



# DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Wednesday, 18th January, 2023 at 6.30 pm

## PRESENT

## MEMBERS

Councillors A Kelly (Chair), G Birtwistle, S Cunliffe, S Graham, J Harbour, B Horrocks, A Hosker, M Hurt, J Inckle, S Kazmi, L Khan and M Steel

## OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Laura Golledge	– Planning Manager
Janet Filbin	– Principal Planner
Elizabeth Hindle	– Principal Planner
Sajada Khan	– Locum Regulatory Solicitor
Carol Eddleston	– Democracy Officer

### 96. Apologies

Apologies for absence were received from Councillors Chaudhary, Mottershead and Royle.

### 97. Minutes

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

### 98. Declaration of Interest

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

### 99. 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:

Claire Bradley	FUL/2022/0149 - Hollins Cross Farm, Woodplumpton Road, Burnley
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Jonathan Ainley	FUL/2022/0149 - Hollins Cross Farm, Woodplumpton Road, Burnley
Lee Greenwood	FUL/2022/0259 - Land off Rossendale Road, Burnley
Lee Greenwood	FUL/2022/0277 - Land at Southern Court, Burnley
Cllr Don Whitaker	FUL/2022/0277 - Land at Southern Court, Burnley
Peter Hitchin	FUL/2022/0059 – Former Padiham County Primary School Site, Burnley Road

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

**100. FUL/2022/0149 - Hollins Cross Farm, Woodplumpton Road, Burnley**

Town and Country Planning Act 1990

Full planning application for the erection of 200 no dwellings and associated works

Hollins Cross Farm, Woodplumpton Road, Burnley

A motion to delegate to the Head of Housing and Development Control to approve the application subject to the conditions set out in the report and the update report, the s106 agreement to secure the matters noted at the end of the report and no objection being received from the Lead Local Flood Authority following the consideration of the late submission, was moved and seconded. On being put to the vote the motion was declared to be lost.

A motion was then moved and seconded to defer the item in light of the late submission which not all members of the committee had seen or had had a chance to consider.

**DECISION**

That the item be deferred to allow time for all parties to be provided with a copy of the late submission and for the subsequent response from the Lead Local Flood Authority to be included in the report for consideration by the committee.

**101. FUL/2022/0259 - Land off Rossendale Road, Burnley**

Town and Country Planning Act 1990

Full application for proposed Class E(g) and B2 units (20), including access, service yard and parking

Land off Rossendale Road, Burnley

## **DECISION**

That the application be delegated to the Head of Housing and Development Control to approve subject to a Unilateral Undertaking under s106 of the Town and Country Planning Act and 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 10/5/22  
Site Plan 19.101.003AN  
Location Plan 19.101.004E  
Site Sections 191.101.005 C  
Key Plans 19.101.01.001 F, 19.101.02 001 G, 19.101.04.001D  
Planting Plan 019.001 V5  
Bin details 19.101.008A  
Drainage details 210SS DR C 0102 )4  
BREEAM and HQM Ecology Assessment Issues June 202 (and additional content)  
Construction and Environmental Management Plan  
BREEAM Plan 03.05.2022  
BREEAM Open Assessment Report Rev 1.2  
Cycle shelter and stand specification sheets 10/5  
Drainage calculations 10/5  
Breeding Bird Assessment Report BOW 17.1085  
Ecological Appraisal V1  
Coal Mining Risk Assessment  
Flood Risk Assessment and Drainage Management Scheme (16th May 2022, Ref. HYD457\_ROSENDALE.ROAD\_FRA&DMS, Betts Hydro)  
Planning Statement  
Travel Plan and Transport Assessment  
Ground Risk Assessment

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

Use of the development

3. The office use incorporated within the scheme shall remain ancillary to the main Class E (g) and B2 uses of the development hereby approved.

Reason: To ensure adequate parking is provided in accordance with Policy IC3 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

## Contamination

4. At a stage in development to be agreed in writing with the Local Planning Authority prior to commencement of development, 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.

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 protect the amenity of local residents in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

## Highways

5. The mobility parking detailed on the approved Site Plan, shall be available for use for the duration of the development.

Reason: In the interest of traffic and highway safety in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

6. The access between the site and Rossendale 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 development takes place

within the site. The access shall then be constructed in full in accordance with the S278 Agreement with the Highway Authority prior to the first use of the development hereby approved.

