provision, in accordance with Policy EMP1/5 of Burnley`s Local Plan (July 2018).

8. Any landscaping scheme submitted for the approval of Reserved Matters shall provide a landscape buffer around the site`s perimeter that, notwithstanding detailed specifications and species, is broadly in accordance with that indicated on submitted illustrative Planting Plan, drawing number 4884-01RevF.

Reason: To ensure adequate and appropriate landscaping to mitigate the visual impacts of the development on a prominent site, in accordance with Policies EMP1/5 and NE3 of Burnley`s Local Plan (July 2018).

9. 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 within that phase of the 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 EMP1/5, SP5, NE1 and NE3 of Burnley`s Local Plan (July 2018).

10. Any application for the approval of Reserved Matters shall not exceed the maximum parameters for the building footprint (up to 47,500sqm) and eaves and ridge heights as specified on the submitted Development Parameters Plan, drawing number 014-B, received on 4 May 2022.

Reason: To ensure the satisfactory implementation of the proposal, having regard to the visual prominence and transitional nature of the site between the rural and urban area, in accordance with Policies EMP1/5, SP5 and NE3 of Burnley`s Local Plan (July 2018).

11. No development shall take place on any agreed phase until a scheme to deal with contamination on that phase 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 unit shall be first occupied within any agreed phase 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 of the development as a result of previous uses of the site and land in the surrounding area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

12. Prior to the commencement of development on any agreed phase, a scheme of Biodiversity Enhancement Measures for that phase, to achieve a Biodiversity Net Gain (BNG) broadly in accordance with the Biodiversity Offsetting Calculations prepared by Envirotech Consultants (report reference AWG/2827, dated 1st June 2022) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of Biodiversity Enhancement Measures shall be carried out and completed in each agreed phase prior to any unit in that phase being first occupied.

Reason: To protect the integrity of biodiversity at the application site and locality in line with the expectations of the National Planning Policy Framework and in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

13. Prior to the commencement of development on any agreed phase, a Landscape and Ecological Management Plan (LEMP) for that phase 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 for a period of not less than 25 years 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.

Reason: To ensure that the planting and biodiversity assets and mitigation measures that are present and deployed on the site are effectively managed to ensure their long term protection and benefits to biodiversity, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

14. Prior to the commencement of development on any agreed phase, a Construction Environment Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority which shall provide details for the following measures:
- i) to identify and provide protection measures for any features of biodiversity value that may be affected by the development;
 - ii) measures to control the movement of silt and water quality (including details of cut-off drains and strategic use of silt curtains);
 - iii) details of the construction lighting to be designed to avoid light spillage onto trees and areas of habitat.

The agreed measures shall be implemented prior to any site clearance or development being commenced in each agree phase and retained in their entirety for the duration of the development until its completion.

Reason: To protect wildlife and the biodiversity of the site and its surroundings, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

15. No change to the lining of the culvert from the site northwards shall at any time be made unless details of a bat inspection and the proposed changes have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect bats which are protected species and may potentially occupy the culvert, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

16. No development shall be commenced on any agreed phase until a scheme for the means of protecting the trees and hedges to be retained on or adjacent to that phase, 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).

17. No vegetation clearance, removal of trees or site works 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).

18. No development shall be commenced on any agreed phase 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 in that phase 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 ensure the appropriate surveys are up to date and reliable, in order to protect bats which are protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

19. Each application for the approval of Reserved Matters shall provide a detailed external lighting plan to identify the following:-

i) both highways and security lighting that may affect habitat areas, trees and landscaping. This shall include specifications of luminaires and light contour plans and be designed in accordance with the guidance notes of the (01/2021 The Reduction of Obtrusive Light) (Institute of Lighting Professionals, 01/2021) and `Bats and Artificial Lighting in the UK` (Bat Conservation Trust , 08/2018); and,

ii) for all remaining areas of the site, a programme for the lighting of the proposed development, to include details of:

- a) the location, type and intensity of lights;
- b) the types of masking or baffle at head.
- c) the type, height and colour of lighting columns;
- d) the number and size of lighting units per column; and,
- e) light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby properties.

