



# DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 13th October, 2022 at 6.30 pm

## PRESENT

## MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), S Cunliffe, A Fewings, S Graham, J Harbour, A Hosker, M Hurt, J Inckle, L Khan, N Mottershead, M Payne, A Royle and M Steel

## OFFICERS

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

### 59. Apologies

Apologies for absence were received from Councillor Birtwistle.

### 60. Minutes

The Minutes of the last meeting held on 8<sup>th</sup> September 2022 were approved as a correct record and signed by the Chair.

### 61. Declaration of Interest

Councillor Anne Kelly declared a prejudicial interest in agenda item 6c. She left the meeting for the duration of that item and took no part in the discussion or vote thereon.

Councillor Sue Graham declared a prejudicial interest in agenda item 6h. At the start of the item she addressed the committee as a member of the public, as permitted under the Code of Conduct for Members, then left the meeting for the remainder of that item.

## **62. List of Deposited Plans and Applications**

The following members of the public attended the meeting and addressed the Committee under the Right to Speak Policy:

David Pounder - FUL/2021/0274 - Land West of Smithyfield Avenue, Burnley, Brownside  
Mike Hughes - FUL/2021/0274 - Land West of Smithyfield Avenue, Burnley, Brownside  
Warren Simpson - COU/2022/0420 – The Rookery, Pasturegate, Burnley  
Claire Bradley - COU/2022/0420 – The Rookery, Pasturegate, Burnley  
Councillor Cosima Towneley – FUL/2022/0252 - Stiperden House Farm, Kebbs Road, Todmorden  
Jacqui Pilka – FUL/2022/0252 - Stiperden House Farm, Kebbs Road, Todmorden  
Councillor Sue Graham – FUL/2022/0385 – 92 Marsden Road, Burnley  
Ian Wolstencroft – HOU/2022/0474 - 41 Lower Mead Drive, Burnley

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

## **63. FUL/2021/0274 - Land West of Smithyfield Avenue, Burnley, Brownside**

Town and Country Planning Act 1990

Erection of 38 no. age-restricted specialist bungalows for older people with associated landscaping, car parking and access from Riddings Avenue and Townfield Avenue

LAND WEST OF SMITHYFIELD AVENUE BURNLEY

### **Decision**

That authority be delegated to the Head of Housing and Development Control to approve the application subject to the applicant entering into Legal Agreements to restrict the occupancy, secure contributions to public open space and to provide affordable housing.

### **Conditions and Reasons:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 plans are as follows:

- HT-AB-01 (Proposed House Type A Floor Plan and Elevations) received 22.09.22
- HT-AR-01 (Proposed House Type A Floor Plan and Elevations) received 22.09.22
- HT-BB-01 (Proposed House Type B Floor Plan and Elevations) received 22.09.22
- HT-BR-01 (Proposed House Type B Floor Plan and Elevations) received 22.09.22
- HT-CB-01 (Proposed House Type C Floor Plan and Elevations) received 22.09.22
- HT-CR-01 (Proposed House Type C Floor Plan and Elevations) received 22.09.22
- HT-SG-01 (Proposed Single Garage Floor Plan and Elevations) received 22.09.22