Reason: In the interest of traffic and highway safety in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

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

Reason: In the interest of traffic and highway safety in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

#### Drainage

8. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

a) Sustainable drainage calculations for peak flow control and volume control for the:

- i. 100% (1 in 1-year) annual exceedance probability event;
- ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
- iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

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

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent

pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) 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 BRE 365.

d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.

e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and Policy CC5 of the adopted Burnley Local Plan.

9. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

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 plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework and the provisions of Policy CC4 of the Burnley Local Plan.

10. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual 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 in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

a) A timetable for its implementation;

b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;

c) Pro-forma to allow the recording of each inspection and maintenance activity,

- as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
  - e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
  - f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
  - g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework and the provisions of Policy CC4 of the Burnley Local Plan.

11. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework and the provisions of Policy CC4 of the Burnley 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 CC4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

## Noise

13. All external plant and machinery at the development hereby permitted shall be designed so that the rating levels for cumulative noise shall not exceed the existing background noise level (LA90) when measured as an LAeq,15min in any one third octave band 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 may be used subject to the prior written approval of the Local Planning Authority.

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.

14. Prior to first use of the development hereby approved, a noise assessment should be submitted to and approved in writing by the Local Planning Authority which details the levels of internal noise likely to be generated from the proposed use of the site (or a singular unit if not all are to be occupied immediately) and any necessary noise mitigation measures required to protect the amenity of adjacent noise sensitive properties. The Noise Impact Assessment shall demonstrate that the following standards are met at near-by noise sensitive premises (with the assessment to be representative of the most noise-sensitive hours):

- 50-55 dB LAeq 16 hours for gardens/outdoor living areas (eg. Balconies) daytime
- 35 dB LAeq, 16hour for living rooms (07.00 hours - 23.00 hours);
- 35 dB LAeq, 16hour for bedrooms (07.00 hours – 23.00 hours
- 30 dB LAeq, 8hour for bedrooms (23.00 hours – 07.00 hours);
- 45dB LAmax for individual noise events in bedrooms (23.00 hours – 07.00 hours).

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.

## Illumination



15. Prior to its installation, full details of the method of illumination of the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority and the lighting shall only be implemented wholly in accordance with the approved details.

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.

16. Bin stores detailed on 19.010.008A and the approved Site Layout shall be installed prior to the first use of the development hereby approved and retained for the duration of the development.

Reason: In the interest of securing a good quality finish to the development in accordance with the provisions of Policy SP5 of the Burnley Local Plan.

#### Coal – land stability

17. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and mitigation measures necessary (identified within the Phase 2 Coal Mining Risk Assessment, February 2022; and Report (18192-PWAG-00-XX-LTR-G-2000-P02, 21 October 2022) prepared by PWA Geo-Environmental Ltd (Consulting Geo-Environmental Engineers) to address the risks posed by past coal mining activity.

The remedial and mitigation works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the risk of instability on the site have been adequately mitigated against, in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

#### Tree protection

18. Prior to the commencement of development tree protection measures during construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interest of tree protection in accordance with Policy NE4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

#### Biodiversity

19. landscape and environmental management plan to be added and any further GMEU conditions

#### BREEAM

20. The development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the

build has achieved a minimum rating of at least 'Very Good' has been submitted to and approved in writing by the Local planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Policy SP5 of the Burnley Local Plan.

#### Landscaping

21. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme (GAV 019 001 V5) prior to the first occupation of the development hereby approved. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the first occupation of the development, or the completion of the development, whichever is sooner. A seating area shall be provided adjacent to the SUDS (in accordance with detail prior submitted to and approved in writing by the Local Planning Authority) prior to first occupation of the development hereby approved and shall be retained for the duration of the development.

Should any planting become diseased, uprooted, or die, a replacement of similar type and species shall be planted in the following available planting season.

Reason: In the interest of enhancement of biodiversity and to provide an overall quality development in accordance with the provisions of Policies NE1, NE3 and NE4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

22. Prior to the first occupation of the development hereby approved, a scheme and programmer shall be submitted to and approved in writing by the Local Planning Authority for the ongoing maintenance of the external areas of the site. The scheme shall then be adhered to for the duration of the development.

Reason: In the interest of enhancement of biodiversity and to provide an overall quality development in accordance with the provisions of Policies NE1, NE3 and NE4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

23. No works shall be carried out in the main bird nesting season between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably qualified ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests area present, which has been agreed in writing by the Local Planning Authority.