The development shall thereafter only be carried out in accordance with the approved details of external lighting 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; to safeguard the amenities of the occupiers of surrounding residential properties; and to minimise light pollution on a site with rural surroundings, in accordance with Policies NE1, SP5 and NE5 of Burnley's Local Plan (July 2018).

20. Each Reserved Matters application shall be accompanied by a Noise Assessment that shall be carried out in accordance with BS4142 to assess the noise emanating from the use of the development relating to that Reserved Matters application

together with cumulative noise from the whole of the development relating to this outline application. The submitted Noise Assessment shall detail any mitigation measures that are required to protect the amenity of occupiers of nearby noise sensitive properties. The approved mitigation measures shall be implemented in full prior to the completion or first use (whichever is the sooner) of the development relating to the Reserved Matters application and shall be retained at all times. The development shall thereafter only be carried out and operated in accordance with the details and recommendations of the approved Noise Assessment.

Reason: To ensure an informed and detailed assessment of the impacts of the development on noise to nearby receptors in order to control and mitigate the effects of the development to safeguard the amenities of nearby residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

21. Noise from the development expressed at a rating level (in accordance with BS4142:2014+A1(2019)) shall not cumulatively exceed the existing background level by more than 5 dB based on the Existing Background levels identified in the Dragonfly Consulting acoustic report ref: DC2153-R1v4, dated 13 May 2021.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

22. No development, including any site clearance or ground works, shall be commenced on any agreed phase until details of wheel cleaning facilities to be provided during site excavation, preparation and construction for that phase have been submitted to and approved in writing by the Local Planning Authority. The approved wheel cleaning facilities shall thereafter be installed and operational before any development commences and shall be retained in working order throughout all phases of the development. All vehicles leaving the site shall use the wheel cleaning facilities.

Reason: In order to minimise the amount of mud, soil and other materials being deposited on the highway, in the interests of highway safety and visual amenity, in accordance with Policy 1C1 of Burnley's Local Plan (July 2018)

23. Each Reserved Matters application shall be accompanied by an assessment of the impacts of the proposed development on air quality. The assessment shall be based on the details in the Reserved Matters applications and the scope of the assessment shall incorporate (but is not limited to):

- A review of the cumulative impacts of the development on the air baseline air quality identified in submitted Air Quality Assessment reports ref: J0457/1/F1 and J0457/2/F1
- A detailed assessment of traffic emissions impacts arising from the detailed plans
- A detailed assessment of the potential industrial impacts from any Class B2 use that may emit key air quality pollutants to atmosphere
- Identification of mitigation measures.

For the avoidance of doubt, where a Reserved Matters application is made in several tranches, each reserved matters application shall consider the cumulative impact of

all air quality emissions identified in previous reserved matters applications. Any mitigation measures within the approved assessment shall be carried out, implemented in full and retained at all times.

Reason: In the interest of residential amenity and to satisfactorily mitigate any impacts of the development on air quality, in air pollution, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

24. Each Reserved Matters application for any phase of the development shall be accompanied by details of Electric Vehicle Charging (EVC) Points to be provided within that phase. The submitted details shall include the specification, number and location of the EVC points. The approved EVC points shall thereafter be fully installed and available for use prior to any unit within that phase being first brought into use and shall be retained at all times thereafter.

Reason: To encourage the use of electric vehicles in order to reduce emissions and tackle climate change, in accordance with Policy IC3 of Burnley's Local Plan (July 2018), the Council's Air Quality Management SPD (December 2020) and the National Planning Policy Framework.

25. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works. 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.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in accordance with Policy HE4 of Burnley's Local Plan (July 2018).

26. An application for the approval of Reserved Matters for any phase of the development shall be accompanied with details of how the BREEAM rating of 'Very Good' will be achieved within that phase. The development of that each phase shall only be carried out in accordance with the approved detailed specifications and measures to achieve the 'Very Good' BREEAM rating and no building shall be first brought into use within any phase until a verification report has been submitted to and approved by the Local Planning Authority to evidence that the required standard has been met.

