



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Wednesday, 8th February, 2023 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), G Birtwistle, S Cunliffe, S Graham, J Harbour, B Horrocks, M Hurt, J Inckle, S Kazmi, A Royle 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	– Solicitor
Alison McEwan	– Democracy Officer

107. Apologies

Apologies for absence were received from Cllr Alan Hosker.

108. Minutes

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

109. 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:

Mr John Nixon (For) FUL/2022/0136 – Former Dexter Paints Site

RESOLVED

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

110. FUL/2022/0136 - Former Dexter Paints Site, Gannow Lane, Burnley

Town and Country Planning Act 1990

Proposed residential development comprising 36no elderly bungalows, landscape, access and associated works.

Decision

That the application be delegation to the Head of Housing and Development Control to approve subject to securing ongoing management and maintenance of the internal road layout through S106 obligation and the conditions listed below:

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 4th March 2022
Location Plan received 4th March 2022
Existing site Plan 03 received 4th March 2022
Street Views Plan 07 received 4th March 2022
Proposed Sections 12 received 13th June 2022
Access Layout J1409 Access Fig 1 received 13th June 2022
Amended Proposed Plans and Elevations 03A 04B 05B
Amended Proposed Site Plan DWG 02 B
Planning and Design and Access Statement received 4th March 2022
Preliminary Ecological appraisal received 4th March 2022
Preliminary Risk Assessment received 4th March 2022

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

3. The development hereby approved shall be restricted to over 55s accommodation only.

Reason: Acceptability of the development is in accordance with the occupancy of the units being over 55s only in accordance with the provisions of the Burnley Local Plan and the National Planning Policy Framework.

Materials

4. Prior to their use in the development hereby approved, details of the materials to be used for the external walls, roofs and boundary treatment shall be submitted to and

approved in writing by the Local Planning Authority. The materials shall then be retained as agreed for the duration of the development.

Reason: In the interest of visual amenity and the securing a high quality development, in accordance with the provisions of Policy SP5 of the Burnley Local plan and the provisions of the National Planning Policy Framework.

Contamination condition

5. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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. The Preliminary Risk Assessment carried out by Worms Eye has identified potential risks to future site users.
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 protect the amenity of local residents' in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provision of the National Planning policy Framework.

Highways

6. No part of the development hereby approved shall be occupied until a scheme for the construction of the site access and the off-site works of highway improvement has been 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 scheme shall be fully implemented and completed in accordance with the approved scheme prior to the occupation of the development hereby approved.

Reasons: In the interest of highway safety; to ensure a satisfactory appearance to the street infrastructure serving the approved development; and to safeguard the users of the street and visual amenities of the locality in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

7. 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.
- 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: -In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

8. Deliveries to the approved development shall only be accepted between the hours of 9:00am and 3:00pm Monday – Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

9. 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, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

10. Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for a highway surface water drainage scheme.

The development should be undertaken in accordance with the agreed details and the scheme shown on the approved drawing shall be constructed in accordance with the approved details, and retained thereafter.

Reason: In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Adaptable homes

11. Prior to the occupation of the development hereby approved, evidence shall be provided to and approved in writing by the Local planning Authority which demonstrates that at least 20% of the houses hereby approved have been built to current adaptable homes standards (Part M4(2) of the building Regulations 2010).

Reason: In the interest of providing adaptable homes to support the changing needs of occupiers over a lifetime in accordance with Policy HS4 of the Burnley Local Plan.

Lead Local Flood Authority

12. 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 (surface water and foul water drainage strategy incorporating an assessment of flood risk, Rev A, October 2022, Reford) 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 existing on-site surface water drainage systems 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.

d) 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 Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

13. 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 method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to 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 satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

14. 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 satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

15. 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 satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Landscaping /levels and implementation

16. Prior to the occupation of the first dwelling houses hereby approved, full details of hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. These details shall include, but not be limited to:

Proposed finished levels or contours

Means of enclosure

Car parking layouts

Other vehicle and pedestrian access and circulation areas

Hard surfacing materials

Minor artefacts and structures (e.g seating/signs etc)

Proposed and existing functional services above and below ground (e.g drainage power, communications cables, manholes etc)

Bin store hedge surrounding planting

Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants, plant sizes and proposed numbers/densities where appropriate.

All hard and soft landscaping shall be carried out in accordance with the approved details no later than the first available planting season following occupation of the first dwelling house or in accordance with the programme prior agreed in writing with the local planning authority

Reason: In the interest of securing a quality finish to the development in accordance with the provisions of Policies SP5 and HS4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Canal conditions

17. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) should be provided to the local planning authority for approval in writing to include measures detailing how materials will be stored on site and how the canal will be protected from dust and site laden runoff.