Reason: In the interest of the protection of birds during the development process, in accordance with the provisions of Policy NE1 of the Burnley Local Plan.

#### Informative:

1. The applicant is advised that the new site access and off-site highway works, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be

found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "278 agreement".

2. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk) or on 01772 533433.

3. The applicant/ developer is directed to comments received from Lancashire Fire and Rescue, The Coal Authority and United Utilities which are provided on the planning file available to view on the Council's website.

## **102. FUL/2022/0277 - Land at Southern Court, Burnley**

Town and Country Planning Act 1990

Erection of five detached dwellings with access from Southern Court

Land at Southern Court, Burnley

### **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 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. Details and/or 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 prior to any development being commenced. The development shall thereafter be carried out in accordance with the approved materials.

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 details are required prior to the commencement of built

development to ensure that the details are satisfactory and can be implemented at the appropriate stage of the development.

4. Prior to any site clearance or commencement of development, the following shall be submitted to and approved in writing by the Local Planning Authority:-
  - a) an Arboricultural Method Statement and Tree Protection Plan to provide details for mitigation measures and methods of construction and protective fencing in relation to the retained trees within, on, or adjacent to the boundaries of the development site which shall include the ash tree and sycamore tree at 21 Stephenson Drive; and,
  - b) a service plan to demonstrate that all service runs and drainage is routed outside of the Root Protection Areas of retained trees.

The development shall not be commenced until protective fencing to protect retained trees has been erected in accordance with the approved Tree Protection Plan and there shall be no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees. The development shall be carried out strictly in accordance with the methods of construction and protection measures in the approved Arboricultural Method Statement and Tree Protection Plan at all times for the duration of the development.

Reason: To ensure appropriate construction methods, avoidance of Root Protection Areas for service runs and tree protection measures, in order to safeguard the long term health of trees that make a significant contribution to visual amenity, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The measures and details are required prior to the commencement of development in order that the retained trees are adequately protected at all times.

5. Prior to the commencement of development, a scheme of landscaping, including details of trees and hedges to be retained and details of new tree, hedge and shrub planting and seeding together with details of species, heights and numbers on planting (to include native species) and details of their cultivation, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory scheme that provides a high standard of new and appropriate landscaping, in the interests of the visual amenities of the site and its surroundings and the biodiversity of the site, in accordance with Policies SP5, NE1 and NE4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate stage of the development.

6. All planting, seeding or turfing comprised in the approved details of landscaping as approved in accordance with Condition 5 above shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings within any 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 SP5 and NE1 of Burnley's Local Plan (July 2018).

7. Prior to the commencement of development, a scheme for the provision and implementation of Biodiversity Enhancement Measures on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out and completed prior to any dwelling being first occupied and shall be retained thereafter.

Reason: To maintain and enhance biodiversity on the site, in accordance with NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in order to ensure that it can be coordinated with the landscape related scheme for the site and be implemented at the appropriate stages of the development.

8. No development shall be commenced unless and until a scheme detailing improvements to the junction of Southern Court and Ightenhill Park Lane and resurfacing works to Southern Court has been submitted to and approved in writing by the Local Planning Authority. The approved scheme in respect of junction improvements shall be implemented and completed in its entirety prior to the commencement of any development. The approved scheme in respect of resurfacing works to Southern Court shall be carried out and completed prior to any of the approved dwellings being first occupied.

Reason: The existing junction of Southern Court and Ightenhill Park Lane has poor visibility in a southern direction and is unsuitable to cater for any additional traffic without significant improvements to its safety. The surfacing of parts of Southern Court is in a poor condition and improvements to this are necessary to cater for an increase in its usage. These improvements are necessary in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development as it is fundamental to providing satisfactory access from the start of the development.

9. No development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the maintenance of all streets, access roads and drives have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed and maintained in perpetuity 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 built development above ground level to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

10. 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 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.
- Construction vehicle routing.
- 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: 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.

11. 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).

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 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).

13. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times. The garage at Plot 5 shall remain available at all times for the parking of a car and shall not be used for any other purposes.

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).

14. Prior to the commencement of development, details of boundary treatment to all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. No unit shall thereafter be first occupied until all the approved boundary treatments to the site have been carried out and completed in full. The approved boundary treatments to the site shall be retained at all times.