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

27. Prior to the commencement of development, a scheme for the detailed design of the proposed site access and off-site works of highway improvement that shall include improvements to the southern roundabout at Junction 9 of the M65 and bus stops either side of Accrington Road, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in its entirety in accordance with the approved Phasing Plan & Strategy before any unit in each phase is first occupied.

Reason: To cater for the additional traffic that would be generated by the development and 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).

28. No development shall take place within any approved phase, 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, including details of the construction methods and equipment to be used
 - Measures to control noise emanating from the site 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.

The measures contained within the approved Construction Management Plan/ Construction Method Statement shall thereafter be carried out in their entirety at all times throughout the construction period until the completion of 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).

29. 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).

30. Prior to the commencement of built development on any agreed phase, details of the design and implementation of a surface water sustainable drainage scheme for that phase, 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 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).

31. The approved development shall not be first occupied in any approved Phase until a Verification Report and Operation and Maintenance Plan for the approved surface water drainage system for the lifetime of the development within that approved Phase 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).

32. Prior to the commencement of any development on any agreed phase, details of how surface water and pollution prevention will be managed during the construction process for that phase 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).

33. 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 for that phase shall be implemented in full and completed prior to any unit on that phase 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).

34. Prior to the commencement of built development above ground level on any agreed phase, details of the boundary treatment to be used on the perimeter of the site on that phase shall be submitted to and approved in writing by the Local Planning

Authority. The details shall provide for the retention or alteration of the drystone wall to the site's frontage and the retention or re-provision of hedge boundaries. The boundary treatment shall thereafter be implemented and completed prior to the completion of the development. No other or additional boundary treatment shall be installed or constructed without the prior written approval of the Local Planning Authority.

Reason: To ensure an acceptable appearance to the edge of the development, in the interests of visual amenities, in accordance with Policy SP5 of the Burnley's Local Plan (July 2018).

35. An application for the approval of Reserved Matters relating to access shall provide for a pedestrian/cycle link to connect the proposed diverted route of Public Footpath No.12 to the site's eastern boundary in order to connect to a potential future off-site public right of way in that location. The application shall include details of its siting, width, construction, surfacing materials and timescales for its implementation. The approved pedestrian/cycle link shall thereafter be constructed and made available for use in accordance with the approved details and shall be so retained at all times.

Reason: To facilitate a link to potential footpath/cycle routes in the surrounding area, in order to improve the site's accessibility by means other than a motorised vehicle, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

36. There shall be no open storage at any part of the application site.

Reason: To protect the visual amenities of the site and its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

37. Vehicular access to the site shall be a single access from Accrington Road only.

Reason: For the avoidance of doubt and to ensure the satisfactory implementation of the proposal, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

8. FUL/2021/0273 - Land South of Rossendale Road, Burnley

Town and Country Planning Act 1990

Proposed residential development of 87 houses with new access from Rossendale Road and associated estate roads, open space and infrastructure. Proposal affects Public Footpath No. 8 (Habergham Eaves).

Land South of Rossendale Road Burnley.

Decision

That approval be delegated to the Head of Housing and Development Control subject to the applicant entering into a section 106 Agreement to secure contributions to highways

improvements and biodiversity, to provide affordable housing and a scheme for open space management and responsibilities.

Conditions and reasons for conditions

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, details and representative samples 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 above ground works to ensure that the approved materials are available for use at the appropriate stage of the development.

4. No development shall commence other than site clearance, remediation and preparatory works until a scheme of landscaping, to include details of all retained trees and new tree and shrub planting, to include native species on and near to site boundaries and within the development site (noting species, plant sizes/heights on planting and proposed numbers/ densities where appropriate), has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory scheme of landscaping that provides biodiversity and visual benefits to the site, in accordance with Policies NE4, SP5 and NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of above ground works 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.