Reason: In the interest of protecting the integrity of the canal during the development process in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Coal

18. No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance in accordance with the timetable agreed with the local planning authority.

Reason: In the interest of protecting the integrity of any unstable land during the development process in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

19. 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 methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interest of protecting the integrity of any unstable land during the development process in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

UU

20. 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 ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

GMEU

21. No removal or works to any hedgerows, trees, shrubs or brambles shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority for written approval.

Reason: In the interest of the protection of protected species in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the provision of the National Planning Policy Framework.

22. Prior to occupation, a lighting design strategy for areas to be lit externally shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - c) Provide details of light levels and spillage

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interest of the protection of biodiversity and ecology on the site in accordance with Policy NE1 of the Burnley Local Plan and in the interest of highway safety and residential amenity in accordance with policies SP5 and IC1 of the Burnley Local plan, and in accordance with the provisions of the of the National Planning Policy Framework

23. A scheme for the Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a

phasing plan which shall be agreed in writing with the Local Planning Authority) and shall be retained thereafter.

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

EHO

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

Reason: in the interest of protecting residential amenity in accordance with policies HS4 and NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

25. 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.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- There shall be no burning of construction-derived waste or other materials within the curtilage of the premises.
- All noise mitigation measures to be instated for the eastern boundary of the development (as per the planning and design access statement) and for the windows/external fabric of the dwellings (as per the noise impact assessment dated 27th September 2022).
- The lighting scheme should comply with Environmental Zone E3 (small town centres or suburban locations) of the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011 (or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Reason: To demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts to air, land and water quality, whilst assessing vibration, heat, energy, light and noise pollution both during their construction and in their operation in accordance with Policy NE5 of Burnley's Local Plan and 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.

26. Prior to the first use of the development hereby approved the hedge surrounds shown on the site layout at the front of the properties shall be installed and available for use for the storage of bins. The bin storage areas shall remain in place for the duration of the development and for the use of storage of bins only.

Reason: In the interest ensuring a quality development in accordance with Policy SP5 of the Burnley Local Plan.

Informative – The developer is advised to consider the comments from Lancashire Fire and Rescue, Canal and Rivers Trust, Highways Authority, Lead Local Flood Authority and United Utilities comments available online prior to the commencement of development.

111. COU/2022/0709 - 16 Tarleton Street, Burnley

Town and Country Planning Act 1990

Change of use from dwellinghouse to HMO for more than 6 people (Sui Generis)

Decision

That the application be approved subject to the following conditions

Conditions and Reasons

1. The development must commence no 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 undertaken in accordance with the following Plans:

Drawing No. EX-01 – Location plan, received 06.12.2022

Drawing No. EX-02 – Existing floor plan, received 06.12.2022

Drawing No. PL-01 – Proposed floor plan, received 06.12.2022

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

3. Notwithstanding details shown on the approved plans, the building shall not be occupied until details of secure bin storage facilities have been submitted to and approved in writing by the Local Planning Authority. Bin storage facilities shall as a minimum be able to accommodate 2 x 240 litre bins plus a white sack and a blue box, in accordance with the Council's HMO Standards 2018.

Reason: To ensure that sufficient provision is made for the storage of bins, in accordance with Local Plan Policy SP5.

4. Notwithstanding details shown on the approved plans, the building shall not be occupied until details of secure bicycle storage facilities for 4 adult sized bicycles have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to occupation and thereafter retained as such.

Reason: To ensure that sufficient provision is made for the secure storage of bicycles, in accordance with Local Plan Policies SP5, IC3 and the NPPF.

112. Decisions taken under the Scheme of Delegation

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

An enquiry regarding HOU/2022/0637 was raised. The member to provide further information to the Planning Team and the issue investigated further.

113. FDO/2022/0611 - Land at Accrington Road, Burnley BB11 5QJ

Proposed diversion of part of Public Footpath No. 12 (Hapton) (under section 257 of the Town and Country Planning Act 1990)

Decision

That the Head of Legal and Democratic Services be authorised to make an Order under section 257 of the Town and Country Planning Act 1990 to divert public footpath no.12 (Hapton) as indicated on the submitted plan and in the event that there are outstanding objections following a period of consultation and negotiation, to refer the Order to the Secretary of State for determination.

Reason

Subject to the approval of Reserved Matters subsequent to an outline planning permission to develop this site, to allow the carrying out of development on an allocated employment site where the alternative route would provide a reasonable and practical diversion.