

Outline Planning Permission

**Agent:**

Mr Darren Muir
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The Tea Factory
82 Wood Street
Liverpool
L1 4DQ

Applicant:

Mr Peter Alcock
Baxi Heating UK Ltd
4 Vernon Street
Derby
DE1 1FR

Part 1 Particulars of Application: APP/2018/0598 received 18th December 2018

Proposal: Outline application for erection of up to 40 dwellings including details of access (all other matters reserved for future approval)

Location: Land At Former Baxi Heating UK Ltd Wyre Street Padiham

Part 2 Particulars of Decision:

The Council gives notice under the Town and Country Planning Act 1990 (as amended) that Outline Planning Permission has been **Granted** for the carrying out of the development in accordance with the application and plans submitted, referred to in Part 1 above, and subject to the following conditions:

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: The permission is an outline planning permission.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

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4. 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.

5. Application for approval of the reserved matters for the layout of the development shall provide for the inclusion of public open space.

Reason: To provide adequate public open space to meets the needs of the development in accordance with the requirements for public open space at Policy HS4 of Burnley`s Local Plan (July 2018).

6. Prior to the commencement of any development, a mechanism for a scheme for the provision or improvement of an equipped area for childrens play shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a timescale for its implementation and completion. The approved scheme shall thereafter be carried out as approved.

Reason: To ensure the provision of adequate childrens play facilities to cater for the needs of the development, in accordance with Policy HS4 of Burnley`s Local Plan (July 2018).

7. Prior to the first occupation of any dwelling, a landscape and open space management plan, including long term design objectives, management responsibilities, maintenance schedules (including replacement of equipment and replacement planting) and a programme of implementation, for all landscape areas, play areas and public open space, other than small, privately owned domestic gardens, 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 these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy HS4 of Burnley`s Local Plan (July 2018).

8. Application for approval of the reserved matters for the landscaping of the site shall include a tree retentions and removal plan and provide for the retention of the hedge along the site`s northern boundary (except where removal is required to form a new vehicular access on Grove Lane) and for the retention of trees, particularly at the site`s western boundary and south western corner of the application site.

Reason: To ensure that existing hedgerows and trees are given adequate consideration in the detailed design of the development, in order to retain features that will contribute to the landscaping of the development, in accordance with Policy NE4 of Burnley`s Local Plan (July 2018).

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner, within any phase of the development, in accordance with the phasing plan agreed under condition 18; 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, in accordance with Policies HS4 and SP5 of Burnley`s Local Plan (July 2018).

10. No development shall be commenced until a scheme for the means of protecting trees and hedges which are to be retained within and immediately adjacent to the site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.

Reason: To ensure the protection of trees and hedges which contribute to the character of the local area and its surroundings, in accordance with Policy NE4 of the Burnley`s Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the beginning of the development process to avoid unwanted damage to trees and hedges.

11. Vehicular access to the site shall be from a single point on Grove Lane only, as indicated on drawing number 117874-DG-0002 and there shall be no other vehicular access from any other place and no direct pedestrian access to properties from Grove Lane.

Reason: To ensure the satisfactory implementation of the proposal, in order to provide a safe form of access to serve the development and control future traffic generation onto Grove Lane, in accordance with Policy IC1 of Burnley`s Local Plan (July 2018).

12. Notwithstanding the provisions at Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no direct access of any kind shall be constructed to any dwelling from Grove Lane without planning permission being first obtained.

Reason: To deter on-street parking close to new homes on Grove Lane and in the interests of highway safety, in accordance with Policy IC1 of Burnley`s Local Plan (July 2018).

13. Prior to the commencement of development, a scheme for the construction of the site access and associated off-site works of highway improvement which shall include additional signage, road markings, street lighting, footway construction (to the north east side of Grove Lane) and the re-location of a bench, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to and from the site to serve the needs of the development, in the interests of highway safety, in accordance with

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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.

14. No dwelling shall be first occupied until the approved scheme referred to in condition 13 above has been constructed and completed in accordance with the scheme details.

Reason: To ensure that new occupiers have a safe means of access to and from the site, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

15. Application for approval of the reserved matters for the layout of the development shall include details of the layout of the estate access road(s), footways and turning areas to an adoptable standard.