- 21-01-SS01 C (Indicative Street Scenes and Sections) received 15.09.22
- 21-01-PO8 G (Proposed Site Layout Affordable Housing) received 16.08.22
- 21-01-PO7 G (Proposed Site Layout Photovoltaic Locations) received 16.08.22
- 21-01-PO6 D (Proposed Site Layout Public Open Space) received 16.08.22
- 21-01-PO5 G (Proposed Streetscenes/Cross Sections) received 16.08.22
- 21-01-PO4 G (Proposed Site Layout Refuse Management) received 16.08.22
- 21-01-PO3 G (Proposed Site Layout Materials at 1:500 Scale) received 16.08.22
- 21-01-PO2 G (Proposed Site Layout Boundary Treatments) received 16.08.22
- 21-01-PO1 G (Proposed Site Layout General Arrangements) received 16.08.22
- 20008/04/1 (Flood Exceedance Plan) received 02.08.22
- 6515.03 E (Landscape Proposal Sheet 3 of 3) received 12.04.22
- 6515.04 E (Landscape Proposal Sheet 2 of 3) received 12.04.22
- 6515.05 E (Landscape Proposal Sheet 1 of 3) received 12.04.22
- 6515.06 (Landscape Proposal Full Site Plan) received 03.10.22
- 6515.01 (Tree Survey and Root Protection Areas) received 10.06.21
- 20008/05/1 (Overland Flow Catchment Plan) received 28.09.22
- 20008/02/1 C (Drainage Feasibility) received 10.05.21

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

3. Prior to the commencement of development, details and representative samples of the external materials (stone, render and grey tiles) 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. All planting, seeding or turfing comprised in the approved landscaping scheme (Drawing No. 6515.06) 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 are carried out at the appropriate stage of the development; and 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).

5. The boundary treatment indicated on the approved plans (drawing number 21-01-P02 REV G) shall be carried out and completed prior to the completion of the development or the occupation of the first dwelling (whichever is the sooner). 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).

6. 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.

7. Prior to the commencement of development, a Construction Environment Management (CEMP) shall be submitted to and approved in writing by the Local Planning Authority which shall include a method statement including working practices to be adopted during clearance and excavation works to ensure no harm comes to species such as hedgehogs and badgers on the site. The CEMP shall also set out, as a minimum, site specific measures to control and monitor impacts on the immediate and wider environment with particular regard to Rowley Lake and Brun Valley Forest Park in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: In the interests of minimising potential adverse impact on the environment and safeguarding wildlife 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.

8. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted LEMP shall provide details for the following:- a) description and evaluation of the features to be managed; b) ecological features and constraints that may influence management; c) aims and objectives of management; d) appropriate management options and prescriptions for management actions; e) a work schedule (including an annual work plan capable of being rolled forward over a five year period); f) details of the body or organisation responsible for implementation of the plan; and, g) on-going monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management company or body responsible for its delivery. The Plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented. The approved LEMP shall thereafter be carried out and adhered to at all times in perpetuity.

Reason: To ensure that the 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).

9. 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.

10. 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).

11. 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 for controlling the use of site lighting whether required for safe working or for security purposes
  - 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
  - Procedures for maintaining good public relations including complaint management, public consultation and liaison.All residents that could be affected by construction impacts should be consulted prior to submission of the CMP setting out the likely construction impacts and how they will be addressed and mitigated; communication should also continue during the works with neighbours being regularly updated on any major programmed works and changes due to unforeseen circumstances. 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, and to minimise the risks of adverse impacts on factors such as air, land quality and noise and land pollution 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.

12. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including deliveries to and removal of plant, equipment, machinery and waste from the site must only be carried out only between 08:00 hours and 18:00 hours on Mondays to Fridays and between 08:00 hours and 13:00 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 manage traffic and protect the amenities of local residents in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

13. 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).

14. The approved new estate road shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any dwelling is occupied on 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).

15. No part of the development hereby approved shall commence until a scheme for all highway works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority as part of a Section 278 Agreement, under the Highways Act 1980. The scheme shall include new vehicle accesses and upgrading of both bus stops located on Brownside Road to the North East of the junction with Townfield Avenue to full EA compliant status. Thereafter the highway works shall be constructed and completed in accordance with the agreed scheme prior to first occupation of the development hereby permitted.

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).

16. No development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be constructed in accordance with the approved details and maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highway's infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality 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.

17. No dwelling shall be first occupied unless and until all its associated car parking has been constructed, drained, surfaced (in black bitumen macadem or other approved bound material) and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

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

18. 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).

19. 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) 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).

20. 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).

