

DEVELOPMENT CONTROL COMMITTEE

Thursday, 16th February, 2017
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 16th February, 2017 at 6.30
pm

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of the Chief Executive's Office by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall or the Contact Centre, Parker Lane, Burnley. Forms are also available on the Council's website www.burnley.gov.uk/meetings.

A G E N D A

1. Apologies

To receive any apologies for absence.

2. Minutes

To approve as a correct record the Minutes of the previous meeting.

3. Additional Items of Business

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

4. Declaration of Interest

To receive any declarations of interest from Members relating to any item on the agenda in accordance with the provision of the Code of Conduct and/or indicate if S106 of the Local Government Finance Act applies to them.

5. Exclusion of the Public

To determine during which items, if any, the public are to be excluded from the meeting.

6. List of Deposited Plans and Applications

5 - 6

To consider reports on planning applications for development permission:

a) **APP/2016/0528 - Boohoo.Com, Widow Hill Road, Burnley**

7 - 38

Proposed erection of new warehouse distribution centre (use class B8) together with associated ancillary office and amenity accommodation, vehicle manoeuvring and circulation infrastructure – Recommended for approval

- | | | |
|-----------|---|------------------|
| b) | APP/2016/0510 - Former Albion Mill, Albion Street, Padiham
Proposed erection of 56no. dwellings – Recommended for approval | 39 - 54 |
| c) | APP/2016/0531 - Oak Mill, Manchester Road, Dunnockshaw, Burnley
Proposed change of use from B2 General Industrial to Sui Generis use (Events company) and part D2 use (Gym) and erection of 2m high security fence – Recommended for approval | 55 - 66 |
| d) | APP/2016/0575 - 318 Padiham Road, Burnley
Retention of roller shutters with proposed alterations (re-submission of APP/2016/0395) – Recommended for delegation | 67 - 72 |
| e) | APP/2016/0577 - 50 Parliament Street, Burnley
Single storey extension to the existing medical centre to create 5 more GP/treatment rooms. – Recommended for approval | 73 - 78 |
| f) | APP/2016/0570 - 2 Ridge Row, Ridge Avenue, Burnley
Proposed conversion of garage to living accommodation ancillary to use of existing dwelling – Recommended for approval | 79 - 86 |
| g) | APP/2016/0522 - 47 Prairie Crescent, Burnley
Extensions to side and rear and dormer to rear – Recommended for approval | 87 - 94 |
| h) | APP/2016/0544 - Land at Melrose Avenue/Kinross Street, Burnley
Proposed erection of 18no. 2 bed houses, 12no, 3 bed houses and 1no. 3 bed bungalow – Recommended for approval | 95 - 106 |
| i) | APP/2016/0584 - William Thompson Car Park, Red Lion Street, Burnley
Retention of existing car park – Recommended for approval | 107 - 112 |
| j) | APP/2-17/0016 - 0023 - Various site in Burnley
Proposed erection of alleygates | 113 - 124 |
| 7. | Decisions taken under the Scheme of Delegation
To receive for information a list of delegated decisions taken since the last meeting. | 125 - 132 |

MEMBERSHIP OF COMMITTEE

Councillor Arif Khan (Chair)
Councillor Frank Cant (Vice-Chair)

Councillor Marcus Johnstone
Councillor Lubna Khan

Councillor Gordon Birtwistle
Councillor Charlie Briggs
Councillor Trish Ellis
Councillor Sue Graham
Councillor John Harbour
Councillor Tony Harrison

Councillor Elizabeth Monk
Councillor Neil Mottershead
Councillor Mark Payne
Councillor Tom Porter
Councillor Asif Raja
Councillor Cosima Towneley

PUBLISHED

Wednesday, 8 February 2017

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

16th February 2017

Housing and Development

This page is intentionally left blank

Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0528

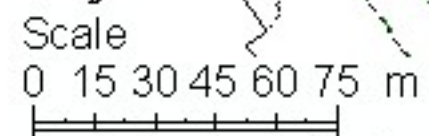
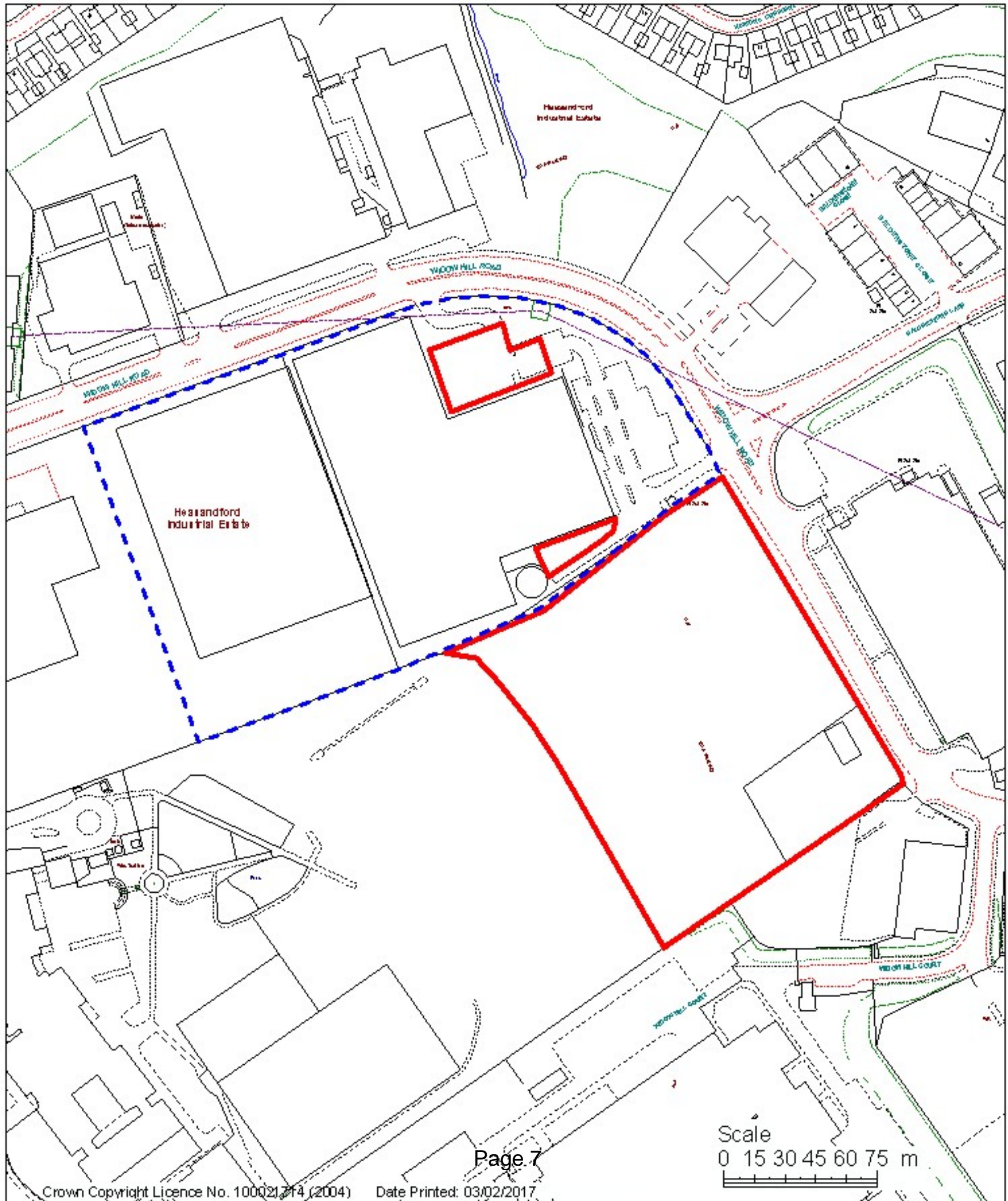
Paul Gatrell
Head of Housing and Development

Location:

BooHooCom Widow Hill Road



1:2500



This page is intentionally left blank

Full Planning application

Proposed erection of new warehouse distribution centre (use class B8), together with associated ancillary office and amenity accommodation, vehicle manoeuvring and circulation infrastructure

BOOHOO.COM WIDOW HILL ROAD BRIERCLIFFE

Location of new building



Background:

The applicant is one of the UK's largest pure-play online, own brand fashion retailers, and they design, source, market and sell own brand clothing, shoes and accessories through their website to 16-24 year old consumers in the UK and globally. Founded in 2006, it has grown rapidly; developing a brand identity and an international online proposition and now has over 4.5 million active customers, with approximately 140,000 new customers registering on the website per month. The Group has a well-established brand in the UK, Ireland and Australia, and currently sells products into over 190 countries.

The Company's ambition and growth prospects are underpinned by forecast growth in both the domestic and international online fashion retail markets, their highly efficient product sourcing model and a robust infrastructure development plan. They continue to enjoy phenomenal growth and their supplied projections show this is set to continue in the coming years. To enable the applicant to meet these increased sales, they need to hold a greater amount of stock. To achieve this, they need the capacity to do so. The applicant notes that warehousing operations begin to lose efficiency significantly at a level of 90% and become operationally compromised at the 95% level when space and movement for incoming goods becomes entirely dependent upon outgoing goods. Based on the information supplied by the applicant, the existing Burnley site will exceed its operational capacity during peak operations in October 2018.

The submission seeks detailed permission, in full, for distribution uses on the Widow Hill Road site on the Heasandford Industrial Estate located to the east of the borough. The application site is partly owned by the applicant with the remainder of the site to be acquired upon approval of this permission. The original and existing facilities were acquired by the company in June 2010 as the base for its online clothing retail operations. Further development on the adjoining site was approved in 2014 and completed in 2015, which saw a 100,000 sq.ft extension to their existing facilities.

This further development applied for is designed to secure a key element of the distribution network of the applicant, and the building is bespoke to their requirements. It will supplement the existing facilities on the adjacent site, and will secure both the existing jobs on site and will further increase the number of jobs by somewhere in the region of 500 new roles on this development site alone. This site has been identified as suitable for B1 (b and c), B2 and B8 uses in Burnley's Local Plan: Preferred Options July 2016.

Objections have been received.

Relevant Policies:

Burnley Local Plan Second Review

E4 - Protection of other features of ecological value

E5 - Species protection

E8 - Development and flood risk

E19 – Development and Archaeological Remains

EW1 - Land for Business (B1) and Industrial (B2) and Warehousing (B8) Development

EW4 - Expansion and Improvement of existing businesses

EW5 - Development and Improvement of Major Industrial Estates

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

TM2 - Transport Assessments (TAs)

TM3 - Travel Plans (TPs)

National Planning Policy Framework.

National Planning Practice Guidance.

Natural Environment and Rural Communities Act 2006.

Wildlife and Countryside Act 1981.

The Conservation of Habitats and Species Regulations 2010.

DEFRA Circular 01/2005.

Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System.

Site History:

APP/2015/0208 – 144 space car park – Withdrawn.

APP/2015/0105 - Addition of 3no. dock levellers and the extension of the dock canopy to rear south elevation. Increase size of service yard area to facilitate use of additional docks. Feature flashing on North West, south west and south east elevations changed from pink to black. Relocation of the gatehouse into the centre of the entrance/exit road (in respect of planning application APP/2014/0041) – Granted.

APP/2014/0377 – Discharge of condition 5 of planning application APP/2014/0041 – Discharged.

APP/2014/0355 – Discharge of conditions 6, 10, 11, 12 and 13 of planning application APP/2014/0041 – Discharged.

APP/2015/0334 – Proposed minor material design amendment to previously approved application (APP/2014/0041) – Granted.

APP/2014/0332 - Amendment to the phased construction of the amenity accommodation (in reference to planning permission APP/2014/0041) (NMA) – Granted.

APP/2014/0041 – Erection of extension to existing class B8 warehouse together with associated ancillary office and amenity accommodation and vehicular manoeuvring and circulation infrastructure – Granted Conditionally.

APP/2007/0069 – Proposed erection of three industrial units and alterations to the west elevation of the existing industrial unit (Use Classes B1, B2 and B8) – Granted with Conditions.

Consultation Responses:

Lancashire County Council (Highways - Developer Support)

Following initial comments, a meeting was held with the applicant's traffic consultant the result of which was the submission of additional information which addressed the majority of the highway concerns originally raised, namely the parking provision and the issue of the sites sustainability.

In respect of the parking provision, the applicant has shown the additional facilities available on Units 1 and 3 (which are also under the ownership of the applicant) which together with the additional spaces created within the existing site would provide an acceptable level of parking provision on the site.

The sustainability of the site was restricted due to the location and timetabling of the local public transport provision. Following discussions with the applicant it has been agreed that an employee service bus would be provided although no further details are provided at the present time. It is envisaged that this element of the proposal will be subject to a Planning Condition and a S106.

In response to concerns regarding the use of taxis by employees and the parking/waiting that takes place on Widow Hill Road, the applicant has proposed a taxi drop-off /pick up point outside Unit 2. Whilst this is to be welcomed, further discussions will need to take place to maximise the potential of such a facility. This will include an enhanced crossing facility between Unit 3 and the main site and also the pedestrian linkages to and within the main site.

On the basis of the information provided within the Transport Assessment and the Transport Assessment Addendum Note, I would raise no objection to the proposal on

highway grounds but would request that conditions be attached to any permission that may be granted.

There is the opportunity to improve the sustainability of the site by increasing the accessibility by pedal cycles and pedestrians from the residential area of Briercliffe. This would necessitate a contribution towards the upgrade of two cycling routes into the Heasandford Industrial Estate. This along with the provision and running of an employee service bus travelling to and from the site (Exact details and service to be provided) shall be subject to agreement with the planning authority in consultation with the highway authority and would be required from the developer in the form of a S106 agreement.

Lancashire County Council – Lead Local Flood Authority

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of conditions, in consultation with the Lead Local Flood Authority, relating to drainage.

United Utilities

No objections to the proposal subject to conditions relating to foul and surface water drainage being imposed on any grant of planning permission.

Lancashire Wildlife Trust

The Lancashire Wildlife Trust object to this application for the reasons outlined below.

1. The site was identified as being of High Wildlife Value in the Burnley Wildlife Survey 1990 and one of only a few such sites that were fully urban in nature. The Burnley Wildlife and Habitat Survey by Goulder Associates (2007) found that the site (Widow Hill Road, part of Heasandford) qualifies as a Burnley Local Wildlife Site. The development of the site will serve as an example of unsustainable development unless the loss is adequately compensated for (see points 4 and 5 below).
2. The application, and the previous applications by Boohoo Ltd at the Widow Hill Road site, is not compliant with paragraph 165 of the National Planning Policy Framework (NPPF), i.e. Planning decisions “should include an assessment of existing and potential components of ecological networks”. Lancashire Environment Record Network (LERN) and the Wildlife Trust were commissioned by the Lancashire Local Nature Partnership (funded by Natural England) to produce ecological network habitat maps for the county. The planning application does not take account of potential impacts on the network, discuss the conservation of the components and/or identify opportunities for restoration and enhancement of the ecological network(s) and their functionality.
3. Neither Phase 2, nor Phase 1 of the development mitigated for the damage to, and destruction of, the ecological interests of the site, and neither Phase has offered to deliver like-for-like compensation. It is clear from the photographs in the TEP report that the site has been stripped of vegetation in advance of the current planning application being submitted. I note that the application for Phase 2 includes two car parking areas in Phase 1; hence the two Phases are inextricably linked by APP/2016/0528.
4. The application does not deliver a net gain in nature as required by the NPPF in paragraphs 9 and 109. The application will result in a net loss in biodiversity in

terms of approx. 2.5 hectares of semi-natural habitat and numbers of naturally occurring native species known to occur on the site since the original Phase 1 habitat survey in 1988, which has been confirmed by the Burnley Wildlife Survey 1990 and the Phase 1 habitat surveys by The Environment Partnership (TEP) in 2005/6 and 2014.

5. If approved, the application will result in the development of site EW1/1 in Burnley's Adopted Local Plan (2006) and loss of the semi-natural habitat and naturally occurring native species, which have been known to occur on the site since at least 1988. In order to be compliant with the requirements of the NPPF, at least two 2.5 of similar habitat is required to be created and managed as natural greenspace in perpetuity.
6. Through a Section 106 agreement, the applicant should be required to fund the creation and management of 2.5 hectares of compensatory land of a similar species composition to that recorded previously in site EW1/1. The compensatory land should be located in a suitable location such that it will contribute to the restoration and enhancement of the relevant ecological network(s) and their functionality, as required by paragraph 165 of the NPPF.

Failure to deliver a suitable compensatory scheme will be the final nail in the coffin of the ecological interests of site EW1/1 and the development of the site, as approved by Burnley Borough Council, can be used by the Wildlife Trust as an example of unsustainable development when it is asked by The Wildlife Trusts (RSWT) and other organisations for feedback on the planning system, NPPF and other consultations.

Burnley Wildlife Conservation Forum (BWCF)

The Phase 1 distribution warehouse centre developed the whole area of valuable wildlife habitat land to the west of the original warehouse and office building, and this proposal for a further 'Phase 2' warehouse distribution centre would develop the whole of the other area of land which has been assessed as valuable wildlife habitat to the south of the original warehouse and office building.

The site was identified as being of High Wildlife Value in the Burnley Wildlife Survey 1990 and the subsequent Burnley Wildlife and Habitat Survey by Goulder Associates (2007). Following the construction of Phase 1 the applicant did not undertake any on-site wildlife habitat mitigation measures on the remaining plot of land, but instead removed the whole of its valuable marshy grassland, tree, scrub and habitats in two stages, the last having been only undertaken recently prior to the submission of the application.

[The ecology work primarily involved work around the new building (Phase 1) and exit out of the existing facility and therefore did not impact on the Phase 2 site. The clearance work already undertaken on this site required no formal consent from the Local Planning Authority]

The Phase 2 development will take up the whole site and therefore there are only narrow landscaping features that will surround the building. These landscaping proposals fall far short of providing any meaningful on-site mitigation measures, and in light of this the application fails to propose any off-site wildlife compensation measures. Therefore neither Phase 1 nor 2 encompass off-site wildlife habitat measures which are needed to provide the net gains in biodiversity required by the NPPF.

The BWCF strongly object to this application in its present form as it should include off-site wildlife habitat compensation measures proposals for the complete loss of valuable wildlife habitat on this plot. If the applicant were to amend the application by proposing off-site wildlife habitat compensation measures commensurate and appropriate to the losses, the BWCF may be minded to withdraw this objection.

Capita Ecology

Initial comments were received in December 2016 as follow,

The Ecological Assessment (TEP, August 2016) details the site as currently comprising largely rough grassland with some hard standing, tall ruderal standing water and scattered scrub. These habitats have the potential to support nesting birds, reptiles (low risk), invertebrates and foraging/commuting bats. The current proposals indicate the proposed warehouse will cover almost the entire footprint of the site with small sections of wildflower and native shrub planting post-construction, mostly confined to the eastern boundary. We support this planting however we advise that it is increased in size around each boundary as this will reduce the net biodiversity loss in terms of habitat and will increase the ecological sustainability of this development, which at present would create a net loss of biodiversity on site. The planting should use native species of local provenance such as trees, wildflower grassland (with appropriate cutting regime) and shrubs, advised by the project ecologist. From aerial imagery this site appears to have previously been wooded, therefore we advise this further habitat loss is minimised.

In line with the Wildlife and Countryside Act 1981 (as amended), the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is advised that the measures in Section 5 of the report must be implemented including measures for reptiles, breeding birds and details of the landscaping as well as the small scale, easily achievable habitat creation such as log piles and installation of bat and bird boxes. Any artificial lighting must be avoided wherever possible and minimised and restricted to only where it is needed as this could have negative impacts on nocturnal specie such as bats.

Further comments were then received in January 2017 following consideration of comments from the LWT and BWCF.

Having reviewed the Lancashire Wildlife Trust and Burnley Wildlife Conservation Forum comments, they have provided additional information on the site's history ecologically and development wise and also details that these subsequent applications for warehouse units are degrading a network of habitats. I did note in my comments that from aerial imagery this site appears to have previously been wooded, therefore the applicant or previous owners may have fairly recently removed the on-site vegetation which would make the site appear less ecologically valuable prior to the ecology survey and therefore impacts and mitigation/compensation would not be adequate considering what has been lost. I understand that this is a tricky scenario as it may not have been this current applicant which agreed this site clearance and now are being made to compensate for it, however, as the comments point out, this is 'phase 2' of ongoing proposals, and at some point this habitat loss needs to be addressed. This site is now surrounded by industrial units so is somewhat landlocked,

though is close to the River Don wooded valley, an ecological network which this industrial estate would likely have once been a part of.

This area of Burnley, its current and past biodiversity value and the allocations for development across it (which conflict with biodiversity conservation and sustainable development) do lend itself as a good candidate for securing biodiversity offsetting i.e. habitat creation in an area of land in the borough off site that provides a good network of habitats that can be conserved in the long term for the species the site has in the past and currently supports. This is the current thinking being promoted by Natural England to local authorities to secure meaningful habitat conservation or creation and enabling sustainable development in line with NPPF and England's Biodiversity Strategy. Biodiversity metrics can also be used in this situation to measure biodiversity being lost and whether what applicants are proposing is likely to achieve biodiversity gain as per the NPPF (or at least no net loss). This approach could be adopted for all developments in this area with an overarching strategy for contributions or works to the safeguarded areas from developers.

Therefore, I believe they are quite right that compensation must be achieved if this development is going to remove and degrade the majority of the sites habitats, in line with local and national planning policy. And if adequate on site mitigation/compensation cannot be achieved which, considering the scale of the proposed habitat loss and size of the warehouse unit, is likely, offsite mitigation should be. The suggestions from LWT seems reasonable, i.e. 'Through a Section 106 agreement, the applicant should be required to fund the creation and management of 2.5 hectares of compensatory land of a similar species composition to that recorded previously in site EW1/1. The compensatory land should be located in a suitable location such that it will contribute to the restoration and enhancement of the relevant ecological network(s) and their functionality, as required by paragraph 165 of the NPPF.' If they know of a suitable location, we would support this, provided this is then protected from any subsequent development and is managed in an ecologically sensitive way through a management plan.

Lancashire Archaeological Advisory Service

The 1848 1st Edition Ordnance Survey 1:10560 mapping (Lancashire Sheet 56, surveyed 1844) shows a farmstead named Widow Hill within the south west corner of the proposed development area. Widow Hill is also clearly shown on the more detailed 1:2,500 mapping of 1893. Aerial photographs dating to the 1940's which are held by Lancashire County Council show the presence of a structure in a similar position to Widow Hill on the 1848 mapping. The site was subsequently developed and a complex of buildings is shown on the 1960's aerial photographs. These buildings are no longer extant on the aerial survey published in 2000 and the nature and extent of the clearance works is unknown. The site is therefore considered to be of some historical interest, probably dating from the first half of the 19th century, having undergone a number of changes in response to changes in agricultural practices and economics throughout the late 1800s and early years of the 20th century. The demolished farmstead might be affected by the proposals and there is therefore a potential for buried below-ground remains to be encountered.

Consequently should the Local Planning Authority be minded to grant planning permission to this or any other scheme, Lancashire Archaeological Advisory Service (LAAS) would recommend a staged programme of archaeological investigation. It is

recommended that the first phase of this work should include the formal archaeological supervision of all groundworks. Should any remains be encountered a further phase of work should then be implemented to address the issues revealed by the initial investigations. This work should be secured by means of condition.

Lancashire Constabulary (Designing Out Crime Officer)

No objections in principle however it is requested that number of Secure by Design principles are incorporated into the development to complement the existing site security office and security fence that will cover the new Distribution Centre.

[To be added as a note]

Burnley BC (Head of Greenspaces and Amenities)

Adjoining the Heasandford site is the 120 hectare Brun Valley Forest Park which is owned by the Council and LCC and which we are managing primarily as semi-natural habitat. There is an opportunity to extend the Forest Park to include the Lydgate open space which is currently species poor wet meadow and there is an area of 2.643 hectares of grassland on this site. The advantage of BVFP is that it is very close to the site and accessible to public and people who work there.

Burnley BC (Environmental Protection Officer)

No objection to the proposal subject to conditions relating to construction works, noise mitigation and the provision of electric points on site.

Burnley Civic Trust

BCT are concerned by the enormity of this proposed building. The building already erected is far larger than ever envisaged and we understand that it casts a shadow over the gardens of nearby residential properties. We realise that this is an industrial park and the number of jobs which will be created are important but we would ask the Council to take steps to tone down the adverse effects which will be apparent when the building is completed. Can nothing be done to reduce the size and/or design and landscaping to improve the final effect?

Local consultation responses

Five emails/letters have been received from local residents and businesses, and the following objections and areas of concern have been raised.

- Size and height of the building proposed. This new building will be larger than the present one and totally unsuitable to be built on this site.
- Whilst this is an industrial estate, surely consideration should be given as to how large and how high buildings should be erected especially as the estate is so close to housing.
- The present Boohoo is of a ridiculous size and is a blot on the landscape.
- The volume of traffic has increased tenfold since this building was erected so what it will be like if the new building gets the red light?
- I am sure there are other Industrial Estates in this area that are just as suitable and are not too near housing.
- During shift changes, cars and taxis double park in the road and along the central reservation leaving little space for staff and vans to negotiate safe

passage. On H&S grounds we consider that this must be considered and the developer made to create safe pick up points.

- We object to the building of an extension Widow Hill Industrial Estate as it is a small in town industrial estate overlooked with a lot of private properties. To build this extension proposed to an already huge building 75feet in height is going to be a massive blot on the town's landscape especially for people around this area.
- We feel that a building of such magnitude should be built on large industrial estate's on the edge of town so not to blight people's lives, e.g. Network 65, Lomeshaye industrial etc. these estates are already geared up for massive buildings.
- On the point of the spin about it creating lots of jobs and wealth for the town this will only, create low value minimum wage jobs not quality jobs what the town needs.
- Impact on trees.
- Danger to protected wildlife/ecology.
- Increase in smells/fumes/noise
- Flooding.
- Impacts on sunlight/overshadowing.
- Light pollution.
- Loss of privacy.

Planning and Environmental Considerations:

The site which is the subject of the application comprises approximately 2.62 hectares of open yet slightly overgrown land. A temporary car park has been created on the site at present following recent expansion works that have been carried out on the wider site.

This new application seeks permission in full for a distribution building (Class B8) with a maximum floor space of 19,679sq.m, associated ancillary structures, car parking, landscaping, vehicle access roads and loading/unloading areas. The building will have a footprint of 146.15m (W – facing Widow Hill Road) x 121.28m (D) (approximately) and will measure 22.2m high (approximately) which is roughly 6 storeys. The development applied for is designed to secure a key element of the distribution network of the applicant, an online retailer operation. The building is bespoke to their requirements and it will supplement the existing facilities on the adjacent site; the base for the applicant's online clothing retail operations. The application site is partly owned by the applicant with the remainder of the site to be acquired once permission is granted.

There are two accesses into the proposed development. The principle access will be via existing access to the Dale Construction Site which will be amended to allow for proposed vehicles and increased security. Access to the car park adjacent to the building will be via the existing main IN/OUT access off Widow Hill Road. The circulation within the existing site and the application site will be slightly remodelled to provide for exit for HGVs out of the combined site via the egress point at its north westerly corner, with all other vehicles existing via the main IN/OUT access.

Based on the proposed development on its own, once fully operational it is estimated that this will safeguard the existing jobs on site and add a further circa 500 jobs to the

local economy. Across the three sites in this locality, the estimated additional job roles that could be created as a direct result of the anticipated sales growth from 2017 to 2023 across all Widow Hill Road facilities would be over 1000. This will potentially deliver up to £22M of additional salary into the Burnley area (depending on final levels of automation), via a mixture of skilled, semi-skilled and managerial positions alongside Customer Services and Warehouse Operatives.