Reason: These details have not been provided or approved as part of this outline application and are required to ensure a satisfactory and safe means of access to serve the proposed development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

16. No built 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 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).

17. The estate road and access between the site and Grove Lane 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, other than demolition and site clearance, takes place and shall thereafter be constructed to at least base course level within that each successive phase prior to development being commenced in that phase.

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

18. Prior to the commencement of any development, a phasing plan and strategy for the development of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing plan and strategy unless any variation to this is otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of construction that is effective and efficient, in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that there is control over the phasing of the development from its beginning.

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19. Application for approval of the reserved matters for the layout of the site shall include the provision of a footpath link and details of its design and construction (minimum 3m wide) between the site and the adjacent public footpath no. 22 at the eastern edge of the application site. The footpath link shall be constructed, drained, surfaced and available for use in accordance with the approved details prior to the completion of the development and shall thereafter remain open and available for use in perpetuity.

Reason: To ensure that there is good connectivity between the development and the adjacent public footpath network, in accordance with Policy IC1 of Burnley`s Local Plan (July 2018).

20. Application for approval of the reserved matters for the layout of the site shall make provision for a future cycle/pedestrian link and include details of its design and construction between the application site and the land immediately to its southern side in order to provide cycle and pedestrian connectivity with surrounding development. The cycle and pedestrian link shall be constructed, drained and surfaced in accordance with the approved details prior to the completion of the development and shall become first available for use on completion of an available connecting cycle and pedestrian link on its southern side. The approved cycle and pedestrian link shall thereafter be retained and remain open and available for use in perpetuity.

Reason: To ensure that there is good connectivity between the development and the remainder of the larger site that is allocated for housing purposes (Policy HS1/5) in order to promote accessibility and permeability, in accordance with Policy IC1 of Burnley`s Local Plan (July 2018).

21. No dwelling shall be first occupied unless and until its associated car parking spaces have been constructed, drained, surfaced and are available for use in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority . The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

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

22. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) wheel washing facilities;
 - vii) details of working hours;
 - viii) contact details for the site manager; and,
 - ix) routing of delivery vehicles to/from the site.

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.

23. 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).

24. 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, applications 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).

25. A scheme of intrusive site investigations to identify potential mine entries and shallow mine workings shall be carried out to inform the design of the proposed development prior to the submission of a reserved matters application for the layout of the development and the following shall be submitted as part of a reserved matters application:

- i) a report of findings arising from the intrusive site investigations;
- ii) a layout plan that identifies appropriate zones of influence for the mine entries, and the definition of suitable `no-build` zones;
- iii) a scheme of treatment for mine entries present within the site for approval; and,
- iv) a scheme of remedial works for the shallow coal workings for approval.

No development shall be commenced until the submitted information in i) to iv) above has been approved in writing by the Local Planning Authority. The development shall thereafter only be carried out at all stages prior to and during development, as appropriate, in accordance with the approved treatment and remedial works. No dwelling shall be first occupied until all the measures contained in the approved schemes of treatment and remedial works have been completed in accordance with the approved details.

Reason: To adequately deal with coal mining legacies that potentially pose a risk to the development, in order to ensure the safety and stability of the development, in the interests of public safety, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The reports and schemes must be approved prior to the commencement of development to ensure that the treatment and remedial works identified in those submissions can be carried out at the appropriate stages of the development.

26. Prior to the commencement of development, a scheme that includes all of the following components to deal with the risks associated with contamination of the site, shall be submitted to and approved, in writing, by the Local Planning Authority:
- (1) A preliminary risk assessment which has identified:
 - all previous 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) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been 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.

Reason: The site is affected by past land uses that pose a risk of contamination to groundwaters and to public safety which must be adequately dealt with to achieve a safe development, in accordance with Policy NE5 of Burnley`s Local Plan (July 2018). The assessment is required prior to the commencement of development to ensure that adequate sampling and testing and works to remediate the site can be satisfactorily addressed at the most relevant and appropriate stages of development.

27. Prior to the commencement of development, a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved monitoring and maintenance plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the monitoring and maintenance plan, a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied and the long-term monitoring and maintenance plan shall continue thereafter to be implemented as approved.