21. Due to the potential for noise being generated during the construction phase of the development, a Noise Assessment shall be submitted for written approval to the Local Planning Authority which details the levels of noise likely to be generated from the proposed development and use of plant on the site. This assessment shall be used to identify and determine appropriate noise mitigation measures (such as soundproofing) required to protect the amenity of adjacent noise sensitive properties and shall include hours of working. The approved noise mitigation measures shall be implemented prior to the start of the proposed use and retained throughout the period of construction.

Reason: To demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts in accordance with Policy NE5 of Burnley's Plan.

22. The development hereby permitted shall be carried out in accordance with the principles set out within the flood risk and drainage impact assessment (Report No: 20129, Date: 25/03/2021) The measures shall be fully implemented prior to first occupation of any dwelling (of each phase) and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory drainage facilities in accordance with Policy CC5 of Burnley's Local Plan (July 2018).

23. The development hereby permitted shall not be commenced until a detailed, final surface water sustainable drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based upon the sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The details shall include, as a minimum:

a) An investigation of the hierarchy of drainage options in the NPPG (or any subsequent amendment thereof) including evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

b) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.

c) Final sustainable drainage plans appropriately labelled to include, as a minimum:

i). Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary; ii). Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels; iii). Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate; iv). Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems; v). Finished Floor Levels in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL; vi). Details of proposals to collect and mitigate surface water runoff from the development boundary; and vii). Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components.

The development shall thereafter be carried out in strict accordance with the approved final surface water sustainable drainage strategy and maintained thereafter for the lifetime of the development.

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.

24. The development hereby permitted shall not be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

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).



25. 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. Those details shall include for each phase, as a minimum: a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA. b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance. 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.

26. 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 drainage scheme must include levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; and incorporate mitigation measures to manage the risk of sewer surcharge where applicable. 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.

27. 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 to all 38 dwellings. None of the 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).

28. The development shall be constructed to achieve a betterment on energy efficiency standards (compared to current Building Regulation requirements) as set out in the submitted Energy Efficiency Statement (dated September 2021). A verification report shall be prepared by a suitably qualified person and submitted to the Local Planning Authority to verify compliance 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).

29. Prior to the commencement of built development above ground level, details of the management, responsibilities and maintenance schedules for all areas of open space within the site excluding private gardens, to cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent changes to the management details shall be submitted to the Local Planning Authority prior to the change taking place.

Reason: To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

The details are required prior to the commencement of the built development above ground level in order that proper arrangements can be secured at the earliest opportunity for the maintenance of the open space which is for the lifetime of the development.

30. No development shall be commenced until a Dust Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall 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. The identified measures shall be implemented and maintained at all times. Should any equipment used to control dust fail, all handling of materials shall cease immediately until the dust control equipment has been repaired or replaced.

Reason: To minimise the risk of pollution to occupiers of nearby buildings, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

#### **64. COU/2022/0420 - The Rookery, Pasturegate, Burnley**

Town and Country Planning Act 1990

Change of use from C3 dwelling house to a residential training centre (Use Class C).

The Rookery, Pasturegate, Burnley.

#### **Decision:**

That the application be deferred to allow clarification to be sought from the applicant about where the cooking of hog roasts is intended to take place.

#### **65. FUL/2022/0412 - Land at Walverden Road, Walverden Road, Briercliffe**

Full Application

Erection of detached dwelling

LAND AT WALVERDEN ROAD, WALVERDEN ROAD, BRIERCLIFFE

#### **Decision**

That the application be approved subject to the following conditions:

#### **Conditions and reasons:**

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the approved plans listed below.

Application form received 4<sup>th</sup> July 2022

Location Plan STO/01/DWGB

Proposed Plans and Elevations STO/01/DWG 03B

Proposed Site Plan STO/01/DWG04  
Existing site plan STO/01/DWG01  
Design and Access Statement

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

3. All bin and recycling facilities shall be stored at the rear of the property and shall only be brought to the roadside on bin collection days.