PRINCIPLE OF THE DEVELOPMENT

The site lies wholly within the Heasandford Industrial Estate boundary, and as such the proposal is subject to an assessment against Local Plan Policy EW5 which advises,

The Council will permit the expansion and improvement of existing employment uses on the following industrial estates identified on the Proposals Map (including Heasandford). When assessing such proposals the Council will require a planning application to demonstrate that:

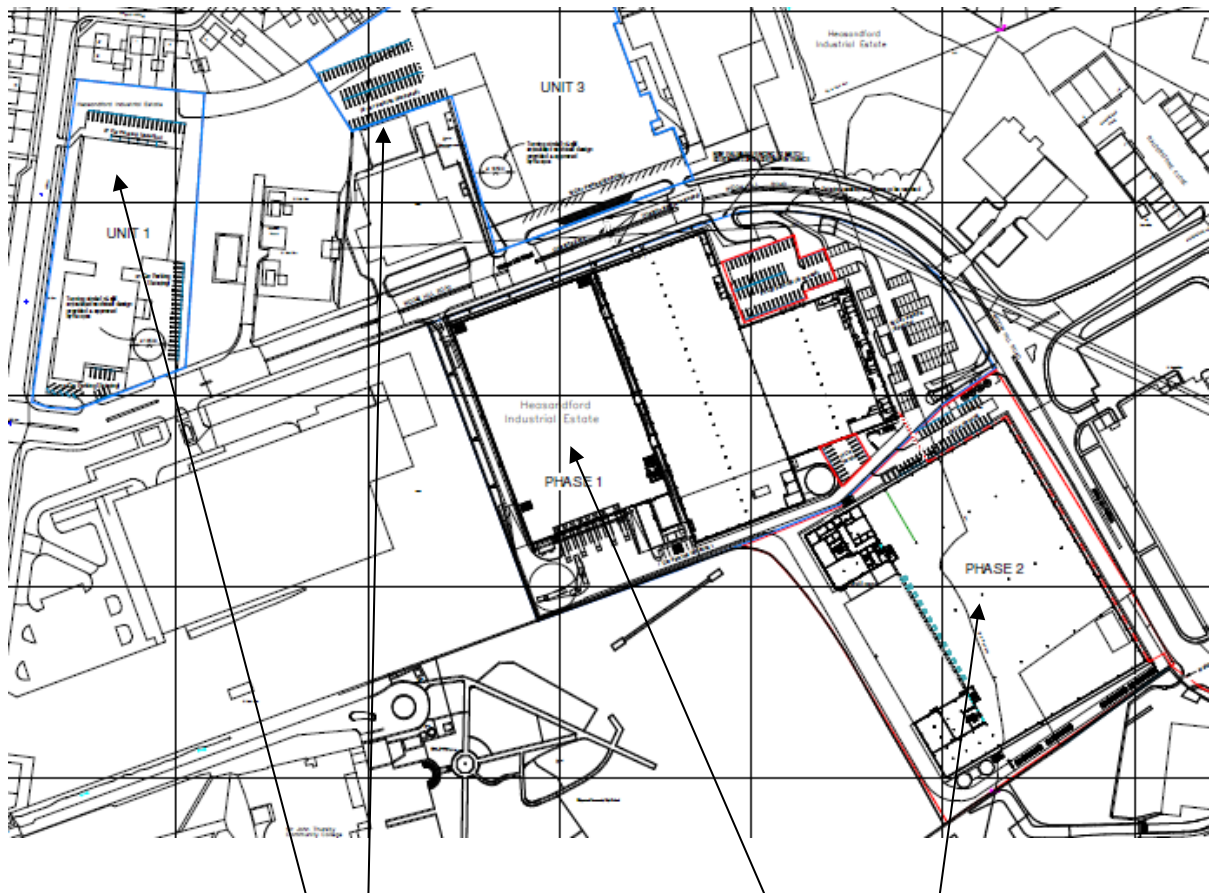
- (a) it includes measures to improve security;*
- (b) it includes landscaping and screening, where necessary;*
- (c) it incorporates mechanisms to improve environmental performance to that of current best practice standards;*
- (d) it is accessible by a choice of transport modes;*
- (e) it includes, where necessary, a Travel Plan see Transport and Movement Policy TM3 – “Travel Plans”;*
- (f) it retains and enhances any built and natural features/areas that contribute to the amenity or biodiversity of the area; and*
- (g) it includes , where appropriate, training and recruitment provisions as reflected in Policy EW10 – ‘Development and Training Provision’ of the Burnley Local Plan.*

Therefore, whereas the principle of this proposal is considered acceptable, the above matters must be demonstrated to be in accordance for the scheme to be deemed acceptable. The key considerations with this application are whether the scheme will have an acceptable impact on highway safety at this location, whether the scheme will have an acceptable impact on the ecological/biodiversity value of this site, whether the overall design of the scheme is considered appropriate and whether the scheme will have a detrimental impact upon the amenity of the surrounding businesses or the residential amenity of the occupiers nearby residential properties.

HIGHWAY SAFETY AND PARKING

Further and additional information was requested by the County Highways Officer following initial concerns raised in regards to this proposal, namely the parking provision and the issue of the sites sustainability. The submissions received addressed the majority of the highway concerns originally raised.

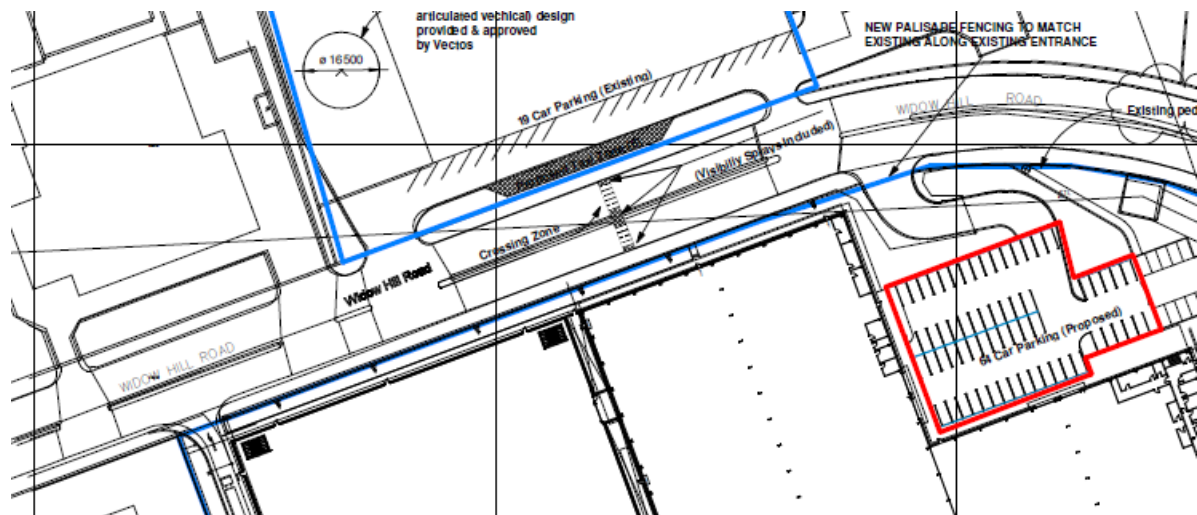
In respect of the parking provision, the applicant has shown the additional facilities available on Units 1 and 3 (which are also under the ownership of the applicant) which, together with the additional spaces created within the existing site would provide an acceptable level of parking provision for the expansions of the business in this vicinity.



Additional parking on other sites / Phase 1 / Phase 2

Concerns regarding the sustainability of the site were due to the restrictions caused by the location and timetabling of the local public transport provision. Following discussions with the applicant it has been agreed that an employee service bus would be provided although no further details are provided at the present time. In addition to this, the opportunity to improve the sustainability of the site by increasing the accessibility by pedal cycles and pedestrians from the residential area of Briercliffe was also discussed. This necessitated a contribution request towards the upgrade of two cycling routes into the Heasandford Industrial Estate. This along with the provision and running of an employee service bus travelling to and from the site (Exact details and service to be provided) shall be subject to agreement with the planning authority in consultation with the highway authority and would be required from the developer in the form of a S106 agreement. The applicant has submitted a draft Unilateral Undertaking that sets out their intentions to formally agree to this; however the final details and formalities will be subject to a Planning Condition and a S106 undertaking.

In addition, in response to concerns regarding the use of taxis by employees and the parking/waiting that takes place on Widow Hill Road, the applicant has proposed a taxi drop-off /pick up point outside Unit 2. Whilst this is to be welcomed, further discussions will need to take place to maximise the potential of such a facility, which will also include an enhanced crossing facility between Unit 3 and the main site and also the pedestrian linkages to and within the main site. The final details of this element of the scheme can be dealt with via planning condition.



Suggested pedestrian crossing and taxi drop off/pick up plan

On the basis of the information provided within the Transport Assessment and the Transport Assessment Addendum Note, there are no objections to the proposed scheme from a highway safety point of view subject to the imposition of relevant conditions.

IMPACTS ON ECOLOGY/BIODIVERSITY

Paragraph 109 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by,

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services; and
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 118 of the NPPF then advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles;

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and
- opportunities to incorporate biodiversity in and around developments should be encouraged.

The Burnley Wildlife Conservation Forum and the Lancashire Wildlife Trust have objected to this application for reasons outlined earlier in this report, however the key concerns surround the loss of a locally important wildlife site (a view they have that is based on Wildlife Surveys in 1990 and 2007) and the lack of any, or suitable, mitigation or like for like compensation to replace the land lost. On-going negotiations are being held between the Council and the Applicant's Ecologist, and a solution to these objections to overcome the apparent lack of suitable mitigation has presented itself.

The site currently comprises largely rough grassland with some hard standing, tall ruderal standing water and scattered scrub (The Ecological Assessment (TEP, August 2016) submitted with the application), and has the potential to support a number of wildlife habitats. The proposed warehouse will cover almost the entire footprint of the site with only small sections of wildflower and native shrub planting post-construction, mostly confined to the eastern boundary, to be planted at a later stage. As a submission on its own merits, the application would not deliver a net gain in nature as required by the NPPF in paragraphs 9 and 109 as the application will result in a net loss in biodiversity in terms of approx. 2.5 hectares of semi-natural habitat and numbers of naturally occurring native species known to occur on the site. The applicant accepts that there is a need for some form of mitigation/compensation measures to ensure that there would be no net loss of biodiversity and to ensure that the development would be sustainable.

This is supported by the Council and the Council's Ecology consultant who notes that "compensation must be achieved if this development is going to remove and degrade the majority of the sites habitats, in line with local and national planning policy, and if adequate on site mitigation/compensation cannot be achieved which, considering the scale of the proposed habitat loss and size of the warehouse unit, is likely, offsite mitigation should be."

This site is surrounded by industrial units so is somewhat landlocked; however it is close to some ecological networks which this industrial estate would likely have once been a part of. This area of Burnley, its current and past biodiversity value and the allocations for development across it do lend itself as a good candidate for securing biodiversity offsetting i.e. habitat creation in an area of land in the borough off site that provides a good network of habitats that can be conserved in the long term for the species the site has in the past and currently supports. This is the current thinking being promoted by Natural England to local authorities to secure meaningful habitat conservation or creation and enabling sustainable development in line with NPPF and England's Biodiversity Strategy.

Whilst the applicant themselves have been unsuccessful in finding an area of land, discussions have been held with the Council's Head of Greenspaces and Amenities in regards to whether the Council own any land that would be suitable for such a project. Adjoining the Heasandford site is the 120 hectare Brun Valley Forest Park (BVFP) which is owned by Burnley Borough Council and Lancashire County Council and which Burnley Borough Council are managing primarily as semi-natural habitat. As discussions have progressed it was made clear that there was an opportunity to extend the Forest Park to include the Lydgate open space which is currently species poor wet meadow and there is an area of 2.643 hectares of grassland on this site (see map below). There are a number of key advantages with this proposed site, namely,

- It is very close to the site and accessible to public and people who work on the Heasandford site,
- the site is considered to be located in a suitable location as it will contribute to the restoration and enhancement of the relevant nearby ecological network(s) and their functionality (as required by paragraph 165 of the NPPF), and
- It is also the correct type of baseline habitat and a similar species composition to that recorded previously and that is presently on-site, and that could be improved through a long-term management plan.

Whilst discussions are still ongoing, the applicant has agreed in writing to fund the creation and management of this meadow/grassland/wildlife site of just over 2.5 hectares of compensatory land, in line with the requirements set out by the Council's own Ecology consultant and that noted by the Lancashire Wildlife Trust, namely as a protected and managed site. The scheme will also include some footpath works to create a circular walk for local residents and visitors. The final agreed S106 contribution will also include minimum 10 years maintenance of the site.

This solution is considered to be acceptable in terms of the NPPF as the harm resulting from the development cannot be avoided through locating on an alternative site with less harmful impacts or by adequate on-site mitigation, so an off-site compensatory site of similar grassland/meadow habitat to be created and managed as natural greenspace fulfils this requirement.



Proposed Lydgate Site – site for the expansion of the BVFP

The applicant has also included a landscaping proposal primarily for the edges of the site, which will be formed using native shrub planting and wild grassland. This will complete the site once the building has been finished. Where possible, the new landscaping plan for the site will include native nectar and berry bearing species to enhance foraging opportunities for the local bird community, with shrub and wildflower planting used to create a buffer strip along the site boundary. Other environmental enhancements will include the provision of wildlife features such as log piles, insect tacks and bat/bird boxes. These will be agreed via condition.

In conclusion, whilst the proposal would result in the loss of a mosaic of habitats from the site, alongside the proposed on-site mitigation, a suitable and acceptable contribution towards an off-site compensatory scheme to be managed by the Council has been agreed that will ensure that the development will not have a significant or detrimental impact on the biodiversity of the area.

REQUIREMENTS FOR THE PROPOSAL / ASSESSMENT OF DESIGN, SCALE AND APPEARANCE

As noted at the beginning of this report, the applicant has seen phenomenal growth and their supplied projections show this is set to continue in the coming years. The impact of this growth features heavily on the stock holding requirements & operational facilities required to sustain and service the demand. To enable the applicant to meet these increased sales, they need to hold a greater amount of stock. To achieve this, they need the capacity to do so hence the submitted application for an additional unit of a similar size to that already built at this location.

The applicant is currently looking at an automated solution for the existing business on site which will then be distributed across both the existing and proposed new facilities. The applicant has supplied a significant amount of information in relation to the process used on site, and I have witnessed the inner workings of the business first hand. To summarise, however, this solution includes conveyors, diverts and handling devices retrofitted to the existing buildings, then linked through the proposed bridge into the new facility where the mini load & shuttles, buffers, pouch cascade sortation systems and the despatch sorter will be installed to consolidate the picked items back into customer orders for despatch. The additional new jobs generated by this development will therefore be dispersed across the entire Boohoo facility with the newly introduced engineering and technician positions required in all areas of the operation.

With each of these major automation installations being of large construction and with the mini load crane & shuttle system requiring a full twenty meter height for maximum storage provision they will, by necessity, be installed into the proposed extension as the existing facility is fully equipped and utilised to meet current sales demand. There will also be significant investment in a conveyor and bridge between the two sites. This will enable the applicant to retain the integrity and stockholding of product on the one site, and also ensure a fast, efficient and low energy automated solution that is vital to the applicant.

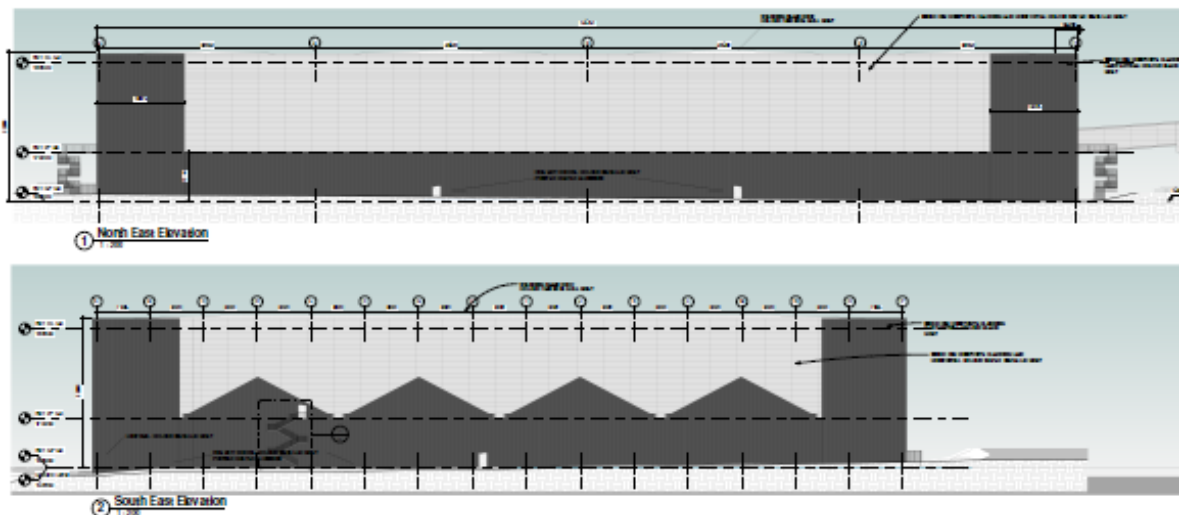


New building will be connect to the existing Phase 1 building

The overall proportions of the proposed building have been developed to best suit the operational requirements of the end user. The clear internal height to the underside of

steel frame is proposed as 20m which would give a height to top of parapet of approximately 22.2m (1.8m shorter than its neighbouring building). The design strategy used with the last building was adopted in order to attempt to minimise the visual impact of the overall massing whilst dealing with the change in scale.

The proposals seek to reflect the previously used contemporary design principles in creating a high quality building to provide for the requirements of the end user, and ultimately create a purpose built facility which would allow the further expansion of an existing business. The construction of the proposed new distribution warehouse, service yard area and amenity block within the new building will provide the applicant with the expansion space they require to cope with the predicted growth in business over the coming years. The proposals seek to maximise the operational synergies between the existing facility and the recently completed extension via the introduction of new links between the buildings, as well as improvements to the vehicular and pedestrian accesses to create a continuous warehouse space that will satisfy the operational requirements of the applicant.

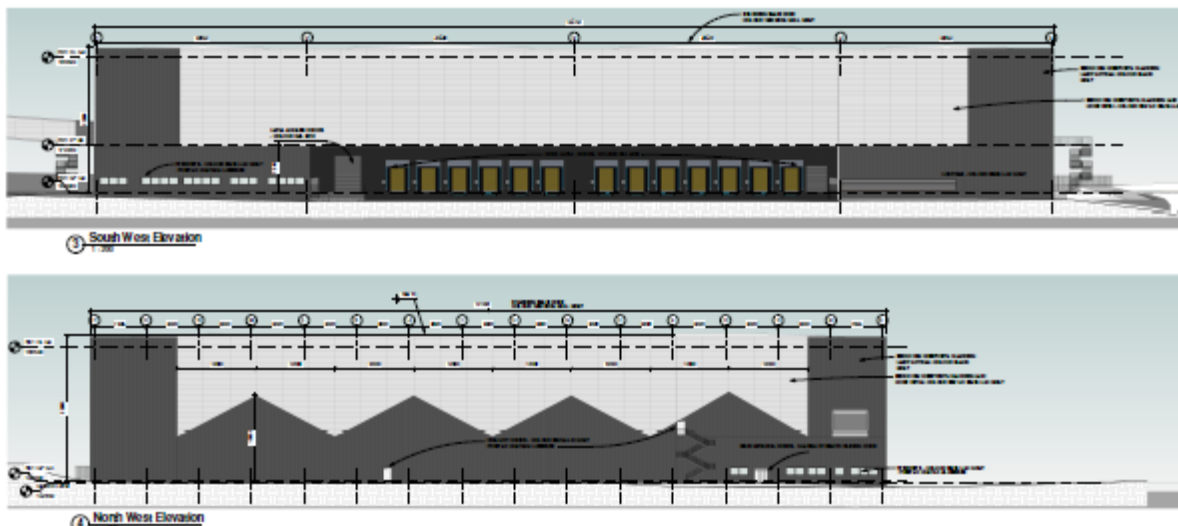


Proposed elevations
(Facing Widow Hill Road – Top / South East facing elevation – Bottom)

Site levels at present vary from 166m at the north corner of the site to 160m at the southern corner of the site, and it is proposed that the finished floor level of the building of 163m will result in the minimum amount of material being removed from the site as well as produce acceptable road gradients for articulated vehicles to move around the site. This also allows a slight reduction in overall finished height of the building. Security measures will also be provided including a 2.4m high paladin security perimeter fence around the site extending from the existing gatehouse at the northern corner to the existing fence at the west corner of the site. An access gate will be provided on the east corner for access by vehicles to the distribution centre with security cameras also installed to provide full coverage around the site. Associated infrastructure provided will include sprinkler tanks, pump stations and back-up generators.

The proposed development is considerably larger than any other buildings in the vicinity (other than the existing building adjacent). In order to mitigate the impact of this development on the local area and further afield the following principles have been incorporated,

- The height of the proposal has been kept as low as possible by the use of very low pitch roofing system and avoiding the use of a parapet around the roof boundary. This has resulted in the overall roof height being approximately 2m lower than the Phase 1 development.
- The elevational treatment has been developed with differing shades of cladding. The colours match those used in phase 1. The effect of this is to visually reduce the impact of what otherwise would have been single walls of solid colour. The change in shade from a light cladding colour to a darker colour at the corners helps to visually reduce the appearance of a large blank wall thus disguising the volume of the building. The darker coloured corners extend from ground level to roof. Between the corners of the building and approximately 1/3 up the elevation a saw tooth design has been incorporated. The saw tooth pattern is reminiscent of a roof scape and helps to draw the eye away from the actual roof line of the building thus giving the impression of a much lower building.
- The colours chosen approximate the shadow effect that would be present during the day. This further helps to disguise the overall size by creating an interference pattern and thus difficult for the casual observer to define the actual edge of the building.



Proposed elevations
 (Facing toward Ridgewood Community High – Top
 / North West facing elevation – Bottom)

Considering the above principles, whilst the scale and massing of the proposed extension will dwarf a number of buildings close to the site, the building will sit with the existing Phase 1 building that is of a similar scale, creating a national hub for the applicant within Burnley. The scale and massing of the building should not necessarily preclude a building of this size; however it is clearly of a scale and mass that will impact visually within the locality by its very nature. What must be considered however is that the proposal is a purpose built facility for the applicant, and the design principle has sought to minimise the local and wider visual impact of the scale and massing by virtue of careful use of materials and the colour palette, in doing so drawing your attention to the darker clad sections instead of the overall height of the building. The building will be visible in part from locations outside the Heasandford

Estate; however it will be seen against the backdrop of other buildings on the estate so it is arguable that it will not look unduly out of place.

In conclusion, whilst the proposed building will cause some visual harm to the locality by virtue of its scale and massing, in line with paragraph 14 of the NPPF, the presumption in favour of sustainable development, there are a number of significant benefits to the scheme that will significantly and demonstrably outweigh the harm caused by the proposal. These will be discussed shortly.

IMPACT ON AMENITY

The main considerations in respect of amenity relate to the existing issues of parking of vehicles on Widow Hill Road, impacts on general traffic movements around the site, and whether the scheme will impact further afield such as the nearby residential areas. The applicant has sought to overcome the issues raised by the County Highways Officer and there are no objections raised in regards to the proposals impact on highway safety in the area. Indeed the proposal seeks to implement a number of benefits to the area that should improve the existing issues that surround the site during the shift change overs.

With regards to the scale and massing of the building, the outlook from the nearby offices opposite the site will be significantly altered. However, with landscaping planting separating the existing offices across the road from the highway and additional planting proposed on this site, I do not consider that the amenity of the occupiers of these businesses will be unduly affected.

The operation of the proposed development is considered to be relatively quiet and the Environmental Protection Officer has clarified that there has no complaints in regards to the applicants operations in the last two years. In addition, the proposal allows sufficient space for vehicles to pull off Widow Hill road and will therefore not aggravate vehicle movement along that road. As such, due to the main workings of the business being carried out away from the highways within the dock loading bay to the rear of the site, and given its location within an existing industrial site, the proposal is not considered to have a detrimental impact on the surrounding areas, residential amenity or environment.

With regards to the outlook from nearby residential properties close to the site, this will be altered for some residents due to the height and massing of the building. However, given the nearest property in direct line of sight is some 200m from the site at an elevated position, with others being over 350m away, whilst it is likely that this building will be visible, I do not consider that the amenity of the occupiers of these residential properties will be detrimentally affected by the proposal.

OTHER CONSIDERATIONS AND BENEFITS / SECTION 106 CONTRIBUTIONS

Section 106 Contributions –

The applicant has agreed the following that will be subject to a formal S106 or Unilateral Undertaking,

- ❖ A contribution towards the upgrade of two cycling routes into the Heasandford Industrial Estate.

- ❖ A contribution towards the creation and management of a 2.6 hectare grassland meadow as an extension to the Brun Valley Forest Park (currently a species poor wet meadow). The site is close to the application site and will be accessible to public and people who work on the Heasandford site. This is proposed to overcome the objections based on the loss of the existing site and its habitat.
- ❖ A contribution towards the redressing of the Brun Valley Greenway paths and links around the estate.
- ❖ The provision and running of an employee service bus travelling to and from the site (Exact details and service to be provided).

Other Economic Benefits –

To accommodate business growth; the applicant has already invested heavily in the current Burnley operations in both Warehousing and Central Support functions to the tune of over £25m (details supplied within the application), not including the purchase of other units on the Heasandford Estate. The reason for this Planning Application is due to the fact that the applicant is still experiencing extremely strong growth and to enable the business to continue to trade at these levels, they recognise that significant further investment is required.

The applicant has noted the significant benefits of expanding on this site close to the existing facility within their application in terms of the operational benefits and improvements, as well as economies of scale. They have also noted that if consideration was made to build a facility to accommodate Boohoo's growth predictions on a site outside the Burnley area, the clear and most commercial and operationally beneficial solution would be to position such an operating centre in close proximity to either their core suppliers or the main international parcel hubs (most likely the Midlands or the M3/M4 corridor). Having a second site in the north of England in relative close proximity to Burnley, or even on the outskirts of Burnley, would provide no benefit at all and be counter intuitive to operational, cost and service offer improvement. Indeed should permission for the second extension at Burnley be granted they note that the full global operation will run more efficiently as the single fulfilment centre in Burnley will continue until approximately 2022 generating additional opportunities for employment.

Alongside the lower skilled new customer service and warehousing positions (somewhere in the region of 800+ positions across all three sites on the Heasandford Estate), approval of this expanded site here will also net an increase in more skilled/semi-skilled/technical/management roles on higher wage brackets (ranging from starting salaries of £20k pa up to £70k pa) which can be broken down as follows,

	Skilled	Semi-skilled	Technical	Management	TOTAL
Automation	29	24	12		65
Operations	2	20	10	48	80
Customer Services	1	40		20	61
TOTAL	32	84	22	68	206

In addition, the applicant also runs a management training programme that encourages operatives to develop their skills and career. This is carried out in partnership with Burnley College and includes Customer Service Apprenticeships, Operators enrolled on ILM Management Apprenticeships, and Leadership and Management programmes led by Themis. They note that between June 2015 and July 2016 they internally promoted 42 operatives into junior and middle management positions.

The significance of this new investment in local employment opportunities has been outlined by the applicant. It is clear that the addition of these new jobs will help improve existing levels of employment through a number of opportunities for those not only with low or only entry levels skills and qualifications, but also for those at a higher level. There will also be a wider benefit to the local economy in that most of the employees on site will spend their wages in the local economy.

Wider Benefits -

The applicant has invested time, money and effort to play a key role in the local community, and they have recently joined the Burnley Bondholders scheme. They have also sought to forge strong links with many local businesses and charities, including such companies as Burnley Football Club, Barnfield Construction and Pendleside Hospice. They are clear that they want to build upon these links as business grows, and wish to further invest in people, continuing the success story, and to share these benefits within the town to contribute further to its continued development and prosperity.

In addition to capacity investment they know that there needs to be appropriate investment into staff welfare and facilities to attract and retain the best people. To this end they are undertaking a c£3m refurbishment programme of the existing offices and restaurant provisions at the Warehouse and the Contact Centre. The investment includes a c200 seat restaurant serving both hot and cold food and beverages for all shift patterns, additionally this will incorporate First Aid Room, Breakout spaces Multi-Faith Room, Lockers, Toilets, Meeting Rooms, Offices and a fully equipped Gym with access to all employees.

Finally, approval of the development would guarantee the inject of a £6m capital investment into the local economy with a number of potential benefits to the local economy including,

- spend on construction products and materials from local suppliers,
- spend with local construction companies,
- spend on furnishings and fittings; and
- employment of local labour.

CONCLUSION

The National Planning Policy Framework (NPPF) makes it clear that planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration in planning decisions and it advises that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-

making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay.

The NPPF states that there are three dimensions to sustainable development: economic, social and environmental.

Having considered the proposed development, it is considered that the proposal would meet all of these roles for the following reasons;

- economic – the estimated £6 million investment in not only this site but the wider facilities on the Heasandford Estate is predicted to provide significant benefits to the local economy in terms of jobs (before, during and after construction); future training and skills; support growth and other economic multipliers,
- social – the development will be part of a suite of improvements to facilities and amenities on site, as well improvements to working conditions through significant investment in improved automation of the sites distribution areas. This will support the health and social well-being of current and future employees, and
- environmental – the proposed off-site contribution towards the creation of 2.6 hectare grassland meadow alongside the proposed on-site mitigation measures and additional/replacement landscape planting will protect and enhance the natural environment, as well as helping to improve biodiversity on site.

On this basis, in regards to the NPPF requirement to contribute to sustainable developments, the proposed development is considered to be a sustainable development.

The scheme proposed has, as far as possible, been designed to fit comfortably with the existing facility and wider context of the Heasandford Estate, and the design solution provides a functional architectural aesthetic that responds to the future requirements of the applicant. The choice of colour and materials have been carefully considered with an aim of minimising the visual impact of the overall massing of the facility and link it to the existing buildings on site. The creation of this additional, modern, automated distribution facility with associated office and amenity facilities, bespoke to the end users requirements, will ensure that the applicant can remain at this site for the foreseeable future. The scale and massing of the building should not necessarily preclude a building of this size, however it is clearly of a scale and mass that will impact visually within the locality by its very nature and it will be visible in part from locations outside the Heasandford Estate. What must be considered however is that the proposal is a purpose built facility for the applicant, and the design principle has sought to minimise the local and wider visual impact of the proposed building. In addition, whilst the proposed building will cause some visual harm to the locality by virtue of its scale and massing, in line with consideration of the NPPF, there are a number of significant benefits to the scheme that will significantly and demonstrably outweigh the harm caused by the proposal.

This includes paragraphs 18 to 20 within the NPPF that state that 'The Government is committed to securing economic growth in order to create jobs and prosperity', and that 'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.' It notes that 'Planning should operate to encourage and not act as an impediment to sustainable growth, therefore significant weight should be placed on the need to support economic growth

through the planning system,' and that 'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.' In line with national planning policy (para. 19 of NPPF) "significant weight" should be placed on the need to support this sustainable economic growth at this site. Alongside the additional benefits (both ecologically and economically), the "significant weight" that national planning policy seeks to be given to sustainable economic growth is a key consideration.

In my opinion, it is this significant weight alongside the benefits of job creation and investment in the Borough that are considered to outweigh the visual harm caused by the building, as well any concerns raised by the Lancashire Wildlife Trust, the Burnley Wildlife Conservation Forum in respect of the potential impact of the proposal on the biodiversity and ecological value of the site. The mitigation and compensation measures, if required, are considered appropriate to be dealt with via condition, and on this basis the application is recommended accordingly.

Recommendation:

That planning permission be granted subject to the following conditions.