5. All planting, seeding or turfing comprised in the approved details of landscaping (as approved by Condition 4) 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).

6. The boundary treatment for each plot / dwelling indicated on the approved plans (drawing number 490-P-BTL-01Rev4) shall be carried out and completed prior to the completion (whichever is the sooner) or the occupation of the relevant plot / dwelling and for all other boundary treatments indicated on the approved plans (drawing number 490-P-BTL-01Rev4), prior to the practical completion of the development. The approved boundary treatment shall thereafter be retained at all times.

Reason: To ensure adequate and sensitive boundary treatment to provide a satisfactory appearance to the development and provide screening where appropriate, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

7. 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). This must be carried out prior to the commencement of development in order to prevent any potential harm to breeding birds.

8. 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) methodology for draining and infilling of the existing ditch and pond on the site;
 - ii) method statement for site clearance for species such as hedgehogs; and,
 - iii) measures to treat and prevent the spread of non-native invasive species on and adjacent to the site.

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 ecology of the site during the construction period, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The Plan is required prior to the commencement of development to ensure that the measures are implemented prior to any works taking place.

9. Prior to the commencement of built development above ground, 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 biodiversity benefits of the landscaping scheme and biodiversity enhancements for the site are appropriately managed to ensure their long term protection and benefits to biodiversity, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of built development above ground level to ensure that an agreed scheme can be carried out at the appropriate stage of construction.

10. 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 are located on or close to boundaries and should be retained in the interests of the visual amenities, 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.

11. The ecological enhancements consisting of Bird and Bat boxes (drawing number (Fig 1 2019 -63e V1) and Hedgehog Gaps (drawing number Fig 2 2019-063e V1) shall be carried out in accordance with the submitted details prior to any dwelling associated with such measures is first occupied. The bird and bat boxes and hedgehog gaps shall thereafter be retained in situ in perpetuity.

Reason: To ensure adequate biodiversity enhancement measures for birds, bats and hedgehogs and other mammals, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

12. Prior to commencement of development, a detailed external lighting plan to minimise the intensity of lighting in wildlife sensitive areas shall be submitted to and approved in writing by the Local Planning Authority. 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). The scheme is required prior to the commencement of development to ensure the avoidance of any harm to wildlife from intensive or inappropriate external lighting.

13. 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
- Dust Management Plan to identify all areas of the site and site operations where dust may be generated and further identify control methods to ensure that dust does not travel beyond the site boundary
- 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.

14. 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).

15. The applicant or developer shall only permit delivery vehicles to arrive at or enter or exit the site between the hours of 08:00 and 18:00 hours on Monday to Friday, between 08:00 and 13:00 hours on Saturdays and no deliveries shall be made at all on Sundays or Bank Holidays.

Reason: To manage traffic and protect the amenities of local residents, in accordance with Policies IC1 and SP5 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. Prior to the commencement of development, a scheme for the detailed design of the proposed site access and off-site works of highway improvement as outlined in the approved plans 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.

18. The approved access junction and estate road which shall include the full length of the estate road up to the red edge southern boundary of the application site, shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any dwelling is occupied on 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).

19. No development shall be commenced until a scheme for the provision of access for construction purposes which shall include details of provision for facilitating construction traffic to the southern boundary of the site for access to the remainder of the housing site allocation (HS1/4), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out as approved.

Reason: To enable all construction traffic associated with the development of housing site allocation (HS1/4) to enter and leave the development site via Rossendale Road in a safe manner in the interests of highway safety and to ensure satisfactory access for construction purposes to the remainder of the housing allocation that would otherwise be inaccessible, in accordance with Policies IC1 and HS1/4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in order that the agreed works can be carried out at the appropriate stage of the development.

20. No development shall commence other than site clearance, remediation and preparatory works until an estate street phasing and completion plan has been submitted to and approved in writing by the Local Planning Authority. The estate street phasing and completion plan shall set out the development phases and completion sequence that estate streets serving each phase of the development will be completed. The development shall then be carried out only in accordance with the approved estate street phasing and completion plan.