Reason: To ensure appropriate treatment to the edges of the site, to ensure the satisfactory implementation of the proposal and a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required to be submitted prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate stage of the development.

15. 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. No dwelling shall be first occupied until the approved surface water and foul water schemes have been completed in accordance with the approved details and verification of this has also been submitted to and accepted in writing by the Local Planning Authority. The approved surface water and foul water drainage schemes shall thereafter be retained in perpetuity.

Reason: To promote sustainable development and ensure appropriate drainage in order to manage the risk of flooding and pollution, in accordance with Policies CC4, CC5 and NE5 of Burnley's Local Plan (July 2018). The schemes are required prior to the commencement of development to ensure that acceptable works can be

agreed before works start and can then be implemented at an appropriate stage in the development.

16. Prior to any dwelling being first occupied, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall be completed, maintained and managed at all times in accordance with the approved sustainable drainage management and maintenance plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with Policies CC4, CC5 and NE5 of Burnley's Local Plan (July 2018).

17. Electric vehicle charging points shall be installed externally at each plot prior to its first occupation and shall be retained thereafter.

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).

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

- a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the submitted GeoEnvironmental Desk Study (prepared by Earth Environmental & Geotechnical Ltd, report reference A4286/21, dated August 2021); and
- b) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

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



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

19. 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, B, C and E of Part 1 of Schedule 2 of that Order shall be carried out at of the approved dwellings 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 or alteration of the approved dwellings in respect of the privacy, outlook and amenities of existing adjacent properties, in accordance with Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

20. Prior to the commencement of development, 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 development to ensure that the dwellings are constructed in accordance with the approved levels.

21. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each dwelling shall be provided within a concealed area of the curtilage and a common refuse collection point constructed and made available for use in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The refuse and recyclable waste storage provision for each dwelling and refuse collection point shall thereafter be retained at all times.

Reason: To ensure adequate storage for refuse and recycling waste is provided away from public views and the provision of a convenient and accessible collection point to ensure that refuse and recyclable waste can be efficiently collected from the site, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

<b>103. FUL/2022/0059 - Former Padiham County Primary School Site, Burnley Road, Padiham</b>
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Town and Country Planning Act 1990

Redevelopment of former school site with residential development of 19 no. one bedroom bungalow and staff unit to provide supported living and construct new vehicular access from Victoria Road

Former Padiham County Primary School site, Burnley Road, Padiham

## **DECISION**

That the application be delegated to the Head of Housing & Development Control to approve subject to the applicant entering into a section 106 Obligation to secure a contribution to public open space improvement and to secure a Management and Maintenance Plan for the estate roads of the development and to the following 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. The approved bungalows shall be occupied only as a dwelling under Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent equivalent to that provision and any level of assisted support for occupiers of those dwellings shall be wholly incidental to the approved Class C3 use.

Reason: To ensure the satisfactory implementation of the proposal which has been assessed on the details of the proposed use of Class C3 only, a deviation from which would need to be re-assessed, in accordance with Policies HS4, SP5 and IC3 of Burnley's Local Plan (July 2018).

4. The proposed staff unit shall be used solely for the purposes of providing a rest room, office and overnight facilities for a member of staff employed to provide support for the occupiers of the Class C3 dwellings hereby permitted and shall not be used for any other purpose.

Reason: To ensure the satisfactory implementation of the proposal; the size of the unit would make it unsuitable for a dwelling and any other use would need to be re-assessed, in accordance with Policies SP5, HS4 and IC3 of Burnley's Local Plan (July 2018).

5. The approved bungalows shall be constructed as a one bedroom dwelling only as indicated on the approved plans and shall remain as such in perpetuity.

Reason: The development has been assessed on the basis of one bedroom units only and any increase in this number would be need to be re-assessed in respect of car parking provision and its likely impact on on-street parking.

6. Prior to the commencement of development, details and representative samples of the external materials of construction, which shall be natural stone and natural slate, 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 distinctive character of the local area and the setting of adjacent listed buildings, in accordance with Policies SP5 and HE2 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.

7. No development shall be commenced unless and until a method statement for the protection of the boundary wall and property at Stockbridge House against potential degradation or damage from any excavation works, construction traffic and use of plant and machinery during the process of the development. The development shall thereafter only be carried out in accordance with the approved method statement for the full duration of the development.