Draft Conditions (to be finalised by the evening of DC Committee - 16th of February 2017):

1. The development must be begun within three years of the date of this decision.
2. The permission shall relate to the development as shown on plan drawing numbers: A0701-P1, A0702-P1, A0703-P1, B0101, B0103, B0110, B0150, B0230, B0501 (x2), B0601-P1, B0602, B0603, L0001-P1, L0101-P1, L0601 and S0001 received 30th November 2016, and L0401-T5 received 1st February 2017.
3. The materials used in the development shall be in accordance with those specified within the approved scheme, to the satisfaction of the local planning authority, unless otherwise agreed in writing with the Local Planning Authority.
4. Prior to the commencement of demolition works or built development, a construction method statement shall be submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - a) The parking of vehicles of site operatives, visitors and the existing parking that will be displaced by the development,
 - b) Details of the delivery regime for materials and plant to the site
 - c) The loading and unloading of plant and materials,
 - d) The storage of plant and materials used in constructing the development,
 - e) The erection and maintenance of security hoarding,
 - f) Wheel washing facilities,
 - g) Measures to control the emission of dust and dirt during construction,
 - h) Details of working hours, and
 - i) Contact details of the site manager.
5. 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.

6. No demolition or construction work shall take place outside the hours of 8am to 6pm Monday to Friday, 8am to 4pm on Saturday and not at any time on Sundays and Bank Holidays, including all works and ancillary operations in connection with the construction of the development, and the use of any equipment or deliveries to the site. Where permission is sought for works to be carried on outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority. Where practicable, operations which create the most noise shall only occur between the hours of 08.30 and 17.30 Monday to Friday.
7. In addition, a programme of works shall be submitted to the Local Planning Authority detailing the following:
 - a) The specific processes/activities which will be carried on during the construction phase(s)
 - b) The proposed timescales for the processes/activities in a)
 - c) The proposed noise mitigation measures for the processes/activities in a)
 - d) Any proposed noise mitigation measures for the operational phase.
8. No part of the built development hereby approved shall commence 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. For the avoidance of doubt, the offsite woks of highway improvement will include,
 - a) Formation of the new site access,
 - b) Closure and reconstruction of the existing vehicular access opposite Unit 3 Widow Hill Road,
 - c) Extension of the central reserve in the vicinity of the redundant vehicular access, and
 - d) Formation of a pedestrian crossing facility between the main BooHoo site and Unit 3.
9. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 8 has been constructed and completed in accordance with the scheme details.
10. The cycling and motorbike facilities hereby approved shall be provided in accordance with a final scheme to be approved by the Local Planning Authority in consultation with the Local Highways Authority. They shall be provided before the use of the premises hereby permitted becomes operative.
11. The car park areas hereby approved shall be surfaced or paved in accordance with a final scheme to be approved by the Local Planning Authority in consultation with the Local Highways Authority. The car parking spaces and manoeuvring areas shall be marked out in accordance with the approved plan before the use of the premises hereby permitted becomes operative.
12. Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in

consultation with the Highway Authority. The Business Travel Plan shall include details of an assisted cycle purchase / loan scheme and the provision and running of an employee service bus travelling to and from the site (Exact details and service to be provided). This shall be subject to agreement with the planning authority in consultation with the highway authority, and shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.

13. As part of the final car parking plan (condition 11), the developer shall include on-site the installation of a minimum of eight, three-pin 13-amp electrical sockets in suitable positions to enable the recharging of an electric vehicle using a 3m length cable. The charging points shall be installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.
14. The existing access onto Widow Hill Road (as shown on plan reference number L0401 Rev. T5) shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads prior to.
15. Whether by the making of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 or otherwise, and unless otherwise agreed in writing, a developer contribution or otherwise shall be agreed towards the following,
 - I. The upgrade of two cycling routes into the Heasandford Industrial Estate,
 - II. The creation and management of a 2.6 hectare grassland meadow as an extension to the Brun Valley Forest Park (currently a species poor wet meadow). The site is close to the application site and will be accessible to public and people who work on the Heasandford site. This is proposed to overcome the objections based on the loss of the existing site and its habitat, and
 - III. The redressing of the Brun Valley Greenway paths and links around the estate.
 - IV. The provision and running of an employee service bus travelling to and from the site (Exact details and service to be provided).The final costs (relating to I, II and III) shall be agreed within 2 months of the date of this permission, with the final document signed within 4 months of that date.
16. Foul and surface water shall be drained on separate systems.
17. Within three months of the date of this permission, details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

 - a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities,

the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development Greenfield runoff rate for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

18. Within three months of the date of this permission, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a. The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company,
 - b. Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments,
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - iii. Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

19. No combustion of any waste materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.
20. Notwithstanding the submitted details, as indicated on plan drawing number L0601 Landscaping, within six months of the commencement of any built development above slab level, full and final details of the proposed comprehensive hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.
 - a) Hard landscaping shall include [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. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant].
 - b) Soft landscaping shall include full details of the proposed lake (including site sections and construction details), schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate.
 - c) The scheme shall also include details of habitat mitigation enhancement measures such as bat and bird boxes which could be installed on retained or new semi-mature trees or elsewhere within the site on existing buildings.
21. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of any part of the development or in accordance with a programme approved in writing by the local planning authority.
22. The mitigation and recommendations detailed in the submitted Ecological Assessment (TEP, August 2016) shall be incorporated within the detailed on-site landscaping proposals (condition 20), and thereafter carried out in full prior to the first occupation of the development or in accordance with an approved timetable. Final details of this shall be submitted to the Local Planning Authority for consideration and approval.
23. Within six months of the commencement of the development, a scheme and programme for any other lighting on the site, outside of the proposed car parking areas, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme and programme shall include details of:
 - a) Location, type and intensity of lights.
 - b) Types of masking or baffle at head.
 - c) Type, height and colour of lighting columns.
 - d) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby properties.The lighting shall only be installed in accordance with the approved scheme and programme.
24. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with the written scheme of investigation

that was submitted on the 20th of January 2017. Once completed, the final report shall be submitted to the Local Planning Authority for approval.

25. Within four months of the date of this permission, the applicant shall submit to the Council, for approval in writing, an Employment and Skills Plan. The Employment and Skills Plan shall include arrangements setting out how the applicant and/or the developer and their contractors will work directly with local employment/training agencies/the Council as part of an employment and training consortium including but not limited to;
- a. Jobcentre Plus and the Learning & Skills Council; and
 - b. Voluntary and private sectors providers; and
 - c. Sixth form colleges; colleges of further education; and universities.
- The Employment and Skills Plan shall specify the provision for training opportunities and other initiatives in respect of the vocational and employability skills required by the owner/developer, their contractors and future occupiers, for any new jobs and business opportunities created by the Development.
- Following approval of the Employment and Skills Plan by the Council, the applicant will implement and where necessary procure implementation and promote the objectives of the approved plan and ensure that so far as is reasonably practicable the objectives are met.

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. For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.
3. To secure a satisfactory development in materials which are appropriate to the locality, and to enable any necessary flexibility in the choice of materials, in the interests of visual amenity and in accordance with Policy GP1, GP3, EW4 and EW5 of the Burnley Local Plan Second Review.
4. In the interests of protecting the amenity of neighbouring businesses from noise and disturbance, and in order to ensure the construction phase has no significant impact upon highway safety at this location, in accordance with Policy GP1, EW4 and EW5 of the Burnley Local Plan Second Review.
5. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
- 6/7 In the interests of protecting the amenity of neighbouring businesses from noise and disturbance, and in order to ensure the construction phase has no significant impact upon highway safety at this location, in accordance with Policy GP1, GP3, EW4 and EW5 of the Burnley Local Plan Second Review.
8. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before construction work commences on site.

9. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
10. To ensure the final scheme is suitable and to allow for the effective use of the parking areas.
11. To ensure the final scheme is suitable and to allow for the effective use of the parking areas.
12. To promote and provide access to sustainable transport options.
13. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.

NOTE: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. The socket should be suitable for outdoor use and have an internal switch within an adjacent building to enable the socket to be turned off.

14. To limit the number of access points to, and to maintain the proper construction of the highway.
15. To ensure that adequate provision is made for improvements to sustainability on the site, the improvement of surrounding accessible public open space in connection with the development, and to ensure there is appropriate mitigation against the loss of existing biodiversity and nature habitats and in order to provide a net gain in biodiversity in accordance with the NPPF; and to ensure the agreed management plan proposal is suitably managed.
16. To secure proper drainage and to manage the risk of flooding and pollution.
17. In order to ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development and in order to ensure that water quality is not detrimentally impacted by the development proposal. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.
18. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.
19. To reduce the potential for pollution and nuisance to the occupiers of nearby buildings and dwellings.
20. On the basis that full and final details of the proposed scheme have not been provided, and to ensure that the proposed scheme contributes to a satisfactory standard of completed development and the long term appearance of the site

harmonises with its surroundings in full, and in order to ensure a net gain for nature. In accordance with the NPPF and Policies E4, E5 and GP3 of the Burnley Local Plan.

21. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings, and in order to ensure that the landscaping works proposed are carried out in full. In accordance with Policies E4, E5 and GP3 of the Burnley Local Plan.
22. To ensure there is appropriate mitigation against the loss of existing biodiversity and nature habitats and in order to provide a net gain in biodiversity in accordance with the NPPF.
23. To ensure that the visual impact and impact on the amenity of the wider area is acceptable and that the scheme is appropriate in terms of its close proximity to other nearby wildlife habits and buildings. Also in the interests of highway safety, and to safeguard the amenity of adjacent buildings. To conform to Policy GP7 of the Burnley Local Plan, Second Review.
24. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.
Note: The programme of archaeological work should include the formal archaeological supervision of all groundworks, followed by such subsequent work as required to investigate and record any remains encountered. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists www.archaeologists.net.
25. In order to secure, where reasonably possible, jobs and/or employment for people from the Burnley/East Lancashire area, particularly unemployed client groups, and in order to ensure that a number of the wider economic benefits put forward by the development are held accountable for by the applicant. In accordance with Local Plan Policy EW10 and paragraph 18 of the NPPF.

GT
06/02/2017

This page is intentionally left blank

Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0510

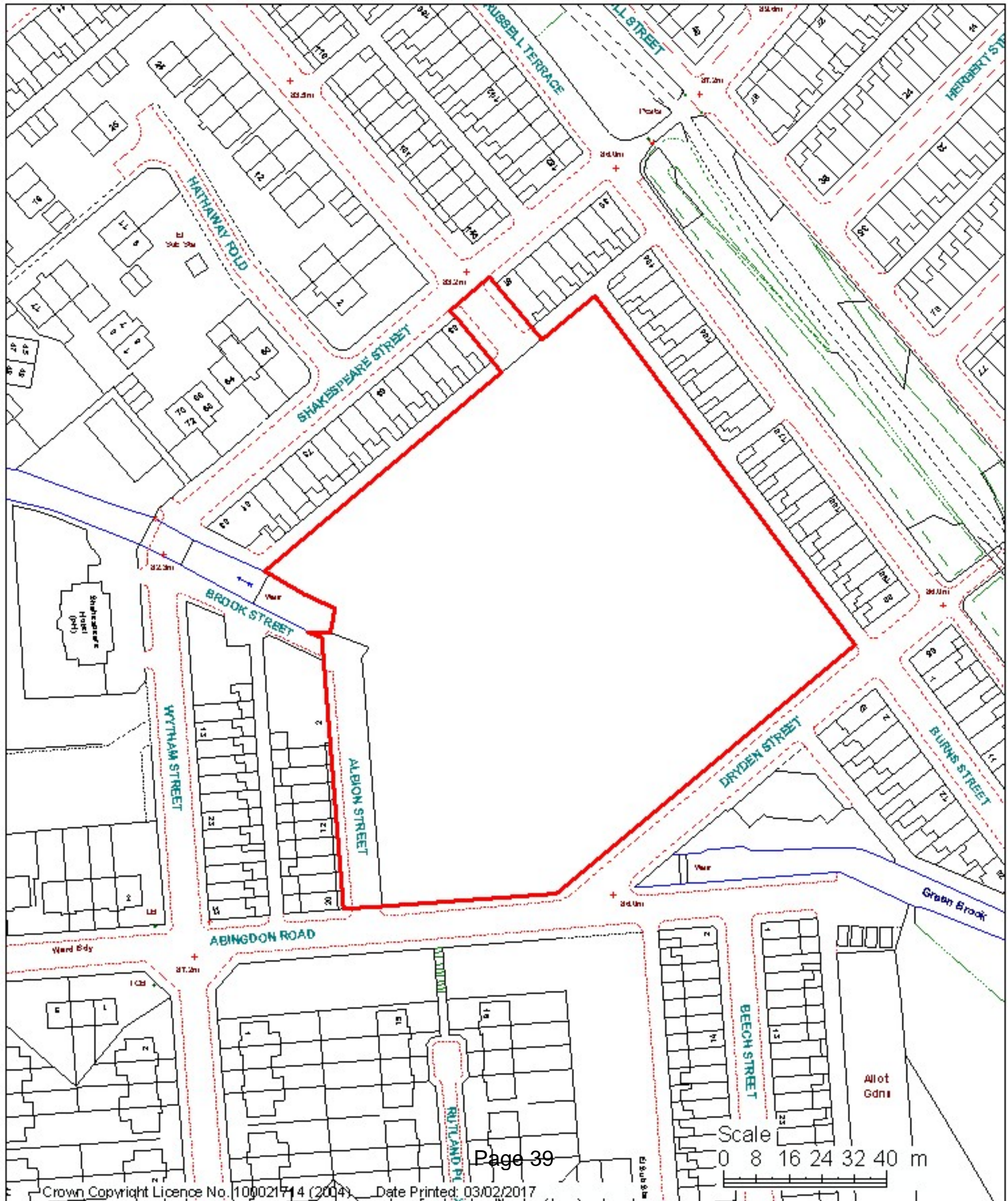
Paul Gatrell
Head of Housing and Development

Location:

Former Albion Mill Albion Street Padiham



1:1250



This page is intentionally left blank

Full Planning application
Proposed erection of 56no. dwellings
FORMER ALBION MILL ALBION STREET PADIHAM

Background:

The application is to redevelop the site (1.19ha) of the former Albion (later known as Perseverance) Mill which was demolished over 10 years ago with a development of 56 dwellings, comprising one, two and three bedroom mews style houses, 8 flats (One bedroom) and two bungalows (two bedrooms). The site sits lower than the surrounding streets of Dryden Street/Russell Terrace and Albion Street and levels out towards the back of the terraced street at Shakespeare Street. The mill site is situated to the south side of the Padiham Greenway.



Vehicular access is proposed from Stockbridge Road onto Shakespeare Street with pedestrian access over the existing bridge onto Albion Street. The proposal would involve ground clearance, decontamination and remediation works to make the site suitable for residential use. The proposed layout as detailed below has been designed to take account of an existing culvert (of Green Brook) that crosses the western portion of the site and two sewer easements which affect the western and southern parts of the site. A single 'H shaped road built with footways and to adoptable standards would provide access to most of the development, the exception being a terrace of six houses (2 and 3 bedroom) that are proposed at the southern triangular shaped end of the site where access would be from Albion Street to a 9 bay car park.

The original application provided for the re-opening of the Green Brook culvert but the applicant has found that due to technical issues and the associated (and unquantified) costs of carrying out this work, that it has been necessary to retain the culvert.



The proposed houses would be of traditional construction, with gable walls and roofs and a mix of reconstituted stone (Marshall's Cromwell weathered/buff pitch face) and through colour render with smooth grey concrete tiles to the roof.

Car parking is mostly provided on the forecourt frontages with narrow beds of landscaping between plots and some of the car parking is clustered at the end of cul-de-sacs. All three bedroom properties would have two dedicated parking spaces, a minimum of one car parking space would be provided for the remainder of the development, and where possible, two bedroom houses would have two tandem parking spaces.

Typical street elevations



Tree planting would be carried out within the frontage plots at regular intervals along the estate roads.

Access to refuse and recycling bins in rear gardens would in the case of terraced properties be from shared paths around the back gardens of properties and in the case of the proposed long terrace (plots 39-50 above) would be from gates onto Back Shakespeare Street.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the urban boundary

GP3 – Design and quality

GP7 – New development and the control of pollution

GP9 – Security and planning out crime

GP10 – Developer contributions

H2 – The sequential release of further housing land for development

H3 – Quality and design in new housing development

H4 – Providing a choice of housing in new development

H6 – Housing density

E5 – Species protection

E8 – Development and flood risk
TM15 – Car parking standards

Other material considerations
The National Planning Policy Framework

Site History:

All previous planning applications have related to the industrial use of the land.

Consultation Responses:

LCC Highways

No objection subject to measures to mitigate the impacts of a potential increase in left turns from Russell Terrace into Dryden Street and under the railway bridge where there is a lack of visibility. Following further discussions, advise that the risk could be satisfactorily managed by way of a Prohibition of Driving Order on Shakespeare Street/Russell Terrace. This would involve forming a kerbed extension of the footway on the westerly side of Russell Terrace, supplemented by a line of bollards to prevent vehicles overrunning. The following requests are also made:-

- A direct pedestrian route onto Dryden Street to increase the pedestrian permeability of the site
- To promote access to public transport opportunities and the local cycle network by the provision of cycle storage facilities for each property; a pre-paid public transport voucher for each property for a period of 2-3 months for all new tenants in the first three years of occupation; and, an assisted cycle purchase scheme.

Conditions are also requested to require the new access roads to be constructed to the LCC Specification for Construction of Estate Roads; wheel washing facilities; a scheme for the site access and off-site works; a scheme of works and maintenance of the retaining walls; a contribution to the costs associated with the making of a Traffic Regulation Order on Brook Street between Albion Street and Back Wytham Street; and, a Construction Method Statement.

Environment Agency

Object and recommend refusal for two reasons. Firstly, the Flood Risk Assessment (FRA) fails to properly estimate the surface water runoff rate from the existing site and should then base an estimate on greenfield rates. Secondly, the development is unacceptable because it involves building over a min river culvert and within the main river easement, measured 8m from either edge of the culvert and would be unlikely to receive the Environment Agency consent for the works. The reason for this is that the development would restrict essential maintenance and emergency access to the main river culvert. [A revised FRA is currently been prepared; the EA and the applicant are continuing to discuss the matter of the culvert and the outcome of this will be reported at the meeting].

Local Lead Flood Authority (LCC)

Object on the basis of an inadequate FRA and information to assess the surface water drainage from the site. [A revised FRA is currently been prepared and further comments from the LLFA will be reported at the meeting].

United Utilities

No objection. Foul and surface water should be drained on separate systems. The submitted Drainage Strategy is acceptable and recommend a condition to require its

implementation. Public sewers cross the site and the UU will not permit building over or within three metres of the centre line of these. Also recommend a condition to require the maintenance and management of sustainable drainage systems,

Contaminated Land Officer

The submitted reports are accepted, including gas monitoring that has been carried out. A Verification is report to ensure the site remediation takes place.

Capita Ecology

Commented that further surveys would be required in relation to bats and water vole/otter. [These comments were based on the opening up of the culvert; the amended proposals would retain the culvert and not lead to works that would affect these protected species].

Environmental Health

Recommend conditions to require the following:-

- Restrictions on construction working hours
- A Construction Method Statement
- No burning of waste materials on site
- Electric charging points at 10% of the dwellings.

LCC School Planning Team

An education contribution is not required at this stage.

Designing out Crime Officer (Lancashire Constabulary)

No objections; however, given the potential risk of crime and anti-social behaviour associated with new housing development, recommend a range of physical security measures and the use of Secured by Design.

Padiham Town Council

Supports the proposed development in principle but highlights the following issues which should be properly addressed:-

1. That the demand for vehicular access to the development, and its impact on surrounding highways, has been adequately assessed;

2. That there is adequate space allocated in the development for parking for residents vehicles and for community spaces;

3. That flood risks have been adequately assessed and that the proposed development includes suitable measures that take into account both the proposed development and the surrounding areas.

Publicity

No comments received.

Planning and Environmental Considerations:

Principle of proposal

The site is previously developed land which still displays the remnants of concrete floors and structures and sits surrounded by terraced streets within a built-up urban area where Policies GP1 and H2 would seek, in principle, to promote the re-development of the site for residential development. Policy HS1/23 of the draft Burnley Local Plan (Preferred Options version, July 2016) whilst of only limited weight,

also identifies the site for housing purposes. The National Planning Policy Framework (the Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. The site is within an existing primarily residential area which is accessible to public transport and Padiham town centre by walking and cycling. The site therefore represents a sustainable location for development and there is no objection in principle therefore to the proposal. The main issues relate to the impacts of the development on flooding and surface water infrastructure, access and highway safety, design and layout, risks from contamination and residential amenities.

Impact on flooding and infrastructure

Policy E8 states that development will not be permitted if it would increase the risk of flooding by its effect on a flood plain, flood defences the discharge of additional surface water or would itself be at risk from flooding or would fail to include adequate flood protection measures. The Framework states that local planning authorities should ensure that development does not increase the risk of flooding elsewhere and in areas of flood risk that a sequential test should be applied to selecting sites with the lowest flood risk.

The application site is in Flood Zone 2 where there is a moderate risk of flooding with the exception of a small portion of land to the northern boundary of the site (with Back Shakespeare Street) which is within Flood Zone 3 where the risk of flooding is high. A Flood Risk Assessment (FRA) has been prepared by the applicant to demonstrate that the proposal would not lead to an unacceptable risk of flooding on the site or elsewhere. The Environment Agency (EA) and the Local Lead Flood Authority (LLFA) have stated that the current FRA would not be acceptable as it has failed to quantify the existing discharge rates from the existing brownfield site and as such, the site drainage should be designed to cope with surface water discharge equivalent to greenfield rates. To achieve this, some level of on-site underground surface water storage will be required in order to control the rate of flows to the public sewer system. The applicant has agreed to improving the site drainage to achieve greenfield rates and a revised FRA is expected imminently. Further comments from the EA and LLFA will be reported at the meeting. Subject to improving site drainage to greenfield rates, the proposal would lead to a betterment and positively contribute to reducing flood risk.

The EA has also objected to the proposal on the basis that part of the proposed development lies within 8m of the edge of each side of the culvert that crosses the south western area of the site (between Green Brook to each side of the site). The applicant has discussed this aspect of the proposals with the EA and has amended their layout to provide a meadow across the culvert itself which would be a 'no go area' for residents and within the easement, a large communal garden for flats and some individual gardens. The applicant would provide gates and unfettered access to the culvert and given that the land would remain in their control, is willing to commit to allow access by the EA to the culvert at any time. The extract below identifies the land within the easement of the culvert.

Culvert Easement



The EA requires access to the culvert for essential maintenance and emergencies. The culvert itself is below the ground where a meadow would be planted and reserved for access for the purposes of the EA only. Access to the main section of the culvert would be available across a communal garden with a shorter section accessible from the gardens of two bungalows on the north side of the culvert whilst access from the south side would be from an open car park area and the gardens of six properties. The EA is currently not satisfied that this layout would provide a continuous unobstructed area for future maintenance and improvement works.

Proposed communal garden, parking area and gardens within culvert easement



The applicant affirms that the proposal would provide permanent and effective access to a long section of culvert that has for many years been inaccessible within the former mill buildings. The development works do not involve any physical works (with the exception of a knee high timber rail between the culvert and the communal garden area and some domestic fences to gardens and surfacing to a parking area. Further negotiations are taking place with the EA to establish whether the concerns regarding accessibility to the culvert can be satisfactorily mitigated. Notably, the EA point out that the applicant would also require a permit to develop within 8m of the easement and these discussions (and possible arrangements or agreements) between the two parties can therefore be dealt with outside the planning process. An update of the EA's position in terms of the culvert will however be reported at the meeting.

In terms of flooding, subject to a revised FRA to achieve discharge of run-off at greenfield rates, the proposal would not lead to an increased risk of flooding and complies with Policy E8 and the Framework.

Access and highway safety

Policy GP1 requires, amongst other things, that new development does not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure. The Framework states that proposals should provide safe and suitable access for all people and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Policies H3 and TM15 require new housing development to make parking provision in accordance with the Council's standards which are set out in Appendix C of the Burnley Local Plan, Second Review (2006) and require one parking space for single bedroom dwellings and two parking spaces for 2 or 3 bedroomed dwellings.

The proposed development would have a single point of vehicular access from Shakespeare Street where LCC Highways has expressed concern that drivers wanting to cross the Padiham Greenway will then turn right to Russell Terrace which leads to the junction of Russell Terrace and Dryden Street where, turning left into the tunnel, visibility for drivers is inadequate. This situation exists for current users of these local streets and LCC Highways confirm that there are no reported accidents at this junction (despite the poor conditions for visibility). However, LCC Highways do not wish to compound or increase the risks to drivers and have therefore suggested a scheme of works to stop up (for vehicles) the end of Shakespeare Street (towards Russell Terrace) which would therefore ensure that vehicles leaving the site would not approach the Dryden Street tunnel from the Russell Terrace direction. The disruption to the local area and highway network would be minimal although notably these works would involve the making up of a stopping up order which would involve public consultation. The costs associated with the making of such an Order as well as a short section of Traffic Regulation Orders on Brook Street, would be borne by the developer and secured through a condition to require a Unilateral Undertaking to be made to the Council.

The proposed layout and estate road design is satisfactory. LCC Highways note that not all of the two bedroom properties would have two car parking spaces and some of those properties with two spaces, have tandem spaces which reduces the accessibility of the spaces. The properties are however to be occupied as affordable units where it is less likely that smaller properties would have two cars. LCC Highways has, in mitigation, also requested contributions to bus permits and measures to provide sheds for cycle storage and cycle vouchers. Whilst these measures would make a positive

contribution to encouraging sustainable travel modes, it is accepted here where the scheme is reliant upon public grants, that the additional burden of these costs would jeopardise the viability of the scheme.

LCC Highways has also asked for a pedestrian access from the site onto Dryden Street to assist with the site's permeability. However, where the level differences between the site and Dryden Street are at their shortest, there are easements from the culvert and sewers which would prevent this from being constructed. Given however that the site would provide pedestrian access over the Green Brook bridge onto Albion Street, the site would be reasonably permeable and accessible to pedestrians.

On this basis, the impacts of the proposed scheme on traffic and highway safety can be satisfactorily dealt with through off-site works suggested by the highway authority. The proposal offers adequate parking to cater for the needs of the development and would provide reasonable levels of accessibility for pedestrians and cyclists. The proposal would therefore in these respects comply with Policies GP1 and H3 and the Framework.

Design and layout

Policies H3 and GP3 require quality design that is suitable in respect of the layout, materials, size and scale of neighbouring properties and provides a distinctive character that contributes to local identity and a sense of place. The use of reconstituted stone with part through render would be in keeping. The proposed dwellings have a collective and distinctive design that respects the character of the traditional terraced streets that surround the site. The layout has been designed to ensure that formal fronts with frontage landscaping and tree planting would provide an attractive internal layout. The development would provide approximately 46 dwellings per hectare which is appropriate in this setting. Due to the difference in levels with the surrounding streets, it is not possible to provide direct access and frontages to Dryden Street. However, the surrounding stone mill wall which also acts as a retaining wall on Dryden Street is in poor condition and would be improved/replaced with a stone wall to match the development. The proposal would lead to a satisfactory design and layout that would be beneficial to the site and the local area and as such, would comply with Policies H3 and GP3.

Impact on residential amenities

Policy H3 requires new housing development to ensure that the amenity of neighbouring properties is protected by minimising overlooking and ensuring a reasonable degree of privacy and outlook. The Framework states that development should seek a good standard of amenity for all existing and future occupiers of land and buildings. The proposed houses would be satisfactorily spaced from the surrounding terraced houses with a minimum interface distance between a blank gable within the site and the main rear of terraced houses on Russell Terrace of approximately 11.5m. Interface distances between the rear of new houses and the main rear elevations of Shakespeare Street would be approximately 16m. This spacing would be sufficient to protect levels of privacy and daylight/sunlight provision. The proposals would not therefore significantly affect neighbouring residential amenities.

Land contamination

Policy GP7 states that new development will be assessed against any risk that potential pollution may have on the development or the environment. A Phase I and Phase II geo-environmental site assessment and remediation strategy have been submitted with the report which identifies the contaminants on the site and the measures, including gas monitoring that are necessary. A condition is recommended to ensure that the site is satisfactorily remediated and made suitable for residential use.

Other issues

The Council's ecology consultant advised that bat and water vole surveys would be necessary prior to the determination of the application in order to protect protected species which may occupy the culvert. The applicant had now revised the plans to avoid the re-opening of the culvert and any potential disturbance to protected species. On this basis, the requirement for the surveys is no longer applicable.

Summary

The proposed development is located on a previously developed site where its re-development has been awaited for some time. The proposal is likely to lead to significant benefits by the provision of affordable housing and environmental improvements to the site and its surroundings. Some issues have been identified with the easement to the culvert that crosses the site and it is anticipated that this can be satisfactorily dealt with through negotiations and agreements between the Environment Agency and the applicant. An update of this matter will be reported at the meeting.