Reason: To ensure the provision of effective long term measures for safeguarding against the pollution of groundwaters and protecting human health, in accordance

with Policy NE5 of Burnley`s Local Plan (July 2018). This is required prior to the commencement of development due to its significance and the potential need for its implementation or provision for its implementation at the earliest stages of the development.

28. The demolition of the existing building on the site and the development as a whole shall not be carried out otherwise than in complete accordance with the Reasonable Avoidance Measures (RAM`s) for safeguarding bats, as detailed at section 5.10 of the Ecological Appraisal submitted with this application (prepared by Bowland Ecology, reference BOW17.698, dated October 2018).

Reason: To ensure adequate precautions are made to avoid any potential harm to bats which are protected species, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

29. Prior to the commencement of built development, a Lighting Design Strategy to minimise the impact of external lighting on biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance around breeding sites, resting places or along important routes, such as for foraging; and,
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications.

Only external lighting as detailed within the approved Lighting Design Strategy shall be installed at the site and shall thereafter be maintained as approved. No additional external lighting shall at any time be installed within the areas identified under a) above without the prior written permission of the Local Planning Authority.

Reason: To minimise the impact of external lighting on foraging and commuting bats, in order to give adequate protection to protected species, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

30. No removal of or works to any trees, hedgerows, shrubs or grassland shall take place between 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 prior to any works taking place.

Reason: All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended), in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

31. Any application for the approval of Reserved Matters shall be accompanied by a scheme of Biodiversity and Enhancement Measures as set out at Section 5 of the Ecological Appraisal submitted with this application (prepared by Bowland Ecology, reference BOW17.698, dated October 2018). The submitted scheme shall include details of phasing and timings for implementation and shall also incorporate a Habitat Management Plan in relation to the marshy grassland and ditch to the north east of the site. No built development shall be commenced until the scheme of Biodiversity and Enhancement Measures has been approved in writing by the Local Planning

Authority. The approved scheme shall thereafter be carried out and completed in accordance with the approved details and timings and shall be retained and maintained at all times.

Reason: To provide adequate and suitable mitigation for the loss of habitat on the site, in particular, bird nesting and hedgehog habitat and to promote biodiversity enhancement, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

32. No development shall be commenced until details of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including details of water quality controls and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the first occupation of any dwelling, and the approved drainage scheme shall thereafter be retained at all times.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley`s Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

33. No dwelling hereby approved shall be occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 32 which shall cover the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved details.

Reason: To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley`s Local Plan (July 2018).

34. No development shall be commenced unless and until a scheme for the disposal of foul water has been submitted to and agreed in writing by the Local Planning Authority. 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.

35. Any application for the approval of Reserved Matters shall include a plan showing the location and details of electric car charging points to be provided within the development for the approval of the Local Planning Authority. Electric car charging points shall thereafter be installed in accordance with the approved details prior to each relevant dwelling being first occupied.

Reason: To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policies IC3 and NE5 of Burnley`s Local Plan (July 2018).

36. Any application for the approval of Reserved Matters shall include details of all boundary treatment to be carried out on all the perimeter boundaries of the site and details of any boundary enclosures to be erected or grown within the site. The approved details of boundary treatment shall thereafter be carried out and completed prior to the completion of the development.

Reason: To ensure a satisfactory edge and appearance to the completed development and in the interests of the amenities of future occupiers, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

37. Any application for the approval of Reserved Matters shall include details how a minimum 20% of dwellings would comply with the technical standards of Part M4(2) of the Building Regulations 2010 in order in respect of adaptable homes. The approved adaptable homes shall be implemented in accordance with the approved detail.

Reason: To ensure the provision of a proportion of homes to support the changing needs of occupiers over their lifetime, in accordance with Policy HS4 of Burnley`s Local Plan (July 2018).

38. Any application for the approval of Reserved Matters shall be accompanied by an energy efficiency statement to address the need for high standards of energy efficiency in new development and to identify energy efficient measures that have been designed into the proposed scheme. The approved energy efficiency measures shall be implemented in their entirety and be completed prior to the completion of the development.