Reason: To ensure adequate and special measures are put in place to protect the fabric of a Grade II\* listed building which is a highly important building and due to its age is likely to be susceptible to harm from construction work at such close quarters, in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

8. No removal of vegetation, trees, shrubs, ground clearance or development shall be commenced unless and until an Arboricultural Method Statement and Tree Protection Plan to provide a detailed method, design and measures for excavation works, construction and the protection of the adjacent trees at Stockbridge House and the horse chestnut tree fronting Victoria Road, have been submitted to and approved in writing by the Local Planning Authority. The submitted Arboricultural Method Statement shall include a detailed proposal for any pruning or crown lifting to the trees adjacent to and on the site, including details of the timing for these works to take place. The development shall thereafter only be carried out in full and strict accordance with the approved Arboricultural Method Statement and Tree Protection Plan. There shall be no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees. The protection measures shall be implemented and remain in situ during building operations until the completion of the development. Any future pruning or works to overhanging branches of trees at Stockbridge House shall not exceed those previously approved and shall be in accordance with the approved Arboricultural Method Statement.

Reason: To ensure adequate protection for the long term health, vigour and appearance of trees, including some protected trees, which should be retained due to their contribution to the setting of Stockbridge House which is a Grade II\* listed building and in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy HE2, NE1 and NE4 of Burnley's Local Plan (July 2018). The Statement and Plan are required prior to the commencement of any development due to the need for the approved measures to be carried out from the start of the development in order to satisfactorily protect trees.

9. Prior to the commencement of development, a detailed scheme of landscaping which shall be in accordance with the indicative outline scheme at Appendix 1 of the submitted Tree Bat Roost Assessment, Bird Issues & Ecological Enhancement report (prepared by Pennine Ecological, dated August 2022) to include native species (noting species, plant sizes/heights on planting and proposed numbers/ densities where appropriate), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory scheme of landscaping that provides a verdant appearance to the development using suitable species for enhancing biodiversity, in accordance with Policies NE4, SP5 and NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the details are agreed early in the process in order that they can be carried out at the appropriate stage of the development.

10. All planting, seeding or turfing comprised in the approved details of landscaping (as approved by Condition 9) shall be carried out in the first planting and seeding seasons following the first occupation of any dwelling or the completion of the development, whichever is the sooner. The landscaping scheme shall thereafter be maintained and retained and any 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. In addition, all trees that form part of the approved landscaping scheme shall be retained in perpetuity and if any trees are at any time removed, die or become seriously damaged or diseased then they shall be replaced in the next planting season with species and specifications (including height on planting and precise positioning) to be agreed in writing by the Local Planning Authority.

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).

11. Prior to the first occupation of any dwelling, a landscape and open space management plan, including long term design objectives, details of the management, responsibilities and maintenance schedules for all landscaped areas and areas of open space (excluding any private gardens) to cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. The landscape and open space management plan shall be carried out and adhered to as approved in perpetuity.

Reason: To ensure that open spaces and incidental landscaped areas outside of private gardens 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).

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

Reason: To ensure that nesting birds which are protected by the Wildlife and Countryside Act 1981 are not harmed by the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). This must be carried out prior to the commencement of development in order to prevent any potential harm to breeding birds.

13. Prior to the commencement of development, a Biodiversity Enhancement Plan which shall include details of bird and bat boxes (including the location, quantum and specification) on the site, together with details of the timescales for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The measures contained within the approved Biodiversity Enhancement Plan shall thereafter be carried out as approved and retained at all times thereafter.

Reason: To ensure that the development provides opportunities for on-site biodiversity enhancement, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The Biodiversity Enhancement Plan is required prior to the commencement of development to ensure that the agreed measures can be incorporated into the construction of the development at the appropriate stages.

14. Prior to the commencement of development, a scheme for the detailed design of the proposed site access and off-site works of highway improvement to include the use of lowered kerbs and tactile paving, the re-positioning of the existing traffic calming features on Victoria Road, and removal of school keep clear markings on Burnley Road, 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 bungalow 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.

15. The proposed access junction and estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

16. No development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed and completed in accordance with the approved details.