Reason: In the interest of visual amenity of the area in accordance with Policy SP5 of the Burnley Local Plan and the provision of the National Planning Policy Framework.

4. Prior to their use in the development, details for the external materials to be used in the development (walls, roof, windows, doors and water goods), shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed from the approved materials and retained thereafter.

Reason: To ensure that the development will be of a satisfactory appearance and to comply with Policy SP5 of Burnley's Local Plan and the provision of the National Planning Policy Framework.

5. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Routing of delivery vehicles to/from site

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan and the provision of the National Planning Policy Framework.

6. Prior to occupation, full details of the boundary treatment to the development including dimensions and materials shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be carried out prior to the first occupation of the dwelling and retained for the duration of the development.

Reason: In order to ensure that boundary treatment does not have a detrimental impact on the long-term appearance of the site and harmonises with its surroundings in accordance with Policy SP5 of the adopted Local Plan and the provision of the National Planning Policy Framework.

<b>66. FUL/2022/0374 - Marvtech, Alpha House, North Street</b>
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Full Application

Proposed single storey building comprising of office and workshop

MARVTECH, ALPHA HOUSE, NORTH STREET, HAPTON

## Decision

That the application be approved subject to the following conditions:

### Conditions and reasons

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the approved plans listed below.

Application forms received 21<sup>st</sup> June 2022  
Existing plans and elevations 001  
Proposed Plans 002A

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

3. No windows shall be inserted in the southern elevation of the approved building.

Reason: In the interest of residential amenity in accordance with Policy AP5 of Burnley Local Plan and the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority.

- a) A preliminary Risk Assessment which has identified:
  - All previous (historical) uses
  - Potential contaminants associated with those uses
  - A conceptual model of the site including sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination on the site
- b) A Site investigation Scheme, based on (a) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
- c) Based on the Site investigation scheme and the detailed risk assessment (b), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in © are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note any changes to these components, (a) to (d) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority).

A Verification Report demonstrating completion of the works set out in the approved remediation strategy and effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling any monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance, and arrangements of contingency action, as identified in the Verification Report, and for the reporting of this in writing to the Local Planning Authority.

Reason: In with Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

5. 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:

- 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 because 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.
- Delivery, demolition, 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: In the interests of the safe operation of the adopted highway during the demolition and construction phases in accordance with policies NE5 and IC1 of the Burnley Local Plan and the provisions of the National Planning policy Framework.

6. Deliveries to the approved development shall only be accepted between the hours of 9am and 3pm Monday to Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

7. No building or use hereby permitted shall be occupied or the use commenced until the parking area has been marked out in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The 3 parking area shall thereafter be kept free of obstruction and available for the parking vehicles at all times.

Reason: To allow for the effective use of the parking areas in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

8. The development hereby permitted shall be designed so that the ratings levels for cumulative noise from external plant and from any equipment shall not exceed the existing background noise level (LA90) at the external façade of the nearest noise sensitive premises, as assessed in accordance with British Standard 4142(2014) or any subsequent replacement national standards. Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority.

Reason: In the interest of residential amenity in accordance with Policy NE5 of Burnley Local Plan and the National Planning Policy Framework.

Informative: Developer is directed to consider the advice given from United Utilities in relation to drainage as set out in their consultation response available to view on the Council's website.

#### **67. FUL/2022/0252 - Stiperden House Farm, Kebbs Road, Todmorden**

Full Application for provision of four glamping units each for up to six people including hot tub, secure bike storage, electric vehicle charging point, a recycling/waste area, parking bay, associated landscaping and water treatment plant.

Stiperden House Farm, Kebbs Road, Todmorden.

#### **Decision**

The application be approved subject to the following conditions.

#### **Conditions and reasons**

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans listed below.