Recommendation: Approve with conditions

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1713/001, 1713/104 2B4PGable Entrance-Roof Plan, 1713/106 2B4PGable Entrance-Ground Floor, 1713/107.1Gable entrance-Front Elevation, 1713/107.2 2B4PGable Entrance-Rear Elevation, 1713/107.3 2B4PGable Entrance-Gable Elevation, 1713/103 2B4P-Roof Plan, 1713/106.1 2B4P-Floor Plans, 1713/107.1 2B4P -Front Elevation, 1713/107.2 2B4P - Rear Elevation, 1713/107.3 2B4PGable Elevation, 1713/107.4 2B4P Gable 2 Elevation, 1713/104 3B5PRoof Plan, 1713/1053B5PFloor Plans, 1713/107.1RevA 3B5PFRont Elevation, 1713/107.2 3B5PRear Elevation, 1713/107.4 3B5PGable 1 Elevation, 1713/103 1B2PFlats-Roof Plan, 1713/106 1B2PFlats, 1713/107.1 1B2PFlats- Front Elevation, 1713/107.2 1B2PFlats-Rear Elevation, 1713/107.3 1B2PFlats-Gable Elevation, 1713/104 1B2PHouse-Roof Plan, 1713/106 1B2P House-Floor Plans, 1713/107.1 1B2PHouse - Front Elevation, 1713/107.2 1B2PHouse- Rear Elevation, 1713/107.3 1B2PHouse-Gable Elevation, 1713/103 2B3PBungalow - Roof Plan, 1713/106 2B3PBungalow-Floor Plans, 1713/107.1 2B3P Bungalow-Front Elevation, 1713/107.2 2B3P Bungalow-Rear Elevation, 1713/107.3 2B3P Bungalow-Gable Elevation, 1713/104 2B3P Shallow Bungalow-Roof Plan, 1713/106 2B3P Shallow

Bungalow-Ground Floor, 1713/107.1 2B3P Shallow Bungalow-Front Elevation, 1713/107.2 2B3P Shallow Bungalow-Rear Elevation, and 1713/107.3 2B3P Shallow Bungalow-Gable Elevation, received on 11th November 2016; and, 1713-010RevE, 1713-010RevEHatch, 1713-012.01RevB, 1713-012.2RevB, 1713-011RevB, 216-224/E01RevP7 and 216-224/D01RevP4, received on 3rd February 2017.

3. The materials of construction to be used on the external walls and roofs of the development shall be as described in the Materials Schedule (dated October 2016) submitted with the application unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority. Prior to commencing any construction works, a detailed materials plan to indicate how the buff and weathered stone variations of the approved materials would be distributed across the site 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.
4. The development shall not be carried out otherwise than in accordance with the Phase I & II Geo-Environmental Assessment (report ref: 11-360-r1, dated October 2016) received on 11th November 2016; the Remediation & Enabling Works Strategy (report ref: 11-360-r2, dated November 2016) and Supplementary Stockpile Investigation (report ref: 11-360-L2, dated 13th December 2016, received on 3rd January 2017; and, the Ground Gas Addendum Report (report ref: 11-360-3L, dated 31st January 2017), received on 31st January 2017 and shall be completed prior to the first occupation of any dwelling. Verification of the works shall be provided to the Local Planning Authority prior to the occupation of the approved dwellings.
5. The development shall not be carried out otherwise than in accordance with the principles, strategies and mitigation measures contained within the Flood Risk Assessment, received on (date to be inserted once received).
6. Prior to any construction works being commenced on the site, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including details of water quality controls and a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and be completed prior to any dwelling being first occupied or the completion of the development, whichever is the sooner. The approved drainage scheme shall thereafter be retained at all times.
7. Prior to any construction works being commenced on the site, details of a management and maintenance plan for the sustainable drainage system required by condition 6, which shall cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in accordance with the approved details prior to any dwelling being first occupied or the completion of the development, whichever is the sooner. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved plan details.

8. Prior to any construction works being commenced on the site, a conditions survey and scheme of works and maintenance strategy for the retaining structures adjacent to the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of works shall thereafter be carried out and completed prior to any dwelling being first occupied and the retaining structures shall thereafter be maintained in accordance with the approved details.
9. Within three months of the date of the commencement of groundworks on the site, a scheme and mechanism to facilitate the provision of traffic regulation orders to manage traffic and parking at Shakespeare Street and Russell Terrace and Brook Street, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.
10. Within three months of the date of the commencement of groundworks on the site, a scheme for the construction of the site access and off-site works of highway improvement 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.
11. The new estate road and access for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads and shall be constructed to at least base course level before any superstructure works are commenced on the site.
12. Prior to any construction vehicles entering the site, facilities for the washing and cleaning of wheels of vehicles shall be provided at a convenient location adjacent to the site access and shall be deployed before vehicles leave the site throughout the development process.
13. The development shall not at any time be carried out otherwise than in accordance with the measures contained within the Control of Dust statement (ref: RS(SWP).62.01) and Control of Noise statement (ref: (SWP).40.02), received on 2nd February 2017; and, the Construction Method Statement (dated February 2017) and the Construction Method Statement Plan (ref: 1713-010RevC), received on 7th February 2017.
14. No dwelling shall be first occupied until its associated boundary treatment has been constructed and finished in accordance with the approved plans and in the case of the boundary wall along Dryden Street, in accordance with a detailed design and specification (details of materials, design and copings) to be previously submitted to and approved in writing by the Local Planning Authority.
15. 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; 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.

16. The development shall, with the exception of works relating to the culvert on the site, only be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Assessment (prepared by TEP, reference 6038.002, dated October 2016) submitted with the application.
17. No dwelling shall be first occupied unless and until its associated car parking space(s) has or have been constructed, drained, surfaced in a bound material and made available for use in accordance with the details indicated on the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
18. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for that dwelling shall be provided within a concealed area of the curtilage. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.

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 the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
4. To ensure that the site is appropriately remediated and made suitable for residential occupation, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006).
5. To ensure the satisfactory implementation of measures to reduce the risk of flooding on the site in the locality, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006).
6. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006).
7. 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 Policy E8 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.
8. In order to ensure the safety of the retaining structures, to safeguard the safety of the adjoining public highway, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).

9. To allow the local highway authority to pursue the making of traffic regulation orders to restrict traffic movements in the immediate surroundings of the site in order to manage the risks associated with restricted visibility at the junction of Dryden Street and Russell Terrace and to manage car parking on Brook Street, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
10. To ensure a satisfactory means of access to cater for the approved development, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
11. To ensure a satisfactory standard of access to the site and to ensure construction vehicles can access the site prior to the main construction phase, in the interests of highway safety and public amenity, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
12. To prevent mud and loose debris from being dragged onto the neighbouring streets, in the interests of highway safety and public amenity, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
13. To safeguard residential amenities and highway safety, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
14. To ensure a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
15. 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 GP3 and H3 of the Burnley Local Plan, Second Review (2006).
16. To ensure adequate protection and enhancement of the biodiversity of the site, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
17. To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy H3 of the Burnley Local Plan (2006).
18. To ensure adequate means of storing waste, in the interests of visual and local amenities, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).

JF
8/2/2017

Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0531

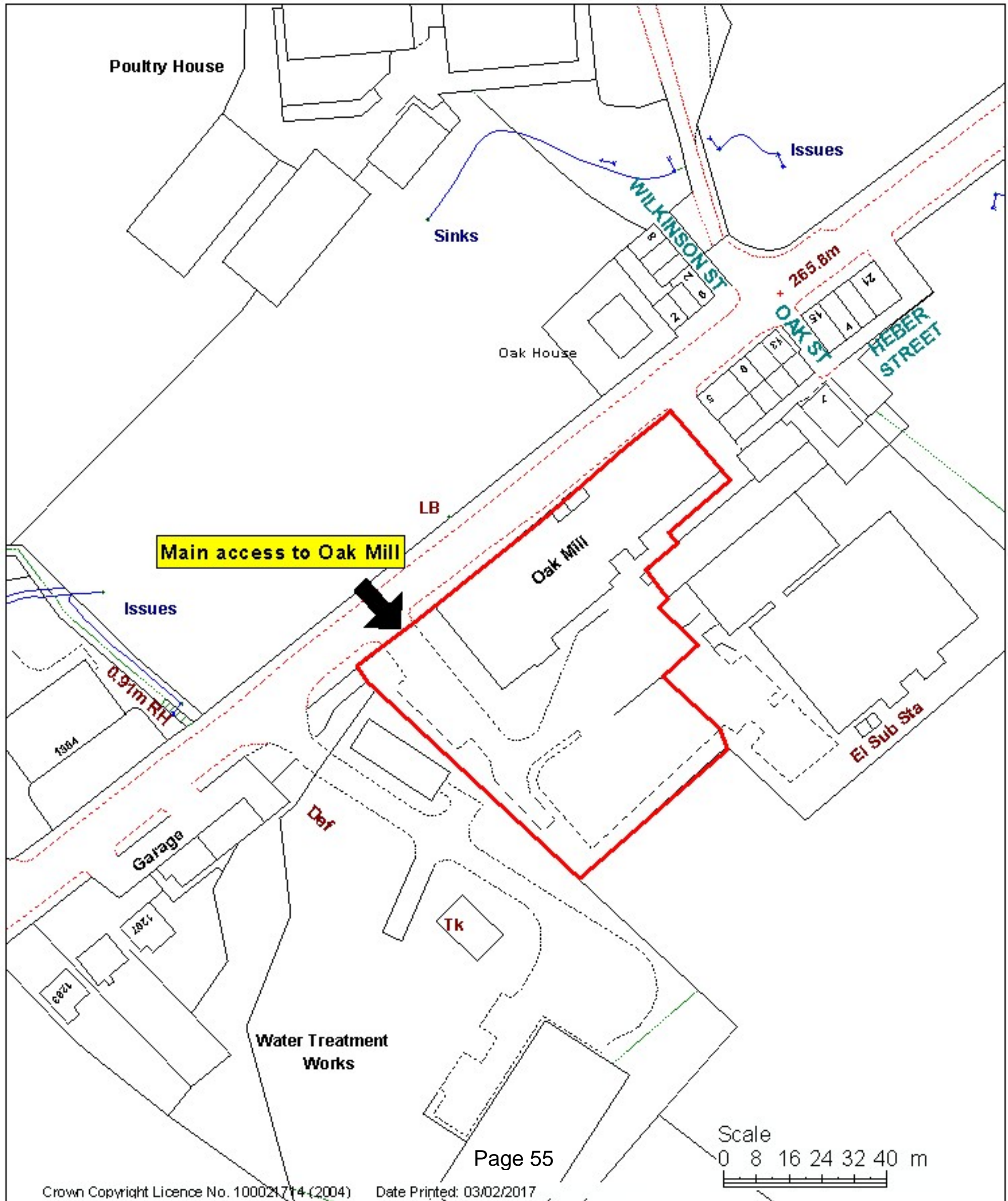
Paul Gatrell
Head of Housing and Development



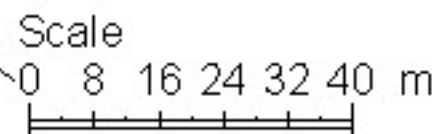
Location:

Oak Mill Manchester Road Dunnockshaw

1:1250



Main access to Oak Mill

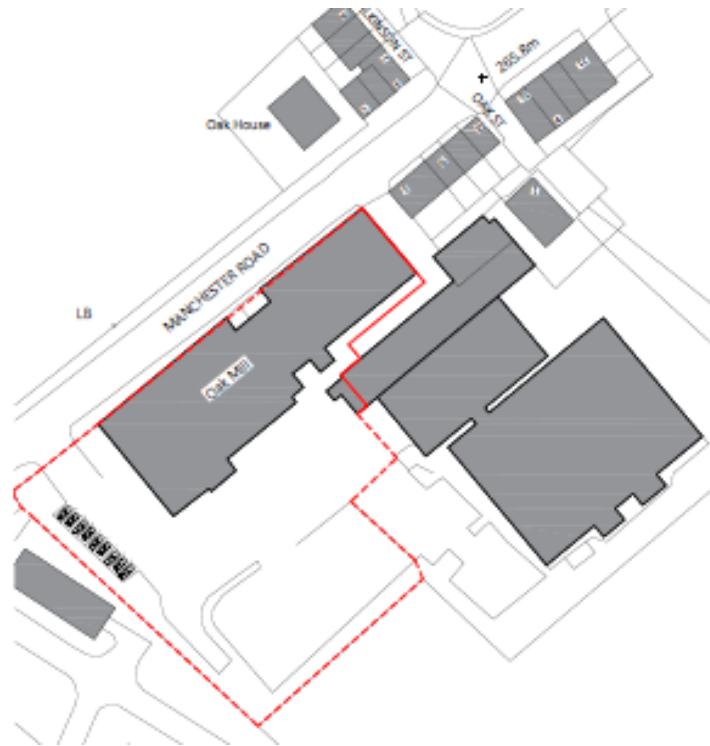


This page is intentionally left blank

Full Planning Application

Proposed change of use from B2 General Industrial to Sui Generis use (Events company) and part D2 use (Gym) and erection of 2m high security fence

OAK MILL MANCHESTER ROAD DUNNOCKSHAW BURNLEY



Background:

The site is situated to the South of Burnley Borough on the border with Rossendale. The site lies on Manchester Road which is a main access Road from Rossendale to Burnley and East Lancashire. The Mill has had many uses over the year however most recently it has been split into several business units, all mainly used for General Industry. Access to the site is from Manchester Road. This access serves this building on this site but also a unit owned by Calder Print, who has access rights. The Mill is located close to water Treatment Works, a large scale farm and slaughter building and several residential houses in detached and terraced rows. The site also lies on a bus route between Burnley and Manchester / Skipton.

Over time the mill has fallen into a poor state of repair, and the last user ceased trading in the early part of 2016 when the applicant company took ownership of the entire mill. The applicant company previously worked out of a commercial unit in Crawshawbooth, however due to expansion over a very quick rate they required a larger building to incorporate their business. They have moved the majority of the business to Oak Mill already. Oak Mill was purchased as it is ideally placed and of a sufficient size that will allow good access for large deliveries, parking and storage/office space as well as the opportunity to allow areas of the Mill to be allocated to either further expansion or indeed allow other businesses in need of expansion the space to do so.

This application seeks the change of use of the existing B2 classification to both Sui Generis and Part D2 (Gym). The gym too is a business seeking to expand from its current location and see this location as a perfect location for its type of offer. The application also seeks to apply for the erection of a 2m high metal security fence and improvements and modifications to the external façade of the mill, to include a new entrance and reception along with a new car park for both the workers at BPM-SFX and the users of the proposed Gymnasium at the rear. The car park will also create an expanding car park for Calder Print who themselves have expanded recently and struggle with parking for their staff.



Oak Mill

An objection to the proposal has been received.

Relevant Policies:

Burnley Local Plan Second Review

GP2 - Development in the Rural Areas

GP3 - Design and Quality

GP5 - Access for All

GP7 - New Development and the Control of Pollution

GP8 - Energy Conservation and Efficiency

GP9 - Security and Planning Out Crime

EW3 - New Leisure, Tourist, Arts and Cultural Development Outside Town Centres

EW4 - Expansion and Improvement of existing businesses

E21 - Gateways and throughroutes

National Planning Policy Framework

Site History:

No relevant recent planning history (over the past 25 years).

Consultation Responses:

Lancashire County Council (Highways

- Developer Support)

Following the submission of agreed amended plans, subject to the amended plans being implemented placing the gym access to the rear of the property, no objection is raised on highway safety grounds. This shall be subject to condition.

Burnley BC (Environmental Protection Officer)

No objection to the proposal subject to conditions relating to construction works hours and the prevention of amplified music being played within the D2 (gym) unit.

Dunnockshaw Parish Council

The Parish Council has no objections to the above planning application. The applicant has made an excellent job of the restoration of Oak Mill. The frontage was definitely an eyesore, and although work is not yet complete, it has been transformed and now looks 100% better. The PC welcome new businesses to the Parish, especially when there is the possibility that the village could have been left with a derelict building.

The Council however do have a slight concern with regard to any noise being generated from the Gym, as it is located rather near to the resident's homes in Dunnockshaw. It appears that the firm is taking some measures to mitigate this, but it would be reassuring to know if these are sufficient to make any noise generated inaudible in nearby dwellings.

[This will be conditioned accordingly]

Local consultation response

A local resident has raised a number of objections to this proposal and the material planning concerns raised have been summarised as follows,

1. The proposed fence is an absolute eye sore, and it resembles fencing surrounding a high security prison. It is not in line with the era and image of the rest of the mill and village.
[To be discussed]
2. Concern regarding the emergency access from the Mill via the side lane between Oak Mill and No. 5. The side lane is full of building rubble/rubbish left behind from contractors working on the front of the mill, and they may also may wish to reconsider this as they will be escaping one hazard right into another (a HGV lorry delivering to Calder Print.
[There is an existing fire escape to the rear that will be renovated, this is an existing route]
3. Concern regarding the use of the side land between Oak Mill and no. 5 by Calder Print as it has only been used for light goods over the past 25 years i.e. Cars/Transit vans, however now HGV's are using it to deliver. All HGV deliveries for 25 years have been delivered to rear of Oak Mill/Brandwood works. To me this has set a precedent over time that HGV deliveries to both mills have used the purpose built/safe entrance. However after speaking to a Calderprint employee I am advised that deliveries to the rear are no longer allowed. I have significant safety concerns over this, not only for users of Manchester Road but also my own family.

[This is a private and legal matter between the new owner of Oak Mill and Calder Print. The applicant and the Director of Calder Print are working together in relation to car parking and traffic management; however the delivery entrance between no. 5 and Oak Mill has been in situ for a large number of years. There are issue with HGV's delivering to Calder Print using this entrance however they are not material planning matters that relate to this application and are being investigated separately by Lancashire County Council Traffic Team].

4. If the gym company is already such a successful business why the need to relocate or expand into a countryside village location, 7metres from a row of country cottages. In the whole of Rossendale & Burnley, I do not know of one gymnasium which is 7 metres from a residential area. To live next to a proposed gym of this nature is worse than a normal gym, as the planning shows an astro turf and running tracks, the opening times are unacceptable and the use will create an unacceptable amount of noise.

[The Mills former use was for B2 General Industrial with no time limits on hours of use or operation. Such a use would create a significant impact on neighbours due to the nature of uses that fall within this use class (manufacturing etc.). As such, a tightly controlled use (as proposed) is not considered to be inappropriate at this location].

Planning and Environmental Considerations:

The main considerations in regards to this application are the principle of the proposed changes of use, whether or not the proposed development will have an acceptable visual impact and whether the proposal will cause any highways safety issues.

PRINCIPLE OF THE DEVELOPMENT

Local Plan Policy GP2 allows the re-use of existing buildings providing that the building is capable of re-use without complete or major reconstruction and such re-use does not have an adverse effect on the rural economy, or a materially greater impact on the rural environment than the existing development. The proposed use by the applicants company (a mixture of office, storage, workshop etc.) is considered wholly acceptable at this location, and is very similar to previous uses within the building.

The proposed D2 use (gym) is more commonly associated within town centre locations; however Local Plan Policy EW3 does allow proposals for new and expanded leisure facilities outside Burnley and Padiham town centre subject to the scheme meeting certain criteria. This includes that,

- the proposal is of a scale, character, design and appearance compatible with its surroundings;
- it does not harm the residential amenity of local residents;
- it would not create an unacceptable concentration of one use class;
- it is accessible, or potentially accessible, by a choice of means of transport; and
- The road network, with any suitable improvements proposed, is capable of accommodating predicted traffic levels.

Considering the size and scale of the gym proposed, the protection to neighbouring residents that can be achieved by suitable planning conditions, that the existing road outside is a major traffic route and that the site is located in an accessible location by

bus (three bus services pass this site including the Skipton/Manchester - X43), I consider that the proposed D2 use is acceptable in line with this policy.

PROPOSED VISUAL IMPACT OF THE SCHEME

The scheme also includes a number of external improvements to the external fabric of the building, a number of which have already been carried. This includes replacement and repair of existing windows, stone and brick cleaning externally, repointing of the building, repairs to the roof, the erection of a new security fence and gates and the creation of a new, glazed front entrance to the building. A number of these works have already been carried out/commenced, and they have already significantly improved the building and the area.



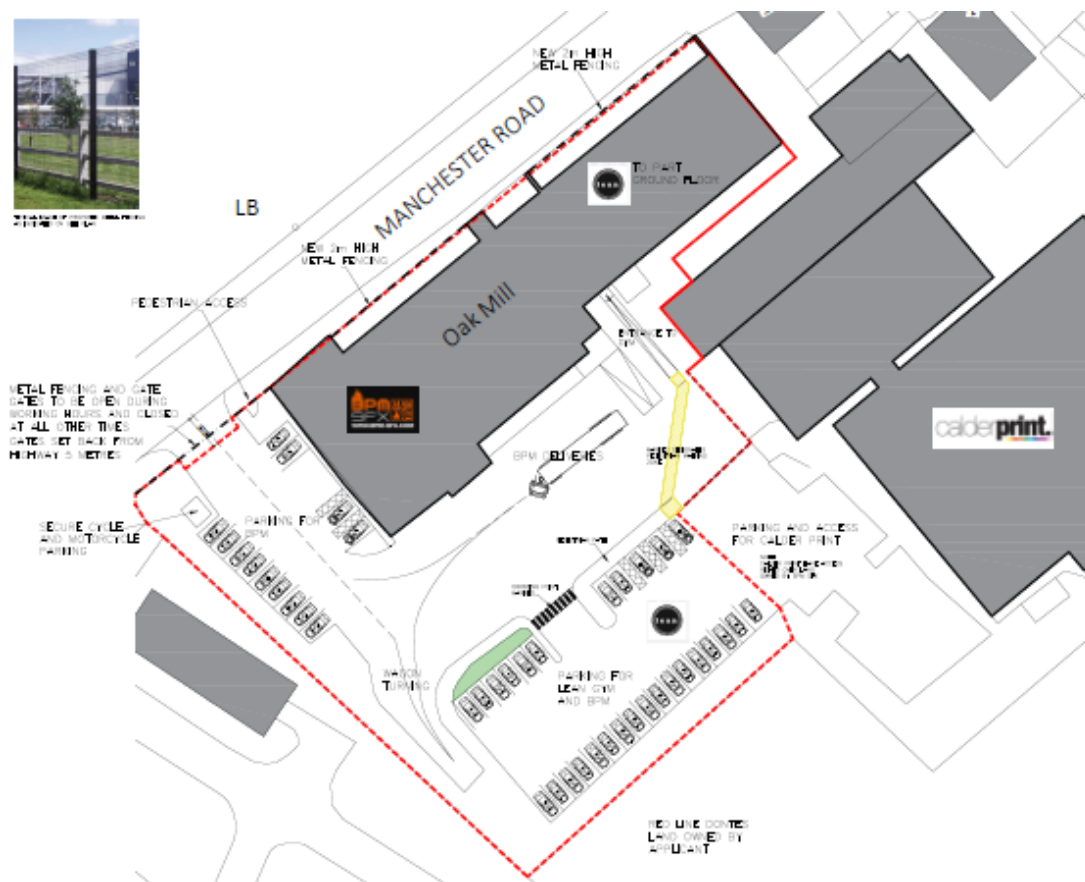
Elevation facing Manchester Road / Elevation facing no. 5 Manchester Road

The proposed new, black paladin fence and gates for the site have been chosen to blend in with the building as much as possible, and are preferable to a more traditional palisade fencing that is more commonly found on industrial sites. The site will be enclosed to the front for security reasons and the proposed method is considered acceptable as it will have an acceptable visual impact on the building and the surrounding area.

HIGHWAY SAFETY ISSUES

The existing access to the site is considered acceptable and requires no alterations. The new gate to this access will be set back from the entrance a minimum of 5m to allow cars to pull safely off the road to open it. There are no concerns with the access.

Whilst there are a number of existing entrances to the building directly off Manchester Road, the applicant has chosen to place all main entrances (to both the new gym and the rest of the building) with the site. The proposed new car parking and turning area also includes a safe pedestrian walkway from the parking area to the main entrances, and the use of this area will be subject to a planning condition.



Proposed car park and turning layout

Concerns have been raised regarding the use of the side land between Oak Mill and no. 5 by Calder Print for HGV deliveries. Whilst in the past larger deliveries to the building at the rear of Oak Mill may have been taken through the existing access to Oak Mill, a change in land ownership has meant a change in the type of access allowed/agreed between the two owners. This is a private and legal matter between the new owner of Oak Mill and Calder Print. The applicant and the Director of Calder Print are working together in relation to car parking and traffic management, however the delivery entrance between no. 5 and Oak Mill has been in situ for a large number of years and its use is not a planning issue that relates to this application. It is being investigated separately by Lancashire County Council Traffic Team, and this department will help where possible to overcome any issues.

CONCLUSION

Paragraph 7 of NPPF states 3 dimensions to sustainable development which are central to the planning system. The proposed development is considered to respond to these 3 dimensions to achieve sustainable development in the following way:

An economic role

- The proposed change of use would allow the business to naturally grow and expand creating jobs, and
- The proposal allows for other businesses to grow and expand within the building.

A social role

- The site is existing and has proven to be a sustainable location,
- The proposal also re-uses an existing building.
- The building will be repaired and maintained for future generations.
- The proposal is designed to work with existing surrounding uses and make a positive impact to the existing built environment.

An environmental role

- The proposal is to use a vacant building which Local policy urges the re-use of existing buildings.
- The site will not unduly impact on the existing services.
- The design ensures no impact on existing infrastructure.

Paragraph 19 of the NPPF also states that 'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth, and that planning should operate to encourage and not act as an impediment to sustainable growth'.

The applicants company is one of the UK & Europe's leading special effects companies. They supply a wide range of special effects including stage & indoor Pyrotechnics, Confetti & Streamer FX, Flame & Pyro FX, Lasers and more for a range of sporting, music, festival and many other occasions. It has expanded significantly over the last few years and has chosen a key gateway site within the Borough to expand to. The applicant has invested heavily in improvements, repair and maintenance to this building, and together with the help of Grant Funding from Pennine Lancashire, he seeks to invest in both the future of his and other companies at this location. This long term vision will not only save this building from becoming another derelict site within Lancashire, but also offer a renovated building for other potential businesses to expand to.

The change of use is considered to accord with both local and National Planning Policies and there are no material planning considerations that indicate that permission should not be granted for this proposal.

Recommendation:

That planning permission be granted subject to the following conditions,

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2016-10, 2016/10-02 Rev. A, 2016/10-08 Rev. A and 2016/10-09 Rev. A received 24th November 2016, 2016/10-05 Rev. A received 30th November 2016, 2016/10-01 Rev. B and 2016/10-03 Rev. B received 15th December 2016, 2016/10-04 Rev. C and 2016/10-06 Rev. D received 20th January 2017, and 2016/10-07 Rev. B received 1st February 2017.
3. The D2 use hereby approved shall not operate outside the hours of,
 - 0600 and 2100 Monday to Friday, and
 - 0800 and 1500 on Saturdays and Sundays.
4. There shall be no amplified music played within or outside the D2 unit hereby approved.
5. The main entrance/access to the gym (D2 use hereby approved) shall be from the rear of the building, as shown on plan drawing 2016/10-04 Rev. C. There shall be no direct access between the gym and Manchester Road. Any existing access shall be kept closed and restricted to the purpose of an emergency exit only.
6. Prior to the first use of the D2 unit hereby approved, the submitted scheme for the parking and manoeuvring of vehicles within the site shall be completed to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

The approved scheme shall then remain available for the parking of vehicles in connection with the development hereby approved at all times.

7. The submitted scheme for the parking and manoeuvring of vehicles within the site in connection with the Sui Generis Use hereby approved shall be completed to the satisfaction of the Local Planning Authority within six months of the date of this permission unless otherwise agreed in writing. The approved scheme shall then remain available for the parking of vehicles in connection with the development hereby approved at all times.
8. Within six months from the date of this permission, details of an agreed car parking and traffic management plan between the users of the car park and access to the site shall be submitted to the Local Planning Authority for consideration, unless otherwise agreed in writing. Once agreed, the plan shall be adhered to in perpetuity unless further changes on site are approved that significantly alter the layout.
9. No construction work shall take place outside the hours of 8am to 6pm Monday to Friday, 8am to 4pm on Saturday and not at any time on Sundays and Bank Holidays, including all works and ancillary operations in connection with the completion of the development, and the use of any equipment or deliveries to the site. Where permission is sought for works to be carried on outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To protect the amenities of nearby residents, in accordance with policies GP7 and EW3 of the Burnley Local Plan, Second Review.
4. In the interests of the amenities of the neighbouring occupiers, in accordance with policy EW3 of the Burnley Local Plan, Second Review.
5. In the interests of highway safety and residential amenity.
6. In the interests of highway safety and in accordance with policy EW3 of the Burnley Local Plan, Second Review.
7. In the interests of highway safety and in accordance with policy EW4 of the Burnley Local Plan, Second Review.
8. In the interests of highway safety, the safe movement of pedestrians and vehicles on site, and to seek to mitigate the impact of future deliveries to the site, in accordance with policies EW3 and EW4 of the Burnley Local Plan, Second Review.
9. To protect the amenities of the occupiers of nearby properties in accordance with policies EW3 and EW4 of the Burnley Local Plan, Second Review.