Reason: To ensure these details are adequate to provide satisfactory access and amenity to cater for the needs of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

17. Each in-curtilage parking space shall be for the sole use of the associated dwelling and a dedicated parking space shall be identified and provided for all other dwellings and staff unit in accordance with details to be submitted to and approved by the Local Planning Authority prior to any dwelling being first occupied. All car parking spaces shall be constructed, drained, surfaced (in black bitumen macadem or other approved bound material), marked out and be available for use in accordance with the approved plans prior to the first occupation of that dwelling or staff unit. The car parking spaces associated with each bungalow and the staff unit shall thereafter be retained as approved for the purposes of car parking at all times.

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

18. Pedestrian paths and openings as indicated on the approved plans to permit members of the public to cross the site between Victoria Road and Burnley Road shall be constructed, surfaced and be available for use prior to any bungalow being first occupied. The pedestrian routes through the site shall thereafter be retained and remain open at all times for use by members of the public in perpetuity.

Reason: To ensure the site is well connected and integrated into its surroundings, to enhance accessibility for pedestrians, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

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

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

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

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.

20. At weekdays, Monday to Friday inclusive, the applicant or developer shall only permit delivery vehicles to arrive at or enter or exit the site between the hours of 9.30am and 2.30pm.

Reason: To avoid peak traffic on the surrounding highway network, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

21. 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).

22. 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).

23. A scheme for the provision of electric vehicle charging points within the development shall be submitted to and approved in writing prior to the commencement of development. The approved scheme shall thereafter be carried out and available for use prior to any dwelling being first occupied. The approved scheme shall be retained at all times.

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) and the National Planning Policy Framework.

24. The boundary stone walls and railings to each boundary of the site shall be retained and repaired and refurbished and gaps infilled as necessary, prior to any dwelling being first occupied, in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The repaired/refurbished stone walls and railings shall be retained in perpetuity.

Reason: The perimeter stone walls and stone walls with railings contribute to the distinctive character and historic interest of the site and its surroundings and the setting of adjacent heritage assets and as such should be improved and retained, in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018). A detailed scheme is required prior to the commencement of development to ensure that the details are satisfactory and can be carried out at the appropriate stages of the development.

25. Prior to the commencement of development, details of any boundary treatment to be used at Block C, walling at each end of Blocks A.1 and A.2 and any other means of enclosure to be erected within the development site, shall be submitted to and approved in writing prior to the commencement of development. The development shall thereafter be carried out and completed in accordance with the approved details before any dwelling is first occupied.

Reason: To ensure that the details of boundary treatment and means of enclosure are appropriate and in keeping with the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that they are satisfactory and can be carried out at the appropriate stages of the development.

26. Block A.1 and A.2 shall be completed with the chimneys indicated on the approved plans prior to any dwelling being first occupied in each block.

Reason: To ensure the satisfactory implementation of the proposal which includes the use of chimneys that contribute to the character of the development and its integration into the historic street scene on Burnley Road, in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).

27. Prior to the commencement of development, the following details for the construction of the development shall be submitted to and approved in writing by the Local Planning Authority:-
- i) treatment to the eaves (such as soffits/boards), to include dry verges to Blocks A.1 and A.2;
  - ii) the materials and design of external doors; and,
  - iii) the recessing of window frames in reveal.
- The development shall thereafter be constructed and completed in accordance with the approved details.

Reason: To ensure that these details contribute to a distinctive character that is sensitive to the historic character of the site's surroundings, in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).

28. The development hereby permitted shall be carried out in accordance with the principles set out within the submitted site-specific flood risk assessment, reference PEL-PN0021-FRARev1.1 (prepared by Pluviam Environmental, dated 20.10.2022).

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site, in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework, Defra Technical Standards for Sustainable Drainage Systems and Policies CC4 and CC5 of Burnley's Local Plan (July 2018).



29. No development shall be commenced until a detailed final surface water sustainable drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment reference PEL-PN0021-FRAREv1.1 (prepared by Pluviam Environmental, dated 20.10.2022) and indicative surface water sustainable drainage strategy (drawing number PN0021-PEL-XX-XX-DR-Y-0001-P03, prepared by Pluviam Environmental, dated 19.12.2022), and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s) directly or indirectly. The approved scheme shall thereafter be implemented and completed in full in accordance with the approved details prior to any dwelling 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 Paragraphs 167 and 169 of the National Planning Policy Framework, Defra Technical Standards for Sustainable Drainage Systems and Policies CC4 and CC5 of 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 the appropriate stage in the development.

30. Prior to the commencement of any development, a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on site during construction (including site clearance operations) shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall thereafter be implemented, managed and maintained 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.