Reason: To achieve a high standard of development that provides energy efficient new homes, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application (as originally submitted) and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

NOTES:

- 1 Your attention is drawn to the informatory notes at the end of this notice.
- 2 Please take careful note of the conditions attached to this permission. It is in your own interests to make sure that you satisfy the conditions at an early stage, as it can save unnecessary delay when development starts. The Council can serve a notice, if the conditions are not complied with, which could result in the development having to stop until a particular condition is fulfilled. If you are in any doubt about what you need to do, please contact this office for advice.

Conditions requiring approval of details should be the subject of a formal application for conditions discharge. This can be made via www.planningportal.co.uk and there is a fee for each request. For conditions relating to householder applications the fee is £34, for all other applications the fee is £116.

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- 4 This permission must be read in conjunction with the obligation under Section 106 of the Town and Country Planning Act 1990 which applies to this development.
- 5 Lancashire County Council (the local highway authority) advise as follows:-
- i) The developer should be aware that the any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from 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 or on 01772 533433
 - ii) 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.
 - iii) The applicant is advised that the new site access, 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 and search for "278 agreement".

- 6 The Coal Authority advise as follows:-
- Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

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Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from The Coal Authority. Further information can be found at: www.gov.uk/get-a-licence-for-coal-mining

APPROVED PLANS:

Reference Number	Version	Description	Date Received
856-PO2	C	Block plans	18th December 2018
117874-DG-0002		Proposed Site Access	18th December 2018
856-P10		Location Plan	18th December 2018



For Head of Housing & Development Control

Decision Date: 18th May 2020

NOTES RELATING TO MOST TYPES OF DECISION NOTICES

A. APPEALS

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within the period specified below,

- If this is an application for planning permission, outline planning permission, approval of Reserved Matters or an application under Prior Approval procedures, and you want to appeal against your local planning authority's decision then you must do so **within six (6) months of the date of this Notice.**
- If this is an application under the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 20 (**in the case of applications for Listed Buildings or Conservation Area Consent**) and you want to appeal against your local planning authority's decision then you must do so **within six (6) months of the date of this Notice.**
- If this is an application for express consent to display an advertisement, if you want to appeal against your local planning authority's decision then you must do so **within eight (8) weeks of the date of this Notice.**
- If this is an application for tree works, appeals must be made **within twenty eight (28) days of the date of this Notice.**
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so **within twenty eight (28) days of the date of this Notice.**
- If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so **within twelve (12) weeks of the date of this Notice.**
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so **within twenty eight (28) days of the date of this Notice.**
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - **twenty eight (28) days of the date of service of the enforcement notice, or**
 - **six (6) months of the date of this notice, whichever period expires earlier.**

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

B. PURCHASE NOTICE OR LISTED BUILDING PURCHASE NOTICE

If either the Local Planning Authority or Secretary of State for the Environment refuses permission to develop land or Listed Building Consent or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state, nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a Purchase Notice on the Council in whose area the land is situated. This Notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990, or the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 32 (Listed Building or Conservation Area Consent).

C. COMPENSATION

In certain circumstances, compensation may be claimed from the Local Planning Authority if planning permission or Listed Building Consent is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. The circumstances in which such compensation is payable are set out in the Town and Country Planning Act 1990, Section 108 (in the case of permission to develop land) or the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 27 (in the case of Listed Building Consent).

D. ADVERTISEMENTS

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A person who displays an advertisement in contravention of the Town and Country Planning (Control of Advertisement) Regulations 2007 shall be liable, on summary conviction, to an offence under Section 224(3) of the Act, to a fine not exceeding Level 3 on the standard scale and, in the case of a continuing offence, a tenth of Level 3 for each day during which the offence continues after conviction.

E. OTHER PERMISSIONS

This Notice relates only to the application as described overleaf. It does not convey a decision under any other enactment, byelaw, order or regulation. Separate applications may be needed for such other approval as may be required, e.g. planning permission, approval of Reserved Matters, Listed Building Consent, express consent to display an advertisement, Building Regulations approval etc. – if in doubt, you are advised to enquire. All references to the Local Planning Authority in this case mean Burnley Borough Council.

Paul Gatrell - Head of Housing and Development

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