GDT

06/02/2017

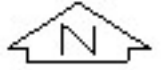
This page is intentionally left blank

Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0575

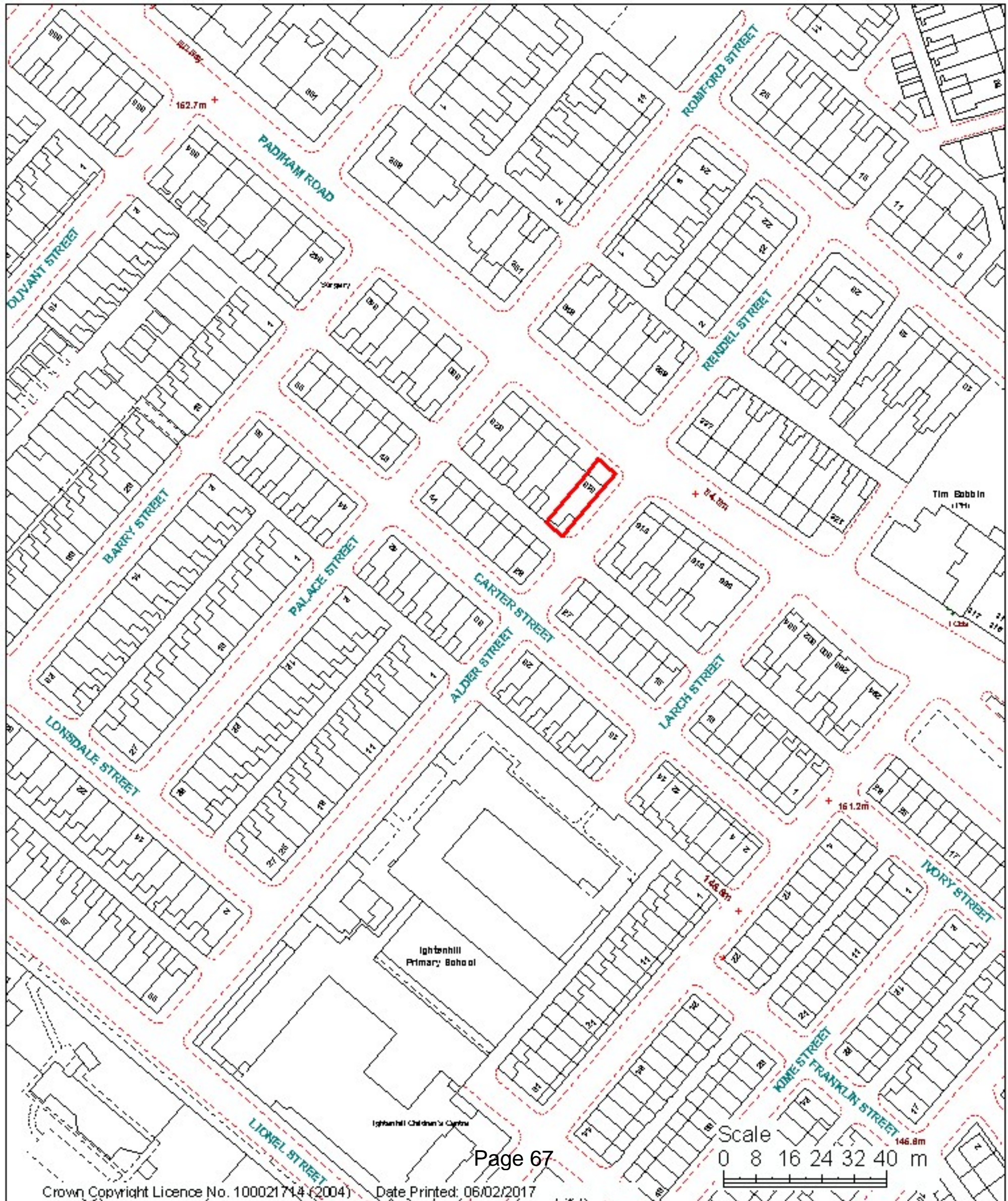
Paul Gatrell
Head of Housing and Development



Location:

318 Padiham Road

1:1250



This page is intentionally left blank

Application Recommended for Delegation

APP/2016/0575

Gannow Ward

Full Planning Application

Retrospective application for installation of 2no. roller shutters
318 PADIHAM ROAD, BURNLEY

Background:

The roller shutters have been erected without consent. A previous application was submitted for the existing shutters and was refused due to the design. The current application is for an amended proposal.

An objection has been received.

Relevant Policies:

Burnley Local Plan Second Review

E25 - Shop fronts

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

GP9 - Security and Planning Out Crime

Design guidance on roller shutters

Site History:

Relevant applications:

95/0397 - Proposed extension to shop and sales area to first floor, new shop front and access ramp to forecourt – c/c

05/0021 – Use for sale of hot drinks (opening 8.30am to 5.30pm) and extension to front elevation to provide glazed entrance – c/c

15/0459 – Change of use of ground floor to hot food take-away to include installation of new flue and metal staircase to rear of building – opening times 11am to 12 midnight Mon to Fri and Sundays and 11am to 2am on Saturdays – refused

16/0007 – Change of use of ground floor to hot food take-away and installation of flue etc. – c/c

16/0261 – Discharge of conditions 3 and 4 on APP/2016/0007 – awaiting further information

16/0395 – Retrospective application for installation of 2 roller shutters - refused

16/0576 – Display of illuminated signage – not yet determined

Consultation Responses:

Neighbouring resident (328 Padiham Road) – Oppose the application for the roller shutters. States that the Post Office was trading from there for many years without the need for roller shutters (just a discreet alarm).

Highway Authority – The proposals raise no highway concerns and I would therefore raise no objection to the proposal on highway grounds.

Planning and Environmental Considerations:

The property is located within a residential area where there are a small number of shops along this stretch of Padiham Road.

The property is an end terraced shop that has recently been granted permission for a change of use from a post office to a hot food take-away. The applicant has installed shutters without consent and following an enforcement enquiry was asked to submit an application.

The existing shutters which are on the front and side elevations are grey aluminium; the middle section is perforated and the housing box is external. The previous application for the retention of these shutters was refused due to their design.

Local Plan policy GP9 - Security and Planning out Crime (criteria e) states that the Council will permit development which ensures that any security measures do not have a negative impact on environmental quality.

Local Plan policy E25 – Shop Fronts (criteria c) states that applications for shop fronts and/or external security shutters will be permitted when the security shutters are designed to integrate into the design of the shop front and maintain an open appearance.

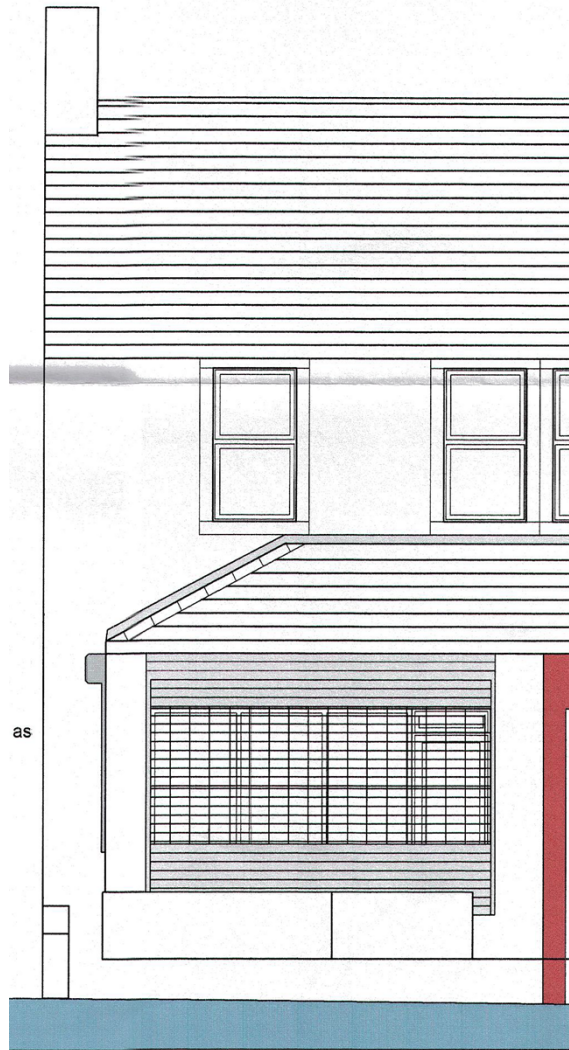


existing security shutters

The amended design for the shutters (which have been erected on the front and side elevations) shows the majority of the shutter area (the mid- section which covers the window/door) to be an open chain style (see below), which would retain visibility through the shutters/windows. It is proposed to retain the shutter housing and erect fascia signs over them (the subject of a separate application – APP/2016/0517). The drawing below shows the shutters without the housing / fascia boards (the applicants have been asked to provide a drawing showing the housing / fascia boards as well as the shutters [without the advert]).

There are other shutters in this area of Padiham Road further towards Burnley where they are retail rows i.e.294 - 304 and 305 – 319; there are no existing shutters on the shops within this block (318 – 328) or the next block (330 – 340) which are both mixed retail and residential blocks.

On balance it is considered that the proposed amendments to the shutters will improve them from a visual point of view and that once amended the shutters would not have a significant enough detrimental effect on the visual amenity of the area that a refusal would be warranted.

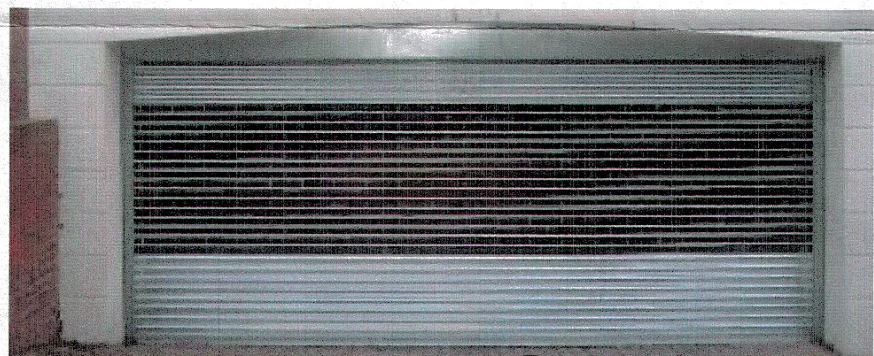


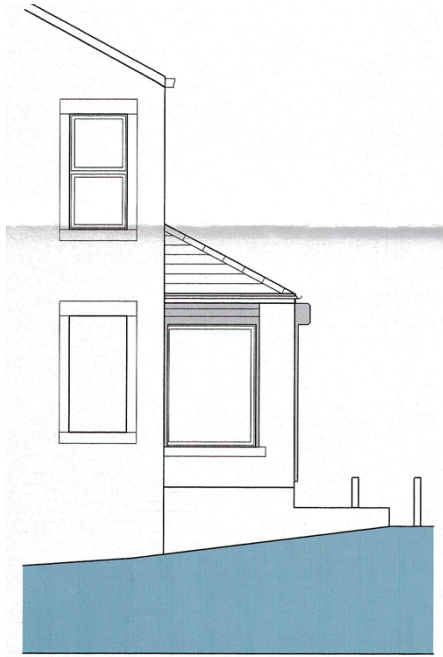
FRONT ELEVATION SHOWING
NEW PROPOSED SHUTTERS
PRIOR TO SIGNAGE INSTALLATION



FRONT ELEVATION SHOWING NEW SIGNAGE

Example of Proposed Shutter Style





SIDE ELEVATION SHOWING EXISTING AND PROPOSED SHUTTERS IN OPEN POSITION

Recommendation:

That, subject to the conditions below, the decision to grant planning permission be delegated to the Head of Housing and Development Control subject to the receipt of a plan showing the shutter housing / fascia board (without the advert).

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Detailed drawing, block plan and location plan received 13 December 2016.
3. Fascia boards must be erected around the shutter housing within three months of the date of this approval, as per the approved plans.

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 the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In the interests of visual amenity and in accordance with policy E25 of the Burnley Local Plan Second Review.

Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0577

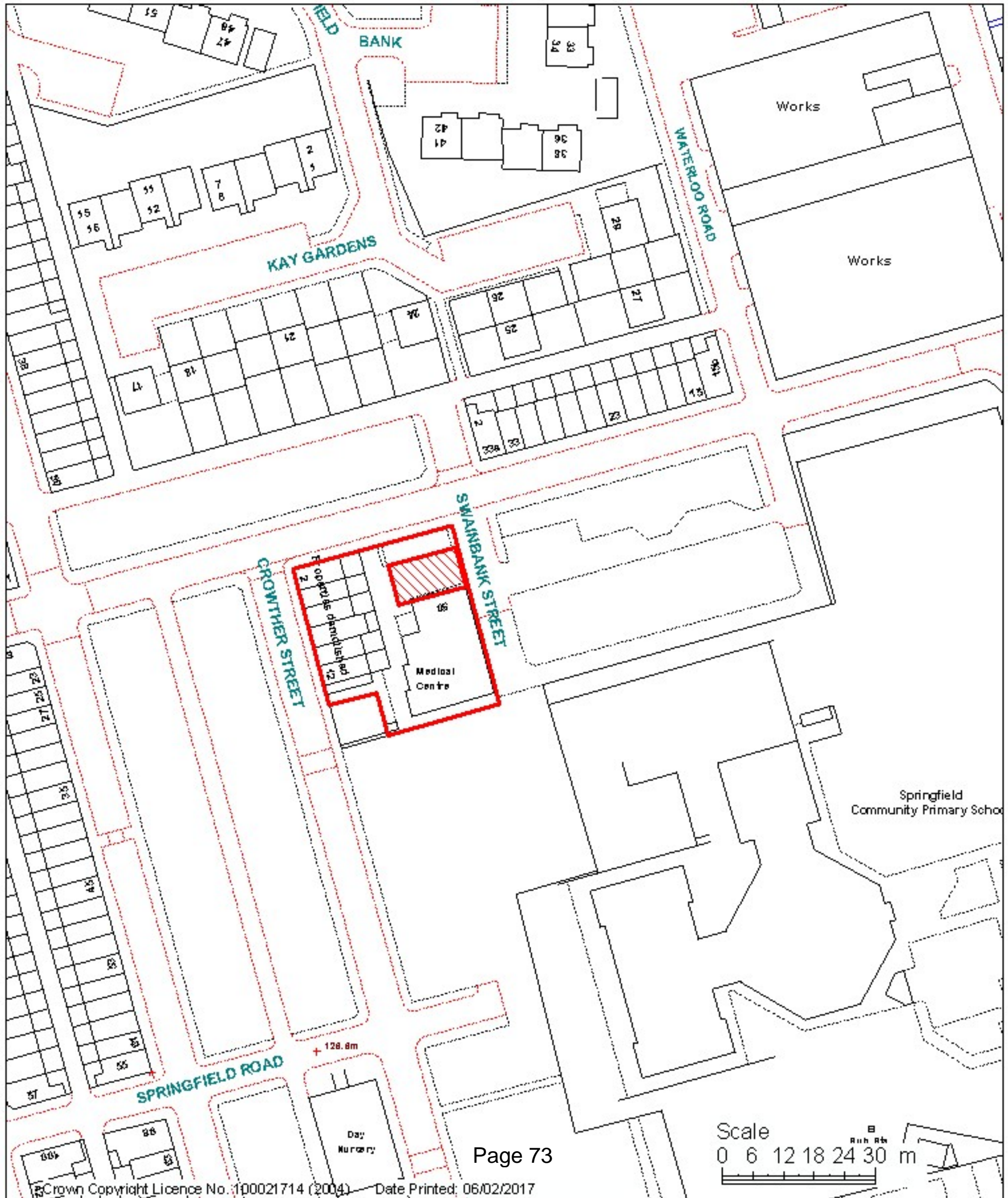
Paul Gatrell
Head of Housing and Development

Location:

Medical Centre 50 Parliament Street



1:1000



This page is intentionally left blank

Application Recommended for Approval

APP/2016/0577

Rosehill with Burnley Wood Ward

Full Planning Application

Single storey extension to the existing medical centre to create 5 more GP/treatment rooms

50 PARLIAMENT STREET BURNLEY

Background:

The proposal is to erect a single storey extension, approximately 13.2m x 7.8m to provide three additional GP rooms and two treatment rooms at the Burnley Wood Medical Centre, located at the corner of Parliament Street and Crowther Street in the urban area of Burnley Wood.

The existing medical centre faces towards Crowther Street with car parking to the front and side and vehicular access to and from both Crowther Street and Parliament Street. The proposed extension would be built to the western side of the building towards Parliament Street.

Front of medical centre

Side of centre where extension is proposed



EXISTING FRONT



FRONT ELEVATION

PROPOSED FRONT



FRONT ELEVATION

The proposal would increase the number of GP rooms from 3no. to 6no. and provide two new treatment rooms.

The proposed extension would be constructed in buff brickwork and concrete tiles to match the existing building.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the urban boundary

CF14 – Provision, retention and enhancement of community facilities

TM15 – Car parking standards

Site History:

12/90/0056 – Erection of doctors surgery. Approved March 1990.

APP/2013/0303 - Erection of 117 no. dwelling houses on largely cleared land (and including the demolition of 17 no. properties and Burnley Wood Community Centre. Glebe Street), formation of new access and car park to existing Burnley Wood Medical Centre, including the provision of new public footpath serving adjacent school premises. Approved November 2013.

Consultation Responses:

LCC Highways

Object. The proposed extension will remove five of the existing 19 parking spaces which based on the car parking standards (Burnley Local Plan), would require a total of 40 spaces (based on an increase from 3 to 6 GP rooms and from 2 to 4 treatment rooms). This would result in a shortfall of 26 spaces. Previously, any additional parking requirements could have been accommodated on –street. However, the further development of the Burnley Wood area in phases 3/4 will reduce the on-street parking availability. On the basis of the potential for on-street parking to result in highway safety concerns and reduce residential amenity, it is recommended that the application be refused.

Publicity

No comments received.

Planning and Environmental Considerations:

Principle of proposal

The site is situated within the main urban area where Policy GP1 seeks to focus development and to, amongst other things, exploit existing services and facilities. The proposal involves the expansion and improvement of an existing community facility and as such, there is no objection in principle to the proposal.

Car parking and highway safety

Policy CF14 permits proposals for improvements to existing community health facilities where the site is accessible by walking, cycling and public transport and any detrimental impacts on road safety or traffic flow can be satisfactorily mitigated. Policy TM15 relates to car parking standards and requires four car parking spaces per consulting room, which would generate a requirement for a total of 40 car parking spaces. LCC Highways has objected to the proposal on the basis that the proposal

would lead to a loss of car parking spaces (by erecting the proposed extension on existing car parking spaces) and would therefore fail to make provision for the increased needs for parking that are likely to occur from additional GP and treatment rooms. The applicant has sought to reconfigure the access arrangements in and out of the car park to make a more efficient layout to retain the existing 19no. car parking spaces on the site. In addition, the new layout would introduce motorcycle and cycle parking to add further choices to modes of travel. In terms of sustainability and travel by bus and walking, the site is accessible by public transport and the number of patients within walking reach is increasing by the housing regeneration that is ongoing within the immediate surroundings of the site. The site is therefore regarded as a sustainable location.

In response to the objection from LCC Highways, the medical practice has affirmed that the existing car park (19 spaces) is not used to capacity and that it is rare for the car park to be full. They also state that the proposed new rooms will not be used full-time but for specific clinic sessions run weekly/fortnightly, by a visiting midwife, social prescribers etc which would avoid the need to use current GP rooms. The practice point out that they have previously increased the size of its car park from its smaller original size of eight parking spaces and so have already increased its capacity. A revised car park layout is being prepared to ensure that the proposal would not lead to the overall loss of spaces and would also provide for motorcycles/cycles. Given the benefits of an extension to the existing practice to enable rooms to be used more effectively and to improve health care locally; that the existing car park is rarely full; that the site is in a sustainable and accessible location with new residential development planned around it; and the applicant is seeking to make most efficient use of the site to maximise car parking spaces, it is accepted that there may at times be some degree of off-street parking but that this is likely to be limited and the highway impacts of any minor incidence of on-street parking would not be so harmful to highway safety as to outweigh the benefits of allowing the improvements to take place to the existing practice. Subject therefore to the submission of a satisfactory revised car park layout, the proposal would be acceptable in highway terms and would not conflict with Policy CF14.

Visual impact

Policy GP3 requires development to be of good design and quality and to, amongst other things, be suitable in its overall design and appearance. The proposed extension would be modest and in proportion to the existing building, reflecting the existing scale and materials of the building. The proposed extension would therefore be suitable design and would comply with Policy GP3.

Summary

The proposal seeks to improve the facilities at an existing medical practice that serves the Burnley Wood area in which it is located. The practice has an existing car park which it affirms is rarely full; an objection has however been received from LCC Highways who is concerned that an additional four consulting rooms would lead to insufficient off-street parking and lead to on-street parking within a neighbourhood that is planned for new residential development. The applicant purports that the new consulting rooms will enable the practice to have dedicated rooms for weekly/fortnightly surgeries and visiting health workers who currently have to use GP rooms. The proposal would lead to clear benefits to a community facility and would, subject to the receipt of revised car park layout, maintain the current level of car parking on site. LCC Highways has stated that a revised layout would not be sufficient

to remove their objection. However, given the account that the practice has made of the car park usage, it is unlikely that the proposal would lead to severe levels of on-street parking and congestion. As such, the impact of the proposal on highway safety is not considered to be so severe as to refuse planning permission.

Recommendation: Approve with conditions

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1619-LP01, 1619-PL10, 1619-PL13, 1619-PL12 and 1619-PL-11, received on 14th December 2016.
3. The external materials of construction to be used on the walls and roof of the extension shall match those of the existing building in respect of their type, size, shape, colour and texture.
4. The approved extension shall not be first brought into use until the approved new car park layout, including the provision of motorcycle spaces and cycle stands, has been laid and marked out, installed and is available for use. The approved layout and facilities for motorcycle and cycle parking shall thereafter be retained at all times.

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 the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure a satisfactory appearance to the development, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
4. To ensure adequate car and motorcycle parking and to encourage cycling as an alternative mode of travel, in accordance with Policies CF14 and TM15 of the Burnley Local Plan, Second Review (2006).

JF 3/2/2017

Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0570

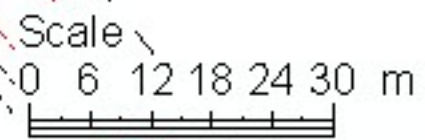
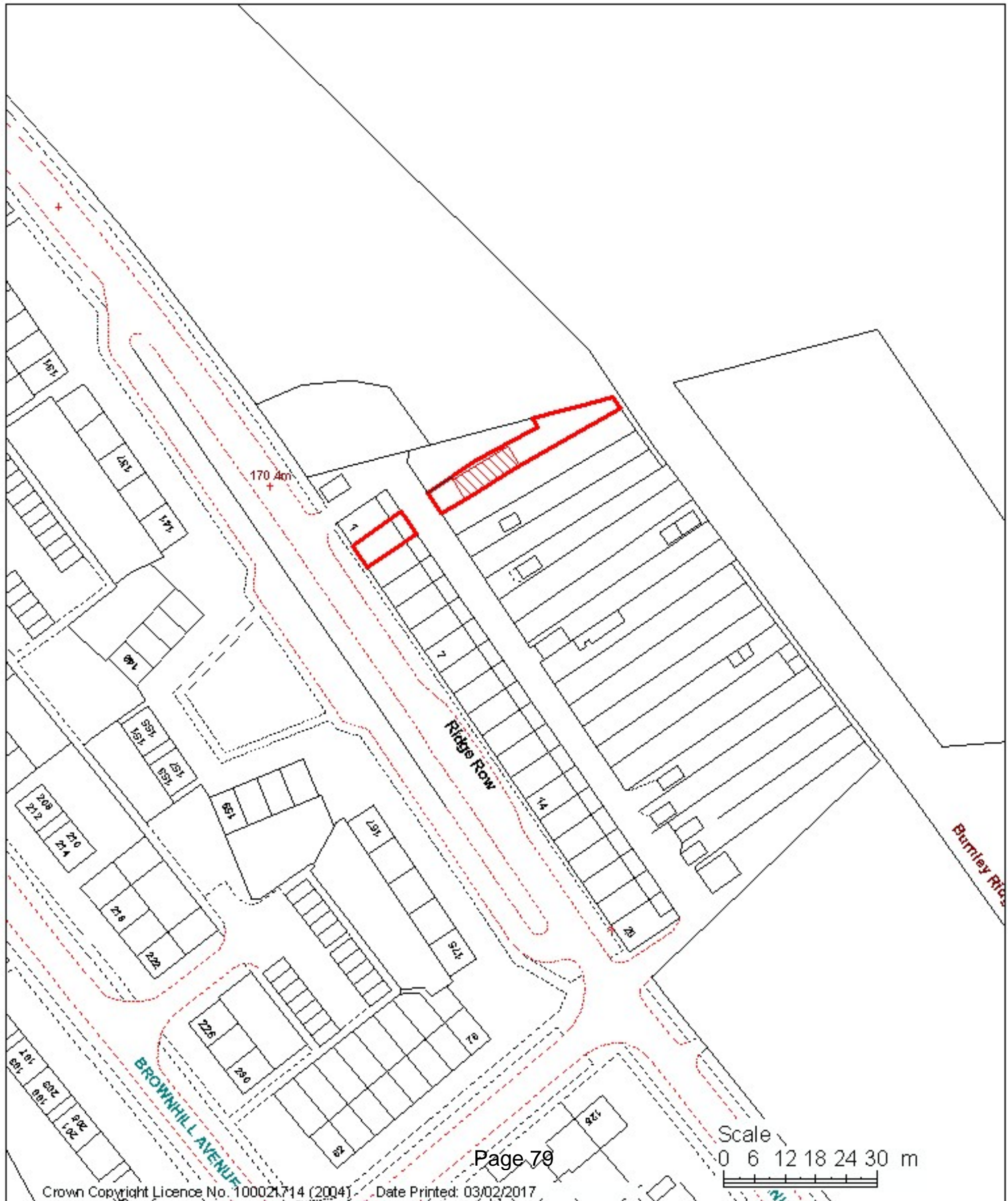
Paul Gattrell
Head of Housing and Development



Location:

2 Ridge Row Ridge Avenue

1:1000



This page is intentionally left blank

Full Planning Application

Proposed conversion of garage to living accommodation ancillary to use of existing dwelling

2 RIDGE ROW RIDGE AVENUE BURNLEY

Background:

The property is set within a terrace of dwellings off Ridge Avenue. The majority of dwellings on the terrace have garden space to the rear separated by the unadopted back street. The gardens are used for garaging, parking and leisure use.

The application building is a single storey double garage set 5 metres back from the back street and measuring 12.59 metres by 4.43 metres.

It is proposed to convert it to a modest one-bedroomed annexe to the main dwelling to accommodate the applicants' elderly parents who are struggling to live independently. The applicant will provide the day-to-day care needed. A full medical history and supporting statement by the doctor has been provided.



Existing garage showing two car parking spaces.

Relevant Policies:

Burnley Local Plan Second Review

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

H2 – The sequential release of further land for housing development.

H13 - Extensions and conversion of existing single dwellings

TM15 - Car parking standards

Site History:

APP/2005/0432 – Proposed kitchen extension to dwelling – granted

APP/2002/0215 – Proposal to demolish and rebuild the existing garage - granted

Consultation Responses:

1. Lancashire County Council (Highway Authority) – the proposal is for a ‘granny annexe’ for an adjacent property. The applicant has suggested a Section 106 agreement to the effect that the new dwelling remains ancillary to the main dwelling. Preference would be that it was also a named permission. If this was attached to any permission granted then no objections would be raised on highway grounds. A condition requiring the retention of the two existing car parking spaces would also be required.
2. Burnley Civic Trust – ‘We do not know if the garage is suitable for dwelling purposes and make no comment about this but we are unhappy with the proposal though we have sympathy with the intentions.

There is no room for further parking on the back street and we feel that if this application were granted it would set a precedent for similar applications for buildings abutting upon this back street

If the Council is minded to grant the application we would ask that the consent is given personal to the present applicants and their intended occupants and could not be used future owners and occupiers’.

3. One letter from a neighbouring resident comments that as there is no space for parking on the back street by No. 2 Ridge Row or at the front on the main road, any extra vehicles will cause access problems. If permission is granted and work goes ahead, then every effort should be made to keep the back street clear for residents and other people.

If this application is granted, it may well create a precedent for the future, as if the converted garage becomes vacant at any time, what happens if it is sold as a separate item from the house, other residents may wish to do the same sometime.

Planning and Environmental Considerations:

The main issues to consider are whether or not the conversion of the garage to a separate residential annexe would lead to the establishment of a dwelling which would not normally be permitted in this location; the design of the proposed residential unit and its impact on residential amenity; highway safety considerations.

Principle of the conversion of the garage to a dwelling.

The land is a brownfield site within the urban boundary and although it is not close to existing shops and services it is reasonably well served by public transport. The Council have a sufficient supply of housing to meet its needs and there is no over-riding need to release further land for housing development, in unsuitable locations.

The site would not normally be considered suitable for a dwelling as it is in a backland location with restricted parking provision and would potentially set a precedent for further development along the back street.

The main issue to consider would be whether there are special circumstances to warrant an exception to local plan policy.

The applicant has provided confidential information from a GP which supports the need for the accommodation and Policy H13 recognises that this type of accommodation can provide an ideal solution to caring for elderly or disabled relatives. It sets out that the Council will be sympathetic to applications provided that a genuine need can be established by the applicant.

The policy goes on to say that to ensure that the extension does not become a completely independent dwelling unit in future years the extension will normally be limited to a one-bedroomed unit and there will be a requirement for an internal link with the existing house and for a shared pedestrian and vehicular access.

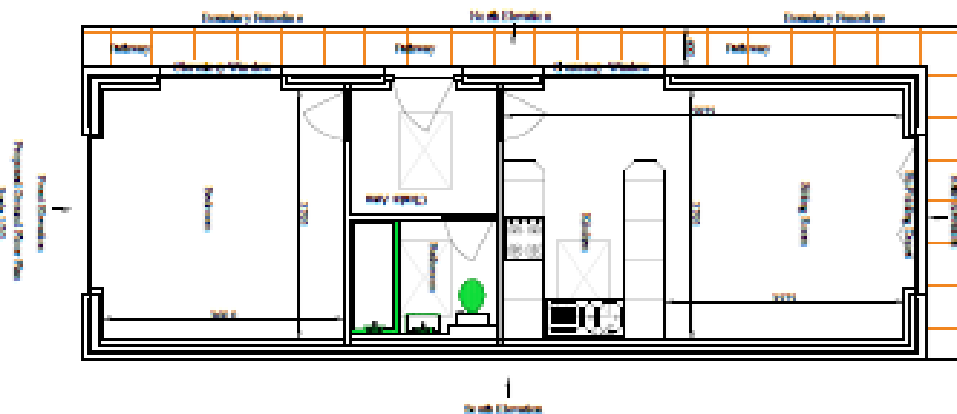
It is not possible to provide an attached extension to the existing dwelling of sufficient size to accommodate the applicant's parents, nor is it possible to accommodate them in the existing house because of the needs of the existing family.

The conversion of the garage would not fit with the policy but, with conditions, it is possible to provide the accommodation needed for the parents without leading to the establishment of a separate dwelling unit.

