



# DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 12th October, 2023 at 6.30 pm

## PRESENT

## MEMBERS

Councillors S Chaudhary (Chair), C Sollis (Vice-Chair), G Birtwistle, J Broughton, S Cunliffe, S Graham, J Harbour, A Hosker, S Hussain, J Inckle, S Kazmi, P Reynolds and M Steel

## OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Laura Golledge	– Planning Manager
Sajada Khan	– Litigation and Regulatory Solicitor
Charles Joseph	– Planning Officer Apprentice
Carol Eddleston	– Democracy Officer

### 35. Apologies

Apologies for absence were received from Councillors Horrocks, Hurt and Kelly.

### 36. Minutes

The Minutes of the last meeting, held on 7<sup>th</sup> September 2023, were approved as a correct record and signed by the Chair.

### 37. Additional Items of Business

There were no additional items of business.

### 38. Declarations of Interest

Councillor Cunliffe declared a 'other interest – personal' in minute number 40 [agenda item 6a)] as a neighbour of the applicant. Under the Council's Code of Conduct for Elected Members he would have been permitted to remain in the room and participate in the debate and vote but he chose to remove himself from the meeting for the duration of the item.

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

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

Mrs Julie Dawes – Applicant – HOU/2023/0448

Mr Neil Lewis – Applicant – REM/2023/0169

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

### **40. HOU/2023/0448 - 2 Lindsay Park Worsthorne-with-hurstwood Lancashire**

As outlined in minute number 38 above Councillor Cunliffe left the meeting at this point.

Town and Country Planning Act 1990

Retrospective planning permission for single storey extension  
2 Lindsay Park, Worsthorne-with-Hurstwood, Burnley BB10 3RR

DECISION

That the application be approved subject to the following conditions.

CONDITIONS AND REASONS

Conditions:

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. LP2RE.1 – existing and proposed plans/elevations, received 28.07.2023
  - Drawing No. LP2RE.3 – existing site plan, received 28.07.2023
  - Drawing No. LP2RE.4 – proposed site plan, received 28.07.2023
  - Location plan, received 28.07.2023

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.

## 41. REM/2023/0169 - Land At Barden Lane, Burnley

Councillor Cunliffe returned to the meeting at this point.

Town and Country Planning Act 1990

Application for approval of Reserved Matters (appearance, landscaping, layout and scale) for the erection of 73 dwellings pursuant to outline planning permission OUT/2021/0443

Land at Barden Lane, Burnley

### DECISION

That the application be approved subject to the following conditions.

### CONDITIONS AND REASONS

1. 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.

2. No development other than site clearance and remediation shall be commenced, until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall include a survey that identifies the exact location of the water main, the potential impacts on the water main from construction activities (including any construction compound), the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full prior to commencement of development (other than site clearance and remediation) in accordance with the approved details and timetable and shall be retained thereafter for the lifetime of the development.

In the event that the survey of the water main identifies the buildings/plots as within a 3m standoff either side of the main (6m in total), the developer shall submit evidence to the Local Planning Authority that a diversion has been agreed in writing with the relevant statutory undertaker and that the approved works have been undertaken prior to the commencement of development.

Reason: In the interest of public health and to ensure protection of the public water supply, in accordance with Policies NE5 and CC4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to avoid any potential risk to water infrastructure on the site.

3. Prior to the installation of any PV panels or equipment at any part of the development, details of the PV panels and their siting shall first be submitted to and approved in writing by the Local Planning Authority. The PV panels shall thereafter only be installed as approved.

Reason: To ensure that the details and appearance of the PV panels is satisfactory, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

4. Prior to any above ground works details and representative samples of the external materials of construction to be used on the walls and roofs of the development as indicated on the submitted Materials Schedule (reference SKPMCW37- MAT-01RevA) 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 of materials.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The material details are required prior to the commencement to ensure that the approved materials are available for use at the appropriate stage of the development.

5. Notwithstanding any indication on the approved plans, details of the boundary treatments to be used in the development shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works. The boundary treatment shall thereafter be carried out as approved for each plot prior to each dwelling being first occupied. All approved boundary treatments shall be carried out and completed prior to the practical completion of the development and shall be retained at all times.

Reason: To ensure adequate and sensitive boundary treatment to provide a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The boundary treatment details are required prior to the commencement to ensure that they can be correctly implemented at the appropriate stage of the development.

6. Notwithstanding the provisions of Article 3 and Parts 1 and 2 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 enlargement of the dwelling as specified in Class A of Part 1 of Schedule 2 of that Order shall be carried out at plots 64, 65, 70 and 73 and no new or improved means of access to a highway as specified in Class B of Part 2 of Schedule 2 of that Order shall be carried out at any plot or part of the development, without express planning permission first being obtained from the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess the visual impact of any enlargement to dwellings at prominent plots along the main estate road and to assess the impact of any change or addition to the approved access arrangements for the development, in the interests of the character, appearance and safety of the development, in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018).

#### **42. TPO B140(L) - Land at Colne Road / Steer Street**

The Chair brought members' attention to the statement at Appendix 1 to the Update Report which had been published as a Supplementary Agenda on 11<sup>th</sup> October. This statement

had been submitted by the new owner of the land as he was unable to attend the meeting and address the committee due to a prior engagement.

#### DECISION

That the Tree Preservation Order be confirmed, with the removed tree being replaced by another maple that will be protected by the Original order.

#### REASON

In order to protect the trees which contribute to the visual amenity of the area.

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

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

### **44. Appeals and Other Decisions**

Members received for information details of a new appeal and appeal decisions that had been received since the last meeting.