Reason: To ensure the phasing and completion of estate streets serving the development are completed to ensure the provision of satisfactory access, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The plan is required prior to the commencement of above ground development to ensure that the construction works and development are carried out in an appropriate manner.

21. No development shall commence other than site clearance, remediation and preparatory works until details of a highway surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The approved highway surface water drainage scheme shall thereafter be implemented in accordance with the approved details as part of the highway construction and completed prior to the occupation of any dwelling within each phase.

Reason: To prevent water from discharging onto the public highway, in the interest of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of above ground development to ensure that the approved scheme can be implemented at the appropriate stages of the construction of the development.

22. No development shall commence other than site clearance, remediation and preparatory works until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the management and 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, managed and maintained 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 above ground 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.

23. The emergency access indicated on the approved plans shall be constructed and used for emergency access for the purposes of emergency vehicles only and controlled by lockable bollards in accordance with a scheme for their operation and management which shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied. The approved emergency access shall thereafter be retained at all times and used for emergency access only and operated and managed in accordance with the approved scheme.

Reason: To ensure the provision of an alternative access to be used only in the case of an emergency and to ensure that it is used and operated effectively to ensure its proper use, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

24. No dwelling shall be first occupied unless and until all its associated car parking has been constructed, drained, surfaced (in black bitumen macadam 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).

25. Prior to any dwelling 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).

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), the garages hereby approved including integral /attached / detached garages) shall remain available at all times for the parking of a motor vehicle and shall not be altered to provide habitable space.

Reason: To ensure that car parking levels for each property are preserved to ensure the continued compliance with the Council's parking standards and avoid reliance on off-street parking, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

27. Electric vehicle charging points which shall be in accordance with the relevant Department for Transport guidance (minimum power rating output of 7kW and fitted

with a universal socket or Mode 3 type) shall be installed externally at each plot prior to its first occupation.

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).

28. 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 the approved plans. 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).

29. No development shall take place until a remedial strategy, based on the principles and conclusion set out in the submitted Geo-environmental Ground Investigation (report reference R2688-Ro1-V1, prepared by Smith Grant LL, dated April 2019), has been submitted to and approved in writing by the Local Planning Authority. The remedial strategy shall detail measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring and shall include nomination of a suitably qualified person to oversee the implementation of the approved 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 remediation scheme is 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. No development shall be commenced until remedial treatment works to address instability arising from shallow coal mining legacy and recorded mineshafts on the site have been carried out and completed in accordance with authoritative UK guidance. A verification report to include a signed declaration or statement by a suitably competent professional to confirm the site has been made safe and stable for the approved development and the completion of the approved remedial treatment works and any mitigatory measures necessary to address the risks posed by past mining activity, shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied.

Reason: To ensure that the issues arising from the presence of mineshafts and historic shallow coal mine workings at 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).

31. 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 and the principles set out in the submitted site specific flood risk assessment (reference 6376/R1, prepared by Lees Roxburgh, dated May 2021), 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.

32. 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).

33. 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.

34. 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.

35. Notwithstanding the provisions of Article 3 and Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), no development as specified in Class A of Part 1 of Schedule 2 of that Order shall be carried out at plot 85 and no development as specified in Class B of Part 1 of Schedule 2 of that Order shall be carried out at plots 72-84 inclusive without express planning permission first being obtained from the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess the impact of any future changes relating to the enlargement of plot 85 on the privacy and outlook of existing adjacent properties and to assess any enlargement to the roofs of plots 72-84 on residential amenities of other neighbouring properties, in accordance with Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

36. The development shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes in respect of the approved house types T50 and T52 (a total of 19 dwellings) as indicated on the approved plans. None of these dwellings 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).