220121-01-00 Rev A Aerial View A2  
220121-01-01 Rev B Location Plan A2  
220121-01-03 Rev A Site Photographs A2  
220121-01-04 Rev A Drainage Plan A1  
220121-01-05 Pod Elevations A2  
220121-01-06 Rev A Road and Access A1  
220121-01-07 Rev A Visibility Plan A1  
220121-01-08 Rev A Lighting Plan A1  
220121-01-09 Rev A Artist Impressions A1  
220121-01-10 Visibility Splay A1  
220121 – Rev B Design and Access Statement  
220121 – Rev A – Market Research

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

3. The glamping pods hereby approved shall be used for short term holiday let accommodation only. The accommodation shall not be occupied by any one person or group for a period exceeding six weeks in any one calendar year, unless prior approved in writing by the local planning authority. The owner shall maintain a register of occupants for each calendar year which will be made available for inspection on request by the Local Planning Authority.

Reason: To define the planning permission and in order to protect the amenities of local residents in accordance with provision of the Burnley Local Plan.

4. Prior to the commencement of development details of levels shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and retained as such thereafter.

Reason: In the interest of visual amenity and the landscape character in accordance with the provisions of Policy NE3 of the Burnley Local plan and the National Planning Policy Framework.

5. Prior to the commencement of development scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. The submitted scheme shall include, but is not limited to, the following: -
- Proposed new access
  - Repositioning of street signage
  - Closure of redundant access onto Kebbs Road

Reasons: To ensure traffic and highway safety in accordance with the provisions of Policy IC1 and IC2 of the Burnley Local Plan and the National Planning Policy Framework.

6. Prior to the first use of the development hereby approved, visibility splays 2.4 metres back from the centre line of the new access and extending 203 metres to the West and 114 metres to the North on the nearside carriageway edge have been provided at the junction, as shown on the approved plans within the submitted Technical Note dated 15/09/2022. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reasons: To ensure traffic and highway safety in accordance with the provisions of Policy IC1 and IC2 of the Burnley Local Plan and the National Planning Policy Framework.

7. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 10m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority. Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.

Reasons: To ensure traffic and highway safety in accordance with the provisions of Policy IC1 and IC2 of the Burnley Local Plan and the National Planning Policy Framework.

8. Notwithstanding the approved plans, the access road within the site shall be constructed with grass reinforcement mesh and seeded with grass seed prior to the first use of the development hereby approved.

Reason: In the interest of visual amenity and the landscape character in accordance with the provisions of Policy NE3 of the Burnley Local plan and the National Planning Policy Framework.

9. Prior to their use in the development, full details of materials to be used for the following shall be submitted to and approved in writing by the local planning authority. The development shall then be completed in accordance with the agreed details. These details shall include, but not be limited to the following:

- Boundary treatment
- Screening
- Decking and hot tub areas
- Road surfacing (grass reinforcement mesh, or similar)
- Recycling centre
- Cycle storage
- Parking area surfacing.

Reason: In the interest of visual amenity and the impact on landscape character in accordance with the provisions of Policy SP5, EMP5 and NE3 and the provisions of the National Planning Policy Framework.



10. Prior to the commencement of development, a landscaping scheme (including maintenance and management) detailing all planting on the site shall be submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall then be implemented no later than the first planting season following the first use of the development hereby approved. Should any trees, hedgerows and / or associated planting be damaged, die or be removed it shall be replaced in the following planting season in accordance with the approved scheme.

Reason: In the interest of visual amenity and the impact on landscape character in accordance with the provisions of Policy SP5, EMP5 and NE3 and the provisions of the National Planning Policy Framework.

11. Prior to the installation of any external lighting on the development, details shall first be submitted to and approved in writing by the local planning authority (including levels and direction of illumination). The lighting shall then be installed in accordance with be approved scheme and retained as such.

Reason: In the interest of the protection of biodiversity on the site in accordance with the provisions of NE1 of the Burnley Local Plan and the National Planning Policy Framework.