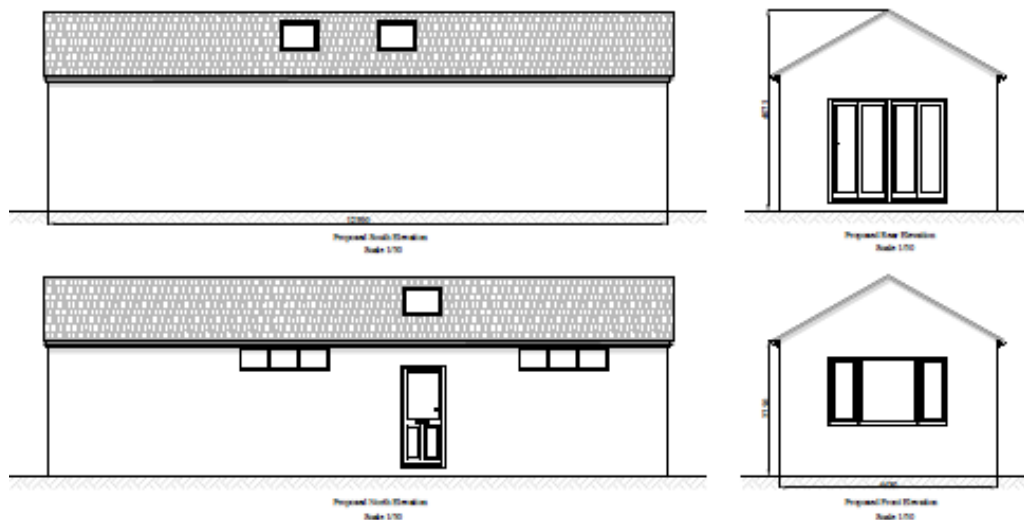
It is proposed that a condition is imposed to limit the use of the dwelling for the period required by the elderly parents and when it is no longer needed, it would revert back to the use as a private garage.

In principle the use would be acceptable on this basis.

The design of the proposed residential unit and impact on residential amenity



The dwelling unit would have one-bedroom a kitchen, bathroom and sitting room giving access to the garden area with bi-fold doors. It would provide an adequate standard of amenity for the occupiers and would not adversely impact on other neighbouring properties in the terrace.



Proposed alterations to garage

The changes to the building would be relatively minor, with a new window replacing the garage door facing the back street and bi-fold doors to give the occupants access to the rear garden area.

The design of the unit is acceptable and would not have an adverse impact on residential amenity.

Highway Safety

The Highway Authority raise no objections to the proposal provided that it can be controlled to that applied for. A personal permission as they suggest is not necessary as the use can be controlled by a condition requiring the building to revert back to a garage when it is no longer required for the applicant's parents.

A condition can be imposed requiring that the two existing parking spaces remain.

Conclusion

The principle of the use as a residential annexe for the applicant's elderly person is acceptable with suitable conditions to prevent a permanent use as a dwelling.

The proposed changes to provide living accommodation are acceptable and there would be no significant impact on residential amenity or highway safety.

Recommendation:

That planning permission be granted subject to the following conditions:

Conditions

1. The development must be begun within three years of the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Detailed General Arrangement Plan, drawing 1 of 1 received 8 December 2016.
3. The building subject of this application shall be used only as accommodation for the applicant's elderly parents, ancillary to the main use of the existing dwelling at No. 2 Ridge Row and not as separate unconnected living accommodation. The residential use of the building shall cease and its use shall revert back to a private garage when it is no longer required for the applicants' elderly parents.
4. The two existing car parking spaces in front of the garage shall remain available at all times for use in connection with the existing dwelling and proposed annex.

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 the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure that a new separate dwelling, unconnected to the main use of No. 2 Ridge Row is not established having regard to Policies H2 and H3 of the Burnley Local Plan Second Review.
4. In the interests of highway safety having regard to Policy TM15 of the Burnley Local Plan Second Review.

CMR

This page is intentionally left blank

Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0522

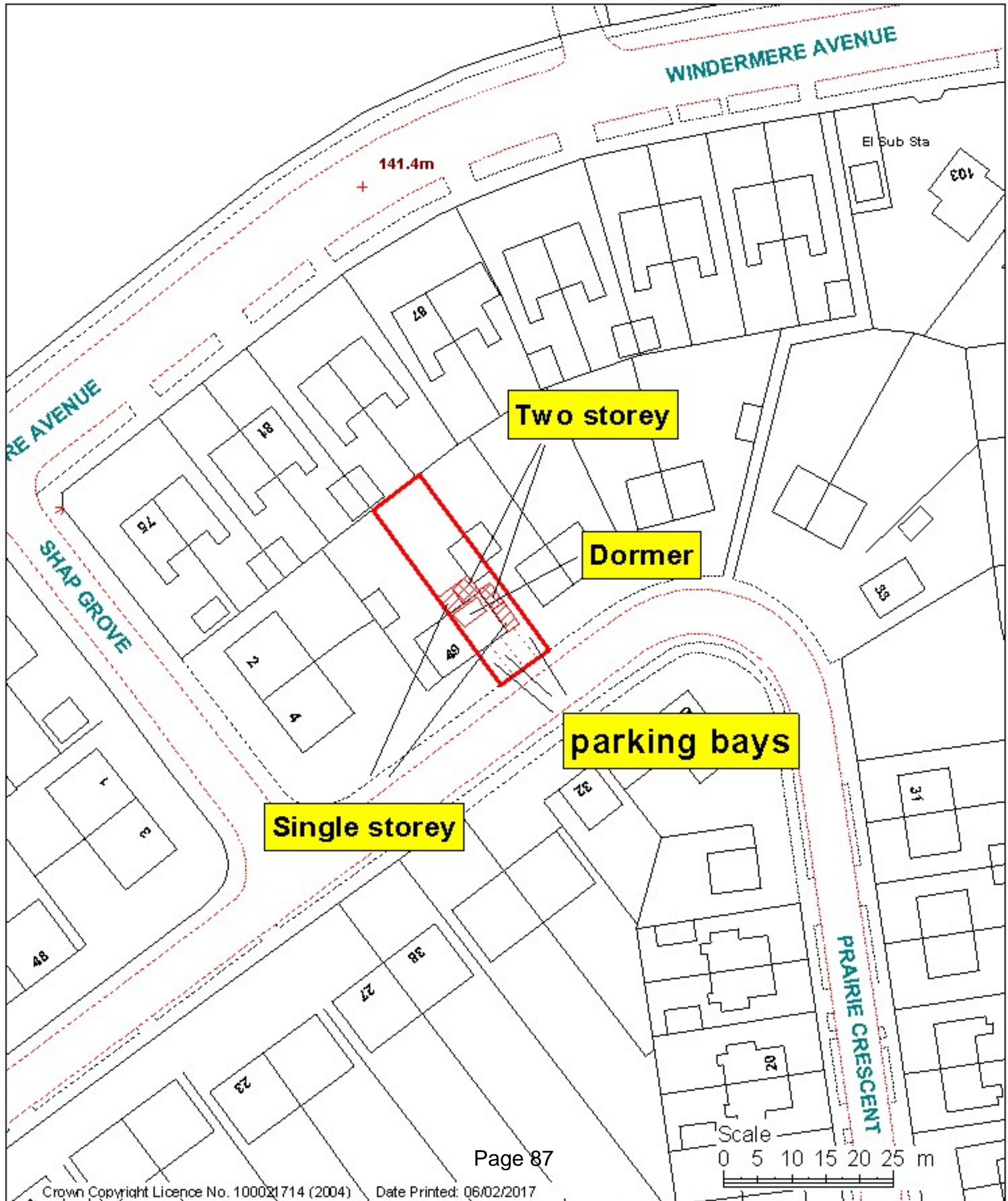
Paul Gatrell
Head of Housing and Development

Location:

47 Prairie Crescent



1:750



This page is intentionally left blank

Full Planning Application
Extensions to side and rear and dormer to rear
47 PRAIRIE CRESCENT, BURNLEY

Background:

The original proposal involved the erection of a front extension together with side and rear extensions and a rear dormer. Following discussions with the applicant the front extension has now been removed from the proposals as adequate space would not have remained for off-street parking.

An objection has been received.

Relevant Policies:

Burnley Local Plan Second Review

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

H13 - Extensions and conversion of existing single dwellings

TM15 – Car parking standards

Site History:

None.

Consultation Responses:

Highway Authority – Original comments -The parking spaces are too short and the access to the front door remains partially obstructed raising the potential for parked vehicles overhanging the footway.

Following amended plans being received – The amended proposal will accommodate the additional parking required and I would therefore raise no objection to the proposal on highway grounds.

Neighbour (no.49) – Has concerns in respect of the following;

- The distance between the rear ground floor extension from the boundary of the two adjoining properties is not specified on the plan.
- The proposals are extremely excessive and disproportionate for the existing size of the property and the design, layout and appearance totally inappropriate.
- Of great concern is increased noise and disturbance this would cause. Because of the increased size of the property there is likely to be an increase in the number of residents living at the property, thus increasing considerably the noise and disturbance.
- The rear back extension would cause overshadowing by preventing light from entering the rear living room window at no.49. There is an existing shower room extension at the rear of no.49, (at the other side of the living room) so this would make the living room very dark.

Planning and Environmental Considerations:

The property is a semi-detached dwelling in a residential area on Prairie Crescent; there are a variety of house types in the vicinity. The original proposal involved the erection of a single-storey extension at the front and single and 2-storey extensions to the side and rear together with a dormer extension at the rear of the dwelling. The extension proposed at the front of the dwelling has now been deleted in order to provide adequate off-street parking at the front of the property. The existing garage is to be demolished (already partly demolished).

The amended proposals include the provision of a utility room, WC, kitchen and sitting room on the ground floor and a bathroom and additional bedroom on the 1st floor; the proposed rear dormer will provide additional accommodation.

The main considerations are design/materials, privacy/outlook/daylight and highway issues.



49 / 47 Prairie Crescent

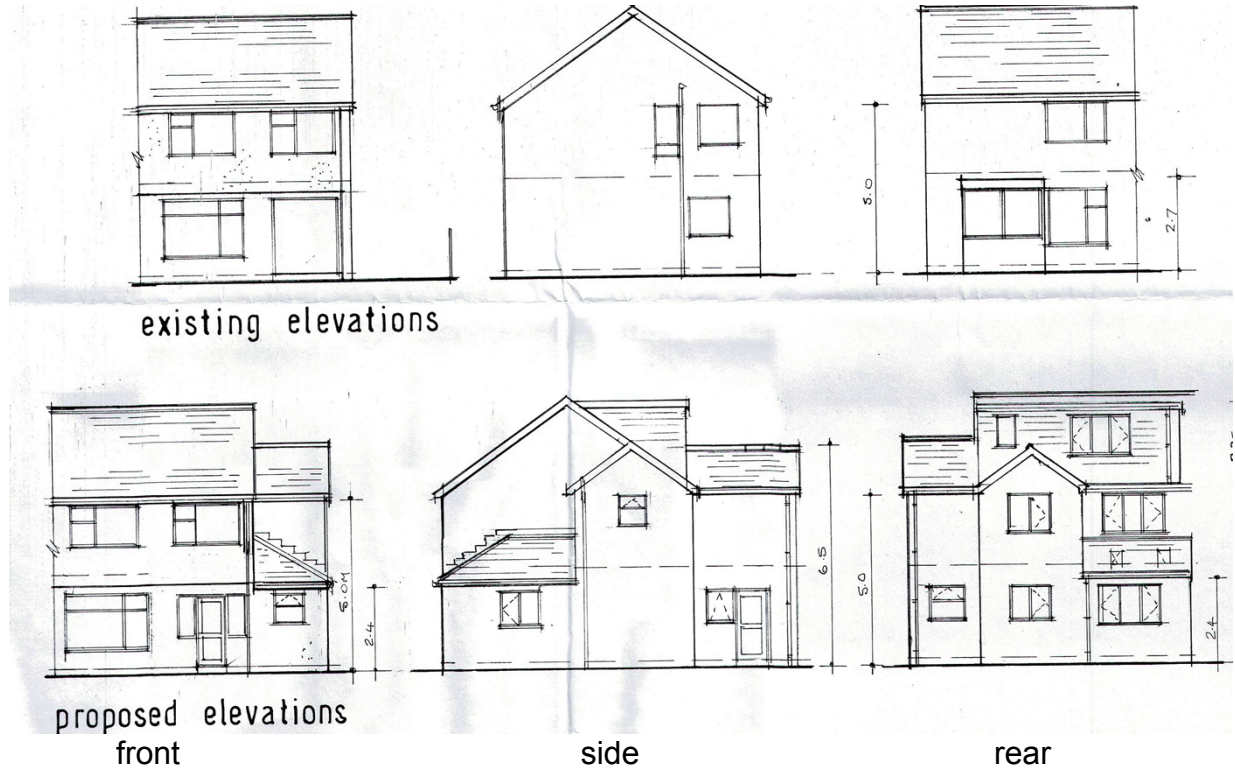
Design/materials

The proposed single / 2-storey side extension extends out from the side elevation of the dwelling by 2.05m leaving a gap of 0.75m between the extension and the boundary with no.45 Prairie Crescent. The 2-storey section of the extension is set back by 3.9m from the front elevation of the house with the single-storey section being on line with the existing front elevation of the dwelling. The single storey section would have a hipped roof (2.4m at eaves height) and the 2-storey section a gabled roofline which is set down from the existing roof ridge by 1.2m. with the eaves being at the same height as the existing eaves (5.0m in height). The 2-storey side extension extends back on line with the existing rear elevation of the house.

The proposed single / 2-storey side extension extends out by 3m and extends across the full width of the existing rear elevation. The 2-storey section is 3m in width extending from the existing side elevation and 5m at eaves height (has a gabled roof); the single-storey rear extension will fill the gap between the 2-storey extension and the

boundary with no.49 Prairie Crescent and is 2.4m to eaves height and 3.7m to the ridge where it adjoins the rear elevation (has a pitched roof).

The proposed rear dormer extends across almost the full width of the rear of the property (it is set in slightly from the boundary with no.49). The dormer would have a flat roof which is slightly below the existing ridge of the roof.



The proposed materials are facing bricks and concrete tiles for the extension to match the existing dwelling and shiplap boarding for the dormer (in a colour to match the existing roof tiles); the dormer is on the rear of the property and will not be readily visible.

The design and materials are considered to be acceptable.



side of no.45 Prairie Crescent



no.45 and rear of no.47 Prairie Crescent

Privacy/outlook/daylight

No. 45 Prairie Crescent has a landing window and what appears to be a bathroom window at first floor level (neither are classed as habitable room windows) on the side elevation and one window at ground floor level which appears to be a secondary kitchen/living room window; there is a conservatory on the rear of no.45. There is a fence/hedge on the boundary between the two properties. .As the 1st floor side windows are not classed as habitable room windows and the ground floor window appears to be a secondary window. It is considered that the extension would not have such a significant impact on no. 45 to warrant a refusal.



rear of 47 and 49 Prairie Crescent

No. 49 Prairie Crescent has a living room window at ground floor level at the rear of the property and a small shower room extension (see above) next to it. The 2-storey section of the rear extension is 3.1m away from the boundary and the single-storey section extends up to the boundary between the two properties extending out from the rear elevation by 3m. There would be some loss of outlook/daylight for the rear living room window at no.45, however, the single-storey rear extension could be built under permitted development rights and the 2-storey section would meet the Council's informal 45% rule in respect of it being far enough away from the boundary to not have a significant detrimental effect on no. 49 in terms of loss of daylight/outlook.

The dormer extension would not have any effect on privacy/outlook/daylight.

Highway Issues

The extensions will increase the number of bedrooms to at least four which requires the provision of 3 off-street parking spaces. The length of the parking spaces on the original drawing (which included a front extension) were not of sufficient length to satisfy the Highway Authority. The applicant agreed to remove the front extension in order to conform to the Highway Authority requirements.

Conclusion

On balance it is considered that the proposed extensions are acceptable and in accordance with the Local Plan policies listed above.

Recommendation:

Grant subject to the following conditions:

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Amended detailed plan Rev B and additional parking layout plan, both received 20th Jan 2017.
3. The additional off-street parking spaces (making a total of 3) which are to be created at the front of the property shall be surfaced in a permeable material and shall be completed within 3 months of the development being brought into use.
4. The colour of the shiplap boarding for the dormer shall match the existing roof tiles (or be as near to as possible).

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 the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In order to prevent water run-off onto the highway and in the interests of highway safety / in accordance with policy TM15 of the Burnley Local Plan Second Review.
4. In the interests of visual amenity and in accordance with policy H13 of the Burnley Local Plan second review.

LAB
03/02/2017

This page is intentionally left blank

Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0544

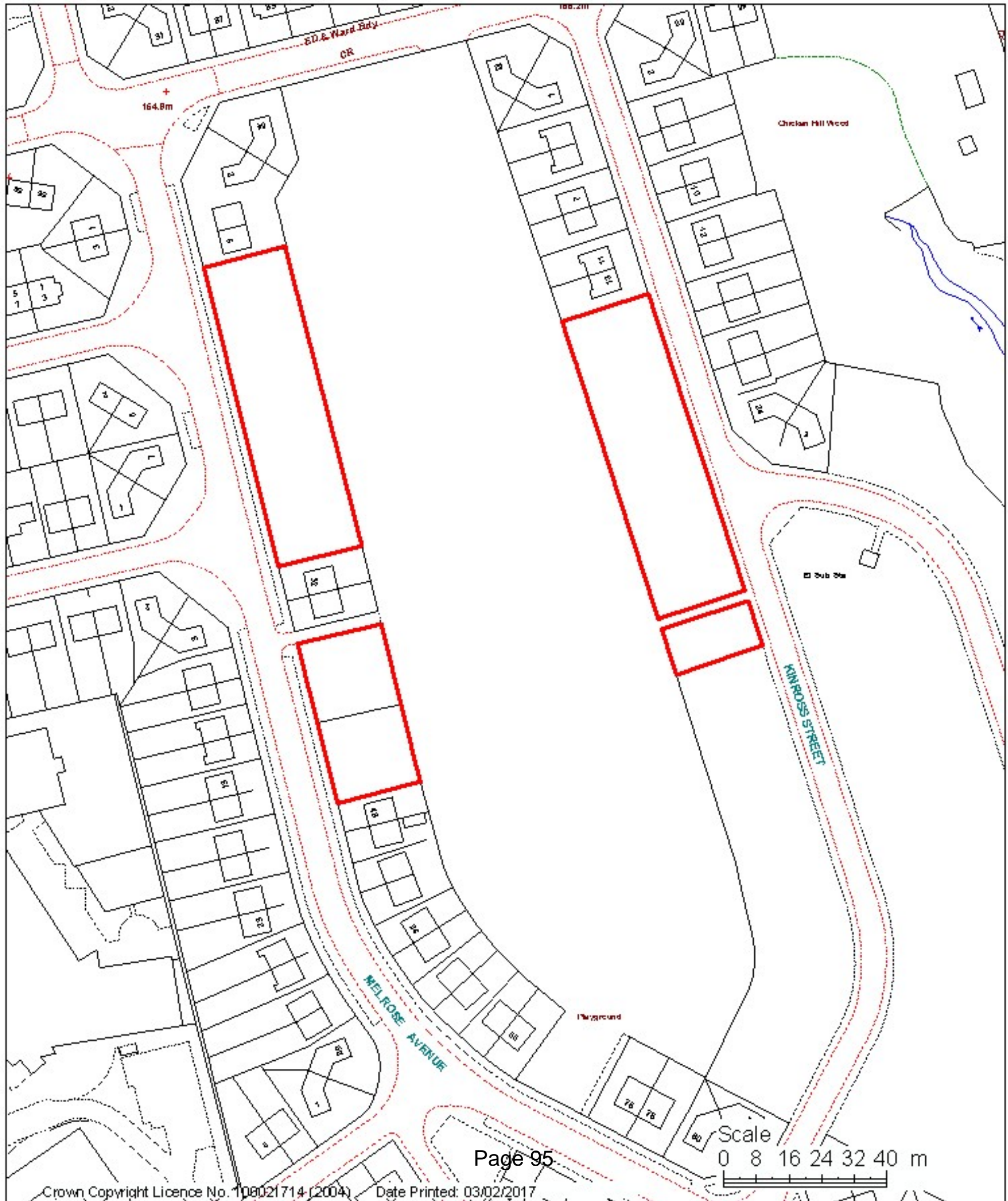
Paul Gatrell
Head of Housing and Development



Location:

Land at Melrose Avenue/Kinross Street

1:1250



This page is intentionally left blank

Full Planning application

Proposed erection of 18no. 2 bed houses, 12no. 3 bed houses and 1no. 3 bed bungalow

LAND AT MELROSE AVENUE/KINROSS STREET BURNLEY

Background:

The proposal is for planning permission to erect a total of 31 dwellings to provide social housing on land fronting Melrose Avenue and Kinross Street.



6 pairs of 3 bed semi-detached houses and one bungalow fronting Kinross Street

2 pairs of semi-detached houses, two blocks of four houses and 2 blocks of three uses (all two bed roomed)

Melrose Avenue



Kinross Street



The proposed dwellings comprise frontage development to each street between the grassed open space and playing field which would not be directly affected. An existing public footpath that crosses the open space would be retained and improved. The proposed dwellings are designed in pairs and rows of three/four with gable roofs, front porches and buff facing bricks with banding and flat brown concrete tiles to reflect the character of the existing housing within this area. One bungalow is proposed which would be made accessible for wheelchair use.



All three bedroom dwellings would have two forecourt parking spaces, interspersed with landscaping and 1.0m high vertical metal railings.



The two bedroom houses on Melrose Avenue would infill the frontage gaps between existing houses and would have one forecourt parking space which would in general be paired to provide for green landscaping and 1.0m high vertical metal railings between spaces.



The application is being determined by the Development Control Committee because a piece of the application site adjacent to 13 Kinross Street is in this Council's ownership.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the urban boundary

GP3 – Design and quality

GP7 – New development and the control of pollution

GP9 – Security and planning out crime
GP10 – Developer contributions
H2 – The sequential release of further housing land for development
H3 – Quality and design in new housing development
H4 – Providing a choice of housing in new development
H6 – Housing density
E5 – Species protection
E6 – Trees, hedgerows and woodlands
E8 – Development and flood risk
TM15 – Car parking standards

Other material considerations

The National Planning Policy Framework

Site History:

NOT/2004/0250 - Proposed demolition of properties at 8-30 Melrose Avenue

NOT/2006/0072 - Proposed demolition of properties at 40, 42, 44 & 46

Melrose Avenue

Consultation Responses:

LCC Highways

No objections. The proposed level of car parking is acceptable given the nature of the accommodation on offer and the lack of existing parking issues on either Melrose Avenue or Kinross Street. A full footway reconstruction will be required due to the number of vehicle access crossings which would be undertaken through a s278 Agreement. A condition is recommended to require a Construction Method Statement to control the traffic and amenity impacts of the construction phase of the development.

LCC Public Rights of Way Officer (PROW)

Initial objections relating to the enclosure of the existing public footpath between existing and proposed dwellings have been satisfactorily overcome by increasing the width of the footpath to 1.8m with 1.0m grass verge to each side. A request was also made for the full length of the footway across the open space to be tarmacked which the applicant has agreed to. The PROW Officer has confirmed that there are no objections to the amended proposals.

Designing out Crime Officer (Lancashire Constabulary)

No objections; the scheme is being built to Secured by Design standards.

Local Lead Flood Authority (LCC)

No objection subject to the inclusion of conditions to require a surface water drainage scheme, based on sustainable drainage principles and a surface water lifetime management and maintenance plan.

LCC School Planning Team

Request a contribution of one primary school place (£13,474.53) to contribute to primary school places that may be required to accommodate the development (using five year projections).

Capita Ecologist

No objections. There is unlikely to be any significant impacts on the designated South Pennines Moor Site of Special Scientific Interest (SSSI) which is 6.2Km from the site. The scrub and scattered trees have the potential to support nesting birds. The advice in section 6.1 of the Ecological Assessment submitted with the application should be conditioned to address this issue. The landscaping scheme should include compensation for the potential loss of nesting habitat which could be the replacement of appropriate nesting habitat or the provision of nesting features such as bird boxes.

Greenspaces and Amenities (Trees)

No objections to the removal of the two highway verge trees as long as appropriate replacements are planted at a suitable location.

Contaminated Land Officer

Comments are awaited and will be reported in the late correspondence prior to the meeting.

Publicity

No comments received.

Planning and Environmental Considerations:

Principle of proposal

The site falls within the urban area where Policy GP1 seeks to permit development that, amongst other things, makes efficient use of land and buildings by the use of previously developed land and undeveloped land where it is well located to existing development, services, infrastructure and employment. Policy H2 permits housing development in a sequential sequence to give priority to bringing previously developed land back into use. The National Planning Policy Framework (the Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development.

The proposed housing would be located on land that has been previously occupied by housing but has since been demolished and is now grassed and part of the larger area of greenspace between Kinross Street and Melrose Avenue. The proposed development would however only involve the development of the same depth of plots that have in the past occupied the site and there would be no encroachment onto the main central playing field/open space.

The site is located within an existing primarily residential area, just over 1Km to the west of the town centre and accessible to public transport, shops, services and employment. It therefore represents a sustainable location for new housing development and would, in principle, comply with Policies GP1 and H2 and the Framework.

Visual impact

Policies H3 and GP3 require quality design that is suitable in respect of the layout, materials, size and scale of neighbouring properties and provides a distinctive character that contributes to local identity and a sense of place. The two storey scale and size of the proposed houses with formal fronts, gardens to front and rear, buff brickwork and porch canopy roofs reflect the existing development that adjoins the sites. The proposed bungalow would be lower in scale but the visual impact of the

change in height would be lessened by its position at the end of the street frontage. The overall development would appropriately address and define the street by the infilling of the large undefined open gaps and contribute to the visual amenities of the local area.

Impact on residential amenities

Policy H3 requires new housing development to ensure that the amenity of neighbouring properties is protected by minimising overlooking and ensuring a reasonable degree of privacy and outlook. The Framework states that development should seek a good standard of amenity for all existing and future occupiers of land and buildings. The proposed houses would follow the pattern of existing housing on Melrose Avenue and Kinross Street with adequate spacing between gables and between 21m and 26m between fronts which is sufficient to protect levels of privacy and daylight/sunlight provision.

Car parking and accessibility

Policies H3 and TM15 require new housing development to make parking provision in accordance with the Council's standards which are set out in Appendix C of the Burnley Local Plan, Second Review (2006) and require two parking spaces for 2 or 3 bedroomed dwellings. In this case, the proposal provides two forecourt parallel parking spaces for the proposed three bedroom dwellings and two tandem spaces for the proposed three bedroom bungalow fronting Kinross Street; and, one forecourt parking space for each of the two bedroom dwellings fronting Melrose Avenue. The development would therefore comply with the parking standards with the exception of the smaller two bedroom properties where there is one parking space. Given however that the properties are to be occupied as affordable housing by a registered provider and the site offers the opportunity for sustainable travel by walking, cycling or public transport to nearby amenities, it is likely that one car parking space would be sufficient. LCC are satisfied in this instance with the level of off-street parking that is proposed. The proposal therefore provides adequate parking to cater for the proposed development. A condition is recommended to ensure that the car parking spaces are provided and remain available at all times for the purposes of parking.

A well used public footpath crosses the playing fields between Melrose Avenue and Kinross Street. The footpath would pass between the gables of the existing and proposed house plots on Melrose Avenue and between the proposed bungalow and a proposed house on Kinross Street. The applicant has amended the proposals to increase the width of the footway with a grass verge to each side to prevent excessive enclosure and has also agreed to hard surface (with tarmac) the full length of the footway across the open space. Subject to these improvements, the Public Rights of Way Officer (LCC) is satisfied that the enjoyment of the footpath would not be prejudiced by the development.

Housing choice

Policy H4 requires developments of 10 units to provide a choice of housing. The proposal would provide a mix of two and three bedroom family properties as well as a bungalow which would be suitable for wheelchair use. Given the limited overall provision (31 units), this represents a reasonable choice of housing that is suitable to the area.

Trees, landscaping and ecology

Policy H3 requires new housing development to respond positively to the landscape. There are five small trees on the site close to the site's frontage and within the highway verge that will need to be removed to facilitate the development. Two of the trees (wild cherry and sycamore) front Kinross Avenue and are of low quality and amenity value and remaining three trees are clustered fronting Melrose Avenue, one of which (sycamore) is of poor quality and two within the highway verge (lime and sycamore) which are of moderate quality. The trees are not of sufficient amenity value to warrant protection and there are no objections from the Council's tree officer to their removal and replacement with appropriate specimens. A landscaping scheme has been submitted which indicates the planting of 6no. trees within the frontages and highway verge on Melrose Avenue. The replacement scheme would be acceptable subject to agreement over the species to be used in the highway verge.

The layout of the proposal provides for planting within the forecourts between paired parking spaces on Melrose Avenue (where only one parking space per plot) and planting at the back of the car parking spaces in respect of the three bedroom dwellings that have the main area of their forecourt given over to two parking spaces (on Kinross Street). The limited scope to provide landscaping amongst car parking spaces is partly mitigated by the presence of grass verges and provides a satisfactory appearance.

The submitted landscaping plan also indicates the provision of four bird boxes and three bat boxes to be installed on a number of the proposed dwellings in order to help maintain nesting opportunities in the local area. This would satisfy the need to safeguard protected species (Policy E5) and to preserve and enhance the biodiversity of sites (the Framework).

Impact on drainage

Policy E8 states that development will not be permitted where, amongst other things, it would increase the risk of flooding on site or elsewhere. The applicant has submitted a drainage strategy which states that surface water is likely to flow into the existing sewers due to the lack of infiltration on the site and the distance of the site to the nearest watercourse (Scott Park) but that this will be attenuated by the use of below ground storage tanks and oversized pipes. The Local Lead Flood Authority has made no objection to the principles of the strategy and their further comments on a detailed scheme and maintenance strategy will be reported at the meeting.