37. The development shall be constructed to achieve a 20% betterment on energy efficiency standards (compared to current Building Regulation requirements) as set out in the submitted Carbon Reduction Report (prepared by Environmental Economics Ltd, dated May 2022). Detailed proposals for energy efficiency measures shall be submitted to and approved in writing by the Local Planning Authority prior to any development being commenced above ground level. The development shall thereafter be constructed in accordance with all the approved measures and a verification report shall be prepared by a suitably qualified person and submitted to the Local Planning Authority to verify compliance with the Strategy prior to any dwelling being first occupied.

Reason: To ensure that the scheme provides high quality energy efficient dwellings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The Strategy is required prior to the commencement of development to ensure that the measures that are necessary to achieve energy efficiencies can be designed into the construction of the development at the earliest stages.

38. Play areas shall be constructed and completed in accordance with timescales and details of the location, design, layout and specification of play equipment to include its surfacing, seating, bins and boundary treatment which shall be previously submitted to and approved in writing by the Local Planning Authority. The approved play areas shall thereafter be available for use in accordance with the approved timescales.

Reason: To ensure satisfactory and appropriate play provision for children, to cater for the needs of the development, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

39. All mitigation measures identified in the Noise Impact Assessment (E3P report Reference: 50-154-R1-2) shall be implemented in full prior to first occupation of the associated dwellings.

Reason: To protect the amenities of future residents, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

40. Prior to the commencement of built development above ground level, details of finished floor levels for all 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 the satisfactory implementation of the proposal, having regard to the appearance of the development and its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of built development above ground level to ensure that the dwellings are constructed in accordance with the approved levels.

9. FUL/2022/0084 - 16 Elm Street, Burnley, Lancashire

Town and Country Planning Act 1990

Change of use of part of existing dwelling to form extension to existing hot food takeaway.

16 Elm Street Burnley Lancashire BB10 1AJ

Decision

That the application be approved with the following conditions.

Conditions and Reasons for 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 permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. A scheme of noise insulation between the commercial and residential premises shall be submitted to and approved in writing by the Local Planning Authority before any building work commences on the site. The insulation provided shall ensure that the noise level within the residential premises does not exceed: 35 dB LAeq, 16hour for living rooms (07:00 – 23:00); 35dB LAeq, 16hour for bedrooms (07:00 hours – 23:hours), 30dB LAeq, 8hour for bedrooms (23:00 – 07:00hours); 45dB LAmax for individual noise events in bedrooms (23:00 – 07:00).

Reason: to note result in unacceptable conditions for future users and occupiers of the development, in regard to noise, in accordance with policy SP5 of Burnley's Plan.

4. The use hereby approved shall not operate outside the hours of 11am and 11pm on any day.

Reason: In order to safeguard the residential amenity of nearby residents.

10. HOU/2021/0756 - 6 Rochester Drive, Burnley, Lancashire

Town and Country Planning Act 1990

Convert existing garage to sitting room with extension to front of 1.2m

6 Rochester Drive, Burnley

Decision

That the application be approved with the following conditions.

Conditions and Reasons for 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:

Existing and Proposed Plans, Elevations and Location Plan (excluding site plan)
Received 5th January 2022

Revised Site Plan Received 20th March 2022

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

3. The three off-road parking spaces shown on the submitted parking plan shall be made available before the extension is occupied and remain available thereafter for the parking of vehicles associated with the dwelling. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced in bound porous materials, (not loose stone or gravel), and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To achieve satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety.

11. HOU/2022/0065 - 3 Coverdale Way, Burnley, Lancashire

Town and Country Planning Act 1990

Single storey rear extension, front porch extension and roof dormer extension to existing bungalow

Decision

That the application be approved with the following conditions.

Conditions and Reasons for 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. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as details on drawings:

Location Plan: 2070-LP10	Received 17 th February 2022
Proposed Plans: 2020-PL10B	Received 17 th February 2022
Proposed Elevations: 2070-PL11B	Received 17 th February 2022

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.

12. Decisions taken under the Scheme of Delegation

Members received for information a list of decisions taken under delegation.

Going forwards members were encouraged to contact officers in advance of a meeting if they had queries on any of the decisions taken under delegation.