12. Prior to the commencement of development, a Phase 1 Ecology report (completed by a qualified, competent person) shall be submitted to and approved in writing by the local planning authority. This report shall provide details of any mitigation which shall be provided to ensure a net gain in biodiversity is achieved on the site.

Reason: In the interest of improving biodiversity on the site in accordance with Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

13. The Electric vehicle charging points as detailed on the approved plans shall be installed and available for use prior to the first use of the development hereby approved. They shall thereafter be retained as such for the duration of the development

Reason: In the interest of promoting sustainable travel in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

#### Informative Note

- The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk), in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.
- Please be aware that the demand to enter into section 278 agreements with

Lancashire County Council as the Highway Authority is extremely high. Enquiries are being dealt with on a first come first served basis. As such all developers are advised to seek to enter into Section 278 agreements at a very early stage.

**68. COU/2022/0495 - 268 Todmorden Road, Burnley, Lancashire**

Town and Country Planning Act 1990

Application to change the use of a dwelling (C3a) to a children's home for a maximum of four children, with two carers sleeping overnight, working on a rota basis (C2).

268 Todmorden Road Burnley Lancashire BB11 3EB

**Decision**

That the application be approved subject to the following conditions.

**Conditions and 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. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans; location plan, existing floor plans, block plan received 15/8/22 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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the approved use shall operate for up to four children only and not for any other use falling within Class C2.

Reason: To ensure the satisfactory implementation of the proposal and in order that any changes within the same use class can be reviewed in terms of the need for car parking and potential impacts on neighbouring properties, in accordance with Policies IC3 and SP5 of Burnley's Local Plan (July 2018).

4. The development hereby permitted shall not be occupied until an electric vehicle charging point has been installed to serve the development and shall thereafter be maintained

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

**69. FUL/2022/0353 - Land off Claremont Street, Burnley, Lancashire**

Town and Country Planning Act 1990

Erection of 7no. new dwellings

Land Off Claremont Street Burnley, Lancashire, BB12 0HG.

## Decision

That the application be approved subject to the following conditions.

## Conditions and reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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: location plan 001, proposed plans and elevations 026 Rev Cn and 027, site section 024 Rev A and proposed block plan 025 C unless otherwise agreed in writing by the local planning authority.

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

3. All materials to be used in the approved scheme shall be as stated on the approved drawings received and shall not be varied without the prior written approval of the Local Planning authority.

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018.

## Highways

4. 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.
- 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.
- Delivery, demolition 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:  
- In the interests of the safe operation of the adopted highway during the demolition and construction phases.

Note: Construction Management Plan.

- There must be no storage of materials in the public highway at any time.
- There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.
- A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk).

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan (July 2018)

5. The surface water from the approved driveway/hardstanding/car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

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

6. No dwelling shall be occupied until the car parking area has been surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking area shall thereafter be kept free of obstruction and available for the parking cars at all times.

Reason: To allow for the effective use of the parking areas.

7. No dwelling shall be occupied until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility.

8. The development hereby permitted shall not be occupied until an electric vehicle charging point has been installed, 1 per property and shall thereafter be maintained

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

## **Environmental Health**

9. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on

Sundays and Bank Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

There shall be no burning of construction-derived waste or other materials within the curtilage of the premises.

Reason: to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users in accordance with Policy SP5 of Burnley's Local Plan.

10 Prior to commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with policy NE5 of Burnley's adopted Local Plan.

## **Drainage**

11. Prior to the commencement of development the applicant shall submit a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover

and invert levels). The applicant should note that it may be necessary to raise finished floor and ground levels and / or include mitigation measures to manage the risk of sewer surcharge.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's Local Plan

12. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's Local Plan

## Notes

### *Informative Note:*

• *This consent requires the construction of a vehicle access to the public highway. Under the Highways Act 1980 Section 171 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority at [highways@lancashire.gov.uk](mailto:highways@lancashire.gov.uk) to ascertain the details of such an agreement. More information can be found on Lancashire County Council's website at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>*

### **Coal Authority standing advice**

## **70. Duration of Meeting**

In accordance with Council Procedure Rule 8 members considered a motion for the meeting to continue beyond three hours to allow the remaining items of business to be concluded and it was RESOLVED accordingly.