Other issues

Policy GP7 states that new development will be assessed against any risk that potential pollution may have on the development or the environment. A Phase I and Phase II geo-environmental site assessment has been submitted with the report which highlights that localised remediation and/or mitigation measures may be required. A condition is recommended to ensure that the site is satisfactorily remediated and made suitable for residential use.

The Schools Planning Team at Lancashire County Council calculate that that the proposed development would generate a yield of three primary school places and taking account places available within a two mile radius over the next five years, request that a contribution is made to fund the provision of one primary school place (a contribution of £13,474.53). The applicant has been asked to consider this request and has submitted a set of financial information which sets out the scheme costs and level of grant assistance. In these circumstances, it is accepted that a requirement to

make the requested education contribution could jeopardise the viability of the scheme and that in this instance, the benefits of delivering 31no. affordable units outweighs the limited harm that may result from failing to contribute to the costs of primary education in the local area.

Refuse bins and recycling facilities would be provided within the rear gardens to each property away from public views and access paths constructed around the back of the terrace group to those rear gardens of the inner town houses (6no.)

Summary

The proposed development is located on undesignated land within the urban boundary and close to existing housing and accessible to public transport, shops, services and employment. It has been previously developed for housing but has since been grassed over and forms part of the expansive area of greenspace between Melrose Avenue and Kinross Street. The removal of part of this greenspace would not significantly affect the central playing field and the depth of the plots would be consistent with the neighbouring frontage development on these streets. As such, the proposal would be viewed as an infill development and is likely to positively contribute to the visual amenities of the streets. The proposal would also be beneficial in providing 31no. affordable housing units, including one bungalow designed to accessibility standards. The proposed development would have no significant impacts on highway safety, residential amenities and any impacts from the loss of a small number of trees can be satisfactorily mitigated by the replacement planting and measures to provide bird boxes. A request from Lancashire County Council to fund one primary school place has been considered but on this occasion it is accepted that the additional costs would jeopardise the viability of this social housing scheme.

Recommendation: Approve with conditions

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 3082/100/Rev2 (1:1250 location plan) and 3082/120/Rev3, received on 5th December 2016; 3082/107, 3082/106/Rev7, 3082/111/Rev4 and 3082/115/Rev4, received on 12th January 2017; 3082/104/Rev1, received on 18th January 2017; and, 3082/109Rev1, received on 30th January 2017.
3. The materials of construction to be used on the external walls and roofs of the development shall be as described in the schedule of materials (Materials Tracker) submitted with the application unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority.
4. No dwelling shall be first occupied until its associated boundary treatment has been constructed and finished in accordance with the approved plans.
5. 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; and any trees or plants which within a period of 5 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 respect of the 2no. trees to be planted in the highway verge, revised details of the species and planting heights shall be agreed in writing with the Local Planning Authority prior to their planting.

6. The development shall only be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Assessment (prepared by TEP, reference 6101.003, dated November 2016) submitted with the application and the Ecological Features plan (drawing number 3082/109Rev1), received on 30th January 2017. The bat and bird boxes to be provided shall be installed prior to their respective dwellings being first occupied and shall be retained at all times thereafter.
7. No dwelling shall be first occupied until the public footpath improvement works as identified on the approved plans have been carried out and completed.
8. No dwelling shall be first occupied unless and until its associated car parking space(s) has or have been constructed, drained, surfaced in a bound material and made available for use in accordance with the details indicated on the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
9. The footways fronting the development site at Melrose Avenue and Kinross Street shall, following the construction of the individual driveways, be re-constructed to a specification to be first submitted to and approved in writing by the Local Planning Authority.
10. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for that dwelling shall be provided within a concealed area of the curtilage. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.
11. The development shall not at any time be carried out otherwise than in accordance with the measures contained within the approved Construction Management Plan, received on (to be inserted).
12. The development shall be carried out and completed in accordance with the Drainage Strategy Report (Ref:216-396), received on 24th January 2017 and shall thereafter be maintained at all times in the future in accordance with the Drainage Maintenance Strategy Report (Ref:216-396), received on 25th January 2017.
13. The development shall not be carried out otherwise than in accordance with the Phase I Geo-Environmental site assessment (report ref: 11-513-R1, dated November 2016), the Phase II Geo-Environmental site assessment (report ref: 11-513-r2, dated December 2016), and the Remediation & Enabling Works Strategy (report ref: 11-513-r3, dated December 2016) and shall be

completed prior to the first occupation of any dwelling. Verification of the works shall be provided to the Local Planning Authority prior to the occupation of the approved dwellings.

14. Prior to any site clearance or development being commenced on the site, the retained trees as identified on the approved landscape plan shall be protected in accordance with the tree protection measures contained within the Arboricultural Impact Assessment (prepared by TEP, ref: 6101.001, dated November 2016) submitted with this application. The protection measures shall remain in situ and be adhered to at all times until the completion of the development.

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 the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
4. To ensure a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
5. 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 GP3 and H3 of the Burnley Local Plan, Second Review (2006).
6. To ensure adequate protection and enhancement of the biodiversity of the site, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
7. To maintain and improve adequate accessibility along a public footpath, in the interests of accessibility and amenity, in accordance with Policies H3 and TM5 of the Burnley Local Plan, Second Review (2006).
8. To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy H3 of the Burnley Local Plan (2006).
9. To ensure a consistent, even and tidy appearance to the footways following the construction of multiple vehicle crossings, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
10. To ensure adequate means of storing waste, in the interests of visual and local amenities, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).

11. To safeguard residential amenities and highway safety, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
12. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006).
13. To ensure that the site is appropriately remediated and made suitable for residential occupation, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006).
14. To ensure adequate protection for the long term health of trees which contribute to the visual amenities and the biodiversity of the site and its surroundings, in accordance with Policies E5 and E6 of the Burnley Local Plan, Second Review (2006).

JF 6/2/2017

Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0584

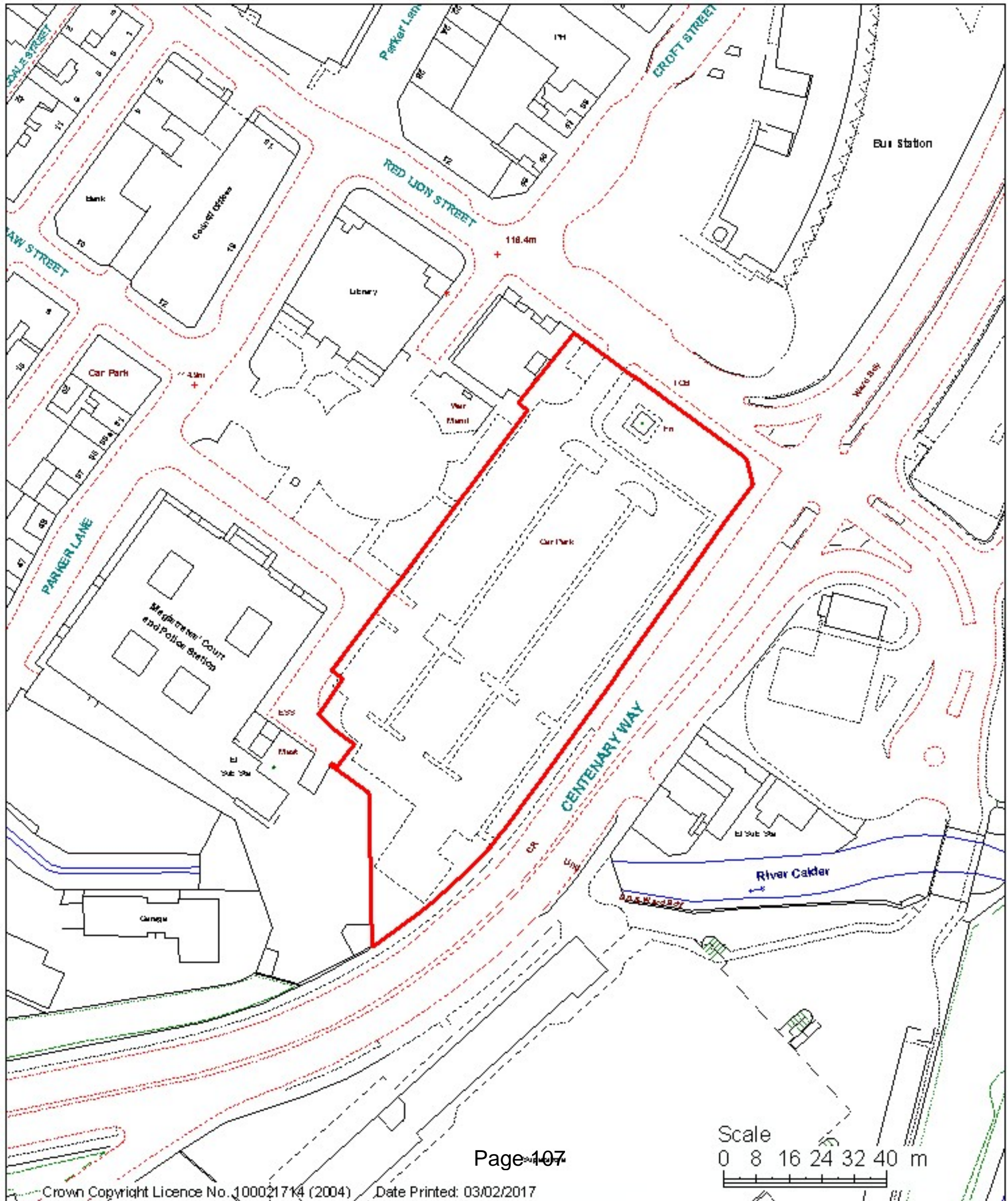
Paul Gatrell
Head of Housing and Development

Location:

William Thompson Car Park Red Lion Street



1:1250



This page is intentionally left blank

Full Planning Application
Retention of existing car park
WILLIAM THOMPSON CAR PARK RED LION STREET BURNLEY



Background:

The proposal is for the formal retention of the car park on the site of the former William Thompson Recreation Centre as a 'Pay and Display', short stay, town centre car park with a limited number of contract parking spaces being made available (as per the existing agreement).

Permission was granted in 2006 for the creation of the car park following the demolition of The William Thompson Recreation Centre. The permission was originally granted on the proviso that its use would be temporary, and was conditioned as such. This was because the land/site was seen as a prime, town centre development site, and was identified as being within the cultural, leisure and office (CLO) quarter within the Burnley Local Plan.

There have been two applications to renew the original permission (in 2010 and 2012), and each time the view taken was that, due to the economic climate, the redevelopment of the site was unlikely at that time so approval was granted on a temporary basis in order to review the situation in the future. Whilst this is an option open, it is not considered good practice to continually approve temporary applications if there are no material considerations to a scheme that indicate that a permanent permission should not be granted.

The site remains designated as being the CLO quarter, within the town centre boundary, and on the edge of the Town Centre Conservation Area.

The access points would remain as existing, off Parker lane and Red Lion Street. No further engineering works are required as the site is in full use as a public pay and display and contract car park, with 223 short stay spaces and 125 contract spaces.

The application is presented to DC Committee as the applicant is the Council. No objections have been received.

Relevant Policies:

Burnley Local Plan Second Review

BTC4 - Office, business, civic and cultural quarter of Burnley Town Centre

E12 - Development in or adjacent to Conservation Areas

TM16 - Management of public and private on and off-street car parking

Burnley Town Centre Strategy 2016

Site History:

APP/2012/0116 – Renewal of the temporary use of land to allow parking (223 spaces) including 125 contract spaces - Granted for period of 5 years until 1 April 2017.

APP/2010/0216 – Renewal of temporary use of land to allow contract parking- granted for period of 2 years until 1 April 2012.

APP/2008/0140 – Variation of Condition 2 on application APP/2006/0933 to allow contract parking – granted

APP/2006/0933 – Demolition of William Thompson Centre, formation of surface level public car park – granted.

Consultation Responses:

Lancashire County Council (Highways)

The proposal raises no highway concerns and I would raise no objection to the proposal in highway grounds.

Planning and Environmental Considerations:

The car park is located on the periphery of the town centre, adjacent to the inner ring road. The intention is to continue to operate a mix of public parking to cater for the various demands in this area of town, namely short stay pay and display alongside permit parking. Whilst there will be a limit of 125 permits issued for the car park in any period it is unlikely that all permits will be in use at the same time, particularly as some of the permit parking will be operational in nature with cars coming and going throughout the day. This flexible use of parking space has worked well in practice over the past 10 years. Parking permits will, as presently, be available to the public with preference given to existing customers at renewal time. It is considered that operating this model will continue to support the local retail and service sectors and town centre commerce.

Permission has previously been granted for the car park in question on a temporary basis for initially two, two year periods, and then a five year period. This has been on the basis of the economic climate and the unlikelihood that the site will be redeveloped in the short to medium term. A car park was considered an acceptable use in principle, albeit in the interim.



The 2016 Burnley Town Centre Strategy (BTCS) addresses parking issues in the town centres by setting out aims to provide easier access into and around the town centre with good car parking to suit a variety of users. It seeks to ensure that parking resources will meet the changing needs arising from developments. This car park is included as a 'Short Stay' Car Park. Generally the provision of long stay car parking or contract car parking within the town centre does not fit with policies as they aim at encouraging a shift to more sustainable forms of travel.

Policy TM16 of the Local Plan, in respect of long stay commuter parking, sets out that public and private car parking in the town centre will be managed to ensure,

- No additional public car parking is developed in Burnley town centre other than replacement provision,
- That there is a reduction in the amount of long stay commuter car parking in Burnley and Padiham town centres, and
- Long stay commuter parking is concentrated on the periphery of town centres.

Together with the BTCS the policy aims to restrict long stay commuter parking in the town centre.

The site has been used as a car park for approximately 10 years now and there has been limited interest in the site for redevelopment. The site is within the CLO Quarter in the current Local Plan and, whilst only limited weight can be given to this, it is also being promoted as an employment site within the emerging Local Plan. Approval of this site permanently as a short stay car park would not be contrary to policy, and it would not prevent the site coming forward in the future for new development as any

proposal would be considered against relevant policies (and policies that would welcome new development within the town centre).

Summary of Reason for Decision:

Approval of this site permanently as a car park would not prevent the site coming forward in the future for new development as any proposal would be considered against relevant policies (and policies that would welcome new development within the town centre). On this basis, it is considered that there are no material considerations that indicate that a permanent permission should not be granted, and the application is recommended accordingly.

Recommendation:

That planning permission be granted subject to the following condition.

Condition

1. The car park shall be operated in the main as a short stay car park with a limited number of spaces available for contract/permit parking. The maximum number of contract spaces available shall not exceed 125 spaces.

Reason

1. To ensure that the car park remains a short stay car park in the future, and to discourage the use for commuter parking in line with the Burnley Town Centre Strategy 2016 and national guidance.

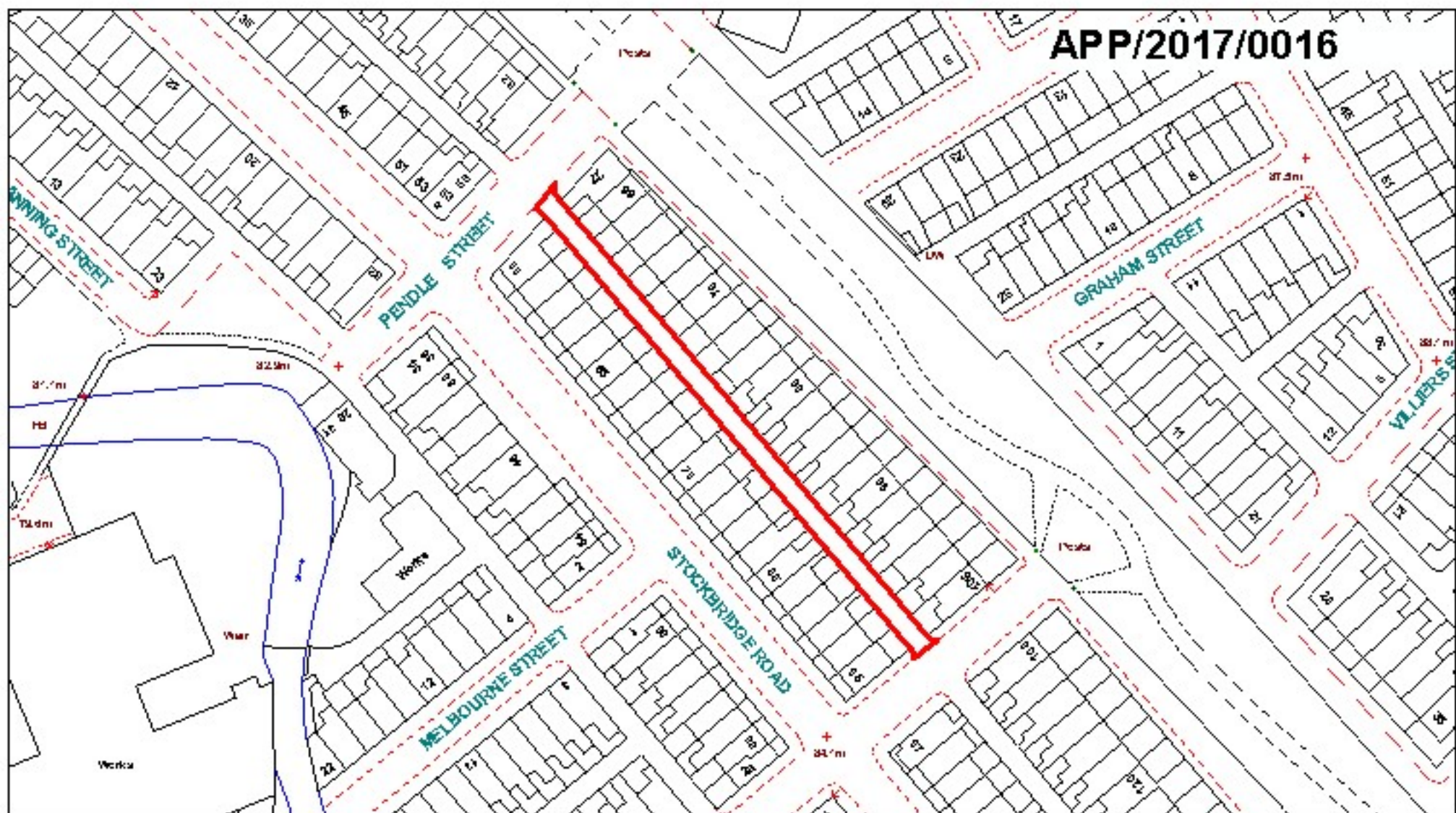
GT
01/02/2017



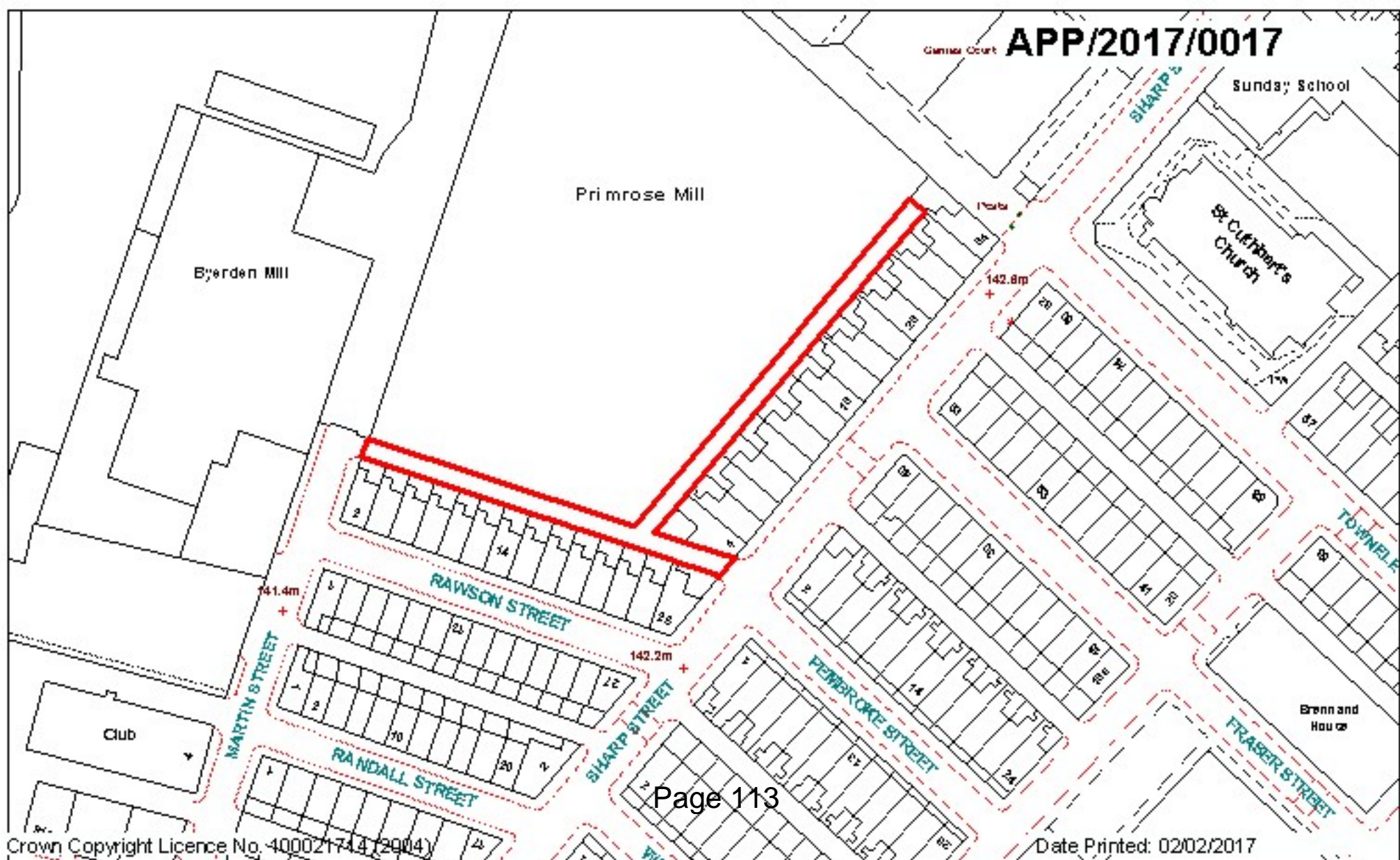
Housing and Development,
Parker Lane Offices Burnley