31. No dwelling shall be first occupied unless and until a site-specific Operation and Maintenance Manual 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 drainage system shall thereafter be retained, managed and maintained at all times in accordance with the approved Operation and Maintenance Manual.

Reason: To ensure that the approved sustainable drainage system is appropriately maintained in order to minimise the risk of surface water flooding in the future, in accordance with Paragraph 169 of the National Planning Policy Framework and Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

32. No dwelling shall be first occupied until a site-specific Verification Report pertaining to the implementation of the approved surface water sustainable drainage system has been submitted to and approved in writing by the Local Planning Authority. The submitted Verification Report shall contain sufficient information to demonstrate that the surface water sustainable drainage system has been constructed and completed

in accordance with the approved drainage scheme (or detail any minor variations) and is fit for purpose.

Reason: To evidence the completion of the approved sustainable drainage scheme in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework and Policies CC4 and CC5 of the 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 approved in writing by the Local Planning Authority prior to the commencement of development. 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 development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

34. Prior to the commencement of development, 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 development to ensure that the dwellings are constructed in accordance with the approved levels.

35. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided for that dwelling within a stone walled enclosure as indicated on the approved plans, and in accordance with detailed specifications of the construction, materials and height of the enclosure which shall be previously submitted to and approved in writing by the Local Planning Authority. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained as approved at all times.

Reason: To ensure adequate storage for refuse and recycling waste is provided in a tidy manner and discreet from public views, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

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

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

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

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

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

37. A minimum of four dwellings within Block C shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes and shall not 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 of these four dwellings, 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).

#### **104. HOU/2022/0693 - 154 Casterton Avenue, Burnley, Lancashire**

Town and Country Planning Act 1990

Removal of existing garage to make way for single storey extension and courtyard garden with off-road parking

154 Casterton Avenue, Burnley, Lancashire, BB10 2PE

#### **DECISION**

That the application be approved subject to the following conditions:

#### **CONDITONS**

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. 2166-01 – existing plans, received 25.11.2022
  - Drawing No. 2166-02 – existing elevations, received 25.11.2022
  - Drawing No. 2166-03 – proposed plans, received 25.11.2022
  - Drawing No. 2166-01 – proposed elevations, received 25.11.2022
3. Before the parking area is used for vehicular purposes, it shall be surfaced in permeable tarmacadam, concrete, block paviers, or other hard material, and so retained for the lifetime of the development.
  4. The parking area shall be retained for that purpose in association with the residential occupation of No. 154 Casterton Avenue, to the satisfaction of the Local Planning Authority.
  5. Notwithstanding details shown within the application, this permission shall not relate to boundary walls indicated in blue on Drawing No. 2166-03.
  6. 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 any elevation of the extension without Planning Permission obtained from the Local Planning Authority.
  7. All gates and associated mechanisms to be located outside the adopted highway and the gates to have physical restraints to prevent the gates from opening onto the adopted highway.
  8. 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 surfacing of the car park area, 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.

## **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 retention of adequate off-street parking provision for occupants of No. 154 Casterton Avenue, and to avoid domestic vehicles parking on the public highway, in the interests of highway safety.
5. For the avoidance of doubt.

6. To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.
7. To ensure the adopted highway is not obstructed by the gates or are a hazard to other road users.
8. In the interest of highway safety to prevent water from discharging onto the public highway.

**Notes:**

1. This consent requires the construction, improvement, or alteration of an access to the public highway. A list of approved contractors only, can undertake the approved works under the Highways Act 1980 Section 171. Before any work begins at the site, please contact [lhsvehiclecrossing@lancashire.gov.uk](mailto:lhsvehiclecrossing@lancashire.gov.uk) or telephone 01772 534222 for the list of approved contractors and to start the section 171 process.

2. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk) or on 01772 533433.

3. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.

4. It is likely that the Telegraph Pole will also require repositioning to allow for the wider vehicle access to be formed. This will need to be carried out by British Telecom.

<b>105. Decisions taken under the Scheme of Delegation</b>
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Members received for information a list of decisions taken under delegation from 29<sup>th</sup> November 2022 to 9<sup>th</sup> January 2023.

<b>106. Planning Enforcement Update</b>
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Members received for information an update on the Council's work programme of planning enforcement between 1<sup>st</sup> October 2021 and 31<sup>st</sup> October 2022.