**71. FUL/2022/0385 - 92 Marsden Road, Burnley, Lancashire**

Town and Country Planning Act 1990  
Erection of garden room with balcony over, construction of steps and hardsurfacing  
(Regularisation of work already started)  
92 Marsden Road, Burnley, Lancashire BB10 2BL

**Decision**

That the application be approved subject to the following conditions.

**Conditions and 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 approved plans listed below:

Drawing No. LW/001/01 – proposed layout, received 18.07.2022.

Drawing No. LW/002/01 – proposed elevations, received 18.07.2022.

Drawing No. LW/003/01 – pre-commencement works, received 18.07.2022.

Drawing No. LW/005/01 – pre-commencement layout/block plan, received 18.07.2022.

Drawing No. LW/006/01 – proposed site plan, received 18.07.2022.

Location Plan received 25.06.2022.

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

3. Notwithstanding details shown on the approved plans, within 6 months of the date of the decision, details of surface drainage from the building roof and areas of hardstanding shall have been submitted to and approved by the Local Planning Authority and the approved scheme implemented. The scheme so approved shall be retained thereafter for the lifetime of the development.

Reason: To ensure that the development is drained effectively in a manner that will not increase the likelihood of surface water flooding, in accordance with Local Plan Policy CC5.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no door, window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed in the extension without Planning Permission obtained from the Local Planning Authority.

Reason: To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.

5. Notwithstanding details shown on the approved plans, windows in the elevation facing south shall be obscure glazed and so retained, to the satisfaction of the Local Planning Authority.

Reason: To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.

6. Notwithstanding details shown on the approved plans, the roof of the building so approved shall not be used for any purpose other than as a roof. At no time shall it be used as a platform for seating, standing or other form of recreation, nor shall items other than those necessary for it to function as a roof be placed upon it.

Reason: To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.

7. Notwithstanding details shown on the approved plans, the screening feature shown on the top of the proposed building shall be erected within six months of substantial completion, and in any event prior to first use of the building. This feature shall be retained thereafter.

Reason: To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.

<b>72. COU/2022/0497 - 3 Woodplumpton Road, Habergham Eaves, Burnley</b>
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Town and Country Planning Act 1990

Change of use of open land to garden

Land off 3 Woodplumpton Road, Burnley, BB11 2QT

**Decision**

That the application be approved subject to the following conditions.

**Conditions and reasons**



1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
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 the following drawing:

Location Plan submitted 24.08.2022

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Schedule 2, Part 1, Class E other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
4. Notwithstanding details shown within the approved application, no works shall be undertaken to trees either on the site or adjacent and overhanging it without the prior written consent of the Local Planning Authority (LPA). Likewise no works shall be undertaken that may compromise the health of trees both on the site and adjacent to it without the prior written consent of the LPA. Any trees removed shall be replaced with others of a size, species, planting and aftercare specification to be agreed in writing by the LPA.

#### **Reasons:**

1. 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. For the avoidance of doubt and to clarify which plans are relevant to the consent.
3. To enable the Local Planning Authority to control the development and to safeguard the character and visual amenity of the area.
4. For the protection of trees in the interests of the amenity of the local area.

<b>73. FUL/2022/0486 - 328 Rossendale Road, Habergham Eaves, Burnley</b>
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Town and Country Planning Act 1990

Construction of a dropped kerb from the footpath onto Rossendale Road  
328 Rossendale Road, Burnley, Lancashire BB11 5JF

#### **Decision**

That the application be approved subject to the following conditions.