Paul Gattrell
Head of Housing and Development

66-106 Russell Terr/55 95 Stockbridge Rd/27 Pendle



4-24 Rawson St & 2-34 Sharp St



This page is intentionally left blank

Alley-gating applications for Committee

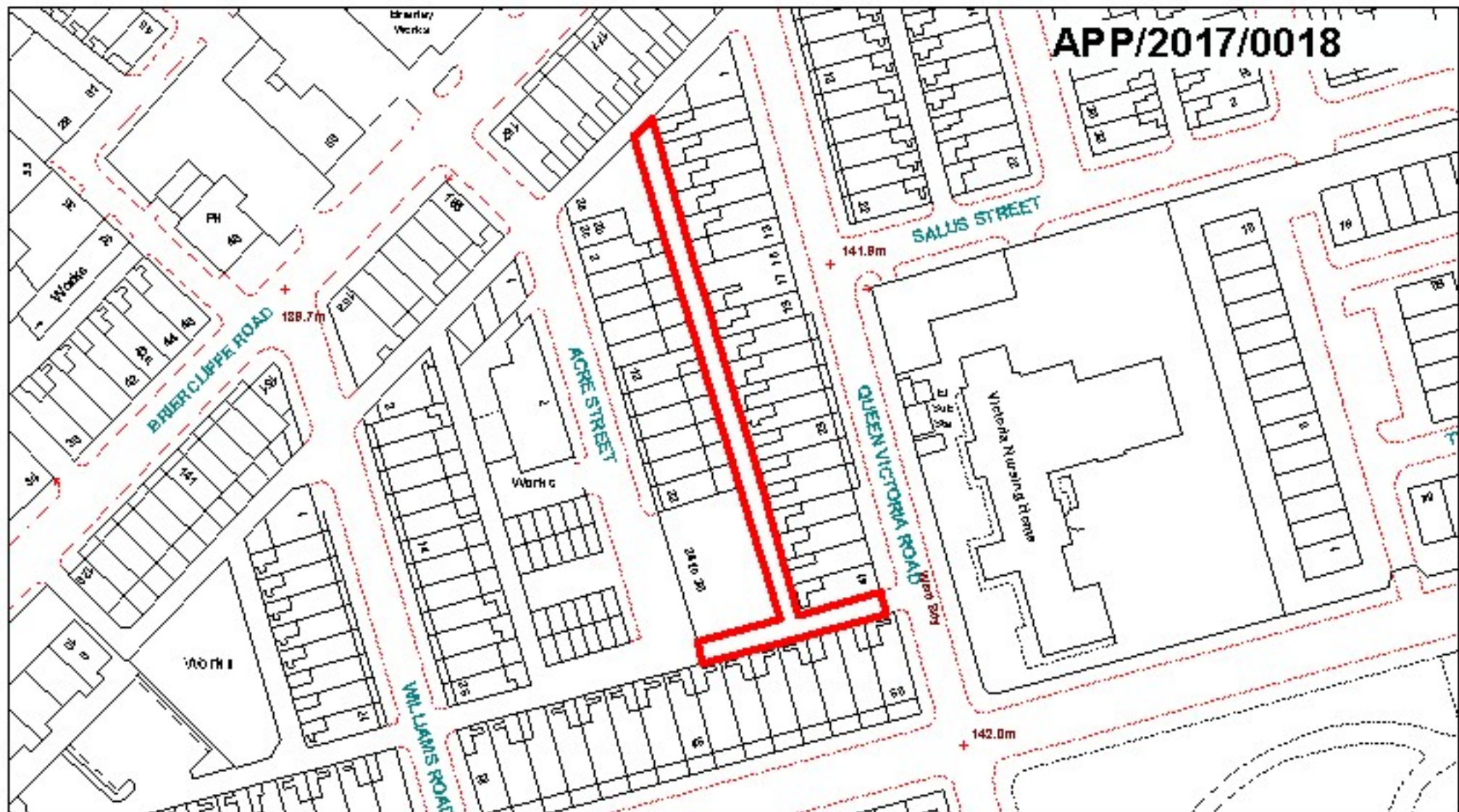
1:1250

Housing and Development,
Parker Lane Offices Burnley

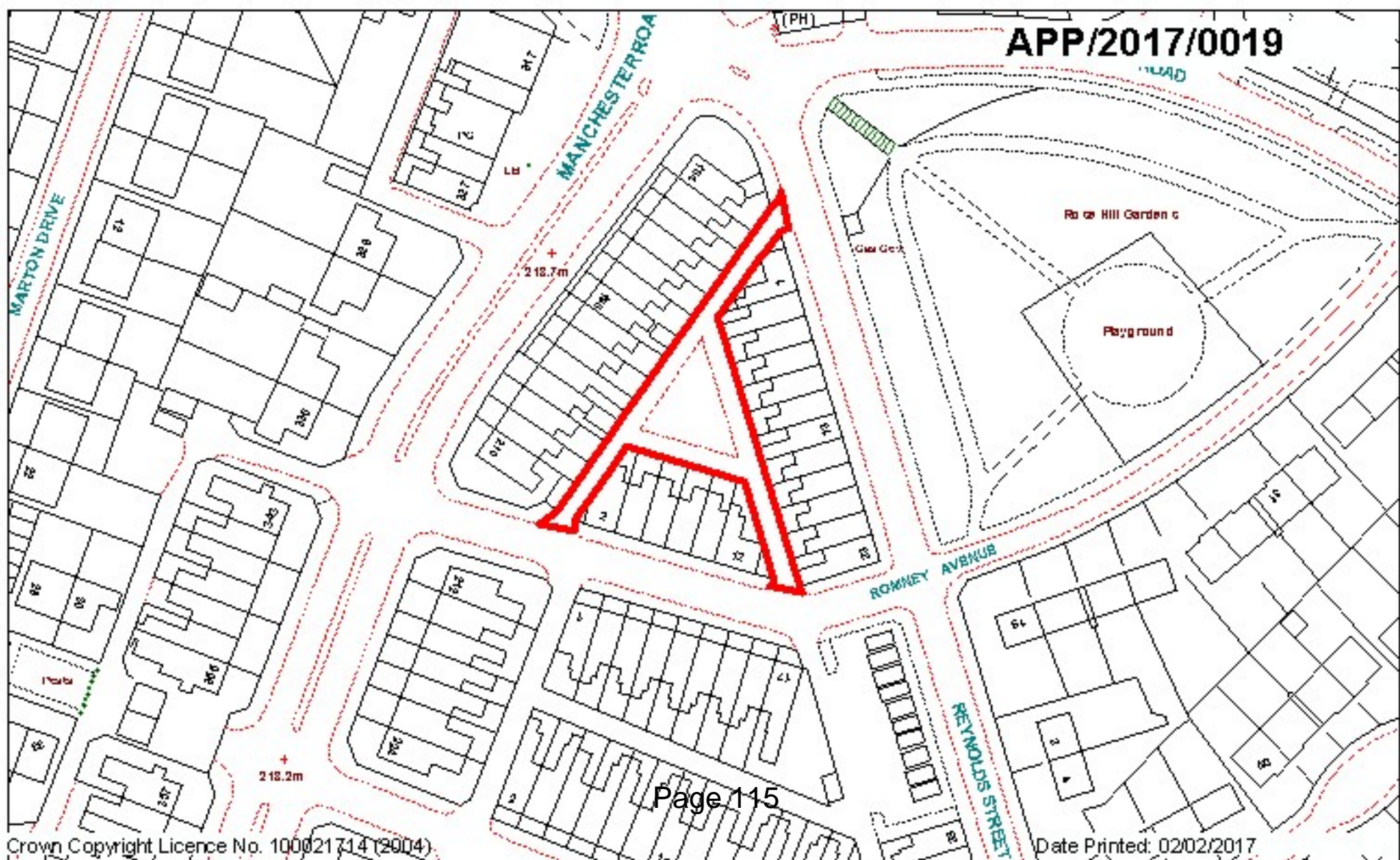


Paul Gattrell
Head of Housing and Development

2-30 Acre St/1-41 Queen Victoria Rd/48-60 Thursby Rd



1-23 Reynolds St/2-12 Romney Av/184-210 Manchester Road



This page is intentionally left blank

Alley-gating applications for Committee

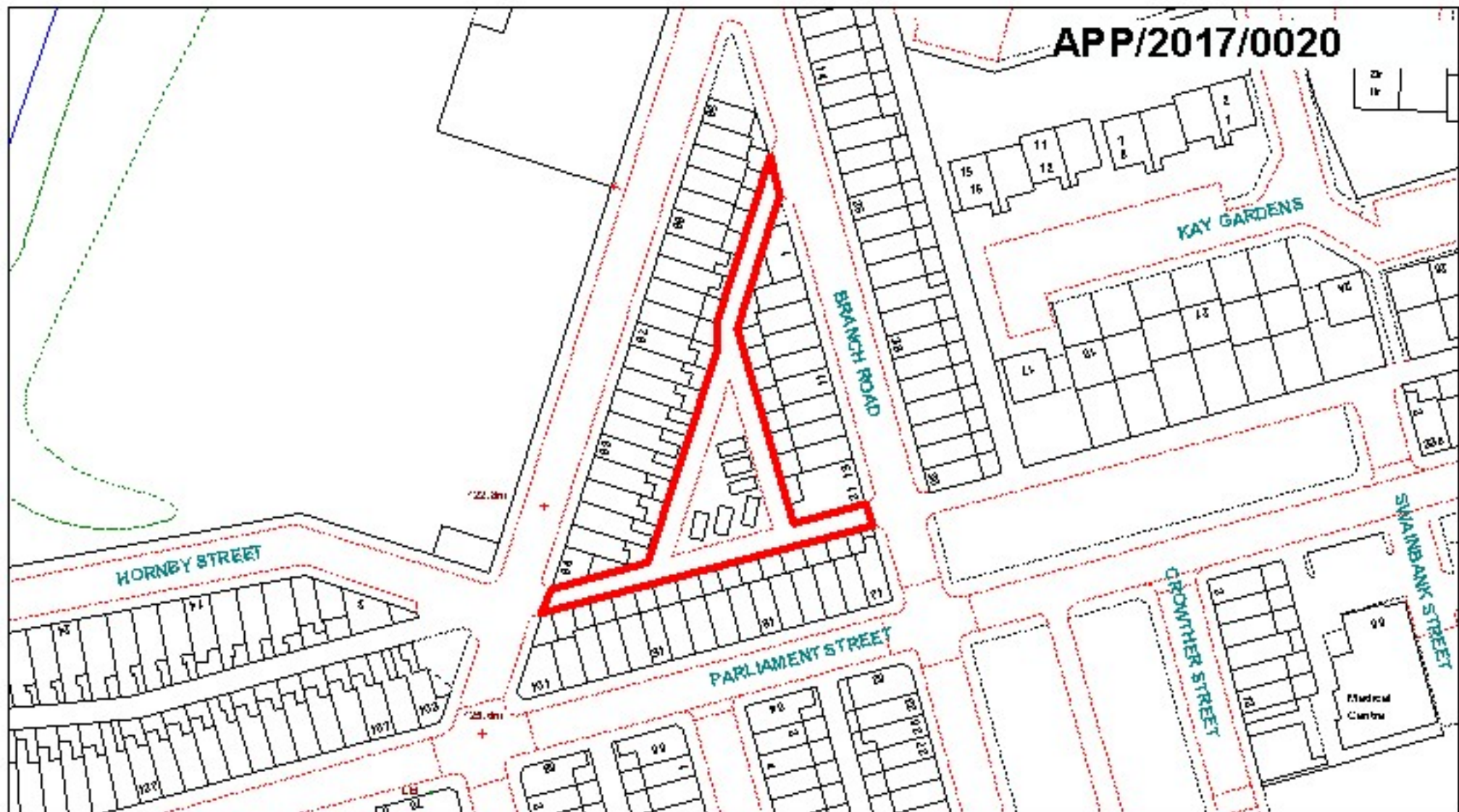
1:1250

Housing and Development,
Parker Lane Offices Burnley

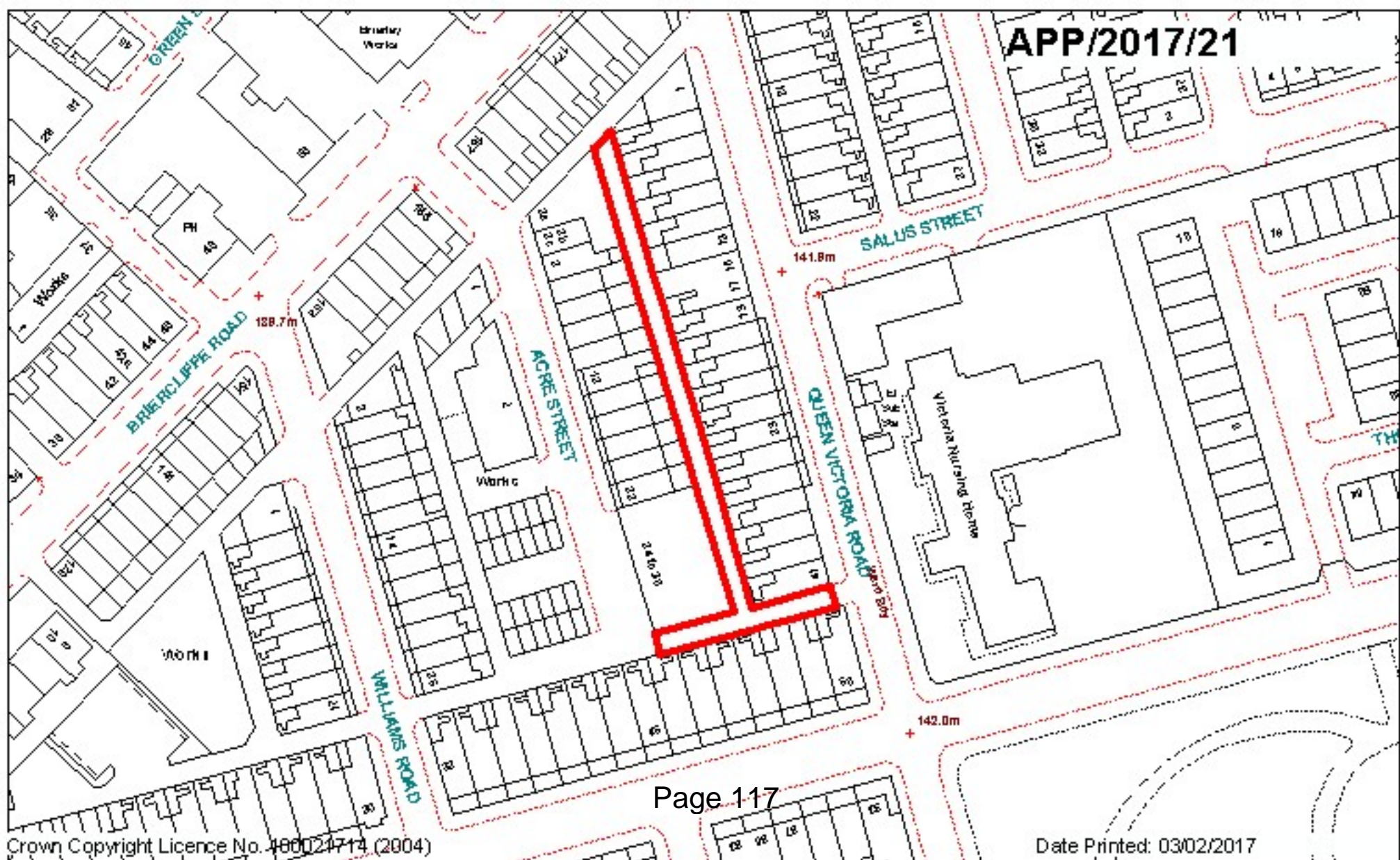


Paul Gattrell
Head of Housing and Development

Parliament St/Branch Rd/Plumbe St



Wilton St/Queen Victoria Rd/Briercliffe Road



This page is intentionally left blank

Alley-gating applications for Committee

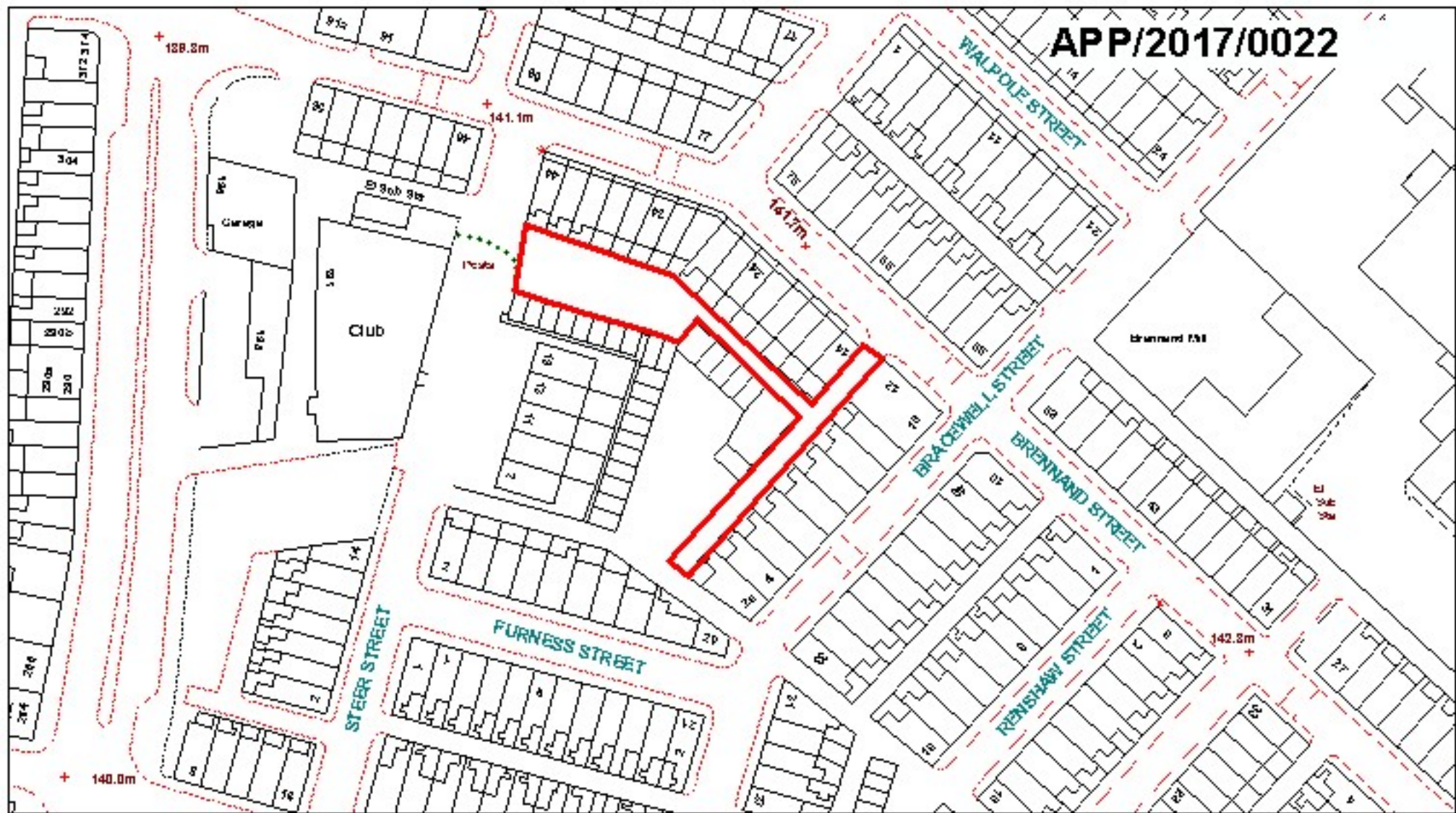
1:1250

Housing and Development,
Parker Lane Offices Burnley

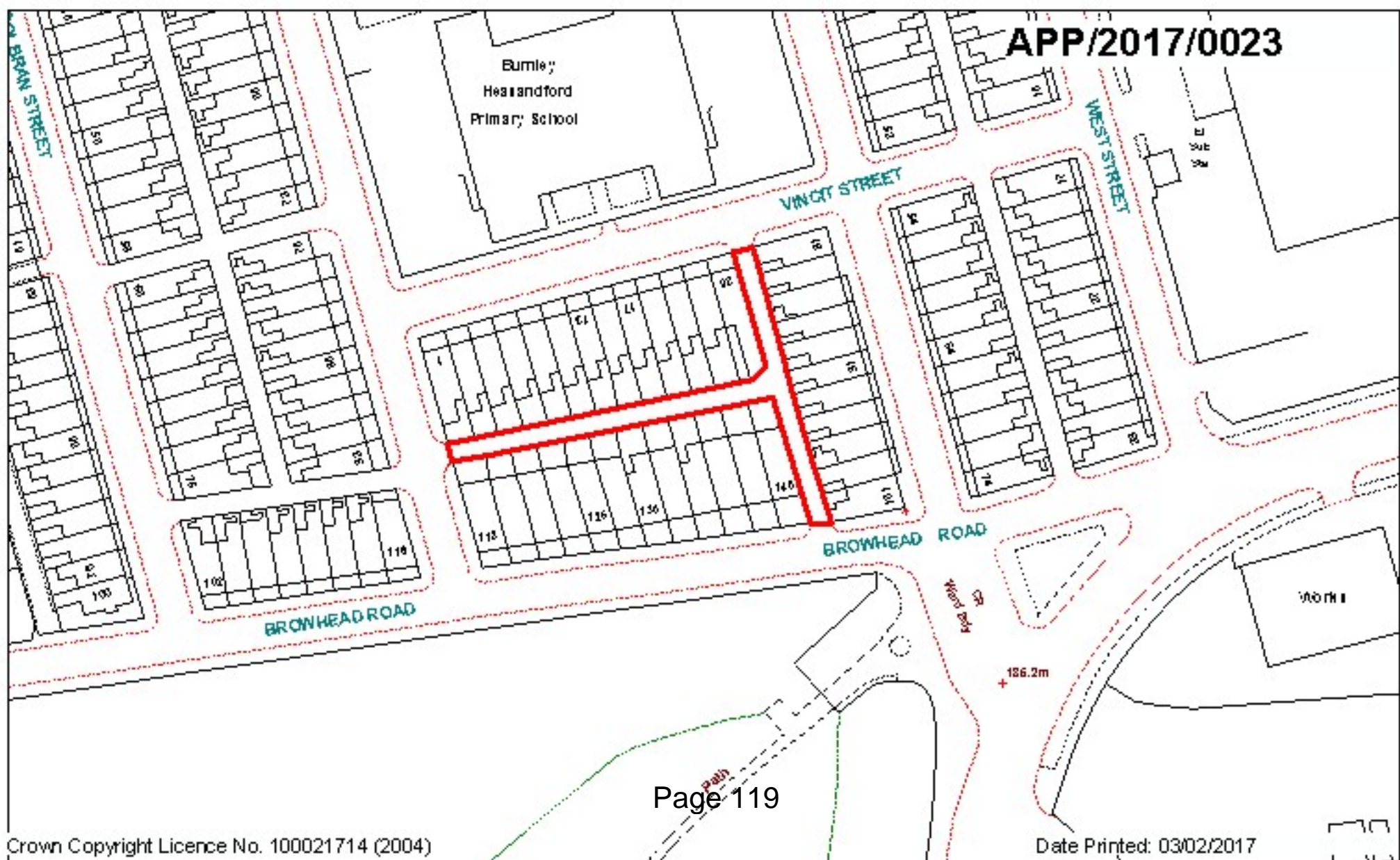


Paul Gattrell
Head of Housing and Development

Brennand Street/Bracewell St



Queen Victoria Rd/Vincil St/Browhead Rd



This page is intentionally left blank

Application Recommended for APPROVAL

Ward(s): Gawthorpe, Queensgate, Bank Hall, Rosehill with Burnley Wood
AND Lanehead

Full Planning Applications for various alleygating schemes.

APP/2017/0016 – 2no. sets of 2m high gates

REAR OF 66-106 RUSSELL TERRACE, 55-95 STOCKBRIDGE ROAD & 27 PENDLE STREET, PADIHAM

APP/2017/0017 – 2no. sets of 2m high gates

REAR OF 4-24 RAWSON STREET & 2-34 SHARP STREET, BURNLEY

APP/2017/0018 – 3no. sets of 2m high gates

REAR OF 2-30 ACRE STREET, 1-41 QUEEN VICTORIA ROAD & 48-60 THURSBY ROAD, BURNLEY

APP/2017/0019 – 3no. sets of 2m high gates

REAR OF 1-23 REYNOLDS STREET, 2-12 ROMNEY AVENUE & 184-210 MANCHESTER ROAD, BURNLEY

APP/2017/0020 – 3no. sets of 2m high gates

REAR OF 71-101 PARLIAMENT STREET, 1-21 BRANCH ROAD & 59-96 PLUMBE STREET

APP/2017/0021 – 3no. sets of 2m high gates

REAR OF 3-27 WILTON STREET, 2-22 QUEEN VICTORIA ROAD & 189-199 BRIERCLIFFE ROAD, BURNLEY

APP/2017/0022 – 3no. sets of 2m high gates

REAR OF 12-44 BRENNAND STREET & 2-18 BRACEWELL STREET BURNLEY

APP/2017/0023 – 3no. sets of 2m high gates

REAR OF 81-101 QUEEN VICTORIA ROAD, 1-25 VINCIT STREET & 118-140 BROWHEAD ROAD, BURNLEY

Background:

Alleygating refers to the closure of an alley by the installation of a removable barrier to access (e.g a locked gate) and/or the installation of a permanent structure.

These applications relate to further gates being erected under the Council's alleygating programme. Under this programme, the back street does not become a private way or legal enclosure. Each resident is given a key to gain access and utility companies will also have access. The gates will be opened by the residents on bin collection days.

Alleygating schemes aim to prevent potential burglars and other trespassers from accessing the rear and side of properties by erecting lockable metal gates in alleyways or footpaths shared by a number of houses.

The applications are on the agenda as the Council is the applicant.

An objection has been received to APP/2017/0020.

Relevant Policies:

Burnley Local Plan Second Review

GP3 – Design & Quality

GP9 – Securing and Planning Out Crime

H8 – Environmental Improvements in Existing Residential Areas

Site History:

No relevant history

Consultation Responses:

LCC Highway Authority

In respect of the alleygating applications in various locations and subject to the correct consultation procedures having been carried out the highway authority raise no objections to the proposal on highway grounds.

For clarification purposes the alleygating does not extinguish highway rights that exist on the back alley albeit access will be restricted to key holders.

APP/2017/0019 – whilst no objections are raised to the proposal in principle, unlike the majority of the alley gate applications there is a triangular courtyard area which would appear to be used for parking. If this parking is to continue then the gates would need to be set back at least 5m from the back of the footway to allow vehicles to pull clear of the highway whilst the gates are opened.

Response - Streetscene Department agree with above comments and have confirmed in writing that the gates will be erected as per highway authority's request.

Objections have been received from residents raising the following concerns:

APP/2017/0020

- Resident has a garage on private land and gates will restrict access.
- Opening and closing gates to access garage is exhausting.
- Will feel isolated.

All resident will have full access to the rear garages and the situation would not be any different apart from being safe & secure.

APP/2017/0020

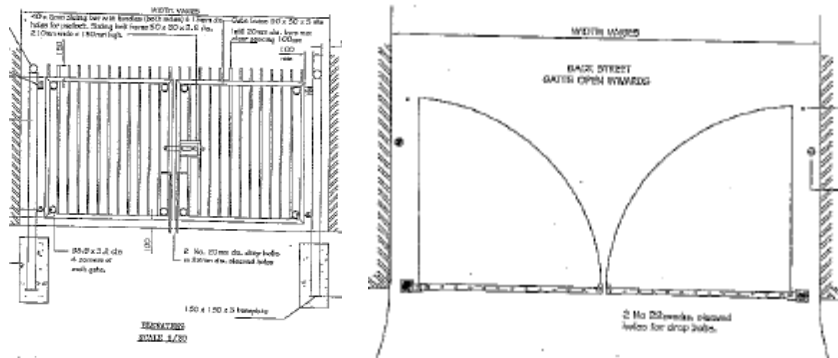
- Inconvenience to access rear garages
- Gates will be left open due to frequent coming and goings from garages

Residents in support of application:

APP/2017/0019 - A supporting email has been received by a resident who supports the application and believes it will make the area safer.

Planning and Environmental Considerations:

The main consideration is the design and appearance of the gates. All the proposed gates to be galvanised steel, powder coated in black. They are designed in a simple style, with vertical railings but without horizontal bars in order to prevent unauthorised access (see below drawing). The gates are designed to prevent them being opened outwards over the adjacent highway.



The gates are designed to fit in with their surroundings, being of a height which is unlikely to exceed that of the walls to which they will be attached. They will therefore blend into the streetscene fairly easily. For this reason, there will also be no adverse impact upon residential amenity.

The proposals will have a positive impact upon crime reduction, by preventing free access to the rear yards of the properties and therefore reducing the opportunity for burglary or anti-social behaviour in the rear alleys.

Conclusion

The proposals are in keeping with the character of the area and have no adverse impact on amenity, and a positive impact on reducing opportunities for crime. The design is acceptable, and the proposal is not therefore contrary to policy.

Recommendation:

That the applications be approved subject to the following conditions:

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the submitted approved plan.

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 the development is implemented in accordance with the approved plans and to avoid ambiguity.

A Ahmed
03 February 2017

This page is intentionally left blank

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part II: Decisions taken under the scheme of delegation.
For Information

16th February 2017

Housing and Development

This page is intentionally left blank

Delegated Decisions from 19/12/16 to 05/02/17

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
Express Consent to Display an Advertisement		
Advert Consent Granted		
APP/2016/0485	HOME BARGAINS 153 COLNE ROAD BURNLEY BB10 1EH	Retention and display of an automated teller machine incorporating associated illuminated advertising
APP/2016/0561	4 ST CUTHBERT STREET BURNLEY BB10 1UD	Retention of externally illuminated signage
Withdrawn		
APP/2016/0564	GALA BINGO CENTENARY WAY BB11 2EJ	Application for consent to display advertisements, 4 fascia signs, 8 window graphics and 2 flex face boxes fascia signs
Compliance with conditions		
Conditions discharged		
APP/2016/0322	LAND BOUNDED BY RECTORY ROAD, HOLME ROAD & GROSVENOR STREET BURNLEY	Application for approval of details reserved by conditions: 7 (surface water drainage), 8 (surface water regulation system) and 10 (contaminated land) of planning permission APP/2011/0346
APP/2016/0509	LAND AT WALLHURST CLOSE WORSTHORNE BURNLEY	Approval of details reserved by condition on planning permission APP/2016/0209: condition 3 (materials), condition 9 (drainage) and condition 16 (highway retaining structure)
APP/2016/0514	THE HOB AND GILL PLEASANT HOME WMC BURNHAM GATE BURNLEY BB11 4SE	Application for approval of details reserved by condition 4 of planning permission APP/2015/0405
APP/2016/0554	APOLLO CINEMA MANCHESTER ROAD BURNLEY BB11 2EG	Application for approval of details reserved by condition 4 of planning permission APP/2015/0590
Conditions partially discharged		
APP/2016/0215	FORMER WATERSIDE MILL LANGHAM STREET BURNLEY BB12 6JF	Application for discharge of conditions 3,10,11,14,16,17,20,21,23,24,25 and 26 of planning application APP/2016/0049 relating to the Proposed residential development consisting of 86 dwellings, access road from Sycamore Avenue, associated infrastructure and public open space

Full Planning Application

Full Planning Permission Granted

Delegated Decisions from 19/12/16 to 05/02/17

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2016/0452	FINSLEY HOUSE FINSLEY STREET BRIERCLIFFE BB10 2HN	Single storey conservatory
APP/2016/0476	MINEWATER TREATMENT BURNLEY ROAD CLOUGH BOTTOM BURNLEY	Installation of a 250kW Solar PV array and associated infrastructure.
APP/2016/0483	46 48 ABEL STREET BURNLEY BB10 1QU	Change of use from retail to residential and change shop front
APP/2016/0484	HOME BARGAINS 153 COLNE ROAD BURNLEY BB10 1EH	Retention of an automated teller machine installed through existing brick to the side elevation of the store
APP/2016/0489	6 BERESFORD COURT BURNLEY BB11 5BL	Proposed bedroom and shower room extension
APP/2016/0492	11 CROFT STREET BURNLEY BB11 2ED	Removal of condition 2 and variation of conditions 3 and 5 of planning permission APP/2012/0473
APP/2016/0496	KINGSWAY HOUSE KINGSWAY BURNLEY BB11 1AB	Creation of balcony area with glass balustrade on existing canopy over former loading bay entrance, insert patio windows and external alterations to windows on 1st floor west elevation
APP/2016/0497	27 HARGROVE AVENUE BURNLEY BB12 0JH	Single storey flat roof extension to rear
APP/2016/0499	139 LOWERHOUSE LANE BURNLEY BB12 6LN	Proposed garage conversion and extension to form additional living accommodation for dwelling house.
APP/2016/0501	215 MANCHESTER ROAD HAPTON BB11 5RA	Proposed demolition of an existing single storey extensions, existing garage and erection of extension to front, left and new single storey garage
APP/2016/0502	12 MILL HILL LANE HAPTON BURNLEY BB11 5QU	Proposed single storey rear kitchen extension
APP/2016/0503	LAND AT DOUBLE ROW PADIHAM	Proposed detached house and private garage - change of previously approved house type
APP/2016/0507	3 SHAP GROVE BURNLEY BB10 1EY	Proposed rear kitchen extension, rear bedroom extension, side veranda and porch to front.
APP/2016/0511	267 COG LANE BURNLEY BB11 5JS	Proposed two storey extension (re-submission APP/2016/0391)

Delegated Decisions from 19/12/16 to 05/02/17

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2016/0512	ROTARY ENGINEERING CO CALEDONIA MILL SANDYGATE BURNLEY BB11 1RN	Proposed change of use to D1 (Crèche) in Caledonia Mill; and D2 (Children's Theatrical Productions Venue) together with A3/A4 (Restaurant and Drinking Establishment) in Sandygate School); and single storey link extension, and associated car parking.
APP/2016/0513	1 COLNE ROAD BURNLEY BB10 1LD	Retrospective application for the change of use of property to a HMO
APP/2016/0517	3 - 5 WHITTAM COURT EXTWISTLE ROAD WORSTHORNE BURNLEY BB10	Proposed single storey rear extension.
APP/2016/0519	55 MILL HILL LANE HAPTON BURNLEY BB11 5QU	Proposed single storey extension
APP/2016/0520	52 RUSSELL TERRACE PADIHAM BB12 7HB	Proposed single storey rear extension and alterations
APP/2016/0521	45 ENNISMORE STREET BURNLEY BB10 3DL	Proposed shower room extension (resubmission of APP/2016/0251)
APP/2016/0534	15 VALLEY GARDENS HAPTON BB11 5QE	Proposed single storey extension to side elevation.
APP/2016/0535	SAVILLE GREEN FARM GORPLE ROAD WORSTHORNE-WITH-HURSTWO	Proposed two storey and single storey extensions to side elevation of dwelling.
APP/2016/0540	63 LAITHE STREET BURNLEY BB11 2LJ	Shower room extension
APP/2016/0541	22 HAYDOCK STREET BURNLEY BB10 3HN	Single Storey rear extension
APP/2016/0551	87 STOCKBRIDGE ROAD PADIHAM BB12 7EX	Shower room extension
APP/2016/0553	29 Raygill Avenue Burnley BB11 4RA	Extend to the side to provide bedroom over garage/utility room. Two storey extension to the rear.
APP/2016/0555	10 WENSLEY CLOSE BURNLEY BB11 4RF	Removal of existing flat roof extension, formation of proposed single storey flat roof extension.
APP/2016/0558	7 HAREFIELD RISE BURNLEY BB12 0EZ	Proposed first floor extension to side.
APP/2016/0571	393 BURNLEY ROAD CLIVIGER BB10 4SU	Proposed external re-design of existing property, internal alterations with first floor rear extension.

Delegated Decisions from 19/12/16 to 05/02/17

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
Full Planning application		
Full Planning Permission Granted		
APP/2016/0334	9 GRIMSHAW STREET & 12-16 NICHOLAS STREET BURNLEY BB11 2AS	Change of use to 18no. apartments with external alterations
APP/2016/0529	Land at Parliament St, Crowther St, Branch Rd, Oxford Rd, Parkinson St, Clarence St, Dall Street BURNLEY	Application for variation of condition 2 (relating to the layout) of planning permission APP/2013/0303, to allow for access for maintenance of neighbouring community centre

Listed Building Application

Listed Building Consent Granted

APP/2016/0335	9 GRIMSHAW STREET & 12-16 NICHOLAS STREET BURNLEY BB11 2AS	Change of use to 18no. apartments with external alterations
APP/2016/0480	80 YORKSHIRE STREET BURNLEY BB11 3BT	Installation of a passenger lift and internal alterations associated with this work

Work to trees covered by Tree Preservation Order

Full Planning Permission Granted

APP/2016/0508	4 MAYFIELD FOLD BURNLEY BB11 2RN	Application to prune Ash Tree covered by the Burnley (Black Rock, Rock Lane, Burnley) TPO 1994
---------------	-------------------------------------	--

Work to TPO trees granted

APP/2016/0542	41 VALLEY GARDENS HAPTON BB11 5QE	Application to prune Birch tree canopy back
---------------	--------------------------------------	---

This page is intentionally left blank