#### **Conditions and reasons**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the following submitted Drawings:

Drawing No. A22/10/01A – location plan, received 12.08.2022  
Drawing No. A22/10/02A – location plan II, received 12.08.2022  
Drawing No. A22/10/03 – existing and proposed details, received 12.08.2022

3. Before the parking area is used for vehicular purposes, it shall be surfaced in a solid yet porous material and so retained.
4. 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 onto the adopted highway.

#### **Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure continued compliance with the Development Plan.
3. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.
4. To ensure the adopted highway is not obstructed or becomes hazardous to other road users, in the interests of highway safety.

#### **74. HOU/2022/0474 - 41 Lower Mead Drive, Burnley**

Town and Country Planning Act 1990

Proposed single storey side extension and new conservatory to the rear.

41 Lower Mead Drive, Burnley, Lancashire, BB12 0ED.

#### **Decision**

That the application be approved subject to the following conditions.

#### **Conditions and reasons**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the following submitted Drawing:  
  
Drawing No. SK 01 – location, existing and proposed plan, received 08.08.2022.
3. Notwithstanding details shown within the submitted planning application, the extension shall be faced and roofed with materials to match those of the host dwelling, and so retained.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no door, window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed in the extension without Planning Permission obtained from the Local Planning Authority.
5. Notwithstanding any details shown on the approved plans. There shall be no windows inserted in the front or side elevations of the extension hereby approved without Planning Permission having first been granted by the Local Planning Authority.

#### **Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure continued compliance with the Development Plan.
3. In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy SP5 of the Local Plan, and the NPPF.
4. To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.
5. For the avoidance of doubt and to clarify the scope of the consent.

#### **Notes:**

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

#### **75. TPO/2022/0492 - St Peter's Church, Church Street, Burnley**

Town and Country Planning Act 1990

Work to the following trees covered by TPO B135(J) St. Peters, Church Street 1991:  
T1 Horse Chestnut, T2 Horse Chestnut, T3 Lime, T4 Horse Chestnut, T5 Horse Chestnut, T6 Horse Chestnut, T10 Horse Chestnut, T11 Sycamore, and T8 and T9 Ash (remove & replace). St Peters Church, Church Street, Burnley

#### **Decision**

That the application be approved subject to the following conditions.

#### **Conditions and reasons**

1. The tree work must be completed within 2 years from the date of this permission.

Reason: Pursuant to Regulation 17 (4) of the Town and County Planning (Tree Preservation) (England) Regulations 2012.

2. The tree work is restricted to the felling of two trees T8 and T9 (Ash trees), and the pruning of eight trees T1, T2, T3, T4, T5, T6, T10, T11 (six Horse Chestnut trees, one Lime tree and one Sycamore tree) as detailed within the submitted application.

Reason: In order to keep control of tree work in the interests of the amenity of the area.

3. Details of the proposed position, size, and species of two replacement trees shall be submitted to the Local Planning Authority within 28 days from the date of this decision for prior written approval. The planting of the replacement trees shall be carried out within the next planting season following the felling of the trees and shall thereafter be maintained in accordance with good horticultural practice and be replaced within 3 months if they die. The replacement trees will be protected by the existing Tree Preservation Order. Confirmation of the date the replacement trees are planted shall be sent to the Local Planning Authority.

Reason: In order to maintain a continuation of tree cover in the area.

4. The tree work must be carried out to British Standards.

Reason: In order that the work is completed to a suitable standard.

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

Members received for information a list of decision taken under delegation for the period 26<sup>th</sup> August 2022 to 28<sup>th</sup> September 2022.

## **77. Planning Performance - Quality of Decision making on Major Applications**

Members noted for information a report on the current performance on the quality of major planning decision making as recorded and published by the Department for Levelling Up, Housing and Communities. A training session for members of the committee had been held earlier in the month and a further session would be arranged shortly for the benefit of those who had been unable to attend the first.

## **78. Appeal Decisions**

Members received for information two Appeal Decisions made by The Planning Inspectorate.